

# Gay marriage and the constitution essay

[Family](#), [Marriage](#)



Gay Marriage and the Constitution Amberlee Ozment Axia College of University of Phoenix Gay Marriage and the Constitution Is it okay to not believe in gay marriage, yet at the same time support the constitutional rights of life, liberty and pursuit of happiness for homosexual couples? Even though most churches' beliefs conflict with marrying same-sex partners, government should not deny a person's right to their happiness; because any person, no matter race, color, sex, religion or sexual orientation, should be allowed to exercise their constitutional rights as Americans to pursue their happiness; and married gay couples should be able to have a spectrum of rights and benefits if their gay partnership is legalized.

Equal Rights? The constitution states that all men are equally free and independent. Then how is a gay couple that cannot be legally married mirrored to a heterosexual couple with a legal marriage? They cannot. Author Michael Seidman explains equality well when he states, " Equality means treating people similarly to the extent that they are the same, but differently to the extent that they are different. " (Winter 2008) Since there is no specific line between same and different, it makes distinguishing who does and does not get equal treatment difficult and fragile.

Being gay is dissimilar for a great deal of people. Yet, yearning for a partner in life and sharing a love and bond with someone is not so far removed from any given person. The goal for most people in their lifetime is to obtain what they desire. In this instance, the discrepancy between heterosexual and homosexual suddenly becomes not so estranged. It is not so uncommon to want to find someone and extend a life of love, children and togetherness. When the courts realize that gay marriage is a matter of equal protection, <https://assignbuster.com/gay-marriage-and-the-constitution-essay/>

rather than choosing a side in the cultural war (Seidman), they will discover the true meaning of freedom.

Gay people in America will no longer be oppressed by the government. Of course there will be many people opposed to the idea of gay marriage, just as people who are against interracial marriage or a certain race altogether. But, given that the government backs the rights of gay marriage, gays will be liberated and supported.

The following table is a poll that presents the fact that while many Americans do not support gay marriage, they do support gay rights. (Jones, 2009) [pic] Several Americans are in support of gay couples and their rights, but speak of marriage and a vast amount of citizens will immediately resist the idea. One of the main reasons for this is because the main religion in America is Christian; as well this religion is the grounds of what America was built. Church vs. Gays Christianity is the foundation from which America was founded. So, it goes without saying that many Americans are Christian or of the many sorts of the religion. Most religions proclaim the fact that marriage encompasses one man and one woman. Hence, the reason for such a strong opposition to gay marriage in America provided the many, many Christians in the nation.

Yet, people have compassion for others and therefore would support gays in a domestic partnership, as long as they do not hold the title of being married. Forcing a religious belief or someone else's morals and views on anyone is not only in the wrong, but goes against the American way. Pursuing ones happiness should not constitute warfare with the Church and

all who have a set of religious views that excludes gays from being married. Furthermore, being a citizen should encompass not only being free to practice religion, but to be free from religion as well.

Many people who are asked why they do not support gay marriage, it is because it goes against their religion or beliefs. This argument alone is unjustified, unfair and downright illogical. Does this mean if a majority of citizens of the United States does not believe in Catholicism that we all should ban any public practices of the religion? Time has proved that the modernization of today's citizens has progressively included more and more gay couples. How long must gays fight for equal rights that they were given at birth as a legal citizen of America? If gay marriage is legalized, this would mean a restructuring for employers. Benefits and Rights If gay marriage is legalized, employers would therefore be affected. Affected in the way that benefits available to married heterosexuals will then be the same for married gay couples. In the event of legalizing gay marriage, same-sex married couples will be given a range of benefits that include employee benefits, inheritance and real estate rights, child custody, emergency health care procedures and tax laws. (Kuiow, Spring 2001) There are some employers that currently give domestic partners benefits, at their discretion.

