

A Cross-Cultural and Pragmatic Study of Felicity Conditions in the Same-Sex Marriage Discourse

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Abstract

This paper investigates whether there are Felicity Conditions (FCs) for the same-sex marriage as being a contemporary practice of marriage relations in some countries. As such, the researchers adopt Austin's (1962) Felicity Conditions (FCs) to examine if conditions of satisfaction are applicable to the same-sex marriage in Christian and Islamic cultures. The researchers focus on analysing and discussing the social, religious, and linguistic conventional procedures of the speech acts of marriage, specifically in the same-sex marriage discourse. We find out that same-sex marriage in Christianity is totally different from the traditional marriage with regard to the social, religious, and linguistic conventions. Consequently, we concluded that same-sex marriage discourse has no FCs in contrast to the traditional marriage in Christianity as well as marriage in Islam which has not changed in form and opposite sex marriage.

Keyword: Felicity Conditions; homosexual relations; marriage speech acts; same-sex marriage discourse; conventional procedures

1. Introduction

Trosborg (2010, p.3) stated that one can principally affirm that all pragmatic aspects, namely speech act theory and theory of politeness, may be liable to cross-cultural comparisons between two speech communities and/or two cultures. Thus, by adopting a cross-cultural speech act realization project, the researchers were able to collect substantial data to draw workable findings and generalizations about these two cultures under consideration. One of the cross-cultural studies of speech acts can be represented by the speech act of marriage. The cross-cultural speech act realization project is a study conducted by Blum-Kulka and Olshtain (1984) which aimed "to compare across languages the realization patterns of two speech acts—requests and apologies—and to establish the similarities and differences between native and non-native speakers' realization patterns in these two acts in each of the languages studied within the project" (p. 196).

In this paper, the researchers discussed mainly the concept of Austin's Felicity Conditions (henceforth FCs) which attracted the attention of many philosophers and linguists such as Searle (1969; 1989), Gordon and Lakoff (1975), Grice (1975), and Leech (1983). This concept has been discussed in relation to the per formative speech acts in which the speech act of marriage employs per formative verbs. However, Austin's FCs has faced some controversial debates among philosophers and linguists. In this regard, Searle (1969) stated that Austin (1962) did not give a full account of what is meant by the term *conventional* or what is meant by *conventional procedures*. Some researchers such as Sypniewski (2006) and Cesalli (2011) attempted to discuss these conventional procedures of the same-sex marriage; however, they did not discuss these convections in detail.

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For example, Sypniewski (2006) discussed the context of these conventions within a wedding ceremony; whereas Cesalli (2011) focused on the linguistic conventions of the same-sex marriage only. Consequently, the researchers believe that one should fill this gap by discussing in detail Austin's FCs of the speech act of marriage, particularly the conventional procedures of the same-sex marriage. This is because researchers, including Austin (1962), have given little attention to these conventional procedures with regard to their social, religious, and linguistic conventions. Therefore, the aim of this paper is to investigate how the speech acts of marriage, namely the same-sex marriage, is analysed and discussed in terms of Austin's FCs in Christian and Islamic cultures. Moreover, the researchers intend to explore whether there is a felicity condition for the same-sex marriage. The investigation involves some religious and social views related to the speech act of marriage in both cultures. As such, the data extracted include Biblical and Quranic texts.

2. Per formative Speech Acts

For the past five decades, the speech act theory fascinated the attention of many philosophers, such as Austin (1962) and Searle (1969), pragmatists, such as Leech (1983), Levinson (1983), Mey (1993) and semanticists, such as Lyons (1977; 1985), Palmer (1981) and Riemer (2010). Generally, this theory was first introduced in 1962 by the philosopher John Austin as a *speech act theory*, and developed later by his student John Searle in 1969. They mentioned that in uttering words in certain contexts, the speaker may perform an action and he/she will be committed to do it. Because this theory focused on the meaning of words and sentences within utterances in verbal communication, Austin (1962) delivered some lectures about the relationship between words and deeds and then he included them in his book *How to Do Things with Words*. In this regard, Searle (1969, p. 17) affirmed that "a theory of language is part of a theory of action, simply because speaking is a rule-governed form of behaviour". Thus, one can say that language is not a matter of saying words or stating facts; rather it serves to perform different speech acts such as a promise, threat, warning, and marriage. In his attempt to differentiate between the functions of language through an utterance, Austin (1962) distinguished between two different types of utterances: constatives and per formatives. Constative utterances are statements that are used to describe things, events, and processes whether they are true or false; whereas per formative utterances are not a matter of uttering, stating or reporting true or false statements; rather a matter of performing social acts throughout uttering certain words by a speaker in a certain context of situation to achieve one or more social or speech acts (Lyons, 1977). In his analysis of speech acts, Searle (1969) mentioned that speech acts can be classified into five major classes: representatives or assertive, directives, commissives, expressives, and declarations.

Austin (1962), in his analysis of speech acts, stated that in any utterance a speaker may carry out three simultaneous types of speech acts: locutionary act, illocutionary act, and perlocutionary act. Locutionary act is simply an act of producing a meaningful linguistic expression by uttering certain words, i.e. a promise as in *I promise to stop smoking* which represents an expressed locutionary utterance because its propositional content predicates a future action of the speaker. As for the Illocutionary act, it represents the nature of the action when saying something, i.e. making a promise or threat (Cruse, 2006). Lastly, regarding the perlocutionary act, Hurford and Heasley (2007) mentioned that this act is carried out by a speaker when saying certain words or making an utterance and this act causes a certain effect on the hearer and others, i.e., trying to persuade, amuse, or shock someone. Such types of speech acts are normally produced by the use of explicit or implicit per formative verbs. Explicit per formative verbs include verbs that may explicitly define the kind of an action being achieved by uttering such verbs, such as *declare*, *promise*, *pronounce*, and *order*. As for the linguistic structure of explicit per formative utterance, it should include a subject as first person singular pronoun followed by a per formative verb that should be indicative, declarative, active, and positive in simple present tense; it also allows the insertion of the adverb *hereby* between the subject and the verb as in Example 1 below.

