Toward positive social change for lesbians and gay men: a human rights approach

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Toward positive social change for lesbians and gay men: A human rights approach

By

Sonja J. Ellis

A Doctoral Thesis Submitted in partial fulfilment of the requirements for the award of

Doctor of Philosophy of Loughborough University


First they came for the Jews
and I did not speak out –
because I was not a Jew.

Then they came for the communists
and I did not speak out –
because I was not a communist.

Then they came for the trade unionists
and I did not speak out –
because I was not a trade unionist.

Then they came for me –
and there was no one left
to speak out for me.

- Pastor Niemoeller (victim of the Nazis).
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This thesis is dedicated to Ngahuia Te Awekotuku and Charlotte Bunch whose ideas inspired me; and to the late Giuseppe Verdi - the world’s greatest composer of opera - in this the centenary year of his death.
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Material based on the research undertaken for this thesis and the ideas developed therein has been published in various forms elsewhere:


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ABSTRACT

Lesbian and gay issues are increasingly being recognised politically and legally as human rights issues. Within psychology, however, they have rarely been explored within a human rights framework. The purpose of this study is to investigate support for and reasoning about lesbian and gay issues employing an explicitly human rights perspective, using a multi-method approach. In order to provide a broad overview of support for and reasoning about human rights among British students, a Human Rights Questionnaire was developed based on existing “homophobia” and “human rights” scales. This questionnaire was completed by 627 students, and subjected to statistical and thematic analyses. This was followed up by six tape-recorded focus groups with students, whose discussions of these issues enabled a more in-depth understanding derived from thematic analyses of their transcribed data. Finally, in order to explore arguments against lesbian and gay human rights, a textual analysis of Hansard and newspaper reports of the Age of Consent debate was performed as a case study.

Findings of the thesis are as follows. First, whilst respondents to the questionnaire support the general principle that a person’s sexual orientation should not block that person’s access to basic rights and freedoms, they are less willing to extend specific human rights to lesbians and gay men, especially social rights (e.g. right to marry, right to adopt children). Second, although in the focus groups students sometimes employed human rights arguments in relation to lesbian and gay issues, they tended to show initial support followed by an evaluation of potential considerations in extending human rights to lesbians and gay men using arguments which are not rights-based. As the case study also illustrates, when lesbian and gay issues are specifically addressed in human rights terms, they are countered with arguments which are derived from other frameworks (e.g. religious conviction, protection of the vulnerable), rather than with arguments which are themselves rights-based. The findings are discussed with a view to establishing how best to promote lesbian and gay human rights in order to achieve positive social change for lesbians and gay men.
CHAPTER 1
Lesbians and Gay Men and Human Rights

"As long as it is unsafe for two men to dance together at a rugby function (despite what might have occurred in the showers); as long as it is unsafe for two women to stroll arm in arm along a sunny, daylight beach; as long as there is loathing and fear and disgust and embarrassment, there will never be freedom for any of us. But we will not go away, and we will certainly not lie down and die or be trampled over, not any more".


Internationally, lesbians and gay men are the victims of systematic human rights violations, and in no country do they currently have equal human rights with heterosexual persons. Violations of lesbian and gay human rights are not restricted to physical violence (a violation of the right to life, liberty, and security of person), but include the denial of human rights to privacy, dignity, and respect; equal access to employment and favourable work conditions; appropriate health care; social and legal recognition of partnerships; the right to freedom of expression and assembly; the right to marry, and the right to parent children: all of which are purportedly guaranteed by the Universal Declaration of Human Rights (UDHR).

The UDHR opens with the statement that “all members of the human family” have equal and inalienable rights (United Nations [UN], 1948). However, the socio-political reality for lesbians and gay men internationally suggests that the human rights of lesbians and gay men are not respected, often not protected, and are frequently violated. Lesbians and gay men are, therefore, denied full membership of the “human family”, and are not afforded the freedom and dignity promised by human rights declarations and treaties, such as the UDHR (Amnesty International UK, 1999).

Although a human rights framework has commonly been employed in relation to lesbian and gay issues in political and legal discourse (e.g. see Wilets, 1994, 1995; Wintemute, 1995) and increasingly in grass-roots activism, to date, this has seldom been the case in psychology. The purpose of this study then was explicitly to employ a human rights framework to the psychological study of lesbian and gay issues. This thesis, therefore, takes a human rights approach to the psychological study of lesbian and gay issues, an approach which has increasingly
been used in effective campaigns to secure justice and equality for lesbians and gay men.

Although a handful of recent studies (e.g. Payaslyoðlu & ûduygu, 1999; Sotelo, 1997, 2000a, 2000b) have explored support for human rights, only one (Sotelo, 2000b) focuses on support for the extension of human rights to lesbians and gay men, and no study to date has explored the way in which people think, reason, talk, and argue about lesbian and gay issues, focusing explicitly and comprehensively on human rights. Consequently, this thesis focuses on four key questions:

1. Do people support lesbian and gay rights as human rights?
2. What kinds of reasoning do people use about lesbian and gay issues? (i.e. to what extent do they use rights-based reasoning?)
3. How do people talk about lesbian and gay issues? (i.e. Do they talk about them as human rights?)
4. What kinds of arguments do people use against lesbian and gay human rights?

Each of these questions will be explored in turn in the three analysis chapters of this thesis (Chapters 3, 4, and 5). By focusing on the way(s) in which people think, reason, talk, and argue about lesbian and gay human rights issues, we might gain some insight into how best to promote lesbian and gay human rights and achieve positive social change for lesbians and gay men.

To begin, this chapter will first illustrate why a human rights approach is important for thinking about lesbian and gay issues, by outlining the manifold ways in which the human rights of lesbians and gay men are violated internationally. Next, human rights theory will be outlined, followed by a section illustrating how human rights have been applied to lesbian and gay issues in practice. The final section of this chapter will briefly explore and counter some of the key criticisms of a human rights framework. In sum, this chapter gives a global overview of how human rights apply to lesbian and gay issues in the wider world, contributing to a rationale for applying a human rights framework to lesbian and gay issues within psychology.
Setting the Scene: The Socio-political Climate for Lesbians and Gay Men

Somewhere in the world, every day, lesbians and gay men are the victims of violence and injustice merely for being who they are, for loving persons of their own sex, expressing that love in public, violating gender norms, and/or fighting for lesbian and gay rights (see Amnesty International, 1997; Heinze, 1995; International Lesbian and Gay Human Rights Commission [IGLHRC], 1995; Rosenbloom, 1996a).

The International Legal Status of Lesbians and Gay Men

Currently, consenting sexual acts between two women or two men are illegal in 41 of the world's countries and a number of US states, and sex between men is illegal in a further 40 countries (see International Lesbian and Gay Association [ILGA], 1999; Amnesty International, 1997; National Gay and Lesbian Task Force [NGLTF], 1999). In only a handful of countries (e.g. South Africa, Ecuador, and Fiji) does the constitution – the overarching statement which governs specific legislation – explicitly offer protection from discrimination on the basis of sexual orientation (see ILGA, 1999).

