

# NHH22. Diversity in Diversity

## The Modern Gay Rights Movement

WC 3551

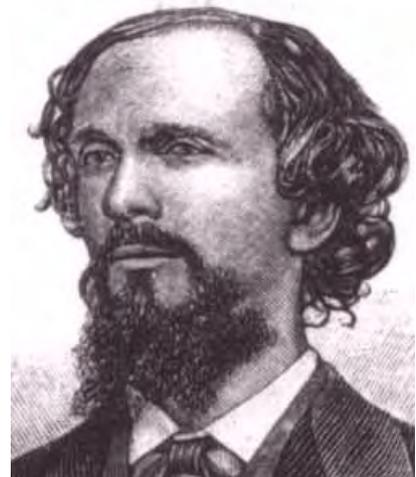


Almost everyone believes that the modern Gay Rights Movement began on Saturday, 28<sup>th</sup> June, 1969, the night of the Stonewall Riot in Manhattan's Greenwich Village which, so the urban myth continues, was the night they buried Frances Ethel Gumm, better known as Judy Garland. The urban myth is wrong on all counts.

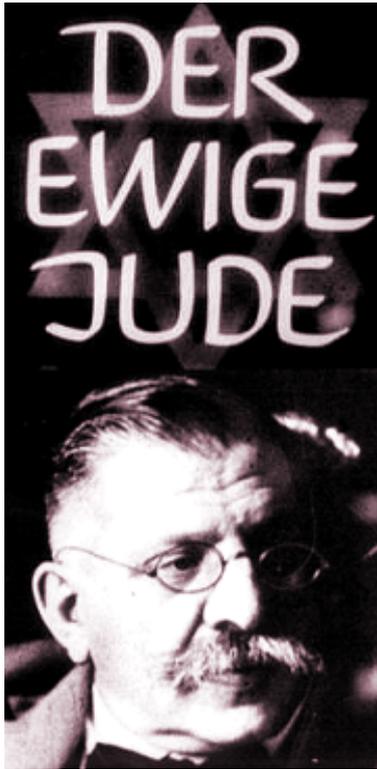
Judy Garland died on 22<sup>nd</sup> June and her funeral was held on Friday, 27<sup>th</sup> June. It is true Judy was a "gay icon" and that thousands of people had attended her funeral. It is also true that the following night, Saturday 28<sup>th</sup>, was one of those intolerably hot Manhattan nights. And it is true

that the police raided the Stonewall Bar, as was their custom, and were arresting drag queens when some of the "girls" refused to go quietly and fought back, a riot ensued, gay men heard about the riot and rushed out of other neighbouring bars to join the fray.... In its way, it was a bit of a storm in a teacup, magnified by the media and now, by popular history.

*Karl-Heinrich Ulrichs*



The Stonewall Riot was not the beginning, by a long chalk, of the modern gay rights movement, but it has proved a convenient punctuation-point in the long history of the discrimination against homosexuals and the civil rights movement which probably can more rightfully be said to have started in Germany where the word "homosexual" was invented. Much of what we now take as read about homosexuality was the result of the pioneering work of men like Karl-Heinrich Ulrichs and Magnus Hirschfeld, even our old friend, Kertbeny, the Hungarian nobleman who invented "homosexuality" a century before Judy died.



*Magnus Hirschfeld in Nazi anti-Jewish propaganda poster.*

Dr. Magnus Hirschfeld was one of the pioneers of sexology. He founded the Institute for Sexual Research in Berlin in 1919. This not only provided medical services but perhaps more importantly, housed an immense library and a museum devoted to the study of human sexuality. However, one of the first things the Nazis did when they came to power was to destroy the Institute and burn the library (the newsreel footage generally seen of Nazi bookburning is of this incident). Fortunately, Hirschfeld was in Nice at the time where he died of a heart attack in 1935.

### **Gay Liberation in America**

While recognizing that there were important contributions to the Gay Rights Movement in other countries, undoubtedly the most important impetus came from the United States. Before Stonewall there were many “homophile” organizations, the first of which was *The Society for Human Rights*, founded by Henry Gerber in Chicago in 1925.

Gerber was born in Bavaria as Joseph Henry Dittmar in 1892. In 1913 his family emigrated to America and went to live in Chicago. Henry himself was interned as an alien at the outbreak of The Great War but, from 1920 to 1923 he served in Germany as part of the American Army of Occupation. During those years he was in contact with Hirschfeld and other pioneers of the German homophile movement.

