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[Kit Gallant](#)

Posted October 12, 2008 | 07:48 PM (EST)

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Between having one of our senators on the sort-of losing ticket in 2000, a former governor imprisoned, a House representative with the narrowest margin of victory in congress up for reelection in 2008, the only House Republican from New England, the only state in New England to vote for Barack Obama in the primaries, a Republican party that endorses Democrats, and a Democratic party that nearly tore itself to pieces over a Lexus-driving trust-funded millionaire and the leader of the creatively named "Connecticut for Lieberman" party, the last eight years have been pretty wild in the Constitution State.

On Friday, things got even more interesting. In a 4-3 decision, the Connecticut Supreme Court ruled that Gay Marriage is legal. It's about time. The precedents give clear direction: separate is not equal; semantics matter. Apparently, it is really that simple.

In fact, this ruling will constitute an important precedent in and of itself -- it is the first state Supreme Court ruling to hold that civil union statutes violate state constitutions. This doesn't come as a surprise, and hopefully this ruling will find its place in the pantheon of landmark social justice decisions.

But the most compelling feature of this decision is a broader one -- the relative weakness of the dissenting opinions. Justice Peter Zarella, for example, made a thoughtful and alliterate injunction: "The ancient definition of marriage as the union of one man and one woman has its basis in biology, not bigotry." This is because in the view of Justice Zarella, the goal of marriage is to "privilege and regulate procreative conduct." Liam O'Brien, a shrewd and acerbic observer, wondered aloud to me whether this opinion meant that infertile couples and couples that choose not to procreate should be prevented from marrying. My point here is not solely to recount Mr. O'Brien's joke, but also to suggest that it is very hard, even for talented legal thinkers, to deploy strong legal arguments in favor of the distinction (even if only semantic) between civil unions and marriage. Justice Palmer's majority opinion reflects this too: "Although marriage and civil unions do embody the same legal rights under our law, they are by no means equal [;] the former is an institution of transcendent historical, cultural and social significance, whereas the latter is not." Once again, the different ways one might describe two ostensibly identical items renders one fundamentally different from the other.

Proponents of the view that "marriage is between a man and a woman" are losing ground. There are plenty of reasons why this is so, legal and otherwise, but it comes down to the ever-important question: "Why does it have to be that marriage is only

between a man and woman?" The old aphorism that "marriage is between a man and a woman" seems overly traditionalist and divorced from rationality in light of the Connecticut Supreme Court's decision. Now, the new best definition of a family is also the title of a prominent gay rights organization, "love makes a family." And since love does make a family (one doesn't have to be married to have a family, anyway), marriage too is not about procreation as such, but about love and privileging love's role in the construction of one of the most basic structural elements of society, the family. The essence of this decision is that in Connecticut there never was and nor can there be a politically-enshrined heterosexual monopoly (enforced through semantics) on familial love.

Barack Obama and Joe Biden do not support Gay Marriage, instead they support civil unions (McCain and Palin are another story). This has been a disappointing element of their platform. But, I'm not convinced that their stance on the issue matters much at all. Increasingly, it looks like the question of Gay Marriage is out of the hands of legislators and the executive branch, and into the hands of the courts. That's a good thing, because it looks like the courts, as well as Connecticut, are finally on the right track.

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I believe that the problem of civil unions vs. marriage can be solved by the following: all people, straight or gay, will only get "civil unions" from the state. If they want "marriage" they will have to go through a private organization (religious or otherwise). That way, the supposed 'sanctity' of marriage will be preserved, or so the argument would go.

That being said, I think people just need to grow up and accept gay marriage. If gays and lesbians want to join us breeders in that realm, go right ahead.

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[_GregJL](#) [See Profile](#) [I'm a Fan of GregJL](#) [permalink](#)

Sorry, I like being married, not civil unionized. I have a spouse, not a domestic partner.

As for Obama and Biden not supporting equal marriage rights...well, it'll probably be easier to argue them around to support than it would for McPalin. And it will ultimately fall to the legislators. We still need the Constitution to say that all rights, defined or implied, belong to ALL people.

