

Elizabeth Burney

ENGL 102

20 June, 2012

Assignment 6: Odyssey II - Locating Periodicals

Comment [C1]: Correct MLA heading and page numbering.

A. The New Word List:

Comment [C2]: The New Word list produced before and during the search process. Add new words to this list.

SSM debate, conservative, responsibilities, legislation, incumbents, DOMA, same-sex marriage, gay rights, gender discrimination

B. The following are new citations:

Comment [C3]: Copy of the bibliography citations for the four articles (4). These will need to be listed using the MLA format.
1. Two journal articles (this is a must)
2. Two magazine or newspaper articles (Do not hand in the full text of four articles- just the citations)

1. Failingier, Marie A.. "Sex and the Statehouse: The Law and the American Same-Sex Marriage Debate." *Dialog: A Journal of Theology* 48.1 (2009): 19-29. Print.
2. Schacter, Jane S.. "Ely at the Altar: Political Process Theory Through the Lens of the Marriage Debate." *Michigan Law Review* 109.8 (2001): 1363-1411. Print.
3. Lucey, Donna M.. "The Right to Love." *Humanities* Jan. - Feb. 2012: 14-17. Print.
4. "Excerpts From the Massachusetts Ruling." *New York Times* 19 Nov. 2003: A27. Print.

C. Why each article is of interest to me:

Comment [C4]: Write why each citation has interest for you and how it might contribute to your argument essay. Be specific. Be sure to identify which article you're referring to above each paragraph. Write 3-5 sentences for each citation.

1. **Journal 1:** "Sex and the Statehouse: The Law and the American Same-Sex Marriage Debate."

This citation contributes to my argument essay because it looks at the personal belief systems of the judges presiding over cases inclusive of same-sex marriages. In the court system, judges are faced with the decision of proclaiming what is right and wrong. In this article, Failingier questions whether the decision making capacity of

judges can be fully secular, especially when moral codes are guiding factors in their rulings. Faced with the same question, a moral decision can take different routes depending upon the personal and/or theological views of the individual presented with the dilemma and those the incumbent feels he is arguing for. Therefore, the decision of judges banning same-sex marriage in some states and not others portrays a correlation to their own moral perspectives.

2. Journal 2: “Ely at the Altar: Political Process Theory Through the Lens of the Marriage Debate”

This citation is of importance to me because Schacter asks: which body of people(s) “should decide who may marry.” Since the debate over same-sex marriage originated in Hawaii, there has been a domino on other states. Cases regarding the topic have been in and out of courts, gaining approval from state courts, only to be repealed by electorates, and brought back to the court system and banned by judicial bodies. Clearly there are many moral viewpoints at odds in this debate. Ultimately, who should decide whether a man and a man or a woman and a woman or a man and a woman can marry, if any, other than the individuals personally involved in the decision?

3. Newspaper 1: “The Right to Love”

I thought that this was an important article to use in my research paper, because it cites a specific example in U.S. history, of personal religious views of the incumbent having a direct effect on the personal freedoms of two individuals, Richard Loving and Mildred Jeter. The couple was jailed for marrying outside their races – Richard was white and Mildred was black. The judge’s reasoning stated that it was not God’s intent to have the races mix; had that been His ultimate plan, races would not have been

separated on different continents. Historically, this case illustrates the seepage of personal religious views of the incumbent into government regulation of marriage. While this case did not discriminate based on same-sex gender, it showed individual religious contempt of personal freedoms of citizens.

4. **Newspaper 2:** “Excerpts From the Massachusetts Ruling”

This article illustrates an opposing view of my argument. It illustrates one example of government incumbents who have looked passed their own personal opinions and morals. The state of Massachusetts ruled in favor of recognizing same-sex marriage, providing the minority group with the same benefits as heterosexual married couples. The incumbents made reference to constitutional interpretation of state laws, rather than looking at the issue from a right/wrong or moral/immoral stance.