In the years following the Second World War, gay organizations in America fell into three different categories, according to Michael LaRegina<sup>1</sup> in his exemplary 1997 essay *The Struggle for Gay Rights in America*:

*The **first** are those who view the struggle as a liberal individualist one. The **second** are those who feel that homosexuals are an ethnic group, and as such suffer as an oppressed minority. The **third** are those dedicated to a complete transformation of modern society and thought itself. This group seeks to prove that homosexual “deviancy” is a myth, and that current society is that which is flawed and in need of reform.*

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<sup>1</sup> LaRegina, M: *The Struggle for Gay Rights in America*, at <http://www.fordham.edu/halsall/mod/laregina-gayrights.doc>

*The ultimate success of what is called the struggle for homosexual liberation lies ultimately with the third, revolutionary movement.*

Examples of these three types of gay rights organizations are , the Mattachine Society, the Gay Activists Alliance (GAA), and the Gay Liberation Front (GLF). Of these, the Mattachine Society typified the Type I organisation. It was founded by Harry Hay in Los Angeles in 1950 with the primary aim of promoting public acceptance of homosexuals. According to their manifesto, they wanted to ensure that homosexuals': *"physiological and psychological handicaps need be no deterrent in integrating 10 percent of the world's population towards the constructive social progress of mankind."* With this more passive, apologetic attitude — more politely called an “accommodationist approach” — the Mattachine Society lost power to the more militant groups which emerged after the Stonewall Riots in 1969 and is now little more than a counseling centre. Even so, it is respected as the origin of many important features of the American Gay Civil Rights movement.

The other types of groups carried their Gay Pride banners much more aggressively, inspired and to a degree supported by the other two great Civil Rights movements of the day, the Black Rights and the Feminist Movements. The GAA, which represented the Type II organizations, considered gays as an oppressed minority group and so became a political pressure group:

*It strove to be an active force in politics, worked for tax benefits and fair employment, urged gays to vote, and publicized political candidates' stances on homosexuals, and even sought to improve the public opinion of gays in the media.<sup>2</sup>*

GAA was also concerned that so many gay men and lesbians were afraid to have their sexuality known (“in the closet”) that the size and potentially, the power of the community was virtually invisible. Hence, much of their work was designed to bring people out of the closet and stand up and be counted. However, many people thought that GAA’s agenda of obtaining civil rights was too narrow, that it was *“..... part of the liberal syndrome of reform and compromise that always lets us half solve our problem and then ends up frustrating us to the point of apathy.”<sup>3</sup>*

On the other hand, GLF, a type III organization, saw society as its adversary, oppressing homosexuals from infancy through the imposition of sex roles and stereotypes. Their objective, like so many of the numerous Rights Movements of the time, was to bring about a total overhaul of society. In other words, the

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<sup>2</sup> *ibid.*

<sup>3</sup> The quote is from Murphy, J: *Homosexual Liberation*, Praeger, 1971, p. 146

Sexual Revolution! As one writer expressed it, the revolution is “*part of the unfinished business of modern democracy.*”<sup>4</sup>

### **Gay Rights in Australia**

The first homophile organization in Australia was the Homosexual Law Reform Society founded in Canberra in July 1969 (less than a month after Stonewall), followed by an organization of the same name in Sydney in October<sup>5</sup>. Far more important and with a much higher political profile was the Campaign Against Moral Persecution, or CAMP as it was universally known. The actual date of its inaugural meeting in Balmain is unknown but it was definitely sometime in July 1970.

CAMP was — as I remember it — most probably best described as a Type II organisation, that is, predominantly a political lobby group but many of its members and some of its functions favoured a much more revolutionary approach. Indeed, a great deal of time, money and effort was wasted in the internal squabbling of these two factions. Initially, CAMP was intended to be an open organisation which welcomed everyone irrespective of sexuality although there were never many “straight” members. CAMP was also intended to be an organisation which would combine all “homosexuals” — i.e., gay men and lesbians — in a non-sexist community. Again, this was pretty much a failure: after huge fights about the sexist behaviour of the men, the women walked out leaving only a small and rather token female presence.