Example 1: Explicit per formative utterance

Jones uttered the words "I *hereby promise* to pay you, Smith, five dollars".

(Searle, 1969; Yule, 1996)

The use of these per formative verbs designates the kind of illocutionary act or force of an utterance. Implicit per formatives arise in utterances that are void of explicit per formative verbs that designate the kind of illocutionary act of the utterance explicitly, and hence, performativity is expressed implicitly. Generally, implicit per formatives may be performed by the use of some modal verbs such as *will*, *shall*, and *must* (Lyons, 1977; Bach & Harnish, 1979) as in Example 2 below.

Example 2: Implicit per formative utterance

“Whosoever doeth any work in the Sabbath day, he *shall surely* be put to death” (Exodus, 31:15).

Here, Almighty Allah implicitly threatens the Children of Israel with the punishment of death if they breach the Sabbath (Saturday) which is the sacred day in Judaism. The speech act of the threat is expressed by the conditional construction as well as the modal verb *shall* and is emphasized by the emphatic adverb *surely*.

3. Felicity Conditions and the Speech Act of Marriage

3.1 Christian culture

To clarify the FCs of the speech act of marriage in Christian culture, only one typical example will be discussed herein because this example is regarded as the standard explicit per formative and ritual utterance to perform the act of marriage. For a per formative speech act to be achieved successfully, there should be certain conditions called *felicity or happiness conditions*. These FCs slightly vary from one scholar to another. For instance, Goffman (1983) stated that felicity condition is a term that can be used to specify the conditions of fulfillment of an action, and can be met by “any arrangement which leads us to judge an individual’s verbal acts to be not a manifestation of strangeness” (p. 27). Hurford and Heasley (2007) mentioned that the FCs of an illocutionary act, such as an act of marrying someone, are the “conditions that must be fulfilled in the situation in which the act is carried out if the act is to be said to be carried out properly, or felicitously” (p. 282).

However, these conditions can be summarized in three main conditions: preparatory, sincerity, and essential (Austin, 1962; Searle, 1969; Cruse, 2006). Cruse (2006) stated that preparatory conditions are specified to “define an appropriate setting for the act, including the speaker’s intentions and qualifications” (p. 62). Thus, this condition is mainly related to the speaker’s role in performing a speech act as well as the circumstances of the speech act in terms of choosing the appropriate words, time, place, and the context of situation. Searle (1969) pointed out that sincerity condition is intended by the speaker to be faithful and sincere to perform the speech act. As for the essential condition, it is related to the speaker’s commitment and intention to do the action. Crystal (2008, p. 188) has affirmed that “essential conditions relate to the way the speaker is committed to a certain kind of belief or behaviour, having performed a speech act (e.g. accepting an object that one has just requested)”. Therefore, by uttering an utterance, for example promising a person, the speaker undertakes an obligation and commits himself/herself to perform the action. These three FCs coincide with what Austin (1962) claimed to be “happy functioning of a per formative” (pp. 14-5) as highlighted below.

(A.1) There must exist an accepted conventional procedure having a certain conventional effect, that procedure to include the uttering of certain words by certain persons in certain circumstances, and, further,

(A.2) the particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked.

(B.1) The procedure must be executed by all participants both correctly and

(B.2) Completely.

Austin (1962) affirmed that the violation of any of these FCs makes the speech act infelicitous or unhappy, and cannot be validly performed. Moreover, most of these conditions are mainly relevant to particular ceremonial and ritual per formative acts such as having a husband and wife through marriage, naming a ship and baptizing a child. These per formative acts are regarded felicitous (i.e. well-chosen and very suitable) if they are performed by pronouncing certain conventional words by fit people in appropriate circumstances.

As for the relationship between per formative speech acts and the act of marrying someone, seemingly there is a close relationship between marriage – which is one of the basic concepts of establishing kinship relations – and per formative speech acts in both Christian Western culture and Islamic Arab culture.

Thus, in English, scholars such as Austin (1962), Searle (1969), Agha (2006), Crystal (2008) considered marriage as one of the speech acts that may be classified under the taxonomy of Searle's declaration of speech acts because in declarations "the speaker's utterance brings about a new external situation" (p. 446). Moreover, declarations are similar to commissives because both of them include acts that can "commit the speaker to carry out a certain future course of action in the world of the utterance" (Searle et al., 1980, p. 253). Searle (1989) confirmed that all per formatives are declarations, but not vice-versa, i.e. not all declarations are per formatives because some of these declarative utterances may not have a per formative verb or expression. These declarative speech acts have two directions of fit: word-to-world and world-to-word because they produce changes in the world to fit the conventional situation and to go with the propositional content of an utterance. Vanderveken (1990) affirmed that declarations include different declarative verbs, such as *pronounce*, *declare*, *approve*, *sentence*, *authorize*, and *baptize*; most of these "declarative illocutionary verbs name declarations that require a position of authority of the speaker in an extra-linguistic institution" (p. 198). For example, during a marriage ceremony held in a church, the following per formative utterances of marriage speech act are normally used:

Example 3: Marriage ceremony utterances in a church

Priest: Do you take this woman as your lawfully wedded wife? [Seeking consent]

Man: I¹ do.

Priest: Do you take this man as your lawfully wedded husband? [Seeking consent]

Woman: I² do.

