

THE BROOKINGS INSTITUTION

BROOKINGS BRIEFING:

CAN GAY MARRIAGE STRENGTHEN THE AMERICAN FAMILY?

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[TRANSCRIPT PRODUCED FROM A TAPE RECORDING]

## **PROCEEDINGS**

MS. SAWHILL: Good morning, everybody, I want to welcome you here. I'm Isabel Sawhill and I'm very pleased to have the opportunity to moderate this event. We are launching a new book by Jonathan Rauch on gay marriage. And we are posing the question this morning, "Can Gay Marriage Strengthen the American Family?" And we've got a very, very wonderful and distinguished group of people, in addition to the author, to discuss this question.

The way we're going to proceed is that Jonathan is going to begin by providing an overview of the arguments in his book. We will then hear from David Blankenhorn, who is the president and founder for the Institute of American Values, a research organization that does a lot of work on families and children. And I have interacted with David many times and I think he's one of the more thoughtful commentators on these issues in the country.

We will then turn to my friend and colleague from the National Campaign to Prevent Teen Pregnancy, Sarah Brown. She's the director of the campaign. She is one of the few people that I know who can talk about love, sex, and relationships and not sound silly in the process.

And then last, but not least at all, we will hear from Bill Galston, whom you all know. He directs an institute at the University of Maryland; he was domestic policy advisor to President Clinton. He also, happens to serve on the Board of this organization on teen pregnancy prevention and does many, many other things that always amaze me and I'm sure many of you, as well. He is one of these people who can comment on almost anything and not sound silly.

So, I just want to say one more word about Jonathan before I turn the podium over to him. We are very privileged to have Jonathan here at Brookings as a write-in-residence. One of the things I think Brookings does nicely is to have lots of different people in our midst who bring different intellectual perspectives and Jonathan is one of the best at providing that kind of interest to what we have here at Brookings.

He's also a senior writer at "The National Journal," and a correspondent for the "The Atlantic." And I think, like all of you, I'm very interested to hear what he has to say about his new book.

So, with that, let me turn it over to you, Jonathan.

[Applause.]

MR. RAUCH: Thank you all so much for being here. Happy birthday, Pietro. It's wonderful to see you all. It's also particularly wonderful to be having this forum with this group. And the reason for that if I'm not mistaken, none of the people on the platform here have spoken or written much publicly about same-sex marriage, but all of them, I think everyone would agree, are among the leading thinkers and scholars of family policy in the United States.

Now if you think about it, this is a peculiar thing. The decision over same-sex marriage is, perhaps, the most important decision facing marriage that we're going to make in some time in this country and, indeed, six weeks from now, the State of Massachusetts will, in all probability begin issuing marriage licenses to same-sex couples. So, it is a bit late in the day for our A-team on family policy to begin thinking about it, but they have, at last. And that's a very good thing. And it's particularly good to welcome people of this caliber into the debate.

The reason that family policy thinkers have tended not to delve into same-sex marriage has been that the debate has been presented on the left as a civil rights debate, equal rights. And on the right, as a morals debate, as a referendum on homosexuality.

And, of course, it is both of those things. But same-sex marriage is much more than that because above and beyond either of those things, it is fundamentally a question about how we make policy in the interest of American families.

So the question that faces us is: What are the implications of same-sex marriage on family policy? I'll restrict myself today to that particular question, leaving civil rights and morality and so forth aside.

Let's stipulate, as a beginning point that the effects on gay couples of being able to marry, will be good. As a member of a gay couple, I can say I think that would be true in my case. And I think there's broad agreement on that. It's not a terribly controversial point.

For family policy thinkers, the question is: What are the effects on non-gay families and, particularly, on children in those families?

Well, it's important to remember that, according to the 2000 census, more than a quarter of gay-couple families, in fact have children. And the effects on those children of having married parents are, presumably, going to be positive effects.

So, there's at least one group of children who we can say are probably going to be benefited, but that's only about 200,000, 300,000, 400,000 children, we're not sure of the exact number; in a country of tens-of-millions of children.

So, now on to the question that mainly concerns us: What are the effects on other children and their families?

To date, there have been two main arguments about this. The first is that the effect on these other children and families will be either bad or calamitous. The argument is that same-sex marriage will have large negative externalities in the economic jargon on these families.

The second argument is that the effects will be small or neutral. That because a small fraction of the population, probably 3 to 4 percent, are gay, that the effects on other families will be very small. And, indeed, far smaller than the effects of the liberalization of divorce, for example; or the legalization of contraception; things that directly affected the dynamics of straight couples.

So, on this view, gay marriage is just not that big of a deal for family.

I think that the case for calamity is unpersuasive and explore that in some detail in my book. Suffice it say here, people who say it will be a calamity have yet to provide us with a plausible mechanism for why it would be that straight couples would be less likely to get married or stay married if they knew that gay couples could marry.

The case for neutrality or for small effects is very much stronger. And, personally, I don't think, if we legalize same-sex marriage, that we will see epochal effects. I think we'll see marginal effects.

But marginal effects are important. Marriage is an institution that is battered and troubled in the United States and we don't need to make it worse, if we can help it. And we've got to worry about marginal effects on the bedrock institution of family in this country.

So, what are those effects going to be? Well, if you average the two possibilities that we've been discussing so far, the only question is: How bad will same-sex marriage be for the family? The externalities, whether large, small or neutral, all the risk is on the downside.

My view is that there's a third very important possibility. And that is that same-sex marriage may have significant positive externalities; significant upside benefits for non-gay families and children. And that, indeed, maintaining the ban on same-sex marriage may cause considerable harm to these families; considerable downside risk.

I'll explain why: Marriage is a unique commitment. There is nothing else like it. There is no other time in life where we make a promise till death do you part. It is a weighty covenant that the members of the couple make not only with each other, but with their community.

Getting people to make this commitment is a difficult thing to do. Getting them to keep it is also difficult. In the past, this was not such a great issue because, effectively people didn't have a choice about marrying. It was something everyone was expected to do. People were betrothed by their parents; they got pregnant and, therefore, got engaged in shotgun marriages and so forth.

Of course, things have changed. Nowadays, marriage is completely elective. Now we have contraception. Today, marriage is a lifestyle choice.

So, in that kind of environment, how do you encourage people to get married and to stay married? I think the answer is that you make marriage a norm. And you go further than that, you make it the gold standard for committed relationships. You hold it up as a model, as an example of something that everyone can and should be

allowed and encouraged and, indeed, expected to do. A special promise that's rewarded with special status and a number of important legal benefits.

