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Gay rights, civil rights

The debate over same-sex marriages should focus on equality under the law

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Rarely does a court ruling in one state have such heavy implications for the laws and mores of another as the decision in Massachusetts last week that gays are as entitled as heterosexuals to the rights of marriage and must assume all the responsibilities that come with it. New York had best take notice.

Any attempt to continue to deny the benefits or to ignore the responsibilities associated with a legally recognized union between two people -- such as presumed inheritance, health insurance and responsibility for the care of children in their charge -- would, most likely, be no more successful in court here than in Massachusetts.

The question is how to best guarantee such equality. Vermont took a bold step three years ago in response to a similar court ruling there by enacting a civil union law. Only what was meant to be a solution has become more of an impediment to fully resolving a critical matter of civil rights.

A civil union license and a marriage license sound different, surely. Yet they actually apply the same laws, albeit under different names. It's those names, in turn, that leave politicians in an awkward debate that's best conducted outside of government. Two names for the same institutions inevitably create at least a perception of inequality.

The civil rights that now come with the binding contract of marriage are properly the business of the state. The more exact nature of that arrangement -- the tradition, sanctity and spirituality of marriage -- is best left to others. A society so concerned, and rightly so, about the separation between state and church ought to absolve government from the seemingly impossible task of defining and regulating religious beliefs about marriage itself.

Government, of course, would have to enforce laws such as those prohibiting minors from entering into such civil contracts.

None of this, obviously, would be easy. Wrenching is a better way to define what would be involved with bringing such clarity to the law. For so many people, marriage is the one institution that must be preserved above all.

Some believe marriage between two members of the same sex is sinful, and others believe some marriages involving divorced heterosexuals are sinful. They have a right to their beliefs, it goes without saying, as do those who disagree with them. But is it in either circumstance a matter for government to decide? We think not.



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Any law that denies civil rights on the basis of sexual preference can only mean one thing above all. It can only mean everyone's rights are ultimately in jeopardy.

Whether they call it a marriage or a civil union, or by any other name, we urge legislators in Massachusetts and New York as well to demonstrate the courage to ensure equality under the law -- and avoid creating even a perception of inequality, as is the case in Vermont.

Like it or not, a marriage license is a civil union license.

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