



Obergefell v. Hodges

576 U.S. ____ (2015); 135 S. Ct. 2584

Country: United States

Region: Americas

Year: 2015

Court: Supreme Court

Health Topics: Sexual and reproductive health

Human Rights: Freedom from discrimination, Right to family life, Right to privacy

Facts

The petitioners were same-sex couples from various U.S. states who challenged the constitutionality of bans on same-sex marriage in those states. They claimed that the bans violated the Due Process and Equal Protection clauses of the Fourteenth Amendment to the United States Constitution. The Due Process Clause protects individuals from the arbitrary denial of life, liberty, or property without due process of law. The Equal Protection Clause guarantees that no person shall be denied the equal protection of the laws.

Previously, four federal appeals courts (the Fourth, Seventh, Ninth, and Tenth Circuits) had found that same-sex marriage bans were unconstitutional violations of the Due Process and Equal Protection Clauses.

Decision and Reasoning

The Court held that same-sex marriage bans violate both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment. The Court recognized that the Due Process Clause protects marriage as a fundamental liberty. Precedent demonstrated that marriage is “inherent to the concept of individual autonomy,” is an “intimate association” between two individuals, “safeguards children and families,” and has been recognized as the “keystone of the Nation’s social order.” The Court extended the protection of that fundamental liberty to same-sex couples because these principles apply equally to same-sex unions as they do to opposite-sex unions.

The Court concluded that the same-sex marriage bans also violated the Equal Protection Clause because the equality of same-sex couples was significantly burdened by the bans. The Court focused on the strong relationship between these two clauses, which have been invoked by the Court to strike down past discriminatory policies based on race (*Loving v. Virginia*) and sexual orientation (*Lawrence v. Texas*).

The Court held that all U.S. states must provide marriage licenses to same-sex individuals, and must recognize marriages between same-sex couples performed in other states. This decision legalized same-sex marriage across the United States.

Decision Excerpts

“The limitation of marriage to opposite-sex couples may long have seemed natural and just, but its inconsistency with the central meaning of the fundamental right to marry is now manifest. With that knowledge must come the recognition that laws excluding same-sex couples from the marriage right impose stigma and injury of the kind prohibited by our basic charter.” Pages 17-18.

“It is now clear that the challenged laws burden the liberty of same-sex couples, and it must be further acknowledged that they abridge central precepts of equality. Here the marriage laws enforced by the respondents are in essence unequal: same-sex couples are denied all the benefits afforded to opposite-sex couples and are barred from exercising a fundamental right. Especially against a long history of disapproval of their relationships, this denial to same-sex couples of the right to marry works a grave and continuing harm. The imposition of this disability on gays and lesbians serves to disrespect and subordinate them. And the Equal Protection Clause, like the Due Process Clause, prohibits this unjustified infringement of the fundamental right to marry.” Page 22.

“No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family. In forming a marital union, two people become something greater than once they were.

As some of the petitioners in these cases demonstrate, marriage embodies a love that may endure even past death. It would misunderstand these men and women to say they disrespect the idea of marriage. Their plea is that they do respect it, respect it so deeply that they seek to find its fulfillment for themselves. Their hope is not to be condemned to live in loneliness, excluded from one of civilization's oldest institutions. They ask for equal dignity in the eyes of the law. The Constitution grants them that right. • Page 28.

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