

Notre Dame Journal of Law, Ethics & Public Policy

Volume IX Issue No. 1 1995

SYMPOSIUM ON SEXUAL ORIENTATION

CONTENTS

FOREWORD

Church, State, and Sex *John H. Robinson* 1

LECTURES

Law, Morality, and "Sexual Orientation" ... *John M. Finnis* 11

The Morality of Homosexual Conduct:
A Response to John Finnis *Michael J. Perry* 41

A Propos of Professor Perry: A Plea
for Philosophy in Sexual Ethics *Paul J. Weithman* 75

ARTICLES

Homosexual Rights and Citizen
Initiatives: Is Constitutionalism
Unconstitutional? *Richard F. Duncan* 93
Gary L. Young

The "Special Rights" Canard in the
Debate Over Lesbian and
Gay Civil Rights *Samuel A. Marcossan* 137

Second Hand Prejudice, Racial Analogies
and Shared Showers: Why "Don't
Ask, Don't Tell" Won't Sell *Paul Siegel* 185

Copyright © 1995 by Thomas J. White Center on Law & Government

ESSAYS

The Case for Gay Marriage *Richard D. Mohr* 215
Sexuality Injustice *Cheshire Calhoun* 241

STUDENT ARTICLES

Orientation-Based Persecution as
Grounds for Refugee Status:
Policy Implications and
Recommendations *Julia Blanche Meister* 275

Preventing Violence Against Gay Men
and Lesbians: Should Enhanced
Penalties at Sentencing Extend
to Bias Crimes Based on
Victims' Sexual Orientation? *Teresa Eileen Kibelstis* 309

The *Notre Dame Journal of Law, Ethics & Public Policy* is published twice annually by the Thomas J. White Center on Law & Government, Notre Dame Law School, Notre Dame, Indiana 46556. Telephone: (219) 631-5913.

Subscriptions are \$16.00 per year in advance; Single Issues \$8.00. Address all correspondence concerning subscriptions to the Managing Editor. Subscriptions will be automatically renewed unless a subscriber requests that the Managing Editor discontinue the subscription. Unless a claim for nonreceipt of an issue is made within six months after the mailing date, the issue will not be supplied free of charge. Back issues in paperback and microfiche form are available through William S. Hein & Co., Inc., 1285 Main St., Buffalo, N.Y. 14209.

All notifications of change of address should include the old and new addresses with zip code. Please mail change at least one month before the date of the issue for which it is to take effect.

The views herein are those of the authors and do not necessarily reflect the policies or opinions of the *Notre Dame Journal of Law, Ethics & Public Policy*, its editors and staff, the Thomas J. White Center on Law & Government, Notre Dame Law School, or the University of Notre Dame.

Text and footnotes conform to *A Uniform System of Citation* (15th ed. 1991). Cite to NOTRE DAME J.L. ETHICS & PUB. POL'Y. The *Journal* is published utilizing the *Texas Law Review Manual on Style* (6th ed. 1992). The *Journal* encourages all contributors to use gender neutral language.

Forthcoming issues of the *Journal* will address Culpability and the Law and Law and the Family. The editors welcome unsolicited manuscripts which examine specific topics within these general categories from an ethical perspective. Articles should be directed to the Executive Editor; regretfully, manuscripts cannot be returned unless postage is provided.