Central to CAMP were, first, a national magazine called “CAMP INK”, which for several years was published to provide an out-reach to gay men and lesbians around Australia; and most importantly, “Phone-a-Friend”, a telephone counselling line which still exists as the Gay and Lesbian Counselling Service of NSW, the first registered gay and lesbian charity in Australia. The arrests and subsequent legal battles following the 1978 Sydney Gay Mardi Gras, led to a quantum leap in the politicisation of the gay community in NSW and this, in its turn, tore CAMP apart, some members wanting to take a more aggressive political role, others wanting to protect the core role of the counselling service. Eventually, the membership split and the political faction broke away to form a new organisation called “Gay Solidarity Group”. In 1980, during my reign as President, we decided that the name CAMP was still too politicised for what was then a dedicated counselling service, so we changed the name to “Gays Counselling Service”<sup>6</sup>, later amended to “Gay and Lesbian Counselling Service of New South Wales”.

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<sup>4</sup>See Kaplan, M: *Sexual Justice: Democratic Citizenship and the Politics of Desire*, New York and London: Routledge, 1997, pp3-4

<sup>5</sup> These dates are taken from Wotherspoon, G. (Ed): *Being Different*, Hale and Ironmonger, Sydney 1986, p. 20. While the Canberra –based HLRS is generally regarded as the first in Australia, some claim the Melbourne-based Daughters of Bilitis, a Lesbian organization modelled on a similar American group, might have been earlier but it seems to have begun only in 1970.

<sup>6</sup> The superfluous “s” of “Gays” was stipulated by some bureaucrat when we sought to change the name.

Much of the legacy of CAMP lies in the public education outreach members provided to the community: there were training courses for both police and prison officers, prison visitors who went especially to the Cooma Jail and to Long Bay to visit homosexual inmates, seminars for school counsellors, social workers and many others; CAMP successfully lobbied to have homosexuality included in the sex education programs run by the NSW Department of Education in High Schools, and provided input into many university courses, including Medicine. That is not to forget the demos, “zaps”, street marches and on cold and usually wet winter June evenings, the Stonewall “Gay Pride Marches”. Eventually, one of the senior members of CAMP suggested we should move the Gay Pride celebrations to our summer and call it “Sydney Gay Mardi Gras”.

Of course there were many other organisations, both in Sydney and elsewhere around Australia. These included groups dedicated to looking after homeless gay and lesbian kids (2010), a variety of religious organisations such as AngGays (Anglican) and Acceptance (Catholic), GAMMA (Gay and Married Men’s Association), Country Network, a Gay Businessmen’s Group, and several social clubs, including some from the pre-Stonewall era which were re-vitalised by the gay movement. And serving the growing gay community was first, the “*Sydney Star*” (now the “*Sydney Star Observer*”) newspaper — I was once its publisher — and several magazines, including “*William and John*” the first to hit the news stands, followed by the eternal “*Campaign*” magazine, among others. There were also a growing number of gay hotels, gay-owned and gay-friendly shops and restaurants and specialised gay medical services. And those are only a few of the Sydney groups and resources which gradually emerged throughout the ‘70s and ‘80s.

In Sydney more than elsewhere in Australia, a “gay ghetto” emerged as gay men became not only more conscious of the specialised services and resources they required, but also more prepared to be visible. This, the “ghetto” was first centred on Darlinghurst and Paddington but spread to the south and west until what became known as “The Pink Triangle” included Newtown, Enmore, Erskinville, Redfern, Waterloo and other inner city suburbs.

As far as gay men were concerned, the primary aim of the gay rights movement was the reform of the criminal law. In fact, this was the major point of contention between gays and lesbians in the late ‘70s and early ‘80s: lesbians did not need law reform (also persecuted, their sex lives were never illegal) and were more concerned with issues such as abortion on demand. Many gay men on the other hand were opposed to abortion and I must admit, being men, most of us were not much interested in the objectives of the Feminist Movement of the day. So the house was divided and it was not until much of the heat dissipated from both the Women’s Movement and the Gay Law Reform

movement that “Coalitionism” became a possibility (The anti-homosexual provisions of the Crimes Act were removed in June 1984). Coalitionism is a political convenience: I doubt that the majority of gay men identify with lesbians or lesbians with gay men — it is misleading to think that because we are all labelled “homosexual” that this means we have much in common except what is regarded by a hostile society as a “deviant” sexuality.