Priest: I³ now pronounce you husband and wife. [Establishing marriage]

(Agha, 2006, p. 59)

In uttering such utterances or words, the priest (the speaker herein) and other participants (the hearers), a man and a woman, do not merely make a statement, describe an event, or state that something is true or false, but also they intend to perform an action of marriage. Moreover, it is only these words and such a syntactic form, particular persons, and the authorized official, (the priest) who has the religious power to help perform such an action of marriage. Here, in pronouncing the two words *husband* and *wife* by the celebrant, Weatherall (2002) stated that the priest "does not describe marriage; rather, the statement constitutes an entry into that institutional state" (p. 104). Therefore, by applying the FCs of these utterances, one can conclude that such consecutive utterances are felicitous because they have been performed appropriately and they correspond with the conventional procedures of the FCs. Consequently, in order to achieve a marriage ceremony, the above utterances reflect conventional procedures that have a conventional effect of performing a wedding in a church and that this wedding is performed by an authorized official (the priest) in the presence of a male (husband) and a female (wife) and in a specific place (a church). The linguistic structure of the utterance involves three speakers using the singular subject pronoun **I** (**I**¹ refers to the man or the potential husband; **I**² refers to the woman or the potential wife; and **I**³ refers to the authorized speaker, the priest in this context).

The first person singular pronouns **I**¹ and **I**² are followed by an indicative, declarative, active, positive and simple present per formative verb *do* to substitute the two relevant structures, *take this woman as my lawfully wedded wife* and *take this man as your lawfully wedded husband*, respectively. The third person singular pronoun **I**³ refers to an authorized person the *priest* or *judge* that has a religious or formal and official authority to declare the act of marriage. Thus, the per formative verb *pronounce* uttered by the priest or judge functions as a powerful acknowledgement and endorsement to conclude the emphatic declarative verb *do*. Furthermore, the ordering of these utterances is arbitrary in that seeking commitment and consent from the potential husband first then from the potential wife; this implicitly underscores that normally a man proposes to a woman that is similar to the Arabic culture.

The procedure of wedding ceremony is achieved correctly because all the participants (the priest, the husband and the wife) utter the conventional and suitable verbs (*do* and *pronounce*) to perform the act of marriage. In using the declarative per formative verb *pronounce*, the researchers assure that at least three different connotative meanings can result from such utterances as follows:

1. The priest has made a dramatic change via his action words by transforming the status of the addressees (man and woman) from bachelors into a married couple.
2. The priest has made a dramatic change via his action words by legalizing man and woman's sex relationship.
3. The priest has made a dramatic change via his action words by legalizing the resulting offspring from this legal marriage.

In addition, in order to perform this act completely and appropriately, the couple should willingly, not compulsorily, accept the act of marriage; follow all the consequent rules from such an act of marriage, and the couple's sincere intention and commitment to perform this action.

3.2 Islamic culture

As for the speech act of marriage in the Islamic and Arab culture which is called *Aqd Al-nika'h* (marriage contract), this act could be listed under Searle's (1989) classification of commissives illocutionary speech acts or what are called in Arabic as *'afa'al Al-'uhood* (acts of covenants). This fact is in contrast with what has been discussed in English speech acts that have considered marriage as one of the declarations of speech acts. Generally, these commissives are subgroups of illocutionary acts that obligate a person to do something specified in the propositional content and to commit the speaker to do a future action (Al-Ameedi & Al-Husseini, 2012). Therefore, in Arabic and Islamic culture, the act of marriage is regarded as a kind of contract between a man and a woman, and can be initiated under the availability of certain conditions and requirements. Without such conditions and requirements, the speech act of marriage or marriage contract is void and thus it cannot be performed appropriately and legally. The researchers believe that these requirements are considered as part of FCs that have to be applied to perform the speech act of marriage appropriately and legally. Doi (1984) and Al-Tuwaijiry (2000) mentioned that although these requirements and conditions of marriage contract slightly vary from one Islamic school of jurisprudence (Fiqh) to another, such as Maliki, Shafi'i, Hanafi, and Ja'fary, but most of them agree upon the following conditions, and without whom the act of marriage is invalid:

1. Uttering the marriage formula (Sighah) by the fiancé and the fiancée, or what is called the offer and acceptance of the fiancé and the fiancée.
2. The presence of two witnesses.
3. Designating specific marriageable man (husband) and woman (wife).
4. The presence of the representative or the guardian on behalf of a minor woman (wife).
5. Designating the dowry.

Generally, the marriage contract can be performed by some authorized people, such as a religious official man, imam of a mosque, judge, and clergyman or sometimes by the couple themselves with the presence of two adult male witnesses (Sābiq, 1983; Doi, 1984; Al-Tuwaijiry, 2000; Schirmacher, 2008). With regard to Austin's (1962) and Searle's (1969) FCs, these obligatory requirements of the Muslim marriage can be regarded as FCs to perform the speech act of marriage in Arab and Islamic culture without these conditions the act of marriage is infelicitous.

The researchers would like to focus on the important role of pronouncing the words of offer and acceptance by the involved participants during the wedding ceremony. That is, the act of marriage (marriage contract) cannot be performed without pronouncing *صيغة الايجاب والقبول Sighah* (words of offer and acceptance) by both the man and the woman. Sometimes, the act of marriage can be performed by another party when the groom and the bride or one of them appoint a representative on their behalf or on behalf of one of them to perform and pronounce the act of marriage (Shirazi, 2013). Consequently, the following per formative utterances of performing the marriage speech act are usually pronounced:

Example 4: Utterances uttered by the man (groom) and woman (bride) themselves

Woman: زوجتك نفسي على الصداق المعلوم 'Zawajtukah Nafsi a'lasadaq Alma'loom' [offer]
(I marry myself to you on the agreed dowry)

Man: قبلت التزويج 'Qabiltu al-tazweej' (I agree on the marriage.) [Acceptance]

Example 5: Utterances uttered by the woman's representative and the man (groom)

Woman's Representative: زوجتك موكلتي فلانة على الصداق المعلوم "Zawajtukah Mowakkilati X a'lasadaq Alma'loom"
(I marry my client X to you on the agreed dowry.) [offer]

