

LIBERALISM IN THE GOD-POWER POLITIC IN AMERICA CASE STUDY OF GAY MARRIAGE LEGALIZATION IN AMERICA IN 2015

Anastasia Anindita

American Studies, Universitas Indonesia

Email: anastasia_anindita@yahoo.com

Religion has been the important part in Americans daily life for more than centuries. So importance this religion, it has spread its wings to political life in America, despite the government itself have declared that American political life was secularized or free from the institution of religions. As a result of these paradoxes, various allegations against human rights have been emerging in America for the last 30 years; one of those is concerning Defense of Marriage Act or DOMA and consequently violation against liberalism itself. It was the legalization of gay marriage by the US Supreme Court in 2015 that changes the face of America. It was influenced by religion, now it is flourishing with liberalism. In continuation of these transitions, this paper seeks for the reason on liberalism that could thrive in the God-Power politic in America, resulting in gay marriage legalization. Methods of collecting data are literature, documents, and articles from the media related to the transition of values in American democracy and politic, God-Power to liberalism and the decision in which leading US to legalize gay marriage. These data are analysed using the theory of liberalism in gay marriage by Fedlum (1996), religion versus secularism in politic stated by Wald (2003), and justice and equality in lesbian and gay marriage stated by Mohr (2005), to see the transition of values behind the decision to legalize gay marriage. From this research, it was found that gay marriage was legalized as the form of equal dignity in the eyes of the law.

Keywords: Religion, allegations against human rights, Defense of Marriage Act or DOMA, liberalism, legalization of gay marriage, God-Power politic, the transition of values in American democracy and politic, equal dignity in the eyes of the law.

INTRODUCTION

Being a gay is neither abomination nor about the choice. Contrary to these allegations, someone who became a gay or not, it has to do with

genes itself. As Ulrichs (1994) stated in *The Riddle of "Man-Manly" Love*, homosexuals means that "individuals among us whose body is built like a male, and at the same time, whose sexual drive is directed toward men, who are sexually not aroused by women, i.e., are horrified by any sexual contact with women" (Brookey, 2002, p.26). Further more, Ulrichs (1994) also stated that genes have the important role in developing embryo which containing female and male "germs". In the next development, one these germs will be producing either male or female sex organs. In the case of gay or homosexual, the sex germs that also produced sex drive, was giving a male body to possess a female sex drive. From this explanation, it can be concluded that homosexuality was inherited (Brookey, 2002, p.27).

Relating to gay marriage, the inheritance in homosexuality was wrongly judged by Conservative Group or Religious Communities. They saw homosexuality as sexual and behaviour choice that considered sinful. Colloquiums stated in an issue of Wall Street Journal (1994), regarded homosexuality behaviour was as immoral behavior that responsible people contain and reject (Brookey, 2002, p. 2).

Furthermore, Conservative Group also stated that because of behavior choice, gay should not have the right as the minority group. Therefore, through a video produced by the Traditional Values Foundation (1993), titled Gay Rights/Special Rights, which specifically included inside them with the issue of identity, such as :

(1) people are born homosexual; and (2) homosexuals cannot change. The video argues that because homosexual orientation is not an intrinsic aspect of the psyche and can be changed, homosexuals are neither an insular nor a discrete group. In other words, because homosexuality is merely a pattern of behavior, not an identity, homosexuals do not deserve constitutional protection.

(Brookey, 2002, p. 3)

The struggle for recognition of gay marriage has been the agenda since 1980 and 1990 in United States. The battle between Conservative and Gay Community concerning gay marriage according to Ryan and Switzer (2009), is not far from religion morality itself, which consist Conservative's premise that same-sex marriages and blended families, - which happened when gay couples becoming surrogate parents or when they adopted children or when two divorcees people decided to coupling and brought the children from heterosexual partners to the relationship - violated the sacred two-sex model, which is unification of man and woman.

