

Spain, Canada laws show U.S. challenges

Larry Buhl, PlanetOut Network

Thursday, June 30, 2005 / 04:43 PM

SUMMARY: U.S. LGBT leaders greeted the news that two countries have embraced same-sex marriage with optimism -- and with resignation that the fight in the U.S is still a struggle.

With the second country in as many days this week to embrace marriage equality for gays and lesbians, LGBT leaders and same-sex couples in the United States greeted the news with congratulations, tenuous optimism and resignation that the fight for equality in their country is still an uphill struggle.

"Anytime another country or state legalizes marriage equality it is a big victory for all of us," said Lee Swislow, executive director of the Gay and Lesbian Advocates and Defenders (GLAD), a group that fights for LGBT equality throughout New England.

"With Canada recently ending the denial of marriage to same-sex couples, and now Spain, the world can see that everyone is better off when friends, family members, co-workers and neighbors are protected," said HRC President Joe Solomonese in a prepared statement. "Fair-minded leaders in the United States should take these lessons and protect every American family equally."

It remains to be seen whether the United States yet has enough fair-minded leaders or citizens willing to take the time to end marriage restrictions. When only one U.S. state matches Spain, Canada, the Netherlands and Belgium in the freedom to marry, many in the LGBT community are expressing their joy for other countries' victories while trying to make sense of why the most powerful nation in the world has fallen far behind.

Evan Wolfson, author of "Why Marriage Matters" and executive director of Freedom to Marry, told the PlanetOut Network that this week's [victories in Canada](#) and [Spain](#) show that the United States has a lot of ground to make up.

"The victories in these countries show that families are helped and no one is hurt when discrimination ends," he said. "Unfortunately our own country's commitment to human rights is under siege by our president, by powerful religious right-wing forces and, sadly, the decision of the Republican Party to align itself with forces that oppose American values of freedom and equality."

Still, Wolfson said he remains optimistic about America's ability to do the right thing, eventually, despite the [11 anti-marriage state measures](#) passed last fall.

"They [the 11 state amendments] were not a referendum on gay marriage," he said. "During campaign season the right mounted a ferocious campaign and stampeded people into voting badly before they had a chance to think [marriage equality] through," Wolfson said. "It was one side beating up on the other side that didn't have the time, resources, organization or sometimes the gumption to fight back. But the public in

general does not support going backward, and does not support adding layers of discrimination."

Most marriage rights activists agree that equality won't come in one fell swoop to the United States, but rather in a patchwork of laws that began with Massachusetts. And that takes a lot of hard work.

"In the fight for marriage equality we need to work on three levels: legislative, legal and public opinion," Swislow told the PlanetOut Network. "In Massachusetts our first victory was in the courts. And since then we've seen that there is no more powerful way to change public opinion than meeting same-sex couples and being able to read in the media about happiness and marriage and love."

Swislow admits, however, that a legislative victory is far from a slam dunk.

"Even as we applaud Spain and Canada, we can't let down our guard for one moment. We have to protect marriage in Massachusetts and fight to extend equality in other states," she said.

Public opinion to end marriage discrimination led the legislative victories in Canada and Spain. Such awareness in the population may be the biggest challenge in a nation that encompasses a wide swath of deeply conservative areas, according to Joel Johnson, a psychiatry resident at the University of California, Davis.

"I'm embarrassed to say that if it weren't for my experience in medicine, I wouldn't have known about the arbitrary decisions that divide straight married couples from same-sex couples, especially for end-of-life issues," Johnson told the PlanetOut Network.

Johnson, who is heterosexual and not married, underscored the challenges facing marriage activists and educators.

"As long as it is considered an outside activist issue, there is little motivation for people to change their deeply held convictions," he said. "I don't think people are going to change their views [on same-sex marriage] until the issue becomes relevant to them. Or unless we have a lot more Spains."