However, because there is not a final document of proof that a gay couple is indeed domestic partners, it makes it difficult for employers and others to determine what constitutes as a gay partnership. How does one go about in proving that they do in fact have a spousal equivalent in a same-sex relationship, rather than just a roommate? Granting gays the right to

marriage or the equivalent of being married without the Church being involved would open up numerous solutions and put the gray areas of gay relationships to rest. ResolutionAs the numbers of gay couples have risen exuberantly in the last two decades, they no doubt will not recede. Thus, knowing someone who is gay and experiencing some kind of a relationship with a gay person is more likely to come into play in today's society. Another survey shows that knowing a homosexual does in fact have an impact on the view of whether or not gay relations should be legal. (Morales, 2009) [pic] Having a gay friend would most likely increase the support for gay rights and marriage because of a compassion one would have for another. In general, people are afraid of the unfamiliar and unknown.

When some people think of gay couples, they think of sexual innuendos and perversion. Gay relationships go far beyond the bedroom. The connection between two people, no matter their gender, can be undeniable. Legalizing same-sex marriage would create a crook with persons of the church who would be subjected to marry gays whether they wanted to or not because the legalization would cause a waterfall of clauses and laws to protect gays and their right to marry. Many churches are afraid if gay marriage is legalized, they will be forced to marry same-sex couples out of fear of being sued for discrimination. Separating the Church from the state would prove to be a fix-all solution to the deafening objection of the Church to marry gay couples. Conceding a legal document known as a civil union by the state instead of the Church would relieve any and all ministers of having to marry gay couples. (Eschen-Pipes, Fall 2004) Further, giving a civil union document

would be the equivalent to a marriage certificate with the same rights as a heterosexual married couple.

This would also give employers and others involved in needing proof of a partnership a physical document as verification for access to married benefits. Being persecuted because of sexual preference, even by the majority of peoples' beliefs, is wrong and un-American. Disagreeing with the way someone chooses to live does not grant the government or the people to judge and discriminate against based on their own beliefs and opinions. Hypocrisy is someone who shouts, " Let freedom ring! " then turns around and denies a fellow citizen their long-established American rights. Although most churches' beliefs conflict with marrying a homosexual couple, government should grant a civil union certificate and not deny same-sex couples' right to pursue their happiness for two main reasons. First, married gay couples should no longer have to be subjected to someone else's beliefs, morals and values. They should have the right to marry whomever they wish, regardless of gender preference. Continuing to deny a person the rights given to them at birth is uncouth and unacceptable.

Most importantly; any person, no matter their sexual orientation, should be allowed to exercise their constitutional rights as Americans and pursue what they deem as happiness. References (Eschen-Pipes K Fall 2004 Church and state: A trial separation)Eschen-Pipes, K. (Fall 2004). Church and state: A trial separation.

In Network News (4th ed. , Vol. 24, pp. 14-14).

Woodbury, MN: Witherspoon Society. (Jones J M 2009 Majority of americans continue to oppose gay marriage) Jones, J. M. (2009). Majority of Americans continue to oppose gay marriage. In Washington D.

C. : Gallup poll news service (pp. 1-1). Washington D. C. : (Kuiow M D Spring 2001 Same sex marriages: How will they impact employers? ) Kuiow, M. D.

(Spring 2001). Same sex marriages: How will they impact employers? In Journal of employment discrimination law (2nd ed. , Vol.

3, p. 93). Riverwoods, IL: CCH Incorporated. Morales L 2009 Knowing someone gay/lesbian affects views of gay issues) Morales, L. (2009). Knowing someone gay/lesbian affects views of gay issues. In Washington D. C.

: Gallup poll news service (pp. 1-1). Washington D.

C. : (Seidman L M Winter 2008 Gay sex and marriage, the reciprocal disadvantage problem, and the crisis in liberal constitutional theory) Seidman, L. M. (Winter 2008). Gay sex and marriage, the reciprocal disadvantage problem, and the crisis in liberal constitutional theory.

In Harvard Journal of Law & Public Policy (1st ed. , Vol. 31, pp. 135-150). Cambridge, MA: