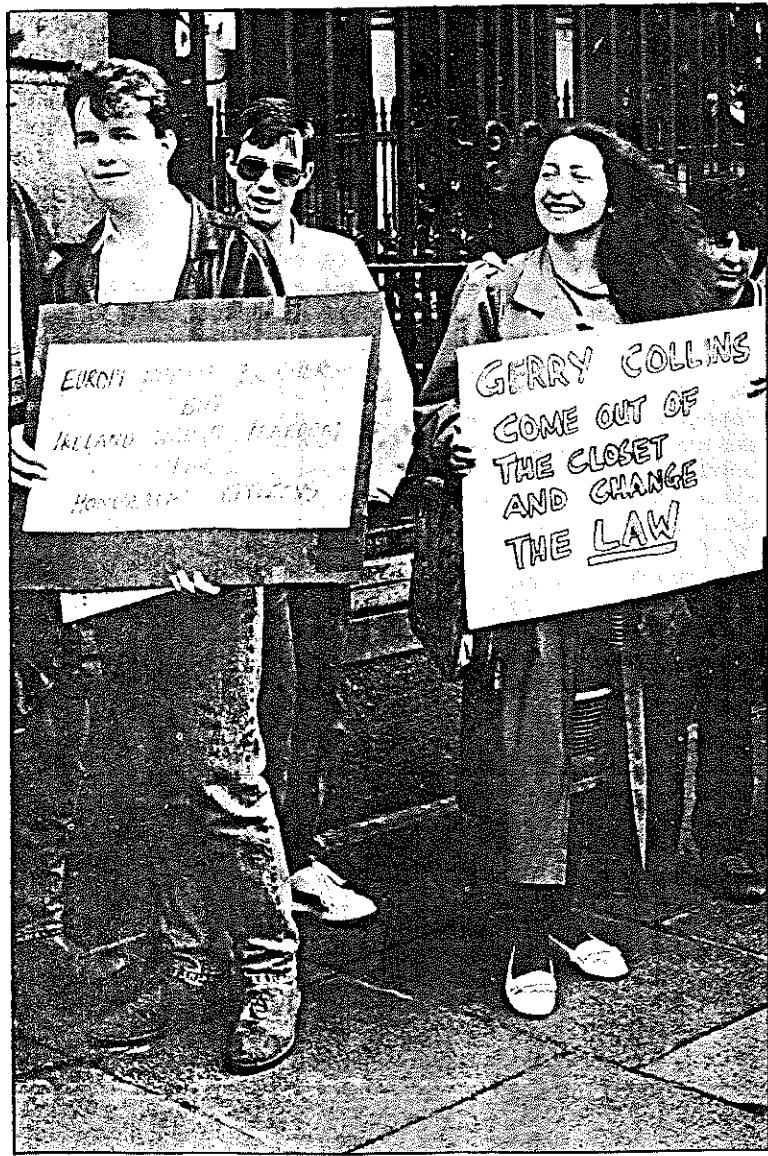


May 1991

# The Fear of Diversity Gay and Lesbian Rights

by Kieran Rose



Demonstration in 1988 against anti-gay legislation

12 DECEMBER 1990 is a historic date in the history of sexuality in Ireland. On that day the Minister for Justice, Ray Burke, TD, gave a commitment to introduce legislation this year to comply with the European Court of Human Rights judgement (1988) against the current anti-gay laws.

Speaking in the Seanad, Mr Burke said: "If we did not already have legislation which penalises homosexual acts in private between consenting male adults, I do not think that today any reasonable person could seriously argue for such legislation."

The Minister went on to outline the Law Reform Commission's recommendations that there

should be no distinction between homosexuality and heterosexuality in the criminal law and that there should be a common age of consent of 17. The implementation of the Commission's proposals and the introduction of anti-discrimination legislation are the twin aims of the Gay and Lesbian Equality Network (GLEN).

The Minister's positive statement was welcomed from all sides of the House, with only one dissenting voice, a Fianna Fail Senator. The contributions were, almost without exception, well-informed and without that fraughtness which so often accompanies discussions of sexual behaviour.