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[_GregJL](#) [See Profile](#) [I'm a Fan of GregJL](#) [permalink](#)

I should say, it SEEMS we need the Constitution to CLEARLY state it, since people don't seem to take the 14th Amendment seriously

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[- sonoffestus See Profile I'm a Fan of sonoffestus permalink](#)

I am straight and have been married for 26 years. I am all for our Constitution and for Civil Rights. If you care for our Consitution and Civil Rights you must support Gay marriage. I realize it is difficult for many folks to grasp simple concepts, but it is really that simple.

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[- yodaveg See Profile I'm a Fan of yodaveg permalink](#)

Great news. We are a proudly liberal lot here in CT.

Now would someone please explain why we cannot buy beer here on Sunday?

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[- Sneaky See Profile I'm a Fan of Sneaky permalink](#)

Why can't one damn person be honest with themselves and admit this isn't a function of the court system, specifically, but of the states themselves? Gallant was so close until the last paragraph...

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[- Kit Gallant - Huffpost Blogger I'm a Fan of Kit Gallant permalink](#)



Sneaky --

[See Kit Gallant's Profile](#)

You make an important point of clarification. I would qualify my final paragraph. It should read as follows: "Increasingly, it looks like the question of Gay Marriage is out of the hands of legislators and the executive branch, and into the hands of states' judiciarys."

This decision was the first to hold that civil union statutes violate equal protections. In Connecticut, this decision came as no surprise. Whether decisions of this kind are the wave of the future in other states is open to question. I suggested in my post that the weakness of the dissenting opinions in this particular case might be representative of an internal tension in the "pro-civil union, anti-gay marriage" position, both legally and philosophically. Only time will tell how this problem plays out, but the ruling in Connecticut has significantly changed the on-the-ground facts of the gay marriage debate.

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NEW

Thank you for qualifying your statement; I agree completely. Hopefully Connecticut will be the catalyst needed for those sharing similar views in other states to push this issue, too.

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[- HypocrisyAlarm See Profile I'm a Fan of HypocrisyAlarm permalink](#)

My rationale on this issue stems from the fourteenth amendment to the US Constitution which states, among other things, "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Let's say Jay Lover and Jane Lover are both in love with John Doe. If Jay and Jane both want to marry John and the law

prohibits Jay from marrying John and permits Jane to marry John, that is not "the equal protection of the laws" because the law does NOT treat Jay the way it treats Jane.

Anyone who argues against permitting any citizen to marry any other citizen under the same strictures that opposite sex couples may is not providing argument with support; he/she simply does not believe in equality under the law for every citizen and is probably using some specious procreation-, religion-, or tradition-based rationalization to support his/her position. Sorry, folks, but to protect both YOU and me in a society of laws, laws must be subject first to REASON and no slaves to half-arguments, superstition, and/or "because that's the way we've always done it."

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- [Sneaky](#) [See Profile](#) [I'm a Fan of Sneaky](#) [permalink](#)

That's... one of the first times I've ever seen the 14th Amendment read properly. Bravo.

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- [LittleOponionater](#) [See Profile](#) [I'm a Fan of LittleOponionater](#) [permalink](#)

The fact that people are arguing over this matter is ridiculas.
I have a few questions for you to think about:

- 1.If someone that lives thousands of miles away from you has a gay marriage will it hurt you?
- 2.If so how does it physically or mentaly hurt you?
- 3.What is your defination of the ten commandments?
- 4.If someone will be happy marrying who they want why would you want to ruin it?

I think that if people are marrying same sex and it does not physically or mentaly hurt me than i have no oponion in how they want to live their life. I feel that it is the same as rascism. They can not change the fact that they love whom they love nor did they choose to be that way. An African American did not choose to have dark skin so why should we treat them differently because of how they were created?

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- [DontBeFoolish](#) [See Profile](#) [I'm a Fan of DontBeFoolish](#) [permalink](#)

Question Answers

1. Yes. If your gay, be gay. No one wants to learn anymore than they have to about the gay lifestyle. If one state does it, then others will to. Keep it to yourselves.
2. Answered in answer #1
3. In short. Love one another & Adam & Eve.
4. Please, by all means be happy. However, you should not force your lifestyle into others who do not wish to know. A man cannot marry a man and a women cannot marry a women, this is not the norm. I say again, if you want to be gay, then please be gay. But don't pretend that it is the norm.

