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Altared States;

How a movement that started in Vermont has become a national political issue.

Reviewed by David J. Garrow

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GAY MARRIAGE: Why It Is Good for Gays, Good for Straights, and Good for America By Jonathan Rauch. Times. 207 pp. \$22

CIVIL WARS: A Battle for Gay Marriage. By David Moats. Harcourt. 288 pp. \$25

Jonathan Rauch's thoughtful and convincingly argued manifesto in favor of same-sex marriage could not be better timed. From San Francisco and Portland, Ore., to Asbury Park, N.J., and New Paltz, N.Y., the recent wave of locally authorized gay marriages has thrust the issue to the forefront of national politics with a greater emotional punch than last November's pro-gay ruling by the Massachusetts Supreme Judicial Court or President Bush's call for a federal constitutional amendment banning same-sex marriages. Most if not all of those locally issued licenses may turn to dust under state legal challenge -- Oregon's are by far the most likely to survive -- but with Massachusetts ready to begin issuing legally valid same-sex licenses on May 17, gay marriage will remain in headlines for months and years to come.

Rauch's impressive book is as enthusiastic an encomium to marriage as anyone, gay or straight, could write. Identifying himself as "a true believer in the special importance and unique qualities of the institution of marriage," he declares that marriage is "the great civilizing institution" and "the most fundamental institution of society." Reasoning that "two people's lifelong commitment . . . to care for each other" defines the essential core of marriage, he concludes that the key social purpose of marriage is "to bond as many people as possible into committed, stable relationships." Indeed, he says, "marriage, like democracy and capitalism, meets the personal and social needs of human beings as nothing else can."

Rauch is thus no lefty-liberal, nor is he a gay cheerleader. For gays, he says, "marriage will give us the opportunity to become better people, by bestowing upon us the full responsibilities of adulthood." Marriage, he asserts, "will ennoble and dignify gay love and sex" and make gay life "more relationship-oriented" by hastening "the decline of the same-sex underworld." Declaring that "much of what is unique about gay culture . . . is an artifact of marginalization and infantilization," he predicts that "marriage will change homosexual culture more than homosexual culture will change marriage."

Gay Marriage is unfailingly polite and respectful toward opponents, notwithstanding many foes' proclivity for overheated warnings about how same-sex marriages will mean "losing American civilization." Yet Rauch astutely notes how "peculiar" it is that adversaries energetically denounce "the 'homosexual lifestyle' -- meaning, to a large extent, the gay sexual underworld -- while fighting tooth and nail against letting gays participate in the institution which would do the

most to change that lifestyle." Rauch is too courteous to observe that this discrepancy suggests that a racist-like loathing of gay people as innately inferior, rather than just a desire to "defend" marriage, may motivate many outspoken opponents.

The immediate precursor to last year's successful gay-marriage case in Massachusetts was a similar lawsuit in Vermont. There, in late 1999, the state supreme court likewise found that the exclusion of same-sex couples from the rights and benefits of marriage violated the state constitution. But unlike the Massachusetts court, which held that "marriage" itself must be made accessible to gays, the Vermont court asked the state legislature to eliminate the legal inequalities. That ruling was a gay rights landmark, but it was also a rejection of the gay plaintiffs' claim that "the status of marriage is in and of itself a value, a benefit."

Civil Wars, by David Moats, the editorial page editor of the Rutland Herald, recounts the "political, social, and cultural war" that took place in Vermont during 2000. Moats won a Pulitzer Prize for his editorials on the issue, and Civil Wars tells a compelling, emotionally moving story. Moats viewed the Vermont conflict as "the latest tumultuous chapter in a decades-long struggle for civil rights in America," and he compares it to "Birmingham and Selma as landmarks of our growth toward a more complete democracy." Just as in Alabama four decades ago, Moats stresses, hateful behavior by civil rights opponents proved decisive in "touching the conscience" of Vermonters who did not start out as gay rights supporters.

When the political hot potato of gay marriage first landed in the Vermont legislature, the House Judiciary Committee had the task of drafting a bill that would comply with the court's ruling. The committee's membership ranged from savvy Burlington lawyers to a pair of retired state troopers, but it also included the one openly gay member of the legislature, Democrat Bill Lippert. The committee held hearings and convened two evening forums, at which both proponents and opponents of gay marriage spoke fervently. By the time the hearings ended, Moats reports, "many of the committee members had concluded that marriage was the right thing to do but that it would be impossible to win passage for a marriage bill in the House." Vermont Gov. Howard Dean concurred in the judgment that domestic partnership legislation was the only politically feasible option. During one committee session the term "civil union" was suggested as a preferable label, and "once the committee members happened on that phrase, they knew it was right." But the committee's decision to endorse civil unions, while politically courageous for many members, was nonetheless "a galling compromise" for gay marriage proponents who sought the form, as well as the substance, of civil marriage.

When the civil unions bill reached the House floor, Bill Lippert spoke passionately in support. "Tears were brimming in the eyes of onlookers, including me," Moats recalls. When Lippert finished, 72-year-old Republican Robert Kinsey, a three-decades legislative veteran and a former Speaker, rose to tell his colleagues that "I just heard the greatest speech I've heard in thirty years." The bill passed by a five-vote margin, and Gov. Dean forcefully prodded hesitant state Senate leaders to back it as well. Foul-mouthed homophobes took over a community forum attended by one crucial undecided senator, and the effect was decisive. "The bigots of St. Albans should know we have them to thank for civil unions," another senator explained once the bill passed and was signed into law.

Civil Wars sketches many political profiles in courage, even if that courage was expended on behalf of a measure that, compared to the one in Massachusetts, is in Rauch's words but "a distant second choice." Now, gay marriage for real is just a few weeks away, but years of political warfare lie ahead, too. History's moral judgment on 1960s opponents of civil rights is indelible, and perhaps that verdict will help more politicians see their way clear toward the courage that this new struggle demands. *

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