Lately, that scheme has not worked all that well. Most of you in this room, probably know some of these numbers, but I'll flip through them.

There is a threat to marriage today, but it is not from gay people who want to get married. It's from heterosexuals who are not getting married or not staying married. Roughly half of all marriages end in divorce, though, mercifully, that number seems to have stabilized.

The marriage rate fell by 40 percent from 1970 to 2000; a third of American children, this is a stunning number, are born outside of marriage today. Cohabitation rose by 72 percent in the decade of the '90s, alone. More than a quarter of young couples, aged 18 to 29 are unmarried, also unprecedented. As the Gallup organization put it a few days ago in assessing that number, the future of marriage may depend on whether young people simply delay marriage or side-step it all together.

Well, opponents of gay marriage argue that by further detaching marriage from parenthood, same-sex marriage will further detach parents from marriage. And that that will be a bad thing for family.

As Maggie Gallagher, the conservative commentator often likes to say, children need mommies and daddies. So we need gendered marriage.

I think the answer to that is, no, children don't need mommies and daddies, children have mommies and daddies because that's how we get children. What children need are married mommies and daddies.

When a third of children are born out of wedlock; when contraception and abortion are available on demand; when you have single-parent adoption legal in every state, the debate is over about detaching marriage from parenthood and, in deed, was over years ago.

The question now, is: How do you reattach marriage as a norm?

And I think that the answer to that is that same-sex marriage is the first opportunity this country has had in many a year to move back in the other direction, away from the deinstitutionalization of marriage; away from the flight of marriage and back toward the expectation of marriage as a universal norm.

This is the most dramatic statement I think it's possible to make, that marriage—not cohabitation; not partnership; not anything else but marriage—is the gold standard, if you really care about someone. Marriage is for everybody, is the message you send with same-sex marriage. Marriage is the model, old or young, gay or straight, kids or no kids--the unambiguous signal ought to be sex, love, and marriage go together.

The problem today isn't that parenthood is detached from marriage, it is that couples are detached from marriage. They increasingly see it as merely an option. I think gay marriage is an important step in the other direction.

There was a very moving article in "The New York Times" in December about a gay couple, two men in their 80s, married over 50 years; excuse me, partnered over 50 years who went to Canada to get married. And when asked why they did this, Why they needed this certificate after 50 years, one of them simply replied, because marriage is the maximum.

That is the right signal to send.



Now, the effects on straight marriage of the modeling of marriage as a universal norm, by gay couples, may, in fact, be quite small, I don't know. Though I can imagine a significantly large beneficial impact. For instance, 15 years from now, if best director at the Oscars holds up that academy award and thanks his husband of 15 years on national TV while the camera pans to the husband in the front row who is tearful and beaming with joy. That's a heck of a good advertisement for the normality, the universality of marriage.

And I think you can heighten the connection with policy, explicitly if, while we move toward same-sex marriage, at the same time, when you get same-sex marriage, you eliminate the marriage-like alternatives. The partnership and civil unions and so on. You send a clear signal: if you want the benefits of marriage, get married.

A few words about the potential downside of the ban on gay marriage, something that much too little attention has been paid to. The river of history has turned and it is essential to understand that. Gay couples are here, they are present, they, we are open, not going away. And many of them are proving to be models of commitment and responsibility in their relationship.

It is a fact, I believe, that over time respectability will follow those relationships into whatever vehicle or vessel those relationships flow. And the question will be: Will respectability follow those relationships into marriage or will it follow them into civil unions, domestic partnership or something else?

Civil unions, I believe, are a risky alternative because they create a half-way house between marriage and cohabitation that will prove attractive, over time, to heterosexuals. And, in most cases, in most countries that have domestic partnerships and

civil unions, they are open to heterosexuals, so you give straight people another alternative to making the big commitment and getting married.

Even if these civil unions are not open to heterosexual couples, there will still be a tendency of these alternatives to validate the impression that marriage is just one of a lot of relationship lifestyles, nothing more than an item on a menu.

And that, I think, is not good for the message we ought to send about marriage which is that it's a very good thing and it's a unique thing and it's expected.

Some conservatives will respond to that by saying, okay, fine, no gay marriage, no civil unions, no nothing. Well, that's the worst answer at all for marriage. Because the result of that will be to validate cohabitation and cohabitation is the biggest threat to the institution of marriage.

Allowing neither gay marriage nor civil unions simply, over time, turns every successful openly gay couple into an advertisement for the joys of non-marriage, the joys of cohabitation. It's beyond me why that's something conservatives would want to do.

Finally, something for you all to think about, in the longer term: Defining marriage as discriminatory, that is, as the lifestyle choice you participate in, if you believe that gay people are not equal--which is how it will look over time--may tend to marginalize marriage.

Now, I know that that seems farfetched right now, but in 1960, when I was born, it would have seemed very farfetched to say that a men's club would marginalize itself by choosing to exclude women. But, indeed, over time, men now shun those clubs because it is not politically correct to be there. And, indeed, already, today,

one county in Oregon is now refusing to grant marriage licenses at all on the grounds that it does not want to participate in a discriminatory institution.

I fear that the attempt to use marriage to marginalize homosexuality will backfire. And that the result will be, over time, to marginalize marriage, instead.

The bottom line is: In my view same-sex marriage is not another step on the path toward the decline of marriage, it is a step back up the hill. Now, I may be wrong about that, but I also would urge everybody to remember that there are opportunities, as well as risks on both sides of the equation. Thank you all very much for your time and especially, thanks to the panel will comment.

[Applause.]

MS. SAWHILL: David.

MR. BLANKENHORN: Thank you. Well, as we've just heard Jonathan Rauch has a dream. His dream is that permitting same-sex couples legally to marry will not weaken marriage as a public norm but, instead, will strengthen it. Legalizing gay marriage will not only be good for individuals, he tells us, gay and straight, but will also be good for marriage as a social institution. That's his belief. That's what I take to be the main argument of the book--the most important argument of the book, in my view. And that's his dream. And it's a good dream. And if I believe that the dream was based in reality, I would support--I would strongly support the legal changes that he is recommending.

I'm a marriage guy, a marriage scholar, a marriage researcher, a marriage writer. For years I've been active in what some of us call the marriage movement a grassroots and growing coalition of people who were--we wake up every day saying

what could we do to strengthen marriage? Not only as a private commitment in relationship but as a social institution as a public norm, exactly what Jonathan's talking about.

That's the perspective I come from.

