



# Female Homosexuality

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SEMINAR TWO

CONDITIONING PROCESSES IN SOCIETY AND FAMILY.

# INTRODUCTION

This is the second booklet of a series of booklets which are the result of seminars on female homosexuality.

The second seminar occurred at Sydney University on May 31 and June 1, 1975 and had as its main theme "The conditioning processes in society and family".

CAMP (NSW) which is a homosexual movement organised to eradicate the oppression of and discrimination against homosexuals, last year made a submission to the government for International Womens Year. \$4,000 was allocated by the government to CAMP (NSW). This money was used to run two seminar-workshops and produce pamphlets containing the papers presented at the seminar to carry out the aims of the submission.

1. To research the position of the female homosexual in Australian society.
2. To formulate and conduct an educational program to change current attitudes.

These booklets are being sent to those sectors of society which may come in contact with female homosexuals and who in ignorance, could discriminate or oppress. 2,000 of the first and second booklets are being sent to principals and counsellors of schools, members of the medical and legal profession, politicians and the mass media. The general theme of all the seminars is that the lesbian is doubly oppressed, she is oppressed firstly as a woman and secondly as a lesbian.

We therefore need to counteract this double oppression and thus these seminars are being run to make people aware of the hidden and overt conditioning processes which lead people into being oppressors.

The following papers will elucidate the position of the female homosexual in Australian society and eradicate some of the ignorance that exists on female homosexuality.

We hope that this booklet will act as an instrument of change to the attitudes that exist at present in Australian society and that female homosexuality will be seen as a valid alternative lifestyle.

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# SESSION ONE

## Conditioning processes in society and family

Lesley Rogers  
Meg Smith

(This article will be published in the next issue) Bridget Gilling

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### HORMONES & HOMOSEXUALITY DR LESLEY ROGERS

What determines sexual preference? Is it conditioning or biology?

For years medical science has sought to explain homosexuality in terms of hormonal constitution. Although I am not a medical doctor I am interested in the biological explanations by which the medical profession seeks to explain homosexuality.

If one simply looks at the incidence of homosexuality across a range of human societies, one can see marked variability from culture to culture. One would be hard pressed to find a biological explanation because biology across different cultures does not vary very much at all; although the incidence of homosexuality varies considerably. This would lead one to believe that it is conditioning, and not biology, that is a causal factor. Yet the medical profession insists on seeking a hormonal cause for homosexuality, and it is this hormonal search that I would like to talk about today.

For those who may not be familiar with hormones: they are chemical messengers that travel around in the blood stream of the body and have all sorts of various effects (for example: sex hormones bring about the physical changes that are characteristic of adolescence, hair growth, body shape and so on).

The question arises as to what effect these hormones might have on behaviour, over and above their known physiological or biological effects on physique, etc? This search by the medical profession is consistent with the view that the medical model of homosexuality is that homosexuals are "ill" and therefore need "curing". I think it is important that homosexuals explain the evidence, or lack of it, and do so with a discerning eye rather than to simply write it off as a non-issue, because homosexuals in our society are treated by administering hormones.

Now I would like to come round to discussing the sort of treatment that is going on in our society. There have been two main approaches to the study of hormonal effects on sexuality.

#### 1. The level of hormones circulating in the blood streams of adults

Most of the work was centred around looking at the level of sexual activity, and this was regarded as a measure of "libido" (in the jargon used). Work in this area has been primarily based on animal studies and extrapolated from animal to man. Therefore, I think that it is important first to look at some of the studies done on animals.



First let's look at rats, the animals on which most of the work has been done. If you castrate a rat, then its sex hormone levels will fall off. Does the animal's sex behaviour fall off also? In most strains of rats it does. If you administer the hormone and bring the hormone level up to normal, the sexual behaviour will come back up. So there we have a clear case of the level of sexual activity (libido) depending on the level of hormones. Just recently people have looked at various strains of rats and they find that in most strains of rats this does happen, but in other strains it doesn't happen at all — sexual behaviour stays up after castration. So it is independent of hormone levels. This is also true of Rhesus monkeys. If they are castrated as adults and are well practised in sexual behaviour, their level of sexual activity does not drop off when the hormone level falls. But if you castrate young monkeys before they have indulged in sexual behaviour then they will very rarely, or never, show sexual behaviour.

So it appears that in a higher animal like a primate the sex hormones need to be present at the time the animal is learning about sexual behaviour. But once the animal has learnt, then the behaviour becomes emancipated from hormonal control. This is in fact the case in man. From the few studies that have been done it has been found that if you castrate a human after they have had a lot of sexual experience then the removal of the male sex hormone has no effect on libido, unless they have had adverse conditioning about what that effect might be. If they've been told that on being castrated (castration being done for medical reasons) their libido will be decreased, then their sexual level **will** fall; but if they have not had adverse conditioning and don't expect their sexual level to fall, then after the operation, it does not fall. So the effect here is a psychological one. But like the monkeys, if they are castrated before sexual behaviour has been learnt, then it is much less likely that they will indulge in sexual behaviour. So again it appears somewhat dependent on the presence of the hormone at the time of learning.

In human females, there is a common myth that sexual activity varies throughout the menstrual cycle and some claim that it peaks through the ovulation phase, which is all very convenient for mother nature, because that's the time a woman will become pregnant. This is not in fact true. Humans do show cycling of sexual libido but it's not consistent from one individual to another as to when that peak occurs throughout the menstrual cycle. If you took a population of women and averaged out when their peaks in sexual activity occurred, you would find that it does not vary consistently with their menstrual cycle. And there is no decline in sexual activity after menopause. On the contrary many studies have shown that during and after menopause the level of sexual activity in women rises rather than declines. The reasons for this, it is claimed, is that they no longer have the fear of pregnancy, and that this relieves some of the psychological worries that might have been present before. Also if women are ovariectomised for medical reasons, provided they haven't had adverse conditioning that this might affect their sexual performance, there is no effect on the level of sexual activity.

Therefore, simply in terms of level of sexual activity, there is no evidence in higher animals that sexual behaviour is dependent on the presence of sex hormones, except probably in the case of learning about sexual behaviour. As we move down the evolutionary tree, to lower animals, we see much more dependence on presence of sex hormones.

What about sexual preference and its possible dependence on circulating levels of hormones? There has been virtually no animal work done on this. Virtually no animal work has been done on homosexual behaviour in animals. People only look at heterosexual behaviour and define homosexual behaviour as being something that's non-sexual; so here there has not been any extrapolation from animal work. Yet there is a growing field of research amongst the medical profession, to look for a hormonal cause which determines sexual preference. For example, Loraine, who was director of the Endocrinology Unit in Edinburgh, did a study on four male homosexuals and three female homosexuals. He tried to show that the male homosexuals had less testosterone (which is the male sex hormone) and that female homosexuals had more male hormone and lower levels of oestrogen (female hormone). I might just mention here that these hormones are not exclusive to males or females. There is a large degree of overlap, and it is not possible to categorise a person as male or female just by looking at their hormones, because the overlap between oestrogen and testosterone can be quite considerable between males and females. Given that Loraine claims to have confirmed his expectation, one has to question why he might have been able to do this, and what were some of the problems with the study.

First of all he used incredibly low numbers. In any other scientific enterprise one would never race into publication on the basis of three or four individuals; yet for some reason or other the medical profession sees that homosexuality is perhaps such a big issue that it is worthwhile publishing any degree of results, even if they are very unreliable because of the low numbers sampled.

He also took a wide age range, and sex hormones vary considerably with age. He didn't say what the age range of the control group was, simply on the basis of age they might have selected individuals who biased the data. He sampled urine and measured the hormones by measuring the breakdown products that were passed out in the urine. (Taking a 24 hour urine sample and measuring the hormone levels for that 24 hour period.) Hormones vary in women throughout the cycle and throughout the day. Testosterone levels in men have 24 hour cycles and have marked peaks within that cycle. It is difficult to get a sample that is a good indication as to the individual's actual hormonal condition anyway. Loraine has conveniently ignored talking about all these problems. Obviously because his data came out in a way that they might have been biased to expect anyway, he felt ready to publish it. Of course, male homosexuals would be expected to be less masculine by having less sex hormone and females more masculine by having more male sex hormones! Had the result turned out the other way I suspect that it would not have appeared in the scientific literature on the basis of these criticisms.

There is also a study by Margolese in the USA. He did have a larger sample (about 60 male homosexuals), and he looked at the output of breakdown products of testosterone in the urine. He also claimed to find lower levels of testosterone in male homosexuals, but said that one of their 'normal' heterosexual subjects had lower levels of testosterone that fell well within the homosexual-range and that that person was extremely depressed. Hence there is a certain sort of behaviour that is associated with a hormonal condition, and he deduces from this correlation that obviously the hormone is causing that behaviour. Yet, there is no indication from measuring hormones and measuring a certain form of behaviour that there is any particular causal direction that you can place in order to explain the data. Indeed, the behaviour itself may be determining the hormones, and there is plenty of evidence for this in animal studies. If people are depressed that can alter their testosterone levels. It is a rather complicated process, working through numerous sorts of hormonal feedback loops, but in fact studies have been done on Vietnam soldiers which showed that just before they go into the battle field their testosterone levels are extraordinarily low. Stress affects hormonal conditions; behaviour affects hormones.

Although he knew that one of the heterosexual subjects fell in the homosexual range, he didn't go on to talk about this – whether they can draw these kinds of causal relationships. He simply noted it, then went on to state that obviously lowered levels of testosterone are the cause of male homosexuality. One doesn't know, but it is possible that the homosexual population he sampled in his study were perhaps more stressed. If they had to come into a hospital for the tests they were going in to an environment where they were less accepted. They knew that they were subjects for the sake of science, they knew that they were the abnormal ones being studied, and so on. It's quite possible that one could concede that they were in a behavioural state that could have altered their hormones and produced the result found.

Any studies done on larger samples, and numerous other ones that aren't worth going into great detail about, show that there are no hormonal differences between homosexuals and heterosexuals. I'll just mention one that was done on female homosexuals in London. There were 42 women sampled and they found absolutely no differences in hormonal condition or in a number of other physical factors which they measured, like size of clitoris and all sorts of things that they thought up to measure. It's rather good that they didn't find any difference because they obviously set out expecting to find one, and were certainly biased in the direction of finding one because they ended up saying, "The search for an organic basis of homosexuality has hitherto proved relatively disappointing". But they are going on, because they feel that there may be new techniques of measuring hormones, and everytime a new technique comes up, a homosexual population is compared with a heterosexual population and some people find tiny differences and others don't.



## 2. Hormonal differences in infancy, or before birth

More recently it has been proposed that differences in sexual preference stem from hormonal differences in infancy, or before birth, and that these differences are no longer detectable in adulthood.

This work is based on studies originally done on rats. If you expose a rat to male sex hormone, testosterone, just after birth, you can alter its brain (or the hypothalamus of its brain) so that it becomes characteristic of a male or female, regardless of its genetic sex.