Gay marriage was a means to have the same legal protection as in heterosexual couples. his problem, however, have risen the battle of

values between Conservative, those who against gay marriage and those who supported it. DOMA then become the solution to prevent further growth of gay and lesbian marriages grew in United States.

DOMA or Defense of Marriage Act, which were signed in 1996, more stated about marriage itself as:

"In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."

(Defense of Marriage Act, 1996)

The document above clearly described marriage strictly as union of man and woman. DOMA itself throughout the years since it was signed only brings the trouble and difficulties for the gay couples. The most prominent case was the Windsor vs. United States in the year of 2010. This case was started when Edith Windsor, 81 years old at the time, issuing the problem to The Supreme Court concerning the house tax she has to pay after the death of her spouse Thea Spyer. In total, she has to pay to pay a \$363,000 federal inheritance tax.

The marriage between Windsor and Spyer itself held in Toronto, Canada on 22 May 2007 after more than 40 years living together, but still acknowledged by the state of New York as committed relationship without marriage. Therefore, Windsor did not have the federal benefits that married couples usually granted until DOMA was DOMA then considered unconstitutional in 2013 by The Supreme Court because had their marriage been accorded the same status under federal law as a different-sex marriage, Windsor would have paid \$0 in taxes (Polaski, 2012, p.1).

Unfortunately, though DOMA was already considered unconstitutional, the perpetual battle regarding gay marriage itself was still going strong. The term of marriage until now, is still regarded as a solemnly a union between man and woman, and not between man and man or woman and woman. In United States itself, since DOMA was repealed, the issue concerning this marriage was not easily acceptable by certain states where religions are still dominating, while about 38 states have legalized same-sex marriage. There are total four states, which located in Midwest Region (Ohio and Michigan), South-eastern United States (Tennessee), and East South-Central Region (Kentucky).

My own interest in this problem regarding gay marriage ban was the different opinion from Conservative and Liberalist concerning marriage, especially gay marriage. Since gay marriage is a delicate topic,

there are always different opinions regarding this throughout the years, up until now. For example, in *Gay Marriage At Issue Viewpoints*, it was described that society has different side regarding the role of Supreme Court. Those who opposed dominated by citizen at the large and politicians. For example, Senate majority leader Bill Frist from Republican Party in Tennessee stated that the court should not redefine marriage and that citizen must protect, preserve, and strengthen the institution of marriage against activist judges. The Supreme Court and including the judges who change laws were considered overstep the role of judiciary. In other words, laws only can be changed if citizens of United States could be representing by legislators who won by voting.

However, the tides have changed since legalization of gay marriage by Supreme Court on 26 June 2015. It seems that liberalism have taken its place among the society. This work then trying to answer on liberalism could thrive in God-Power politic in America, that resulting in gay marriage legalization. Thus, the purpose of this study is find the relating transition of values in American democracy and politic, from conservative to liberalism, which in turn changed the entire politic in America and gay marriage legalization in America.

Religion and politic in America is and always been living side by side. In the case of gay marriage legalization, the different view between conservative and liberalist lies on the view of certain religions in America. As an illustration, in the liberalist religions such as Conservative Jewish Movement, Episcopal Church, Reform Jewish Movement, Evangelical Lutheran Church in America and other major religions agreed that marriage as civil right has to be applied to same-sex marriage as it is to heterosexual couples (Pew Research Center, 2014)

In contrary, traditional religions such as Roman Catholic, Moslem, American Baptist Churches, Mormon, United Methodist Church, and other major traditional religions stated that same-sex marriage should be prohibit because they believe that marriage is always between one man and one woman. Moreover, they also believe that if same-sex marriage were sanctioned, it would violate morals and religious belief millions of Christians, Jews, and other religions who still believe that marriage is the union of a man and a woman.