My main hope for our country is that we can have more and more of our children growing up with their own two married parents. And that's the criterion by which I will judge all the legal changes being proposed.

And if I felt that changing the law in the way Jonathan is proposing would be a part of the marriage renaissance that would increase the likelihood of our children having this birthright of growing up with their mothers and fathers committed to one another in marriage would turn the tide in a pro-marriage direction, or be a part of that, I would wholeheartedly support the change.

Further, I would support it almost without reservation if I thought it would have a neutral effect, if it would just be a wash. But I don't believe that argument is true. I don't believe that the dream is based in reality. And to see why it's not based in reality, I don't think we have to do much speculating about what would happen if--what would happen if the law got changed and how we play out a certain kind of logic.

All we have to do, I think, or--that's not true, not all we have to do--one important thing to do is to look at what is already happening in the society. The current correlation of people and institutions and ideas around this issue. And I want to do that very quickly in a couple of areas.

If I had to pick one person in the country who was the most strong and active and wholehearted opponent of every single thing that I believe in about marriage

and that the marriage movement that I'm a part of has stood for over the years in the areas of divorce; out-of-wedlock childbearing; children's issues and so on, it would probably be Judith Stacey, who's the Barbra Streisand Chair of Gender Studies at the University of Southern California.

And every day, I wake up saying how can I do X and every day, Judith, bless her heart, wakes up and says how can I do the opposite of X? And this has been going on for years. Way before this current issue become dominant.

And Judith Stacey has a dim view of marriage; marriage is patriarchal; it's oppressive; it's rigid; it thwarts the flowering of family diver--every bad--it re-enforces capitalism, which is the worst possible thing.

About five minutes ago, Judith Stacey fell in love with marriage. She loves marriage, it's the best thing that ever happened. Why, because Judith Stacey has completely reformulated her whole life's work as an advocate of changing our laws on same-sex marriage. She's quoted in all the articles about the effects on children. She's involved in all the amicus briefs, not only in states in the U.S., but in Canada and in other countries. She is--she's the major author of the big evidence review in the American--this is her whole new crusade.

If you look at the academic world, in general, she's an extreme example of what I think is a fundamental trend. Those scholars who are most in favor of deinstitutionalizing marriage; separating it from childbearing; turning it into a purely private relationship; greater tolerance for divorce; out-of-wedlock childbearing; greater support of family diversity--all the things that I've been arguing against. They are the most fervid advocates of same-sex marriage. They are the ones--the intensity of their

opposition to everything in the marriage movement is a precise, almost mathematical correlation with the intensity of their embrace of same-sex marriage, as a legal and social change issue.

So, maybe they've all lost their minds; changed their opinions over night, but I don't think so.

Secondly, the area of family law. It's the same phenomenon, these are the custodians; these are the scholars and judges and others, who actually make the law and comment on the law and professionally are engaged in family law.

Those most in favor of deinstitutionalizing marriage, turning it into a purely private relationship. And those most in favor of degeritifying [ph] marriage, that is the withdrawal of all legal regulation, are those most in favor of changing the law to permit same-sex marriage. It's almost an exact correlation.

Jonathan mentions them briefly in his book and he calls them radicals. They are not radicals. It's the mainstream. If you look at the main publication, it's the principles of family law dissolution published last year by the American Law Institute, the premier law organization in the country, nothing radical about it.

Jonathan argues in the book that same-sex marriage, gay marriage would, in effect, close the door for future legal changes because it would remove one of the main anti-marriage arguments that these people have, that is that marriage is a heterosexist institution.

But it doesn't really work that way at all. If you look at their argument in the document that they just published, the big ten-year study with all the prominent people, they are busily trying to degeritify marriage for reasons that have nothing to do

with gay marriage and homosexuality. They have--they do, occasionally mention the issue, their opinions are well known, but they have plenty of evidence and have been working for many years to degeritify--to do all the bad things that Jonathan and I don't want done, but they are seeing gay marriage as one way to achieve that goal.

They don't see the two goals in conflict, they see them as in tandem with one another, just as Judith Stacey does and just as all of her friends do.

If you look at the clergy, another big area of influence. Eight percent of the people in the country get married in a house of worship. The same correlation of forces are obtains. The members of the clergy who were the most likely to say, let's be more tolerant--people who worry about divorce are a big part of the problem; out-of-wedlock childbearing is not so bad; family diversity is the goal that trumps other goals and so on, they're the ones who are most in favor of this change and I would go on, but you get the point.

In all of the domains of our society that we can look out, there's a correlation of forces that sees advocating for same-sex marriage as part and parcel, as integrally related to, not just theoretically, but the same people, the same institutions, the same ideas in favor of what William Eskridge calls de-normalizing marriage. It's the same phenomenon.

Several months ago, one of the law professors, Nancy Polakoff [ph], gave a talk, presented a paper at a conference and she said, well, now that we're about to win on the same-sex marriage issue that will, then pave the way for what we really want, which is the abolition of marriage as a legal category all together. And she said now that we've--that's the strategy--that's her strategy and for every guy, like Jonathan, who's

making the exact opposite case about marriage, I can promise you there are 150 of his allies who say this other.

That's what I'm talking about--about the correlation of forces.

So, I think that Jonathan has written the wrong book for the wrong audience. He wrote this book to try to appeal to people who are undecided. They're not so sure, and it's a wonderful job. He should have written the book, in my view, with what I'm saying has validity, he should have addressed his audience not to people who were undecided on the issue, but he should have addressed the book to all of his allies and he should have urged them to change their mind about every single think they believe about marriage.

And he should have gone around and said, look, friends, comrades, brothers and sisters, by and large we as a group, not me as an individual, but we are pushing for all the things that would deinstitutionalize, degeritify, disconnect marriage to children, so all of these things. In order to get out goal which is same-sex marriage we, you should agree with me and you should change your mind about all other marriage issues or almost all other marriage issues.

Not all of you, but most of you should. That should be the book. I would endorse that book, I would stand with him and think--and, if he persuaded them all to change mind, I would warmly embrace the legal changes that he's advocating in this book.

The last real question I want to ask is: Why would it be that there is such a disconnect in this book, in my view, between what I'm calling the dream, on the one hand; and current sociological reality, which I'm trying to describe, on the other?



And here, this takes us to what I view as the main structural flaw in this book. Which is: That the only evidence that is really brought to bear in the book is Jonathan's own value preferences and his own individual way of thinking through the issue. And it's a very personal, almost private reflection that simply does not engage with huge bodies of evidence, and huge [inaudible] of reality that directly are relevant to this issue.

