

# **On Same Sex Marriage Civil Unions And The Rule Of Law**

*A Time to Embrace* William Stacy Johnson 2006-11 As rhetoric continues to heat up on both sides of the debate over same-gender unions, clear, reasoned statements are in short supply. Johnson presents a comprehensive case for acknowledging the legitimacy of same-gender unions in law, politics, and especially religion.

Same-Sex Relationships, Law and Social Change Frances Hamilton 2020-01-15 This edited collection provides a forum for rigorous analysis of the necessity for both legal and social change with regard to regulation of same-sex relationships and rainbow families, the status of civil partnership as a concept and the lived reality of equality for LGBTQ+ persons. Twenty-eight jurisdictions worldwide have now legalised same-sex marriage and many others some level of civil partnership. In contrast other jurisdictions refuse to recognise or even criminalise same-sex relationships. At a Council of Europe level, there is no requirement for contracting states to legalise same-sex marriage. Whilst the Court of Justice of the European Union now requires contracting states to recognise same-sex marriages for the purpose of free movement and residency rights, unlike the US Supreme Court, it does not require EU Member States to legalise same-sex marriage. Law and Sociology scholars from five key jurisdictions (England and Wales, Italy, Australia, Canada, and the Republic of Ireland) examine the role of the Council of Europe, European Union and further international regimes. A balanced approach between the competing views of critically analytical rights based theorists and queer and feminist theorists interrogates the current international consensus in this fast moving area. The incrementalist theory whilst offering a methodology for future advances continues to be

critiqued. All contributions from differing perspectives expose that even for those jurisdictions who have legalised same-sex marriage, still further and continuous work needs to be done. The book will be of interest to students and scholars in the field of human rights, family and marriage law and gender studies.

**Same Sex Marriage and Civil Partnerships** Mark Harper 2014 This New Law Guide examines the legal changes introduced by the Civil Partnership Act 2004 and the Marriage (Same Sex Couples) Act 2013, and the rights and responsibilities that are afforded to those who register under the scheme, as well as examining the law as it relates to cohabitants, so that the legislation can be seen in context. The CPA 2004 makes provision for Scotland and Northern Ireland but this work confines its analysis to the implications for the law of England and Wales of the CPA 2004 and the MSSCA 2013. It includes an analysis of some of the parliamentary debates, many of which will be relevant in future arguments about the meaning of the statute, in accordance with the rule in *Pepper (Inspector of Taxes) v Hart*. In addition, there is consideration of some wider material for the purpose of evaluating compatibility of the legislation with Convention rights, including the value judgments inherent in the test of proportionality as suggested in *Wilson v First County Trust Ltd*. Appendices contain the full text of the MSSCA 2013 and relevant extracts from the CPA 2004. SAME SEX MARRIAGE & CIVIL PARTNERSHIPS - THE NEW LAW provides an authoritative commentary, highlighting areas of potential difficulty and offering practical guidance, and will be essential reading for all family lawyers, housing lawyers and also chancery practitioners dealing with inheritance claims.

The Geography of Love Peter Nicolas 2014-01 There is no question that the most prominent gay rights issue in the United States today is the right to marry. Yet accurate, objective information

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about same-sex marriage and relationship recognition in the United States is difficult to come by. In this book, Seattle-based authors Peter Nicolas & Mike Strong combine their respective training in law and geography to depict the history and current state of marriage and relationship recognition rights for same-sex couples in the United States in words...and in maps. This publication begins with a detailed history of efforts to achieve marriage rights and other forms of relationship recognition (such as domestic partnerships and civil unions) for gay and lesbian Americans, from the first lawsuit filed in 1970 in Minnesota to the federal court order striking down Utah's ban on same-sex marriage—and just about everything (judicial and legislative) in between. Next, it provides detailed information on relationship recognition in the United States, including: • which states permit same-sex couples to marry or to enter into other types of legal unions; • the rules for entering into or terminating such relationships; • a comparison of the rights that each state provides to same-sex couples; • the extent to which same-sex relationships entered into in one state are recognized by other states; and • which cities and counties have domestic partnership registries and equal benefits ordinances. That is followed by a look at efforts to ban same-sex marriage at the ballot box, including: • selected vote details by state and county; • a closer look at where support for such efforts was weakest and strongest; and • a comparison of the processes for amending state constitutions across the United States. For those same-sex couples interested in getting married in one of the jurisdictions that permits same-sex couples to marry, the book features a table that provides detailed information about the prerequisites for getting married, including: the marriage license fee; minimum age and blood test requirements; whether non-residents are permitted to marry; and the waiting period, if any, between applying for a license and getting married. The fifth edition is completely up-to-date, and provides extensive coverage of the U.S. Supreme Court's 2013