D. **Paraphrases:** “Sex and the Statehouse: The Law and the American Same-Sex Marriage Debate.”

1. ORIGINAL:

Is a moral position still religious (and thus constitutionally problematical) if it can be stated in non-religious (i.e. without “God-language”) terms, or if it can be grounded on additional secular arguments, such as economic or psychological or sociological arguments? Moreover, as scholars have debated, can a moral position ever be fully uncoupled from specific theological understandings—for example, about the nature of God and what God expects of human beings—so that it can be truly non-sectarian? On the other side, if the government cannot justify its ban on same-sex marriages on any objective secular ground, can it justify its ban at all? For example, what if the studies show, as many seem to, that children raised by same-sex partners

Comment [C5]: Locate the full text of one of your four citations. Copy the full text or save a copy of it; read it, and paraphrase two small sections (2-3 sentences) of the article. Type out the original sections (two) and label them Original.

are as socially well-adjusted as children raised by opposite sex spouses, disproving a common argument against same-sex marriage? Can the government then say that such relationships cannot be recognized simply because they are morally wrong in the eyes of the majority? These are questions that confound church-state scholars and courts. (24-25)

2. **PARAPHRASE:**

Taking a moral course can initially appear to be the right decision, when looked at without religious lingo or supported by research based evidence. However, a predicament is reached when the definition of morality is explored. Morality for an individual is based on his or her level of belief in the non-secular and therefore encompasses theological interpretations. If research points to the fact that children raised in same-sex homes are as stable as children raised in heterosexual homes – which it has, can incumbents simply disapprove of same-sex lifestyles because it is considered morally deviant among the masses? This point reiterates if it is truly possible for church and state to exist separate of one another.

Comment [C6]: Label the paraphrases as Paraphrase in the assignment.

3. **ORIGINAL:**

The Establishment directive not to prefer one religion over another leads to a dilemma for judges who must make essentially moral decisions about what human rights the Constitution protects. They can go the narrow route of using ‘dictionary definitions’ to limit the meaning of the constitutional text, or defer all debatable constitutional matters to the legislature. But if they do not, they face a number of jurisprudential quandaries. If most moral claims about the propriety of sexual behavior and reproductive choices are deeply embedded in religious traditions,

Comment [C7]: 2nd original and paraphrase

which tradition should a judge in a religiously pluralistic democracy choose to guide a decision about the extension of a legal right to a new situation? If the judge determines that laws against sex or marriage between gay and lesbian persons are rooted in Jewish, Christian and Muslim religious traditions but not in other religions, is she imposing those traditions upon religious minorities who do not have the same beliefs? Does that violate their constitutional rights to free exercise of religion?

4. PARAPHRASE:

In making decisions in court, judges are faced with the challenge of attempting to take an objective view regarding religion and settle on an honorable interpretation of the Constitution. In regard to decision making, they have options; they can make it on their own or forward it to legislature where it be debated upon by elected officials. The debate over same-sex marriage lies deeply in religious views versus constitutional rights. In a society based on upon numerous religious institutions, which route does he take in interpreting legality of who his decision should side with? In deciding, does he end up favoring one religion over another, therefore, imposing one majority religious perspective onto other minority groups who may not believe the same?

Working Bibliography

- Barry, Peter Brian. "Same-Sex Marriage and the Charge of Illiberality." *Social Theory & Practice* 37.2 (2011): 333-357. Print.
- "Excerpts From the Massachusetts Ruling." *New York Times* 19 Nov. 2003: A24. Print.
- Failingler, Marie A.. "Sex and the Statehouse: The Law and the American Same-Sex Marriage Debate.." *Dialog: A Journal of Theology* 48.1 (2009): 19-29. Print.

Comment [C8]: Working Bibliography (MLA Style): Add your four periodical sources (citations) to your working bibliography in Bibme. Include a copy of your full working bibliography in this assignment. You should now have a total of 12 sources: 4 periodicals, 2 books + 4 other sources found in the books, 2 web pages.

- Garrow, David J.. "Toward a More Perfect Union - New York Times." *The New York Times - Breaking News, World News & Multimedia*. 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>>.
- Improper Bostonians: lesbian and gay history from the Puritans to Playland*. Boston: Beacon Press, 1998. Print.
- 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 (9780735542198)*. 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>.
- Lucey, Donna M.. "The Right to Love." *Humanities* Jan. - Feb. 2012: 14-17. Print.
- Schacter, Jane S.. "Ely at the Altar: Political Process Theory Through the Lens of the Marriage Debate." *Michigan Law Review* 109.8 (2001): 1363-1411. Print.
- Stritof, Sheri & Bob. "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.

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