Lesbians fare worst in many Muslim countries (e.g. Iran, Afghanistan, Saudi Arabia) where the Islamic “shari’a law” renders sexual behaviour between two persons of the same sex “against the divine will” and therefore subject to the death penalty. For example, in Iran, if a woman is convicted four times of lesbianism (mosahegah), she faces the death penalty, but for merely engaging in a lesbian relationship the lesser punishment of 100 lashes may be administered (Amnesty International, 1997; ILGA, 1999; Wilets, 1994). Similarly, sodomy is a crime punishable by death if between two consenting adult males, or by 74 lashes for a minor, and “Tahhiz” (the rubbing of thighs or buttocks) by two men is punishable by 100 lashes, or on the fourth occasion, death. Iranian law also renders it illegal for two persons of the same sex to “stand naked under one cover”, an offence for which women may receive 100 lashes, and men 99 lashes

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1 Throughout this thesis, the terms ‘lesbian’ and ‘gay’ will be used because they are the English terms most commonly used in international human rights discourse (Amnesty International, 1999). However, it is recognised that many of these issues also apply to bisexual, transgendered, or intersex persons.

2 South Africa since May 1996, Ecuador since December 1998, and Fiji since July 1999, but currently under challenge for repeal.
(ILGA, 1999). Much less extreme, Article 204 of the Nicaraguan constitution states that “anyone who induces, promotes, propagandizes... sexual intercourse between persons of the same sex commits the crime of sodomy and shall incur one to three years' imprisonment”. (González, 1996, p. 127; see also Amnesty International, 1994).

On the other hand, some countries – particularly in Europe – have some legislation prohibiting discrimination on a basis of sexual orientation. For example, under section 135a (1981) of the Norwegian penal code, it is illegal to “threaten to deride, or to incite to hatred, persecution or contempt” against anyone on account of his or her “homosexual inclination, lifestyle, or orientation” and section 349a makes it illegal to refuse to give goods or services to anyone on these grounds (Lindstad, 1996, p.134; also ILGA, 1999). However, of the 50 countries in Europe, consenting male homosexuality is still illegal in Armenia and the Chechan Republic (ILGA, 1999), and article 200 of the Romanian penal code, which criminalises consensual adult homosexuality (for both women and men) is still in use (Amnesty International, 1997). In a further three European countries (Cyprus, Liechtenstein, and the UK), clauses in the law prohibit or restrict the so-called “promotion” or “encouragement” of homosexuality, including the dissemination of information about homosexuality (ILGA, 1999).

Despite the official legal status of lesbians and gay men, in no country of the world, including the UK are lesbians and gay men free from institutionalised discrimination. In a major western democracy such as the United States, same-sex relationships continue to be illegal in many States (Wilets, 1995). Even in countries with so-called ‘progressive’ legislation (e.g. South Africa, Norway), lesbians and gay men do not have access to the full range of rights afforded heterosexual persons.

Attempts to secure basic human rights and legal protection on a basis of sexual orientation have commonly considered lesbians and gay men to be a unified group. However, there are some key differences in the ways in which the human rights of lesbians are violated, as opposed to the violation of gay men’s rights. In particular, lesbians are seldom explicitly mentioned in the legislation of most countries. For example, sodomy laws typically refer only to sexual practices between males, but in practice the laws are often applied to both men and women, or like the age of consent

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1 In the UK, Section 28 of the Local Government Act 1988 (the law referred to here) is currently under review in England, and was repealed in June 2000 in Scotland. Section 28 of the (UK) Local Government Act states that a local authority shall not “intentionally promote homosexuality or publish material with the intention of promoting homosexuality” or “promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship” (Trade Unionists Against Section 28, 1989, p. 27).
laws in the UK, lesbians are only afforded equality by interpretation, rather than explicit mention.

Likewise, because of the heteropatriarchal structure of society, discrimination against lesbians is often conflated with sex discrimination, and for some lesbians, with race and/or disability discrimination also (cf. Kitzinger, 1994). For example, in all societies (to a greater or lesser degree) women are overwhelmingly the objects of sexual harassment, and of domestic violence. Consequently, human rights violations against lesbians (as women) more frequently occur in the ‘private’ sphere, or involve threats of or actual sexual violation, more often than is reportedly the case for gay men. On the other hand, the violations of the human rights of gay men more frequently involve imprisonment or conviction, due to the explicit mention of sodomy in legislation.

Furthermore, in most countries, there are few public places for lesbians to socialise, and even fewer spaces that are not shared with gay men. For example, it has only been since the 1990s that groups for lesbians and bisexual women have emerged in East Asian countries (Khush, 1993; Mak, Hui, Poone, & King, 1996; RISC, 1992). Consequently, in many countries gay men (as men) have more social freedom than lesbians, and as a result (as gay men) have a greater visibility. For these type of reasons, human rights violations against lesbians sometimes differ from violations against gay men. Therefore, in outlining human rights violations against lesbians and gay men, in the next section, specific reference will be made to differences between lesbians and gay men, where these apply.

**Human Rights Violations against Lesbians and Gay Men**

As has just been illustrated, throughout the world, lesbians and gay men are systematically discriminated against in legal policy and practice. However, human rights violations against lesbians and gay men are not restricted to the law. Regardless of their legal status, lesbians and gay men are discriminated against in a whole range of ways, which under international law constitute violations of their human rights. Using the UDHR (UN, 1948) as a framework, an overview will now be given of the range of current human rights violations perpetrated against lesbians and gay men, internationally. This section will look at seven main areas: (1) the right to life, liberty and security of person; (2) the right to privacy, dignity and respect; (3) the right to employment; (4) the right to health care, education, welfare
and housing; (5) the right to marry and found a family; (6) freedom of expression and assembly, and the right to information; and (7) the right to immigration and asylum. Whilst this section will draw on examples from around the world, in summing up positive change in each of these areas, the focus will primarily be on UK examples where applicable.

The Right to Life, Liberty, & Security of Person

The right to life is undisputedly the most basic and sacrosanct of human rights (Wilets, 1994; see discussion of this point later in this chapter). The UDHR states that “everyone has the right to life, liberty, and security of person (Article 3; my emphasis) and that “No one shall be subjected to cruel, inhuman or degrading treatment or punishment” (Article 5; my emphasis). However, despite the agreement of almost all the world’s countries to these articles, lesbians and gay men are subjected to cruel and inhumane treatment, and are at the risk of being raped, physically violated, or even killed, simply for being lesbian or gay.

In parts of Asia and Latin America, lesbians (and gay men) have been and continue to be beaten, sexually assaulted, tortured, and murdered. Last year, 90+ lesbians and gay men were executed in Iran (Khush, 1993) and in Brazil, 82 gay men, 42 transvestites, and 6 lesbians were murdered because of their sexuality (ILGA, 1998b). Similarly, a recent report from Colombia (Ordoñez & Elliott, 1998) highlights the way in which lesbians and gay men, along with other “disposables”°, such as gay men, street children, vagrants, prostitutes, petty criminals, and transvestites, are the targets of what has become known as “social cleansing” (see also Wilets, 1994). An ineffective judicial system means that often those perpetrating the violence (usually security forces, paramilitary groups, death squads, and neo-Nazis) are unlikely to be punished if they are caught (see also Reading International Support Centre [RISC]. 1992).

