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June 27, 2015: The Supreme Court's Week

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6/27/2015—This blog has been off and on during June because of travelling. But coming this week, Hallowed Secularism will be back to a normal 2-3 posts a week schedule. The Supreme Court has a big week, upholding Obamacare once again and enacting national same sex marriage. Given my long time support for both, it may surprise people that I have very mixed feelings about these decisions. Basically, the decisions are not very convincing. In *King v. Burwell*, the Obamacare case, Chief Justice Roberts' majority opinion admitted that the dissenting arguments were strong. They were. The decision can be defended, but only on the ground that the Act could not really mean what it said, which is not a persuasive basis for an opinion. In *Obergefell v. Hodges*, the Court fortunately rested on the fundamentality of marriage, but there is no reason to think of gay marriage as itself a fundamental right—something that had not been dreamed of only a few years ago. In terms of gay marriage, there was always a two-prong possibility—politics or rights. The advantage of politics, in which states legalized gay marriage one by one over time—is that the opponents would feel they had a say and that compromises could be worked out with religious believers who continue to maintain that gay marriage is sinful. Holding gay marriage to be a right means that no compromises are likely. This means that gay marriage will now become a wedge to pursue religious institutions that refuse to adhere to the new right. Law is supposed to bring harmony, not further controversy.