

## On Marriage Equality Full Comment

*Dana Eilers*

Author, [Pagans and the Law](#)

"On Friday, June 26, 2015 at the opening of Gay Pride, the United States Supreme Court has affirmed the great American Experiment, which is the separation of church and state, by holding conclusively that although religions may refuse to marry to persons of the same gender, the state/government may not. Writing the majority opinion in the case of Obergefell v. Hodges, Justice Kennedy presented the express holding of the Court: 'These considerations lead to the conclusion that the right to marry is a fundamental right inherent in the liberty of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth Amendment couples of the same-sex may not be deprived of that right and that liberty. The Court now holds that same-sex couples may exercise the fundamental right to marry. No longer may this liberty be denied to them.'

"Critically, the majority of the Court found that the opponents of gay marriage had failed to provide any foundation for the dire outcomes which gay marriage opponents so often assert. This, to me, is crucial: there was, apparently, no proof offered to support the awful predictions made by the opponents of gender equality in marriage. Proof and evidence are not yet dead in American courts.

"The Court touched upon adoption, infertility, families, and children. In each instance, the Court set forth the reasons why equality in marriage must advance with the times, rather than wallow in the past. Marriage is not just for fertile couples, and children of gay parents must not live in stigma. Additionally, the Court pointed out the many benefits and privileges afforded by the state/government to married persons. Married gay people now possess these benefits and privileges.

"The holding in this case spotlights a complete, flat out victory for proponents of gay marriage. No more shilly-shallying about. This issue is over and now, if the gay activists are smart, they will head for the EEOC and the civil rights commission in states which do not afford statutory protections to gay people.

"Justice Kennedy presented a long historical dissertation of the history of marriage both in society and in American jurisprudence. Looking at this, future generations will certainly ask why this took so long."