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## 同性婚姻，历史上形成的？

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历史上形成的一种婚姻？

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首发于光明观察，转载请注明译者及出处；本译文仅供参考，引用请查对原文。

(芝加哥) 同性婚姻的支持者和反对者都在阐述着自己的例证，他们提出了关于社会影响的假定，也抛出了有关婚姻历史的陈辞。不幸的是，我们对同性婚姻的社会影响几乎一无所知，而其支持者对婚姻历史也作了错误的描述。

有关同性婚姻家庭抚养子女的社会学知识再怎么说是相当欠缺的。男同性恋者和女同性恋者抚养出的孩子的数目相对总人口来说实在太小，而他们又是最近才出现的，以至于关于同性婚姻配偶对被抚养的孩子的影响，不存在什么严格和大规模的研究。

史蒂文· 瑙克 (Steven Nock)，弗吉尼亚大学研究婚姻问题的顶尖学者，在彻底地浏览了相关文献之后，于2001年3月写道，关于这一问题的每一项研究“至少包含一个致命的缺陷”，而且，“没有一项研究是根据一般科学研究所能够接受的标准进行操作的”。在没有更佳知识的情况下就设计一种深入家庭生活内部的社会政策，这样做是否明智？

除了缺少社会学方面的数据之外，历史知识也还不足。婚姻频繁地被认为是一种充满了旧有偏见的宗教设置。确实，对婚姻的西方式理解，犹太教和基督教贡献巨大。但同样确实的是，它们也吸收了希腊法典、亚里士多德哲学、罗马法典和德国法典中部分的世俗婚姻法条。甚至在古代的世俗体制中，合法的婚姻被看作是一种途径，它可以帮助社会调整和完成一组复杂的愿望和目标：性活动、生育、相互帮助和爱慕，以及父母的照料和责任。

对于法律、宗教和一个社会的其他社会化元素，将这些典型的好处融入婚姻制度是它们的一项任务。尽管圣礼和契约的宗教语言大大增加了婚姻法的分量，在脱离给予其深度的宗教象征的情况下，婚姻的每一种利益都可以被独立地界定。很难说明将这些利益保持在一起的是一种宗教歧视的行为。

同性婚姻合法化不是简单地将一种旧制度应用到一个新群体中。它改变了婚姻的定义，基本上将婚姻简化为一种亲密的性关系，同时还伴有一份承诺声明。然后，同性婚姻合法化将给予这种更加狭隘的婚姻观念所有文化、法律和公众方面的支持。婚姻曾经获得这些支持，那是旨在鼓励和调节一组更为复杂的目标和动机的时候。

同性婚姻改变了婚姻法的目的。这将不能够再同社会其他方面协调指导两性和双亲的行为，并以此获得一组复杂的综合性的好处。相反，它将致力于把婚姻的权利拓展到一个特殊的性伙伴群体。

就像逻辑很快要求的那样，我们不当将婚姻的地位和权利拓展到同性夫妇身上，然后逐渐触及其他具有相互照应关系的群体身上，社会应当寻求其他可选的方案来满足不仅是同性夫妇的需要，还有相互依赖的朋友和依附性的未婚亲属的需要。税收优惠，法律制订，福利转移，以及更精确而适用的合法契约应该都被用来满足这些需要--而不是依靠婚姻体制本身。

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附：原文及网址

<http://www.nytimes.com/2004/03/09/opinion/09MARQ.html>

A Marriage Made in History?

By DON BROWNING and ELIZABETH MARQUARDT

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CHICAGO - Both supporters and opponents of same-sex marriage make their case with hypothetical arguments about its social effects and claims about the history of marriage. Unfortunately, we know next to nothing about the first subject, and proponents of same-sex marriage have mischaracterized the second.

The body of sociological knowledge about same-sex parenting is scant at best. The numbers of gays and lesbians raising children are so small relative to the population, and their visibility so recent, that there are no rigorous, large-scale studies on the effect of same-sex marriage on the couples' children.

Steven Nock, a leading scholar of marriage at the University of Virginia, wrote in March 2001 after a thorough review that every study on this question "contained at least one fatal flaw" and "not a single one was conducted according to generally accepted standards of scientific research." Is it wise, then, to develop social policies that go to the heart of family life without better knowledge?

In addition to the lack of sociological data, there is also a lack of historical knowledge. Marriage is frequently characterized as a religious institution laden with old prejudices. It is true that Judaism and Christianity have contributed much to the Western understanding of marriage. But it is also true that they absorbed parts of the secular marital codes of Greek law, Aristotelian philosophy, Roman law and German law. Even in ancient secular systems, legal marriage was seen as a way to help society regulate and achieve a complex set of desires and goals: sexual activity, procreation, mutual help and affection, and parental care and accountability.

Integrating these classic goods into the institution of marriage was a task for law, religion and other socializing elements of society. And although the religious language of sacrament and covenant adds weight to the law of marriage, each of the goods of marriage can be identified independently of the religious symbols that give them depth. It is hard to argue that keeping these benefits together is an act of religious discrimination.

Legalizing same-sex marriage does not simply extend an old institution to a new group of people. It changes the definition of marriage, reducing it primarily to an affectionate sexual relationship accompanied by a declaration of commitment. It then gives this more narrow view of marriage all of the cultural, legal and public support that marriage gained when its purpose was to encourage and temper a more complex set of goals and motivations.

Same-sex marriage changes the purpose of marriage law. It no longer will serve, in concert with other aspects of society, to direct sexual and parental behavior to achieve a complex synthesis of goods. It will function instead to extend marriage privileges to a particular group of sexual partners.

Rather than expanding the status and privileges of marriage to same-sex couples and then gradually to other kinds of caring relationships, as logic would soon require, society should find alternative ways of meeting the needs not only of same-sex couples but also interdependent friends, and dependent but unmarried kin. Tax benefits, legal adoption, welfare transfers, and more refined and accessible legal contracts should all be used to meet these needs - but not the institution of marriage itself.

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