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decisions regarding the Defense of Marriage Act and California's Proposition 8, as well as the laws and court decisions legalizing same-sex marriage in Delaware, Hawaii, Illinois, Minnesota, New Jersey, New Mexico, Rhode Island, and Utah.

**Commentary on the Conflict of Laws** Russell J. Weintraub 2001

Same-Sex Marriage and Religious Liberty Douglas Laycock 2023-06-14 Same-Sex Marriage and Religious Liberty explores the religious freedom implications of defining marriage to include same-sex couples. It represents the only comprehensive, scholarly appraisal to date of the church-state conflicts virtually certain to arise in many spheres of law as a result of the legal recognition of same-sex marriage.

Same-sex Marriage Debate Justin Healey 2013 Same-sex marriages are currently not permitted under Australian federal law. Although same-sex couples in a de facto relationship have had most of the legal rights of married couples since July 2009, there is however no national registered partnership or civil union scheme.

*A Legal Guide for Lesbian & Gay Couples* Frederick Hertz 2020-05-05 Protect yourself and your loved one with sound legal planning Gay and lesbian couples have gained a lot of legal ground in recent years, including the right to marry. Although same-sex marriage is legal, it's important to stay up to speed on the laws governing parentage, adoption, civil unions, and domestic partnerships, which vary from state to state. And if you choose to remain unmarried, it's essential that you protect your rights and define your relationship in the eyes of the law—A Legal Guide for Lesbian & Gay Couples can help. This plain-English guide shows you how to: have and raise children through adoption, donors, surrogacy, or foster parenting jointly buy a house or other property make decisions about living together, marrying, or registering make a will or living trust make medical

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decisions for each other, and deal with the end of a relationship. The 20th edition is completely revised to provide the latest on same-sex relationships and parentage laws. With Downloadable Forms: includes access to 35 essential legal forms, including a sample parenting agreement, a will, and more.(details inside).

**Family Law Challenges in a Changing Society** Alicia Danielsson 2014-08-05 Research Paper (undergraduate) from the year 2014 in the subject Law - Civil / Private / Family Law / Law of Succession, grade: A - Excellent, University of Hertfordshire, course: Independent Legal Study, language: English, abstract: There are many ways to define marriage and there are numerous perspectives on which these definitions can be based. Every country or even state has its own legal definition, each culture will have its own cultural and sociological definition, religions will have their own religious definitions and even each era will has its own anthropological definition. The British anthropologist Eleanor Kathleen Gough Aberle defined marriage in 1959 as „a relationship established between a woman and one or more other persons, which provides that a child born to the woman under circumstances not prohibited by the rules of the relationship, is accorded full birth-status rights common to normal members of his society or social stratum.” For statistical purposes the United Nations have recommended the following definition: „the legal union of persons of opposite sex. The legality of the union may be established by civil, religious, or other means as recognised by the laws of each country; and irrespective of the type of marriage, each should be reported for vital statistics purposes.” It is particularly interesting that the United Nations have added the word “legal” to their definition which provides the institution of marriage with a legal dimension. In the book “A practical treatise on the law of marriage and divorce”, Leonard Shelford explains that “Marriage, in its origin, is a contract of natural law antecedent to its becoming in civil

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society a civil contract, regulated and prescribed by law and endowed with civil consequences.” However, the past decades have experienced a decline in marriages amongst the British population as well as a substantial increase of cohabiting partners, who share the same domicile without having some form of contract governing the relationship. This has given rise to various approaches as to how relationships and families in particular are to be regulated. The following discussion will begin by taking a look at the current situation in England and Wales. Hereafter, points 3 and 4 will provide a theoretical foundation of the development of marriage and families as well as laws and justice. Finally, the last two points will discuss the recommended reform of the laws governing cohabitation and the current marriage scepticism which is growing in feminist and liberal jurisprudence.