Concerning these differences, Wald (2003) stated that politic and common ways of thinking are intertwined. Michael (1967, 268), has suggested four keys dimensions on which conservative and liberal religions differ:

- The extent to which is considered fixed, final, and unchallengeable, as opposed to being susceptible to rational investigation and modification; and consequently, the extent to

which intellectualism and many of the values associated with it are opposed or welcomed

- The extent to which the drama of redemption and atonement is defined as personal battle waged for one soul for the sake of eternal salvation, rather than a moral commitment to a worldly social betterment of mankind.
- The extent to which sin and evil are inherent in human nature (e.g., original sin) and inevitable in human behaviour (e.g., concupiscence), rather than social effects of widespread environmental causes
- The extent to which human well-being and natural pleasures are manifestations of a “lower”, corrupting realm of nature, something to be repressed as the containment of the spiritual, rather than responsibly cultivated as the fulfilment of God’s beneficence.

From four explanations above, liberalism according to liberalist religion as concluded by Wald (2003), stated a few important things that connected to gay marriage legalization, such as concept of sin and redemption. Gay marriage is then considered sin by conservative religion. They stated that by doing redemption and avoiding sin would support Government’s role in securing order and property. In contrast, liberal religion stated that redemption and sin were to be compromised because every decision in political action would improve material conditions of life. One of these improvements is through gay marriage legalization.

Improvement in gay marriage legalization is solemnly about justice and equality. Equality in gay marriage according to Mohr is hard to fulfil if gay and lesbian still were seen as minority, a group whose members have treated inequitably. This minority problem according to Mohr made the issue about gay and lesbian seemed to be undermined. He explained later that because gay and lesbian were considered immutable or unchangeable characteristic, law then could make a distinction and make a legitimate decision based on this characteristic. The law itself has two effects if it was signed. Mohr stated that as long as the law does not degrade some group, then according to him, it is still acceptable. If the law then degraded some group, Mohr stated that immutable characteristics are not sufficient for triggering minority status and minority protections.

Gay marriages throughout the years have been suffering from this degradation. History showed the courts have been the battlegrounds for Religious Conservatives and Gay Right Advocates. This battleground has started since more than two decades ago, which was started when gay

community were asking for recognition in their relationship, including marriage. In 1980's however, this battle for recognition was disturbed by the society that condemned them for their immutable characteristic, in this case concerning homosexuality as genes that also spreading AIDS to America. This battleground is re-entering for recognition of gay marriage or same-sex marriage in 1990's. Entering this year until before gay marriage legalization in 2015, the ups and downs in battleground Religious Conservatives and Gay Right Advocates are keep happening. The reason for these ups and downs is because since DOMA was passed by Republican-dominated congress in 1996, in which President Clinton was signing it had made every decision regarding gay marriage in every state in America was prohibited.

The effect of DOMA was not small for gay communities in every state in America. The DOMA pressure was more intense when President George W. Bush suggested 2004 that gay marriage should be banned.

The declaration as he referred on February 2004 to as a matter of “national importance”, contained a dogma such as:

The union of man and woman is the most enduring human institution, honoured and encouraged in all cultures and by every religious faith. Ages of experience have taught humanity that the commitment of husband and wife to love and to serve one another promotes the welfare of children and the stability of society. Marriage cannot be severed from its cultural, religious, and natural roots without weakening the good influence of society (7)

Moreover, concerning the dogma above, President Bush also stated about the protection of a traditional definition of marriage that would restrict exclusively only to opposite-sex couples. He urged the Congress to pass an amendment to the US Constitution regarding this dogma, as a means to save the most fundamental institution of civilization from the serious consequences, for example the growth of gay marriage throughout the country. Fortunately, this so-called-dogma or otherwise known as Marriage Protection Amendment or Federal Marriage Act (FMA) – as the dogma was mentioned above-, since it was proposed in 2006 until gay marriage was legalized in 2015, was not supported by two thirds of each house of Congress. The reason for this rejection was the dogma that would apply not only to same-sex couples, but also the other unmarried heterosexual couples. With this rejection then, marriage was seen as a form of liberalism and not as a means to protect the society from bad influence.

