



# On Same-Sex Marriage, Civil Unions, and the Rule of Law: Constitutional Interpretation at the Crossroads

*Mark Strasser*

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The United States Constitution has already been interpreted to provide a variety of family-related protections which, if applied consistently, also protect same-sex couples and their children. Only by radically reformulating and severely undermining existing protections can courts and commentators justify the claim that the Federal Constitution does not offer a wealth of family protections, including the right to marry a same-sex partner.

Discussing the constitutional implications of civil unions with a special focus on how they might be treated in the interstate context, Strasser explains how the courts and commentators have reworked and significantly weakened a variety of constitutional protections in their attempts to establish that same-sex couples are not afforded constitutional protections. He further suggests that the constitutional protections for religion support rather than undermine the constitutional protection of same-sex unions.

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