A Legal Guide for Lesbian and Gay Couples Hayden Curry 1994 America's estimated 20 million lesbians and gay men need to take specific legal steps to define and protect their relationships in the eyes of the law. This practical guide shows them how to: obtain domestic partner benefits-plan for medical emergencies-buy property together-provide for each other at death-understand the practical and legal aspects of having and raising children.The guide includes living together contracts, sample wills and a durable power of attorney. The updated 14th edition now includes a new chapter discussing the laws of states that offer an equivalent to marriage, plus information on ending such relationships.

**Wedlocked** Katherine Franke 2017-10-03 Compares today’s same-sex marriage movement to the experiences of black people in the mid-nineteenth century. The staggering string of victories by the gay rights movement’s campaign for marriage equality raises questions not only about how gay people have been able to successfully deploy marriage to elevate their social and legal reputation, but also what kind of freedom and equality the ability to marry can mobilize. Wedlocked turns to

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history to compare today's same-sex marriage movement to the experiences of newly emancipated black people in the mid-nineteenth century, when they were able to legally marry for the first time. Maintaining that the transition to greater freedom was both wondrous and perilous for newly emancipated people, Katherine Franke relates stories of former slaves' involvements with marriage and draws lessons that serve as cautionary tales for today's marriage rights movements. While "be careful what you wish for" is a prominent theme, they also teach us how the rights-bearing subject is inevitably shaped by the very rights they bear, often in ways that reinforce racialized gender norms and stereotypes. Franke further illuminates how the racialization of same-sex marriage has redounded to the benefit of the gay rights movement while contributing to the ongoing subordination of people of color and the diminishing reproductive rights of women. Like same-sex couples today, freed African-American men and women experienced a shift in status from outlaws to in-laws, from living outside the law to finding their private lives organized by law and state licensure. Their experiences teach us the potential and the perils of being subject to legal regulation: rights—and specifically the right to marriage—can both burden and set you free.

### **As Iowa Goes, So Goes the Nation 2009**

*Legal Recognition of Same-sex Couples in Europe* Katharina Boele-Woelki 2003 The legal recognition of same-sex couples in Europe has undergone dramatic changes over the last few years. Following the Scandinavian model, many European countries have adopted statutes on registered partnerships or are currently debating draft legislation. The differences are bigger than one would expect at first sight. This book provides detailed information about the current state of affairs. The latest adopted statutes and draft legislation are included.

[Gay Marriage: for Better Or for Worse?](#) William N. Eskridge, Jr. 2006-06-18 "Gay Marriage: For

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Better or for Worse? is the first book to present empirical evidence about the effects of same-sex marriage, based on almost two decades' worth of data and experience from the Nordic countries. Darren R. Spedale and William N. Eskridge, Jr. look at how same-sex marriage (in the form of registered partnerships) came to be in Scandinavia; who is getting married and why they are tying the knot; the Church's reception to same-sex unions; and how same-sex marriage has affected the couples, their families, their children, and their greater communities, both nationally and internationally."--BOOK JACKET.

Lgbtq Divorce and Relationship Dissolution Abbie E. Goldberg 2018-12-12 What unique challenges face LGBTQ individuals in relationships or who are separating or divorcing, especially now that same-sex couples may marry? What issues might complicate the ending of relationships when children, multiple partners, or multiple parents are present? How do gender, gender transition, ethnicity, immigration status, economic status, geography, and other characteristics shape the experiences of divorcing or separating LGBTQ people? Finally, how can therapists and lawyers most effectively assist LGBTQ people whose relationships and families are dissolving? LGBTQ Divorce and Relationship Dissolution: Psychological and Legal Perspectives and Implications for Practice brings together social science and legal perspectives to examine the timely topic of relationship dissolution and divorce among sexual and gender minorities. The first edited book to tackle this topic in an informed, comprehensive, and interdisciplinary matter, this volume gathers and expands current knowledge on topics such as LGBTQ people's relationship and dissolution patterns; the divorce and child custody rules and processes that now apply to many LGBTQ families; and the surrounding political and cultural environment in the United States. It will also address practical issues such as mediation with same-sex couples who are separating or divorcing, financial planning, and family



therapy for sexual minority parents and their children in the context of divorce/dissolution. With chapters contributed by leading scholars and practitioners from law, political science, psychology, sociology, and other disciplines, LGBTQ Divorce and Relationship Dissolution will be an invaluable resource for academics, practitioners, policymakers, and LGBTQ people. It will also be of interest to students in psychology, counseling, law, and LGBTQ and gender studies.

