

Challenge Of Same Sex Marriage Federalist Principles And Constitutional Protections

Queers in Court Susan Gluck Mezey 2007-03-27 In *Queers in Court*, Susan Gluck Mezey examines the contemporary battle for gay and lesbian rights in the United States, tracing the evolution of issues from same sex marriage and privacy rights to military service and employment discrimination. By combining analyses of nearly three hundred cases from both federal and state courts with detailed explorations of the paths these issues have taken through legislative and executive bodies, she provides the most comprehensive analysis of queer rights in law and policy to date.

Liberalismus und Konservatismus Jens Einfeld 2006 English summary: Jens Einfeld analyzes the influence of conservatism and liberalism on the legal debate over same-sex marriages in the US. In addition to discussing the philosophical differences between liberalism and conservatism in general, he also deals with the political conflict between liberal and conservative constitutional theory which is caused by antagonistic attitudes of the 'good' social order and the impact of this contrast on the controversy over the constitutionality of same-sex marriages. German description: Jens Einfeld untersucht den Einfluss der politischen Ideen des Liberalismus und des Konservatismus auf die aktuelle Diskussion in den USA um die Legalisierung gleichgeschlechtlicher Ehen durch Gerichtsurteile, die das Verbot der Ehe zwischen Personen gleichen Geschlechts für verfassungswidrig erklären. Liberalismus und Konservatismus wirken nicht nur auf die allgemeine politische Diskussion um die gleichgeschlechtliche Ehe ein, sondern auch und gerade auf die verfassungsrechtlichen Streitpunkte innerhalb dieser Debatte. Der Autor geht davon aus, dass gerade in der

verfassungsrechtlichen Literatur und Rechtsprechung vom konkreten Anlass abstrahierbare Begründungsmuster und Argumentationsstrategien im Einsatz sind, deren Ursprung, Zusammenhang und Wirkung ohne die Verknüpfung mit den politischen Ideen von Konservatismus und Liberalismus unverständlich bleiben. Dieser methodische Ansatz ermöglicht eine neue Perspektive auf die Debatte über die gerichtliche Legalisierung gleichgeschlechtlicher Ehen, mit der sich unter anderem nachweisen lässt, dass die Entscheidung dieses Streits in erster Linie nicht von juristischen Argumenten abhängt, sondern von politischen Überzeugungen, die eine bestimmte Begründungsstrategie erst auslösen.

Dialogue 1966 A journal of Mormon thought.

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.

What's the Harm? Lynn D. Wardle 2008 What's the Harm? is an interdisciplinary collection of perspectives on the question of harm-whether legalizing same-sex marriage will cause harm to society, and whether the denial of same-sex marriage causes

harm to society. This clarifying and illuminating book explores the societal, familial, individual, and jurisprudential harms of the legalization or prohibition of same-sex marriage. The contributors wrestle with the "what's the harm" question from a variety of academic and professional perspectives, emphasizing the significance and impact of legalizing same-sex marriage for law, government, family relations, and child welfare. *What's the Harm?* is a valuable resource of diverse insights, arguments, and information that contributes to a deeper understanding of what may be the defining issue of the first decade of the twenty-first century.

Family Law Jonathan Herring 2012-12-06 This book provides a stimulating, carefully planned introduction to the key issues and debates within family law from some of the leading authorities within their field. It is designed both as a self standing book focusing on the key issues in the subject, and as a supplement to more detailed textbooks on the subject. It is essential reading for anybody studying or practising in the field of family law. Each chapter is concerned with one of the main areas of family law (such as adoption, domestic violence, marriage and divorce), and covers a range of themes, including the public/private divide, balancing the interests of family members, moral values and family law, cost and the legal system, and the enforcement of family law. The book reflects the interdisciplinary nature of the debates on family law, and the difficult social and political issues which these have raised.