For example, if you castrate a male rat in the first five days of life and you then look at its sexual behaviour as an adult, you will find that it has a female brain (or hypothalamus) which is cyclic and that it will show female sexual behaviour. If you take that castrated male and this time give it testosterone (in the first 5 days after birth) it will end up having a male acyclic brain and show male sexual behaviour.

A rat that is genetically male can be switched one way or the other by this early treatment with testosterone and the reverse can occur in the female. For females you don't have to castrate because you're working against the natural hormones anyway. Simply, if you add testosterone you'll end up having a male type brain and male sexual behaviour. Indeed, in the rat an effect of early treatment with testosterone can alter behaviour in the adult; there is an early androgen effect.

Based on these studies of rats, J. Money in the United States has studied human females who were exposed to high levels of androgen, or male sex hormone, while they were still in the uterus. Some of these were as a result of having what is called andrenal genital syndrome. This means the andrenal gland in these female foetuses was making abnormal levels of androgens. Others were exposed to a drug called Progestin, which is a synthetic form of progesterone used to prevent miscarriage. It was not known at the time that it was given that it also had an effect similar to testosterone in some ways, and caused physical masculinisation of female children. Both of these groups received abnormally high levels of male sex hormone before birth. Some of them were born with physical masculinisation of the genitalis, etc. But Money took a group that did not show any physical effects. This is important when you were looking at behaviour because otherwise you would not know whether the behaviour you were looking at is a result of the actual biological action of these hormones, or whether the behaviour had resulted indirectly through different rearing because of physical differences.

Money looked at behaviour, and the last time the group was studied the subjects were between ten and fourteen years old. This is what he found:— The androgen-exposed girls were tomboys (whatever that means: one of the things it meant was that they liked climbing trees and playing outdoor games). They liked wearing boys' clothes and playing with boys' toys. They had a priority of career over marriage in all cases (in comparison with the control group — only one of the control females preferred career over marriage and that one wanted to be a nun). They were asked to draw-a-

person — this is a rather fun but dubious psychological test. Whether you put a dress or pants on your figure is supposed to determine what your sexual identity is. The androgenised group all drew male figures and the control group all drew female figures. The other interesting difference was in IQ. I'm not going to say IQ is "intelligence" — it's a score on a test. The mean score for the control group was 101 (to be expected). For the ones with the adrenal genital syndrome it was 112 (and that's significant), for the progestin ones it was 125, which was much higher.

This has been hot news — it has been, perhaps, the only study in this area and it has been widely quoted. One hears of it even in the more popular literature; so it has not been confined to the scientific world. It looks very convincing, until you start to think — what kind of people was he really looking at? For example, what kind of parents in America seek to take Progestin in order to prevent miscarriage. To know about that you have to know how the medical profession works in America. It's a big money-making concern. If you're poor or you're black you would never get Progestin treatment to prevent miscarriage. Hence there is a certain section of the population who would have been selected for the test groups. As it turns out three quarters of the androgen-exposed females of Money's group had parents who were in the high executive and professional brackets, and that may affect the IQ scores considerably. The control groups were not so highly selected. In one of the Progestin exposed examples he looked at the sister and the mother of that subject and found that they were exactly the same — they had been tomboys, they had higher IQs, everything. He hadn't looked at the family characteristics of the test individuals though it is the obvious control group to take. The sister was not exposed to Progestin but she showed all the characteristics of her androgen-exposed sibling, which rather takes away from the conclusion that this individual was showing behaviour because she had been Progestin-exposed.

Also, mothers who took progestin would perhaps raise their children differently, as a result of apprehension about its effects. And of course these children were coming in for periodic testing throughout these first ten years of their life. So it is inconceivable the parents didn't know that there might be something different about their children who had been born under the influence of this drug. Quite possibly their mothers were raising them in a way to overcompensate for any possible effects they might expect the drug to have.

Indeed Money never published these problems with his study. At a conference somebody asked him why he hadn't looked at the other members of the family and he said "I'd really like to do that but I haven't had enough money yet". This is surprising because he goes on doing lots and lots more studies on these particular groups pulling out the differences, which also requires money, and yet he doesn't go back to the original study and show he's got a real effect in the first place.

This to my mind is not science. I'm not saying he hasn't found an effect, he definitely has, but he hasn't conclusively convinced me that that effect relates to the action of Progestin. What he is doing is taking the rat animal studies and saying, "I've got the same sort of situation happening in humans, therefore it must be right", and goes on studying them more and more, getting more and more information that society uses to its own advantage.

He has also looked at homosexuality — in this case the practice of homosexuality is low (it would be low anyway because they're too young). He has looked at fantasies and dreams for homosexual content and found no increase in homosexual fantasising in the androgen-exposed individuals.

There is a Russian study done on women exposed to high levels of testosterone before birth because they had adrenal-genital syndrome, and some of them had very marked physical effects. The Russian study was better because it covered about 40 subjects and some of those were well into their thirties. They could look at the actual practice of heterosexuality and homosexuality. They conclude there is no increase in homosexual preference amongst those exposed to the early androgen.

Therefore, it looks from the data that's available that one can't tie sexual preference to either circulating levels of hormones in the adult or to a possible early influence of hormones before birth; or even after birth, because these adrenal-genital syndrome children have high levels continuing on until it is corrected, usually in the first few years of life.

I might just at this point say what evidence there is available for the correspondence between sex role and hormones. Money has done some better work in this area. He has looked at people who have had abnormal hormonal conditions or have been raised in a gender role which is opposite to their actual hormonal output, because, at birth their genitals weren't conclusively one sex or the other, and they were then role placed into the wrong sex. For example, they were chosen to be reared as a female and subsequently it was found they were really males. He has looked at how this affected their sex role behaviour as they grew up, and found that people to whom this has happened actually role played more heavily the role in which they're being reared, which might be quite a contrast to their hormonal condition. Possibly because there was some ambivalence about their sexuality, they actually adopt more strongly the roles in which they have been raised.

He looked at cases where parents have decided to change the role in which they were raising their child. He finds that if you decide to reverse raising your child as a boy and switch it over to a girl or vice versa, before the age of 18 months, you can do that with a reasonable degree of success, although there are some psychological problems that can result. After 18 months to 2 years it is absolutely impossible to do it without drastic effects on subsequent behaviour, so that somewhere well earlier than 18 months the child is heavily conditioned into its given role, male or female, and it's not possible to switch over.



Money's also looked at one case — one case is not enough to say a lot about but it is a fairly convincing case — of two identical male twins born to a hillbilly family in America. They took these twins along to be circumcised and the doctor's knife accidentally slipped during the circumcision and cut the penis off one of them. So they were asked what they would like to raise that child as, a male or a female. They decided to raise that one as a female and the other as a male. Their choice here is in itself interesting because obviously the presence or absence of a penis denoted whether it was going to be a male or a female, although, of course, that child was still going to have testes, male sex hormone and so on.

Money has followed these twins through until now they're about twelve years old. The one raised as a girl is every bit a girl. She looks completely different to the male one. She behaves completely differently and you could never know they are identical twins, never know they are genetically exactly the same, exactly the same sex. It's a clear case where the decision to raise one as one thing and raise the other as another, actually so radically altered their behaviour and looks, that the whole individual was changed as a result of that decision..

Of course subsequent work has to be done on the one being raised as a girl. The testes were removed and she will have to receive oestrogen treatment and so on. One wonders what the subsequent outcome will be, but certainly up to this age the role conditioning has been the major thing. Biology seems to have played virtually no part in it whatsoever.

Given that the medical profession indulges in this extensive hormonal search for an explanation of homosexuality, one asks why this kind of research goes on. The paper by Loraine, the original study I mentioned with the three and four subjects that claimed to show hormonal differences between homosexuals and heterosexuals, was interesting because having decided that he had found a difference in hormonal output between the two groups, he then concluded by saying that therefore we should tolerate homosexuals like we tolerate people with other biological abnormalities (namely, people with other vast hormonal differences, cripples and so on). We shouldn't discriminate against them because, poor things, they can't really help it — they weren't his words but that's exactly what his message was.

That, of course, places homosexuals in a category apart from heterosexuals and to my mind this is a fairly safe and reassuring thing for people who are threatened by homosexuality. If you can say they're biologically different and you're not one of them, then that doesn't ask you to question yourself. They're different biologically and have to be tolerated — not accepted, mind you. This eliminates the possibility that the homosexual has made a decision to be that way, and other people could also consider that decision.

Also it can lead to quick cures. If there are hormonal differences — simple things like having more or less testosterone, then you can rectify that by administering hormonal drugs.

Some years ago, they started administering testosterone to male homosexuals. The reports state that it had no effect in changing their sexual preference, but it did increase their homosexual libido. From what I said earlier this is unlikely to be the case by the biological effect of giving testosterone, because as I said in the very beginning, level of sexual activity in humans is unrelated to level of sex hormones. But the doctor is likely to have said "I'm going to give you this sex hormone and it's going to effect your sexual behaviour". He might have also said "It's going to hopefully change your sexual preference". Well, that psychological effect obviously wasn't strong enough to bring about a change in sexual activity.

This treatment wasn't successful. The medical profession then used oestrogen to treat male homosexuals, and this treatment is still going on. I don't know much about what happens in Sydney but certainly in Melbourne, Lionel Chatz, who is the psychiatric superintendant for the Children's Court Clinic, administers oestrogen to adolescent sex offenders. Lots of these are homosexuals, but not all. Bartholomew, the psychiatrist at Pentridge Gaol, is world renowned for his treatment of homosexual prisoners with oestrogen. You can get your sentence reduced if you submit yourself to treatment with these drugs. Ball, a psychiatrist at Royal Park in Melbourne, is also using it.

So there is quite a lot being done with it and oestrogen in this sense is working to castrate. Oestrogen blocks the action of the male hormone, testosterone. It has side effects and it causes breast development. It's given in extraordinarily high doses, and you probably all know the high oestrogen Pill was taken off the market because of it's cancer risk. Oestrogen levels given to these homosexual prisoners are much, much higher than the high oestrogen Pill. When a friend of mine asked Dr Ball what he thought about this, he said the cancer risk was minimal compared to the problem of homosexuality.

If it has any effect at all, and there's no good literature being published to show that it does have an effect, then it seems to my mind that it's simply like any form of torture. If you get hit on the head hard enough, or get punished hard enough, then you're going to give up the thing that led to that sort of punishment.

Or else you're going to be more cunning about it and not get picked up by the law and therefore come back into Bartholomew's study. If he gives you the drug and then you come back to report, and he asks whether you are now indulging in more or less homosexual behaviour, you're likely to say less, because it isn't very nice if you're a male to have breast development — unless you want it, and that's not denying that some want it. But in most of the cases the side effects — headaches and so on, would be so excessive you're likely to conform with what he expects you to be. He can only measure the outcome of the effect of the drug by the subjects own reports or whether they get picked up by the law again..