And let me just, in a couple of minutes mention three quick examples of what I'm talking about.

The first is the issue of children. People have been writing about marriage for 4,000 years. And they all say that marriage is centrally connected to procreation and childbearing and rearing.

And, in particular, there's a vast body of evidence out there that shows the importance to the child's identity and sort of formation, the relationship of the mother and father, the male and female who together brought that child into this world. Jonathan's book is virtually silent on this issue. We, every once in a while, in the early parts of the book he says, oh, I know the issue of children is important to marriage and I'm going to talk about it. When we get to the chapter where he talks about it and the chapter's called "Married Without Children." It's an argument essentially, about sterility, that certain heterosexual couples are sterile, some choose not to have children. It's an argument about couples who don't have children. That's the argument. That's the chapter about children.

So, we have a book about marriage; with a certain amount of drumroll about the importance of children, but I, who get up every day, thinking about the issue of

marriage and children, I see nowhere in there any engagement with any of the issues that I see as relevant to the discussion. And, instead, an argument about sterility and childlessness. So whole bodies of evidence just do not get engaged with.

Secondly, marriage is a universal institution, it's been around in every society for as long as recorded history has been recorded. And, as a result of that, many people anthropologists, historians, many people have engaged with the issue, have written about the issue. None of that evidence is brought to bear in this book. It's not even mentioned.

All previous reflections on the meanings, origins, and purposes of marriage is just left out. Why? Jonathan argues at several points in the book that all previous historical eras have not recognized that gay people existed. All previous history has not recognized that gays exist. I think this is a self-evidently untrue statement, as evidence by many works of scholarship in history, many of them done by gay and lesbian historians that shows that it's not true that all previous eras of history have not recognized that gays and lesbians exist.

But as a result of this argument, no--we rule out of discussion the whole area of the history, origins, purposes, anthropology of marriage. It's just not there.

What we're left with is a very private series of value preferences. Value preferences, by the way, that I agree with, about the importance of marriage and the importance of commitment and so on. But we don't engage with what I consider to be the bodies of evidence that are most important to engage with.

Finally, the argument that Jonathan puts forward that there is a morally acceptable way for us to conduct this debate. His argument in the book is that the way to

conduct the debate is through federalism. We should allow states and localities to experiment. Some places will create the possibility for gays and lesbians to marry and others won't; and some localities, some won't. We'll let federalism do its work, we'll see what happens; we'll experiment in the old-fashioned Tocquevilliean-American way and this will be good.

And he puts in the book a conversation between these two equally rigid points of view. One point of view demanding the immediate national imposition of same-sex marriage. And another point of view demanding the immediate national prohibition of same-sex marriage and he says, look, these are equally extremist views. Let's compromise. Let's let sweet reason operate, let's experiment locally, see what happens. That's the American way, that's the compromise plan.

Well, my goodness what's wrong with this scenario? In the real world, that argument is not taking place at all. In the real world, the proponents of same-sex marriage, have adopted for obvious reason, an incrementalist state-by-state strategy; a location-by-location strategy. That's--I would do the same thing if I were on that side of the issue.

And for equally obvious reasons, the opponents of same-sex marriage, have largely operated at the national level seeking to preserve a national uniform definition of marriage. That's how the debate is actually being played out in the actual, sensual, material world that we live in.

There isn't this other debate, that's only this debate. So, what Jonathan then says that the morally good way to have the debate is that the proponents of same-sex marriage should continue to do everything they're doing and the opponents of same-

sex marriage should stop doing all the things they're doing. And if they don't they're in bad faith. They're using marriage as a means to oppose equality for gay people.

And I have to say that was the only point in the book that really, really made me angry. In almost overwhelmingly, this book is written in a friendly, invitational, open way that respects the good-faith of the people on the other side of the issue.

Except on this point and this was the concluding point in the book. It's the concluding point in the "Atlantic Monthly" piece and it says, if conservatives--people who are on the other side--agree with my way of doing it, which is the opponents stop doing what you're doing and the proponents keep doing what you're doing. If conservatives don't like this--if they do this they're in good faith, but if they don't, we then know that they're just using the marriage issue to ventilate their hatred of gay people.

I find that deeply unfair and deeply offensive. And I really think, Jonathan, that you should reconsider that accusation of bad faith an the idea of bringing up this issue of who's using marriage as a means of promoting an agenda that doesn't really have anything to do with the extrinsic marriage issues. I really think that's wrong.

So, those are three areas where I feel like there is a kind of privacy to the argument of kind of, what I'm calling the dream world, that isn't engaging with the actual correlation of forces in the society that is taking us in the direction of deinstitutionalizing and degeritifying marriage such that will put many more children at risk.

And I agree with Jonathan that the overwhelming reason why we have come to this place in our society has nothing to do with gays and lesbians.

Heterosexuals have done these terrible things to marriage. And heterosexuals have taken the actions and made the changes that have put marriage in this difficult battered position that it is in.

But the entire corre--not entire, but I would say the overwhelming correlation of people and institutions and forces in the society, or ideas in the society, in favor of same-sex marriage for lots of reasons that we could go into in the question-and-answer period if you want to, are aiming at this as one way to achieve the deinstitutionalization of marriage; not just for gays and lesbians but for all Americans. And this I think is the problem that I think should be addressed in this book but is not. Thank you.

[Applause.]

MS. SAWHILL: Thank you, David. Sarah.

MS. BROWN: Well, thank you, Belle and Jonathan, too, for inviting me to this very interesting morning.

As Jonathan has already made very clear, a number of us are not experts on this topic -- and I'm certainly no expert at all. My usual topic is teen pregnancy or sex education or contraception versus abstinence. You know, the "sex, love, and rock n' roll" thing. So this is a new issue for me. But it was very interesting over the last several weeks to try to come to a point of view about all this. I mean, goodness sakes, what a rip-roaring discussion we've having nationwide. Just a few months ago, or maybe even a couple of years ago, civil unions for gay couples were considered controversial, new ideas. And now they're sort of the moderate compromise in a number

of communities. This area is changing even as we speak! So, again, thanks for including me.

First of all, Jonathan, I really want to commend you for this wonderful book. I truly enjoyed it. It's beautifully written; it's thorough, fair-minded and well argued. And I appreciated its personal candor, its warmth and its great gentility. I hope it's widely read and debated. And for those of you who are just getting it today, I really commend it to you.

