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ENG 102 / Summer12

June 17, 2012

Assignment 5: Odyssey II: Locating Books

**Comment [C1]:** MLA Style Heading. Double spaced.

**New Words:** DOMA, same-sex marriage, gay rights, gender discrimination,

**Comment [C2]:** New Word List. List at least five new words.

**Book 1 Title:** *Modern Family Law: Cases & Materials* (9780735524002)

**Comment [C3]:** Find two (2) books that relate to your topic. First book.

**Section 1:** State Regulation of Entry into the Marital Relationship: Same Sex Goodridge vs. Department of Public Health (pp. 160-161)

**Comment [C4]:** Use the index or table of contents in each book to locate material of interest to you. List those sections (at least two) by title and length of section on your paper with the book title on the top.

**Summary:**

In 2003, the state of Massachusetts, set precedence that discriminating against same-sex marriage is unconstitutional. In coming to this decision the court stated that their decision was not reflective of moral, religious, or ethical reasons, instead, its attempt was to make a decision based upon the constitution of the state of Massachusetts: "Our obligation is to define the liberty of all, not to mandate our own moral code." Lawrence v. Texas, 123 S. Ct. 2472, 2480 (2003), quoting Planned Parenthood of Southeastern Pa. v. Casey, 505 U.S. 833, 850 (1992). Brought before the court were 14 cases of same-sex couples seeking to be married under the law, but could not legally due to legal acceptance of the norm that marriage is the union of one man with one woman. The individuals sought not only economic and financial benefits that arose through marriage, but also the psychological solidarity attained in both private and social realms.

**Comment [C5]:** Summarize what you have learned from the chosen sections from the first book

**Discussion:**

This section illustrates directly how the Supreme Court should view the topic of same-sex marriage; not morally, ethically, or religiously, but constitutionally. DOMA, government regulation of marriage, does not take a decisive stance. Rather it sits in the middle waiting to see what individual states will do. Constitutionally there is no argument against same-sex marriage, however, religiously, ethically and morally there are many reasons to protest. Therefore, this passage solidifies my argument that personal opinions of government incumbents prevent the legalization of same-sex marriage.

**Comment [C6]:** Read your summaries and paraphrases that you wrote. Now write about how each summary and paraphrase relates to your topic. Discuss briefly how each piece of material (summaries and paraphrases) influences your thinking about your topic and how you can possibly use it in your final documented essay.

**Book 1 Title:**

*Modern Family Law: Cases & Materials* (9780735524002)

**Section 2:** Getting Married: Substantive and Procedural Regulations, Loving vs. Virginia (pp. 139-144)

**Comment [C7]:** 2<sup>nd</sup> section from book 1.

**Summary:** In the case of Loving vs. Virginia, a white man and a black woman married in Washington D.C., in 1958. They returned to their state of residence, Virginia, which at

the time did not recognize inter-racial marriages. They were found guilty on accounts of breaking the inter-racial marriage ban and jailed for one year. The justice residing over the case stated it was God's intent to keep the races separate:

“Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix. . . .” (141)

Such a view at the time was acceptable due to the relative time period and proximity to slavery and its practice. It was later ruled by the Supreme Court that if and whom an individual chose to marry, despite racial backgrounds, is the sole decision of the individual, the state had no bearing in regards to the privacy rights of the individual.

**Discussion:**

There is no argument as to the religious beliefs of the acting judge. It illustrates how religion seeps into government, whether intentional or not. However, at the time such a view was not out of the ordinary and it was acceptable. The Supreme Court later overturned this sentence and ruled that state marriage bans based upon race were unconstitutional. Part of the issue in legalizing same-sex marriage is parallel to the notion of overcoming inter-racial barriers in marriage. The religious ties associated with the two theories of thought are inseparable at this point in time.

**Book 2 Title:** *Family Law Update*

**Section 1:** The Year of Same-Sex Marriage: How It Happened (p. 5)

**Original Passage #1:**

“The law continues to acknowledge the fact that for many people religion has a place of primacy in marriage by expressly authorizing ministers of religion to solemnize the marital union. But over the centuries, the concept of civil marriage gradually developed a separate identity from religious or sacramental marriage. This occurred because the law of civil marriage created numerous civil and legal rights and liabilities independent of religion. These included, for example, property and inheritance rights, tax benefits, immigration status, property assignment, alimony in divorce cases, etc.”

**Paraphrase:**

Due to the evolution of marriage, many people conceive of it today as being founded in religion. The government recognizes what religious authority has sanctified. However, the two institutions have disconnected interpretations regarding the intent and purposes served by marriage. While religious marriage points to a man and a woman and their union in relationship to an ethereal being, civil marriage marks a union between couples with regards to legal accountability.

**Discussion:**

In relation to my topic, this paragraph illustrates the different interpretations of marriage from a religious and civil perspective. It introduces the idea that marriage delineates in

**Comment [C8]:** Find two (2) books that relate to your topic. 2<sup>nd</sup> book.

**Comment [C9]:** Paraphrase 2 small sections from chosen material from the second book. Indicate on your paper whether you are summarizing or paraphrasing.

