

# THE POLITICAL LIMITS OF THE RIGHTS FRAME: THE CASE OF SAME-SEX MARRIAGE IN HAWAII

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**ABSTRACT:** *This article uses public debates over same-sex marriage in Hawaii to address gaps in the framing perspective on social movements. Drawing on both elite and nonelite discourses in the debates over same-sex marriage, the analysis demonstrates the dominance of the civil rights frame among supporters of same-sex marriage but finds that alternative discourses emerged among nonelite actors in response to evolving political conditions. Nonelite actors increasingly framed the issue as a question of tolerance and acceptance rather than rights. Opponents of same-sex marriage explicitly rejected the rights frame and countered with discourses of democracy and morality. This case highlights the impact of activist frames on broader public debates, but also the possibility of significant alternative frames that can only be discovered through attention to nonelite discourses. The case also suggests that dominant master frames that inform the discourses of social movements may constrain the framing efforts of activists within specific issue domains.*

Recent events in Vermont, where the state began offering “civil unions” to same-sex couples as a legal relationship paralleling marriage, brought renewed attention to the issue of legal recognition for gay and lesbian relationships. But the political issue of same-sex marriage first entered the consciousness of average Americans in the mid-1990s as a result of legal developments in the state of Hawaii. Although unsuccessful attempts to gain legal recognition for same-sex unions had occurred in other states in the early 1970s (Eskridge 1996:54–57), it was the Hawaii case that put same-sex marriage on the political and cultural radar screen, eventually prompting passage of the federal Defense of Marriage Act and similar legislation in more than thirty states. Because the Hawaii case served as a catalyst for so much subsequent debate and political activity, it is useful to revisit the experience of Hawaii and particularly the character of the public debates over same-sex marriage in that context.

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This article draws on two main data sources—media accounts of the activities of organized social movements supporting and opposing same-sex marriage and letters to the editor in two major daily newspapers—to describe and analyze how the issue of same-sex marriage was framed by both elite and nonelite actors in Hawaii. The framing perspective on social movements provides the theoretical framework for the analysis. As I will describe, the legal and political developments in Hawaii challenged citizens to think of same-sex marriage as a civil right, albeit one that had not been previously recognized in any jurisdiction in the country. Given this context, I am particularly interested in examining discourses about same-sex marriage to see whether the civil rights frame dominated the public debates and what sorts of alternative frames competed with it.

I begin with a brief review of the framing perspective in social movement theory, critiques of framing theory, and the relevance of frame analysis to my examination of same-sex marriage in Hawaii. Next I describe the legal and political developments related to same-sex marriage in Hawaii, including the framing activities of organized supporters and opponents of same-sex marriage. I then describe the results of my content analysis of the debates in the letters columns and conclude with an assessment of the implications of this case study for future developments in framing theory.

### THE FRAMING PERSPECTIVE IN SOCIAL MOVEMENT THEORY

One of the most significant developments within the recent cultural turn in social movement theory is the framing perspective. By calling attention to the crucial role of ideas and discourses in collective action, framing theory has partially liberated social movement scholarship from the overly materialist and rationalist assumptions of resource mobilization theory. Borrowing the concept of frames from the symbolic interactionism of Goffman (1974) and building on earlier work that attempted to revive interest in the role of ideology and grievances in movements (e.g., Ferree and Miller 1985), the framing perspective focuses on the collective action frames used by social movement organizations to garner support for movement goals and participation in movement activities. A frame is defined as “an interpretive schemata that simplifies and condenses the ‘world out there’ by selectively punctuating and encoding objects, situations, events, experiences and sequences of action within one’s present or past environment” (Snow and Benford 1992:137). Movement organizations engage in “frame alignment processes” when they attempt to persuade potential supporters and participants of the worthiness of their cause (Snow et al. 1986). More specifically, the activity of “framing” in the social movement context has three core components: “(1) a diagnosis of some event or aspect of social life as problematic and in need of alteration; (2) a proposed solution to the diagnosed problem that specifies what needs to be done; and (3) a call to arms or rationale for engaging in ameliorative or collective action” (Snow and Benford 1988:199).

In the framing perspective, collective action frames serve as cultural resources analogous to the material resources deployed by social movement actors in pursuit of their goals (McAdam 1994:43). By deploying collective action frames, social movement actors engage in “meaning-work,” which is to say they are “actively

engaged in the production and maintenance of meaning for constituents, antagonists, and bystanders or observers" (Snow and Benford 1992:136). The effectiveness, or "resonance," of specific collective action frames is theorized to be a function of how well frames' diagnostic and prognostic claims fit with real-world events, the individual life experiences of potential supporters, and dominant stories, myths and folk beliefs in the broader culture (Snow and Benford 1988:205–10).

Specific collective action frames are posited to derive from broader, more general frames, or "master frames." According to Snow and Benford (1992:138): "Master frames are generic; specific collective action frames are derivative. So conceived, master frames can be construed as functioning in a manner analogous to linguistic codes in that they provide a grammar that punctuates and syntactically connects patterns or happenings in the world." Master frames supply vocabularies of attribution that can be deployed across a range of specific social movements to assign blame for unjust social circumstances and suggest possible remedies. One of the most prominent master frames among contemporary social movements is the "civil rights frame," under which "unjust differences in life circumstances are attributed to encrusted, discriminatory structural arrangements rather than to the victims' imperfections" (Snow and Benford 1992:139). Because its emphasis on equal rights and opportunities resonates with core American values, the civil rights master frame has inspired the specific collective action frames of a diverse array of recent social movements in the United States, including the women's movement, the disability movement, the animal rights movement, and the gay rights movement (McAdam 1994:42; Snow and Benford 1992:148). The civil rights master frame does not encompass all social movements currently active in the United States; the environmental movement and the emerging movement protesting globalized corporate power are two prominent examples of movements working outside this frame. Yet the civil rights master frame arguably has been the single most dominant master frame in U.S. movements over the last three to four decades.<sup>1</sup>

The concept of master frames is theoretically interesting not only as a way of identifying continuities and core concepts linking the collective action frames of individual movements but also as a potential explanation for the way social movements appear to cluster temporally. Snow and Benford (1992) hypothesize that the scope and duration of whole cycles of social movement activity may in part depend on the potency of their underlying master frames, and they further suggest that the timing of the emergence of specific movements within a broader cycle of protest may affect the development of movement-specific collective action frames. Movements that emerge early in a cycle may articulate the master frames that anchor later movements in the cycle, and in turn those movements that surface later in a cycle may be more constrained in their framing efforts because the master frame has already been elaborated (Snow and Benford 1992:144–45).

### CRITIQUES OF THE FRAMING PERSPECTIVE

While the framing perspective sparked renewed interest in the ideational and expressive aspects of social movements, it has recently come under criticism for

various gaps and shortcomings. Framing theory has been faulted for a lack of conceptual precision and clarity (McAdam, McCarthy, and Zald 1996; Zald 1996), for its reification of frames (Benford 1997), and for its failure to acknowledge the multivocality of movement discourses, that is, the multiple meanings that can be conveyed by and interpreted from discourses (Steinberg 1999). Critics also point to confusion about the relationship between frames as social constructions and the reality they are claiming to represent (Gamson 1992) and the tendency of framing theory to perpetuate a false dichotomy between the cultural and instrumentally rational aspects of social movement activities and goals (Polletta 1997). Framing theory and research has also been accused of an ideational bias, giving insufficient attention to the expressive dimension of actions and tactical choices that are also part of the "signifying work" of movements (McAdam 1996:340-41).