**Same Sex Couples - Comparative Insights on Marriage and Cohabitation** Macarena Sáez

2015-05-06 This book shows six different realities of same-sex families. They range from full recognition of same-sex marriage to full invisibility of gay and lesbian individuals and their families. The broad spectrum of experiences presented in this book share some commonalities: in all of them legal scholars and civil society are moving legal boundaries or thinking of spaces within rigid legal systems for same-sex families to function. In all of them there have been legal claims to recognize the existence of same-sex families. The difference between them lies in the response of courts. Regardless of the type of legal system, when courts have viewed claims of same-sex couples and their families as problems of individual rights, they have responded with a constitutional narrative protecting same-sex couples and their families. When courts respond to these claims with rigid concepts of what a family is and what marriage is as if legal concepts were unmodifiable, same-sex couples have remained outside the protection of the law. Until forty years ago marriage was the only union considered legitimate to form a family. Today more than 30 countries have granted rights to same sex couples, including several that have opened up marriage to couples of the same sex. Every day there is a new bill being discussed or a new claim being brought to courts seeking formal recognition of same sex couples. Not all countries are open to changing their legal structures to accommodate same-sex couples, but even those with no visible changes are witnessing new voices in

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their communities challenging the status quo and envisioning more flexible legal systems.

**Same-Sex Marriage and the Constitution** Evan Gerstmann 2017-06-26 A clearly written and accessible explanation of the Supreme Court's same-sex marriage decision, its reasoning, and the consequences and controversies surrounding it.

Equality, Dignity, and Same-Sex Marriage Man Yee Karen Lee 2010 Om udviklingen i homoseksuelles rettigheder på det ægteskabsretlige område i internationalt perspektiv.

**A Guide to the Civil Partnerships Act 2004** Steve Richards 2006 The Civil Partnerships Act 2004 is a concise guide to the rights of individuals in relation to the recently introduced law covering same sex unions. The book will enable anyone who is considering embarking upon a civil partnership to fully understand the ramifications of such a union and to also understanding the law covering wider aspects of the partnership, such as employment, property ownership, adoption and also dissolution of civil partnerships. It is ideal for anyone who wishes to understand the processes involved and also for all those who want a clear and practical guide. the following.

Same Sex, Different States Andrew Koppelman 2006-01-01 This book is a comparative history devoted to the revolutionary tradition in the West as it evolved over many centuries and reached its logical, though extreme, culmination in the Communist revolutions of the twentieth century. Unique in the breadth of its scope, "History's Locomotives" is also unique in its interpretation of the origins and history of socialism as well as the meanings of the Russian Revolution, the rise of the Soviet regime, and the ultimate collapse of the Soviet Union. The masterwork of a historian in whom a fine sense of historical particularity never interfered with the ability to see the large picture, this book explores religious conflicts in fifteenth- and sixteenth-century Europe, the revolutions in England, American, and France, and the twentieth-century Russian explosions into revolution. Malia finds that

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twentieth-century revolutions have deep roots in European history and that revolutionary thought and action underwent a process of radicalization from one great revolution to the next. He offers an original view of the phenomenon of revolution and a fascinating assessment of its power as a driving force in history.

**Why Marriage Matters** Evan Wolfson 2007-11-01 "At its core, the freedom-to-marry movement is about the same thing every civil rights struggle has been about: taking seriously our country's promise to be a nation its citizens can make better, its promise to be a place where people don't have to give up their differences or hide them in order to be treated equally." Why Marriage Matters offers a compelling, intelligently reasoned discussion of a question that still remains in the national consciousness. It is the work of one of the most influential attorneys in America, who has dedicated his life to the protection of individuals' rights and our Constitution's commitment to equal justice under the law. Above all, it is a clear, straightforward book that brings into sharp focus the very human significance of the right to marry in America—not just for some couples, but for all. Why is the word marriage so important? Will marriage for same-sex couples hurt the "sanctity" of the institution? How can people of different faiths reconcile their beliefs with the idea of marriage for same-sex couples? How will allowing gay couples to marry affect children? In this quietly powerful volume, the most authoritative and fairly articulated book on the subject, Wolfson demonstrates why the right to marry is important—indeed necessary—for all couples and for America's promise of equality.

