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# Obergefell v. Hodges

Date of Decision: June 26, 2015

## Summary of case

*Obergefell v. Hodges* is an important civil rights case in which the U.S. Supreme Court ruled that the right to marry is guaranteed to same-sex couples. Plaintiffs from Kentucky, Michigan, Ohio, and Tennessee, where marriage was defined as a union between one man and one woman, argued that the state ban on same-sex marriage violated the Fourteenth Amendment of the U.S. Constitution, which guarantees all citizens basic rights. Circuit judges were split on whether the state laws were constitutional. On June 26, 2015, in a five-to-four ruling, the Court found that all states are required to perform and recognize marriages of same-sex couples lawfully performed in other states. This decision established same-sex marriage throughout the United States and its territories.

## Summary of majority opinion

In a majority opinion authored by Justice Anthony Kennedy, the Court held that same-sex couples' right to marry was guaranteed by the Due Process Clause of the Fourteenth Amendment. Kennedy argued that the idea of an individual's independence protects each citizen's right to make the personal choice of whom to marry. In the opinion, Kennedy also reasoned that marriage is a fundamental right due to its unique importance to those who choose to commit to one another. After establishing that marriage protects children and families, Kennedy wrote that state bans against same-sex marriages would harm those children and families. Finally, he argued that marriage is an institution that preserves social order, and both opposite and same-sex couples deserve the benefits granted to married couples.

## Summary of dissenting opinion

In a dissenting opinion joined by Justices Antonin Scalia and Clarence Thomas, Chief Justice John G. Roberts argued that because same-sex marriages are not addressed by the Constitution, state legislatures—and not the courts—should be responsible for defining what constitutes a marriage. He noted that the Constitution and earlier decisions of the Court protect the right of all citizens to marry, but that throughout history the essential feature of marriage—between one man and one woman—had remained unchanged and should not be decided by the Court. He also criticized the majority for expanding the rights of individuals without a constitutional foundation for doing so.

Obergefell v. Hodges. (n.d.). Oyez. Retrieved February 6, 2020, from <https://www.oyez.org/cases/2014/14-556>