Some critics also contend that framing approaches are prone to treat frames too narrowly, as cultural resources homologous to material resources (Steinberg 1999) or as mere recruitment strategies (Jasper 1997), while neglecting the impact of frames on public discourses external to social movement organizations (Hart 1996). In his "insider's critique" of the framing perspective, Benford (1997) faults framing research for a descriptive bias (naming without explaining), a lack of systematic empirical studies, and particularly a lack of studies of negative cases, that is, frame failures. Framing research also falls prey to a tendency toward reductionism and attribution of excessive voluntarism to framers as strategic agents (Benford 1997; Steinberg 1999). And finally, Benford (1997:421) warns against the "elite bias" of existing framing studies, or the "tendency to focus on the framing activities of movement elites to the neglect of rank-and-file participants, potential recruits, bystanders, and others," and calls for "more studies which include the interactions, understandings, talk, and the like of non-elites as well as of elites."

Certainly no single study can attempt to address or correct all of these difficulties. However, in the analysis that follows I use the case of same-sex marriage in Hawaii to advance framing theory in several specific ways. I address the problem of elite bias by considering the framing strategies of nonelite actors as well as elite, organized actors in a stark conflict between contending social movements. I broaden the consideration of the impact of elites' frames beyond the traditional concern with recruitment and mobilization to encompass the impact of these frames on broader public discourses. And I attempt to correct some of the voluntarist and strategic bias of the framing perspective through attention to a negative case, a frame failure that arguably demonstrates the constrained nature of activists' endeavors. In addition, I extend the idea of the constraining qualities of master frames, suggesting that the temporal dimension, theorized to influence framing activities of movements within cycles of protest, might also apply to submovements or issue domains within movements.

## DATA AND METHODS

My description and analysis of the debates over same-sex marriage in Hawaii proceeds in two steps. First, I describe the legal and political developments that

made same-sex marriage an issue in that state, and I examine the framing activities of movement activists on both sides of the issue. In constructing this overview I rely primarily on court decisions, media accounts, and the print and broadcast advertising campaigns of the movements supporting and opposing same-sex marriage. Second, I examine nonelite discourses on same-sex marriage by analyzing letters to the editor appearing in Hawaii newspapers at critical junctures in the unfolding battle over the issue. I collected and coded letters on the topic of same-sex marriage that appeared in Honolulu's two daily newspapers, the *Honolulu Advertiser* and the *Honolulu Star-Bulletin*, during two discrete time periods. Period 1 covers December 1996 through February 1997, the immediate aftermath of a circuit court ruling in favor of same-sex couples suing the state for the right to marriage licenses. Period 2 covers September through November 1998, the period preceding and immediately following a statewide vote on a constitutional amendment to block legal same-sex marriage.<sup>2</sup> The sample includes a total of 233 letters (105 appeared in Period 1 and 128 in Period 2).

The letters were analyzed inductively for their overall position on the issue of same-sex marriage and for the presence of various specific themes or discourses. Thematic codes were not predetermined but emerged from the data in the process of reviewing and comparing the letters. Letters could contain more than one theme, and most in fact included multiple themes. Letters were also coded for the sex of the author(s) when possible.

As data on public opinion, letters to the editor have some rather obvious limitations (Grey and Brown 1970) but also some important strengths. Only a portion of the letters received by the newspapers are actually printed, and the selection criteria of the editors are unknown, so the letters printed may not be representative of the letters received. Also, people who write letters to the editor may not be representative of the general public; in fact, some past research has shown them to be wealthier, better educated, and more politically active than average (Buell 1975; Volgy et al. 1977). They may also have stronger feelings or more "extreme" views about the issue, which prompts them to write (Volgy et al. 1977), although this is not necessarily a limitation for this analysis, as I will discuss presently. The letters tend to be brief, or they are edited for length, so the richness of their content is restricted by their form. And activists on controversial topics often organize letter-writing campaigns intended to bombard the newspapers with a particular viewpoint, sometimes even providing the text of letters for others to sign and send.<sup>3</sup>

In this particular case, it should also be noted that Hawaii is a distinctive state in many important respects. Thus public debate on same-sex marriage in this context may take on a flavor that is unique to the locality. Among the features that distinguish Hawaii are its physical isolation and distance from the mainland, its history of colonization and relatively recent statehood, and its ongoing politics of sovereignty among native Hawaiians. It is highly diverse in terms of racial and ethnic composition: whites make up only about a third of the total population, and there are sizable minorities of Japanese (22%), Filipino (15%), native Hawaiian (13%), Chinese (6%), and mixed ethnicities (State of Hawaii 1993). As a result, interracial marriage and mixed-race families are quite common in the state. Partly because of this cultural diversity, Hawaii has a strong tradition of tolerance and

liberalism. It was the first state to legalize abortion and has been a leader on gay rights issues. The state has no sodomy law and has a legal prohibition against sexual orientation discrimination in public and private employment. Its economy is also unusual in its heavy dependence on the tourism industry and its lackluster growth in the 1990s.<sup>4</sup> All of these factors provide the context for the letters written by Hawaii residents, but it is worth noting that a nontrivial minority of the letters in my sample (at least 11%) came from outside the state.

Despite these various limitations, the letters to the editor in the Hawaii newspapers have certain advantages as an empirical window onto nonelite public debates on same sex-marriage. They are unobtrusive measures (Webb et al. 1966). As a form of persuasive communication, they usually contain arguments meant to justify positions rather than just a bare statement of position. This is particularly useful for assessing the kinds of arguments or framings of the issue that circulate and receive validation in the public sphere. And it can be an advantage that the letters are likely the product of people with particularly strong views, as these individuals may provide fuller and more complex statements of the justifications offered in support of competing positions. At least two studies of letters to the editor on provocative political issues found that they can in fact be representative of public opinion when the issue addressed stimulates strong feelings and a large volume of letters (Hill 1981; Sigelman and Walkosz 1992), although a recent study of letters on a controversial anti-gay initiative in Idaho found they did not reflect public opinion (McCorkle and Most 1997). In short, in an era of heavy reliance on opinion polls and survey data, letters provide a glimpse of the kinds of arguments presented by everyday people to justify the positions quantified by polls and surveys. As Herbst (1993:62) states in reviewing historical trends in the expression and measurement of public opinion, "Letters to public officials and editors seem to be one of the few modern exceptions to the pattern of increasing rationalization of expression."

The arguments put forward by letter writers are undeniably influenced by both the local context and the discourses of organized collective actors. In the ensuing analysis it will become clear that letter writers in Hawaii drew heavily on the discourses of prominent legal and political actors in framing their own statements of position and that the letters at times reflected conditions specific to that state. But the letters columns are empirically useful because they are a public sphere to which any (literate) member of the public can at least attempt to gain access. Thus they provide an opportunity to examine the interplay of discourses across various public spheres and the proliferation of rights frames as well as competing frames in these spheres, at a time when the issue of legal same-sex marriage was first drawing attention on both the local and national scenes.

### **THE POLITICS OF SAME-SEX MARRIAGE IN HAWAII**

The battle over same-sex marriage in Hawaii began in late 1990 when three same-sex couples, advised by a local gay rights activist, filed applications for marriage licenses. The applications were denied by the state health department on the grounds that the couples were same-sex. In early 1991 the couples sued the state

over the denial of licenses, but their case was dismissed at the circuit court level. On appeal, the Hawaii Supreme Court vacated the circuit court dismissal and remanded the case to trial, finding the denial of marriage licenses to same-sex couples a potential violation of the Hawaii state constitution (*Baehr v. Lewin*). Specifically, the high court ruled that the marriage ban might deny members of same-sex couples a basic civil right because of their gender and thus might represent state-sanctioned sex discrimination, violating the equal rights amendment of the Hawaii Constitution. Applying the "strict scrutiny" standard, the high court found that the marriage ban appeared to be unconstitutional unless the state could show that the statute's sex-based classification was justified by compelling governmental interests and that the statute was narrowly drawn to avoid unnecessary abridgements of the plaintiffs' rights (*Baehr v. Lewin*).