### **The death of “gay”**

These days, “gay” is dying<sup>7</sup>. The identity for which so many of us sacrificed careers, family, marriages, even our lives, nowadays is seen much more clearly for what it is, a fashion in the way we in the West individually and culturally conceive human sexuality. Where once we saw a dichotomy in human sexuality between “gay” and “straight”, these days the barriers are breaking down and those once absolute categories are merging seamlessly into each other. If you saw the Canadian series “*Queer as Folk*”<sup>8</sup> on SBS some time ago, you will have seen this coalescence played out with almost documentary reality.

### **Registration, Civil Unions and Gay Marriage.**

The recent push for "gay marriage" began in the United States but has suddenly become an international phenomenon. But why, you might ask, would couples whose sex lives are not procreative want to get married? There are many reasons, but the main one is that people in modern times have married not only in order to procreate. After all, there are many people who marry in which the woman is past child-bearing. Neither do most people these days marry so they can have sex with each other — that idea went out with the pill, if not before! People marry for the sake of an intimate companionship which is acknowledged and supported by the community in which they live. This support not only includes a variety of ways in which their relationship is affirmed but also by the allocation of resources which help sustain it, including financial and legal benefits not available to others who are not in similar contractual associations.

Gay marriage is not a new invention. What the late John Boswell<sup>9</sup> called “same-sex unions” have been accorded public recognition in many cultures as well as in European antiquity.

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<sup>7</sup> See Sullivan, A: *The End of Gay Culture – and the Future of Gay Life*, The New Republic, 1 November 2005  
republished at [http://www.andrewsullivan.com/main\\_article.php?artnum=20051101](http://www.andrewsullivan.com/main_article.php?artnum=20051101)

<sup>8</sup> *Queer as Folk*, Showtime Entertainment, Showtime Networks Inc, 2000-2005.

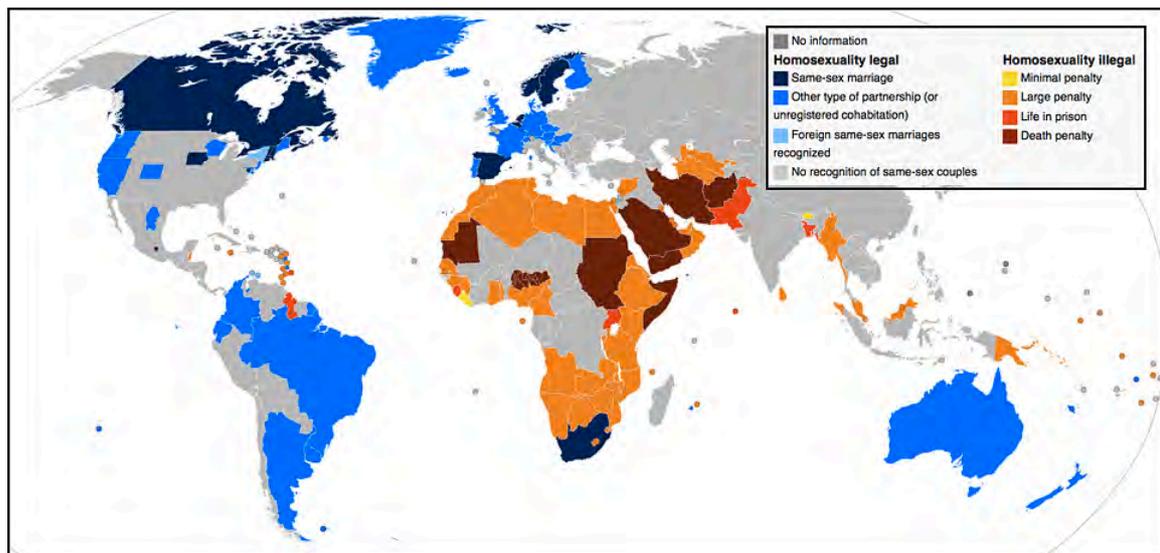
<sup>9</sup> Boswell, J.: *Same-sex Unions in Pre-Modern Europe*, Villard Books, New York 1994,



