



A very civil defence

American human rights lawyer Evan Wolfson believes that Irish people are more progressive than their US counterparts in their approach to same-sex marriage

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Given that homosexuality was decriminalised here only in 1993, it might sound surprising to hear a leading US human rights lawyer state that Ireland is showing international leadership in the public acceptance of gay rights.

However, according to Evan Wolfson, the fact that civil partnership is set to be enacted into law here next year means that is exactly what is happening.

"In Ireland, around 70 per cent of people are in favour of full and equal access to marriage, so it's now up to the politicians to catch up with public opinion and make that law," Wolfson says. "In the US, we also have politicians who need to catch up, but the difference is that it's only been this year that we finally saw research showing a majority of American people supporting the freedom to marry. That was an important milestone, and it shows we're on the right path."

Wolfson is founder and executive director of Freedom to Marry, a non-profit organisation in the US that advocates the legalisation of same-sex marriage. Widely recognised as one of the most prominent public faces of gay marriage in the US, he has been named as one of the world's 100 most influential people by Time magazine.

But while Wolfson, who was in Dublin as a guest of the lobby group Marriage Equality, lauds the progress that has been made in Ireland so far, he believes there is much more to be done.

"In some respects, Ireland is ahead of the US – you now have a law that acknowledges gay families and couples, and begins to provide some very important protections and responsibilities," he says.

"It's far short of what those families need and deserve – which is the same protection and inclusion of marriage that other families have – but nevertheless it is a national acknowledgment of these families and the beginning of the provision of better protections and responsibilities. We have nothing like that at all at a federal level in the US."

Wolfson's career has closely followed the breaking wave of public attitudes to homosexuality and civil rights in the US. Born in New York, he grew up in Pittsburgh before attending Yale, doing a two-year stint in the Peace Corps in west Africa, and then returning to the US to study for a legal doctorate at Harvard.

But instead of opting for a high paying job as a private attorney, he sought out challenges in the public sector.

"I'd always wanted to be in public service and had no particular interest in earning lots of money," he says. "For me, it was always much more about finding ways to make my love of history, law and politics come together to make a difference."

He took a job as a public prosecutor in Kings County, Brooklyn, and at the same time began volunteering in his spare time for a small civil rights organisation, Lambda Legal, which was committed to seeking equal rights for gay people.

"By day I worked in the appeals bureau," Wolfson says. "When I asked about doing pro bono work for Lambda, it turned out this was the first time any assistant district attorney had ever asked to do any pro bono work, let alone on such a contentious issue. The office said I'd have to take that all the way up to the district attorney and let her decide."

One unintentional side-effect was that Wolfson's personal sexuality became widely known in his workplace.

"It was a de facto 'coming out' to the entire office, and all the way up the hierarchy to the DA," he says. "I wasn't not out before – my employers knew I was gay because of the work I'd done before and what it said on my resumé, so I wasn't hiding anything – but even so most people didn't know. It was a political act that came from a personal commitment to doing something positive."

He had first become interested in the politics of sexuality as a 21-year-old working with the Peace Corps in Togo, when he realised just how lucky he was as a gay man to have been born in the US.

"I met people for the first time who, had they lived in a more welcoming, inclusive and respectful country, would have been openly gay," he says. "But because they lived in a country where they didn't have that vocabulary, let alone

those kind of social choices, they ended up living lives that were not true to who they were.

"I realised that what your society is like and what opportunities and freedoms you have can shape who you are in a very strong and profound way."

When he came back from Africa to study law, he was further inspired to work for equality when he read the book which he says changed his life: *Christianity, Social Tolerance and Homosexuality* by John Boswell.

"It was a pioneering, groundbreaking book in which he traced the history of homosexuality through the millennia of western history, going back through the ancient world to roughly the 1300s," Wolfson says. "Boswell showed that the way in which our society today treats homosexuality is not something set in stone through history."

"In fact, it's profoundly different to how the ancient world understood sexuality and how different periods in the medieval world treated it, and even how the Catholic Church has evolved over time in its attitudes to homosexuality."

For the first time, Wolfson's main interests in the area of politics and history came together with his own personal identity as a gay man.

"It made me realise that being gay and how society treats gay people is not just a question of people's personal and private life – it's about what kind of society we have, and what our commitments to inclusion and respect are," he says. "It also made me realise that if it had been different before, it could be different again, and we could change things."

It wasn't just in the area of gay rights that Wolfson found himself involved in high-profile legal cases. During his time as a prosecutor in Brooklyn, he also worked on challenging the marital rape exemption, a piece of law at one time common in all parts of the world which had inherited the British legal system.

"A man could not be prosecuted for raping his wife because he was entitled to take what the law termed as 'what belongs to him,'" he says. "This was part of the so-called traditional definition of marriage. I wound up as a prosecutor getting to challenge that law, writing a brief that ultimately went to the high court of New York and struck down that exemption."

"This wasn't 100 or even 50 years ago: this was in 1984. That just shows you how long these so-called traditional definitions that we think of as being unacceptable prevailed in law. The idea that women became the legal property of men

when they married passed from religious tradition into secular law, and even as recently as the 1980s was being defended by religious voices who asserted that women should subordinate themselves to men.

"The vast majority of people now feel it is a good thing that this law got changed; the world didn't end, and society is better off as a result. It just shows you that sometimes, even attitudes thought to be set in stone can change."

It is in this context that Wolfson wants people to reconsider their views on same-sex marriage. For a start, he wants them to realise that as far as he's concerned, there is no religious element to the issue.

"Firstly, we're not fighting for gay marriage in Ireland or in the US – what we're actually fighting for is an end to exclusion from marriage itself," he says. "There is a difference."

"Marriage in the US and here is a legal institution that is regulated by the government, that is created by the issuance of civil licences. The government doesn't issue communion licences or bar mitzvah licenses or whatever, but it does issue marriage licences, because marriage is a legal institution that brings with it a vast array of tangible and intangible consequences."

"What we're looking for is an end to the denial of marriage, whether in Ireland or elsewhere, to people who have made a commitment to each other and who want that commitment recognised in law." Wolfson says he isn't trying to tell "any church, temple, synagogue or mosque" who they should or shouldn't marry.

"But what we are saying is that no church, temple, synagogue or mosque should be dictating to the civil government who can get a marriage licence and enjoy the legal status that goes with that," he says. "It's not about telling any church what to do, it's about telling the government that it should not be discriminating against some of its citizens."

"When people bring up religion as a reason to oppose equal justice under the law, I ask them to really dig deep into their religious values and ask themselves what those values teach. They teach respect for love and respect for commitment."

"Ending the denial of marriage imposes nothing on anyone else, but it allows people who have made a commitment to each other to live lives that strengthens society and the world around them."



Evan Wolfson: 'Ending the denial of marriage to same-sex couples imposes nothing on anyone else'