

# Is Marriage a Civil Right?

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AHTC 2010 Summer Institute

## **Abstract:**

Students will begin by examining the historical purpose of marriage and how it has changed through time and across cultures. Students will then formulate the purpose of marriage today. Students will analyze court decisions regarding the legal restriction of marriage in order to determine if marriage is a civil right.

## **Essential Questions:**

- What is marriage?
- What is a civil right?
- What is the historical purpose of marriage?
- How has marriage between two consenting individuals been restricted historically?
- In what ways is marriage restricted now?
- Is marriage a civil right?

## **Assessment:**

### *Option A:*

Conduct a class debate to determine if marriage is a civil right.

[http://www.educationworld.com/a\\_lesson/lesson/lesson304b.shtml](http://www.educationworld.com/a_lesson/lesson/lesson304b.shtml)

### *Option B:*

Using evidence from the lesson, students will write a well-constructed, well-reasoned essay on whether marriage is a civil right. Depending on the desired length, this assessment can be done outside of class or in a timed setting in class.

## **Activities:**

- 1) *Setting the purpose: What is a Civil Right? What is Marriage?*

### Part I

- a. Hand out [Civil Right Concept Map](#) to class, allowing ten minutes or so of quiet work time for students to complete individually.
- b. Once students have completed their concept maps, the teacher should take voluntary answers to *What is a civil right?* A formal definition of civil right is helpful for comparison:

Merriam-Webster: the nonpolitical rights of a citizen; *especially*: the rights of personal liberty guaranteed to United States citizens by the

13th and 14th amendments to the Constitution and by acts of Congress

- c. The teacher should then take student examples of a civil right to be written on the board or a transparency/word document projected through an LCD projector.

Part II

- d. Post this question (or something similar) on the board for students to answer on a piece of paper: *Why would you get married?* Give students no more than three minutes to write out their answers.
- e. Hand out [Marriage Concept Map](#) to class, allowing perhaps ten minutes of quiet work time for students to complete individually.
- f. Once students have completed their concept maps, the teacher should take voluntary answers to the concept map questions. The teacher could either write these answers on the board or on an overhead transparency for all the class to see.
- g. On the *What is marriage?* question, it may be helpful to have a few dictionary definitions on hand for clarification and discussion. It may be interesting to try to define marriage as a class.
- h. It will be useful to discuss at length why people choose to make their union legal. Due to students' relatively young age, they may be unaware of the legal ramifications of marriage. For a list of the many legal benefits of marriage, visit [http://en.wikipedia.org/wiki/Rights\\_and\\_responsibilities\\_of\\_marriages\\_in\\_the\\_United\\_States](http://en.wikipedia.org/wiki/Rights_and_responsibilities_of_marriages_in_the_United_States). Students should be made aware of the many legal benefits and responsibilities of marriage in order to fully answer the assessment question.

- 2) *History of Marriage Jigsaw*: In order to determine if marriage is a civil right, it is helpful to look at marriage historically and across cultures.
  - a. Divide class into "home" teams of four students per group.
  - b. Each team member chooses/is assigned one of the following readings: [Forms and Meanings of Marriage](#), [History of Marriage in Western Civilization](#), [Marriage in Non-Western Societies](#) or [The Future of Marriage](#).
  - c. Student then break out into their "expert" groups (those from other home teams with the same reading). Since the readings tend to be around five full pages of text, it would be reasonable to divide the article between members of the expert group, particularly if time pressed.

- d. Each expert group will create a presentation including the pertinent facts for each of their “home” teams. Suggestions are PowerPoint, poster, song lyrics, outline to name just a few.
- e. If pressed for time, each of the expert groups could present to the class as a whole.