° "Disposable" (desechable) is the term originally given by the Colombian National Police in the 1970s to refer to people who for economic, social, aesthetic, or “moral” reasons are considered human garbage. “Social cleansing” is the term given to both official and illicit organised attempts to rid society of such “undesirable” people (Ordoñez & Elliott, 1998).
However, violence of this kind is not restricted to non-western countries. Hate-motivated crimes typically include rape, being spat at, being attacked and/or robbed, sexual assault, and being threatened with weapons (Stonewall, 1996), sometimes resulting in death. For example, in October 1998, Matthew Shepard – a 22-year-old student in Wyoming, USA – was befriended by two young men posing as gay, driven out of town, tied spread-eagled to a fence, tortured, beaten around the skull with a pistol, and left to die (Gumbel, 1998; Northmore, 1998).

Similarly, in April 1999, the UK lesbian and gay community was the target of violence in a nail bomb attack on the Admiral Duncan gay pub in Soho, London. Recent reports suggest that hate-motivated crimes against lesbians and gay men are on the increase, but the process of eliminating such crimes is often impeded by the police, who sometimes refuse to investigate or act on reports of ‘less serious’ incidences. Furthermore, in the US, the police themselves are reported to be the third most common perpetrators of rape and sexual assault against lesbians and gay men (Comstock, 1991).

In most countries, statistical information regarding hate crimes against lesbians and gay men are not collected. However, reports from the US show that in 1997 (the latest figures available), 236 incidents of hate crimes against lesbians and 927 against gay men were reported to the US federal police (Federal Bureau of Investigation [FBI], 1999). Similarly, the 1994 UK National Survey of Homophobic Violence and Harassment (Stonewall, 1996) states that around 1 in 3 men and 1 in 4 women have experienced violent attacks, and 73% have been verbally abused because of their lesbian or gay sexuality. These figures are likely to be an underestimation of the actual situation, recent reports (see Minter, 1996; National Organisation of Women [NOW], 1998; Mason & Palmer, 1996) estimate that around 80% of such crimes against lesbians and gay men go unreported. Only 22 states of the US have hate crime laws which include crimes based on sexual orientation (NGLTF, 1999b), and even where such laws exist, because it is often difficult to determine when a women is targeted as a lesbian rather than as a woman, many reported crimes may not necessarily be registered as anti-lesbian (Minter, 1996).

Reports from around the world suggest that physical violence is more often perpetrated against gay men than lesbians, and that gay men tend more often to be the victims of brutal crimes. However, lesbians are no less the victims of violence, but rather, the crimes committed against lesbians tend to be much less visible (cf. Kitzinger, 1994), and more often socially condoned as ‘acceptable’ ways of treating women who
‘deviate’ from socially prescribed gender roles and behaviours. Furthermore, because in many countries lesbians (as women) are not able to establish communities or engage in public life, human rights violations against lesbians are more likely to occur within the home (Rosenbloom, 1996b). Additionally, because heterosexism has ensured that the lives of women (both lesbian and heterosexual) are already restricted through fear, it is (potentially) easier to control and dominate lesbian women through threat and/or actual violence, particularly rape, than it is to have control over men in these ways.

As the following case illustrates, in the public sphere, lesbians are raped merely for admitting to being lesbian, and such incidences are not always treated by officials with the seriousness that rape against a heterosexual woman might be:

Los Angeles, CA: A lesbian security guard, 22, was assigned to work a holiday night shift with a guard from a temporary employment service. He propositioned her repeatedly. Finally, she told him she was a lesbian, issuing anti-lesbian slurs, he raped her. Her partner and mother convinced her to go to the hospital, then report the crime. Police took two weeks to investigate -- even though her employer had the man’s name and [his] employer’s name. (Human Rights Campaign, 1998).

However, violence of this kind against lesbians is not restricted to the public sphere. Around 60% of young lesbians in the US report being the victims of violent physical assault at the hands of members of their own families (Hunter, 1990; Minter, 1996), and in the UK 5% of lesbians and gay men report violent attacks and 14% harassment from family members with regard to their sexuality.

Internationally, domestic violence appears to account for a large proportion of physical violence against lesbians and gay men, especially lesbians. The following two cases show that in non-western societies (in these cases, Zimbabwe and India) rape and/or brutal physical violence is perpetrated against lesbians in their own homes, and condoned by parents:

When they found out that I was a lesbian.... My parents decided to look for a husband on my behalf so they brought several boys home to meet me but I was not interested so in the end they forced an old man on me. They locked me in a room, and brought him everyday to rape me so I would fall pregnant and be forced to marry him. They did this until I was pregnant after which they told me I was free to do whatever I wanted but that I must go and stay with this man or else they would throw me out of the house. (Excerpt from GAL/Z newsletter, reproduced in Rosenbloom, 1996b, p. xvi).
...I slid the little bolt on the door and we took our clothes off. For a few minutes we stood fondling each other.... We lay down and did what I now know was the number 69.... We were still on the floor in that position when a terrible noise erupted as the door came crashing down...We both jumped and looked with horror, and I suppose total fear, at my elder brother. The servant woman appeared next to him and after a few minutes of his screaming my mother came rushing in....My mother and the servant woman stood in total silence as my brother cursed and cursed. My friend handed me my clothing and I put on what I could. My brother then stepped forward and grabbed her by the arm and dragged her out of the bathroom and opening the back door shoved her outside.... My brother then returned and grabbed me and like a wild animal beat me until I fell on the floor.... He picked me up by the hair and beat me in the stomach, by the crotch and in the breasts. I fainted... (Khush report, reproduced in Thadani, 1996b, p.81)

Much of this kind of violence goes unreported, as regardless of the official legal status of lesbians, in many countries (e.g. India, Thailand, Algeria; see RISC, 1992 and Thadani, 1996b) lesbianism is not considered culturally acceptable (cf. Thadani, 1996b). Consequently, reporting violence often means having to admit to being lesbian, or engaging in lesbian acts, rendering one subject to further brutality and hostility, either at the hands of the law, and/or at the hands of family.

Domestic violence of this magnitude against lesbians (as lesbians) is not exclusively a non-western problem, however. Many published coming out narratives highlight equally brutal cases of domestic violence inflicted on lesbians in the western world as they came out to their parents (see, for example, Sharon Paloma in Abbott & Farmer, 1995, p.140 and Susan in Wishik & Pierce, 1991, p.28), and UK research also highlights similar incidences (e.g. see Stonewall, 1996). Furthermore, in many places in the western world, it is potentially not safe for lesbians and gay men to be ‘out’ or openly gay, nor for them to exhibit public displays of affection for their partners in the ways that heterosexuals are freely able to. In the UK, reports of verbal abuse with violent overtones (e.g. epithets such as “fucking queer/poof”, “shoot the batty boy”, or to a woman “all you need is a good, hard fuck”) often accompanied by threats of physical violence or assault are commonplace (Stonewall, 1996).