The Challenge of Same-Sex Marriage Mark Strasser 1999-09-30 In November 1998, the Hawaii and Alaska electorates voted to amend their state constitutions so that same-sex marriages would not have to be recognized. Rather than end the controversy surrounding same-sex marriages, the passage of these amendments will only spur more litigation, because the referenda themselves implicate constitutional guarantees and because amending a state constitution cannot lessen federal constitutional

protections. Since same-sex marriages promote many of the same individual and state interests that opposite-sex marriages do, states will be unable to justify their same-sex marriage bans if those rationales are closely examined. When challenged, the recent constitutional amendments in Hawaii and Alaska may well be held unconstitutional by the state supreme courts on federal constitutional grounds, although ultimately the United States Supreme Court will likely be asked to resolve the relevant issues. Suppose that state same-sex marriage bans are held not to violate federal constitutional guarantees, but that one state nonetheless recognizes such unions. The other states will be permitted to refuse to recognize marriages celebrated in that state only if certain conditions have been met. Contrary view notwithstanding, the law of nature exception will not apply in this case. Further, even the Defense of Marriage Act will likely not afford states the right to refuse to recognize any and all same-sex marriages validly celebrated in sister states.

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.

Issues for Debate in American Public Policy CQ Press 2004
Contains a collection of sixteen articles reprinted from "The CQ Researcher," that provide facts and analysis of a wide range of public interest topics, arranged in seven general categories, including education, health care, and social policy, environment, civil liberties, business, and foreign policy.

American Credo Michael Foley 2007-09-13 If America has a claim to exceptionalism, American Credo locates it in a little understood ability to engage in deep conflicts over political ideas, while at the same time reducing adversarial positions to legitimate derivatives of American history and development.

Wiley Family Law Update 2004

Free Exercise of Religion and the United States Constitution

Mark P. Strasser 2018 Corporate conscience exemptions -- Beard length -- Conclusion -- 8 Lower courts and the protection of religion -- State and federal protection of religion and the lower courts -- Substantial burdens -- What is religious? -- State RFRA's -- Conclusion -- Bibliography -- Index

St. Thomas Law Review 2005

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 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.

Forthcoming Books Rose Army 2001-08

Symposium 2006 2007

Marriage Equality William N. Eskridge, Jr. 2020-08-18 The definitive history of the marriage equality debate in the United States, praised by Library Journal as "beautifully and accessibly written. . . . An essential work." As a legal scholar who first argued in the early 1990s for a right to gay marriage, William N. Eskridge Jr. has been on the front lines of the debate over same-sex marriage for decades. In this book, Eskridge and his coauthor, Christopher R. Riano, offer a panoramic and definitive history of America's marriage equality debate. The authors explore the deeply religious, rabidly political, frequently administrative, and pervasively constitutional features of the debate and consider all angles of its dramatic history. While giving a full account of the legal and political issues, the authors never lose sight of the personal stories of the people involved, or of the central place the right to marry holds in a person's ability to enjoy the dignity of full citizenship. This is not a triumphalist or one-sided book but a thoughtful history of how the nation wrestled with an important question of moral and legal equality.

The AALS Directory of Law Teachers 2005

Widener law journal 2003

Same-Sex Marriage and the Constitution Evan Gerstmann 2008-02-25 The revised and expanded second edition of Same-Sex Marriage and the Constitution makes the case that the Constitution has long protected the right to marry, and that this

protection includes the right to marry a person of the same gender. No other book makes this argument. This book addresses other issues, such as why same-sex marriage is completely different, both practically and constitutionally, from polygamy and incest, and it debunks the myth that pro-same-sex marriage decisions have created a backlash against either gays and lesbians or the Democratic Party.

Speak Now Victor Marsh 2021-01-01 A collection of essays, reflections and personal stories from 'enthusiasts, acceptors, sceptics and hesitants' showing the passion and depth around the issue of same-sex marriage. Over thirty writers, a mix of activist and reflective voices, explore the legacy of the 2004 changes to the Australian Marriage Act, which now states - and which must be stated at every wedding - 'marriage is between a man and a woman'. CONTRIBUTORS: Dennis Altman AM, Barbara Baird, Andrew Barr and Anthony Toms, Michael Carden, Rodney Croome AM, Elaine Crump, Sharon Dane, Michelle Dicoski, Luke Gahan, Evelyn Gray, Ryan Heath, Lynne Hillier and Tiffany Jones, Crusader Hillis, Walter Jennings, Michael Kirby, Benjamin Law, Victor Marsh, Rev. Dorothy McRae-McMahon, Paul Martin, Alyena Mohummadally and Catherine Roberts, Chris Morgan, Wayne Morgan, Rev. Nathan Nettleton, Maria Pallotta-Chiarolli, Kerryn Phelps AM, Damien Riggs, Donald Ritchie, Wendell Rosevear OAM, Lulu Shapiro and Jannine Lockyer, Adiva Sifris and Paula Gerber, Peter Tatchell, Yantra de Vilder, Zenith Virago, Deb Wain, Kees Waaldijk, Tim Wilson, Tim Wright

