

Analyzing the effects of same-sex marriage

The U.S. Supreme Court's recent *Obergefell v. Hodges* decision to legalize gay marriage nationwide made many people very happy. But it also made others sad, angry, or afraid. Negative opinions are split, between the Court's exceeding its authority, and assorted violations of religious, individual, and states' rights. Let's analyze the effects, to see if the complaints are justified.

Let's begin with the Court's authority. Forms of marriage vary within limits set by people and their chosen spiritual leaders, some of them more flexible than others. However, the Supreme Court has the constitutional duty to establish justice for *all* the people; it may not look the other way when some Americans are arbitrarily denied rights granted to the rest.

Government uses exclusive lifetime contracts of mutual commitment between two consenting adults to set tax rates, rights of visitation and inheritance, and other legal standards. Whether these contracts involve procreation and child-rearing may well be a rightful concern of some religions—but not of government. It is the Court's concern only that all functionally similar contracts be treated justly and equally under civil law, with all pertinent legal rights and obligations intact. Moreover, states must uphold this equality of justice; under Amendment XIV of the Constitution, states have no right to abridge or deny justice.

Obergefell officially affirms equal justice. It does not create any new laws. It simply applies existing law to all contracts of mutual commitment between consenting adult couples, ensuring that their lifetime agreements remain valid, and their implied legal rights uniform, regardless of where a contract is established or where the couple might subsequently move within the United States.

As to violating the rights of religions, individuals, and businesses, some say the ruling

denies religion the right to define marriage according to its scriptures and traditions. Not so. Any religion may still define marriage to fit its own standards (indeed, some already include same-sex marriage), and may refuse to marry any couple not conforming to its standards. However, any congregants who disagree with their religion's standards are free to change religions, start a new religion, or reject religion altogether. This is the nature of religious freedom. **It does not imply the power to impose taboos of any religion upon the general public; this is forbidden by the establishment clause of the First Amendment.**

Some say their own religious rights are violated. Yet they are free to attend any house of worship, believe as they wish, and conduct their lives accordingly—rights all Americans enjoy. Still, some claim to be morally bound not to deal with people who hold and practice other beliefs. Really? Leviticus forbids homosexual acts, planting multiple crops in a field, blending fabrics, eating pork, and other “sins.” **Fortunately, it does *not* forbid doing business with sinners—else we would all be out of business! Except for religious institutions, in America there is no right to require compliance with any faith as a condition of hiring or doing business. Anyone whose personal beliefs and professional duties are at odds is in the wrong profession.**

Finally, some say gay marriage endangers traditional marriage. But gay marriage has been legal in some countries for years, with no adverse effects upon traditional marriage. The main danger to traditional marriage remains traditional divorce, and all the traditional grounds for it.

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