The latest drug that's become available is a thing called Androcure, and this to my knowledge, is not available in Australia yet. It is being used in West Germany, Switzerland and Britain at the present time. It simply works to block testosterone — it's a castrating drug and is used on sex offenders, including homosexuals, in West Germany. If you submit yourself to this treatment then you don't get sent to gaol. It's a common practice in West Germany anyway. In many cases they just simply surgically castrate but this is the new "wonder" drug — you don't have to cut the balls off, all you have to do is give a course of treatment with Androcure.

There is a possibility that it may come into Australia because Bartholomew is very keen to use it on his prisoners. I suppose he's keen because he'd be interested in a bit of research, and you also get fairly highly paid by Schering, which is the German drug company which produces this thing. You get it free of charge to use it on animal experiments — in fact I've done some work on that myself. If you work on humans you get paid. I think it's \$20 a head for every subject you administer it to and Bartholomew has offered around about 100 subjects already.

That is about all I'd like to develop about the hormonal story except that, given this hormonal therapy is going on in our community, it seems to be up to people like us to actually point out to the medical profession that there is no medical or scientific evidence for this sort of treatment. It is OK to say we as homosexuals disapprove of this use — that should be said. On the other hand we should also say to these people: what is your evidence? What do you know about hormones and behaviour?

Most people in the medical profession unfortunately have never been trained to adequately assess the relationship between biology and behaviour; yet they believe they know, and, if one can point out some of the scientific or sociological reasons why these studies are biased and misguided, then one might stand more chance of influencing them. They are notorious at being able to say, "OK that's what that group thinks, I take no notice of them, I've got all the power, all the money in society and therefore I can go ahead and do what I damn well like." But if you can threaten them on their own scientific and medical ground then I think they are much more hard pressed to reject your argument. I think that if people are interested they should go into the literature and try and confront them there, as well as just simply on the social issues.

I think that I should mention psychosurgery in passing. Some psychosurgery comes into the same category. In America they're doing psychosurgical operations in the hypothalamic region of the brain. You remember when I talked about the rats I explained that it is the hypothalamus of the brain which affects the output of sex hormones. So I think that possibly some of these psychosurgical operations are in fact a very sophisticated form of castration. Instead of cutting off the balls, instead of giving Androcure, you make a hole in the brain. It all sounds like very good science, very sophisticated medicine but in fact you may be simply doing exactly the same



thing each time. Behaviourally all you may be doing is hitting the individual over the head with a crowbar and thereby making his behaviour change, rather than having any biological effect on behaviour.

## READING

C. S. Ford and F. A. Beach, *Patterns of Sexual Behaviour*, 1965.

(Chapter on homosexuality.)

J. Loraine, *Hormones and Homosexuality*, *New Scientist* (Feb. 3, 1972) pp. 270–271.

J. Money and A. A. Ehrhardt, *Man and Woman: Boy and Girl*, 1972.

M. S. Margolese, *Homosexuality: a new endocrine correlate*, *Hormones and Behaviour* I, 151–155 (1970).

I read an article in *Psychology Today* about three years ago which gave me the feeling, Aha, I've suddenly found the right answers in life. It was something like reading your horoscope in the paper when it says something you know is going to work. I read this article about three weeks ago and it struck me as being highly heterosexual and incredibly biased.

There has been a lot of research published recently on *Is the homosexual healthy*. Psychology and Psychiatry are at least getting to the stage where homosexuality is no longer considered a disease but no one has anything really positive to say about it yet. As Dr Leslie Rogers said; we can accept it but we don't see it in the same good light as heterosexuality.

A couple of books have been written by Mark Freidman, a gay psychologist. One of the books is on homosexuality and psychological functioning. *Psychology Today* has published a couple of articles on how healthy homosexuals really are. We are starting to get there but we still don't validate homosexual experiences. So I am going to look at why homosexual experiences are seen as deviations rather than valid growth experiences.

The article by Walter Toman *Birth Order Rules All* (*Psychology Today*, Dec., 1970) examines the idea that the sort of person one chooses as a spouse, friends or lover will be determined partially by the kinds of persons one has lived with longest and most intimately. New relations duplicate old ones. This idea is commonsense. Freud had something to say on this point but he only looked at negative aspects of it, e.g. how your mother over-protected you, how you didn't identify with your father. Freud didn't look at the positive side of things.

Now, society says that you're going to marry somebody like your brother or father if you are a woman and men tend to marry someone like their sister or mother. But what happens if you're female and don't have any brothers? Logically you should be happy living with a woman like your sister.

Toman's idea is very dependent on sex roles. If these are eliminated his whole analysis breaks down. Anyway he divides people into eight categories which are:

- |   |   |                                  |
|---|---|----------------------------------|
| A | { | YBS youngest brother of sisters  |
|   |   | OBS oldest brother of sisters    |
|   |   | YSB youngest sister of brothers  |
|   |   | OSB oldest sister of brothers    |
| B | { | OBB oldest brother of brothers   |
|   |   | YBB youngest brother of brothers |
|   |   | OSS oldest sister of sisters     |
|   |   | YSS youngest sister of sisters.  |

Now I want you to look at your closest sibling. Forget about it if he or she is older or younger by more than 5 years. For example I have a sister one year older and a brother five years younger. So I'm really a YSS rather than a OSB.

Now you see why I'm a lesbian and why the last four categories of people are probably going to be homosexual too. Perhaps 50% of the population are homosexual.

If you doubt the validity of this, let's look at Toman's study. Toman assumed that people get on better with their complements. For example an OSB and OBS are going to clash because they are both used to being boss – however an OSB and a YSB should get on fine.

Toman did a pilot study looking at 16 marriages that ended in divorce and 16 marriages that had lasted for 10 years and had children. He found that 12 of the ones that lasted about 10 years and had children came from group A and were complementary. So the majority of the marriages that were successful were where the partners stayed together and had kids and presumably were very happy. They came from the heterosexual group. But of the 16 marriages that ended in divorce, only one of them came from Group A. The others came from Group B or were non-complementary Group A types. One could assume that of those 16 marriages that at least half of them must have been homosexual.

He then takes some data done by the German research association which took 2,000 families in Nuremburg and Zurich and examined the sibling position of partners. Of the 108 divorces of the 2,000, 63 came from the partners with a high rate of sex conflict or the partners had been only children. Of 108 divorces, most divorces were where one had married the wrong person e.g. if one of the men had been YBS and married a YSS. The situation was then just two fairly dependent people who couldn't take the lead so the whole thing broke down – or some of them could have been homosexual (you have to take that into account).

I'll disregard the male part of it because I'm only talking about women today. I'm going to talk about Toman's female types. He presents a nice little horoscope summary of all these different types and this is what gave me that "eureka" experience when I read this about three years ago. I'm going to read out the YSS because this is me and this is what I felt like three years ago.

Well the YSS is a :

charming chameleon; she leads an adventurous and colourful life, she likes entertainment and change and may seek them haphazardly and spontaneously. With her, nothing is settled. She is ready to throw her beliefs, achievements and friends overboard and start over.

(Well that was me three years ago.)

She has the advantage in competition with other girls, she can seduce men better than they. Although she wins men easily, she is too capricious and unstable to hold onto them, so, in the final competition she tends to lose.



Now I think that is a bit sexist and the reason that I can't hold onto men is that I have a younger brother and therefore want to keep on relating to younger brothers.

She is best at jobs which require higher but somewhat automatic skills and require no decisions.

This is where sexism comes in. Females are always good at jobs which require automatic skills and no decisions — typists or interpreters perhaps.

With all her craving for distraction, she is frequently unoriginal in her contribution. She may try to be creative but her attempts are too rushed and chaotic to do her any good.

(I haven't quite worked that one out yet.)

But overall she is quick and charming, willful and not pretentious, gullible and emotional and a brat. She cannot create or manage well, she will have to marry a man with money. She likes to keep several gentlemen on the hook particularly if she wants to make some jealous.

She has not been used to living with a male so it would take a dominant and indulgent man to handle her — an OBS perhaps.

That really is a put down. But a lot of my relationships with men have been with OBS types.

Looking at Toman's description of females compared to his description of males, I get the feeling he really doesn't like women — or at least doesn't understand them very well.

Maybe Toman's YSS has never really had an opportunity to expand her own creative potential. Toman's YSS is the stereotype of the shallow lesbian. It doesn't say anything about positive relationships to women. It says she is going to compete with other women by taking away their men, seducing them and keeping them on the hook, but it doesn't say anything about how she will feel as regards women, and presumably if you have had an older sister you are going to have meaningful relationships with that person.

So presumably it is possible to have meaningful relationships with other women but Toman doesn't say anything about that. It also strikes me too that this sort of person would get emotional support because she is the feminine female etc., but no validation for her real personality and feelings.

The second one is OSS, it is pretty obvious to me that men are going to mean much to OSS. This is precisely what comes out. To some extent the OSS is the female counterpart of OBB. She is dominant, assertive and somewhat bossy. In actual fact Toman discusses the OBB as just, strong and independent but I think dominant and bossy is somewhat negative.

OSS radiates self-confidence and independence, often she pretends to be more sure of herself than she really is.

In other words, she's not getting validation from anywhere.

She is a good worker, particularly when put in a position of leadership. She is competent and responsible and gets things done efficiently.

Other women will have to defer to her authority if they want her

sympathy or even tolerance. She will work energetically to establish and maintain her power and will not rest until she has surpassed these women in rank or accompaniment.

That is sexist of course, it is putting women down. The only way you can succeed is to beat other women to the men.

The more sisters the OSS has, the greater will be her problems with marriage.

Of course how can you get married if you have had a lot of sisters and like relating to women?

She may not marry, choosing instead to go into nursing, a convent, perhaps social work. If she does marry, children will be important to her and they will help her relationship to her husband. She would then be able to let go of him and devote all her energy to her offspring. She tends to be a proud and protective mother. Her husband will have to realise that his role in creating the children was utterly minor.

Politically she tends to be conservative, anti-revolutionary. Legitimate authority must be obeyed. Above all, she believes in her father as the ultimate legitimate authority. Only if he were a rebel might she adopt an unconventional way.

Now I think the significant thing there is that politically, she tends to be conservative and woman as a group are noted as conservative. I see conservatism as being caused by restriction. If you are not allowed to express your opinions and people don't validate them for you and people don't discuss them with you seriously so you can't develop, then of course, you're conservative. My picture of OSS is that she is a pretty restricted individual too.

Now we go onto the heterosexual types. The OSB is described as: independent and strong, she has a healthy egotism, tactful, she delegates work efficiently and well, she is reasonable, responsible, friendly and open.

The YSB is:

feminine, friendly [again we have to watch for sexism] kind, tactful, submissive but not subservient. She's a good companion, she's interesting, she's a little indescisive but not too much.

