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Gay marriage

Massachusetts ruling gives homosexuals the same rights as everyone else

11/23/2003

The ruling by Massachusetts' highest court that overturned bans on gay marriage is the affirmation of a simple concept: Gays are American citizens and should enjoy all the rights that status entails.

This page has been a strong supporter of gay rights, and we have no problem with two people wanting to commit to each other in marriage, regardless of their sexual orientation. That said, some Americans who believe in homosexual rights in all other areas have a problem with gay marriage on religious grounds. We don't think those objections ought to trump the right of two American citizens to marry, but neither should they be taken lightly.

But the religious question is largely a red herring. The Massachusetts decision will not force clergy to marry same-sex couples, nor should it. Gay couples can enjoy the legal benefits of marriage through civil law.

The institutions of religious and civil marriage in this country are entirely different, said Judith Schaeffer, deputy legal director of People for the American Way Foundation. No one can force any faith group to marry a couple, whether they be interfaith, divorced or interracial. Many Americans do not understand that fact, Schaeffer said.

The Heritage Foundation, a conservative think tank, believes the institution of marriage could be broken down as a result of this decision. Matthew Spalding, director of the Center for American Studies at the foundation, said changing an institution so deeply embedded in our society is dangerous.

We don't see the danger. How can a civil marriage ceremony between two people of the same sex have any bearing on a marriage of a man and a woman conducted in a church, synagogue or mosque? Does the divorce of one couple hurt the strong marriage of the couple next door? Of course not. One has nothing to do with the other.

As for changing deeply imbedded institutions, the country changed for the better when institutions such as male-only suffrage were changed.

Spalding also questioned whether a court should make a ruling of this magnitude. Such a change, he contended, needs to be done through a popular branch of government such as a legislature, which would reflect settled and deliberate public opinion. But the Founding Fathers were very wary of a tyranny of the majority. Setting up a system of courts as the third branch of government was a check on that. The Massachusetts court ruling is very much in line with that tradition.

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Some conservative members of Congress are making noises about a constitutional amendment to ban gay marriage. That's a terrible idea. The Constitution should never be turned into a battleground for social issues, especially ones that are bound to change over time. Fifty years ago, gays were condemned to an existence of secrecy lest they suffer discrimination in every walk of life. Today, hit television shows are built around them.

Perhaps that's the most convincing reason not to overreact to the Massachusetts ruling. Gay marriage, like gays themselves, are bound to become part of the fabric of our society.

Some people of good faith, looking for a middle ground, are proposing that gays be given the legal rights of marriage through "civil unions." That semantic change could soften the rhetoric and provide time for gay marriage to become acceptable through the normal course of social evolution.

That's not a bad solution. But it still doesn't provide a good answer to the question of why two American citizens can't be given the same rights as all other Americans.



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