Gay marriage is a form of liberalism in modern society. Pew Research in 2013 titled “In Gay Marriage Debate Both Supporters and Opponents See Legal Recognition as Inevitable” stated that support for

gay marriage kept increasing in 2013. It is stated that about 72 % of Americans said that legal recognition of same sex marriage as inevitable. Moreover, there is 85% supporter's gay marriage legalization in America while 59% opposed gay marriage legalization. This percentage was higher than 2004 that showed only 59% supporter's gay marriage legalization (Pew Research Center, 2013, p.1).

This research showed that the needs for gay marriage to be legalized is getting higher, considering that society did not see gay marriage as sin. Rather than a sin, society in this modern day of liberalism and Liberal Gay Advocates saw gay marriage as the basic human right and individual choice, Resolved: The state should not interfere with same-gender couples who choose to marry and share fully and equal in the rights, responsibilities, and commitment of marriage. In this sense, gay marriage or same-sex marriage was considered as the common way that gay rights political advocates for pressing about the effort to achieve equality, fairness, and the simple "right to marry".

Methods of Research

This type of research used in this study is a qualitative research. John Creswell in his book entitled "Research Design approach is qualitative, quantitative, and mixed" (2009, p.4), states that qualitative research is methods to explore and understand the meaning by individuals or group of people, ascribed to social problems or humanity. In conducting this study, researchers first collecting data to find various documents especially themed toward common themes, to further interpret the meaning of data. The emphasis on this inductive study emphasizes the importance of data analysis and interpretation of the data that is flexible (Creswell, 2009).

Researchers use triangulation research method that uses more than one method or data source in the study of social phenomena. It is listed in the book titled Alan Bryman Social Research Methods, Second Edition (2004, p.275), that triangulation refers to the use of some observers, the perspective of theory, data sources and methodology, but the emphasis has tended to investigation methods and data sources. Triangulation can operate in and research strategy, as conceptualized by Webb (1966), as an approach to the development of measures of the concept, where more than one method will be used in the development of measures, so that there is greater confidence in the findings. Thus, triangulation is very much associated with quantitative research strategies.

Using the concept of triangulation, the author will use the concept gay marriage legalization in America using the case study method and then approach the method of documentary research or research

documents in the proposed research results. Citing Creswell (2009, p.20), a case study is a research strategy that puts researchers to investigate carefully a program, event, activity, process, or group of individuals. The cases are limited by time and activity, and researchers collected comprehensive information by using various data collection procedures based on a predetermined time. Thus see this sense, the author feel that the use of case studies would be most appropriate to the context of the object under study, among the reasons is to find the reason on liberalism that could thrive in the God-Power politic in America, resulting in gay marriage legalization.

Document research refers to the analysis of documents containing information about the phenomenon being studied. Monageng Mogalakwe expresses this understanding in writing regarding the use of research documents for social studies (2006, 221). Citing the opinion of Payne and Payne (2004), Mogalakwe (2006, p.221-222) stated that research document are techniques that are used to categorize, investigate, interpret, and identify the boundaries of the data that are physical. These data are usually contained in the documents that contained in the public and private sectors. To analyse these documents, the data then will be divided into primary documents and secondary documents.

The primary document refers to witnesses produced by people who have experienced certain events or behaviour that we want to review (Mogalakwe, 2006, p.222). While the secondary documents refer to the documents produced by people who are not present at the scene, but who receive witnesses to compile documents, or have read the testimony of witnesses (Mogalakwe, 2006, p. 222-223).

The primary documents used in this study are a variety of official documents related to the liberalism in God-Power politic in relation of gay marriage legalization in America. While the secondary documents were taken from the online articles related to gay marriage legalization itself. For example, the online articles taken from The New York Times, Huffington Post, and many local newspapers in America which published the news about gay marriage legalization in America in 2015.