Politically she's described the same as YSS but the way Toman described it is that it is OK if you're an OSS and you're a feminine, helpless female and it's OK not to have any strong political ideas because that's the position of women in society anyway. It's only if you're not relating to men that you're not allowed to do that.

Well, I got to thinking about my own particular life. I'm a clinical psychologist. I'm not practising as a clinical psychologist mainly because I've felt for a long time that I could only practise as a clinical psychologist if I was psychologically OK. And of course women aren't psychologically OK in this society particularly if they put a career ahead of marriage. I spent a lot of time putting a career ahead of marriage. Then I started relating to men and I thought I can't really practise as a clinical psychologist until I have a successful male relationship. That's what a woman needs in society. She needs to be validated by having a male and Mrs before her



name. So I'm not quite sure at present whether or not I'm ever going to practise as a clinical psychologist. Anyway it started me thinking of breakdowns and nervous breakdowns, why people crack up and the causes of stress etc. I came across some research fairly recently on male delinquents. It is significant that in childhood the sorts of kids that break down are usually boys. Many more male delinquents and dyslexics and behaviour problems in male children than there are in female children. One of the theories about this is that little boys grow up in a warm nurturing environment where they're allowed to be soft and weak and small and then they are transported to school where everyone says little boys don't cry. Maybe this leads to all sorts of behaviour problems and stress reactions such as dyslexia etc.

Then I thought about the young women. We know from Phyllis Chester's book *Women and Madness*, there are many more women in psychiatric hospitals than there are men, and that many more young women undergo nervous breakdowns than men do. My theories about that is women are changing from the school situation where it is OK to compete, to do well, to look at your own ability, to get pleasure out of accomplishing something, to go out and conquer the world at large. But when you reach puberty that suddenly changes and you're told it's not OK to beat the boys at school any more..

The real success for a woman is to attract a man and get married. I found this very much at university. By my third year, I was going quite well and the people around me were doing quite well, but the real measure of success was how many diamonds you had on your finger. Women who didn't have an engagement ring on their finger at the time they graduated just hadn't succeeded at university.

This of course involves a great amount of risk. If women are taught to rely on interpersonal relationships, life is more uncertain for them. I know if I have to succeed at a course, I have to do this amount of work and I know that there is a fixed result at the end of it. On the other hand if I have to succeed at an interpersonal relationship, it is a little bit more uncertain because another person is involved and they may not have the same ideas about things that I have. So this is another thing which could lead to a breakdown in women.

It is reasonable to see that maybe homosexuals break down too. If one is comfortable relating to women and, because of social pressure, tries to relate to men, obviously there is going to be some stress as learning takes place.

Homosexuals don't necessarily hate the opposite sex. In any case there's no ridicule heaped on men who haven't learnt to relate to men but have learnt to like women. This is something that comes out in Toman's article. He says it is OK not to relate to men if you're a brother of sisters and haven't learnt to relate to men. That's acceptable. But it is not acceptable to relate to women only if you're a sister of sisters.



It's probably possible to learn any sort of new behaviour if one is willing to spend the time and effort involved. But why should we? We have programmes to get homosexuals to relate to the opposite sex. Why don't we have programmes to help people relate to their own sex?

Wouldn't it be better to find out the sort of pattern you've had in childhood and then to emphasize that? e.g. When you were a child you really liked being with women — now what we need to do is to train you to more closely relate to women. This is starting to some extent. Andrea Russell did a thesis on assertive training for homosexual men. She was saying:

If you're a man and you like men, you should be developing your interpersonal skills with men because they're the people you have had the most experience with and you have a certain amount of skills in that area.

We should be developing those skills further and this is what we should be looking at with lesbians. Instead of finding out why we are oppressed, why psychiatrists put us down, we should be looking at how we can develop positive skills — how we can learn better to relate to other women. There aren't any psychologists or psychiatrists that are doing this at the moment but the Leichhardt Womens' Community Health Centre is going to start a group for that very soon.

I'd like to finish up with a story about a GP's conference I went to last week which was a refresher conference organised by the College of General Practitioners. These are run every year and aim to change doctor's attitudes a bit. I think it tends to reinforce the prejudices they've already got but anyway, one of the things they had there was a videotape.

The conference of course, was mostly men and a man came onto the video and said "Doctor, I think you're wonderful, you really are very wonderful". The reactions were amazing. There was anger, mistrust, fear, suspicion, disbelief. Which means I can't cope, I can't relate to a man — if a man likes me, I find that pretty unreal.

Then a picture of a woman came on — a young woman. She looked at the doctor and said "You're wonderful, I really like you". They found that still pretty threatening but not quite as threatening as the male one. I think this indicates what a lot of people have said — "I can't relate to the opposite sex and I'm not going to". So I see psychiatrists and psychologists who are doing research on homosexuals to try to convert them to heterosexuality as meaning that they, the researchers can't cope with their own homosexuality — they themselves haven't learnt to relate to persons of the same sex. Maybe that's OK. Perhaps we should accept the fact that some people are heterosexual but we should also accept the fact that some people are homosexual and help them to develop themselves, not convert them.

Looking back at Toman's types again, we are assuming that 50% of the population are homosexual and 50% of the population are heterosexual. This made me think about Mark Friedman's article *The healthy homosexual* which has just been published in *Psychology Today*. Mark Friedman did a study on lesbians, the Daughters of Bilitis in New York. He found that the homosexual women he looked at compared to a control sample were much more independent and assertive, more centred, and much more autonomous, more self-actualised etc. I thought that was really good and that it was really good to be homosexual. Then I looked at the heterosexual group. And I thought "those poor heterosexual women". It seems to me that there are a lot of women in that heterosexual group who are homosexual and haven't been allowed to be full people because they're keeping down their real selves.

Maybe I'll leave it there. I'm not going to feel sorry for heterosexuals, they can look after themselves. The same way that men can look after themselves if they want liberation too.

We've been conditioned by society to look at ourselves in a certain way. Now that we've recognised the ways in which we are repressed, we owe it to ourselves to do something about reversing the process.



# SESSION TWO

## The lesbian in the workforce

Col Eglington  
Joyce Stevens  
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### THE LESBIAN IN THE WORKFORCE COL EGLINGTON

This paper is an attempt to show what we know about the position of the lesbian in the workforce, to attempt to define some of the areas of oppression, and, I hope, to show the need for a really systematic long term study of the subject.

#### INTRODUCTION

In general the main form of oppression the lesbian will suffer will be as a woman.

As a lesbian, she needs to support herself for life. There is no male breadwinner figure on the scene, so she must look around at some fairly early stage and "choose a career", in other words, find the least painful way to make money. This is where the being a woman part comes in.

After years of being selectively disadvantaged in school because she is female, the woman emerges to find she is not immediately qualified for anything. After looking at the Vocational Guidance window display of jobs she begins to realise, *You've got to have something before you can get something.* So she will take one of a number of possibilities: do some form of tertiary level degree or diploma, work in industry or commerce, do a shorthand/typing course, or remain untrained.

#### WOMEN IN THE WORKFORCE

When we look at the jobs available to women, and their promotional prospects, then the picture of discrimination becomes clearer.

Women make up approximately 30% of the workforce, but they are concentrated into a small range of occupational groups. A survey conducted in 1966 divided occupations under 326 major headings. There were over 100 groups in which no women were employed, and a further 170 in which less than half the employees were female. Two thirds of the female workforce were employed in 46 occupational groups which were concentrated into 2 industry groups:

1. Community and business services.
2. Amusements, hotels, cafes, personal services etc.

While the job field is slowly opening to women, it is still very limited.

#### Prejudice and Tradition

Prejudice and tradition come into all aspects of the employment of women. The prejudice is irrational and ignores the facts at hand. We all know that females can't be employed as clerks because they can't lift the heavy files, yet nurses can lift 16 stone patients.



The problem is, of course, that prejudices are personal things with a lifetime of reinforcement behind them and they can't be shifted in an instant. They usually have to be tackled on a one to one basis to cause any significant change in personal attitudes.

Tradition perpetuates tradition and reinforces the stereotypes, and tradition is almost as sacred as Mosaic Law. The issue of the woman as a worker is well and truly obscured by emotional cloud, preventing people looking critically at a woman's work potential.

### **Advancement**

The field of promotions is where women have well and truly received a bad deal. Regulations have stopped them gaining promotions and what regulations haven't taken care of, prejudice has. Women often only gained promotions when men were unavailable, or when the woman was outstandingly well qualified.

In industry, surveys show that the majority of workers, both male and female, are reluctant to have women in supervisory positions.

Some of the reasons given are as follows:

- men resent women having authority;
  - men would feel restricted in their speech and actions;
  - women are too emotional to hold responsibility;
- and so on.

### **Internal Oppression of Women**

And, of course, in addition to all the outside pressures, a woman's carefully destroyed self-confidence and independence also leaves her in an ideal position to be exploited as a worker. Often her confidence in her ability to handle a job is easily undermined and her intellectual capabilities forced into the background in the face of a male co-worker's plans and ideas.

So the working lesbian finds problems in employment because she is a woman. Let us now look at the problems she faces as a lesbian.

### **Her Position as a Lesbian**

In my introduction I said that I would show what we know of the position of the lesbian in the workforce, and here it is — nothing.

We don't know how many lesbians are in the workforce, or where they are, or the full extent of their oppression. Or even if they are oppressed in some cases. There is no research available.

So what do we know?

Much of our knowledge is subjective. We know that if we are discriminated against as lesbians that people are making moral judgement on us that has no bearing on our job capabilities. Many lesbians feel that they must hide the fact that they are homosexual for fear of losing their job, or what is often more relevant, because they don't want to create hassles that will make executing their job and communicating with other staff any more difficult than it already is. Possibly many lesbians feel that they have to

be just that much better at their job to keep it, putting further strain and anxiety on themselves.

Many lesbians go to great lengths to cover their tracks so that they are not found out, but as far as I can estimate at this stage, these precautions may in many circumstances be unnecessary.

Let's go back to the problem of the homosexual woman choosing a career for herself. She will probably look at the career fields that offer women some sort of future, for example:

- teaching
- nursing
- state public service
- armed forces
- private industry.

As we know, teaching is out of the question if she is known to be homosexual. Nursing I will leave as Jan will be talking about that.

So I will now look at what we know about the attitudes to homosexuals in the last 3 groups.

### **The Armed Forces**

The Forces will leave few unturned stones in their relentless search for the dreaded lurgi.

### **Airforce**

I am not going to say much about the airforce; there's not much to be said about the airforce.

I rang the Department of Defence and asked for the Airforce Recruiting Officer. I was put onto a female.

ME: I'm interested in joining the Airforce.

HER: How old are you?

ME: 26

HER: How tall?

ME: (Lying) 5'6"

HER: What educational level did you reach?

ME: Science degree.

HER: Well you're a bit too old for some fields but eligible for others.

ME: What would I be qualified for?

HER: You would be qualified to train as a Commissioned Officer.

ME: Just one thing; would the fact that I'm a lesbian go against me?