I know that my comments will appear to be homophobic or something stupid like that, but that's not my intent. Again. If you want to be gay, then be gay. Have fun, enjoy, but it is nothing that I want my kids to know about at their young ages. If fact, it's nothing that I need to learn more about either. However, I can't see a Male & Male or Femele & Female being man and Wife. Sorry about my truthfulness.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 03:34 AM on 10/13/2008

[_ AuntieSam](#) [See Profile](#) [I'm a Fan of AuntieSam](#) [permalink](#)

Y'know, I really don't want to spend much time thinking about ANYONE else's sex life, be they straight, gay, bi- or hermaphrodite. It just isn't my concern. I don't know how old your kids are, but the mechanics of any sort of sex are pretty disgusting to a child.

Today is my 18th wedding anniversary. My husband & I got married before we bought a house, and bought a house before we had kids. Once we had kids, I was fortunate enough to stay home and do all the playgroup, PTA, soccer mom stuff that (hopefully) helps raise responsible, self-sufficient, thoughtful, kind citizens. (Please understand that I think families where both parents work or where only one parent is present are quite capable of doing this also.) In what way does it affect MY child-rearing if another family across the country or across the street have 2 dads or 2 moms? Why would I deny any other couple the joy & enrichment of sharing their commitment?

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[_ cinemaven](#) [See Profile](#) [I'm a Fan of cinemaven](#) [permalink](#)

You are homophobic whether you wish to appear so or not. You are actually forcing your lifestyle on homosexual partners by opposing them the same rights you enjoy.

I have two sons and they have been aware of homosexuality since they were born since a close family member is often here with his wonderful husband and partner of 19 years. My boys benefit from that because if either had been gay, they wouldn't have had to wonder if their parents would still love and accept them... they already had evidence that it wouldn't matter to us who they married and now, as young heterosexual men they benefit from it because they were raised to be open minded and accepting of others.

While it's not your norm, being gay is the "norm" for many people. If your young kids are gay and you are outspoken to them about your views on homosexuality, you are going to cause them great distress when they become aware of their sexuality. If they aren't gay, you are setting them up to be homophobes. Neither scenario is a good one.

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[_ Annieke](#) [See Profile](#) [I'm a Fan of Annieke](#) [permalink](#)

For someone with a screen-name 'Dont be foolish' I think this is a foolish remark.

First of all, why would any marriage (whether a same-sex marriage or a marriage under the 'old rules') mean that a lifestyle is forced upon others? If my two male neighbours (a gay couple who are together for over 15 years) marry, do I feel myself forced to suddenly become gay myself while I (a female) am happy with my boyfriend? No it doesn't!

Wanting the same rights as men and women who chose to be together, is not forcing anything on others, not is it in any way close to pretending it is 'the norm' (and why is 'the norm' so important? Can't we be different in a free country?).

Not wanting to learn anything about gays is pretty homophobic. Being gay is not some disease, and it can't be transferred so what are you afraid of?
As for your children: I only hope that you will be more flexible and tolerant towards them if one of them comes to the realisation that he/ she is gay somewhere in their teen-years. If not, I already feel sorry for them.

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[_jnuno](#) [See Profile](#) [I'm a Fan of jnuno](#) [permalink](#)

The people should have been allowed to vote on the matter. Circumventing the people only underscores the fact that proponents knew their goal to redefine marriage would have failed if voted upon. Words and institutions have meaning. Redefining them only cheapens and corrupts them.

Marriage is:

1. reserved for humans; not animals
2. not available to children
3. not for multiple partners (a group of 7 persons cannot marry etc.)
4. the union of 1 man and 1 woman.

If redefining marriage is such a great and important idea for society, then the question is, why would proponents to redefine marriage only want to corrupt the 4th in the list above? Why not allow a woman to marry a goat, a man to marry a child and 6 women marry 1 man? For once the standard is broken, everything can be permitted.

Marriage is an important institution and should not be redefined and corrupted.

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[_MrWampler](#) [See Profile](#) [I'm a Fan of MrWampler](#) [permalink](#)

"Marriage" has been redefined throughout history. Marrying children or multiple partners are historical practices and have been redefined out - at least here in the U.S. Note that "marriage" was really an exchange of property (the woman) between two men: the husband and the bride's father. That woman usually had just entered child-bearing age, 12-14. In fact this whole idea of "love" within marriage is a relatively new concept, only introduced when women assumed the power to make the marriage decision on their own.