In this study, data collection was done by the study of literature and especially searching through the online. They were collected through the website of Supreme Court and local newspapers concerning four cases of gay marriage banned in America, total four states, which located in Midwest Region (Ohio and Michigan), South-eastern United States (Tennessee), and East South-Central Region (Kentucky). These four states are recognized for the strong belief in Christianity and their prejudice for gay marriage, which was leading to gay marriage ban in these states.

Concerning this, the media was oppressing the lower court for starting to legalize gay marriages immediately. From the year of 2013, as soon as DOMA was repealed, until 2014, medias were covering cases concerning gay marriage ban in Ohio and Kentucky, Michigan, and Tennessee.

Gay marriage ban issue in Ohio concerning Obergefell v. Hodges started in 2013. The court in Ohio refused to release the death certificate with the name of James Obergefell as the surviving spouse of John Arthur. They were married in Maryland where gay marriage is recognized. This litigation started on 19 July 2013 by private lawyers from Gerhardstein & Branch Co., LPA and Newman & Meeks Co., LPA and later joined by the American Civil Liberties Union, who filed a federal lawsuit in the 6th Circuit on behalf of John Arthur and James Obergefell seeking legal respect for their marriage. This federal law suit concluded on 23 December 2013 when Federal Judge Timothy Black Black issued a ruling declaring that the state of Ohio must respect marriages between same-sex couples on death certificates issued by the state.

The ruling, which found that Ohio laws banning same-sex couples from marrying are unconstitutional, applies only to the issuance of death certificates. It applies to all married same-sex couples in Ohio who want to be listed on the death certificates of their spouses.

Ohio itself was not the worst issue of gay marriage ban in America. Three of the worst issue are gay marriages bans in Michigan, Tennessee, and Kentucky. In Tennessee, as it was stated in article “Two moms, a baby and a legal first for U.S. gay marriage” (Biskupic, 2014), a lesbian couple by the name of Dr. Valeria Janco and Dr. Sophy Jesty, who were married in legally in New York, decided to put the woman name – Jesty’s name - in her baby girl birth certificate as the father. The child then named Emilia Maria Jesty, who was conceived through artificial insemination, was born on 27 March 2014.

The problem concerning Jesty’s naming in her birth certificate was the marriage of Janco and Jesty, which in Tennessee was banned. The battle itself have started before the birth of their daughter because the fear that possible a ruling against the couple could void Emilia's birth certificate and require that it be reissued with only Tanco listed. This case attracted the attention of Regina Lambert, a Knoxville lawyer who had been volunteering for the National Center for Lesbian Rights. She and her colleagues helped Janco and Jesty to have equal right especially because they were not entitled in Tennessee to spousal benefits. This case was known as Tanco vs Haslam.

The same case concerning family and gay marriage ban also happened in Michigan. In brief, as stated in nationalmarriagechallenge.com, Michigan has some of the nation's most restrictive and discriminatory laws when it comes to the treatment of its LGBT residents. The Michigan Marriage Act, passed in 2004, prohibits any form of legal recognition for same-sex couples, including civil unions or domestic partnerships. Michigan is also one of a few states in the nation with a legal structure preventing the children of gays and lesbians from having two legal parents.

The case of April DeBoer and Jayne Rowse, a lesbian couple from Michigan who have been in a loving and committed relationship for over a decade, was not far from this reality. These women were not having any opportunities for joint legal rights to the adopted children they are raising together, 2 daughters and 2 sons. They took legal action for the protection of their children starting from 2012 when this complaint was filed.

On 6 November 2014, however, the decision in Michigan District Court Judge Bernard A. Freidman concluded that gay couple could raise the children together and that gay marriage was struck down, were overturned by two Circuit Judge Martha Craig Daughtrey then wrote her opinion, to remind her colleagues that to ensure rights, liberties, and duties, popular decision, marriage equality in the form of gay marriage legalization, must be ignored. One week after the circuit court issued its ruling, April and Jayne appealed their case to the U.S. Supreme Court. This case was known as DeBoer vs Snyder.