Although the high court ruling was not the final say on the issue of legal same-sex marriage, because the state still had the opportunity at trial to show a compelling state interest in restricting legal marriage to opposite-sex couples, it had an immediate political impact. Within a year, the Hawaii legislature passed a law to assert that Hawaii's marriage law applied only to same-sex couples. (This appeared to be only a symbolic gesture at the time, since a court finding of the marriage ban as unconstitutional would presumably apply to any such statute, but years later this statute would in fact take on the force of law.) The citizens of Hawaii, and more gradually of the rest of the United States, became aware of the possibility that same-sex marriage might in fact gain legal recognition in a U.S. jurisdiction for the first time in history. The national gay rights movement took notice. Lambda Legal Defense and Education Fund, the preeminent legal advocacy group in the movement, joined the case as co-counsel for the plaintiffs. The Hawaii attorney general's office began plotting its own legal strategies to demonstrate a compelling state interest in barring same-sex couples from marriage. And the U.S. Congress made a preemptive strike against legal same-sex marriage with the 1996 passage of the federal Defense of Marriage Act, which stated that only opposite-sex marriages are recognized by federal law and that individual states are not compelled to grant recognition to same-sex marriages performed in other states.

When the Hawaii case went to trial in September 1996, the state attempted to show a compelling governmental interest in blocking same-sex marriage by arguing that legal same-sex marriage would be harmful to children's development. The state presented four expert witnesses in an effort to establish that children develop best when they are raised in intact families headed by their biological mothers and fathers. But their own experts only partially supported the state's core argument. Under questioning, two of the defense witnesses conceded that gays and lesbians are capable of being good parents, and one witness stated that he believed children being raised by same-sex couples would be better off if there were legal recognition of same-sex marriage.

The plaintiffs also presented testimony from four expert witnesses, who rebutted the notion that children's optimal development would be harmed by legal same-sex marriage. These witnesses presented research evidence demonstrating same-sex couples' ability to form lasting relationships and the lack of ill effects on children raised by same-sex couples, and they stressed that the important factor

affecting children's development is the quality of parent-child relationships, not the family structure or the sexual orientation of the parents.

Circuit Court Judge Kevin Chang issued his ruling in favor of the plaintiffs in December 1996 (*Baehr v. Miike*). In his opinion, Chang found that the state had failed to present a compelling governmental interest in denying marriage rights to same-sex couples. The opinion noted the diversity of family forms present in contemporary society and affirmed that the quality of parent-child relationships, rather than the specific family structure, is most important to children's development. The judge found that the state had failed to establish any causal relationship between recognizing same-sex marriage and harm to children's development and indicated that children raised by same-sex couples would likely be positively affected by legal recognition of same-sex marriage. He ordered the state to cease its denial of marriage licenses to same-sex couples but stayed his ruling pending the state's appeal to the supreme court.

Chang's ruling in favor of same-sex marriage provoked a flurry of public debate and legislative activity in Hawaii. Over time, polls consistently indicated that the majority of Hawaii residents opposed legal same-sex marriage, with opposition hovering in the 60 to 70 percent range (see "Voters Strongly Oppose" 1997; Yuen 1998b). In response to public outcry over the ruling, state legislators swung into action in early 1997, passing a bill to put a constitutional amendment opposing same-sex marriage on the ballot in the next statewide election in November 1998. The proposed amendment stated simply: "The Legislature shall have the power to reserve marriage to opposite-sex couples." The legislature also passed a bill, the Reciprocal Beneficiaries Act (RBA), granting some but not all of the rights and protections of legal marriage to any two persons who were legally prohibited from marrying and chose to designate each other as their reciprocal beneficiaries.<sup>5</sup>

As the vote on the constitutional amendment approached, public debate over the issue of legal same-sex marriage intensified and activists on both sides of the issue launched campaigns to persuade Hawaii voters. The leading organization supporting the constitutional amendment was Save Traditional Marriage '98 (STM), a nominally secular group that received heavy support from both the Catholic Church and the Church of Latter Day Saints (the Mormons). Other groups backing the amendment included the Alliance for Traditional Marriage, the Hawaii Family Forum (affiliated with the right-wing Christian group Focus on the Family), Hawaii's Future Today (a coalition of business leaders), and the Hawaii Christian Coalition. The leading group opposing the constitutional amendment was an umbrella organization called Protect Our Constitution (POC). The POC coalition received extensive organizational and financial support from the Human Rights Campaign, the country's largest gay-rights group. POC also received endorsements from prominent local organizations, including the League of Women Voters, Marriage Project Hawaii, the Japanese American Citizens League, the American Civil Liberties Union of Hawaii, and numerous religious groups.

Both sides in the amendment battle launched well-funded and well-organized efforts to educate and persuade the electorate on the ballot question. Protect Our Constitution made a tactical decision, reflected in the very name of the organiza-

tion, to frame the issue as a question of preserving and protecting the state constitution in order to protect the rights and liberties of all Hawaii citizens. They asserted that the amendment would take away the rights of one minority group, possibly leading to similar action against other groups in the future. They drew explicit comparisons to the oppression of other minorities in history. Above all, they stressed that the amendment was *not* about saving marriage, it was about civil rights. In fact, the POC literature and advertisements said almost nothing about the idea of gay and lesbian rights generally or same-sex marriage specifically.

Proponents of the amendment, by contrast, put forward a clear and consistent message that the amendment was all about preserving “traditional” marriage and had nothing to do with rights. They pointed out that a “right” to same-sex marriage did not exist in Hawaii or anywhere else in the United States, and they were seeking simply to preserve the status quo. Fearing confusion about the wording of the ballot question, they hammered home the message that a “yes” vote on the amendment was a vote to preserve traditional marriage, whereas a “no” vote was in essence a vote supporting same-sex marriage. They emphasized that they were firm supporters of civil rights but argued that this issue had nothing to do with rights. They also challenged their opponents’ rhetoric about “protecting” the constitution by pointing out that the constitution belonged to the people and the amendment process was designed to allow people to express their will and preserve the intent of the constitution’s framers.<sup>6</sup>

The amendment battle heated up roughly two months before the election when both sides began running print, radio, and television advertisements. The POC ads featured an array of prominent local citizens and stuck to the basic script of avoiding discussion of same-sex marriage while speaking generally of protecting the rights of all citizens. Print and television ads featuring the head of the Japanese American Citizens League drew explicit comparisons between the proposed amendment and the internment of Japanese Americans during World War II. A separate television ad featured Rodney Powell, a veteran of the civil rights struggles of the 1960s, who stated: “In the early 1960s, I fought alongside Dr. Martin Luther King for civil rights in the Deep South. Today in Hawaii, instead of attack dogs and water hoses, those same groups are using negative advertising.” Powell went on to point out that if his civil rights had been put to a vote in the 1960s, “they wouldn’t exist today.” A television ad featuring a retired two-star army general made the point that one did not need to be in favor of same-sex marriage to vote against the amendment and its discriminatory effects. Another television ad, featuring the head of the League of Women Voters of Hawaii, claimed that “not once in the history of the United States has a state legislature amended the constitution to deprive a single group of citizens of a right the courts say is already theirs.” This same ad warned, “If they succeed, who is next?”