Man: قبلت التزويج 'Qabiltu al-tazweej' (I agree to the marriage.) [Acceptance]

Example 6: Utterances uttered by the woman's representative and the man's representative

Woman's Representative: زوجتك موكلتي فلانة موكلك فلان على الصداق المعلوم "Zawajtukah Mowakkilati X Mowakkilaka Y a'lasadaq Alma'loom"
(I marry my client X to your client Y on the agreed dowry.) [offer]

Man's Representative: لموكلتي فلان على الصداق المعلوم قبلت التزويج: 'Qabiltu al-tazweej' Lmowakkili Y a'lasadaq Alma'loom"
(I agree to the marriage on behalf of my client Y on the agreed dowry.) [Acceptance]

It is clear from the abovementioned examples that the act of marriage can be performed by uttering 'Sighah' by the man and woman themselves as in Example 4 by the woman's representative (*Wakil*) and the man as in Example 5, and/or by the representative (*Wakil*) of the woman and the man as in Example 6. Moreover, the woman (bride) or her representative initiates *Sighah al-ajab* (word of offer) by uttering the per formative verb *Zawajtukah* (I marry you). In Islamic and Arab culture, *Sighah al-ajab* can also be produced by using another per formative verb, which is similar to '*zawajtukah*' and/or '*ankahtuka*' (I marry you) to perform the marriage contract. Muslim scholars affirmed that these two per formative verbs of marriage *zawajtukah* and *ankahtuka* (I marry you) can be used interchangeably (Badawi & Abdel-haleem, 2008) because they mean the same. Then, after the bride's offer, the groom should directly utter words of acceptance *Sighah al-Qabul* (formula of acceptance) to the woman's or her representative's offer by pronouncing the per formative formula of acceptance: *Qabiltu al-tazweej* (I agree to the marriage) if the offer was pronounced by the per formative verb '*zawajtukah*', but if the offer was uttered by the per formative verb, '*ankahtuka*', then the man should say *Qabiltu al-nika'h* (I agree to the marriage) (Al-Tabrasi, 1333AH; Al-Najafi, n. d.).

Linguistically speaking, it is worth mentioning that these two per formative verbs *zawajtukah* and *ankahtuka* which both mean *I marry you* are derived from the Arabic word root ز-و-ج 'z-w-j' (i.e., espouse; pair; or two things or persons to be connected in some way; and double) and ن-ك-ح 'n-k-h' (i.e., to marry, to be married; to have intercourse with) respectively (Badawi & Abdel-haleem, 2008). Unlike English per formative verbs, these two per formative verbs *zawajtukah* and *ankahtuka* should be uttered in the past tense, rather than in the present simple tense in order to be valid or to perform a felicitous speech act of marriage in Arabic. In this context of situation, the past tense in Arabic has a futuristic impact and powerful emphasis on the occurrence of an action or event which is a form of performativity in Arabic (Hasan, 1966; Abu Musa, 1976; Sābiq, 1983; Al'amili, n.d.). Consequently, such a use of the past tense to indicate futurity and performativity is extensively highlighted in the Holy Quran for the sake of signifying the inevitable occurrence of certain events in the future, such as a promise, a threat, a warning, a marriage, and doomsday (Sābiq, 1983; Arafah, 1984).

The abovementioned conditions coincide with Austin's (1962) and Searle's (1969) preparatory conditions by which there are certain conventional procedures, words, participants, circumstances, and setting of the act that make the act of marriage felicitous. Moreover, scholars affirmed that the contract of marriage should be performed with the intention of the couple to commit themselves to perform the marriage contract, and this corresponds with the sincerity and essential conditions of Austin's (1962) and Searle's (1969) FCs.

In sum, the discussion above about the relationship between the per formative speech acts and kinship terms presents the importance of uttering certain words in certain situations; the pronunciation of these words is not a matter of pronouncing letters or sounds, but one can produce various ritualistic, social, and religious acts. The researchers believe that certain words may have powerful effects, and thus, there is a close relationship between the words uttered and the resulted action. Hence, one can conclude that the relationship between an utterance and its meaning cannot be defined in terms of arbitrariness because there is an intentional meaning behind uttering such words.

In this regard, Butler (2011) affirmed that "Performativity is thus not a singular act', for it is always a reiteration of a norm or set of norms, and to the extent that it acquires an act-like status in the present" (p. xxi). The researchers agree with Butler (2011) when he said that per formative speech acts are discursive practices which have the power of creating deeds or enacting norms. This magical relationship between 'word' or precisely 'the perfromative verb' and 'deed' or 'the action resulted from uttering the word' can be seen in the Quranic and Biblical verses. Hence, in the Holy Quran, God (Allah) as the Absolute Power can create everything by uttering the word كُنْ 'kun' (Be) as shown in the Quranic verse in Example 7:

Example 7: Utterance uttered by Almighty Allah to express the relationship between word and deed in the Holy Quran

أَمْرُهُ ۖ إِلَٰهًا أَدَّ شَيْئًا أَنْ يَقُولَ لَهُ كُنْ ۖ فَيَكُونُ ۗ (يس: 82)

(Verily, when He intends a thing, His Command is, "be", and it is!) (Sūrat Yā sīn, 36:82) (Ali, Trans., 1937, p. 1188).

Similarly, Traugott and Pratt (1980) and Butler (1997; 1999; 2011) stated that, in the Biblical verse in Example 8 below, the creation of the universe is brought about through words by virtue of the Authorized Power, God (Allah) and His will.

Example 8: Utterance uttered by Almighty Allah to express the relationship between word and deed in the Holy Bible

"and God said, **let** there **be** light: and there was light." (KJV: Genesis, 1:3).

