

GET **2** FREE ISSUES

SEARCH GO

MAGAZINE

CHANNELS

VOICES

CORRESPONDENTS

DISPATCHES

VIDEO

SUBSCRIBE

BusinessPoliticsFood



ANDREW SULLIVAN • OF NO PARTY OR CLIQUE

THE DAILY DISH



« National Review On Torture, Ctd | Main | The Daily Wrap »

19 Feb 2010 08:55 pm

The Fate Of Gay Conservatism, Ctd



Video re-posted from earlier today (podcast available [here](#)). A reader writes:

I watched your [appearance](#) at the Cato Institute in which you came to intellectual fisticuffs with Maggie Gallagher.

There was one point of debate on which I felt you had a strong argument against Maggie that you didn't use: Maggie was constantly trying to throw gay marriage off the table, and yet continued to put it back on the table herself, particularly when she referenced supposed violations of religious conscience related to laws that restrict discrimination by institutions whose religious beliefs define marriage as between a man and a woman. In the context of that debate, she mentioned that part of what makes the traditional definition of marriage sacrosanct is that only a union between a man and a woman can produce new life.

I wonder why didn't you ask her: how does allowing homosexual marriage diminish the ability of heterosexual marriage to produce life?

Her response could've been nothing credible. The only way it would diminish the life-producing aggregate of heterosexual marriage is if heterosexual divorce rates go up after homosexual marriage becomes the law of the land. And in every state where same-sex marriage is legal, divorce rates have either stayed level or actually **dropped**. In fact, divorce rates are **higher** in states with outright bans on same-sex marriage.

I believe in the end, this is an argument about justice: in order for an injustice to be committed against a person or group of people, there has to be an injury. Where is the injury to heterosexual marriage here? How is the ability of a heterosexual marriage to produce life diminished in any way by granting same-sex couples the right to marry? What is the injustice she claims exists?

Her citing public opinion is also interesting: public opinion about racial discrimination in many states was in the majority favoring discrimination prior to Brown vs. Board. Does that make segregation historically correct in her eyes? She may think it impolite to compare traditional marriage to racial discrimination, but she cannot avoid this question if she intends to be intellectually consistent: if she believes that public opinion polls should inform questions of social equality, she must necessarily believe that the majority support of segregation laws in many Southern States prior to Brown v. Board vindicated the policy of segregation. If on the other hand, she believes segregation was unjust, then she cannot reasonably use public opinion polls as an argument for her position; the majority has been wrong on questions of social justice in the past, so it ill suits anyone to rely on polls to vindicate their beliefs. As she said herself: she was Conservative when it was unpopular to be so. To fight against public opinion when it opposes you and martial it to your aims when it is with you is not intellectually honest.

One last thing: public opinion is often biased towards the status quo and easily manipulated by changes of public policy. A generation after Loving V. Virginia was decided, people who grew up with inter-racial marriage being the norm no longer question it. In fact, they take it for granted as something that anyone ought to be able to do. This wasn't always the case.

So the final nail in the coffin for Maggie Gallagher is this: if same-sex marriage is legalized across the nation, and it remains so for the next several decades, a generation of Americans will grow up "with" same-sex marriage, just as a generation grew up in desegregated schools after 1954; and just as a generation grew up with inter-racial marriage after 1967. We no longer question whether these decisions resulted in a more just society. Yet at the time, they were extremely contentious. This means, yet again, that public opinion is a terrible indicator of whether or not a policy is correct or just. It simply reflects the biases of a generation toward the status quo.

Until Maggie can answer as to what injury same-sex marriage causes to the "life-creating" potential of heterosexual unions (she can't), or is willing to come out in support of publicly supported segregation laws as vindication of her appeal to opinion polls in support of her position, she will be unable to make a convincing moral case against same-sex marriage; and indeed she can't, because there is no injury to speak of that would make same-sex marriage unjust to heterosexuals.

Permalink :: [Trackback \(0\)](#) :: [Sphere !!](#) :: [Share This](#)

TRACKBACK URL FOR THIS ENTRY:

<http://www.typepad.com/services/trackback/6a00d83451c45669e201310f1f16f8970c>

Listed below are links to weblogs that reference 'The Fate Of Gay Conservatism, Ctd'

TODAY'S HEADLINES FROM THE ATLANTIC

POLITICS

Credit Card Reform: Yes, Democrats Accomplished So...
 Finally, ObamaCare Arrives
 What Will The "Anti-Incumbent Frenzy" Mean For 201...

BUSINESS

Excess Leverage Is Un-American
 Finally, ObamaCare Arrives
 What You Need to Know About Today's Credit Ca...

FOOD

Cows Need Grass, and USDA Agrees
 Tarte Tatin: Living on the Edge
 Sir, There's Blood in My Orange

FROM THE MAGAZINE

SPORT The Boys from Brazil
 Why American rodeos take on Latin flair
BOOKS The Men Who Made England
 Wolf Hall is a service to history
SOCIOLOGY Exile in Greenville
 NASCAR and an environmental conference converge



5 Best Monday Columns

[How the Torture Report Will Reshape Politics](#)

[Beck Thumps GOP, Puzzling Conservatives](#)

Last Update: Feb 22, 2010 11:42am

VOICES

Megan McArdle
 Markets in Everything
 2.22.10 10:06 A.M.

Ta-Nehisi Coates
 Against The Gunslinger
 2.22.10 11:00 A.M.

Jeffrey Goldberg
 How Much Does it Cost to Buy
 a Journalist? 2.22.10 10:20 A.M.

Marc Ambinder
 Credit Card Reform: Yes,
 Democrats Accomplished
 Someth... 2.22.10 11:39 A.M.

James Fallows
 More on OPR, Hiroshima, and
 Dick Cheney 2.22.10 6:16 A.M.

Clive Crook
 Reflections on the American
 dream 2.19.10 6:47 P.M.

SULLY'S RECENT KEEPERS

The OPR Report

It is the lynchpin of the legal case for prosecuting the war criminals.

The Silence Of The Bishops

It is, I fear, a function of partisan stranglehold.

"May The Judgement Not Be Too Heavy Upon Us"

A Catholic channel and a self-described Catholic defend torture.

"I Was A Big Supporter Of Waterboarding"

Cheney confessed to a war crime.

Waterboarding And The Inquisition

Fresh evidence from a Peruvian museum counters Thiessen.

MASTHEAD

“ TO SEE WHAT IS IN FRONT OF ONE'S NOSE NEEDS A CONSTANT STRUGGLE ”

—George Orwell

ANDREW SULLIVAN
[Andrew's Bio](#) | [E-Mail Andrew](#)

DISH PREP
[Patrick Appel](#)