**The Europeanisation of International Family Law** N. A. Baarsma 2011-09-06 Choice of law determines which national legal system applies to an international case. Currently many choice of law rules in the field of family law are regulated by national law. However, these national rules of

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the EU Member States are more and more displaced by common European rules. This book describes the changes brought by the Europeanisation of the choice of law on divorce. From the conclusions drawn in the field of divorce the concluding chapter discusses the changes of Europeanisation of international family law in a broader perspective.

Family Law Jonathan Herring 2014-02 What is a family? What makes someone a parent? What rights should children have? In this Very Short Introduction Jonathan Herring provides an insight not only into what the law is, but why it is the way it is. It also looks at the future to consider what families will look like in the years ahead, and what new dilemmas the courts may face.

*LGBT-Q Teachers, Civil Partnership and Same-Sex Marriage* Aoife Neary 2016-12-01 The introduction of legislative structures for same-sex relationships provides a new lens for grappling with the politics of sexuality in schools and society. The emergence of civil partnership and same-sex marriage in Ireland brings to the fore international debates around public intimacy, religion in the public sphere, secularism and the politics of sexuality equality. Building on queer, feminist and affect theory in innovative ways, this book offers insight into the everyday negotiations of LGBT-Q teachers as they operate between and across the intersecting fields of education, religion and LGBT-Q politics. Neary illustrates the complexity of negotiating personal and professional identities for LGBT-Q teachers.

**Legal Threats to Traditional Marriage** United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution 2004

Equality for Same-Sex Couples Yuval Merin 2010-02-15 During the past three decades, nations all over the world have been debating whether to allow same-sex couples to marry, or at least grant these couples various rights associated with marriage. In *Equality for Same-Sex Couples*, Yuval

Merin presents the first comparative study of the legal regulation of same-sex partnerships worldwide, as well as a unique survey of the status of same-sex couples in Europe. Merin begins by providing a historical overview of the transformation of marriage from antiquity to the present. He then identifies and critically compares four principal models for the legal regulation and recognition of same-sex partnerships: civil marriage, registered partnership, domestic partnership, and cohabitation. Merin concludes that all of the models except civil marriage discriminate against gays and lesbians just as the "separate but equal" doctrine discriminated against African Americans; thus, so-called alternatives to marriage, even if they provide the same rights and benefits as marriage, are inherently unequal and therefore unconstitutional.

**On Same-Sex Marriage, Civil Unions, and the Rule of Law** Mark Strasser 2002-10-30 The United States Constitution has already been interpreted to provide a variety of family-related protections which, if applied consistently, also protect same-sex couples and their children. Only by radically reformulating and severely undermining existing protections can courts and commentators justify the claim that the Federal Constitution does not offer a wealth of family protections, including the right to marry a same-sex partner. Discussing the constitutional implications of civil unions with a special focus on how they might be treated in the interstate context, Strasser explains how the courts and commentators have reworked and significantly weakened a variety of constitutional protections in their attempts to establish that same-sex couples are not afforded constitutional protections. He further suggests that the constitutional protections for religion support rather than undermine the constitutional protection of same-sex unions.

**Free Exercise of Religion and the United States Constitution** Mark P. Strasser 2018-02-28 The United States is extremely diverse religiously and, not infrequently, individuals sincerely contend

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that they are unable to act in accord with law as a matter of conscience. The First Amendment to the United States Constitution protects the free exercise of religion and the United States Supreme Court has issued many decisions exploring the depth and breadth of those protections. This book addresses the Court's free exercise jurisprudence, discussing what counts as religion and the protections that have been afforded to a variety of religious practices. Regrettably, the Court has not offered a principled and consistent account of which religious practices are protected or even how to decide whether a particular practice is protected, which has resulted in similar cases being treated dissimilarly. Further, the Court's free exercise jurisprudence has been used to provide guidance in interpreting federal statutory protections, which is making matters even more chaotic. This book attempts to clarify what the Court has said in the hopes that it will contribute to the development of a more consistent and principled jurisprudence that respects the rights of the religious and the non-religious.

