

Legal standing

By [David Heim](#)

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A fascinating legal question has emerged in the aftermath of Judge Vaughn Walker's overturning of Proposition 8 in California: Who has standing to appeal the decision? Amy Davidson [spells this out](#) in the *New Yorker*, and this summary from the *San Jose Mercury News* includes [comments from leading scholars](#) on court precedent on the matter.

The question boils down to who can show that they are harmed by gay marriage. It isn't enough, in other words, just to be a citizen or group of citizens *opposed* to gay marriage. To have standing in court, you have to be in a position to show how it has caused you actual injury. Can anybody do that?

Perhaps the larger question, only touched on in these stories, is whether it is good for the country, and the cause of gay marriage, for the issue to be settled by the courts rather than legislatures. Are we priming for a culture war like the one prompted by *Roe v. Wade*? Perhaps not, [says Ruth Marcus](#), in an interesting exchange with Michael Gerson.