The most controversial ad run by POC seemed designed to answer that very question. It featured a local physician describing how some of the groups behind the push for the amendment were also strongly opposed to abortion. The ad suggested that if these groups were successful in passing the proposed marriage amendment, they would next try to use the amendment process to repeal abortion rights in Hawaii. The ad drew widespread criticism, even from some supporters

of POC. A few POC ads took a softer approach, appealing to Hawaii's tradition of tolerance and respect for differences and invoking "the spirit of aloha."

On the pro-amendment side, the Hawaii Family Forum was the first group to enter the fray with paid advertising, running radio and television spots that claimed to "clarify" for voters the meaning of the ballot measure. This ad stated that a "yes" vote was a vote in support of marriage between one man and one woman, whereas a "no" vote expressed support for "homosexual marriages." The ads run by STM explicitly rejected the rights framing and accused the amendment's opponents of trying to trick or confuse voters by distracting them from the real issue, which was the definition of marriage. One STM print ad, for example, stated: "Same-sex marriage isn't a civil rights issue. Common sense tells us marriage is between one man and one woman. Simple, isn't it?" This same ad went on to accuse "radical gays" of "hiding behind civil rights" and trying to "confuse the issue" because they knew they had a losing issue in same-sex marriage. The STM ads consistently portrayed (traditional) families as both valuable and vulnerable. One controversial television ad featured a little boy sitting on a couch and reading aloud from *Daddy's Wedding*, a picture book meant to explain same-sex relationships to children. The ad focused in on a page of the book that shows two men kissing as the off-screen narrator intoned: "If you have never really thought about how homosexual marriages will impact our society, think about how they will impact our children." Another STM television ad depicted a man and a woman in wedding garb running toward each other on the beach, only to have the man run past the bewildered woman and into the arms of another man. But the most provocative pro-amendment ad was sponsored not by STM but by a group calling itself Pro-Family Hawaii, which emerged less than two weeks before the vote. Their ad implied that if same-sex marriages were not stopped, people would next be seeking the right to marry their dogs and their children.

The two sides were fairly well matched in terms of funding. Shortly before the election, STM had raised about \$850,000, with \$600,000 of the total coming from direct donations from the Mormon Church, and POC had raised about \$1.1 million, with more than half of that total coming from individual contributions of \$100 or less (Christiansen and Kresnak 1998). Despite POC's considerable resources, a poll taken a week before the election showed support for the amendment running at 55 percent, with 10 percent of voters still undecided (Yuen 1998a).

The amendment passed by a wide margin, with 69 percent in favor and 31 percent opposed (including blank ballots, which counted as "no" votes). As a result of the amendment's passage, the Hawaii Supreme Court ruled in 1999 that the plaintiffs in the same-sex marriage lawsuit no longer had a case on constitutional grounds. The amendment effectively superseded the equal protection clause of the constitution prohibiting discrimination on the basis of sex, with respect to the single issue of marriage rights. The law that the Hawaii legislature had passed in 1994 in reaction to the initial supreme court ruling in favor of the plaintiffs, defining marriage as between one man and one woman, was now in force.

In summary, movement activists supporting same-sex marriage sought to frame the issue as a matter of basic civil rights, not only for same-sex couples, but for all Hawaii residents, since a constitutional amendment blocking the rights of

one minority group could easily lead to similar measures targeting other groups. These activists downplayed the issue of gay rights specifically and tried to appeal to average voters' self-interest by invoking the civil rights master frame in a general sense. Activists on the other side explicitly rejected this framing by insisting that the issue was not civil rights but protection of marriage. They countered opponents' arguments about the need to "protect" the constitution by framing the issue as a question of democracy and protection of traditional morality. Next I turn to the debate in the letters columns, focusing on the period immediately after the circuit court ruling in favor of same-sex marriage (December 1996 through February 1997) and the period around the amendment vote (September through November 1998). The analysis demonstrates that the nonelite public debate in the letters was certainly influenced by the framing activities of elite, organized actors, but it was not a simple reflection of the activists' discourses. Alternative frames emerged, and frames most heavily promoted by the activists supporting same-sex marriage lost favor among nonelite supporters as the battle intensified.

### PUBLIC DEBATES IN THE LETTERS COLUMNS

Among the 233 letters across both periods, 140 (60%) supported legal same-sex marriage, while 93 (40%) voiced opposition. This distribution of opinion confirms that the letters were not representative of Hawaii residents or voters, since numerous opinion polls found the majority of Hawaii citizens opposed to same-sex marriage and the results of the 1998 vote on the amendment confirmed the poll data. Given that both the *Advertiser* and the *Star-Bulletin* had editorial positions in favor of same-sex marriage, the views of the editors likely influenced the selection of letters for publication. But again, the current analysis is more concerned with examining the framing strategies employed in support of positions on both sides of the issue than with measuring overall levels of support and opposition.

The sex of the letter writer could be determined for 196 letters. Among these, 132 (67%) were male and 64 (33%) female. Among those letter writers whose sex was known, men were significantly more likely to write letters supporting same-sex marriage.<sup>7</sup> This is somewhat surprising, given that most polls find women more supportive of gay rights generally. There were no significant differences in position on same-sex marriage by publication outlet or time of publication (Period 1 vs. Period 2).

### Letters Supporting Same-Sex Marriage

A total of fourteen themes were identified in the letters supporting same-sex marriage, including six themes that appeared in more than 10 percent of these letters (see Table 1 below). The most frequent theme was that legal recognition for same-sex marriage is necessary as a matter of rights and equality under the law. Other major themes among these letters were the importance of tolerance and the need to combat hate and bigotry, critiques of the tactics of the opponents of same-sex marriage, comparing the plight of gays and lesbians to other forms of oppres-

**TABLE 1**  
Major Themes in Letters Supporting Same-Sex Marriage

<i>Theme</i>	<i>No. of Letters</i>	<i>% of Letters</i>
Rights, equality, justice, nondiscrimination	69	49%
Tolerance, respect, love, anti-hate, anti-bigotry, anti-prejudice	45	32%
Critique of tactics of opponents of same-sex marriage	28	20%
Comparison of denial of same-sex marriage to other oppressions	27	19%
Role of courts is protecting minorities	22	16%
Separation of church and state	16	11%

sion, the role of the courts in protecting minorities, and the need for the separation of church and state.<sup>8</sup>

Rights discourses predominated among supporters of same-sex marriage, appearing in almost half of their letters overall. This prevalence of the rights frame makes sense, given the context of these letters. In Period 1, letter writers were responding to the circuit court ruling, which framed the denial of same-sex marriage as an unwarranted abridgement of the plaintiffs' constitutional rights. Fifty-nine percent of letters in Period 1 invoked the rights frame. A Hawaii resident writing in Period 1 emphasized that gays and lesbians were not seeking special rights or benefits but merely equal rights and equal protection under the law:

Heterosexuals like myself must come to realize that same-gender couples have not been seeking "special rights," but rather, equal rights. Our state Constitution guarantees equal rights and equal protection for all. By not recognizing same-gender marriage, the state has created a "special rights" situation for us heterosexuals. (*S-B*, December 6, 1996)<sup>9</sup>

Most often the letters employing the rights frame spoke in general terms about "civil rights," "equal rights," or simply "rights." Smaller numbers used terms such as "legal rights," "right to marry," or "gay rights," and a few avoided the actual word "rights" altogether by invoking notions of justice, equality, and non-discrimination.