I wonder, though, if it isn't being released too late; behind the curve; after the fact; horse out of the barn, and so forth. That is, I think a case can be made that gay marriage is already assured of acceptance in America; that your goal, Jonathan, is in sight; that it's highly likely to happen. Yes, there is a lot of fussing and posturing and politics to come for sure, but I think it may all be over but the shouting.

There are three reasons that I come to this point of view. First, very simply, public polling data suggest that younger people are more accepting of gay life, in general, including gay couples and probably gay marriage, than older people. This probably means that as all of the gray-haired people in this room cycle out of the public square and our children take over, struggles over gay issues may simply fade away, due simply to demographic changes. I'm not sure what intense topics will occupy our kids, but I don't think it will be the one that brings us here together this morning.

Second, and more immediate, in my reading of the current conversation, same-sex marriage is increasingly being defined as a test of the nation's commitment to civil rights and individual liberties. Words like discrimination are now front and center; and resistance to gay marriage is readily compared to early bans on interracial marriage.

If this remains the framework that surrounds the gay marriage discussion--and it seems to me that it's only growing--I think the outcome is assured given this nation's deep emotional and intellectual commitment — thank heavens — to equal rights.

As Shelby Steele noted in "The Wall Street Journal," just a couple weeks ago, quote, "Once this issue is buttoned into a suit of civil rights, neither homosexuality nor marriage need be discussed, only equity and fairness matter." close quote. I think we're already in that suit with a few Velcro straps and some duct tape added for good measure. We're in it. In fact, just this week, I saw bumper sticker that said simply, I support the *right* to marry.

The third reason that I think the outcome of the current debate is essentially settled, concerns recent stunning advances in reproductive biology — advances that have totally and irreversibly altered the landscape of human relationships. Contraceptives, which Jonathan mentioned, especially the highly effective hormonal ones, have among other things, severed the link between sex and procreation that existed for millions of years. And advances in assisted reproduction have only widened the gulf. Today, you not only don't have to be married to have sex, you don't even have to have sex to create a child. In fact, reproductive biologists say, that it may soon be possible to create a human embryo from the germ cells of two people of the same gender. In this brave new world, the notion of gay marriage to me seems almost tame. If a man can donate sperm in a laboratory to fertilize the egg of a woman not known to him, with the resulting embryo then implanted in the uterus of his wife or partner or surrogate, how can society long resist same-sex marriage — which seems to be almost cozy compared to the biological revolution around us?

In this context, recall a core theory of evolutionary anthropology: that marriage was created not for the orderly rearing of children, rather, marriage developed in response to the oldest story of all — that relatively soon after puberty, humans seem to have sex quite regularly (if they're lucky), one consequence of which is children. And because children and their vulnerable mothers need stable and secure settings in order to survive, marriage has developed in all cultures in some form. Or, put another way, marriage can be seen as an institutional response to the enduring power of the birds and the bees. It's a way of managing the fact that until Carl Djerassi and the pill, sex usually led to children. Now, however, sex need not lead to children. And, as a consequence, the bedrock reason for heterosexual marriage has eroded. In short, contraception is changing intimate personal relationships in ways that make gay marriage almost easy to fold into daily life.

Now, Jonathan, by the way, describes the purposes of marriage a bit differently. He suggests that the core of marriage is the lifetime commitment of two people to each other to care for one another, with the rearing of children secondary. I think we're probably both right in a sort of chicken-and-egg way. But my point remains: contraception is changing human relationships dramatically, including marriage. And by all accounts there is no turning back.

Now, more generally — and here I am drawing on my experience with sex, love, and rock 'n roll — I think that the extent to which sexual relationships, romance, marriage, and all the rest are in profound upheaval is far greater than any of us in this room fully realize. Jonathan argues wistfully that by sanctioning gay marriage we



can send a clear, unequivocal message that sex, love, and marriage go together. The problem is, they don't — big time. Consider the following:

- One in five kids in America has had sex at least once by his or her 15th birthday; and 80 percent of high school seniors, none married, have had sex.
- A recent study by MEE Productions and my own organization finds that among low-income urban teens — who are very, powerful national trend setters — sex is viewed strictly as a transaction. And girls report using boys for sex as readily and as cavalierly as boys once did girls. In this community, marriage feels far removed from daily reality and experience.
- Europe already has numerous arrangements for both heterosexual and same-sex relationships: civil solidarity pacts; partnership rights; registered partnerships; and, of course, same-sex marriage plain and simple. In fact, I read recently that in Europe, the gay community, itself, objected to some legal protections for gay couples on the basis that it discriminated against heterosexual couples.

Jonathan already went through the data about marriages breaking up. I mean, we even have Britney Spears getting married for 53 hours. The institution is under assault and one consequence of all this is that 35 percent of teen girls get pregnant at least once before turning 20; over a quarter of teen mothers have a second baby out-of-wedlock, also before turning 20; a third of babies are born out-of-wedlock, and in some urban areas, it approaches 80 percent. And so on and so on. And as if we didn't have enough of all this, we now find out that the famous Barbie Doll, who has been with Ken, her famous doll companion for 40 years (although not married to each other, of course) is now leaving him, for an Australian surfer.

Note that, as I think David pointed out, all of this mischief is at the hands of heterosexuals.

Remember, too, that 250,000 children or more are already living in same-sex households. Moreover, single gay individuals are already allowed to adopt children and in some instances gay couples can as well. It seems to me that *that* was the watershed moment. If it's okay for gay adults to adopt, why is it not okay for them to marry? After all, the sequence used to be, first marriage, then babies.

My simple point is that the whole world of sex and love and marriage is in disarray. Jonathan agrees with me, I think, at least as regards marriage. And, as I noted a minute ago, one of this central ideas is that gay marriage would shore up regular marriage. Now, that may be, it may help a bit or, as some vehemently argue, it may harm a bit, or a lot. But it is far more than marriage that is in extremis. And it will take far more than resolving gay marriage in order to bring some order and dignity and stability to the current chaos. To paraphrase, the "Cat in the Hat" this mess is so big and so deep and so tall, there's no *one way* to fix it, no *one way* at all.

A final idea: Over the last few weeks, I've tried to determine, as has already been discussed, the extent to which these effects on children of being raised by same-sex couples, have been well established. The few people I've talked to say that the relevant research is thin and inconclusive. And notice that even when Jonathan addressed this, he talked about hypothetical outcomes and ways the research *might* turn out. It seems to me that getting the facts straight on this one should be — or should have been — a top priority for all of those on all sides of this issue. It is not enough to ponder the effects of same-sex marriage on the happiness and personal fulfillment of the

adults involved, gay or straight. We must also ask directly about the welfare of the children involved. And if it is true that the effects on children are not well understood, this deficit alone may be cause enough to slow the march towards gay marriage. It may be the most powerful brake at all. But I welcome more discussion about this from the experts in the room.