In an earlier debate in the Dail, Pat McCartan TD had argued strongly for amendments to the Rape Bill which would have provided for a progressive homosexual law reform.

## Emerging Consensus

The emerging consensus among the political parties about a progressive law reform is mirrored by support from such groups as the Irish Congress of Trade Unions, the Irish Council for Civil Liberties, the Council for the Status of Women, the Employment Equality Agency and many others. The task now is to mobilise this support so that the new legislation is on the basis of equality. A British-style law 'reform' with its age limit of 21 and severe privacy restrictions would be a defeat.

Family Solidarity, a New Right group with an old Catholic base, in its booklet *The Homosexual Challenge: Analysis and Response*, has identified the lesbian/gay community as a major item on the agenda. They are now campaigning actively to prevent any law reform.

One problem for Family Solidarity is that there is no resonance in Ireland for the virulent anti-gay prejudices of the British Tory party and its press. It is ironic that, despite their law reform there, there is far more police harassment of gay people in Britain and the Six Counties than there is down here.

## Conservative and Catholic?

As 'conservative, catholic' Ireland prepares to rid itself finally of one of the malign leftovers of British colonialism (the 1861 and 1885 anti-gay laws (Clause 25 of the Criminal Justice Bill), the

***malign leftover of British colonialism***

stereotypes of a 'reactionary priest-ridden' Ireland and an 'enlightened' Britain will not survive the shock.

Ireland is now, happily, moving closer to the European norm of an equal age of consent for homosexuals and heterosexuals. However, 17 years would still be one of the highest common ages of consent: in Portugal it has been 16 since 1852; in Poland and in France it has been 15 since 1932 and 1791; and in Italy it has been 14 since 1889.

Interestingly, the 'Protestant' countries such as Norway, Sweden and Denmark did not introduce a common age of consent until 1972, 1944 and 1930 respectively.

## Country of Contradictions

Ireland is a country of contradictions. It maintains laws against divorce, abortion and contraception (for those under 18 in the latter case) and the Department of Health has refused to fund any public information campaign on 'safer sex'. It also has a sometimes progressive attitude towards lesbians and gay men, as exemplified by the unanimous welcome given to the inclusion of "sexual orientation" in the Prohibition of Incitement to Hatred Act.

How can we explain this paradox? It can be seen as one aspect of the tension between what was a dominantly peasant society and the 'new' Ireland which came out of the rapid industrialisation and urbanisation since the 60s. The anti-colonial struggle for national, civil and religious liberties provides us with values of respect for 'fairness'. It is also possible that the repressive

## *poverty, death squads and dicta- torship*

control of all sexuality here has led to a certain feeling of solidarity between heterosexuals and homosexuals.

Without doubt the changes brought about by the women's movement have emasculated the repressive hegemony. The increasing self-confidence of Irish society is undermining the fear of diversity that underlies anti-gay prejudice. Indeed one can regard the repressive measures introduced and maintained by the Free State as a reflection both of its insecurity and of the ascendant reaction in the western world at the time. And finally, one must not forget the efforts of lesbians and gay men over many years.

## Eastern Europe

While lesbian and gay campaigners in Eastern Europe are critical of the old communist regimes, they are apprehensive about the now greatly strengthened influence of the Roman Catholic and Orthodox churches and the rise of right wing movements.

One of the first acts of the 1917 Russian Revolution was the legalisation of homosexuality and abortion although, with the triumph of Stalinism, both were criminalised in the early 30s. The Stalinist view of homosexuality as a 'bourgeois deviation' was then accepted by many on the left including, ironically, the Trotskyist movement.

Official attitudes in some East European countries began to thaw in the 80s, such that East Germany introduced anti-discrimination legislation. With reunification, the discriminatory laws of West Germany are now to be reformed in line with those

of the East. Czechoslovakia introduced an equal age of consent last year.

Lesbian and gay organisations began to develop in the 80s, and in 1987 the first conference of such groups took place in Budapest, with delegates from Czechoslovakia, East Germany, Hungary, Poland and Yugoslavia. The democratic revolutions and the development of 'civil society' have provided for the expansion of autonomous gay activism now under way.