**Ties to National Primary Source:**

- 3) *Loving v. Virginia (1967)*: Prior to analyzing the U. S. Supreme Court’s opinion for *Loving v. Virginia (1967)*, students should be familiar with the facts of the case. Have students read [The Loving Story Handout](#).
  - a. It may also be helpful for students to hear a short history of the Loving decision as featured on *All Things Considered*:  
<http://www.npr.org/templates/story/story.php?storyId=10889047>
  - b. Students will then use the [NARA Written Document Analysis Worksheet](#) to analyze the [Loving v. Virginia U.S. Supreme Court Opinion](#).
  - c. Familiarity with the 14<sup>th</sup> Amendment may be helpful:  
<http://caselaw.lp.findlaw.com/data/constitution/amendment14/>
  - d. As the Supreme Court Opinion can be a challenging read, it is recommended have the students analyze the whole document in groups (2-4 students) or break the document into chunks and jigsaw it with student groups.
- 4) Supplemental National Primary Source: *Perry v. Schwarzenegger*. Students may find it interesting to analyze the opinion of Judge Vaughn Walker in the *Perry v. Schwarzenegger* case of California (pdf pages 135-138):  
<http://www.scribd.com/doc/35374462/California-Prop-8-Ruling-August-2010> using the [NARA Written Document Analysis Worksheet](#). The teacher can use the same groupings as listed above with *Loving v. Virginia*.
  - a. A brief history of California’s Proposition 8 ballot initiative is available here:  
[http://en.wikipedia.org/wiki/California\\_Proposition\\_8\\_%282008%29](http://en.wikipedia.org/wiki/California_Proposition_8_%282008%29)

**Analysis of Local Primary Source:**

- 5) *The Illinois Religious Freedom Protection and Civil Union Act*: Have students read the Illinois Government News Network press release on Governor Quinn’s signing of SB1716 into law:  
<http://www.illinois.gov/pressreleases/ShowPressRelease.cfm?SubjectID=3&RecNum=9194> It is important to remember civil unions are only recognized by some individual states while the federal Defense of Marriage Act ([http://en.wikipedia.org/wiki/Defense\\_of\\_Marriage\\_Act](http://en.wikipedia.org/wiki/Defense_of_Marriage_Act)) is still in effect.
  - a. Students will analyze the Illinois Religious Freedom Protection and Civil Union Act in a group (2-4 students) or break the document into chunks and jigsaw it in student groups

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?name=096-1513>  
using the [NARA Written Document Analysis Worksheet](#).

- b. Using the [Comparison/Summary Chart](#), students will compare and contrast the requirements for obtaining a marriage and civil union license available from the Champaign County Clerk's website:

<http://www.champaigncountyclerk.com/vitals/marriage.html>

[http://champaigncountyclerk.com/vitals/civil\\_union.php](http://champaigncountyclerk.com/vitals/civil_union.php)

- c. Using the [Venn Diagram Graphic Organizer](#), students will then compare and contrast the marriage and civil union requirements and applications available from the Champaign County Clerk's website:

[http://www.champaigncountyclerk.com/vitals/docs/civil\\_union\\_application.pdf](http://www.champaigncountyclerk.com/vitals/docs/civil_union_application.pdf)

[http://www.champaigncountyclerk.com/vitals/docs/marriage\\_application.pdf](http://www.champaigncountyclerk.com/vitals/docs/marriage_application.pdf)

- i. The Venn Diagram can be done interactively online at <http://www.readwritethink.org/files/resources/interactives/venn/> and then printed out to be discussed in class or turned in for credit.
- ii. Both applications could also be viewed online should computer lab time be available. This would eliminate the need for paper copies for this exercise.

#### **Annotated List of Materials & Resources:**

- [Civil Right Concept Map](#)
- [Marriage Concept Map](#)
- [Forms and Meanings of Marriage reading](#)
- [History of Marriage in Western Civilization reading](#)
- [Marriage in Non-Western Societies reading](#)
- [The Future of Marriage reading](#)
- [The Loving Story Handout](#)
- [NARA Written Document Analysis Worksheet](#)
- [Loving v. Virginia U.S. Supreme Court Opinion](#)
- [Comparison/Summary Chart](#)
- [Venn Diagram Graphic Organizer](#)