4. Same-sex Marriage and Felicity Conditions

Throughout history, scholars of different social, economic, religious, linguistic, and political disciplines have regarded family as the basic institution in the formation of human society (Thornton et al., 2007). In fact, the formation of this social institution, i.e. the family, is mainly linked to the other axial and supporting institution of marriage. Thus, marriage can be seen as the basic intimate adult relationship that people may experience in order to establish and maintain close relationships and connections with others. Nanda and Warms (2007, p.206) stated that marriage is a social relationship that "refers to the customs, rules, and obligations that establish a socially endorsed relationship between adults and children, and between the kin groups of the married partners". However, people in contemporary age have established new concepts and forms of marriage in which most of them are far away from the divine orders and the human nature. One of these new concepts and forms of marriage can be seen in the emergence of the homosexual relationship which can result in same-sex marriage or gay/lesbian marriage (these terms will be henceforth used interchangeably by the researchers) (Haviland et al., 2008).

Generally, the homosexual practices or the same-sex relations have become one of the most controversial matters in the contemporary life of Western societies. In this regard, Loftus (2001), Peplau and Fingerhut (2007), and Peoples and Bailey (2012) stated that the majority of Westerners may view homosexual practices as immoral acts, but those who claim civil liberties refuse to restrict or ban the liberties of gay and lesbian people. Although, many of these societies are concerned with morality and long-term social effects and their destructive influence on the family and the institution of marriage of the homosexuals who are in gay and lesbian relationships, some liberal scholars and people have been attempting to legalize such relations by using some euphemistic terms that carry soft connotative meanings such as sodomy, buggery, homosexuality, and lesbianism. Thus, they use terms and concepts such as same-sex marriage, queer, transgendered, bisexual, transsexual, and intersexed instead of homosexual relations (Neill, 2009).

Moreover, legislative rules related to marriage laws in the West have been formulated to conform to this new form of marriage or homosexual relationships in order to satisfy those who advocate the civil liberties regardless of the religious and social orders.

Consequently, Haviland et al., (2008) stated that legislators in some Western countries, such as Canada, Denmark, and some American states, have changed the traditional definition of marriage, which was defined as “a legally binding union between one man [*or male*] and one woman [*or female*]” (p. 114), to become “a culturally sanctioned union between two or more people that establishes certain rights and obligations between the people” (p. 204). Zeitzen (2008, p.169) castigated the new definition of marriage considered it as fake and stated that:

Opponents of gay marriage condemn such unions as ‘counterfeit marriage’ and have termed the legalization process the ‘slippery slope’: they fear that allowing gay marriage will eventually lead American society toward the total abolition of marriage. Historically in Western Christian culture, marriage has meant the union of one man and one woman, so if the definition of marriage is changed from being between a man and a woman to include a union between two men, who is to say that it should not be redefined further to include a union between one man and two women. In addition to the above opposed view to this kind of marriage, Reddy et al., (2009) affirmed that medical scientific reports have proved that the diseases of HIV and AIDS are mainly due to gay and homosexual relationships.

As far as the Islamic views towards homosexual relationships, homosexuality is regarded as a great sin in Islam. Habib (2010) mentioned that it is a matter of fact that Islamic rules and homosexual practices or gay relationships are mutually incompatible and that the majority of Muslims view same-sex relationships as a prohibited act. This act of prohibition to the same-sex marriage is based on the Divine Orders cited in some Quranic verses and the reported sayings of the prophet of Islam Mohammed (PBUH). Consequently, to conform to the divine and Islamic orders and prevent the spread of such prohibited relationships most Muslim countries have legalized laws against those who convict homosexual practices. For example, in the three Arab states, Sudan, Saudi Arabia, and Yemen, those who are convicted of practicing homosexual relationships are punished with death penalty. However, some other Muslim countries “have penalties that range from a maximum of three years imprisonment to life in prison” (Kligerman, 2007, p. 61). One can conclude that Islam promotes the normal heterosexual marriage relationships as being a vital requirement for procreation and the survival of the human beings. This idea coincides with what Malti-Douglas (2007) stated in that “the procreative aspect of marriage is used as a rationale to prohibit same-sex unions” (p. 227). In this regard, Habib (2010, p.249) stated:

This view of homosexual sex acts is based upon a broader conception of men and women and their proper roles in relationships and in society. God, according to this view, created men and women as a sacred pair, specifically designed for each other, in both the sexual and romantic senses. Each gender has its unique characteristics and appropriate social roles, and although men and women are equal before God, they are fundamentally different; there can be no blurring of this basic binary opposition.

5. Analysis and Discussion

As far as the relationship between FCs and the same-sex marriage, the researchers will restrict their study to analyse and discuss only the conventional aspects of the same-sex marriage in relation to Austin’s (1962) FCs. This means that the researchers will focus on rule A.1-2 (see section 5.1). The focus on A.1-2 rules, which are called misfires, is attributed to their essential role to achieve any speech act, i.e. speech act of marriage because if these rules are not correctly performed, subsequently the intended speech act of marriage will not be fulfilled. In terms of Austin’s FCs, the A.1-2 rules (conventional procedures) emphasize that there should be appropriate conditions, words, people, and certain conventions acceptable by society. The researchers will apply these conditions to the act of same-sex marriage in order to see whether these FCs are relevant to this act or not.