The last case concerning gay marriage ban was happening in Kentucky. This case was known as Bourke vs Beshear.

These four cases concerning gay marriage ban were bringing to Supreme Court in 2014 as the statement of violation against Fourteenth Amendment of the US Constitution, that stated about the equal protection of the law.

In the case of gay marriage ban however, this protection seemed to be neglected by the state. For example, in 1978, United States Supreme Court have declared that marriage as one of the civil rights of man and the important of relation of life. Moreover, Supreme Court also have declared that the right to marry was the part fundamental right of privacy. Unfortunately, there were not even one state in America at that time willing to recognize this law. The only recognition for gay marriage came in 1999 from Vermont Supreme Court who ordered its state legislature to provide gay couples with traditional marriage benefits and protections. These benefits and protections, who were later named as Vermont Civil Union Law, which went into effect on 1 July 2000.

As stated in NOLO Law for All, the advantages provided for gay and lesbian couples are including in the list below, but excluding legalization of same-sex marriage : (1) Use of family law, for example annulment, divorce, child custody, child support, alimony, domestic violence, adoption, and property division; (2) the right to sue for the wrongful death, loss of consortium and any other tort or law related to spousal relationship; (3) medical rights such as hospital visitation, notification, and durable power attorney; (4) family leave benefits; (5) joint state tax filling; (6) and property inheritance without a will. These advantages however, only applied to resident of Vermont and did not include the rights and benefits provided by federal law.

Compared to the benefits from federal law itself, Vermont Civil Union Law only affected regionally and not nationwide. As a consequences, gay couples were outcasted from the protection of the state, which including :

(1) Social Security Benefits, which consisting of Spousal survivor benefit, Spousal retirement benefit, Lump-sum death benefit; (2) Tax Benefits, which consisting of Filing joint income tax returns with the IRS, Creating a "family partnership", Estate Tax "Portability.", Life estate trusts; (3) Veteran and Military Benefit, which consisting of health care, death pensions, educational assistance, home loan guarantees, vocational training, and bereavement counseling for the spouses of the death veteran; health care, family separation pay, and relocation assistance, among many other benefits for the spouses of living military personnel; (4) Federal Employment Benefits, which consisting of health insurance for spouses, wages, worker's compensation, health insurance, and retirement plan benefits for the surviving spouse of a deceased federal worker; (5) Immigration Benefits which tied to a marital status. In order to get these benefits, a non-U.S. citizen may obtain a nonimmigrant visa or permanent residence (a green card), and later citizenship status, when engaged or married to a U.S. citizen (Michon, 2013).

Gay Marriage Legalization in America in 2015

Gay marriage was legalized in America because the role of Supreme Court, especially Judge Anthony Kennedy. As it has been mentioned above, the role of judiciary is important in changing every situation, including the changing from gay marriage ban to gay marriage legalization on June 26, 2015.

Judge Kennedy is known for his conservative views while also having sided with decisions that focused on individual rights. His first case concerning gay marriage was Governor of Colorado v. Evans (1996), which voided an amendment to the Colorado state constitution

that prohibited state and local governments from enacting laws that would protect the rights of gays, lesbians and bisexuals and in *Lawrence v. Texas* (2003) he declared unconstitutional Texas's law criminalizing sodomy between two consenting adults of the same sex.