Hence, lesbians and gay men are routinely denied their basic human right to life, liberty and security of person, with little or no legal protection. For this right to be respected, would require social, legal, and structural change, for example, the collection of hate crimes statistics; the training of police in lesbian and gay awareness; taking hate-
motivated sexual assault of lesbians and gay men seriously (in the same way that racial attacks are); and overall, the use of international law in recognising hate crimes against lesbians and gay men as violations of basic human rights. To date, no legal or political change has been made to ensure that internationally this right is respected for lesbians and gay men.

The right to privacy, dignity, and respect

Underlying the construct of human rights, is the notion that human beings have intrinsic value (Jones, 1994) and therefore are worthy of being treated with dignity and respect. Article 9 of the UDHR states that “no one shall be subjected to arbitrary arrest, detention or exile” (my emphasis), and Article 12 that “no one shall be subjected to arbitrary interference with his [sic] privacy” and that “everyone has the right to the protection of the law against such interference or attacks” (my emphasis). However, daily, lesbians and gay men around the world are arrested, detained, incarcerated in prisons and mental institutions, have their homes raided, are extorted or blackmailed, and are discriminated against in law courts, often by the very people who are supposed to protect them.

Even where homosexuality is legal between consenting adults (as it is in about 70% of the world’s countries), lesbians and gay men can be, and have been, arrested and charged under laws which prohibit acts against “public decency” or “public morality”, or for “unnatural carnal sex” or “acts against the order of nature” (Amnesty International, 1997; Rosenbloom, 1996a; Hayfield, 1995). Often the women or men will be detained for a short period, while they are harassed by voyeuristic police officials, sometimes physically violated, and then extorted before being released. The following incident occurred in Mexico:

The regulations for police and Good Government mention “moral lapses” and “accepted customs” and these provisions have been used to impose fines or arrest lesbians who have been caught publicly kissing or embracing. A recent example involved two women who were kissing in a car. A police patrol approached, demanded an explanation, and gave them a citation on the grounds that what they were doing was deviant: they were threatened with being taken to the police station for “moral culpability”. Even after the women accepted the citation, the officers continued the interrogation with prurient questions about the nature of the women’s relationship. They were made to get into the
Similarly, even though homosexuality is not officially illegal in Turkey, police officials are reported regularly to raid the homes of lesbians and gay men, arrest and detain them, often subjecting them to harassment, intimidation and abuse (Amnesty International, 1997). In some countries, officials reportedly may torture their victims in order to obtain the names of others they can then arrest (e.g., see section on Iran in RISC, 1992).

Regular police raids on gay or lesbian bars or clubs are also widely documented and invariably illustrate the (illegal) victimisation of lesbians and gay men by police, for engaging in (legal) homosexual behaviour:

In a 1987 raid on a lesbian bar in Lima, Peru, police arrested approximately 70 women. The raid was staged in cooperation with a local television station, which caught the women on camera as they left the bar one by one and aired the footage on the national news. As a result, many women lost their jobs, and some were reported to have been beaten by their families. The women were forced to leave the police station after curfew and at least two were raped on their way home. (Dorf & Pérez, 1994, cited in Rosenbloom, 1996b, p. xviii)

Furthermore, the actions of the police in such raids clearly endanger lesbian and gay detainees' security of person, in that their lives are put at risk both by their being publicly exposed, and by their being released after curfew when they are at highest risk of being raped or killed. Although, today, these incidents primarily occur in non-western countries, it is only 30 years ago that very similar raids were routinely occurring in the western world, particularly the US (Healey & Mason, 1994).

Another way in which lesbians and gay men have their right to privacy, dignity, and respect violated is through incarceration in mental institutions and prisons. A recent report from Amnesty International highlighted a case of HIV/AIDS prisoners in New Orleans being made to wear a stun belt, when other prisoners were not made to (Amnesty International. UK [AIUK], 1999b), and it is not uncommon to hear of gay men being raped by fellow prisoners.

In contrast with male homosexuality, lesbianism is typically considered pathological, rather than criminal, and thus lesbians are more likely to be subjected to psychiatric “treatment” than to be imprisoned (Amnesty International. 1997). Although such cases are becoming fewer, the violation of lesbians' privacy, dignity, and respect in
such institutions are widely documented (e.g. see Amnesty International, 1997; Gessen, 1996; IGLHRC, 1995). Until relatively recently, lesbians in many countries (e.g. the US, Russia, and Romania) have been subjected to forced “medical” treatment, including electric shocks, psychotropic drugs, and “aversion therapy” in attempts to ‘cure’ them of their lesbianism (Amnesty International, 1997), even though homosexuality was removed from the DSM in 1973. Often lesbians in psychiatric care were subjected to rape and physical violence by officials whilst in care (see, for example, the case of Daphne Scholinski in IGLHRC, 1995).

Hence, many lesbians and gay men are routinely denied their human rights to privacy, dignity and respect. Although these practices are still occurring in many countries, this is fortunately no longer the case in most western countries.

Homosexuality was removed from the Diagnostic and Statistical Manual [DSM] in 1973 and the International Classification of Diseases [ICD] in 1990 (Herek, 1997), and few practitioners in the west consider homosexuality an illness, and have therefore abandoned the use of conversion therapies.

Right to Employment

Article 23 of the UDHR states that “everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment (my emphasis). In many countries, including the USA and the UK, lesbians and gay men are not legally protected from discrimination in the workplace (Minter, 1996; National Association of Citizen’s Advice Bureaus [NACAB], 1994). and in the UK dismissal or refusal to employ someone on the grounds of sexual orientation is not illegal, nor is paying someone less because of their sexuality, and an employer may do so without any form of official redress (Lesbian and Gay Employment Rights [LAGER], 1998; Lewis, 1998; Liberty, 1994). Recent surveys in the UK (e.g. SCPR, 1995 and Stonewall, 1993; see Stonewall, 1998a for both) report that up to 48% of lesbians and gay men had been harassed at work (i.e. had been ostracised, ‘outed’, and/or blackmailed; had faced false accusations of child abuse; or had been the recipients of malicious jokes, threats, and/or violence) because of their sexuality, and around 65-70% chose to be out to very few, if any, of their co-workers through fear of discrimination and harassment. In the 1997/98 year, the UK organisation LAGER (Lesbian and Gay Employment Rights) received over 2000 calls requesting advice and
information, and took on 153 long-term cases concerning wrongful dismissal and discrimination on grounds of sexual orientation.