A Citizen's Guide to the Constitution and the Supreme Court Morgan Marietta 2013-08-15 The U.S. Constitution is a blueprint for a free society as well as a source of enduring conflict over how that society must be governed. The competing ways of reading our founding document shape the decisions of the Supreme Court, which acts as the final voice on constitutional questions. This breezy, concise guide explains the central conflicts that frame our constitutional controversies, written in

clear non-academic language to serve as a resource for engaged citizens, both inside and outside of an academic setting. After covering the main points of conflict in constitutional law, Marietta gives readers an overview of the perspectives from the leading schools of constitutional interpretation--textualism, common law constitutionalism, originalism, and living constitutionalism. He then walks through the points of conflict and competing schools of thought in the context of several landmark cases and ends with advice to readers on how to interpret constitutional issues ourselves.

Gay and Lesbian Families Joan Nordquist 2000 Each bibliography includes a comprehensive list of the theorist's works and critical studies of these works in English. Each bibliography contains approximately 600 to 900 entries. Books, journal articles, essays within edited books (in the manner of Essay and General Literature) and dissertations are included. References are provided from a wide variety of disciplines and bibliographic sources. The primary purpose of each bibliography is to provide access to the widely reprinted primary works in English and the critical literature in a great variety of books and journals. The topical bibliographies include the authoritative works on the subject and are arranged in useful categories. The lively part of the modern/post-modern debate is generally taking place in alternative and left journals -- journals always included in the literature search in the compiling of the bibliographies.

Queer Necropolitics Jin Haritaworn 2014-02-03 This book comes at a time when the intrinsic and self-evident value of queer rights and protections, from gay marriage to hate crimes, is increasingly put in question. It assembles writings that explore the new queer vitalities within their wider context of structural violence and neglect. Moving between diverse geopolitical contexts - the US and the UK, Guatemala and Palestine, the Philippines, Iran and Israel - the chapters in this volume interrogate claims to queerness in the face(s) of death, both

spectacular and everyday. Queer Necropolitics mobilises the concept of 'necropolitics' in order to illuminate everyday death worlds, from more expected sites such as war, torture or imperial invasion to the mundane and normalised violence of racism and gender normativity, the market, and the prison-industrial complex. Contributors here interrogate the distinction between valuable and pathological lives by attending to the symbiotic co-constitution of queer subjects folded into life, and queerly abjected racialised populations marked for death. Drawing on diverse yet complementary methodologies, including textual and visual analysis, ethnography and historiography, the authors argue that the distinction between 'war' and 'peace' dissolves in the face of the banality of death in the zones of abandonment that regularly accompany contemporary democratic regimes. The book will appeal to activist scholars and students from various social sciences and humanities, particularly those across the fields of law, cultural and media studies, gender, sexuality and intersectionality studies, race, and conflict studies, as well as those studying nationalism, colonialism, prisons and war. It should be read by all those trying to make sense of the contradictions inherent in regimes of rights, citizenship and diversity.

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.

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.

Constitutional Stupidities, Constitutional Tragedies William N. Eskridge 1998-06-01 The Constitution is the cornerstone of American government, hailed as one of the greatest contributions of the Western Enlightenment. While many seem content simply to celebrate it, those most familiar with the document invariably find it wanting in at least some aspects. This unique volume brings together many of the country's most esteemed constitutional commentators and invites them to answer two questions: First, what is the stupidest provision of the Constitution? "Stupid" need not mean evil. Thus, a second, related question is whether the scholar-interpreter would be forced to