His decision regarding the right of same-sex marriage in his courtroom could be seen from few opinions such as:

- Marriage is a fundamental because it is listed under the constitution.
- About gay marriage itself, The Court stated that the first premise relevant precedent is inherent in the concept of individual autonomy. Decision about marriage is an intimate decision an individual can make.
- About the fundamental right to marry, the court's Jurisprudence stated that as a right that supports two-person union unlike any other in its importance in the committed individuals. Same-sex couples have the right as opposite-sex couples to enjoy intimate association, a right extended beyond mere freedom from laws making same-sex intimacy a criminal offence.
- A third basis for protecting the right to marry is related to children and families, thus drawing meaning from related rights of childrearing, procreation, and education. Without the recognition, stability, predictability marriage offer, children suffer from the stigma knowing that their families are somehow lesser. They also suffer the significant material costs of being raised by unmarried parents, relegated to more difficult and uncertain family life. The marriage laws at issue thus harm and humiliate the children of same-sex couples. This does not mean that the right to marry is less meaningful for those who do not have children. Precedent protects the right of a married couple not to procreate, so the right to marry cannot be conditioned on the capacity or commitment to procreate.
- Finally, The Court's cases and Nation's tradition stated that marriage is a keystone of the

Nation's social order. States have contributed to the fundamental character of marriage by placing it at the centre of many facets of the legal and social order. There is no difference between same-sex and opposite-sex couples with respect to this principle, yet same-sex couples are denied the constellation of benefits that the States have linked to marriage and are consigned to instability many opposite-sex couples would find intolerable. It is demeaning to lock same-sex couples out of a central institution of the Nation's society; far they too may aspire to the transcendent purpose of marriage.

(“Supreme Court of United States” 2015, p. 3-4)

These opinions above clearly showed the dominance of liberalism in the Supreme Court. About liberalism itself inside is include in this gay marriage legalization as a form fundamental right inherent in liberty of person. It is also the part of liberty promised by The Fourteenth Amendment that guarantees the equal protection of law. Inside this Fourteenth Amendment section 1 it is said that :

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

(“14th Amendment” n.d)

Statement above clearly descibed about equal protection of the law for all persons born or naturalized in United States. This means that protection should be applicable to all the layers in society, without expection of gay community as one of the minorities. With the legalization of gay marriage however, it is stated that rights implicit in liberty and rights secured by equal protection may rest on different precepts and are not always coextensive, yet in some instances each may be instructive as to the meaning and reach of the other. In any particular case one Clause may be thought to capture the essence of the right in more accurate and comprehensive way, even as the two Clauses may converge in the identification and definition of the right.

The battle and on-going differences between liberalist and conservative are happening even until gay marriage was legalized on June 26, 2015. Even though this decision is still controversial, Judge Kennedy and the Supreme Court still announced a landmark 5 to 4 ruling guaranteeing a right to same-sex marriage. He wrote the majority decision in which he stated in closing statement:

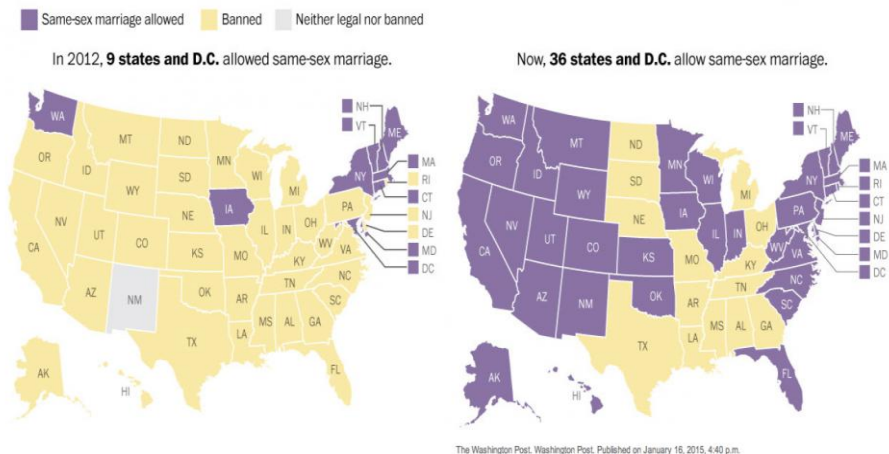
“No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family. In forming a marital union, two people become something greater than once they were. As some of the petitioners in these cases demonstrate, marriage embodies a love that may 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 fulfilment 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.”