5.1 Austin's Conventional Procedure A.1

As for the first condition A.1 which is related to the conventional procedure, conventional effect, the utterance of conventional words, the existence of certain persons, and circumstances, the researchers believe that Austin (1962) did not give a full account of what is meant by the term *conventional* or what are the types of these conventional procedures. Therefore, the researchers think that giving a detailed analysis of these conventional procedures may pave the way to understand the FCs of any cross-cultural speech acts. Although these conventional procedures may be different from one culture to another in some aspects, but they may have or share common characteristics and concepts. Thus, the researchers believe that these conventional procedures can be understood and analysed in terms of social, cultural, religious, and linguistic conventions. Consequently, the researchers argue whether there is a felicity condition in the same-sex marriage in relation to these conventional procedures. The researchers will focus their analysis and discussion on the social, religious, and linguistic conventional procedures as follow:

5.1.1 Social Conventions

The conventional procedures may include the society's conventional social, cultural, religious, linguistic, and legislative procedures, views, and attitudes toward same-sex marriage or homosexual relationships. The application of these conventional social procedures focuses on the study of how people of Christian and Muslim societies view, accept, or refuse the same-sex marriage (Tsohatzidis, 2007; Neill, 2009; Cesalli, 2011). Generally and as mentioned above, the majority of Westerners have a negative attitude toward gay marriage and homosexual relationships. In this respect Peoples and Baily (2012, p. 17) stated that: Many Americans worry about the morality and the long-term social effects of gay and lesbian relationships. When gays and lesbians demanded the equal rights they believe only marriage can grant, the legislatures of a number of states passed "defense of marriage acts" that define marriage as a relationship between a man and a woman. Others worry that society's acceptance of extramarital sex or tolerance for homosexuality erodes family values and increases divorce rates, or that the failure of public schools to inculcate patriotism and morality leads to delinquency and violence, or that the lack of public attention given to religious teachings is responsible for high crime rates.

They add that "in 1996, former President Bill Clinton signed the federal law known as the Defense of Marriage Act, which denied federal legal recognition of same sex marriages" (p. 249). Consequently, those who are engaged in a same-sex relationship cannot receive benefits that a legal spouse receives. Reid (2008) stated that marriage is seen from the Christian point of view as "a matter of divine or natural law, understood as a matter of divine institution, explained as the product of divine command, explicated by the Jesus of the New Testament as conferring deep and solemn duties on its participants" (p. 182). In this vein, Malinowski (1954), one of the Western anthropologists who is regarded as one of the founders of contemporary anthropological studies, discussed the relationship between religion and forms of marriage. He (1954, p. 64) declared that

Marriage is regarded in all human societies as a sacrament that is, as a sacred transaction establishing a relationship of the highest value to man and woman. In treating a vow or an agreement as a sacrament, society mobilises all its forces to cement a stable union. From the abovementioned discussion, one can conclude that the views and definitions of traditional and religious marriage contrast with the same-sex marriage. This is because same-sex marriage is against the divine rules, against the human nature, and against the will of the majority of people who are against the legalization of the homosexual relationship. Thus, Burns (2005, p. 25) stated that legalizing and decreeing same-sex marriage would be very harmful to societies for the following reasons:

First, legal recognition of gay couples would legitimize immoral unions. Further, gay marriage would ultimately undermine marriage as the basis of a stable society. Since gay unions cannot produce children through natural and proper procreation, such unions do not contribute to the survival of the human race. Moreover, it is immoral to legitimize gay unions because it is not in the best interests of the children who might be adopted by gay couples. These children would be deprived of either the experience of motherhood or fatherhood. Because cohabiting homosexuals can make use of various legal provisions to protect their rights, there is no need to allow gay couples the legal status of marriage, especially since such a change would threaten the common good.

As for the Muslim and Arab society, homosexual relationships are explicitly condemned in some Quranic verses as well as in Islamic teachings. Hence, Kligerman (2007) stated that “scholars of shari’a, Islamic law, interpret homosexuality to be not merely a sin, but a crime as well” (p. 54). This is because Islam views marriage as a sacred bond between a man and a woman for the purpose of procreation and establishing kinship relations; whilst, the homosexual relationships are considered as an aberration of Divine orders that lead to the destruction of the society and may threaten humanity with extinction. Further, in Muslim and Arab countries particularly, homosexual relationships are regarded as a social stigma on those who practice such relationships (Ali, 2006; Kligerman, 2007). Consequently, homosexual relationships never be accepted or legalized in Muslim communities as they are against the norm. In terms of social conventions, the researchers believe that homosexual relationships are socially unacceptable and that the majority of people have a negative attitude toward homosexuality or same-sex marriage in the West as well as in the East.

5.1.2 Religious Conventions

As for the religious conventions that are related to the same-sex marriage, the researchers will discuss some extracted verses from the Glorious Quran and the Holy Bible that are related to the homosexual relationships.

Although there are a number of Quranic and Biblical verses that have tackled this topic, the researchers have chosen only four verses because they are representative and provide a full account of this topic. Thus, the following Quranic and Biblical verses castigate and explicate this strictly forbidden relationship in these two Holy Scriptures.

Example 9: يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُرُوعًا وَقَوَائِلَ لِنَعَارِفُوا إِنَّا نَرَاكُمْ عِنْدَ اللَّهِ أَتَقَاتُمْ ... (سورة الحجرات: 13)

“O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you.” (Sūrat l-ḥujurāt (The Dwellings), 49:13) (Ali, Trans., 1937, p. 1407).

Example 10: إِنَّمَا أَوْفَّقَ اللَّهُ رِجْسًا مِنْ رِجْسٍ مَا خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِيَأْتِيَكُمُ مِنْهَا وَتَرْضَوْهَا وَإِنْ أَنْتُمْ كَرِهْتُمْ فَلَهُ الْبَاطِنُ الَّذِي يَخْفَىٰ عَلَى الْعُيُونِ وَمَا يَشَاءُ يَفْعَلْ (سورة الشعراء: 165-166)

“Of all the creatures in the world, will ye approach males, (165), And leave those whom Allah has created for you to be your mates? Nay, ye are a people transgressing (all limits)!” Sūrat l-shu‘arā (The Poets), 26: 165-66) (Ali, Trans., 1937, p. 966).

Example 11: (But from the beginning of the creation God made them male and female. For this cause shall a man leave his father and mother, and cleave to his wife; and they twain shall be one flesh: so then they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder.) (KJV, Mark 10:6-9).

