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AAA Opposes California Law for Stigmatizing Same-Sex Relationships

The American Anthropological Association has joined with other civil rights organizations in litigation currently before the California Supreme Court to defend the rights of same-sex couples, promote the legal equality of same-sex unions, and condemn the use of difference to justify discrimination.

In an amicus brief filed yesterday in support of the City and County of San Francisco's petition to strike down that state's ban on marriage by same-sex couples, AAA joins the Lawyer's Committee for Civil Rights of the San Francisco Bay Area and the American Psychoanalytic Association to oppose the State's segregation of "marriage" and "domestic partnership" into two separate legal institutions.

The amicus brief draws attention to both the inequalities between marriage and domestic partnership inherent in the State of California's Domestic Partnership Act and the harm caused by creating a legally-sanctioned separate institution that stigmatizes same-sex relationships as unworthy of equal status.

Authors cite key differences in California law between marriage and domestic partnerships, including requirements for the formation and dissolution of domestic partnerships and marriages, the ability to receive equal rights and benefits from other states, countries, and the federal government, and disparate treatment by California courts.

The signing of this amicus brief on marriage equality is consistent with the AAA Statement on Marriage and the Family (2004). As indicated in the statement, anthropological research supports the conclusion that a vast array of family types, including families built upon same-sex partnerships, can contribute to stable and humane societies. The 2004 Statement on Marriage and the Family was precipitated by opposition to a proposed constitutional amendment limiting marriage to heterosexual couples.

The amicus brief is also consistent with AAA's Declaration on Anthropology and Human Rights (1999) which indicates that the AAA has an ethical responsibility to protest and oppose any action that denies people or peoples everywhere the right to realize their capacity for culture.

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As a professional organization that recognizes and values human diversity, the AAA seeks to prevent human difference as criteria for the denial of basic human rights. The amicus brief demonstrates the AAA's continued commitments to engaging in debates regarding marriage equality for same-sex couples and other human rights and to promoting the use of anthropological knowledge and research in public discourse.

Founded in 1902, the American Anthropological Association is the world's largest professional organization of anthropologists and others interested in anthropology, with an average annual membership of more than 10,000. The Arlington, Va.-based association represents all specialties within anthropology — cultural anthropology, biological (or physical) anthropology, archaeology, linguistics and applied anthropology.

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