The rights frame appeared significantly less often in Period 2, around the time of the vote on the constitutional amendment.<sup>10</sup> It showed up in 41 percent of the letters supporting same-sex marriage in this latter period. Given the centrality of the rights frame in the organized campaign to defeat the constitutional amendment, its appearance in letters in Period 2 again makes sense. One writer asserted his opposition to the constitutional amendment as follows:

As a husband and a father, a heterosexual and a Christian, I plan to vote "no" next month, both to protect the Constitution from being politicized by whatever is currently the hot "tradition" issue for some special-interest group, and to keep our government from infringing on the civil rights of any of our citizens. (*S-B*, October 14, 1998)

Although the rights frame was still important in Period 2, its lesser frequency compared to Period 1 demonstrates that the discourses of the letters columns were not completely determined by the discourses of activists in the organized anti-amendment campaign. While activists continued to hammer away at the rights frame, some letter writers in Period 2 appear to have sensed that rights talk could no longer function as a trump card, given that the marriage “right” was in effect being put to a popular vote.

This shift in circumstances also could explain the increasing use of the theme of tolerance and respect for diversity, which became significantly more prominent in letters in Period 2.<sup>11</sup> While only 23 percent of the supportive letters in Period 1 employed this discourse, it was used roughly as often as the rights theme in letters favoring same-sex marriage in Period 2 (40% of letters). This discourse included both exhortations to positive behavior toward gays and lesbians (most often urging tolerance, appreciation of diversity, respect, and even love) and condemnations of negative attitudes and behaviors (most often labeled as hate, bigotry, intolerance, prejudice, or ignorance). One example of this discourse incorporates both the positive message of acceptance and the condemnation of prejudice:

Gay people are not the shadowy figures of evil that the religious right and its campaign of hate and fear would have us believe. Gay people are around us every day, in our families, our schools, our churches, and in our workplaces and businesses. . . . It is time to reject the hysterical fears that come from the hate orchestrated by the religious right and its political agenda. Instead, it is time to teach our children about love, acceptance, and the value of diversity in our community. (*S-B*, October 28, 1998)

Several letters employing this discourse specifically mentioned the importance of the “spirit of aloha” in the Hawaiian context,<sup>12</sup> echoing some of the advertising by POC. A letter appearing a few days after the amendment vote lamented:

Rather than voting to live aloha, we have voted to live with shame. A profound sorrow overwhelms me. Hawaii, what have we done? Giving the Legislature the power to change our Constitution for the purpose of discriminating against a select group? (*S-B*, November 6, 1998)

Clearly such letters wanted to make the case that opponents of same-sex marriage were out of step with Hawaii’s traditions and ethos.

Critiques of the opponents of same-sex marriage appeared frequently, especially in Period 2 after the warring ads between the two camps began to fill the newspapers and airwaves. In particular, many letter writers accused the amendment supporters of fomenting intolerance, fear, and hatred toward gays and lesbians and sometimes took exception to the content of their ads or the tactics they employed in their efforts to get out the vote. As I describe in the next section, critiques of the tactics of supporters of same-sex marriage were also a frequent theme in the letters opposing same-sex marriage.

A number of letter writers supporting same-sex marriage compared opposition to the issue to other forms of oppression past and present. Specific comparisons that appeared with regularity were to the plight of African Americans, Japanese Americans during World War II, Jews, and women. Several letters specifically

mentioned the history of legal prohibitions against interracial marriage in the United States, a potentially salient consideration for residents of a state with a high rate of interracial marriage. Some of these comparisons echoed the comparisons made in the POC ad campaign, but these were almost as likely to appear in Period 1 as in Period 2, suggesting that Hawaii's tradition of tolerance and sensitivity to oppression in various forms also played a role in producing this discourse.

Some letters supporting same-sex marriage made procedural rather than substantive arguments, pointing out that courts, not popular majorities, have the role of protecting rights and deciding questions of justice. One letter asserted:

The judiciary is not required to rule according to public opinion. Ours is a government of laws, not of popular excitements. Our Supreme Court, and that of the United States, are [*sic*] in place to assure, among other things, that the rights of minority citizens are protected in our democratic republic. (*S-B*, September 23, 1998)

Similarly, some letters highlighted the procedural issue of maintaining the separation of church and state, usually in response to religious arguments against same-sex marriage. A letter in Period 2 gave this perspective on the constitutional amendment:

People may not condone same-sex marriage due to their religious convictions. However, in good conscience, a person can vote "no" out of an equally compelling conviction that the separation of church and state must be upheld. Support the separation of church and state by voting "no." (*S-B*, September 9, 1998)

As I describe in the next section, opponents of same-sex marriage also used procedural arguments, highlighting the power of majority opinion in democratic systems and the people's right to amend their own constitution.

### Letters Opposing Same-Sex Marriage

I found thirteen distinct themes or discourses in the letters opposing same-sex marriage, including six that appeared in more than 10 percent of them (see Table 2 below). Among the letters opposing same-sex marriage, the two most frequent themes were the need for the will of the majority to prevail on the issue of same-sex marriage and objections to the tactics of supporters of same-sex marriage. Both appeared in 28 percent of the letters against same-sex marriage. Another frequent theme was that same-sex marriage is not a civil rights issue, contrary to the claims of the other side. Other relatively frequent discourses were the immorality or unnaturalness of homosexuality and same-sex marriage; the idea that homosexuality is a choice, a behavior, or a lifestyle; and the argument that marriage by definition involves one man and one woman.<sup>13</sup>

While supporters of same-sex marriage most often invoked discourses of rights and tolerance, opponents employed discourses of democracy and morality. Many of these letters emphasized that the issue of same-sex marriage, so widely opposed by average citizens, should not be decided by the courts or other elites. Some expressed a palpable sense of frustration and unfairness that same-sex mar-

TABLE 2  
Major Themes in Letters Opposing Same-Sex Marriage

Theme	No. of Letters	% of Letters
Will of the majority should prevail on this issue	26	28%
Critique of tactics of advocates of same-sex marriage	26	28%
Explicit rejection of the rights framework applied to this issue	28	20%
Immorality or unnaturalness of homosexuality and same-sex marriage	16	17%
Homosexuality is a choice, a behavior, a lifestyle	14	15%
Marriage, by definition, involves one man and one woman	10	11%

riage might be forced on the Hawaii population by judicial decree despite widespread opposition. One letter writer, objecting to the *Star-Bulletin's* editorial position in favor of same-sex marriage, exhorted fellow readers: "Come on, people, let's show the elite—including this newspaper—who really is in charge" (*S-B*, December 10, 1996). Another letter stated simply: "Why is the minority infringing on the majority? In a democratic society, the majority rules" (*S-B*, December 11, 1996). Closely tied to this concern that the will of the majority should prevail was the theme of explicitly rejecting the idea that same-sex marriage was a question of rights. Here the parallel with the campaign of the Save Traditional Marriage organization is quite evident, since STM's ads consistently asserted that the amendment vote was not about rights but about the future of marriage. But the theme of rejecting the rights frame was almost equally likely to appear in letters in Period 1 as in Period 2, suggesting that the STM ad campaign effectively tapped a preexisting resentment of the rights frame rather than created that resentment.

One letter rejected the rights frame in this way: "They can call it a civil-rights issue, discrimination, or want to propose a domestic partnership bill. It is still same-sex marriage, a chosen lifestyle" (*S-B*, December 11, 1996). Another letter argued that same-sex marriage was not a rights issue because same-sex couples simply do not fit the requirements of the marriage institution:

Marriage between a man and a woman is an institution. . . . It is not a civil rights issue because no one stops them from loving, living, and having sex with anyone they choose. . . . Because marriage customarily, traditionally, and universally requires a man and woman, it is not a gender bias issue. It is a gender requirement issue. (*S-B*, September 23, 1998)

This letter combined disdain for the rights frame with an invocation of the definitional argument against same-sex marriage, that is, the assertion that same-sex marriage cannot be allowed because marriage is, by definition, between one man and one woman.