Moreover, employers openly report in surveys that they would discriminate against lesbians and gay men. For example, a survey of 191 employers in the medical profession, most of whom were members of the American Association of Physicians for Human Rights (AAPHR) revealed that 18% would fire, 27% would refuse to hire, and 26% would refuse to promote a person they perceived to be lesbian, gay, or bisexual (Schatz & O'Hanlan, 1994, cited in NOW, 1998; see also the international reports in Rosenbloom, 1996a). Similarly, in the UK, a social survey (SCPR, 1995, in Stonewall, 1998a) showed that 1 in 3 heterosexuals said they would be less likely to hire a gay or lesbian job applicant. Even in so-called liberal workplaces, such as universities, lesbians and gay men report having been fired, refused promotion, or not re-hired because of their sexuality (e.g. see Kitzinger, 1990c; McDaniel, 1982, cited in Kitzinger 1990a; Mintz & Rothblum, 1997). Furthermore, in the USA, some lesbian academics report being advised to omit from their CVs any publications or community work on lesbian and gay issues, or risk not gaining tenure (see Mintz & Rothblum, 1997).

Another way in which lesbians and gay men are often discriminated against in employment, is through exclusion from benefits (LAGER, 1998), although an increasing number of major international companies (e.g. Microsoft Corporation; Disney; British Airways) are extending benefits to same-sex partners (Thorson & Hillhouse, 1998). Typically though, provisions (i.e. travel or relocation expenses, parental leave, medical insurance, and sick leave for care of children) are extended to the employee’s legally defined spouse, often including opposite-sex de facto partners, but not same-sex partners (see ILGA, 1999). For example, a female employee of South West Trains in the UK was recently denied a travel pass for her (female) partner, even though unmarried heterosexual employees were entitled to the travel passes for their partners (see BBC, 1998; European Court, 1998). Although some employers do not extend such benefits to de facto heterosexual partners, lesbians and gay men still have grounds to expect recognition, as they do not have the option of marrying whereas heterosexual couples do (Thorson & Hillhausen, 1998). Furthermore, even in countries where same-sex partnerships are legal (e.g. Denmark, Norway, Netherlands), such benefits are not always extended to same sex partners (e.g. see Mattijssen, Turksma, & de Vries, 1996).
Lesbians and gay men are also discriminated against with regard to choice of employment. Whilst it is arguable whether in reality anyone has free choice of employment (as promised in the UDHR), the freedom of lesbians (and gay men) to seek the vocation or career of their choice is restricted by legally and socially condoned discrimination. For example, whilst a lesbian or gay man may choose to seek employment as a factory worker, bank clerk or business executive, she/he may be prohibited from entering the police force or armed services, be denied admission to the priesthood, and even be prevented or discouraged from training as a teacher, just for being lesbian or gay. For example, in 1996, the Rajabhat Institute Council (the governing body of Thailand’s teachers colleges) announced that it would prohibit homosexuals from enrolling at teacher’s colleges in Thailand, using a diagnostic test to select out “sexually abnormal” people (IGLHRC, 1998a).

Similarly, gay men and lesbians have traditionally been seen as a security risk (through perceived potential for blackmail) and therefore have, and still are, prohibited from serving in the armed forces in many western countries (e.g. see Minter, 1996; Palmer, 1996). For similar reasons, until very recently lesbians and gay men were banned from working for the UK spy agency MI5, as well as being prevented from serving in the armed forces.

Lesbians and gay men have also been discriminated against in the priesthood. In the UK, they may be ordained in the Church of England, on the condition that they remain celibate and do not “promote” homosexuality (General Synod of the Church of England, 1991), but not necessarily in other Christian denominations. Furthermore, because gay men have typically been associated with the spread of HIV/AIDS, those who are, or who are believed to be HIV positive have been unnecessarily discriminated against through fear and ignorance on the part of potential employers (Liberty, 1994).

Thus, lesbians and gay men are denied human rights with respect to employment. Although some significant changes have taken place in the UK – the MI5 ban was lifted in June 1997, and the ban in the armed forces lifted in January 2000 – there is still a need for further changes. In particular, legal protection from discrimination is needed, including the recognition of lesbian and gay partners for benefits afforded the partners of heterosexual employees. In October 1999, as a result of the Grant case, South West Trains changed its policy to allow the extension of benefits to same-sex partners, and the UK Association of Train Operating Companies (ATOC) subsequently urged all its train companies to follow suit (BBC, October 5 1999).
Although some employers have made positive changes in respect of same-sex partners, legal protection against discrimination is needed to ensure employers universally respect lesbian and gay human rights.

Right to Health Care, Education, Welfare and Housing

Article 25 of the UDHR states that “Everyone has the right to a standard of living adequate for the health and well-being of himself [sic] and of his [sic] family, including food, clothing, housing, medical care and necessary social services” (my emphasis). Although it would be difficult to argue that in the western world lesbians and gay men are not afforded this right, Article 2 states that “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind” (my emphasis), which suggests not only the provision of these resources, but the equal (or non-discriminatory) provision of them. Likewise, Article 26 states “everyone has the right to education” (my emphasis), and although lesbians and gay men (usually) do have access to education, the article goes on to state “education shall be directed to the full development of the human personality”, which in practice has been interpreted to include the teaching of content in an objective, critical, and pluralistic manner (Ipaye-Sowunmi & Szwarc, 2000) – this too is subject to the non-discrimination clause of Article 2, and by implication includes lesbian and gay perspectives in education.

For much of the 20th century, the medical profession defined homosexuality as a disease or disorder, and consequently lesbians and gay men still face discrimination from medical personnel (Liberty, 1994). Health care professionals have often been reported to be particularly ill-informed as to the needs of lesbians and gay men, who as a result have been provided with inappropriate or inaccurate information (see Kitzinger, 1993; Martinho, 1996; Minter, 1996; Todosijevic, 1996). Furthermore, because same-sex relationships are not legally recognised in most countries, the partners of lesbians and gay men are often denied visitation rights in hospitals and prisons (see IGLHRC, 1998b), as they are frequently not recognised as next of kin by medical professionals, and thus are often not informed of illness, injury, or death of their partners. Consequently, a lesbian or gay man will usually not be consulted for consent with regard to medical treatment of her his partner, or in legal matters if her his partner dies intestate.
In some countries lesbians and gay men report having been denied access to education, or expelled from school because of their sexuality. For example, a 19 year old girl in Brazil was banned from school “for her own safety” after having kissed her girlfriend and being threatened with physical assault by fellow students (Martinho, 1996; see also Todosijevic, 1996). In addition, schools often fail to provide accurate and appropriate information about homosexuality in their sexuality education programmes and adequate protection against anti-gay bullying (Hayfield, 1995). In England, Wales, and Northern Ireland, Section 28 of the Local Government Act still acts to discourage discussion of lesbian and gay issues in the classroom (ILGA, 1999; Lewis, 1998), and often prevents students (gay and straight) from having free access to published information about lesbianism and gay male homosexuality (Liberty, 1994; Trade Unionists Against Section 28, 1989). A repeal of Section 28 is currently being considered by the UK government, but the proposal has met with strong opposition from the “keep the clause campaigners” (see www.stonewall.org.uk).