On the negative side, in Poland the influence of the Catholic church on the Solidarity-led government has slowed down further initiatives for lesbian and gay equality. At Warsaw University, the lesbian and gay group and the AIDS helpline have been evicted from the university student club by the Solidarity-backed students' union. In the words of one Polish gay activist, Slavek Starovska: "sections of the old communist regime were more sympathetic and supportive of lesbian and gay rights than many of the present people in Solidarity." The appearance of Pamyat in the Soviet Union and similar neo-fascist groups in East Germany, with their ideologies of "family, church and nation", had raised fears that the trend towards greater social acceptance of lesbians and gay men could be halted or even put into reverse.

## Third World

One can doubt the relevance of the categories 'homosexual' or 'heterosexual', with their 19th century western and capitalist origins, to other cultures. The Xhosa language (like Irish) has no single term which is the equivalent of the English "lesbian". Instead, there is a phrase which, translated literally, means "a woman who enjoys sleeping with another woman", similar to "fear or fear".

In a fascinating book on Brazil, *Perverts in Paradise*, Joao Trevisan gives the example that "the word 'homosexual' can only be applied very inadequately to the expression of affection and to the sexual relations between men that occur in various tribes indigenous to Brazil." Indeed, it was these same-gender relationships that were often used as a pretext for the colonisation of native peoples.

In any case there are now lesbian and gay movements in many Third World countries, particularly in Latin America. The concerns of these lesbians



Simon Nkoli, South African gay anti-apartheid activist

## gay men routinely executed

and gay men are often as much to do with poverty, death squads and dictatorships as with sexual liberation. Sadly, Cuba is notorious for its official anti-gay policies. Nicaragua and the Frente Sandinista is an exception in this regard. According to Lupita Sequeira, a revolutionary and lesbian activist, speaking here in 1990, it was hoped that the FSLN would incorporate lesbian and gay rights into its work programme at its re-evaluation conference in February 1991. This is not to say that homophobia is absent from the FSLN. Lupita, despite having taken part in the 1979 insurrection, was dismissed from the Army and her job when she came out as a lesbian.

Progress is also being made in South Africa. In 1987 Thabo Mbeki, on behalf of the ANC, issued a statement that: "the ANC is very firmly committed to removing all forms of discrimination and oppression in a liberated South Africa... That commitment must surely extend to the protection of gay rights."

The Organisation of Lesbian and Gay Activists affiliated to the UDF in April 1990. There is also hope that the ANC's proposed constitutional guide-

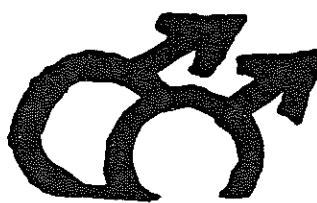
lines for a democratic South Africa will make specific provision for the protection of lesbian and gay rights.

Simon Nkoli, a gay anti-apartheid activist, has played a major role in organising the gay community and has close links with this country. As with Lupita, he had a difficult time dealing with the homophobia of his comrades when they were in jail during the Delmas treason trial.

The 1991 International Conference will be held in Guadalajara, Mexico.

ILGA is currently applying for consultative status with the Economic and Social Council of the UN. The Local Government and Public Service Union here (now called IMPACT) is funding an international survey of the rights of lesbian and gay workers, coordinated by GLEN.

Massive emigration debilitates the lesbian and gay community here, but results in communities abroad organising Irish groups in places such as New York and London. In many countries, the level of repression is so severe that it is difficult to even get information. In Iran, gay men are routinely executed. It is one of the pernicious effects of imperialism that the people's struggle is now often in the form of a xenophobia and a fundamentalism which is both anti-woman and anti-gay. It is for this reason that the inclusion of "sexual orientation" into the Amnesty International mandate is so important. This issue will again be discussed at the Amnesty conference in Yokohama this summer, when the Irish delegation may be the ones to propose that "sexual orientation" be included.



## Internationalism

The international Lesbian and Gay Association (ILGA) provides a link between all the lesbian and gay organisations worldwide. Its annual and regional conferences are an invaluable forum for solidarity, democratic decision-making and fun. Practical commitment is given to the equal participation of women, and delegates from the Third World.

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