What is Needed to Defend the Bipartisan Defense of Marriage Act of 1996? United States. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution, Civil Rights, and Property Rights 2005

**Marriage Equality** Jason Porterfield 2016-12-15 This groundbreaking case, with much pressure from suing parties across the country and a great amount of controversy, granted the [dignity of marriage] to same-sex couples. Readers will find out all about the background of the case, how it made it to the Supreme Court, and why the court decided for same-sex marriage. Also included are questions to consider, primary source documents, and a chronology of the case.

Symposium 2009

**Geography of Love** Peter Nicolas 2011-10 There is no question that the most prominent gay rights

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issue in the United States today is the right to marry. Yet accurate, objective information about same-sex marriage and relationship recognition in the United States is difficult to come by. In this book, Seattle-based authors Peter Nicolas & Mike Strong combine their respective training in law and geography to depict the history and current state of marriage and relationship recognition rights for same-sex couples in the United States in words...and in maps. This publication begins with a detailed history of efforts to achieve marriage rights and other forms of relationship recognition (such as domestic partnerships and civil unions) for gay and lesbian Americans, from the first lawsuit filed in 1970 in Minnesota to the Delaware and Hawaii civil union laws that go into effect on January 1, 2012—and just about everything (judicial and legislative) in between. Next, it provides detailed information on relationship recognition in the United States, including: • which states permit same-sex couples to marry or to enter into other types of legal unions; • the rules for entering into or terminating such relationships; • a comparison of the rights that each state provides to same-sex couples; • the extent to which same-sex relationships entered into in one state are recognized by other states; and • which cities and counties have domestic partnership registries and equal benefits ordinances. That is followed by a look at efforts to ban same-sex marriage at the ballot box, including: • selected vote details by state and county; • a closer look at where support for such efforts was weakest and strongest; and • a comparison of the processes for amending state constitutions across the United States (including Minnesota and North Carolina, which are voting on constitutional amendments to ban same-sex marriage in 2012). For those same-sex couples interested in getting married in one of the jurisdictions that permits same-sex couples to marry, this new edition features a table that provides detailed information about the prerequisites for getting married, including: the marriage license fee; minimum age and blood test requirements; whether

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non-residents are permitted to marry; and the waiting period, if any, between applying for a license and getting married. This book has been nominated for inclusion in the American Library Association's 2012 Over the Rainbow Bibliography.

**Legal Recognition of Same-Sex Partnerships** Robert Wintemute 2001-10-13 In this book an international team of scholars examines both theoretical issues and the wide variety of legal developments in various countries.

**Marriage and Same-Sex Unions** Lynn D. Wardle 2003-04-30 This book exemplifies the high quality of thoughtful discussion and debate that is possible on the issue of same-sex marriage. Authors are paired to address and respond to a particular topic, one in favor of state recognition of same-sex relationships, and one in favor of limiting state recognition to those relationships that have been traditionally recognized as marriages. Proposals to legalize same-sex marriage evoke strong response from those on both sides of the debate. Much has been written about the legal policy issues over the legal recognition of same-sex unions in the United States, yet there has been little dialogue and exchange between participants in the debate. This book attempts to open that dialogue, and to exemplify the high quality of thoughtful discussion and debate that is possible. Authors are paired to address and respond to a particular topic, one in favor of state recognition of same-sex relationships and one in favor of limiting state recognition to those relationships that have been traditionally recognized as marriages. This ideal introduction is designed to lead the reader through the relevant issues, progressing from the general to the particular. Debates are contextualized, offering comparative, historical, and family-policy perspectives, asking fundamental questions such as what is the purpose of a family, and what interests, if any, that state has in promoting a particular type of family over others. Issues of jurisprudence and political philosophy are examined, addressing the



public benefits of marriage and equal treatment before the law, among other items. The constitutionality of same-sex marriage or domestic partnership policies is explored. Finally, this book covers the broad implications when states—such as Vermont—legally recognize same-sex unions, and the impact of international recognition of same-sex marriage rights.