HER: (Strangled cry) – muffled – 'Just a moment, please' offstage, muffled, – 'female on 'phone – whisper – enquiring – whisper whisper...whisper...lesbian...whisper...silence.

MALE

VOICE: Can I help you, mate?

ME: Yes, I was making enquiries about joining the Airforce and I wondered if the fact that I'm a lesbian would go against me?

HIM: What?!

ME: (Repeated aforesaid question).



- HIM: You've got a deep voice for a lesbian, mate.  
 ME: Well I've been having problems with the 'phone lately.  
 HIM: The phone's not all you've got problems with. Anyway, you've got 'Buckley's' of getting in the airforce.  
 ME: How come?  
 HIM: Well, I mean you're left-footed aren't you?  
 ME: How do you mean?  
 HIM: Well you haven't got a show of getting in if your known to be a lesbian.  
 ME: So, if I apply I shouldn't mention it?  
 HIM: We'd find out.  
 ME: How?  
 HIM: Well, you'd have to tell the people at the interview what you've told me, and anyway we'd find out.  
 ME: Why do you object to recruiting lesbians?  
 HIM: Well I mean, it's communal living isn't it?  
 ME: So?  
 HIM: Well I mean, some family sends their nice young kid to join up and there's a bloke sleeping in the next bed, it wouldn't do would it? Communal living. I mean things are changing these days but they're not changing that much.

At about this point I wasn't coping anymore so I thanked him for his honesty, resisted the temptation to be rude and had a cup of coffee while I attempted to calm down.

Anyway the airforce apparently is far more strict than the army or navy. Here is an example of an incident that took place recently.

#### **Place — Richmond Air Base**

A girl who had been going with another girl for 2½ years, broke up with her and, six month's later, became engaged to a chap and was planning to marry. The service police raided her room, went through all her possessions and uncovered old love letters between her and her girlfriend. She got a dishonourable discharge and her fiance dropped her like a hot potato; they also traced the ex-girlfriend and dishonourably discharged her also.

So much for the Airforce.

#### **Army**

Although this case dates back to 1960-1963 it is still typical of the sort of thing that happens:

Helen joined the Army Reserve for 3 years in 1960 then, after 1 year changed to the Regular Army and signed up for 6 years. Her general behaviour was good, on a charge for a petty offence once, generally considered good officer material but lacked qualifications.

During a clean-up campaign through all the women's forces Helen was called in for questioning. She was told it had come to their notice that she had been spending weekends on leave at X, a known lesbian's place —



was this true?

She replied that it was true.

She was then handed a piece of paper and asked to write down the names of all the girls she knew to be lesbians.

She handed back the paper and refused.

No further evidence was presented and she was not asked directly if she was a lesbian. There seemed no need it was all taken for granted. One week later she had a dishonourable discharge – reason given: ‘Conduct to the prejudice of the Corp.’

Helen estimates that at that time 50% of the officers were gay, at least 50% of the N.C.O.’s were, and not quite 50% of the Privates. She recalls one sergeants’ mess where 13 of the 15 sergeants were gay.

A phone call to the army recruiting officer a week ago from an eager gay seeking enlistment indicated that they are still anti-homosexual.

### Navy

The story here is much the same.

The psychiatrist’s questions at the initial interview harp on the theme of ..... who are your friends? etc. etc.

I think that if I had to go into a uniform I’d join the police. They do not seem to have any objections to recruiting lesbians, and said that (to the knowledge of the recruiting officer I spoke to) that the issue had never arisen.

They were more interested in such qualifications as age, height, education, first aid certificates, swimming, awards, typing ability and **child minding experience**.

### State Public Services

The State Public Services Board does not appear to have any written policy on the employment of male or female homosexuals. Though individual departments can make their own policies. For example – the Education Department.

The PSB is more inclined to take cases on their individual merit – the person’s qualifications, and are not terribly interested in the persons homosexuality. In any case this is not usually known at interview. Should the person indicate at interview that they are gay, then the matter would probably be referred to the section leader under whom the person would be working to see if they had any objections to having a lesbian on the staff.

If the Board, or the department concerned, rejected the person because of their homosexuality, this would not of course be given as a reason. Some other reason would be given if required.

### The NSW Committee on Discrimination in Employment

I spoke to Mrs Patricia Campbell of the Committee –

I asked her how many of the complaints they received regarding discrimination were women who felt they were copping a bad deal through being a female. She informed me that about a third of the cases fell into this category. I asked the same question with regard to lesbians, and was told that the number of cases of discrimination against lesbians was one.

The I.L.O. specified 7 grounds of discrimination which were to be abolished, e.g. race, colour, sex etc., — but this does not include sexual preference. This exclusion puts us in a class with a number of other groups also not specified, such as age, criminal record, and handicaps. This Discrimination Committee is at present attempting to gather information on the excluded groups in the hope that policy can be drawn up to cover them adequately.

I would suggest that here is perhaps an ideal place for us to submit our case against discrimination on the grounds of sexual preference.

Also, Mrs Campbell indicated that they would be interested in hearing of more cases of discrimination against lesbians and would investigate such cases.

### **Private Industry**

We phoned the personnel offices of a number of large department stores, and the general reaction was that they would not fire someone because they were gay, how they performed was what would count.

One representative of a large chain of stores said that they did not discriminate when considering job applicants unless the person applying was *heavy, black short hair and was unsuitable. She wouldn't get the job.* (We can only guess at what he meant here.)

The representative of a large Sydney Department Store was extremely upset by the call and refused to discuss the topic at all. But this was the exception. On the whole the personnel officers indicated that they wouldn't be concerned with a persons' sexuality.

### **CONCLUSION**

In conclusion, I want to say that I feel that we must research thoroughly the position of homosexual women in the workforce. We need to know how many lesbians there are and where they are, why they concentrate in some fields more than others, and what this means in terms of their place in society. We need to define the areas of employment that discriminate against lesbians, and to recognise the methods they use, then determine how best to fight back. We also need to know what areas do not discriminate so that people do not worry needlessly.

We must define our oppression, so that we are fighting tangible obstacles, not windmills.

I personally feel that one of the most effective things we can do is to "come out" — not just one or two people, but as many as possible, standing up and being counted — as Arlo Guthrie said in Alice's Restaurant, . . . *fifty people a day is a movement* . . .

As this is a rather vast topic, I will do little more than make a series of assertions, which you may or may not agree with. First of all I'll try to establish what I think feminism is all about and then discuss whether there is a connection between this and the particular oppressions suffered by lesbian women.

Feminism and feminists have existed through the ages — some well-known, but mostly unnamed women striving, as we are here today, to change the conditions in which women live. One of the well-known feminists whose work has helped to build the modern wave of feminism is Simone de Beauvoir whose books the *Second Sex* and *The Nature of the Second Sex* were published in 1949. She put the question in this way —

It is easy to see that duality of the sexes like any duality gives rise to conflict; and doubtless the winner will assume the state of absolute.

**But why should man have won from the start?** It seems possible that women could have won the victory or that the outcome of the conflict might never have been decided. How is it that this world has always belonged to men and that things have begun to change only recently. Is it a good thing? Will it bring about the equal sharing of the world between men and women?

Many people have tried to answer this question and a lot of books have been written about it. Thousands upon thousands of women have tried to organise and to change things since that book was written.

Essentially what feminists are trying to do is to change the power relationships that exist — to redistribute the power in the world so that power bases disappear and become unessential in the way people live with one another.

Sex is a decisive factor in the way power is distributed at present, although it is not the only important factor. Two additional important factors are wealth — the ownership of property and money — and race.

I'm not going to talk about these additional factors although I believe that to change the fundamental power bases they must be taken into account. As long as there is a society which gives the person who owns the factory that makes the steel more power than the woman or man who works in the factory to produce the steel, that judges a person's worth by the color of their skin, then we won't be able to eradicate power relationships between women and men. But primarily I'm going to talk about the unequal distribution of power arising from whether one is born a woman or a man.



How is it that women are what they are? What is it that determines that certain characteristics belong to women and others to men? How do the set patterns of life affect individuals? A search for answers to these questions leads inevitably to an examination of the family. The ways in which people are born into the family, what the family does to them as a child, how society in general reinforces the way the family exists or in fact determines that the family is the only reasonable way for anyone to live are all part of the question.

It is the family which develops and reinforces the roles that have been set for males and females, which reproduces and reinforces the power relationships between people. It is in defence of the nuclear family and the power relationships of the society that produced it that sexual love between women and women and men and men must be proscribed.

The family rests very heavily on the view that a woman is primarily here to serve as a wife and mother. Motherhood is not a matter of choice, it is one of **duty** and **responsibility**. This not only interferes with the lives of all those women who may want to choose not to be a mother but also makes it a very onerous **task** to be either a mother, a daughter or a son. The way roles are set down in the family has a very destructive effect on everyone concerned. They rest on the assumption that women's bodies and women's sexuality are inevitably linked to the goal of motherhood. This reinforces the whole concept of the patriarchal family, with father at the head, with woman subservient and children, less than human beings, at the bottom of the power structure.

But feminists and others have questioned this, and in striving to establish a woman's right to control her own body and to develop a new and different attitude to female sexuality the link between feminism and lesbianism began to emerge. Two fairly unconnected events have helped in these changes. The first was the widespread introduction of the pill, which despite all of its problems, brought for large numbers of women the realisation that they did not have to be the "victims of their own biology". The other was the work done by Masters and Johnson into the female orgasm.

The feminist movement does not have a unified view on many of these matters, but there is common agreement that women can and should be self-motivating in all aspects of their lives. This is incompatible with the view that female sexuality must be absolutely tied to reproduction.

Lesbianism as an issue in the women's liberation movement developed on two levels. The actual practice of the women's movement in Australia is often clouded by what has been written about the American movement. In Australia the question developed both as a practical and a theoretical one. There were lesbians among those women who first developed the women's movement in Australia, so that for them, lesbianism was a question of their basic existence — their every-day life. But at the same time many women were trying to establish alternatives to the destructive relationships between women and men and some developed a theoretical concept of radical lesbianism.

The Women's Movement in Australia has not persecuted lesbian women in the ways suggested by some of the American writings — although there has been and is some ignorance and lack of understanding, which, of course, in itself is bad enough. But I have never heard of instances where lesbians were asked not to represent the movement because it would bring it into bad odour.

I think that there is often great difficulty in discussing views on this and other questions without someone being accused of "putting down other people's viewpoint". This can hinder discussion and the development of understanding between people.

There is a view in the women's movement that lesbianism is the ultimate form of liberation for any woman. Women who have heterosexual or bisexual relationships are said to be incapable of cutting off their reliance on men. Perhaps this is true — but how one's subconscious drives are fashioned or for that matter changed is not easily established and is a problem that will no doubt bedevil us for a long time yet.

It is often difficult to disagree with the "radical lesbianism is the solution for all women" theory without being seen as "putting down lesbianism". However I don't believe that the feminist revolution or any revolution is going to be won by women and men living in totally separate groups.