reach truly evil results even if applying his or her own favored theory of constitutional interpretation. The contributors include Lawrence Alexander, Akhil Reed Amar, Jack Balkin, Philip Bobbitt, Gerard Bradley, Rebecca Brown, Steven Calabresi, Lief Carter, Christopher Eisgruber, Lawrence Sager, Marie Failinger, Daniel Farber, James Fleming, Mark Graber, Stephen Griffin, Gary Jacobsohn, Randall Kennedy, Lewis LaRue, Theodore Lowi, Earl Maltz, Michael McConnell, Matthew Michael, Robert Nagel, Daniel Ortiz, Pamela Karlen, Michael Paulsen, Robert Post, Lucas Powe, Dorothy Roberts, Jeffrey Rosen, Frederick Schauer, Michael Seidman, Suzanna Sherry, David Strauss, Laurence Tribe, Mark Tushnet, and John Yoo.

Same-Sex Marriage Scott A. Merriman 2022-01-11 A valuable survey of a cutting-edge issue, this book outlines the history of same-sex marriage, explaining how politics and religion have intersected to decide and control who can legally marry. Marriage equality became law in the United States in 2015 with the Supreme Court ruling in *Obergefell v. Hodges*. Marriage is, strictly speaking, a secular ceremony, requiring only civil sanction. However, many couples also seek the blessing of a religious body upon their union, and not all religious bodies support marriage equality. Some oppose it outright and some support it outright, while others are divided. This work examines the issue of same-sex marriage in the U.S. and internationally. It surveys the attitudes of major religions towards same-sex marriage and also looks at leading and sometimes polarizing personalities, like politician Pete Buttigieg and Kentucky clerk Kim Davis, who exemplify both the religious and political sides of the issue. The book's A-Z organization makes it easy for readers to locate important court cases, individuals, religious bodies, and social movements at the center of the same-sex marriage debate.

State High Court Judges Tara Wynn Stricko-Neubauer 2008 "This research examines how state high court decisions are affected by institutional and environmental factors ... explore[s] the degree to

which judges' decisions are constrained due to threats posed by other actors, both elite and mass, in their environment"--P. vi.

The Morality of Gay Rights Carlos Ball 2014-04-08 In *The Morality of Gay Rights*, Ball presents a comprehensive exploration of the connection between gay rights and political philosophy. He discusses the writing of contemporary political and legal philosophers-including Rawls, Walzer, Nussbaum, Sandel, Rorty and Dworkin-to evaluate how their theoretical frameworks fit the specific gay rights controversies, such as same-sex marriage and parenting by lesbians and gay men, that are part of our nation's political and legal debates.

[The Challenge of Same-Sex Marriage](#) Mark Strasser 1999-09-30 In November 1998, the Hawaii and Alaska electorates voted to amend their state constitutions so that same-sex marriages would not have to be recognized. Rather than end the controversy surrounding same-sex marriages, the passage of these amendments will only spur more litigation, because the referenda themselves implicate constitutional guarantees and because amending a state constitution cannot lessen federal constitutional protections. Since same-sex marriages promote many of the same individual and state interests that opposite-sex marriages do, states will be unable to justify their same-sex marriage bans if those rationales are closely examined. When challenged, the recent constitutional amendments in Hawaii and Alaska may well be held unconstitutional by the state supreme courts on federal constitutional grounds, although ultimately the United States Supreme Court will likely be asked to resolve the relevant issues. Suppose that state same-sex marriage bans are held not to violate federal constitutional guarantees, but that one state nonetheless recognizes such unions. The other states will be permitted to refuse to recognize marriages celebrated in that state only if certain conditions have been met. Contrary view notwithstanding, the law of nature exception will not apply in this case. Further, even the Defense of Marriage Act will likely not afford states the

right to refuse to recognize any and all same-sex marriages validly celebrated in sister states.

Principles Matter Carlos A. Ball 2021 Federalism before Trump -- Federalism during the Trump era and beyond -- The presidency before Trump -- The presidency during the Trump era and beyond -- The First Amendment during the Trump era and beyond.

Gewirthian Perspectives on Human Rights Per Bauhn 2016-03-22 Gewirth's theory of human rights has made a major contribution to philosophy. In this edited collection, contributors from a broad range of disciplines discuss the theoretical and practical application of Gewirthian theory to current world issues. Case studies highlight mental health, the LGBT community, intellectual disabilities, global economic inequality, and market instability to provide a truly interdisciplinary study. This important contribution to human rights scholarship provides a platform for further discussion of Gewirthian theory. It will be of interest to those researching moral, legal, and political philosophy, as well as policy makers, social workers, and medical staff.