*Same Sex Relationships* Stephen Michael Cretney 2006 Based on the 2005 Oxford Clarendon Lectures in Law, this book deals with the remarkable change in society's attitude to homosexuality over the last half century. Until 1967 homosexual acts were punished by the criminal law and as recently as 1988 Parliament forbade teachers from suggesting that homosexuality was an acceptable family relationship. In 2005 Parliament passed the Civil Partnership Act, which creates a framework in which same-sex couples can have their relationship legally recognised in much the same way as marriage. This book looks at the essentials of the civil partnerships contract, and asks whether it is really creating an institution of 'gay marriage'? If not, the next question to ask is whether civil partnership can satisfy the demands for equality increasingly being made by the gay community? In the United States, the courts have taken an active and progressive stance, holding that to deny marriage to same sex couples and leave them with mere partnership is to create a 'separate but equal' situation historically associated with the racial discrimination now universally recognised as unconstitutional and morally unjustifiable. However, the political climate has risen to a fever pitch with the current administration's push for constitutional amendment to ban outright gay marriage. In the UK the courts have been less activist, but the potential creation of a Supreme Court raises important questions about the boundaries between the roles of judiciary, the legislature, and government; and whether the judiciary should play a more constitutionally active role than has thus far been traditional?

**Divorcing Marriage** Daniel Cere 2004 Is redefining marriage to include same-sex unions simply an act of fairness to gays and lesbians - another step in the evolution to a just society? Or is it a hastily conceived social experiment that will undermine human rights, deflecting marriage from the support of children to the mere affirmation of sexual commitment between adults? Written for a broad readership, *Divorcing Marriage* sheds light on three central questions: How did Canada come to the point of proposing a redefinition of marriage? Where would redefinition take Canadian society? Do the Charter and equality rights mandate exchanging an opposite-sex institution for one built on "the union of two persons"? The contributors ask Canadians to pause for reflection and take a closer look at the arguments for and against redefinition of marriage. They implore us to examine the effects of marriage on children, the law, freedom of speech and religion, and society as a whole. The authors are prominent Canadians in the fields of law, ethics, political science, religion, and culture and include, among others, Margaret Somerville, Ted Morton, F.C. DeCoste, Katherine Young, and Conservative Party MP John McKay.

*Same-Sex Couples before National, Supranational and International Jurisdictions* Daniele Gallo 2013-12-02 The present volume focuses on the jurisprudence of national, supranational and international jurisdictions (and quasi-jurisdictions) as regards the legal status of same-sex couples. Its aim is to explore the content, rationale, functioning and potential of the different jurisdictions' reasonings and their contribution to the strengthening of LGBTI rights (and duties). As a consequence, the book tries to convey the complexities and controversies that derive from the judicial recognition of same-sex couples across the world, taking always into account the relationship of the judiciary with the executive and the legislature and the related problems of legitimacy and democracy. The volume deals with this issue and considers it as a crucial test for

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modern democracies and contemporary societies.

**Making It Legal** Frederick Hertz 2018-04-01 Marriage equality is here to stay: Understand the benefits and complications Full legal marriage is now available in all U.S. states. But there are still many questions that same-sex couples should discuss before walking down the aisle. Learn how marriage will affect: your family if you have children your taxes, and your responsibility for your partner's debts. Making It Legal also covers state laws on same-sex domestic partnerships and civil unions, and explains whether your registration will be recognized if you move to another state.

**Civil Partnership** Mark Harper 2005 The Civil Partnership Act 2004 constitutes one of the most significant pieces of family legislation for several years. The underlying aim of the legislation is to permit couples of the same sex to form registered civil partnerships, thereby creating a new legal status for such couples. Once registered, they acquire a package of rights and responsibilities which, subject to key differences, will place them on the same footing as married couples. Major provisions contained in the Act include: • Formation of civil partnership by registration • Formal dissolution of civil partnership which has broken down irretrievably • Grounds on which a civil partnership can be declared a nullity • Financial effects of dissolution, including arrangements for property division, pensions and tenancy succession rights • Ability of registered partners to acquire parental responsibility for each other's children and entitlement to apply for adoption, residence and contact orders • Recognition under inheritance and intestacy rules Civil Partnership: The New Law provides an authoritative commentary, highlighting areas of potential difficulty and offering practical guidance and will be essential reading for all family lawyers, housing lawyers and also chancery practitioners dealing with inheritance claims.

[A Legal Guide for Lesbian & Gay Couples](#) Hayden Curry 1984 America's estimated 20 million

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