



**SEMI-ANNUAL CONFERENCE
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“I now pronounce you...”: Promoting Same-Sex Marriage

Tuesday, January 25, 2011, 1:30 – 3:00pm

Facilitator:

Evan Wolfson, Executive Director, Freedom to Marry (USA)

Panelists:

Melanie Judge, Associate, Inyathelo-The South Africa Institute for Advancement, South Africa

Kieren Rose, Chair, Gay and Lesbian Network (GLEN), Ireland

Sponsors: The Atlantic Philanthropies

Evan Wolfson started of the session by talking about marriage law in the United States.

5 States where gay people can marry (civil unions, partnerships, etc.), long way to go before progress like South Africa and Ireland. 10 years ago, there was no State level legal protection/acknowledgment for gay couples and their families. 12 countries where same sex couples can legally marry

Key to winning this struggle in the United States has been to work at 4 levels (through movement, engagement with entire society):

1) Vision that galvanizes, summons sense of possibility and inevitability to get people to devote energy to the work

1990s: US there was summon to sense of empowerment

2) Strategy: Freedom to Marry and groups they have worked with had a strategy to deal with particularities of US system, including federal state dichotomy and put

3) Vehicles, legislative vehicles, court cases, public engagement, campaigns, informed by vision and implementing strategy

4) Tools that empower people to take action and do the work

Kieren Rose analyzed the strategies implemented by social groups and its successes and failures

Ireland: civil partnerships since January 1, 2011 which includes rights and responsibilities of civil marriage except parenting of children (taxation, pension, social welfare)

Status: heterosexual and homosexual couples go to same place to get married by civil registrar

Recognizes partnerships from other regions (ex: North of Ireland under UK)

Immigration rights: Brazilian partner example – has right to live and work in Ireland

Civil marriage in States do not provide rights and responsibilities at federal level (not the case in Ireland)

1992: Ireland most reactionary country with regard to gays and lesbians

1993: decriminalization

late 90s: got equality and anti-discrimination protection → Led Europe in equality legislation

2010: Civil Partnership Legislation

Most progressive country in legal status of lesbians and gay men

Strategy:

How you win/momentum is very important

Ireland: achieved all party support (only 4 Senators voted against it)

Wide social welcome including right-wing press

gave appetite in areas of children, immigration, and health

GLEN highlighted that to win as minority, must win as majority → consolidate support around your issue, win over the doubtful, pacify those opposed. There is a need to redefine and recreate the national narrative as a nation

Open and confident or fearful and closed, increasingly society is open and confident which is guarantee of progress going into the future

- Labor party which delivered success for lesbians and gay men asked to meet them and put it to them that it was their firm opinion that gay marriage would be unconstitutional and would be struck down

Difficult decision but decided civil unions gave all rights and responsibilities as marriage and so they welcomed that Bill. If they stuck it out for marriage, they would not publish the bill

Government followed up with their civil partnership bill and GLEN welcomed it

Politicians and civil servants under huge pressure and they are unlikely to introduce legislation that gets attacked from right and left

Division in lesbian and gay movement against the Bill

NGO sector side: can agree on goals, but must be able to disagree on strategy on rational and objective basis in open and respectful way

NGO that makes particular decision, must hold nerve and not get rattled from your own side (that you compromised too much etc.)

Debate: Is civil partnership is a route to civil marriage? (But people did not want to read the Bill). Would it bring them closer or further away?

People needed legal solutions to their lives immediately

This is a dilemma for NGOs – how to practically deal with opportunities?

What specifically allowed for progress?

Evan: Outside of the vision and strategy: AIDS epidemic set forth impetus and urgency for the marriage fight (began with Stonewall in 1969 → by 1971, 3 sets of cases making their way in State courts)

Movement about being let in (instead of being left alone)

Shift in US as to institution of marriage and roles of men and women and resonance of claim that has always been battleground (i.e. what type of society should it be? Roles of men and women? Separation of church and state? All been issues)

Kieren: 80s – abortion referendum post civil war, struggles over right to contraception, divorce → the Right wing won)

Abortion clause in the Constitution – 15 year old rape victim went to London for abortion and government injunction preventing her from abortion and ordering her to return to Ireland → Was a very reactionary society

Mary Robinson elected as President of Ireland: Things changed and more progressive change began

Traditional values of family, community, etc. can be talked about

Hippy-type people coming into power

Economic growth was very important

Civil partnership campaign began when economic boom and then there was a freefall and they faced challenges

Melanie Judge:

South Africa: consider same-sex marriage in context of anti-apartheid movement and constitution (equality, dignity, and advancement of human freedom)

Equality: ensures non discrimination on basis of sexual orientation – constitutional protection for litigation

National Coalition for Gay and Lesbian Equality: Step-by-step process, strategic litigation process, putting constitutional principles to test