This is a different question, however, to whether or not women need their own movement. An autonomous women's movement, in which women can discuss their oppressions and how to act against them, is necessary now and will still be necessary long after the revolution — whatever the revolution means to you.

But to decide that women need an autonomous women's movement is not to decide that all women should be lesbians either now or after the revolution. Perhaps one day all women will be lesbians — but one can argue just as strongly about the possibilities of diversity being the norm in a more liberated society.

At this point of time I don't think anyone knows what liberated sexuality will be like. It concerns me that at a time when we are struggling hard to break out of the boxes and restrictions imposed by present attitudes to sexuality that we may build for ourselves even stronger boxes.

For most of my life I was unaware that lesbians existed. I spent my early years in country towns — my family was poor working class — my father was a laborer on the railways — we were not a very intellectual lot. I knew vaguely about homosexuality, and later read more and knew male homosexuals. The women's movement, however, was the first contact that I am conscious of having with lesbians or the ideas of radical lesbianism. This knowledge brought about big changes in my life, how I viewed myself as a woman and my understanding of things that had happened in the past. I saw in myself potentialities that I had never previously recognised. I have made many changes in the way I live — yet each time I have tried to make changes, this process has been hampered and hemmed in by other things. I then find that to change some of these other things I need to get

together with other women – that I need much more fundamental changes along with the possibility of changing my sexual relationships.

I can't separate this part of me from the need for child care facilities – many lesbian women have children. From the need to be able to walk in the street late at night free from the threat of rape. Or even to be able to stay in my own home free from the threat of rape.

If you are a woman who will want to, or have to, support yourself for most of your life, then unless there are big changes you'll be at the bottom of all occupations and pay levels. These and other problems are common to most women, whatever their sexual preference.

In these ways feminism is relevant to all women, but because it also attacks the power base which promotes the discriminations against homosexuality it has particular significance for lesbians.

We all need a society that neither discriminates on the basis of sex, sexual preference or the race we belong to. Our combined power is also needed to shatter the power bases that are constricting our lives and which hinder the development of a truly liberated society.

## **“FEMINISM IS THE THEORY: LESBIANISM IS THE PRACTICE”**

**JULIE EARNGEY**

The statement “Feminism is the theory; lesbianism is the practice” is attributed to Ti-Grace Atkinson by Anne Koedt in her essay *Lesbianism and Feminism* in the publication *Notes from the Third Year: Women's Liberation*.<sup>1</sup>

The statement seems to be one that many lesbians, at first glance, would say or at least think was true. That is, they might say something like ‘What's all this about feminism – after all, we as lesbians have always been engaging in the sort of lifestyle that feminists seem to be aiming at now’.

This view is noted by both Anne Koedt and other authors such as Sydney Abbott and Barbara Love who wrote *Sappho was a Right on Woman*.

In a discussion of this statement, the question of just what is Feminism, the theory of or what are feminists aiming at, needs elucidation. Very



generally, Feminism is the struggle for women to obtain a freer lifestyle – freedom to work, freedom to be a sexual being without having one's sexuality exploited in men's minds and in the media etcetera and the freedom to relate to other people as a person.

Essential to the achievement of this freedom is the removal of those things which instill in people roles according to one's biological sex. Areas where this sex-role stereotyping occurs are the areas of the family, education, media, religion and the legal system. There is more to Feminism than just these points and they will be discussed later.

Anne Koedt finds some justification for the statement "Feminism is the theory, lesbianism is the practice" and this can be explained in the acceptance or rather the non-acceptance of sex roles. Though we are born into a particular biological sex we are not born with a sex role. Her argument defines a link between lesbianism and feminism as "Since roles are learned there is nothing inherently masculine or feminine in behaviour".<sup>2</sup>

Support for the statement "Feminism is the theory; lesbianism is the practice" also comes from Abbott and Love. They concluded that Lesbianism was a most positive example of Feminist theory in practice. This is because lesbians express in their lives greater self-dependence and an apparent desire for freedom from the conditions of male-dominated society. As such, they are referred to as "natural leaders" of Womens Liberation and also as "the revolutionary vanguard of the womens movement" and as the "most liberated women".<sup>3</sup>

These references, especially the last one may be questioned on the grounds that being a lesbian is quite often a more oppressing situation than heterosexuality (viz the continual hiding and jumping in – and out – of closets, which is so often dictated by society's demands).

Like Anne Koedt, Abbott and Love also note that the most apparent link between lesbianism and feminism is one based on the previously mentioned sex roles. If the view is taken that lesbianism is a rebellion against having to play a role that has been specified by our biological sex, then it is argued that lesbianism is the practice of feminist theories. However, this is only supportive as far as the theories embrace the removal of sex role stereotyping and as far as the choice of sexual behaviour is concerned.

Further definition of feminist theory is that, on the whole, there seems to be a scale of interpretation of it's meaning. At the one end of the scale there is a more conservative interpretation and at the other end there is a more radical interpretation of feminist theories and aims. Overlapping of interpretations occurs between these extremes and the majority of feminists are neither totally conservative nor totally radical. I have just used the titled *conservative* and *radical* to help in my description of feminism in relation to the statement I am discussing.

Conservative feminists may be described as women who are working within the system and who relate their feminist beliefs to particular issues which can be implemented without excessive disruption to the system. The aims

of feminist theory in this sphere have to do with the need for changes to existing practices and anomalies in the system.

These include such aims as improved child care facilities and the removal of sexism in education, law, religion, employment and the media — to name a few. These are things which can be reformed within the system. I've grouped these aims under the heading of conservative feminism as they can be accomplished without necessitating drastic change to the system especially as regards the position of male-dominance in that system. Because of this, the statement that "Feminism is the theory; lesbianism is the practice" cannot be validated in relation to conservative feminism.

The so-called conservative feminist issues mentioned above are also significant to the more radical interpretation of Feminism. Relevant also are such aims as abortion law reform and the changing of social attitudes in the treatment and after-care of rape victims — again to name only several issues. Radical feminists are so titled because their interpretation of feminist theories, if implemented, do involve significant change to the heterosexual system.

However, it is the manner in which radical feminists would have these changes applied that they differ. This is because their ideals would have a society based on equality of opportunity for women and on equality of representation of women and this would involve drastic change to the existing heterosexual, male dominated arrangement. To this end, they have fought to achieve things which would allow women greater control over themselves — in particular, their bodies.

Abortion referral and the availability of specialized medical services are two instances of this feminist theory in action. Female modesty concerning, and ignorance of, their own bodies has been an affliction of most women be they homosexual or heterosexual. However, it is the feminists who are acting to remove this iniquity. In this area then, the argument that lesbianism is the practice of feminist theories does not seem to hold much water. This is not to say that lesbians do not support these ideals.

In discussing the statement that "Feminism is the theory; lesbianism is the practice", one needs also to discuss whether or not feminist theory necessitates the total elimination of male influence in the lives of feminists. Some radical feminists who are also lesbians interpret feminist theory as a woman-centered, woman-surrounded life style which excludes men. This means that one would relate to women not only on a mental and emotional level but also on a physical level. The point to be raised here is that whilst all feminists are women, not all women are lesbians. Because of this, some feminists are unable to relate to other women on a physical plane and would therefore be oppressed by the theory itself.

By and large, the aim of a man — free society or life style is unfeasible. We have husbands, fathers, brothers, sons and uncles all of whom relate to us and we to them. Whether we like it or not, we all have to deal with men some way or another. Hence, such a radical hard-core interpretation of

feminist theory – which is not the most accepted interpretation – does not seem to hold out. Lesbians do not have a particular hate of men. It's just that men aren't relevant to their life style.

Removal of the implications of sex role stereotyping for females in society also means the removal of sex role stereotyping for males. This is because they too are conditioned by society – especially to think of themselves as the more powerful, intelligent and dominating sex. This conditioning oppresses men in that it makes them believe in a role or act out a role that they often aren't. They are by no means oppressed as much as women, whom they are taught are second to them. For feminist theory to work then there must be removal of all sex role stereotyping. When this occurs, homosexuality will not be so sharply defined from the rest of society and feminist theories of equality will be more easily applied.

The removal of this sex role stereotyping is not totally evidenced by lesbians. That is, lesbianism is not altogether the practice of this feminist theory. What seems to support this is the acceptance of role playing associated with male and female types of roles. With lesbians these roles may occur as a woman takes on more of the characteristics of a male or female role. These go under various names; the most common being 'butch' and 'femme'. Others are 'dyke' or even 'diesel-dyke' and 'bull-dyke', which describe the assuming of masculine behaviour to an extreme.

Whilst I understand the sort of pressures that make lesbians play roles, I also understand the resultant unhappiness that it can produce. I would like it noted that I am making no condemnation of roles. Butch and femme are not strict classifications into which lesbians can be placed. Rather, there seems to be more degrees of role playing instead of any definite line of demarcation as in heterosexuality. However, because of the existence of a butch or male-like role it is thought that this could be oppressive or have oppressive implications for the less aggressive lesbian woman. Hence, in instances where there is a large degree of role playing by lesbians, feminist theory will not fit in. That is lesbianism is not the practice of feminist theory. This is because feminist theory seeks to remove the advantages that the playing of one role to any great degree can give.

For feminist theory to become a reality there needs to be a complete review and change of the male dominated system whereby roles are instilled in society to the greater advantage of the heterosexual male. As a group, female homosexuality does not actively practice the projection of this need. Rather, we seem to be trying to live our lives in a way that is most suitable to our needs and desires and this just happens to be apparently similar to feminist theory.

#### Footnotes

1. A. Koedt, *Lesbianism and Feminism* in Notes from the Third Year: Women's Liberation, 1971, p..84.
2. Ibid, p.85.
3. S. Abbott, B. Love, *Sappho was a Right On Woman*, p.137.



# SESSION THREE

## Civil liberties and the lesbian

Robyn Kennedy  
Helen Coonan

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### CIVIL LIBERTIES

ROBYN KENNEDY

When I began researching for this topic I found that there wasn't really any literature on it, but I suppose this is not really surprising since it has been said less is known about the lesbian and less accurately than about the Newfoundland dog.

As far as the law is concerned the lesbian is really a non-entity, or if you like a non-person — for the lesbian under English and Australian law has about as much legal significance as a tree and about as many rights.

Since the lesbian's activities are not a criminal offence the law has virtually ignored her existence, but although the lesbian does not suffer from the same legal sanctions as the male homosexual she is still oppressed and deprived of her civil liberties in a variety of ways.

We are talking about **civil liberties** and not **civil rights** because in Australia we have no **rights** as such. For **civil rights** are those set down explicitly in parliamentary acts or statutes such as in the United States Bill of Rights. **Civil liberties** are those which are implicit in or derived from the existing common law. In Australia at the present time we have no Bill of Rights or equivalent in operation so that all we really have is a vague set of undefined freedoms, known loosely as our civil liberties.

