

A MATTER OF MATRIMONY

Should same-sex couples have the right to marry?

California has become the epicenter of a national debate over the right of same-sex couples to marry. Last May, a State Supreme Court ruling overturned a law that limited marriage to opposite-sex couples, stating that it violated the rights of same-sex couples and equal protection of the laws under California's Constitution. In response, a ballot measure that would amend the State Constitution to ban marriages between same-sex couples—Proposition 8—was proposed and gained passage with over 52% of the vote in the November 2008 elections.

This same debate has been taken up in almost every state over the last decade. Arizona and Florida passed measures similar to California's during the November elections,

joining 27 other states in banning same-sex marriage. In 2004, Massachusetts became the first state to allow same-sex couples to marry, and Vermont, New Jersey,

Connecticut, and New Hampshire all allow for same-sex civil unions.



At issue is whether measures that do not provide equal protection for all citizens are constitutional. Proponents say that denying same-sex couples the right to marry is a discriminatory practice that denies them the same benefits of marriage that opposite-sex couples enjoy. Opponents of same-sex marriage say that marriage is a sacred union

between a man and a woman and that states have an interest in upholding traditional marriages as the best way to bring up children in our society.

Should same-sex couples have the right to marry?

YES

- Prohibiting same-sex marriage violates the principles of equality and fairness embodied in the Fourteenth Amendment of the Constitution.
- Distinguishing between heterosexual and homosexual unions stigmatizes same-sex couples and creates an unconstitutional group of "second class" citizens.
- Constitutions should protect the rights of minorities against unchecked majority will.

NO

- Marriage is a building-block of society. The government can legitimately protect this fundamental social institution by distinguishing between heterosexual and homosexual unions.
- Same-sex couples can be accorded equal protection rights through legal contracts or civil unions, but marriage is a special institution that should be reserved for a man and a woman.
- Constitutions should reflect the will of the people.