Taking Sides George McKenna 2005 Presents a collection of twenty-one controversial debates on political issues covering topics such as political campaigns, liberal bias, filibusters, capital punishment, gun control laws, racial profiling, tax cuts, gay marriages, and more.

American Federalism and Individual Rights Stephanie Mora Walls 2021-02-15 The protection of individual rights and the division of power between the national government and the states are core principles upon which American governance is built, but how well do these concepts work together and to what extent could they be at cross purposes? *American Federalism and Individual Rights* presents both of these founding concepts and explores their compatibility through policy-specific studies, including civil rights, education, marriage equality, and physician-assisted death. Written for anyone interested in American politics, the author presents all of the foundational information one would

need to make their own assessment of how federalism works to either promote or undermine the protection of the individual in these policy areas along with suggestions for further study.

Judicial Activism Vs. Democracy United States. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution, Civil Rights, and Property Rights 2005

Same-Sex Marriage and American Constitutionalism Murray Dry 2017-12-12 The two-decades-long controversy over same-sex marriage in the United States was finally resolved on June 26, 2015, when the U.S. Supreme Court handed down its decision in *Obergefell v. Hodges*, which held that the Fourteenth Amendment's Due Process and Equal Protection Clauses required states to allow same-sex couples to marry on the same terms as opposite-sex couples. Under our American system of government, divisive and often abiding disputes may be resolved either through legislation or judicial decisions. In *Same-Sex Marriage and American Constitutionalism*, Murray Dry explains why the process by which Americans arrive at these resolutions can be as important as the substance of the resolutions themselves. By taking up the question of same-sex marriage, Dry excavates the bases of why and how Americans decide as we do (and as we have done when major questions arose in the past; think: school integration, abortion, gun control, and campaign finance). As Professor Dry retraces the path that same-sex marriage took as it wended its way through the political (that is, the legislative) process and through the court system, he finds a vivid framework for the question, "Who should decide?" It's a question often overlooked, but one that Dry believes should not be. He argues convincingly that it does matter whether the Supreme Court or the legislature makes the final decision—so that court-mandated law does not threaten democratic representative government, and so that legislation does not trample on fundamental constitutional rights.

Sex and the Constitution Geoffrey R Stone 2018-07-03 A New

York Times Book Review Editors' Choice Selection A "volume of lasting significance" that illuminates how the clash between sex and religion has defined our nation's history (Lee C. Bollinger, president, Columbia University). Lauded for "bringing a bracing and much-needed dose of reality about the Founders' views of sexuality" (New York Review of Books), Geoffrey R. Stone's *Sex and the Constitution* traces the evolution of legal and moral codes that have legislated sexual behavior from America's earliest days to today's fractious political climate. This "fascinating and maddening" (Pittsburgh Post-Gazette) narrative shows how agitators, moralists, and, especially, the justices of the Supreme Court have navigated issues as divisive as abortion, homosexuality, pornography, and contraception. Overturning a raft of contemporary shibboleths, Stone reveals that at the time the Constitution was adopted there were no laws against obscenity or abortion before the midpoint of pregnancy. A pageant of historical characters, including Voltaire, Thomas Jefferson, Anthony Comstock, Margaret Sanger, and Justice Anthony Kennedy, enliven this "commanding synthesis of scholarship" (Publishers Weekly) that dramatically reveals how our laws about sex, religion, and morality reflect the cultural schisms that have cleaved our nation from its founding.

Diversity in Contemporary American Politics and

Government David A. Dulio 2009 Organized to follow the structure of a standard introduction to American politics text, this unique reader highlights the role of diversity in U.S. politics through exploration of engaging, contemporary political issues. Based on the thesis that demographic diversity in America plays an important role in political outcomes and policy processes, this reader covers a wide range of contemporary issues and encompasses a myriad of group cleavages. Carefully selected readings from both academic and popular sources, in conjunction with introductions by the editors and end of chapter resources, present complex issues in an accessible, engaging way.

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