Some but not all of the letters using the definitional argument linked it to specific religious beliefs or to discourses of naturalness. For example, one protested: "Homosexual marriages are oxymoronic—for a marriage is a union of maleness and femaleness, and cannot by nature be made other than it is" (*S-B*, December 6, 1996). Another stated: "Same-sex marriage is God's business. He

instituted the sanctity of marriage between a male and a female, period" (*S-B*, December 11, 1996).

Other letters invoked discourses of immorality or unnaturalness without specifically making the definitional argument. A letter supporting the constitutional amendment stated: "This is not about hating or mistreating gay people. Christians are commanded to love their neighbor as themselves. But we cannot compromise right from wrong, not when it comes from a command from God" (*S-B*, October 5, 1998). Another letter objected to clergy who had spoken out against the amendment, faulting them for failing to show sinners the path to salvation: "If these ministers really loved these sinners, they would rebuke them, show them the error of their ways, bring them to confession and snatch them from the jaws of hell" (*S-B*, October 12, 1998).

Several letters rejected the rights frame by arguing that homosexuality differed from other forms of minority status because it is a "choice," a "behavior," or a "lifestyle." Some mentioned that homosexuality could not be an immutable trait or status (like race or gender), since some people had lived as homosexuals but then renounced the "lifestyle." One letter pointed out that even if there is some biological basis to homosexuality, it is still a behavioral choice:

Same-sex marriage is ultimately about the principle of whether civil rights can be based on a behavior choice. Even if the theoretical physical link that causes homosexual desires exists, it is still up to individuals to choose their behavior. Not all people who inherit this link or have homosexual thoughts will become lifelong homosexuals. . . . [L]egalizing same-sex marriage would be the same as granting civil rights based on behavior. (*S-B*, January 27, 1997)

As some of the examples above illustrate, the themes or discourses that I have disaggregated for analytic purposes are closely intertwined in the discursive strategies of the letter writers. So, for instance, the immorality or unnaturalness of homosexuality, or the fact that it is a choice, becomes part of the larger argument against framing same-sex marriage as a question of civil rights.

Finally, in addition to the theme of the will of the majority, the most common discourse in the letters opposing same-sex marriage was the critique of the tactics of those who supported same-sex marriage (or at least the idea that the state constitution should not be altered to block the possibility of legal same-sex marriage). Almost all of the letters that employed this discourse of critique appeared in Period 2, mostly in direct response to the messages put forth by Protect Our Constitution in its ad campaign. Many echoed the claims of the STM ads, that opponents of the constitutional amendment were "hiding" behind civil rights or were intentionally "confusing" the issue for voters. One letter complained: "I didn't believe proponents of same-sex marriage would fool anyone by hiding behind the guise of protecting our Constitution until the League of Women Voters came out in support of gay marriage" (*S-B*, September 7, 1998). (In fact, the League took no position on same-sex marriage itself but opposed the constitutional amendment on the grounds that it would set a dangerous precedent for using the amendment process to strip people of their rights.) Another objected to POC's controversial television ad linking same-sex marriage to abortion rights:

This evening I was outraged to see the TV commercial attempting to align homosexual “rights” and the issue of abortion. . . . I see no slippery slope beyond the issue at hand—simply an honest and meaningful effort to keep marriage within the bounds of moral decency. Shame on those who deceive through fear and misinformation. (*S-B*, October 14, 1998)

Other letters took issue with the characterization of support for the amendment as a form of hate or bigotry. Many opponents of same-sex marriage seemed to feel the rights framing of the issue was being shoved down their throats and resented being characterized as bigoted for taking what they depicted as a morally imperative stance.

### Implicit Dialogues in the Letters Columns

Although the letters only occasionally address one another directly in a literal sense, several implicit dialogues emerged in the letters columns. First, there is an implicit dialogue between letters asserting that same-sex marriage is a civil rights issue and those explicitly rejecting the rights frame as inappropriate for this issue. This dialogue also played out in the ad campaigns launched by activists on both sides of the battle over the constitutional amendment, but the ads do not fully account for the appearance of the dialogue in the letters, since it was already evident in Period 1 letters. In fact, letters supporting same-sex marriage were significantly more likely to invoke rights discourses in the earlier period, despite POC’s ardent efforts to frame the amendment vote as a rights issue. The strong countertheme asserting that same-sex marriage is *not* a civil rights issue parallels the strategies of the pro-amendment groups in Period 2, but this rejection of the rights frame also appeared in many Period 1 letters, so its presence in the latter period does not simply reflect the efforts of Save Traditional Marriage and related groups.

Closely related to the debate over the application of the rights frame to same-sex marriage is the implicit dialogue about whether denial of same-sex marriage is comparable to other forms of oppression past and present. While comparing the denial of same-sex marriage to other oppressions was a common theme among letters supporting same-sex marriage, a few letter writers opposed to same-sex marriage explicitly rejected such comparisons. A related dialogue concerned the nature of homosexuality, with many opponents of same-sex marriage arguing that homosexuality is a choice, behavior, or lifestyle (and therefore not a matter of rights or not comparable to other oppressions based on race, gender, or similar immutable characteristics). A few proponents of same-sex marriage answered these claims with assertions that homosexuality is in fact innate or unchosen. Also connected to the broader dialogue about whether same-sex marriage is a rights issue are the critiques of tactics launched by each side against the other. While proponents of same-sex marriage expressed frustration that amendment backers were trying to frame the amendment vote as a referendum on marriage itself, opponents of same-sex marriage accused their foes of hiding behind rights rhetoric and intentionally confusing the issue.

Another implicit dialogue concerns the procedural political question of the proper role of majorities, courts, and constitutions in a democratic society. The

opponents of same-sex marriage argued that it is unfair and improper for an unpopular measure to be imposed on an unwilling majority by judges and related elites (including the editorial boards of the newspapers). For some of these letter writers, the essence of democracy is that "the majority rules," and the constitutional amendment is seen as the only way to effect true democracy on this issue. But many letters supportive of same-sex marriage pointed out that in a democratic system it is the role of courts and judges to protect rights and preserve justice independent of popular sentiment. From this perspective, the constitutional amendment represents an assault on the balance of powers and the safeguards built into the political system to protect the politically weak.

And finally, an interesting pair of implicit dialogues revolve around questions of morality. One concerns the role of religious belief in the realm of politics and policy. While many opponents of same-sex marriage offered their religious views or interpretations of morality as definitive answers on the issue of same-sex marriage (e.g., "[God] instituted the sanctity of marriage between a male and a female, period"), some supporters of same-sex marriage argued that such religious beliefs have no place in deciding issues like civil marriage. In their view, making policy on the basis of such beliefs violates the separation of church and state.

The second dialogue concerning morality is subtler and more substantive. It is an implicit dialogue between those citing morality or religion (usually Christianity) in support of their opposition to homosexuality and same-sex marriage and those employing discourses of tolerance and acceptance. While letters in the former group sometimes cited biblical passages in support of their position, letters preaching tolerance and acceptance also sometimes gave a religious flavor to their argument, urging others to "love thy neighbor" or accept and respect "all God's creatures." Nine letters invoked the language of love in their calls for tolerance. Unlike the letters objecting to the morality discourses of their opponents on proceduralist grounds (separation of church and state), some of the letters employing the tolerance discourse joined their opponents on the terrain of morality and asserted an alternative moral vision to justify support of same-sex marriage.

