

Federalism critical thinking examples

[Sociology](#), [Social Issues](#)



The question of marriage as an institution may be one of the messiest, when it comes to deciding the appropriate forum for regulating just who can enter into it. Traditionally, marriage has been restricted to couples of one man and one woman, but in recent years several states have permitted gay and lesbian couples to marry. Because the U. S. Constitution leaves to the states all matters not specifically assigned to the federal government's responsibility, marriage has just been one of the many areas that state governments have overseen.

However, a constitutional amendment has been proposed to limit marriage to the male/female definition. Before discussing whether or not this is a state or federal issue, it is worth asking whether or not government should regulate marriages at all. After all, for many, marriage is an expression of religious values – and for some (although this is a small minority), their religious values involve polygamous marriages. However, that arrangement is currently illegal in the United States. The question of whether restricting marriages to monogamous unions violates the freedom of religion protections, under the First Amendment, is a valid one.

Regarding the debate of having states versus the federal government regulating access to marriage licenses, though, the only other amendment based on a purely moral issue was the prohibition of the manufacture of alcoholic beverages – and that was swiftly repealed, when the mob filled the gap left by reputable manufacturers, and the government lost the revenues that came from taxing the sale of alcohol. The framers were leery of centralized power, and while there have been beneficial additions to the federal scope of power, such as the regulations put in place by the

Commerce Department and the oversight by the Department of Education, putting the federal government in charge of limiting who can get married does not pass constitutional muster. Once that door is open, then all areas of morality are fair game.