

Altered states: Some conservative strategists accept the idea of gay civil unions

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While churches continue to debate their understanding of homosexuality, the political debate on gay partnerships has moved dramatically toward legal acceptance. Consider the movement of the past four years. In 2000, when Vermont enacted a “civil unions” law giving homosexual couples the rights and benefits of marriage, the move seemed at the extreme edge of political feasibility. In the eyes of local and national critics, Vermont’s civil unions were marriage in everything but name and therefore constituted (to quote the Family Research Council at the time) “a direct assault” on marriage.

Then, last year, the Massachusetts Supreme Court declared that granting same-sex couples anything less than full marriage rights is discriminatory. And this year, emboldened by the Massachusetts court, San Francisco and other municipalities decided to issue marriage licenses to gays and let the courts and legislators sort out the legalities later.

The dominant question in some states, suddenly, is no longer about whether same-sex partnerships are to have some legal recognition; it’s about whether the recognition should be anything but marriage.

The most telling indicator of the force of this movement is the stance President Bush has taken to oppose it. He has called for a constitutional amendment that states: “Marriage shall consist only of the union of a man and a woman.” The wording clearly asserts a defensive definition—the term *marriage* is to be reserved for heterosexual unions.

Yet what is remarkable is that this is all that the proposal aims to do. It leaves the door open for states to allow gay civil unions. In announcing his support for the amendment, Bush explicitly noted that “state legislatures [would be] free to make

their own choices in defining legal arrangements other than marriage.” That is to say: If some states want to provide civil unions for gays that convey many of the privileges of marriage, that is OK—just don’t call that marriage.

What four years ago was viewed as a radical assault on marriage, and perhaps only possible in a politically fringe state—namely, gay civil unions—is now implicitly accepted by conservative strategists as they search for grounds on which to “protect” heterosexual marriage. (Hard-line conservatives regard Bush’s position as a betrayal.)

The context of the churches’ debate is, then, rapidly changing. Acceptance of gay marriage or gay unions as a legal matter is likely to grow. In some ways, that social context will clarify the churches’ particular task: to articulate what marriage means—for homosexuals and heterosexuals—not as a matter of legal rights but as a theological covenant and commitment lived out before God.