With reference to housing, lesbians (and gay men) have frequently reported being refused accommodation, or evicted from it on grounds of their sexuality. Whilst in the UK, private landlords are legally able to discriminate on grounds of sexuality (Liberty, 1994), social services do not have this power of discrimination. Nevertheless, lesbians and gay men – particularly those living on council estates – have reported a constant threat of violence, including “excrement through [their] letterbox; burglary; graffiti; vandalism; as well as verbal abuse and physical assault” (Hayfield, 1995, p.197; see also Stonewall, 1996).

Lesbian or gay couples who share a rented or jointly owned property also frequently experience difficulty if they separate or if one partner dies. Since same-sex partnerships are not legally recognised, under the intestacy laws a lesbian or gay partner does not automatically receive the right to succession, even though the family of the deceased person often does (ILGA, 1999). Even where a legal agreement has been drawn up, the family (parents or children) of the deceased partner have the legal right to contest the agreement (ILGA, 1999; Liberty, 1994). This frequently results in a bereaved partner being evicted from what has been the couple’s home.

Thus, even in the UK, lesbians and gay men are discriminated against in health care, education, welfare and housing in ways which do not afford them equal status with heterosexuals. However, some positive changes have been made recently in the UK. For example, the UK sex education syllabus has been revised to allow homophobic bullying
to be addressed in the classroom (see www.stonewall.org.uk), and in June 2000. Section 28 was repealed in Scotland. In addition, a precedent was set by a UK court ruling in October 1999 granting Martin Fitzpatrick the same tenancy rights as a family member, allowing him to stay in his late (male) partner's London flat (ILGA, 1999). For these rights to be fully respected though would require consistent and universal application of equality in both policy and in practice.

Right to Marry and found a Family

Article 16 of the UDHR states that "men and women of full age ... have the right to marry and found a family". This article does not say that the marriage must be between a man and a woman, and therefore it is not self-evident that only heterosexual couples have the right to marry and found a family. However, internationally, lesbians and gay men are not usually legally entitled to marry, and are invariably denied access to the full range of parenting rights afforded heterosexual couples.

With only a small number of exceptions – 22 states of the US (see NGLTF, 1999a) and a handful of countries in Europe (e.g. France, Denmark, the Netherlands, and others) – same-sex partnerships are not legally recognised. Where same-sex partnerships are legally recognised, they are typically referred to as "registered partnerships" or "domestic partnerships", which usually do not carry the same rights and benefits as "marriage". The main difference between the two, is that marriage is internationally recognised and understood, whilst domestic partnerships are not. Whilst a same-sex couple whose partnership is 'registered' may be entitled to certain benefits in their own country (e.g. immigration status, accession rights, partner benefits), their partnership will not be recognised in other countries.

In the UK, same-sex marriage is not permitted, and there is currently no provision for registered partnership (Lewis, 1998). Furthermore, recent proposals for same-sex couples to be legally entitled to marry have been declined by courts in New Zealand (Action for Gay Marriage, 1997), the Czech Republic (Bluhm, 1998), and Hawaii (Minter, 1996); and in California, a vote has recently been undertaken to institute proposition 22, a measure designed to prevent legal recognition of same-sex marriages (Badalian, 2000). Moreover, in India and many Muslim countries, lesbians

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5 The only exception is the Netherlands, where in December 2000, same-sex marriage was legalised with the full rights of heterosexual marriage ("Dutch Senate Approves Lesbian and Gay Marriage", 2000).
are forced into arranged heterosexual marriages in order to ‘cure’ them of their lesbianism and avoid bringing social disgrace on the family.

Since lesbian and gay couples do not have the legal right to marry, they are not afforded many of the benefits and privileges afforded by marital status. As already outlined, lesbians and gay men are typically denied entitlement to partner benefits in the workplace, and in relation to housing, health, and welfare. For example, in the UK, Gary Partridge whose partner John Light was killed in the bomb attack on the Admiral Duncan (gay) pub in Soho, London in April 1999, was denied compensation for his loss — had his partner have been female, he would have been compensated (Stonewall, 1999b).

However, even where such relationships are legally recognised, with the exception of the Netherlands (ILGA, 1998b; “Dutch Senate...”, 2001), same-sex partnerships do not carry the same benefits as those of married or de facto heterosexual couples. For example, in Scandinavia, lesbian and gay couples do not have the same rights with regard to adoption or access to reproductive technologies that their heterosexual counterparts do (e.g. see Lindstad, 1996). Furthermore, in Vietnam, attempts by a lesbian couple and a gay couple to marry, resulted in the subsequent banning of same-sex marriage and the couples were requested to sign a promise never to live together again (ILGA, 1999).

Lesbian and gay couples are also denied the full range of parenting rights afforded to heterosexual couples. With few exceptions, lesbians are invariably denied access to assisted reproductive technologies, adoption services, and custody rights of their own or their partner’s children. For example, in a widely cited US custody and visitation battle, Sharon Bottoms’ has been fighting for legal custody of her own biological son: custody was awarded to the child’s maternal grandmother because Sharon is a lesbian (“Key dates in lesbian...”, 1997). In the UK, lesbians have usually been successful in gaining custody of their children, whilst gay men have usually had more difficulty (Lewis, 1998; Liberty, 1994). However, paragraph 16 of the Children Act (1989) ridicules the notion that lesbians can make good parents, making it difficult for lesbians to foster or adopt children (Hayfield, 1995).

Lesbians and gay men have typically encountered discrimination with regard to children born from donor insemination or surrogacy. For example, section 13 of the UK Human Fertilisation and Embryology Act 1990 states that clinics cannot provide services without taking into account “the welfare of any child who may be born as a
result including the need of that child for a father”. resulting in some clinics not providing services to lesbians (ILGA, 1999). Similarly, a British gay couple who produced twins through a surrogate mother in the US, were denied residency for their children, even though one of the men was the biological father of the children, and the twins’ birth certificates named both men as parents of the children (BBC. 2000).

It is also much more difficult for a same-sex partner to gain legal recognition as a guardian of her/his partner’s child (especially if seeking custody after a partner’s death) than it is for a de facto father in a heterosexual relationship to do so. Reports from a number of countries indicate that the partner of a lesbian mother is not entitled to parental rights, nor are such partnerships recognised for purposes of inheritance, to obtain loans for purchasing real estate, nor to obtain medical or life insurance as a couple or a family (e.g. see Lindstad. 1996; Pérez & Jiménez, 1996; Peterson. 1996). Lesbians in European countries report being discriminated against in the same way (e.g. see Anonymous, 1995; Hayfield, 1995; Hayman, 1995; Trade Unionists Against Section 28, 1989), whilst in New Zealand and Australia same-sex relationships are considered de facto for immigration purposes (Hayman, 1995), but not (yet) for other legal purposes (see “Action for gay marriage”, 1996; Ministry of Justice, 1999).

