

Eoin's response to criticism of GLEN's strategy on Civil Partnership and Civil Marriage

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<The below response has been anonymised>

I think the issue that has been hugely difficult for me is the view put about that GLEN had accepted civil partnership in preference to marriage due to a lack of interest in equality on our part or that we were arrogantly purveying some theory that it had to be civil partnership first.

The reality however, is that we held out for civil marriage as long as we could, but circumstances changed and we had to respond to that reality. In particular:

- We were asked by the Labour party in 2006-2007 to support their civil unions bill, which was the same as marriage in everything but name. They said the legal advice they had was that marriage would not be constitutional.
- What were we to do? We couldn't say that their legal advice was wrong. The Zappone/Gilligan case had just failed. And McDowall was at this time saying he would bring in legal recognition that was not based on marriage, that lesbian and gay people did not want marriage. The Labour Party on the other hand was saying that it should be as close to marriage as possible - hence civil unions. So we supported it (as did most LGBT people at the time).
- Then the election happened and we pushed again for marriage - and when the Greens and Fianna Fáil negotiated the Programme for Govt pushed and pushed. But they could only get a commitment for civil partnership, but closely based on marriage.

From then on in, civil partnership was the only option being presented that had a realistic chance of being passed. We supported it for a range of reasons:

- There were a huge amount of people who needed the protections immediately. I remember one couple where one partner, a Cuban American, was facing deportation back to the US for not having a work permit but his Irish partner could not accompany him there as he had been illegal there and would not be let back in. Or a couple where one partner was dying but could not pass on his pension to his partner who was also old but had no pension of his own.
- What were we to say to these people? We could not get any support for the proposition that civil marriage did not require constitutional change. The ICCL had this view, Fergus Ryan had this view and in any event, every single party, including the Greens had this view.
- And on the plus side, we believed that civil partnership, closely based on marriage as it was, would break the ideological back of the opposition to marriage. It is funny now to read people from Iona say they supported the civil partnership legislation when I actually debated them on the radio about it at the time. And their view was that because it was so closely based on marriage it would normalize it.

As it turned out, thousands of people have got civil partnerships across the country and many more have had the marriages they entered into abroad given legal effect at home. We are now having a referendum where every single political party is supporting a yes vote. And if organizations such as Marriage Equality believed that a referendum was not required they should have argued this at the Constitutional Convention. They didn't and here we are.

In all of this I have to admit a personal dimension. Because of the difficulties in getting legal recognition in working in the Republic, Josep, my now husband, worked in Belfast from 2002-2005. Almost every week I had to take a call from Cavan Garda station telling me that they were holding him in the station and were putting him back on the bus to Belfast. And when he came over from the US for my father's funeral in 2008 he was held in the airport and was only let through as my mother made a personal plea to Brian Lenihan.

The civil partnership legislation sorted this and many other problems out for people. On this point I find the most difficult points in the book those expressed by some of the proponents of marriage or nothing that GLEN was acting out of privilege and patriarchy. This was not true nor was it possible to engage anyone in a conversation about what strategy they would follow to pursue marriage if we rejected civil partnership.

We now have a referendum. I hope it gets through so much. But if it doesn't, LGBT people and everyone else who supports equality in marriage can continue to advocate for marriage knowing that civil partnership and the recent family law bill means that they are protected on an equal basis in law.

Given all of this, its hard to read what you say in the book about the civil partnership route to marriage being a theory that you don't buy. Getting civil partnership through was not a theory to us, it was based on political circumstances at a time of enormous stress and it has meant a huge deal to me and to other people.

Eoin