I want to close with a very brief note on my own tour of duty in the culture wars. And as Belle and Bill Galston, who's also on our Campaign Board and others here from the National Campaign family, can attest, the ideological wrangling surrounding teen pregnancy is plenty fierce. But I think we've learned a few things along the way that may help in the gay marriage struggles. We've learned that respect — even acceptance — of different opinions on these tough issues is essential for real progress in a complex society. And I think Jonathan embodies this simple idea beautifully.

We've learned that infusing sound research and data into these volatile debates helps, as well. Research doesn't settle arguments, but it can help to harrow them — letting us see more clearly what it is that we really disagree about. And that's valuable.

Third, and finally, we've learned that the advocacy groups lined up on the various sides of these complex problems are often the most strident and the most extreme. In our experience, many Americans are quite centrist, moderate, and above-all practical about sex, love, and values. So, let's all remember to look hard for the moderate majority that I suspect exists for this issue as it surely does for teen pregnancy prevention.

So, that's it, Jonathan, and thank you again for letting me take a vacation from teen pregnancy.

[Applause.]

MS. SAWHILL: Bill. thank you very much, Sarah. Can everybody hear all right, by the way?

MR. GALSTON: Well, after the verbal fireworks of the first two comments, I fear that what I have to say will be distressingly boring by comparison. I mean that quite sincerely.

But let me begin with a word about the book itself. It's powerfully argued, wonderfully written, both personal and philosophical. It is a conservative argument for gay marriage. The only think radical about it is its conclusion. And book reviews used to say, this is a book that should be read by every thinking American. And, indeed, it should under current circumstances, I fear, that would not be enough to ensure robust sales. [Laughter.]

I'm going to begin in the place that Sarah, in a way, cautioned us not to begin, but it's my natural point of departure. And it's with a quotation from the famous case, the Supreme Court decision that outlawed anti-miscegenation laws, Loving v. Virginia, decided in 1967. And in that case, we read, quote, "The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men" note by the way that the Court was way ahead of itself here. [Laughter.]

But let me just state the obvious, that marriage is not a personal--the same kind of a personal right as the right to be left alone. Marriage is, whatever it is, it's a

legal ordering. It is defined by public law. The terms of law will inevitably who can get married under what circumstances, and inevitably, some kinds of people and relationships will be left out. Because if marriage is everything, it's nothing.

Now, because the Court, I think, quite correctly, established such a strong presumption in favor of the right to marry as a right of citizens, indeed, the right of persons. The burden of proof, I want to suggest, is on the state to offer appropriate and compelling reasons for excluding people from that right, including forms of exclusion, sanctioned by long tradition.

Now, the first step toward sanity in this debate is to realize that not every exclusionary distinction expressed in legal categories, amounts to discrimination.

As the Court put it in the Loving case, the equal protection clause of the Constitution requires the consideration of whether the classifications drawn by any statute constitute an arbitrary and invidious--

[End Side A - Begin Side B.]

MR. GALSTON: --the prohibition against gay marriage is certainly invidious in the dictionary sense of the term. But that's hardly a knockdown argument against it for the very simple reason that many legal distinctions are invidious, in that they encode negative moral judgments. Indeed, much law that we wouldn't dream of questioning, rests on just such judgments.

That is why, to be deemed inappropriately discriminatory a legal distinction must be arbitrary, as well as invidious.

So, then, what is arbitrary? I want to suggest an answer to that question, which will lead directly to our topic. A legal distinction is arbitrary, I think we can say,

when it lacks a publicly defensible basis, as opposed to, let us say, private conviction how ever intense or sincere.

That then, leads to the question: what renders a particular rationale for a legal distinction or a legal prohibition publicly defensible?

Well, now I can put my political philosopher's cap for a minute. Because I've thought about that question and it seems to me that there are four different kinds of answers, not mutually exclusive.

A rationale is surely publicly defensible when it is linked to the constitutional or--to put it somewhat more broadly so the Brits feel comfortable--the constitutive [sic], principles of a particular political community.

Secondly, a public rationale is acceptable when it reflects a social consensus so pervasive as to approach unanimity, Holocaust denial is an example of that sort of thing.

Third, a rationale is publicly defensible when it is, what I will call, a dictate of moral rationality. An exercise of unaided reason or what some people would call natural law; that is, an argument that all human beings capable of reasoning and in possession of the relevant facts would reach the same moral conclusion.

The fourth kind of publicly defensible rationale is an argument that such and such a law, or such and such a change in the law is essential to the maintenance of social order and/or conducive to the pursuit of the common good or, as the Preamble to our Constitution puts it, the "general welfare."

Now, since so much of Jonathan's book focuses on that fourth category of public reason in favor of his preferred conclusion, I want to dwell on that for just a

couple of minutes, because it brings us to a question which Jonathan puts on the table and which, I think, is close to the heart of the matter; namely, what is marriage for?

He's talked about, David has talked about it, Sarah certainly focused on it in her remarks. And I want to do the same thing. And at the threshold, I want to ask, well, what kind of question is that anyway? Is it a theoretical question? Is it a metaphysical question? Is it a moral question? Is it an empirical question? Is it all of the above in some hard-to-describe amalgam?

Well, I want to treat it, for just a minute, as an empirical, sociological question and to ask about the actual functioning of marriage in our society and, perhaps, in most modern societies. What is marriage for? And I would argue that there are at least six answers to that question.

It is, first, for the channeling of sexuality, as opposed to rampant promiscuity.

Second, it is for procreation with both attribution and ensuing responsibility.

Third, it is, for all sorts of good reasons, the preferred venue for child rearing.

Fourth, it is an arena of intimacy; intimacy implies trust, which rests on a credible commitment. And Jonathan I think has rightly stressed the element of credible commitment.

Fifth, marriage exists and serves for the provision of mutual care. It stands as the first line of defense against deprivation, disease, defrailty of aging.

Sixth, and perhaps most interesting, it also serves as what might be called the social foundation of public order. We've all quoted Edmund Burke on families as the littlest platoons of the social order. And Jonathan Rauch, in a way that's reminiscent of some 19th century anti-polygamy Supreme Court decisions, reflects on the link between the institution of polygamy at the family level, on the one hand and, on the other hand, antidemocratic and antiliberal regimes on the other.