Thus, lesbian and gay couples are denied their human rights to marry and found a family: rights freely extended to heterosexual couples. Whilst there has been no significant change in the UK legislation governing the marriage and parenting rights of lesbian and gay couples, custody cases involving the children of lesbian or gay parents in this country are significantly fewer than in the past. Conversely, in the US, lesbian and gay parenting is still relatively controversial, and custody battles commonplace. However, with regard to same-sex marriage, a precedent was recently set in Vermont, USA, when a Civil Union was issued to a lesbian couple (Kathleen Peterson & Carolyn Conrad) – the first in US history to be issued to a same-sex couple. The license affords them “virtually all the benefits and responsibilities of marriage” (Gewirtz. 2000). Similarly, a precedent was set in the Netherlands on 19 December 2000, when the Dutch Senate passed legislation entitling lesbians and gay men to legally marry - The first country in the world to do so (see “Dutch Senate…”, 2001).
Freedom of Expression and Assembly & the Right to Information

Article 19 states that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas” (my emphasis); and Article 20 states “everyone has the right to freedom of peaceful assembly and association” (my emphasis). In practice, the latter has been applied when attacks have been made on rallies and marches on animal rights and anti-abortion (Ipaye-Sowunmi & Szwarc, 2000), and therefore could conceivably be applied to anti-lesbian/gay action at lesbian and gay events also.

Lesbians and gay men do not have the same degree of freedom of expression that heterosexuals have. For example, even in the western world, it is not necessarily safe for lesbians and gay men to express basic forms of affection (i.e. to hold hands; to exchange a kiss) towards their partners in public without the fear of being threatened with verbal abuse or physical assault. Furthermore, in some countries, attempts by lesbians to organise politically and socially are often undermined by authorities. For example, in Colombia, if problems arise in the gay bars, it is the women who are forced to leave, and are denied access to the few public places where they can gather (Rondón, 1996).

In some countries there are restrictions placed on access to and the retail of gay and lesbian literature, and sometimes embargoes placed on the importation of such literature. For example, in both 1995 and 1996, the Gays and Lesbians of Zimbabwe (GALZ) group was banned from the Zimbabwe International Book Fair, where it was to have had a stall displaying material on homosexuality and gay and lesbian human rights (Amnesty International, 1997; Dunton & Palmberg, 1996). In addition to banning the GALZ stall from the international book fair, the Zimbabwean government has also banned The Penguin Book of Lesbian Short Stories and the British magazine Diva, and in 1993, police raided the homes of GALZ members seizing any literature which contained the words “lesbian” or “gay” (Clark, 1996). Similarly, in Argentina, the local gay magazine NX Magazine was recently taken out of circulation by officials (IGLHRC, 1999).

Whilst there is no official ban on the importation or sale of lesbian and gay literature in the UK, in the early 1990s, there were a number of cases reported where police officers and customs officials seized safe-sex posters, postcards, videos, and books such as The Joy of Gay Sex and The Joy of Lesbian Sex on grounds of obscenity
In addition, lesbian and gay literature is subject to more stringent censorship than is heterosexual material of an equivalent nature, and whilst explicit heterosexual literature is freely available in mainstream bookstores, lesbian and gay literature is seldom found in places other than specialist feminist or lesbian and gay bookstores.

Section 28 of the Local Government Act 1988 has also had a profound effect on censorship of lesbian and gay literature and access to information. Section 28 states that “a local authority shall not intentionally promote homosexuality...[nor] promote the teaching ... of the acceptability of homosexuality as a pretended family relationship” (Colvin & Hawksley, 1989, p. 1). Although Section 28 can be interpreted in a variety of ways (e.g. see Colvin & Hawksley, 1989; Lewis, 1998; Liberty, 1994), and may not actually prohibit any local authority practices, it has resulted in the widespread censorship of literature distributed by local authorities; caution in giving funding to lesbian and gay organisations or providing them with facilities; restricted provision of lesbian and gay books in public libraries; and has created the perception that the discussion of lesbian and gay issues in schools is prohibited (Hayfield, 1995; ILGA, 1999; Lewis, 1998). Similar legislation exists in both Leichtenstein and Cyprus, in the latter of which gay men are also prohibited from advertising for partners in public newspapers.

As this section has highlighted, lesbians and gay men have neither the same level of freedom of expression, nor the same degree of access to information afforded heterosexuals and other groups. Whilst some progress has been made in the UK towards legislative change – Section 28 of the Local Government Act having being repealed in Scotland in June 2000, and currently under review in England and Wales – for these rights to be fully respected for lesbians and gay men would also require significant social change.

Immigration and Asylum

In most western countries, immigrants are given ‘leave to enter’ on grounds that they are coming to join a relative, typically a spouse, who is a citizen of that country (Liberty, 1994). For example, if a man or woman is a British Citizen, but his/her legally defined spouse is not British, the latter would automatically be granted permanent residency (and in this case, citizenship) on a basis that he/she is married to a British
Citizen. Similarly, if either one of these persons was offered employment in a country of which neither was a citizen, both would be granted residence, because of their marital status. However, since lesbian and gay couples are not legally permitted to marry, these are not usually extended to lesbian and gay couples, even though in some cases unmarried heterosexual couples may be eligible (on provision of evidence that they are in a ‘permanent’, committed relationship).

Asylum, on the other hand, is granted to members of a particular social group who can provide evidence that they are at risk due to persecution in their own country. Article 14 of the UDHR states that “everyone has the right to seek and to enjoy in other countries asylum from persecution” (my emphasis). According to the United Nations Convention on the status of refugees, persecution must encompass state and legal persecution as well as social ostracism and bodily harm (Berger & Lewis, 1998). Until relatively recently, persecution based on sexual orientation was not recognised as grounds for asylum.

Currently, sexual orientation is explicitly mentioned in the asylum laws of Australia, New Zealand, Canada, South Africa and around 13 countries in Europe (see Berger & Lewis, 1998; ILGA, 1999), and a number of these countries have granted asylum to lesbian, gay, bisexual, or transgendered persons (see ILGA, 1999). Until very recently, lesbians and gay men seeking entry to the UK on the grounds that they feared persecution because of their sexuality, have been refused asylum on the grounds that homosexuals do not form a particular ‘social group’. However, in March 1999, the House of Lords allowed the appeal of two women claiming asylum in the UK, and ruled that anyone persecuted for their sexual identity who was not protected by their own government could seek asylum in the UK (Stonewall Press release, ILGA 1999).

The immigration laws of a small number of (western) countries (see ILGA, 1999) currently extend immigration rights to the partners of lesbians and gay men. Although immigration requirements are usually strict (Liberty, 1994), until relatively recently, most countries applied more stringent conditions to lesbian and gay couples than was the case for heterosexual couples. For example, until June last year (1999), lesbian and gay couples wishing to enter the UK were only entitled to immigrate as a couple if they had been living together for 4 years, whereas de facto heterosexual couples were only required to have been living together for 2 years (Lewis, 1998). Similarly, in South Africa, in February 1999, a high court ruling found that the Aliens Control Act was unconstitutional in that it unfairly discriminated against lesbian and
gay couples by denying them the same rights as married couples have under the act (National Coalition for Lesbian and Gay Equality [NCLGE] press release, ILGA 1999).