Due to this lack of definition I have taken a broad view of what constitutes our basic civil liberties. I have grouped civil liberties under three headings: the right to live, love and work, freely without fear or discrimination. For it is the discrimination or fear of discrimination that the lesbian suffers in society that deprives her of her civil liberties.

I will deal first with what I call **THE RIGHT TO LIVE**:

The lesbian's potential to live as a fulfilled and fully developed human being is denied her by the society she lives in. The fear of moral denunciation and social ostracism forces the lesbian in most cases to lead a double life.

For to hold hands with a person of the same sex or dance with them, all the acceptable customs of heterosexual society are taboo for the homosexual couple. To practice them may not lead to legal sanctions but the social effects can be equally devastating.

The homosexual is constantly aware of the socially undesirable nature of her label, for the institutions of our society reinforce her stigma. The law is one of the greatest denigrators of the lesbian's worth as a human being — for under the law in any child custody case, lesbianism is itself grounds for being declared an unfit mother. Thus many lesbian mothers whether they live with their husbands or divorce them, live in the fear that they may be deprived of their children.

Another example comes from a Victorian case where according to the report a husband suffered extreme anguish on learning that his wife was a lesbian. He obtained a divorce on the grounds that his wife had been guilty of cruelty.

For some homosexuals the most cruel oppression is in the area of religion — for many not being able to participate honestly as oneself before community and God is a source of anguish. Though most Churches do not consider homosexuality a crime they continue to oppress Christian homosexuals by insisting that practice of their lifestyle is unnatural and a sin.

Though the medical profession's views have slightly liberalised in some areas, homosexuality is still generally classed as deviant behaviour. In this way the stereotype of the homosexual as a sick and abnormal individual is continually reinforced.

Oppressed by society's institutions the homosexual is aware that her feelings cannot find spontaneous expression. As Abbott and Love, the authors of *Sappho Was A Right On Woman* comment: "She is painfully aware of her helplessness and insignificance as an individual in an authoritarian sexual system. She is fighting the traditions of millions over the centuries who take for granted that she is flawed."

In a system which denies the validity of the homosexual lifestyle the lesbian is forced to assume the facade of respectability by passing for straight. In the sex role stereotype society that we live in most people tend to assume heterosexuality unless of course "unfeminine" characteristics are revealed. But passing for straight is part of the lesbian's oppression. Forced to hide her lifestyle through fear of ostracism and social discrimination the lesbian is unable to live her life as a free human being.

The sense of imprisonment brought about by the oppression of silence can stunt the lesbian's growth emotionally, intellectually and professionally. As Abbott and Love comment, "To grow a person must feel free and self-confident. She must respond to her inner experience — only in this way can she be intensely alive. Anything short of this is a half death."

Though this "half death" of silence is oppressive, when the lesbian attempts to throw off the facade of her straightness and attempts to live as a fulfilled human being she encounters many more instances of discrimination and oppression.

## Here I will deal with THE RIGHT TO LOVE:

In conventional language the homosexual couple does not exist. For in conventional thinking the homosexual is seen as a single, predatory, lonely individual engaging in furtive, temporary and loveless relationships. The social denial of the validity of the homosexual relationship is reflected in the absence of vocabulary to describe the partners of such a relationship. Terms like "marriage" "wife" or "husband" (each with their implicit sex role overtones) seem inappropriate to homosexual love. "Lover" seems to focus on sex. "Roommate", "friend" and "partner" seem to exclude love.

The validity of the homosexual relationship is also denied by the law, for the homosexual couple has no legal status whatsoever. The legal rights of the socially acceptable nuclear family such as taxation claims for dependents, social security benefits, medical contribution funds, inheritance rights, education allowances, housing and bank loans, all are denied the homosexual couple.

An article in an issue of *Camp Ink* highlights some of the problems faced by a partner in a homosexual couple: "Legally I will be called single — that is, unattached, available and immensely moveable. I cannot bring my lover to straight parties or "home" to Christmas dinner and have that person treated any closer than a friend. If my lover is seriously ill in hospital I may not be permitted to visit; I would certainly not be given compassionate leave from work as would a straight wife or husband. If I am widowed I would be expected to be only mildly upset."

Though there seems to be no official policy on visiting rights in hospitals a homosexual partner may find herself excluded. Dennis Altman in *Homosexual: Oppression and Liberation* cites the case of a report in the *London Times* which referred to a lesbian dying in hospital who was only allowed visits from her immediate family, and her partner of twenty years was excluded. As he continues: "When a lesbian loses her lover she can expect little or no comfort from conventional sources of support like neighbours, a priest or doctor who would try to ease the hurt of a heterosexual faced with bereavement or divorce."

It is impossible for the homosexual couple to adopt children — this is also true of the de facto couple but although the de facto couple share some problems with homosexuals they possess a legal status and rights which are denied the homosexual couple. For example, if one's partner died intestate no court would treat the partner in a homosexual relationship the same as it would a widowed de facto spouse.

Not only are homosexuals denied the right to raise children but denied the right to publicly express their love. Certainly it is unlikely any legal sanctions would follow from the public expression of love but the ridicule and derision faced by the homosexual



couple in society soon teaches them to withhold any such expression of love in public. For certainly no couple would care to have their love cheapened by exposing it to ridicule. The privacy of the home offers freedom but in time this must become a prison.

Here I'd like to read a long quote from Dennis Altman:

It is impossible to know to what extent love is strengthened by being public, yet romantic ideals of secret love notwithstanding, I suspect that after a time lovers have a real psychological need for the support that comes from being recognised as such. We are all social animals and highly dependent on the approval of others. Each time one's lover need be hidden and jokes/excuses need to be made about living with another man or woman homosexuals feel the denial of what virtually all straights can take for granted – and thus usually miss the importance of. There is real pain in not being able to walk hand in hand with one's lover, a pain perhaps akin to that felt by a black who is constantly aware of his colour.

And even if we feel unaffected by social disapproval, the knowledge that others close to us do not so feel becomes a difficult burden. In this way the hurt of one's family becomes part of the homosexual's oppression and one most difficult to resolve. Most parents are not only unable to help their homosexual children deal with their stigma they themselves are sometimes more affected by it than the homosexual her/himself.

I would now like to deal with THE RIGHT TO WORK:

Female homosexuals may face discrimination in employment not only because they are lesbians but because they are women, thus they face a double oppression. The work situation is inherently degrading for a lesbian for invisibility is a condition of getting a job and keeping it. The work situation means hiding, and a denial of self that is very detrimental to self respect. It also means an inordinate fear of financial loss. From the speakers this morning it can be seen that the fear of loss of employment is not an imaginary one. The military seeks to bar homosexuals and schoolteachers have been dismissed for being homosexual. Though homosexuality may not be the explanation given for dismissal in most cases, it may ultimately be the reason.

Abbott and Love make a very cogent point:

Lesbians are mostly exempt from marriage and pregnancy which are seen by employers as reasons for preferring to employ males when possible and for refusing promotion opportunities to women. But the lesbian cannot capitalise on the fact that she will be self supporting for her entire working life. Far from being an asset her homosexuality may cost her her job.

Even if an employer seeks not to dismiss an employee because of her homosexuality she may face social discrimination in the work situation because of it. The lesbian may feel excluded or ostracised

from the social occasions and everyday conversations of her job. Far from being rewarding the work situation may cause the lesbian to feel the loss of her dignity as a human being.

Apart from the actual dismissal from employment the fear of dismissal or of discrimination is one of the greatest oppressions the homosexual faces. The fear of job discrimination produces the oppression of silence and forces the homosexual to maintain the facade of heterosexuality. In this situation the lesbian must be careful not to talk about her partner or if she does to substitute a male name. The emotional strain of living a lie produced by the fear of discrimination can only be of damage to the lesbian's concept of her own self worth.

The lesbian is then oppressed in society and denied her civil liberties. I would now like to deal with how I see the position of the lesbian in THE FUTURE.

I have previously commented on the lack of an Australian Bill of Rights. I see the existence of such a Bill as of major importance in the fight to end discrimination against homosexuals.

Because of the existence of the Bill of Rights clauses in the United States Constitution the United States Supreme Court is able to play a positive role in the maintainance of basic freedoms by interpretation and application of these guarantees. The lack of similar provisions makes our High Court unable to play such a role here.

In the United States discriminatory practices have been challenged under the Bill of Rights and in a number of cases such practices have been held unconstitutional. Lacking a Bill of Rights-Australia has no such safeguard to fall back on.

Campbell and Whitmore in a book called *Freedom in Australia* comment, "The presence of constitutional guarantees tends to produce in the community an emotional response against violations by the Legislature and in the administration and affords greater protection of the rights of minorities which otherwise might be overridden by a political majority."

Australia at the present time has in existence a *Human Rights Bill* which was introduced in parliament in 1973 but so far is unpassed as an Act and is therefore inoperative at the present time. Section 7 of that Bill states:

Everyone is entitled to the fundamental rights and freedoms as set out in this part, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Because of the exclusion of the term "sexual orientation" this Bill would seem to guarantee basic rights and freedoms for just about everyone except homosexuals. From the time of the reading of the Bill and throughout 1974 CAMP maintained correspondence with the Attorney-General's Department in order to have "sexual orientation"



included in the section. To date the Attorney-General's Department has shown no enthusiasm to make such an amendment to the Bill and it is unlikely the amendment would be made before the Bill is passed.

However the *Human Rights Bill* of itself, with or without the amendment, is insufficient to change the position of the homosexual in society. For the existence of criminal sanctions against male homosexual acts and the general apathy of the public towards guaranteeing rights for homosexuals militates against improving the lot of the homosexual.

Alvin Toffler in *Future Shock* considers that as families become more streamlined and as property rights become less important because of rising affluence, sexual attitudes will loosen up and homosexual families and parents will become socially acceptable.

This may or may not be the case, but such a position will only be reached by a change in attitude in all the social institutions of our society and not just the law.

Such a change in attitude in society seems unlikely at this stage since society only seems to accept those who are prepared to adopt the nuclear family pattern and continue the ethic of male dominance. As Dennis Altman puts it, "(the homosexual) represents an assertion of sexuality as an expression of hedonism/love free of any utilitarian social ends and it is this very fact that may help explain the horror with which homosexuality is regarded. In the context of a society based on rigorous repression of polymorphous and bisexual urges, the homosexual thus comes to represent a challenge to the conventional norms. This challenge makes him/her a revolutionary."

Being in effect a revolutionary, the homosexual seems to be fighting an uphill battle to gain social acceptance, for society and particularly the law, is slow to adopt any changes which substantially alters or challenges the existing social norms.

But until society and particularly the social institutions of society are prepared to accept homosexuality as a valid alternative life style the homosexual will continue to be oppressed and denied her basic civil liberties.

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*This was not a prepared paper but the text of an ad lib talk.*

I propose to speak to you this afternoon about homosexuals and the law, because for the gentleman present, they must be wondering whether or not anyone considers the discrimination against them, with so much emphasis on lesbian relationships.