(“Anthony Kennedy Biography”, 2015)

This statement also closing the dispute between The Lower Court in Midwest Region (Ohio and Michigan), South-eastern United States (Tennessee), and East South-Central Region (Kentucky) and The Supreme Court. Since gay marriage was legalized, these four states were pressing to put this decision into action in their states. Image 1.1 is the perfect illustration on how same-sex marriage dispute were resolved year by year.

Same-sex Marriage State by State in 2012 and January 2015 Image 1.1



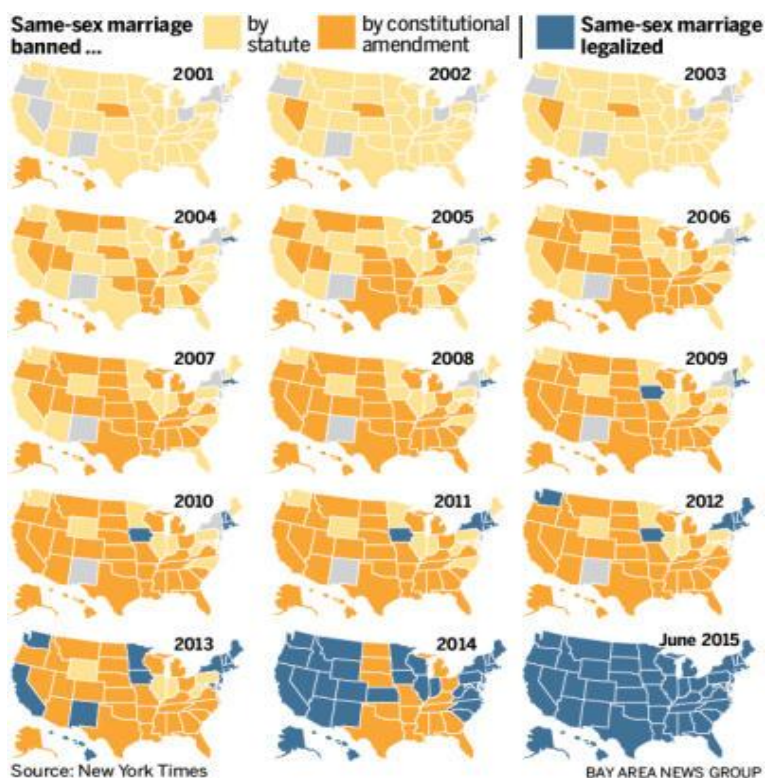
The Progress on Same-Sex Marriage as comparing in 2012 and 2015

Source:

<https://img.washingtonpost.com/wp-apps/imrs.php?src=https://img.washingtonpost.com>

After June 26, 2015, this amount was more progressing. Image 1.2 is illustration on gay marriage that thrive all over the states in United States over the years since 2001 until 2015.

The Progression of Same-Sex Marriage State by State in United States from 2001 until 2015 Image 1.2



The Thrive of Gay Marriage in United States year 2015

Source

http://extras.mnginteractive.com/live/media/site568/2015/0626/20150626_083711_SJM-GAYMARRIAG

CONCLUSION

Marriage is for a good cause no matter who celebrated it. As stated by family.jrank.org, marriage represents a multi-level commitment, one that involves person-to-person, family-to-family, and couple-to-state commitments. In all societies, marriage is viewed as a relatively permanent bond, so much so that in some societies it is virtually irrevocable. Gay marriage – in the same means as heterosexual marriage – is legalized to achieve the highest commitment, which in this case involving love and family.

In the eve of gay marriage legalization, there is a hope from gay community in specific and society at large, that there is no more marginalization and differences against gay marriage in the future from conservative group. All the same, as liberalism through equality is on it's

thrived; there is a hope that this changing will last for the sake for the greater good, especially for gay and lesbian couples and their children who were discriminated because of the judgement of society.

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