*Saints Sergius and Bacchus. 7th Century icon.*

Perhaps the most controversial core of Boswell’s account is his assertion that for more than a thousand years, from roughly 500 to 1500 AD, both the Roman Catholic and Orthodox Churches conducted a ceremony which created life-long unions between men (and less often, between women). There is no doubt this form of union existed — and some say still exists in parts of the Balkans — what is in doubt is whether or not this is a sexual union or a “fraternal” union, a blessing of “best mates” as we might say in Australia.<sup>10</sup>

Heterosexual marriage comes mostly from Roman secular practices. Originally it was a ceremony in which the couple were promised to each other and then the nuptials at which the husband assumed the property of the wife. In the Middle Ages, at least until the 12<sup>th</sup> Century, the ceremony took place in the town square or in private homes, not in the church.



*Legal status of homosexual relations and same-sex marriage or other unions<sup>11</sup>*

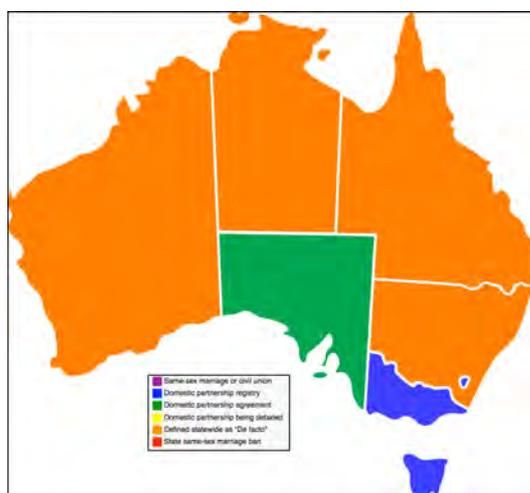
<sup>10</sup> For the counter-argument, see a review of Boswell (op. cit.) by Robin Darling Young: *Gay Marriage: Reimagining Church History*, *First Things* 47 (November 1994): 43-48.

<sup>11</sup> Adapted from [http://en.wikipedia.org/wiki/Same-sex\\_marriage](http://en.wikipedia.org/wiki/Same-sex_marriage) (some Pacific Island nations omitted)

It was not until 1215 that marriage became a sacrament administered inside the church, often in conjunction with the Eucharist. It was not until then, also, that the willing consent of both bride and groom were declared an essential component.

At this stage, same-sex marriages are recognized in Belgium, Canada, the Netherlands, Norway, Spain, Sweden, South Africa, and the U.S. states of California, Massachusetts, Connecticut, Iowa, Vermont, New Hampshire and the District of Columbia. Mexico City<sup>12</sup> also recognises same-sex marriage and Portugal (at the time of writing) has legalised gay marriage but the Act has still to be promulgated by the President. It is difficult to keep pace with changes world-wide on this matter, but for the moment a partial list of those regions in which a variety of other arrangements, ranging from “almost marriage” to the recognition of same-sex relationships on a par with *de facto* heterosexual spouses is already in place includes:

Andorra, Argentina, Brazil, Croatia, Czech Republic, Denmark<sup>13</sup>, Finland, France, Germany, Iceland, Israel, Luxembourg, New Zealand, Slovenia, Switzerland, the United Kingdom and some states of the U.S. Australia is on this list.



#### ***Legal recognition of same-sex relationship in Australia.***

In Australia, faced with the prospect of same-sex couples who were married abroad coming to Australia and demanding recognition<sup>14</sup>, the Commonwealth Parliament enacted the *Marriage Legislation Amendment Bill 2004* which provided that *Marriage means the union of a man and a woman to the exclusion of all others, voluntarily entered*

*into for life*. However, Tasmania has had a form of registration since January 1, 2004. Under this arrangement, same-sex couples can register their relationship with the state's Registry of Births, Death and Marriages and this gives them rights in making decisions about their partner's health, guardianship when a partner is incapacitated, and provides equal access to their partner's State public sector pensions. The Relationships Act also allows them to adopt the biological

<sup>12</sup> Other parts of Mexico appear to be considering or have introduced some form of legal recognition.

<sup>13</sup> Denmark was the first nation to recognise same-sex couples (1989) but has not progressed as far as gay marriage.

<sup>14</sup> This includes Australians who go abroad to marry, especially to Canada where visitors can marry on payment of the appropriate fee in the same way as heterosexual couples. Other countries often have residential or citizenship requirements, at least for one of the partners.

child of their partner. But there is no formal or ceremonial recognition associated with the process of registration. “You register your relationship the same way you register your dog!” complained one disgruntled gay...

