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La Decisione della Corte Suprema sulle unioni omosessuali

di Spataro

5 su 4 passa l'uguaglianza del matrimonio indipendentemente dal sesso.

del 2015-06-26 su Civile.it, oggi e' il 26.04.2024

Si puo' dire molto. Si e' detto molto: sono 103 pagine in pdf.

Sgomenta pero' l'opinione ultima del giudice dissenziente.

Sembra di essere in un film, tipo minority report. Ma il problema sono le parole usate.

A voi la traduzione.

Segue invece l'argomento a favore:

"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. See, e.g., *Zablocki*, supra, at 383-388; *Skinner*, 316 U. S., at 541. These considerations lead to the conclusion that the right to marry is a fundamental right inherent in the liberty of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth Amendment couples of the same-sex may not be deprived of that right and that liberty. The Court now holds that same-sex couples may exercise the fundamental right to marry. "

e infine:

" * *

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. The judgment of the Court of Appeals for the Sixth Circuit is reversed. "

E le parole contro:

" I do not doubt that my colleagues in the majority sincerely see in the Constitution a vision of liberty that happens to coincide with their own. But this sincerity is cause for concern, not comfort. What it evidences is the deep and perhaps irremediable corruption of our legal culture's conception of constitutional interpretation. Most Americansâ€œunderstandablyâ€œwill cheer or lament today's decision because of their views on the issue of same-sex marriage. But all Americans, whatever their thinking on that issue, should worry about what the majority's claim of power portends. "

http://www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf - Corte suprema

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