

‘Gay Marriage,’ Libertarians, and Civil Rights Untangling several confusions.

According to a New York Times story of June 25, an essential part of the coalition that brought “gay marriage” to the Empire State consisted of Republican financial high-rollers who gave Republican legislators cover for voting in favor of Gov. Andrew Cuomo’s “marriage equality” bill while generously funding the pro-“gay marriage” ground campaign, and who “were inclined to see the issue as one of personal freedom, consistent with their more libertarian views.”

More intellectual and political confusion would be hard to pack into one sentence.

“Gay marriage” in fact represents a vast expansion of state power: In this instance, the state of New York is declaring that it has the competence to redefine a basic human institution in order to satisfy the demands of an interest group looking for the kind of social acceptance that putatively comes from legal recognition. But as Archbishop Timothy Dolan of New York and others argued during the days before the fateful vote on June 24, the state of New York does not have such competence, and the assertion that it does casts an ominous shadow over the future. For if the state in fact has the competence, or authority, to declare that Adam and Steve, or Eve and Evelyn, are married, and has the related authority to compel others to recognize such marriages as the equivalent of what we have known as marriage for millennia, then why stop at marriage between two men or two women? Why not polyamory or polygamy? Why can’t any combination of men and women sharing financial resources and body parts declare itself a marriage, and then demand from the state a redress of its grievances and legal recognition of it as a family? On what principled ground is the New York state legislature, or any other state legislature, going to say “No” to that, once it has declared that Adam and Steve, or Eve and Evelyn, can in fact get married according to the laws of the state?

There is a curious rhetorical fact that has usually gone unremarked in these debates, but which is worth pointing out. That what the New York state legislature approved has to be described, not as marriage, but as “gay marriage” or “same-sex marriage” is itself a verbal indicator that what is being done here is counterintuitive. We all know, or thought we knew, what marriage is, and to add the qualifier “gay” or “same-sex” is a tacit admission by the proponents of the practice that it requires an appeal to authority to enforce what seems strange, odd, not right. The verbal tic of “gay marriage” or “same-sex” marriage is thus itself a rhetorical warning sign that what was done in Albany was an exercise in raw state power, the state’s asserting that it can do X simply because it claims that it has the power to do so.

And that is an exercise of power that libertarians ought, in theory, to resist, not support.

New York State notwithstanding, the argument over marriage will and must continue, because it touches first principles of democratic governance — and because resistance to the agenda of the gay-marriage lobby is a necessary act of resistance against the dictatorship of relativism, in which

coercive state power is used to impose on all of society a relativistic ethic of personal willfulness. In conducting that argument in the months and years ahead, it would be helpful if the proponents of marriage rightly understood would challenge the usurpation by the proponents of gay marriage of the civil-rights trump card.

That usurpation is at the heart of the gay lobby's emotional, cultural, and political success — the moral mantle of those Freedom Riders whose golden anniversary we mark this year has, so to speak, been successfully claimed by the Stonewall Democratic Club and its epigones. And because the classic civil-rights movement and its righteous demand for equality before the law remains one of the few agreed-upon moral touchstones in 21st-century American culture (another being the Holocaust as an icon of evil), to seize that mantle and wear it is to have won a large part of the battle — as one sees when trying to discuss these questions with otherwise sensible young people.

But the analogy simply doesn't work. Legally enforced segregation involved the same kind of coercive state power that the proponents of gay marriage now wish to deploy on behalf of their cause. Something natural and obvious — “We hold these truths to be self-evident, that all men are created equal” — was being denied by the state in its efforts to maintain segregated public facilities and to deny full citizenship rights to African Americans. Once the American people came to see that these arrangements, however hallowed by custom (and prejudice), were, in fact, unnatural and not obvious, the law was changed.

What the gay lobby proposes in the matter of marriage is precisely the opposite of this. Marriage, as both religious and secular thinkers have acknowledged for millennia, is a social institution that is older than the state and that precedes the state. The task of a just state is to recognize and support this older, prior social institution; it is not to attempt its redefinition. To do the latter involves indulging the totalitarian temptation that lurks within all modern states: the temptation to remanufacture reality. The American civil-rights movement was a call to recognize moral reality; the call for gay marriage is a call to reinvent reality to fit an agenda of personal willfulness. The gay-marriage movement is thus not the heir of the civil-rights movement; it is the heir of Bull Connor and others who tried to impose their false idea of moral reality on others by coercive state power. A humane society will find ample room in the law for accommodating a variety of human relationships in matters of custodial care, hospital visiting rights, and inheritance. But there is nothing humane about the long march toward the dictatorship of relativism, nor will there be anything humane about the destination of that march, should it be reached. The viciousness visited upon Archbishop Dolan and other defenders of marriage rightly understood during the weeks before the vote in Albany is yet another testimony to the totalitarian impulse that lurks beneath the gay marriage movement.

One might have thought libertarians understood this. But evidently some do not.

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