**Comment [C10]:** Be sure to type out the original for paraphrases on your assignment.

**Comment [C11]:** Read your summaries and paraphrases that you wrote. Now write about how each summary and paraphrase relates to your topic. Discuss briefly how each piece of material (summaries and paraphrases) influences your thinking about your topic and how you can possibly use it in your final documented essay.

definition depending on which angle it is viewed from. Since there are two different interpretations of it, the government needs to establish which angle it is viewing marriage from. If the government takes a stance on the topic based on the Constitution, same-sex marriage would be legally accepted.

**Book 2 Title:** *Family Law Update*

**Section 2:**

**Passage #2:**

“An issue which will no doubt arise with some frequency is how one state should treat the status of a person who entered a legal same-sex union in another state. Conflicting resolution of such a question will no doubt become frequent in the coming years, as reflected in how states addressed the issue in the civil union cases. A New York court ruled that a partner in a Vermont civil union is treated as a surviving spouse under New York law in a wrongful death action, in part because equal protection would require the state to treat such unions just as it gives recognition to common law marriages formed in other states which would not be legal if formed in New York.<sup>56</sup>” (9)

**Paraphrase:**

Individual states are now either choosing to recognize same-sex marriage or deeming it illegal. This brings up the question of how inter-state recognition of same-sex marriages will be viewed in civil cases as they become more apparent. While the state of New York has sided with recognizing out of state same-sex marriages, but not if the same-sex marriage license were obtained in New York (Since this article, New York now recognizes same-sex marriages) there are many other states that will not.

**Discussion:**

This passage brought up an important part of my topic which I had originally failed to see; the future of same-sex marriage. There is much debate about it currently and slowly but surely, states are beginning to advocate same-sex marriage in terms of legal perspective. There are still many states who oppose, however, the number of states who have come to accept it are growing.

This passage brings up inter-state recognition of same-sex marriage and the conflicts of interest. Enough time has not passed for states to decide how each will recognize or not recognize each others' acceptance of same-sex marriage. DOMA is major impediment for the succession of same-sex marriage. The federal government has given individuals states the liberty to not recognize same-sex unions. Many states, after much deliberation, have ruled that discriminating against same-sex marriages is unconstitutional and yet the federal government continues to support its own stance, against. This forecasts a hodgepodge of legal rewrites.

**New Sources**

**Book 1:** *Modern family law cases & materials.*

**Comment [C12]:** Check the bibliography, Works Cited page, or footnotes in each book and find titles that you can relate to your topic. List two of these from each book: four in all. If your book doesn't have any, then find a book that does.

**New Sources:**

- 1) Boston, Mass. *Improper Bostonians: lesbian and gay history from the Puritans to Playland*. Boston: Beacon Press, 1998. Print.
- 2) Sullivan, Andrew. *Same-sex marriage, pro and con a reader*. Rev. and updated ed. New York: Vintage Books, 2004. Print.

**Book 2: Family Law Update**

**New Sources:**

- 1) Wallenstein, Peter. *Tell the court I love my wife: race, marriage, and law : an American history*. New York: Palgrave Macmillan, 2002. Print.
- 2) Kindregan, Charles P.. *Same-sex Marriage The Cultural Wars and the Lessons of Legal History*. Boston, Ma.: Suffolk University, Law School ;, 2004. Print.

**Working Bibliography**

**Comment [C13]:** Record the full bibliography information from the two books found using *MLA format*.

Anderson, Bart. *Improper Bostonians: lesbian and gay history from the Puritans to Playland*. Boston: Beacon Press, 1998. Print.

Garrow, David J.. "Toward a More Perfect Union - New York Times." *The New York Times*. N.p., 9 May 2004. Web. 17 June 2012.  
<<http://www.nytimes.com/2004/05/09/magazine/toward-a-more-perfect-union.html?pagewanted=all&src=pm>>.

Kindregan, Charles P.. *Same-sex Marriage The Cultural Wars and the Lessons of Legal History*. Boston, Ma.: Suffolk University, Law School. 2004. Print.

Kindregan, Jr., Charles P.. "1." *Family Law Update*. S.l.: Aspen Publishers, 2005. 1-9. Print.

Lobdell, William, and Teresa Watanabe. "Government and Religion." *David Ross, one of the last living liberals*. N.p., 7 June 2012. Web. 7 June 2012.  
<[http://www.rossde.com/editorials/edtl\\_churchnstate.html](http://www.rossde.com/editorials/edtl_churchnstate.html)>.

Stritof, Sheri & Bob Stritof. "History of Marriage." *How Marriage Has Evolved*. N.p., 7

June 2012. Web. 7 June 2012.

<<http://marriage.about.com/cs/generalhistory/a/marriagehistory.htm>>.

Sullivan, Andrew. *Same-sex marriage, pro and con a reader*. Rev. and updated ed. New York: Vintage Books, 2004. Print.

Wallenstein, Peter. *Tell the court I love my wife: race, marriage, and law: an American history*. New York: Palgrave Macmillan, 2002. Print.

Weisberg, D. Kelly, and Susan Frelich Appleton. "3." *Modern family law cases & materials*. New York, NY: Aspen Publishers Inc., 2003. 139-161. Print.

MLA formatting by BibMe.org.

**Comment [C14]:** Recommended, but not required. Add these sources to your Bibme project.