In terms of moral discourses, what was almost completely lacking from both the activist discourses and the debates in the letters columns was any assertion of the positive moral worth of same-sex marriage. Although letters invoking the tolerance frame appealed to certain moral precepts, they did not argue directly in favor of same-sex marriage as itself a moral good. Outside the Hawaii context, some scholars and commentators have offered substantive moral arguments in support of legal same-sex marriage. Eskridge (1996) identifies several normative justifications for legal same-sex marriage, including the idea that same-sex marriage will produce "a greater degree of domestication" among gays and lesbians, reducing promiscuity and functioning as a "particularly useful commitment device for gay and bisexual men" (p. 9). Further, the denial of legal same-sex marriage is "antifamily" and "antichildren," since lack of access to marriage discourages some gays and lesbians from having children and makes life more difficult for those who do raise children (Eskridge 1996:111). Sullivan (1995:182-84) makes similar normative arguments, suggesting that marriage would increase the stability of gay and lesbian relationships, that married gays would serve as "role

models for young gay people,” and that legal same-sex marriage would foster closer relations between gays and their parents.

I do not raise such arguments in order to endorse them; in fact, these substantive moral arguments for same-sex marriage might entail significant costs.<sup>14</sup> Rather, I have sketched these arguments here to highlight their virtual absence from the public debates in Hawaii. The activists supporting same-sex marriage may have avoided these kinds of moral discourse as a matter of political strategy, judging them unpersuasive to the average (heterosexual) voter, but their absence from the nonelite discourses of the letter writers is more puzzling, especially in light of the prominent moral discourses opposing same-sex marriage.

## DISCUSSION

Activist supporters of same-sex marriage faced a formidable challenge in Hawaii. The campaign for a constitutional amendment to block same-sex marriage put them in a defensive, reactive position. Since legal same-sex marriage held no potential benefits for most members of the voting public, they either had to convert voters into “conscience adherents” (McCarthy and Zald 1977:1222), appealing to people’s sense of the right thing to do, or persuade voters that they did in fact have a stake in the issue, if only an indirect one. The activists largely chose the latter option, framing the issue as a question of general civil rights and warning average citizens that their rights could also be taken away if Hawaii went down the path of amending its constitution to block rights. The movement actors counted on the potency of the civil rights master frame to override the unpopularity of their specific cause.

But the nonelite discourses of the letters columns did not simply reflect the activists’ strategy. Although the rights frame was prominent in letters supporting same-sex marriage after the circuit court decision, a competing discourse emerged in these letters as the amendment vote neared. This tolerance frame did not rely on the rights frame but offered a genuine alternative to it. Although some letters deployed both the rights frame and the tolerance frame, most that spoke of tolerance did not speak of rights. And the tolerance frame was just as likely as the rights frame to appear in letters supporting same-sex marriage around the time of the amendment vote.

Opponents of same-sex marriage explicitly rejected the rights frame in both elite and nonelite discourses. By reframing the issue as one of protecting marriage rather than denying civil rights, they provided voters with a positive reason to vote for the amendment. And unlike the supporters of same-sex marriage, they did not shy away from making substantive moral arguments in favor of their position. The elite and nonelite discourses opposing same-sex marriage appear more closely aligned than the discourses of the other side, although the evidence from letters in Period 1 indicates that nonelite actors were not simply mimicking the elite’s frames. Rather, the activists’ democracy and morality frames resonated with preexisting sentiments among their adherents.

My analysis of the battle over same-sex marriage in Hawaii holds several theoretical implications for the framing perspective on social movements. First, it

demonstrates that movement supporters do not passively receive the frames propagated by movement elites. In their admittedly less prominent public discourse, nonelite actors sometimes choose to emphasize different framings of contentious issues or even to develop alternative frames that are relatively ignored by official movement actors. This is most clearly demonstrated among the discourses supporting same-sex marriage, in which nonelite actors invoked tolerance and even love as moral imperatives whereas movement activists largely stuck to the script of the civil rights master frame.

That nonelite discourses supporting same-sex marriage *shifted* over time also holds theoretical interest. Although almost two-thirds of letters favoring same-sex marriage used the rights frame in Period 1, fewer than half used it in Period 2, roughly the same proportion that deployed the tolerance frame. This shift suggests that nonelite supporters and adherents may have greater flexibility in adapting their framing strategies to emerging political conditions, whereas movement activists engaged in costly, large-scale framing efforts get locked into promoting and repeating a dominant frame. Thus the Hawaii case illustrates the importance of considering the passage of time and changes in political context in order to understand the effectiveness of framing strategies at different levels.

The Hawaii case also suggests that a master frame that brings relative success for a social movement as a whole (i.e., the civil rights frame and the gay and lesbian movement) may prove ill suited to particular organizations, issues, and framing contexts within the broader movement. The temporal dimension may be important in this respect as well. Just as movements that appear later in cycles of protest may be more constrained by the existing master frame of the cycle, so too submovements or issues that emerge later in the career of a single movement may be constrained by that movement's master frame. On the marriage issue, activists may have paid a price for avoiding substantive moral arguments or frames in support of their cause, relying on the rights frame even though it was not highly plausible or resonant in relation to the marriage issue.

Finally, the foregoing analysis demonstrates the existence of framing discourses outside of organized movement settings, discourses that are certainly influenced by activists' framing efforts but also retain some independence from those efforts. As semiautonomous framing efforts, such nonelite discourses are a valuable and neglected data source for frame theorists. Not only do such nonelite discourses provide a way of assessing the effectiveness or resonance of elite frames, but they may also call attention to gaps and missed opportunities in activist discourses. And as advances in communication technologies continue apace, particularly with the Internet playing an expanded role as an organizing and mobilizing tool for collective action of all kinds, nonelite discourses will likely play a more prominent part in the development of collective action frames on a range of contentious issues.

## CONCLUSION

The battle over same-sex marriage in Hawaii demonstrated the political limits of the rights frame in at least two senses. First, and most obviously, the deployment of the rights frame was not effective from the standpoint of winning the vote on

the constitutional amendment. Although the civil rights master frame derives great potency from its linkage with core American values, it is not infinitely malleable and was not effectively applied to the issue of same-sex marriage. Second, the rights frame was politically limited as an elite movement discourse, in the sense that it did not fully capture the motivations of the movement's own supporters. This second limitation could only be identified by explicitly comparing and contrasting the framing efforts of elite and nonelite actors. Future assessments of the success or failure of social movement frames should consider not only frames' impact on mobilization and movement participation but also their ability to reflect and encompass the diverse motivations and perspectives of nonelite supporters.

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## NOTES

1. Some readers may be familiar with debates over "rights talk" and rights-oriented politics, debates that have taken place largely outside the domain of social movement theorizing. Scholars and social critics from both the Left and the Right have expressed skepticism about rights discourses and rights-based political strategies. Scheingold (1974) provided a seminal critique of the "myth of rights," arguing that social activists are misguided in their belief that litigation victories based on rights arguments produce meaningful social change. In her empirical work on antidiscrimination laws, Bumiller (1988) finds that rights may paradoxically disempower those they are meant to benefit and protect. Communitarian and conservative voices also decry the impact of rights-oriented discourses and politics on both individuals and society. Glendon (1991) provides the definitive communitarian critique, asserting that American "rights talk" is too absolutist, too focused on individuals, and too silent on the relationship between rights and responsibilities. Conservative commentators express concern that the politics of rights has led to a cultural climate emphasizing victimhood and rendering minorities passive in the face of their disadvantage (e.g., Hughes 1993; Sowell 1984; Steele 1990; Sykes 1992).

Others have responded to these critiques from a perspective that acknowledges the limitations of rights strategies but ultimately views rights as valuable political resources. McCann's (1994) study of pay equity movements demonstrates how rights-based political mobilization can lead to empowerment and new forms of political consciousness, regardless of the immediate success or failure of litigation strategies. Both Minow (1987) and Schudson (1998) directly respond to the communitarian critique of rights talk by arguing that rights claims can actually affirm and build community rather than undermine it.

