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Silva: A right means we can choose

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Here in Connecticut, lesbians and gays won a small but significant victory last week. On Friday, the Connecticut Supreme Court narrowly legalized gay marriage in a 4-3 ruling, effectively upgrading from the same-sex civil **unions** the state first granted in 2005. The ruling marks another step in the path toward LGBT rights across the nation.

On the very day that same-sex couples in Connecticut rejoiced, gay marriage met defeat across the Atlantic. In an overwhelming majority, Portuguese lawmakers rejected two bills to overturn an existing ban on same-sex marriage.

I was delighted by my new right to marry another man right here in New Haven (Battell, maybe?). But the Portuguese case is a reality check. Though gay marriage here in Connecticut will provide the benefits (and the headaches) of a heterosexual union, the contract will still be invalid in 47 other states, not to mention most other countries, including Portugal.

Here in the United States, there's an obstacle in the way of equality: the Defense of Marriage Act. Twelve years ago — in what feels like a much earlier time — Congress allowed states to ignore any marriages they chose. The law, which was a thin-veiled attempt to limit full marriage rights from all, still stands, and it still poses a serious threat to national adoption of gay marriage.

What's more, crucial civil rights advances like gay marriage seem to seek support from a small but powerful institution: the judiciary. Is the savior of equality in the Constitution? I have a hard time believing equal protection principles exclude homosexuals. Dissenters argue against gay marriage by ignoring equal protection altogether, instead focusing on the definition of marriage. And though I respect the belief among some that matrimony is a sacrament, our pluralist society must admit that marriage has changed under secular government.

That marriage's purpose is to "privilege and regulate procreative conduct," according to dissenting Justice Peter T. Zarella, is a warped interpretation of reality. Call me new-fashioned, but in our society, marriage has become more of a financial contract (with benefits and burdens) than anything else. After all, how many millions of Americans now have what we once called alternative lifestyles, including divorced parents, step-families, adopted children and children out of wedlock?

We've seen that on the state level, most judges so far have noticed the anti-constitutionality of banning gay marriage. But could gay marriage be upheld by popular vote or by lawmakers?

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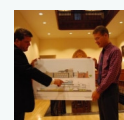
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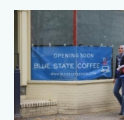
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