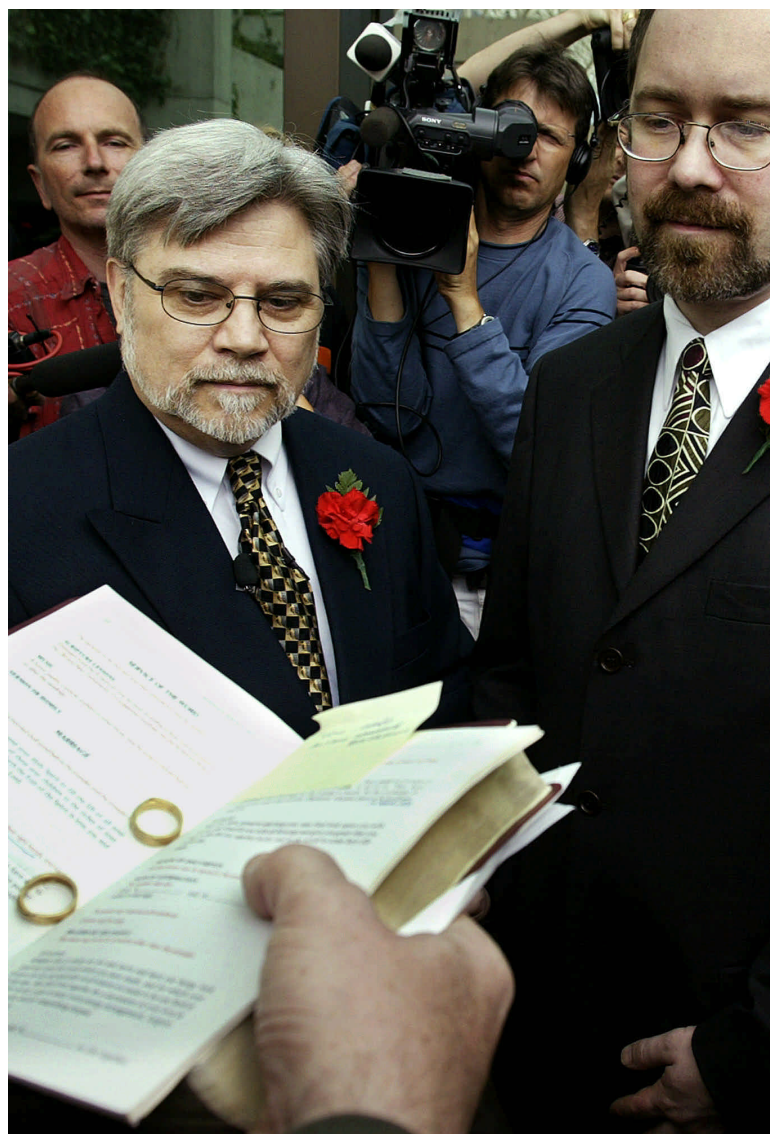


# A MATTER OF MATRIMONY

## Should the Constitution be amended to prohibit same-sex marriage?

*This past fall the Massachusetts Supreme Judicial Court ignited a national debate when it ruled that same-sex couples have a right to marry under that state's constitution. That constitution, the court declared, "affirms the dignity and equality of all individuals. It forbids the creation of second-class citizens."*

Proponents of the 4-to-3 decision hailed it as a civil rights victory for same-sex couples, confirming that they have the same right to enter into civil marriages as do other couples. The ruling, they said, ended a discriminatory practice that denied to same-sex couples the benefits of marriage that opposite-sex couples now enjoy. But critics of the ruling said it violated the principle that marriage is a sacred union between a man and a woman. They maintained that the main purpose of marriage is bringing up children and that the state should uphold traditional marriages as the best way to do this.



Courtesy of Corbis

The Massachusetts high court's decision has generated fierce controversy across the nation. In Washington, DC, some members of Congress have renewed calls for an amendment to the U.S. Constitution specifying that "marriage in the United States shall consist only of the union of a man and a woman." If ratified, this amendment would make it illegal for states to allow or recognize same-sex marriages. But ratification of such an amendment could take years. In the meantime, as a political, legal, and social issue, same-sex marriage is likely to figure in the upcoming presidential campaign.

## Should the Constitution be amended to prohibit same-sex marriage?

### YES

- 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 rights through legal contracts or civil unions, but marriage is a special institution that should be reserved for a man and a woman.
- Congress should act to prevent activist judges from redefining the institution of marriage.

### NO

- 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.
- The authority to define and regulate marriage traditionally has been reserved to the states, not the federal government.