Within the domain of the politics of sexuality, proponents of gay and lesbian equality also question the usefulness of rights discourses and strategies. Again these critiques emerge from both Left and Right. Conservative pro-gay voices like Sullivan (1995) question the value of rights discourses and strategies for achieving full social equality for sexual minorities. Liberal and progressive pro-gay voices, including self-described queer theorists and activists, also express concern about the effectiveness

and unintended consequences of rights-based strategies. One of the hallmarks of queer theory is "a rejection of civil rights strategies in favor of a politics of carnival, transgression, and parody which leads to deconstruction, decentering, revisionist readings, and anti-assimilationist politics" (Stein and Plummer 1994:182). Vaid (1995) argues that the civil rights framework is a useful but insufficient approach to achieving gay and lesbian equality, one that must be supplemented by broader attempts at cultural transformation.

2. I accessed these letters electronically from both the Web site of the *Star-Bulletin* and the Web-based archives of an Internet mailing list (or listserv) devoted to same-sex marriage. The Web addresses are <http://starbulletin.com> and <http://abacus.oxy.edu/pub/marriage/digests>. The content of the *Advertiser* is not available on-line. One regular contributor to the marriage mailing list, a Hawaii resident, attempted to transcribe and post all letters on same-sex marriage from the major Honolulu papers. However, my own cross-checking with the *Star-Bulletin* Web site confirms that the mailing list does not contain *every* letter from the periods of interest, so my coverage of letters from the *Advertiser* is likely less complete than from the *Star-Bulletin*. (I have 181 letters from the *Star-Bulletin* and 52 from the *Advertiser*.) In addition, the *Star-Bulletin* Web site does not include the Sunday edition, so I may be missing a small number of letters that appeared on Sundays and were not posted to the mailing list.
3. Activists on both sides of the amendment battle in Hawaii did in fact orchestrate letter-writing campaigns, which undoubtedly influenced the content of the letters included in Period 2 of my analysis (Goldberg-Hiller 1999a).
4. Hawaii saw *no* real growth in its gross state product between 1990 and 1996, compared to 14.5 percent growth in the U.S. gross domestic product over the same period. As a result, real disposable personal income grew only 1.1 percent in Hawaii between 1990 and 1997, compared to 8.2 percent growth in the United States over the same period (U.S. Bureau of the Census 1998:454, 461).
5. Specifically, the RBA allowed beneficiaries access to hospital visitation rights, inheritance rights, survivor benefits, and, initially, health insurance coverage. Shortly after the RBA was signed into law, a group of private companies brought a lawsuit to challenge it, prompting the state attorney general to issue an advisory opinion that the health provisions of the act did not apply to public or private employers who self-insured for health coverage, effectively gutting the act's health coverage provisions (Goldberg-Hiller 1999b).
6. In this respect, the Hawaii debates over same-sex marriage paralleled other state-level debates over anti-gay ballot initiatives seeking to block gay rights through constitutional amendments. Levin (1997) argues that the debates over a proposed anti-gay amendment in Idaho in 1994 revealed competing visions of constitutional democracy. "Liberals" conceived of the constitution as creating individual rights and protecting minorities, and they venerated the role of the courts in upholding such protections in the face of majority hostility. "Communitarians," by contrast, argued that the constitution should embody a moral consensus regarding public and private behavior, saw new rights for minorities as an imposition on the community's rights, and viewed the role of the courts with skepticism. Thus Levin argues that the idea of the constitution functions as an ambiguous rhetorical symbol in these debates. For further discussion of state and local anti-gay initiatives, see generally Schacter 1994 and various papers in Witt and McCorkle 1997.
7. Sixty-four percent of letters from males supported same-sex marriage, compared to only 48 percent of letters from females.

8. Other themes mentioned in support of same-sex marriage, appearing somewhat less frequently, were the argument that same-sex marriage is a minor issue and the state of Hawaii needs to focus on important problems like its economy and threats to tourism (13 letters); the fact that so-called traditional families have plenty of problems of their own, such as divorce and child abuse (9 letters); the idea that same-sex marriage is an expression of love and does not hurt others or detract from heterosexual marriage (7 letters); the notion that same-sex marriage represents true family values (5 letters); the need to protect the state's constitution (5 letters); the idea that homosexuality is innate, not a choice or a learned behavior (3 letters); critiques of media coverage of the issue (3 letters); and the notion that if one group's rights can be taken away, no one is safe (3 letters).
9. Individual letters are not listed separately in the references; they are identified by newspaper *S-B* for the *Star-Bulletin* and date of publication.
10. The difference in the frequency of this theme in Period 1 vs. Period 2 is statistically significant (Chi-square = 4.09, 1 d.f.,  $p < .05$ ).
11. The difference is statistically significant (Chi-square = 4.57, 1 d.f.,  $p < .05$ ).
12. The "Aloha Spirit" is actually defined by statute in Hawaii. The definition reads:
 

"Aloha Spirit" is the coordination of mind and heart within each person. It brings each person to the self. Each person must think and emote good feelings to others. In the contemplation and presence of the life force, "Aloha," the following unuhi laula loa [free translations] may be used:

"Akahai" meaning kindness, to be expressed with tenderness;  
 "Lokahi" meaning unity, to be expressed with harmony;  
 "Oluolu" meaning agreeable, to be expressed with pleasantness;  
 "Haahaa" meaning humility, to be expressed with modesty;  
 "Ahonui" meaning patience, to be expressed with perseverance.

These are traits of character that express the charm, warmth, and sincerity of Hawaii's people. . . . "Aloha" is more than a word of greeting or farewell. "Aloha" means mutual regard and affection and extends warmth and caring with no obligation in return. "Aloha" is the essence of relationships in which each person is important to every other person for collective existence. (Hawaii Revised Statutes, sec. 5-7.5, quoted in Morris 1996:119)
13. Other themes that appeared less frequently in the letters opposing same-sex marriage included concern that same-sex marriage will destroy society (9 letters); people's right to change the constitution or the need to return to the framers' intent (9 letters); family values, ill effects on kids, importance of procreation (8 letters); fear of a negative impact on Hawaii's image and tourism (6 letters); equating gays with disease and death (5 letters); critiques of the media coverage of the issue (5 letters); and rejection of the idea that this issue was comparable to other oppressions (4 letters).
14. Insofar as these arguments invoke comparisons to heterosexual marriage as a standard or ideal for intimate relationship, they may serve to reinforce heteronormativity and thereby inadvertently contribute to the ongoing subordination of gays and lesbians. Similar concerns have been raised by Honig (1993) and Babst (1997) in their critical discussions of strategies for overturning sodomy statutes that rely on demonstrating the fundamental sameness of homosexual relationships to heterosexual marriage. Another potentially significant cost to moral arguments in favor of same-sex marriage inheres in their possible impact on gays and lesbians who choose to express their sexuality outside the confines of marriage-like relationships. By arguing that same-sex marriage is good, its proponents may create the impression that other forms of same-

sex intimacy are less good. Both Ettelbrick (1992) and Warner (1999) argue that same-sex marriage would create new forms of inequality among gays and lesbians by further stigmatizing same-sex relationships and sex outside the context of marriage. Existing normative arguments for same-sex marriage also seem problematic insofar as they continue to bracket (ironically enough) the fundamental question of the morality of homosexuality itself. Arguing that same-sex marriage will promote relationship stability will not persuade those who completely oppose any manifestation of homosexuality; in fact, it might strengthen their opposition. To the extent that opposition to same-sex marriage is grounded in deeply held convictions that homosexuality itself is morally wrong, convincing normative arguments for same-sex marriage would need to first address this more fundamental question of the moral status of homosexual desires and behaviors.

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