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Review of *Legalizing Gay Marriage*. Michael Mello. Reviewed by Ronald J. Mancoske.

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home ownership affects the life chances of different cohorts and classes of households. Readers will still be unclear as to how home ownership affects class formation and social inequality?

Second, the conclusion that there is an inverse relationship between home ownership and welfare expenditure appears flimsy. The case studies suggest that a collective regime generally has a smaller home ownership rate than a liberal regime. However, it is not clear why Norway (a social democratic regime) has a high home ownership rate. The link between welfare regime and the housing system seems to be more complex than suggested by a simple inverse relationship. Perhaps the book relies too extensively on the welfare regime approach.

Nevertheless, the book makes a seminal and important contribution to the literature. The criticisms that may be made of the study do not detract from its overall contribution. The book is scholarly and well grounded in theory. It is a highly recommended reference work for students and researchers alike working in the fields of housing, planning, urban sociology and public policy. It has certainly set a high standard for future research in this neglected field.

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Michael Mello, *Legalizing Gay Marriage*. Philadelphia, PA: Temple University Press, 2004. \$68.50 hardcover, \$22.95 papercover

There is an ongoing international as well as national battle over the issue of same-sex marriage which involves profound legal, social, political, and moral considerations—invoking the most basic understandings of values, traditions, and prejudices. Mello examines the issue in his analysis of the 1999 decision of the Vermont Supreme Court in *Baker v. State* and as of which the Vermont Legislature enacted a “civil union” law. The issue of same-sex marriages has been highlighted in a plethora of court cases and has been used in national political campaigns to energize conflicting political and social forces. These forces of social change project polarizing views of modernity, social values, and of civil society. Changes in the structures and functions of

families symbolize critical influences on how we wish to define the basic unit of society—the family. Mello documents these forces of social change as they played out in the political, social, and legal climates of Vermont as it confronted the conflictual issues of same-sex marriage and reached what is viewed as a political compromise—the legal establishment of civil unions.

About a century ago theorizing on structural and functional changes in patriarchal and extended family life brought about by “Westernization” and industrialization charted changes in family life. Many families functions were diminished, except for the “affective function,” which was enhanced by these powerful social and economic forces. Family life became less of a force of control over family functions such as economics, status giving, education, religion, recreation, and protection, which have since dissipated into other social institutional arrangements. Ideological efforts to control change may have influenced the functions family life, but “Westernization” and industrialization continued to define and shape the forces of culture including the way families are defined and how they interact with other societal structures.

Re-definitions of family evoke challenges to existing structures, laws, and customs. Mello describes these processes in his analysis of civil unions by first describing the court’s decision on same-sex marriage, by cataloguing some of the publicly expressed hatred that followed the decision, by delineating the court’s role in protecting the interests of minorities, and by noting the political and the cultural climate in which these events took place. The book provides a richly detailed ethnographic account of a court decision, the backlash against the decision, the legislative response to the issues ordered in the case, the political compromise of civil unions, and how this compromise both addresses and avoids the locus of social change.

Same-sex marriages and civil unions intersect with some of the more fundamental questions of family life—care of children, the stability of relationships, and family resources. A host of other legal and social policies overlap in this discussion. They include health insurance, social security benefits, taxes, home ownership, inheritance, adoption, income, and immigration. Advocates are demanding changes to assure the same protections as afforded

other citizens, while others believe they can reverse social change by enshrining penalties and fostering stigma on the alternative families involved. Inequality and hardship are distributed as social change ebbs and flows.

Mello comes to the conclusion that civil unions are not an end to the matter. He makes the argument that civil unions not only stamp same-sex couples as inferior, but also that they are unequal to marriage in numerous ways—ways in which privilege and protections as well as stigma and hardships are distributed. Mello argues that just as “separate but equal” was the wrong decision when it came to racial segregation, it is the wrong decision for civil rights for other devalued populations such as same sex couples.

That change is occurring is undeniable, and that struggles to support as well as regress change is evident in the struggles for same-sex marriage recognition. There are social forces and social activists propelling change as well as those fighting to turn back change. Civil unions are thought by some to be a compromise which reflects incremental change and avoids ongoing conflict. They believe that change will be more palatable if it comes slowly and in stages. Mello challenges this notion by recalling what Martin Luther King called the “myth of time,” as though freedom and equality come to those who simply wait. Strategists ponder how best to keep movements for change alive in a climate of backlash and of compromised civil rights freedoms.

A recent court decision on same-sex marriage in New York dealt with a case where one of the plaintiffs was born of a multiracial couple. The judge wrote in her decision that this person’s parents faced anti-miscegenation laws which were not unlike the case before her. She wrote that the fundamental right to marry the person of one’s choice may not be denied because of longstanding and deeply held traditional beliefs about who are appropriate marital partners. The foray into change brings some freedom and equality in and sweeps some out. Social change is not evitable, though the struggle for justice and equality may well be.

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