Example 12: "If there is a man who lies with a male as those who lie with a woman, both of them have committed a detestable act; they shall surely be put to death. Their blood guiltiness is upon them." (NASB, Leviticus, 20:13)

In Example 9 (a Quranic verse) and Example 11 (a Biblical verse), one can see that these holy texts explain that all human beings, regardless of their race, colour, religion, are created and descended from a male and female, man and woman, husband and wife, and through which kinship family relations, tribes, and nations are established. This is attributed to the natural human relationships that are based on a union between a male and a female, but not based on male-male and female-female relationships.

This fact is explicitly affirmed in the following Quranic words *وَأَنْثَىٰ* (We created you from a single (pair) of a male and a female), and in the following Biblical words *God made them male and female*. Further, all kinship relations and terms are simultaneously established due to such a natural marriage connection between a man and a woman. Consequently, dual terms of kinship based on the opposite sex/gender such as husband-wife, father-mother, grandfather-grandmother, uncle-aunt, son-daughter, and nephew-niece are a result of the natural marriage.

Semantically, these kinship terms resulted from the natural marriage connection can logically be analysed and compared in terms of their co-occurrence within the matrix of binary oppositions, or what anthropologists and linguists call as componential analysis technique. It is important to mention that the technique of componential analysis is essential to understand the meanings of such terms within the context of any culture (Leech, 1981; Barnard & Spencer, 2002; Pericliev, 2013).

The technique of componential analysis is used in ethno semantics to analyse and break down the meanings of a set of lexical items that belong to different cultural domains such as kin terms, colour terms, disease names, and the like into their constituent components (Bernard, 2011; Pericliev, 2013). Nida (1975) affirmed that in order for any linguist to understand and analyse any referential meaning, he/she must recognize the essential and sufficient features and components that distinguish the meaning of any form from the other one that occurs within the same semantic domain. Therefore, the researchers believe that the concept of same-sex marriage totally contrasts with and is against the will of Almighty God (Allah) as explicitly cited in the mentioned Quranic and Biblical verses.

This is because same-sex marriage refers to a marriage-like relationship between two persons of the same sex, i.e. between two men or two women (Almond et al., 2013). In contrast to the same-sex marriage, the natural social and religious views of marriage define marriage as a union between one male and one female with an apparent function of procreation and supporting social relationships.

This is also stressed by Laycock et al., (2008, p. 165) who adopted the New Jersey Supreme Court decision about marriage when he said that "The human race was created male and female with the manifest purpose of perpetuating the race. Marriage without sexual intercourse utterly defeats its purpose, as sexual intercourse except in the marital relation is contrary to the divine law".

The context of Example 10 (a Quranic verse) refers to the story of the prophet Lut who was sent to guide his people of Sodom and Gomorrah. This is because the people of Lut were afflicted of practicing homosexual relations. He condemned his people because of their illegal practice of homosexuality which goes against the instinct of the human being in which the men of Sodom attracted to other men instead of their wives. Thus, he described those men who approach other men instead of their wives as sinful and immoral people and he warned them of God's punishment, but they refused to listen to him and quit such an illegal act. When they did not heed to the warning of the prophet Lut, God (Allah) had ruined their city completely through a shower of brimstone. This indicates that practicing homosexual relations brings God's wrath on the people who practice or support such an act (Sadia et al., 2011; Pooya and Ali, 2013).

Similarly, in Example 12, which is a Biblical verse, the Bible explicitly prohibits the homosexual practices and imposes a severe punishment (i.e. death penalty) on those who commit homosexual relations. This means that legalizing same-sex marriage in Christian and Islamic cultures is against the divine laws expressed in the mentioned Quranic and Biblical verses. Consequently, the religious conventions of same-sex marriage in terms of the abovementioned discussion indicate that these conventions are not appropriate to achieve such a sinful act.

5.1.3 Linguistic Conventions

Pertaining to the linguistic conventions of same-sex marriage and to probe its conformity with same-sex marriage, the researchers adopted the standard utterance, *I pronounce you husband and wife* or *I pronounce you man and wife* that is used by the priest, judge, or officiant in the course of marriage ceremony. It is mentioned earlier that same-sex marriage has been re-defined to include a union or a marriage-like relationship between two persons of the same sex. Consequently, when an officiant wants to apply this utterance in the course of same-sex marriage ceremony, this kind of 'marriage' cannot be performed by uttering the commonly used linguistic formula. Cesalli (2011) affirmed that such a formula cannot achieve what the officiant wants to fulfill because he cannot assign who will be the wife and who will be the husband or man, if the couple is two women or two men.

Furthermore, the officiant or the judge cannot find an agreement between his declaration to the couple *pronounce you husband and wife*, and what he actually finds, *two men, or two women*, to perform his intention of declaring such a marriage. Thus, this standard linguistic convention or formula of marriage ceremony between such couples falsifies the whole action.

This means that linguistic conventional circumstances are not available to perform this marriage. However, modern legislators of family laws attempted to find another formula to legalize this kind of 'marriage'. Sypniewski (2006) stated that in some Christian courts, the legislators and the judges have changed the standard formula of marriage ceremony from *I now pronounce you man and wife* to *I now pronounce you spouses forever* particularly in gay weddings to officiate and legalise this marriage by employing the general term *spouse* which refers to both sexes.

The researchers believe that the manipulated marriage formula is not suitable to perform this marriage. This is because there will be no act of commitments between the spouses as the term spouse is a neutral concept which means both husband and/or wife. Consequently, the judge in this case cannot assign them as a husband and a wife because both of them are either two men or two women. This also means that their familial roles as a married couple are not assigned either.