Robyn has covered the main broad areas of civil liberties and the legal restrictions, and the scope of my segment is to do with existing laws, which affect homosexuals and with discrimination in law and the process whereby this can occur. And, indeed how this sort of discrimination further oppresses people who do prefer homosexuality as a way of life. I'm particularly pleased to speak about law because I think it's a crucial topic for any minority group – not only women, feminist, homosexuals, migrants and blacks – groups like that, but also because it is virtually the last bastion of the establishment to be subjected to detailed enquiry. I think that this is largely due to legal institutions and how the law operates. The law itself, is just so intimidating that people who are questioning their lifestyles and questioning the way institutions work for them, still haven't really subjected the law to any deep scrutiny about how it works, and how it affects people who have to deal with the sort of restrictions it imposes on them.

So, prefacing that, I'm going to divide my talk into two parts – first of all traditional areas of concern to homosexuals, both in a criminal and civil sense, and secondly the law on discrimination, and how the present law – or lack of it, allows policy and social discrimination against homosexuals. I make no pretence at being exhaustive but I hope to cover some areas which I see as significant.

I suppose when talking about the law it's almost inevitable that you define what it is. In simple terms you can say that law regulates relationships between individuals, when I say individuals I also mean legal entities, companies, the government, statutory authorities, tradesmen and what have you. The blanket statement **Law** is used to mean one or more of the following.

First of all common law – or judge made law. You will have heard of the decision of Judge so and so, and that it becomes a precedent if it is in the high court or the supreme court, that then becomes the law that will be followed. The second area of law is statute or legislation and that can affect people on various levels in a criminal sense, in a civil sense, in a corporate sense. Finally there is a huge area of law that people don't

often think of as law and that is the law of private agreement. For instance contracts, wills, insurance schemes, transactions with banks, superannuation, the contract you have with your landlord, contracts of employment — every time you take a job you have an unwritten contract with the person who has employed you. So it is a huge area of law which I call private law..

Strictly speaking and as Robyn has mentioned to you earlier, the law doesn't take homosexuality very seriously. While there are crimes relating to male homosexuality including "the abominal crime of buggery" it is not a specific offence to be a lesbian. I guess you'd all be aware that the origin of this anomaly was that when legislation in England last century made male homosexuality an offence, Queen Victoria refused to believe that women could be capable of such a thing, and it resulted in an unexpected bonus for Victorian Women!

However lesbian behaviour can be prosecuted and has been prosecuted under the catch all phrase of "offensive behaviour". It is very difficult to describe to you the circumstances where a charge would lead to that particular conviction, but I suppose the imagination could be stretched so that it could even include people who demonstrate affection in public. This is a very sad possibility but no sadder than the fact that male homosexuality is in fact a crime.

I guess it's really pious nonsense of liberal minded people in the community to say things like "homosexuality is acceptable so long as it occurs between consenting adults in private". To me this view completely ignores the fact that to have a consenting adult in your bedroom you would have to have met them somewhere, and this often, and nearly always means attending at least a semi-public function. Then if a homosexual person does find a partner to delight he or she in private, are they then to suppose that they are never to show any affection in public. I am afraid that the law and society still requires homosexuals to conceal their preferences.

Turning to the civil sort of legal restrictions against homosexuals, one finds that under the present divorce laws, homosexual acts, when one of the partners in the homosexual act is married, does not in fact constitute adultery. So if your spouse becomes aware of your homosexual preference you cannot be proceeded against on the grounds of adultery. However such behaviour can be used as evidence of cruelty and has, in fact, been so used on several occasions. Cruelty to one's spouse can disqualify a woman from receiving maintenance and can, in fact, affect which party obtains custody of children if there is a dispute on that aspect. In deciding custody matters the court is charged with deciding which partner's custody is in the best interest of the child, and so the conduct of both parties is relevant. If one party is in the habit of having homosexual affairs it may be that the court will consider the children to be in moral danger if the children lived with that parent. On the other hand, if such parent is able to provide for the physical and emotional needs of the child there's an argument that that parent's private behaviour in no way detracts from their ability or capability to provide for and care

for their own children. Never-the-less the allegation of homosexual activity is a very serious allegation to make against anyone, simply because society does impose the sort of sanctions that we have heard about this afternoon. It is therefore unlikely to be allowed into evidence by legal advisors unless there is very hard proof, (and by hard proof I mean glossy photographs and incriminatory letters, that sort of thing) a mere allegation is not enough. Generally though, I recommend that it is a good thing to be as discrete as possible if you are within a heterosexual marriage relationship as well as a homosexual relationship.

Losing custody on the grounds that a parent is a homosexual is largely of course the result of society's and the judges attitude. I am quite sure that there is no real proof that any child is damaged by a parent who is practising homosexual acts. However this certainly doesn't change the fact that society thinks so, and that almost invariably judges think so. Unfortunately this too won't change when the family law bill becomes law, as conduct is still relevant in custody matters. Under the new law, the primary consideration of the courts is still what is in the best interests of the child, or the welfare of the child. Even though fault is irrelevant now as to whether or not you should be divorced, conduct is still relevant as to who should have the children. It is unfortunate, however it still remains, so in that area of the law, homosexuals miss out again, even though the rest of society is getting a break with the Family Law Bill.

Turning to other matters, I will not go into great detail over these, as it can involve very great intricacies of law. Homosexuals suffer disadvantages at the hands of institutions and societies who always assume that homosexuals do not exist. Banks, insurance companies, welfare organisations will not recognise a homosexual union for the purposes of loans, insurance and so on. It's terribly ironic I think when you consider that society approves and fosters the nuclear family, and that many homosexuals practise this nuclear family concept, but not supposedly with the right sex, that society should take this view.

One thing I would say to you that is particularly important to emphasise when talking about the law, is that difficult though it may be for homosexuals to raise loans and buy property, any homosexual couple with a stable relationship who wish to acquire a home should do so in joint names. There are several reasons for this. It is extremely important because neither party can sell the property behind the others back. If something goes wrong and bitterness sets in as it sometimes does, or if you get into trouble making payments and the property is sold by force by the mortgagee (the person who lent the money to acquire the property) each co-owner will receive an equal share of the proceeds, so you are not relying on the good will of your former partner.

If one partner dies the whole of the title will be vested in the surviving partner. That means that you can't will it to someone else in a will, or deal with it in any other way to endanger the surviving partner's rights in the property. So it is most important if you ever buy property to do so in joint names.



You can of course, have freedom to do what you like by will subject to the fact that you have to pay death duties and that you must make provision for those persons dependent on you for whom you are responsible, e.g. children. Otherwise under legislation called the Testators Family Maintenance Act, your Will may be set aside and provision made for dependents. This is maybe unlikely in a homosexual relationship because the dependent person is neither child nor spouse.

I suppose in talking about just some areas of the law I have raised more problems than I have solved, but I am sure you will appreciate that I am still part of the legal profession that appears to have a vested interest in preserving the mystique. It's not really that I mean to, it's just that it is such a difficult area to cover in general terms in a talk of this nature.

So, turning to the second part of my talk, that is discrimination in the law. It's obvious, I think, that, with the exception of a few glaring areas of law, such as probate law, some aspects of taxation law and some industrial law governing the employment of women in heavy industry, legal discrimination, in the sense of statute law or legislation has largely been removed. However, discrimination is rampant in some areas of the administration of law, and in judge made law. Most, however, particularly where there is discrimination in the third area of law I mentioned to you, Private Law or the rules and regulations operating by means of private agreement or arrangement. By reason of private law people are able to, and do in fact, discriminate against women and homosexuals and anyone else they choose, blacks, migrants and aged persons. The motivation behind such discriminatory rules is to be found in the policy and attitude of those with the power to make the rules – those doing the hiring and firing and what have you.

You are obviously as familiar as I am with instances of discrimination and I don't propose to enumerate at length on those. Rather I thought it would be more relevant to look at the process of discrimination, at just how this can occur. I think it's pretty obvious that discrimination occurs largely because of the social preconceptions and prejudices of people who have the power to make private rules. For example, an employer finds in reality he is able to discriminate because he is able to run his business regardless of whether he discriminates or not. For instance, if one woman or man says they are homosexual, the employer can sack them knowing that there will always be another employee to take their place. The employer in fact finds that by discriminating it makes no difference to his business. He doesn't suffer any consequences because of his attitude, and he can go on having this attitude without suffering any sanctions at all.

A remedy is something that is very hard to find. I partially agree with Robyn's comments that a Bill of Rights could be of some use, although often a Bill of Rights tends to be very much a **paper tiger** and unless there is a lot of follow-up sanctions it tends to be very much without teeth, and not much use.

The remedy could be perhaps twofold. That is, to make this sort of discrimination or discriminatory attitude subject to legal sanctions, or at least to legal persuasion, such as tax incentives to people who give equal job opportunities to people regardless of their sex preference, their sex their marital status or their beliefs. Or alternatively, to make discrimination impractical in terms of reality, by that I mean making it impossible for the person who discriminates to function, either in their work or in a social sense. Taking this alternative first this means that it would be necessary for homosexual women, or who ever it is, to organise, to apply pressure in all the areas where discrimination exists. If women or homosexuals could be organised so that they refused to work for a discriminatory employer he would be forced to reconsider. In fact he might have to close shop.

Unfortunately this is unrealistic as we all know that concerted effort by enough women, enough homosexuals, enough aborigines is well nigh impossible, despite the efforts of groups who are interested in changing their lot. Large numbers of people are opposed to what those groups do. People often find, and I understand their misgivings, that either because of economic necessity, or because they feel they are powerless to change the facts, are prepared to be discriminated against in order to get jobs at all. This is completely understandable. So this alternative seems unrealistic. It is unrealistic to accept that sheer weight of numbers will carry the day in any of these minority issues.

The technique of persuasion is not really an effective tool, as we are all aware. There seems really to be no alternative than to impose legislation that provides sanctions against any discrimination based on sex or sex preference. It needs to have solid back up provisions, such as powers of inquiry, powers of fine and even imprisonment for people who will simply not open their minds.

The concept of these sanctions in law is not really as radical as it sounds. The law at the moment, is increasingly recognising the unequal bargaining power of parties to a private agreement by reason of either social, economic or other factors. I could give you a few examples. For instance, the Hire Purchase Act, the Money Lenders and Infants Loans Act and the Trade Practices Act. Whatever view one takes of anti-discriminatory legislation, it is obvious that there is a continuing need for the law to act to restrain the abuse of practical power.

In conclusion I would like to say to you that I can't really offer you a remedy. I am not a homosexual, at least not yet, but to the extent to which it is important to you, you certainly have my allegiance and my support.



Published by CAMP (N.S.W.), Box 5074 G.P.O. Sydney, 2001.  
Printed by Tomato Press, 26 Glebe Point Road, Glebe, 2037.  
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