Post 1994: decriminalization of sodomy, legal benefits expanding, including immigration, pension, adoption → incremental gains paved way for right of same sex couples to marry

Constitutional Court: Historical minority judgment found that common law definition of marriage and Marriage Act were unconstitutional and violated human dignity of same-sex couples. Referred matter to Parliament for legislative remedy. Narrow parameters around what legal remedy should look like. Must be equal in legal and social status for same-sex couples as heterosexual marriage

National discussion ensued and got public attention

LGBT orgs had to amp up what was just a legal strategy. Ensure lesbian and gay participation in parliament. Build support from other HR orgs, progressive religious leaders, diverse lesbian and gay constituency in South Africa

Right to marry never about marriage but about human dignity, what it means to live in inclusive society

LGBT voices, visibility starting to be a player in kind of society they wanted to build

Based on language of anti-apartheid movement

Civil union: same legal status of marriage under the Marriage Act (remains for heterosexuals) → provides clause where civil marriage officer can refuse to marry same sex couples (flaw)

Symbolic meaning: sexual diversity , homosexuality being “Un-African”

States taking preemptive steps to prevent same sex marriage across Africa

South Africa is still a very segregated society

LGBT organizing strategies need to hold leaders to account and support emerging local grassroots activists (in response to homophobic violence in their townships)

Emergence of populist leaders → build capacity of civil societies

Extrajudicial executions

Include in other struggles: women’s rights, minority rights,

Why marriage?

Melanie: given incremental gains made, it would be important to move process to conclusion. Thinking was not about endorsing institution of marriage but it was more about principle and symbolism of marriage and if building diverse society with multiple family forms and relationships (out of apartheid way of nuclear family).

What worked and what would you retain?

Look at whether strong alliances can be formed with progressive leaders of faith communities.

Separating secular from sacred (SA deeply religious society), not wanting to determine at what happens in faith communities but rather separate church and State.

Kieren:

Why marriage?

Next inevitable step was civil marriage. It was also opportunistic step (meeting with Minister). Practical benefits of marriage that people in society receive

What worked? Engagement with political parties of all kinds, civil servants, politicians, elected representatives

Persuasion and listening to people’s fears of civil marriage

Failures: Rifts between people who want civil partnership now and marriage later and those who want marriage now

Evan:

Why marriage?

Ex: Argentina (signed Bill) – constitutional protection of all minorities and not just about gay people.

Liberty, equality (do not want State sponsored discrimination)

in U.S.: much marriage work was inspired by actual people who wanted freedom to marry. Marriage fight created opportunities in all other things

Won moral persuasion battle – convention wisdom of what is do-able

Failure: engagement with people who need to be included

Questions

Meg Gage, Proteus Fund, MA: Raises questions amongst straight, narrow families. Change in culture around this issue, but attitudes of children have not changed. Has this changed in Ireland and South Africa?

Answer: Melanie: Amongst kids, coming from school systems and families (conservatives)

Talk about discrimination much more broadly (institutionalized discrimination). Create safe space for people to have this conversation. Human experiences are indivisible (beaten up for being black vs. lesbian is same).

Andrew: When the panelists are speaking to Church-going people, what do you say to them re: anti-gay marriages whose pastors are anti-same sex?

Melanie: important aspect has been lesbian and gay Christian people have mobilized and have taken civil marriage fight 1 step further and staying it is hypocrisy re: Constitution. A lot of pressure coming from within religious communities.

Sue: Have you seen data in US States' where marriage laws have passed and there has been violence? What types of push-back have they seen?

Kieran: Catholic Church opposed civil partnership Bill (democratic process and they are entitled to their opinion but cannot attach it). Many people against Catholic Church in Ireland

Pushback: right wing has had a decade of success but they pushed their luck to far and their lobbying disappeared. Be careful as lobbyists. In economic crisis, people are high on emotions, losing homes, jobs, etc. Mood can go from being supportive to saying "get real"

Evan:

Push back question: MLK: "I hate the word "back lash" because it implies we did something wrong
Fear of failure, defeat

Engage people on level of empathy and understanding. More progress with rights-based evidence and argument and experience. Some people have not been reached yet. People use religion as a reason, but it is excuse for letting themselves off the hook or not thinking about something in different way → engage religious people on values conversation, respect, equality, putting yourself in other person's place. Let people overcome religious view. Poll better amongst Catholics than Evangelist Protestants because Catholic is used to hearing what Clergy says and then making up their own mind, core values etc.

Kids/public attitudes: young people will always act out, prone to competing messages, but overall trend is that young people are more empowered

Opponents understand the power of they are doing very well. Key argument of anti-gay attack group is: If gay rights people win, they will make people who think like them will be seen as bigots (like racists are).

To have and to hold and Guns and Roses (Atlantic Philanthropies) = Publications