5.2 Austin's Conventional Procedure A.2

As for condition A.2 which is related to the existence of certain persons and circumstances, the researchers believe that Sypniewski's (2006) view of the conventional wedding ceremony which includes three persons: person1, person2, and person3 is a critical response to Austin's view of the performativity of wedding ceremony. This is because, as Sypniewski (2006) thought, Austin focused only on the role of the words of a performative utterance as being sufficient to perform the act of marriage apart from other contextual elements and social properties such as the gender of the couple, the age of the couple, and whether the couple are eligible to marry.

Thus, in traditional natural marriage, heterosexual marriage, the persons who are involved in this traditional marriage are as follows: **(1)** person1 refers to the husband or the man, **(2)** person 2 refers to the wife, and **(3)** person3 refers to the official person, such as a priest or a judge who executes the marriage ceremony. However, in same-sex marriage, homosexual relationship, the persons of this kind are composed of two explicit persons of the same gender, either two males or two females and the judge or the wedding official whose task is to pronounce the act of marriage-like between the potential couples. We believe that, in this process of same-sex wedding ceremony, those two explicit persons of the same gender are implicitly one person because both of them are either a male entity or female entity, as they will be addressed as one entity in front of the judge. This is because the judge cannot address them separately as a husband and wife by saying *do you take X to be your lawfully wedded husband/wife?* (Sypniewski, 2006, p. 249).

With regard to the circumstances of the speech act, Sypniewski (2006) mentioned that Austin (1962) did not give much more attention to this point, but he thought that circumstances may refer "to the physical or social surroundings of a communicative act (context) to mean something like the social milieu of the utterance" (p. 249).

Hence, the researchers agree with this point, but they believe that circumstances should be given more details to include the place of performing marriage ceremony, such as church or court, the witnesses of marriage ceremony, and the availability of the couple (husband and wife) and the official executor of marriage ceremony (priest or judge).

The Catholic Church does not support the same-sex marriage as highlighted by Ogilvie (2005, p. 5) who stated that "same-sex unions do not have the formal and teleological elements constitutive of marriage" because the Catholic Church cannot confirm that same-sex unions form a kind of marriage. He added that "the Catholic Church regards marriage as based on the sexual complementarity of woman and man. The marital union is intrinsically ordered towards family development and new life" (p. 3). In fact, Christianity and Islam as Godly religions are expected to please and satisfy all human beings and thus cannot be considered as acting against human rights. Therefore, same-sex marriage cannot be deemed as practice of freedom as it violates the norms and defies the teachings of Christianity and Islam. This is because the divine laws of Christianity and Islam affirm that same-sex partners cannot achieve the core aim of marriage relationship in terms of procreation and the formation of a new life. Thus, based on Austin (1962), we can conclude that the circumstances of same-sex marriage are not fully available to achieve such an act.

6. Conclusions

Because of its importance in everyday life and being one of the universal concepts, marriage topic has been the focus of many social, religious, cultural, and linguistic studies. The above discussion and analysis have investigated the controversial same-sex marriage by examining it cross-culturally in both Christian and Islamic cultures.

The researchers have analysed and discussed the FCs of same-sex marriage in Christian and Islamic contexts. The researchers have analysed the speech act of marriage, particularly same-sex marriage, in terms of Austin's (1962) FCs by focusing on the conventional procedures of these conditions. The researchers have given more details about these conventions to include different social, religious, and linguistic. We concluded that these conventional procedures include the society's conventional social, cultural, religious, linguistic, and legislative procedures, views, and attitudes toward such marriage-like relationships. We have proved that same-sex marriage-like relationship, which contradicts with the traditional marriage resulted from a heterosexual relationship, has no FCs in Christian culture. As for the Islamic culture, the term, *same-sex marriage*, is never mentioned or regarded as a kind of marriage relationship, but as a heterosexual act; homosexuality is condemned in the Holy Quran, and thus it is prohibited in all Muslim societies. Thus, the absence of FCs in the notion of homosexuality in the Quran is attributed to the lack of the conventional procedures represented by the following three key findings:

6.1 Social conventions

Based on the discussed Christian and Islamic social views, it was found out that both cultures do not encourage such a kind of homosexual relationships. Therefore, legislative rules that regularize family codes in some Western countries attempted to put strict legislations against those who intend to practise same-sex marriage; whereas, in Muslim societies, homosexual relations are definitely prohibited, and homosexuality is viewed by the majority of Muslims as a kind of social stigma for those who practise it. Moreover, based on the literature reviewed, we found out that the majority of Westerners have negative attitudes toward gay marriage and homosexual relationships.

6.2 Religious conventions

It was noticed that both religions, Christianity and Islam, prohibit and condemn the homosexual practices and this fact is explicitly declared in the cited Biblical and Quranic verses. This means that same-sex marriage has no FCs in terms of religious conventions.

6.3 Linguistic conventions

The findings drawn from the analysis and discussion indicate the importance of uttering the commonly used linguistic formula *I pronounce you husband and wife* in performing the ceremony of the traditional marriage in Christian culture. However, in the same-sex marriage, this linguistic formula cannot be uttered to perform the act of marriage because the couples who intend to marry are either two men or two women. Thus, it is illogical for a man to adopt the role of the *wife* if the intended marriage is executed between two men, or the woman cannot take the role of the *husband* if the marriage is between two women.

As for the Islamic culture, marriage ceremony cannot be performed unless designating the potential male candidate (husband) and the potential female candidate (wife), and uttering the marriage formula (Sighah) by the man and the woman or their representatives. This indicates that if only two women or only two men attend the marriage ceremony, the act of marriage cannot be felicitous or performed. Consequently, same-sex marriage is proven infelicitous, pertaining to the linguistic conventions.

Finally, the researchers would like to affirm that this research paper is not meant to be against the civil liberties or to decide for the people what to choose as their partners; rather the researchers would like to provide the readers room of critical and deep thinking in this regard. Lastly, this socio cultural and linguistic study requires further investigation.

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