Now, here is the problem: Those are six possible functions, no one of which, I would suggest, is essential to the actual functioning of marriage in all cases. They represent when you take them in their totality a depiction of what marriage in an advanced industrial society does when it's working at all.

And here is the problem: It proves impossible to give an answer to the what for question. That is to say, to give a purposive [sic] or functional description of marriage that excludes gays without, at the same time, excluding large numbers of existing marriages, whose legitimacy is not in doubt.

If this is the case, the argument from social purpose or function to the conclusion that gays ought to be excluded from marriage, just doesn't work. It is, in the language of the Court, arbitrary, as well as invidious.

Now, does this lead me to the conclusion that we ought to rush pell-mell into this legal change? Not at all. I would say that, you know, as I inspect the evidence, the immediate and predictable effects of gay marriage are, in the main, positive, while the longer-term and more remote effects are imponderable. This is not an argument for embracing it or rejecting it. But it is an argument to proceed with caution. And this brings me to my final remarks.



I believe that both politically and procedurally, there is a right way and a wrong way to address this issue. And I do not deplore the historical tendency of American politics to transform disputed moral and political questions into procedural and legal terms. I think that that is an advantage, rather than a disadvantage of our culture.

And unlike my long-time comrade-in-arms in the marriage movement, David Blankenhorn, I was not offended by Jonathan's procedural suggestions. Let me talk about the wrong way because that will illuminate the right way.

There are two wrong ways to go about this: Wrong way, number one, I believe is a one-size-fits-all national solution for or against. And that means that we should--advocates of this should resist a legal strategy that builds toward a Supreme Court decision parallel to *Roe v. Wade* or *Brown v. Board*. And neither of those cases happened by accident.

It shouldn't happen and it needn't happen. And a case that some people frequently waive as the leading wedge for a national decision, namely, the Supreme Court in *Lawrence v. Texas*, striking down an anti-homosexual sodomy law is really not on point at all, because that case revolves around privacy or negative liberty from interference issues, not equal protection and discrimination.

On the other side, I would say, with equal vigor, that a constitutional amendment is both unnecessary and counterproductive. It is unnecessary because legal analysis has made it very, very clear that the Constitution's full-faith and credit clause does not and will not require states opposed to gay marriage to recognize legal unions blessed by states that do, if those unions are contrary to the state's public policy.

And I think it's very interesting that so many conservatives--including earlier this week--the author of the Defense of Marriage Act, are stepping forward to object to what they regard as this misuse of the Constitution.

Rather, I do think that for good conservative Burkean reasons, there is every reason to take advantage of the federalism that's at the heart of American politics. It will allow states to serve as laboratories of democracy in the classic sense and if the more distant and remote effects of gay marriage turn out to be negative as opposed to simply speculatively negative, I think we will find out and act appropriately. And, furthermore--and here I do agree with Jonathan--our federal system allows for a geographical reflection of moral diversity, God knows exists on this question and is quite regionally specific.

The second wrong way of going about this issue, in my opinion, is to rely on courts rather than legislatures. For significant social change, courts should be the last resort, not the first result.

As Jonathan quite rightly remarks in considering the legitimacy of law, and I quote, "Law is only part of what gives marriage its binding power. Community support and social expectations are as significant." close quote. And the action by a court to impose this on a community whose own deliberative processes have not led to that center of gravity, is, I think, exactly the wrong way to proceed.

Let me end these remarks with what I hope is a hopeful analogy. And many of you will regard it as farfetched.

It is an analogy with immigration. Immigrants want to come to our country because they embrace its principles; they cherish its opportunities. It is a cliché of sociology that they turn into the staunchest patriots of our institutions.

Might not that not also be the case with all of the people we see lined up knocking on the door to get into this institution, while so many people who have been allowed into the institution for so many years are rushing for the exit doors?

Might that not reinvigorate the institution? It might. It is also the case, historically, that immigration has changed the institutions that the immigrants embrace. There's no question about that and people have to acknowledge that possibility.

The question is whether the change wrought by immigrants in the United States has been positive or negative.

I've reached my conclusion about that question. Strongly positive. My hope, and it is no more than a hope, is that this expansion of a long-cherished institution will have the same effect. Thank you very much.

[Applause.]

MS. SAWHILL: Jonathan, you want to make any comments before we turn to the audience?

MR. RAUCH: I'm guessing--can everybody hear, by the way--I'm guessing that the audience's comments will be more interesting than mine. So, I'll just say one word about--well, first of all, my deepest thanks, this panel exceeded my greatest expectations, particularly to David Blankenhorn for your passionate and deeply engaged response; just the sort of thing this book needs. But all three of you. This is an

example of why it's such a good thing when people of this caliber become involved in this debate.

A few words to you, David, about the specific point which offended you. Since I feel some obligation to respond a bit to that. There are many other points you made, which we'll leave aside for audience discussion.

A certain amount of offendedness is, unfortunately, built into this debate, because it goes to some very deep levels about who we are and how we view each other. On our side of this debate, that is the side of gay people who, for a lot of reasons, want to be included in marriage, we're used to hearing people say, for example, this is an attack on marriage by homosexual activists; painting us as barbarians at the gates or attackers.

It's hard to hear that and then hear in the next breath, but no offense intended, we're being civil about it. Or, for example, we're often told that any harm done to children in this country outweighs all the harms done to gay people, by not being able to be married. That the welfare of gay people is more or less inconsequential in this debate. And that's hard to hear, too, even if it's civilly said, because we believe that our welfare also counts. There are millions of gay people.

And so, at some level, we're just going to have to agree to be a little bit offended. However, having said that, if it wasn't clear enough in the book, let me make it clear now. This was in no way intended as a blanket criticism of conservatives. Just the opposite.

I believe there are some conservatives in this debate whose conclusions are very difficult to square with their own rhetoric and with their own arguments. And whose conclusions are much easier to square with the determination to exclude

homosexuals from marriage as the be-all and end-all in the debate. I do not include all conservatives. I do not include most conservatives. And I certainly do not include you.

MS. SAWHILL: Out there in the audience. A few comments or questions, right here.

MR. MILLIKEN: I'm Al Milliken [ph], affiliated with Washington Independent Writers. Why has sodomy only been mentioned as an irrelevancy? Obviously, on the legal front, sodomy laws have gone through drastic changes in a relatively brief span of time, with a big boost from the Supreme Court. However are you all in denial or cover-up regarding health concerns and the scientifically dangers in using the body for sexual expression in ways it was not designed for?

