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Scott C. Seufert

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Comments

A Comparative View of the Vermont Civil Union Law

In her article, *The "Take Back Vermont Campaign": A Classic Case of Media Manipulation*, Professor Linda Lacey takes a critical look at the way in which conservative activist groups approached the political debates that resulted from the enactment of the civil union law in Vermont. The political fallout that resulted from the Vermont legislature's decision to adopt the civil union scheme as a way to confer marital rights upon same-sex couples, as was mandated by the seminal case of *Baker v. Vermont*, is indicative of the intense emotional reaction that the issue engenders wherever it is raised.

The following comment compliments Professor Lacey's article by approaching the issue of same-sex marriage in a way suggested by Lacey's essay. The comment takes a comparative approach to the issue by examining the process by which the civil union law came into existence, and the law itself, while comparing the Vermont law with that of the Netherlands. Always a leader in a variety of social contexts, the Netherlands has elected to amend its marriage laws to permit same-sex couples to marry. This is in contrast to the approach of Vermont, which elected to confer marital rights upon same-sex couples by creating the quasi-marital civil union scheme.

What makes Professor Lacey's article particularly relevant to a comparative discussion of this issue is its insight into the distinctly American reaction to the issue. For several years, the Dutch have had in place a system allowing same-sex couples the ability to enter "registered partnerships" to gain certain social rights for themselves as couples. As such, the Dutch have "weathered" the political and social storm that is characteristic of the same-sex marriage issue. In America, no comparable social scheme has ever existed until the very recent actions taken in Vermont. As such, Professor Lacey's piece provides insight into the political and rhetorical machinations that drive this debate and give the international law reader an understanding of the forces that shape the discussion of the issue. In turn, this will allow the reader to better gauge the ramifications of the Dutch precedent upon the American approach to this issue and to demonstrate the political and social climate that will mold any attempts to bring a comparative approach to the question.

Scott C. Seufert