
California Court Overturns Marriage Ban

Posted by Gyuri - 15-05-2008 17:33

This gives me a little pride in being a lawyer today (moments before I head into a job interview for a government legal job). Though this may be undone by a referendum on a California constitutional amendment (and, no doubt, will fire up the anti-gay marriage folks throughout the country just before an election), I can't help but think it's an unalloyed good thing.

This past weekend, I was at a wedding in Maine between a woman who used to date women but married a man, which was packed with lesbian couples. The priest (I'm not sure of his denomination), at the urging of the bride, spent a significant amount of time talking about how we should be mindful of the double-standard that exists on marriage in the US, and there was much conversation about how much the inability to marry made the lesbian couples feel like second-class citizens. I hope they are feeling a bit better today.

I don't know what the general POV on gay marriage is on OTF (from other threads I know that there are some who don't see much point in the whole marriage thing at all), but at the risk of starting an argument, I thought this development was worth pointing out.

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Re:California Court Overturns Marriage Ban

Posted by TonTon - 15-05-2008 17:42

Of course I'm not actually in favour of discriminatory laws in this area. But did the women's movement spend a lot of energy arguing that women should be allowed to go down the pit?

When I was a lad, as I've said a few times, there were some legal benefits to being gay - no marriage, no military service. Why oh why oh why have so-called gay rights campaigners devoted their lives to getting rid of these benefits?

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Re:California Court Overturns Marriage Ban

Posted by ursus arctos - 15-05-2008 18:00

TonTon,

In the US context, there are significant benefits to marriage that are simply not available to same sex couples in the absence of recognised marriage or "domestic partner" legislation.

Access to health care is probably the single most significant one, as a very significant proportion of all Americans rely on a "spouse's" or parent's employers for their health insurance, but there is also being able to inherit in cases where the partner dies without a will, the ability to issue instructions about a partner's long term care (and in some cases, even be able to visit them in hospital), the ability to adopt children, the ability to qualify for "familial leave" policies, etc. There are tax incentives and other discounts.

As a result, many same sex couples believe that it is very much worth it, or at least that they deserve to have the same choice that straight couples do.

Of course, if the US had anything like the the progressive social legislation that is taken for granted in many European countries; many of these concerns would be moot, but we don't, and they aren't.

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Re:California Court Overturns Marriage Ban

Posted by Inca - 15-05-2008 18:18

Gyuri wrote:

This gives me a little pride in being a lawyer today (moments before I head into a job interview for a government legal job).

And it gives me some pride in being a Californian. Good luck on the job.

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Re:California Court Overturns Marriage Ban

Posted by scotian42 - 15-05-2008 18:23

This is really good news. Every time something like this happens, I think it moves us down a more tolerant road. And, as Ursus points out, there are a ton of legal protections that marriage gives people in the US. I am glad that this happened now - my Aunt-in-law is getting older, and I am glad that she gets to see this sort of positive thing happening as a result of the battles she and her friends fought over the last 30 or so years.

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Re:California Court Overturns Marriage Ban

Posted by Antonio Gramsci - 15-05-2008 18:30

This is bad news for the NPS as it will reduce the flow of gay marriage tourists from south of the border.

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Re:California Court Overturns Marriage Ban

Posted by Antonio Gramsci - 15-05-2008 18:32

But otherwise excellent news, of course.

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Re:California Court Overturns Marriage Ban

Posted by ursus arctos - 15-05-2008 18:48

Not to rain on anyone's parade, but it's only one state (though a very important one). The ruling has no legal effect outside of California, and the court's reasoning doesn't even apply in many other states (where the statutes are quite different or don't exist at all). Not to mention those states that have constitutional amendments denying gay couples these basic rights.

And of course we have an election in November in which one party's platform will advocate such an amendment to the US Constitution.

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Re:California Court Overturns Marriage Ban

Posted by TonTon - 15-05-2008 19:24

I do often forget that the US has no health service. I find it unimagineable, really. When I was a kid, my grandparents told me stories of a time when the same was true over here. I found it horrifying - so horrifying that I found them genuinely difficult to believe.

I guess that makes things a bit different.

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Re:California Court Overturns Marriage Ban

Posted by Femme Folle - 15-05-2008 20:31

We're going to hell in a handbasket, I tell you. What's next? Will paedophiles be allowed to marry four year olds?

Re:California Court Overturns Marriage Ban

Posted by Gyuri - 15-05-2008 22:53

We're going to hell in a handbasket, I tell you. What's next? Will paedophiles be allowed to marry four year olds?Or will man and dog walk down the aisle? Sometimes I miss Rick Santorum (not really). And it gives me some pride in being a Californian. Good luck on the job.Thanks, Inca. The interview went well, of course it's hard to tell with federal government jobs whether it's actually available, or whether they are just going through the required legal motions before giving the job to someone already on staff.

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Re:California Court Overturns Marriage Ban

Posted by Ginger Yellow - 16-05-2008 23:11

Fair play to Arnie:I respect the Court's decision and as Governor, I will uphold its ruling. Also, as I have said in the past, I will not support an amendment to the constitution that would overturn this state Supreme Court ruling.

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