MR. RAUCH: I think that same-sex marriage is, like all marriage, one of the most important ways that society has to regulate sexual conduct in order to prevent the threat of sexual diseases and all the other problems that go with promiscuity.

I think that had we had accepted and established same-sex marriage in the 1970s, we would have seen nothing like the horrific AIDS crisis that we saw. So, I think that gay marriage is an important part of the answer to that problem.

MR. DEWS: Fred Dews, I'm here at Brookings. I have two questions, the first is for Mr. Blankenhorn. In your criticisms of Jon's book, you made the correlation between the conclusions he reaches supporting gay marriage and the fact that a group of scholars and academics who also support gay marriage, come at it a different way and thereby you, critique his argument for their reasoning. And I would observe that your conclusion on the other side is shared by a group of people who hold up signs

that say "God hates fags." And I wonder if you think that debilitates your argument, as well?

And then a second question, is a more policy-oriented question, and it's about social science evidence, if it exists, on the effects of children being raised by same-sex couples. I know there's been some evidence pointed to in Scandinavia, for example. Thank you.

MR. BLANKENHORN: Well, thank you for that question. I--you didn't hear me say what my conclusion was. You just think you know what it is. I didn't say it. As I look at the policy options, I see at least five different options: 1) change the law to permit same-sex couples to marry; 2) create civil unions; 3) create domestic partnerships; 4) have a constitutional amendment to prohibit same-sex marriage; which by the way I share with Bill Galston--I'm opposed to that; and 5) degeritify marriage completely, get the state out of the marriage business, turn it back over to the civil society.

Those are the five options. I, myself, am undecided--other than being against the constitutional amendment, I am undecided and still trying to work through which of those five conclusions or options I think would do the least harm to my goal, which is more and more children growing up with their two married mothers and fathers; or to put it positively, which of those policy options would do the most good. So, that since I, myself, don't know what my conclusion is, it's certainly true that you don't.

Secondly, I did not, as you suggest, attribute to Jonathan the arguments of people who he obviously doesn't agree with. I wasn't trying to have guilt by association. And because some other people say something, therefore, he must secretly believe it. I

didn't say that and don't believe it. I take him at his word that he believes his own arguments and they speak for themselves in the book. And I just finished reading it as you did, too. So there's no doubt about what his arguments are.

I am saying that this isn't merely a private logic. This isn't simply one man's set of preferences and ideas, many of which I wholeheartedly share. This is a societal contest that involves a number of institutions and ideas and people all of which have a history and have been around for a while and played roles in institutions in the actual real world of our society.

And not completely, not totally, but to a large degree those people and institutions and intellectual arguments that favor the weakening of marriage, what I would view as the weakening of marriage, as a public norm in a childbearing institution are the most fervent advocates of changing our laws to permit same-sex couples to marry.

I make that as an empirical observation. And that was the basis, not the only basis, I only had ten minutes, but that was the basis I chose to emphasize in my comments about why I do not agree with Jonathan's, what I'm calling the dream. That is, that if we make this change, it will lead to a marriage renaissance, a strengthening of marriage as a public institution.

But I was not attributing to him the arguments of people who obviously don't agree with him.

MR. NIVOLA: Thank you, my question is to my friend Bill Galston. Bill, you mentioned at the end of your remarks, a preference for having legislatures rather than the courts settle this entire question. And I agree with you. But how would

you actually prevent the issue from inevitably winding up in the courts, including, eventually the Supreme Court and possibility of another functional equivalent of a *Roe v. Wade* resolution of the whole matter? I guess it's another way of asking the question, would you favor a constitutional amendment in-lieu of the present one that's been proposed, but one that simply amounted to an endorsement of the Defense of Marriage Act?

MR. GALSTON: Well, since my reading of the full-faith and credit clause leads me to the conclusion that the Defense of Marriage Act was not necessary, then a for diori [ph], as we say, a constitutional to backstop the Defense of Marriage Act, strikes me as unnecessary squared.

With regard to the broader question, the honest answer is that there is no way that I or anyone else can prevent it. My argument, if you want to know who the real audience was, look, here's some history.

*Brown v. Board*, we can now see very clearly, did not just happen. There was a carefully designed legal strategy, Thurgood Marshall, pretty much at the helm, that built over a period of roughly a decade a set of legal stepping stones that eventuated in *Brown v. Board*. Thurgood Marshall reached the conclusion, which I think was probably right that waiting for legislative change in this area was simply unacceptable and we can talk about the grounds for that judgment, but the point is that the people who wanted to effect that change embarked on a deliberate court-centered strategy.

My argument to the proponents--my plea to the proponents of gay marriage is, please do not go down that road. It will do more harm than good.



Would it do more harm than good in every case, with every issue? No, absolutely not, but I would say, that public policy in this country has not only been inspired, but to some extent been disfigured by the Brown example, because nearly every social movement now has this court-centered strategy at its heart and that, I could go on for hours about how badly American politics has been disfigured by the universal embrace of that strategy.

MR. RAUCH: Could I just add a comment to that? I think there are a number of ways in which the same-sex marriage debate represents an example for this country to get it right after having learned the lessons the hard way. One is, of course, the overarching example I gave today of moving back toward normalization of marriage. I don't think, unlike Sarah Brown, at least, I hope it's not too late and hopeless.

Another respect is, I think we actually might have learned from Brown and Roe and all that came after. I fully expect there will be a legal strategy by proponents of same-sex marriage to have it imposed by the federal courts. And that's their right. Pleading with them not to do it won't help, because this is America. But I do believe it's possible, as a country, and specifically for the courts to resist remaking the same mistakes. And I think this time, if we think about it, we can get this right.

A third thing, by the way, which I think could go right here, goes to David's point about the many left-wing opponents of marriage who have embraced gay marriage for all the wrong reasons. I think they're wrong is my simple answer to that question. They've just misanalyzed the situation. But what's wonderful about same-sex marriage is, this has always been a grassroots movement, which the gay-left has been ambivalent to from the beginning. They don't really like marriage, a lot of them.

What's happening is marriage as an issue is being retaken by the grassroots away from those elites and, as we saw in San Francisco, and I think there, too, we might be seeing a reversion away from some of the slide in the wrong direction we've had.

MS. SAWHILL: I think, with, you know, that comment, and given the time. I'm going to bring this to a close. But I really want to thank everybody up here for a wonderful conversation about a very tough issue.

[Whereupon, the proceedings were concluded.]

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