All other states and Territories now recognise same-sex couples in matters of superannuation, wills and estates, property settlement, hospital and coronial rights, taxation, and compensation payments.

In the Australian Capital Territory, the de-genderising of the Territory laws in March 2004 has meant that same-sex partnerships are equal with *de facto* relationships — indeed, the term *de facto spouse* has been entirely replaced with “domestic partner” irrespective of genders. This provides for the distribution of property and finances in the event of a separation or inheritance in the event of death, and *inter alia* makes partners next-of-kin. The ACT had previously enacted laws permitting adoption. The Civil Unions Act 2006 was disallowed by the Governor-General on 13 June 2006 at the instruction of the Howard Coalition Government Federal Executive Council. A more recent (2010) Act provides registration of a Civil Partnership between same-sex couples and further (after haggling with the now Labor Commonwealth Attorney-General) allows for civil ceremonies.

Even though the Australian government does not recognise same-sex marriage, since 1988 it has recognised inter-dependent relationships irrespective of genders by granting residence visas to the foreign partners of Australian citizens where the couple prove 12 months’ cohabitation and a committed interdependent relationship.

Nonetheless, the current Commonwealth government is hostile to the prospect of any “gay marriage” or same-sex civil union, stating it favours a nationally consistent registration similar to the Tasmanian model.

### **Discrimination against same-sex couples in Federal legislation**

Fulfilling an election promise, in 2009 the Rudd Labor Government removed discrimination in Federal law against same-sex couples — except of course, the prohibition on “gay marriage”. In the ACT one of the most valued effects was that same-sex couples can now benefit from their partner’s Commonwealth superannuation.

### **How popular as “gay marriage” been?**

Gay marriage, for most gay and lesbian couples is not a matter of a religious sacrament but of real and practical benefits which, as citizens and tax-payers, we argue should be our right. Not everyone would take advantage of a form of civil union which provided equality with heterosexual marriage, indeed many are opposed to the idea, but to opt out — as many heterosexual couples do — should also be our right.

In Britain, in the 6 months following legislation in December 2005 at least 7,000 same-sex couples committed to civil unions<sup>15</sup>. Of these, about 2/3 were unions between men. In New Zealand which enacted civil union legislation in April 2005, there were about 500 unions registered, of which about 200 were between men, about 230 between women, and the remainder between a man and a woman (one couple even changed their marriage into a civil union). And in Spain, in the 12 months since same-sex marriage became legal mid-2005, there were about 1300 gay weddings — and one gay divorce. According to the Spanish newspaper *El Mundo*, the former couple were fighting over who got custody of the dogs.

### **Will gay marriage ever happen here?**

Historians and others who have followed the progress of gay marriage in other countries predict that gay marriage will become law in Australia within a decade. In general, gay marriage has been introduced in countries which have progressive — but not conservative — governments by what is called “*the law of small change*”, that is, through a series of small legislative changes which either have popular support or are, at least, not controversial. Like Medieval pilgrims doing the Stations of the Cross, legislators follow a well-worn path, pausing every now and then at a significant “station” which, as Jenni Millbank<sup>16</sup> says, follows the sequence

1. decriminalization of gay sex;
2. some form of anti-discrimination legislation;
3. a limited recognition of relationships in some areas;
4. a broader recognition of relationships;
5. some parenting recognition;
6. status exactly the same as marriage but by another name;
7. marriage.

In Australia we already have passed at least the first five of these “stations”. The disallowing of the ACT *Civil Unions Act 2006* by the Governor-General last June forestalled the move to “station 6”. It is tempting to predict that as we move to a republic, we will also take the small change to marriage between same-sex couples. When that happens, gays and lesbians will have achieved at least equality before the law. Unfortunately, sexual prejudice will surely still remain and religious bigotry, like death and taxes, be with us all for evermore.

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<sup>15</sup> These figures are from Sydney Star Observer # 822 - 29/06/2006 “Overseas Progress, Local Pain” by Ian Gould

<sup>16</sup> Jenni Millbank is Associate Professor of Law at the University of Sydney and an expert on same-sex relationship and parenting recognition. See her articles at <http://www.girl.org.au/issues/superannuation.htm>