..and for the love of St. Peter, no one here is talking about marrying animals! Grow up!

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[_CAPlatt](#) [See Profile](#) [I'm a Fan of CAPlatt](#) [permalink](#)

You can marry a goat anytime you want, but I wouldn't brag about it to the neighbors or try to file a joint return if you do.

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[_ceu](#) [See Profile](#) [I'm a Fan of ceu](#) [permalink](#)

"The people should have been allowed to vote on the matter"

Ummm...no. Here is CT that's not an option - we don't directly vote on things like this the way states with propositions do. We adopted a Constitution and leave the interpretation of it to the courts rather than amending it for whatever the latest big issue is in order to suit the majority. A Constitution is supposed to protect the minority from the tyranny of popular whims.

Bottom line is that citizens shouldn't be voting on what rights other citizens can have.

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[_walk0nwalls](#) [See Profile](#) [I'm a Fan of walk0nwalls](#) [permalink](#)

"Marriage is an important institution and should not be redefined and corrupted."

Oh yes, sacred enough for ye >50% divorce rate in this country. Very sacred indeed. Sacred enough to make so fundamentally unhappy as they are stuck in a meaningless tradition that binds them seemingly irrevocably to a single person even as that person could hypothetically change drastically over the course of their entire lifetimes

So yes, this wonderful, joyous, and wholly sacred tradition... must not be attacked by the gays.

/snark

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The fact is that the issue is about rights. And it is the courts' job to determine whether laws are fairly and equally applied. It is not up to the people (voters) to decide if a law is applied in accordance to state or the federal constitutions. You may be operating under the delusion that the US is a democracy. It is not. It is a representative republic, and that changes who makes decisions about how laws are enforced.

1. Only humans can give consent. If another species could, it would be a different situation.
2. Children cannot give consent t this kind of long-term contract.
3. Multiple marriage is historically a valid option. It was good enough for the Jews in Christ's time, why not for the Christians?
4. Marriage should be between consenting adults.

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- [NoPCZone](#) [See Profile](#) [I'm a Fan of NoPCZone](#) [permalink](#)

What those opposing Gay Marriage on the basis of their theology seem to ignore or conveniently omit is that Marriage is of the civil government- not the church. Holy Matrimony, in Christian parlance, is of the church- not marriage. Additionally, every faith-based leader conducts marriage ceremonies with the phrase 'by the power invested in me by the state/commonwealth of _____'. That would be a direct acknowledgement of who has the real authority.

It's a no-brainer that same sex partners should be able to marry- it's the right thing to do. If they cannot, then the rest of us should not marry in protest.

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- [Annieke](#) [See Profile](#) [I'm a Fan of Annieke](#) [permalink](#)

Exactly.

This religious problem could be solved in an easy way: a division between legal marriages and religious ceremonies.

In The Netherlands, any couple first has to have a legal marriage at City Hall, preformed by a civil servant. After this ceremony (which can also take place in appointed locations like old castles or manors), the couple get their marriage license.

Only after this marriage they can go to a church, synagogue, buddhist temple etc. The reverend, rabbi has to ask for a prove of the legal marriage and the marriage license is shown.

So the gay marriages (valid for over 10 years already in The Netherlands) are strictly legal and not religious. Gay couples can marry in some protestant churches but not in the Roman Catholic Church. It depends on the denomination of the church and the point of view of the reverend.

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- [lachgirl](#) [See Profile](#) [I'm a Fan of lachgirl](#) [permalink](#)

Exactly. and we are talking about a legal definition, are we not? churches can make their own decisions about whom to include in Matrimony; no one is forcing them to accept the marriage within the confines of their own religious doctrine. go CT!

Everyone in cali: NO ON 8. NO ON 8. make sure everyone knows the correct way to vote!

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- [brynn6](#) [See Profile](#) [I'm a Fan of brynn6](#) [permalink](#)

NoPCZone is absolutely correct. One must go to the county courthouse to get a license to marry. Without a license the marriage is not legal. A couple could go to every "church" in the country and they would not be married without one. Marriage is a legal contract, nothing more. If someone wants to embellish this contract with a ceremony fine but anyone with (again) a license can perform a marriage.

Beside all of this, in some places the bible sanctioned plural marriage. Unworkable in my opinion, but none of my business unless there is fraud or abuse involved.

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