Human Rights in Theory and Practice

Human rights are rights which all people possess by virtue of being human (Donnelley, 1993; Gewirth, 1984; Jones, 1994; Pennock, 1981), or “the rights of all people at all times and in all situations” (Cranston, 1962, quoted in Bouandel, 1997. p. 20). This section will begin by first theorising human rights, then outlining how these are formulated into treaties and declarations, and finally, how human rights are protected and promoted in practice.

What are Human Rights?

Natural Rights

In the 18th century, European philosophers (e.g. John Locke, Thomas Paine; vis-a-vis Thomas Hobbes) introduced the idea of ‘natural rights’, a law deemed higher than state laws and derived from the natural order of things (Weissbrodt, 1998). John Locke, the major proponent of natural rights, suggested that “all individuals were endowed by nature with inherent rights to life, liberty and property which were their own and could not be removed or abrogated by the state” (Davidson, 1993, p. 28). Locke further defined people as sociable and rational beings capable of action (Bouandel, 1997), thus natural rights were grounded in rational action, or the natural order. From a natural rights perspective, then, individuals were assumed to be autonomous beings capable of exercising choice (Davidson, 1993).

Natural rights (in the Lockean sense) were rights which represented the basic entitlements of all human beings, governed by ‘natural law’ (Jones, 1994): natural law being determined by God, and individuals, as unique, rational, and autonomous beings, therefore being subject to the authority of God (Davidson, 1993; Jones, 1994). Consequently, each person’s status was believed to be determined by God, and differences in social status and corporeality believed to be ‘natural’.

"A constitutional court ruling in December 1999 followed, the change of law taking effect from 2000."
Because natural rights were seen as bestowed on individuals by God, these rights were conceptualised as inalienable (unable to be taken away), and absolute (must not be compromised) (Pennock, 1981). However, as the concept of natural rights developed, it gradually became severed from its theistic origin in natural law, and became grounded in “enlightened secular rational thought” (e.g. reasoning) (Davidson, 1993, p. 27). Consequently, the state (rather than God) was entrusted with the role of ensuring the protection of rights (Davidson, 1993).

With the establishment of political authority (separate from, but guided by, the church), the concept of natural rights was carried forward into political society (Jones, 1994). However, the concept of natural rights gradually fell into disfavour in the 19th century, as it was not seen as scientifically verifiable (Davidson, 1993). Thus, the philosophy of natural rights was superseded by the concept of human rights (which, ironically, were taken to be self-evident).

**Human Rights**

Although the concept of ‘human rights’ is derived from the concept of natural rights, it is fundamentally different, in that it starts from a position of all people being born equal (i.e. universal and egalitarian). A human rights perspective, therefore, holds that all people, everywhere, equally possess human rights (whether they want them or not), simply because they are human beings (Donnelley, 1993; Jones, 1994; Pennock, 1981). Thus, human rights, in contrast with natural rights, are independent of differences in social position (e.g. sexuality, class, race, sex, disability) or ideology (e.g. political or religious affiliation, culture).

Since human rights are universal and egalitarian, they transcend society and its rules or laws (Davidson, 1993; Donnelley, 1993; Jones, 1994), and are seen to exist regardless of whether or not they are embodied in legislation (Jones, 1994). Thus, laws, declarations, and conventions do not ‘give’ human rights to people (Jones, 1994: United Nations Dept. of Public Information, 1997), by virtue of special relationships, promises or contracts (e.g. marriage), or social statuses (Donnelley, 1993; Jones, 1994). Human rights begin with the individual as a human being, and differ from special rights, which are rights acquired by status or attribute (Pennock, 1981).

In addition to being universal and egalitarian, as with natural rights, human rights are also inalienable (Davidson, 1993; Donnelley, 1993; Pennock, 1981). That is.
because no person can renounce, lose, or forfeit her/his state of being human (Donnelley, 1993), human rights cannot be taken away from anyone: Even the most heinous murderer has human rights. Similarly, in the case of sexuality, a lesbian has human rights because she is human, just as a gay man has human rights because he is human: A woman's lesbianism, or a gay man's gayness, is irrelevant to her/his possession of human rights.

Finally, human rights are indivisible (Annan, 1997). That is, because human rights are inherent to human beings (qua human beings), they cannot be separated from each other, and must be accepted (and respected) in their totality (United Nations Department of Public Information, 1997).

So, which rights are human rights?

Although writers on human rights across a variety of disciplines have been reasonably homogenous in their definitions of human rights, they have tended to disagree with one another as to exactly which rights count as human rights (as opposed to other kinds of rights). In particular, the inclusion of social and economic rights (as opposed to civil and political rights) as human rights has often been disputed (Bouandel, 1997).

Essentially, human rights are moral or ethical principles of justice/fairness. Beginning from the premise of equality of all peoples (the basis of human rights), Rawls' (1972/1991) theory of justice suggests that it is from the 'original position' that we can best determine the basic principles of justice. That is, without knowing whether one will be rich or poor, lesbian/gay or heterosexual, black or white, disabled or able-bodied, female or male, etc., one is unlikely to risk being the least advantaged in society, and so from behind this 'veil of ignorance' (see Rawls, 1972/1991, pp. 136-142), one will derive principles which are truly fair. According to Rawls, this scenario inevitably produces certain principles of justice (see Rawls, 1972/1991, pp. 60-65 for a detailed outline of these principles), which in terms of human rights, translate into freedom of speech and assembly, conscience, and thought: The right to hold property, and freedom from arbitrary arrest and seizure. However, in the political and legal literature, human rights are conceptualised more broadly than Rawls' theory appears to suggest.

A human rights position holds that human beings (as human beings) have intrinsic value 'worth in and of themselves (Jones, 1994), and that the essence or nature
of being human makes us entitled to certain things. Therefore, it is generally agreed that the right to life is the most basic and sacrosanct of human rights (Wilets, 1994). Without being alive, one cannot enjoy their human rights. Life is fundamental to the whole notion of human rights, so the right to life must undisputedly be a human right. Consequently, the arbitrary deprivation of a human life is unequivocally a human rights violation, as it deprives another individual of her/his human rights. What matters, is that as far as human rights are concerned, the right to life is paramount, and therefore, absolute: It is inviolable. Thus, the killing of lesbians and gay men unquestionably constitutes a human rights violation.

If life is central to human rights, and the right to life is paramount, rights which orient towards the preservation of life, and maintaining the well-being (health or dignity) of the human must also be considered human rights (cf, Okin’s, 1981 discussion on needs pp 235-237). Consequently, deliberate actions which could potentially result in the loss or degradation of life constitute human rights violations. For example, torture, cruel and degrading treatment, exploitation (e.g. slavery, child labour, work conditions), privacy and security of person (freedom from fear). In addition, so that human life is maintained intergenerationally, the right to reproduce (typically conceptualised as the right to marry and found a family) is usually considered a basic human right.

Thirdly, underlying the concept of human rights, is the notion of human beings as free and autonomous beings, and as beings with potential to develop, and thus worthy of the dignity and (self) respect necessary to develop to their full potential (cf. Okin’s, 1981 discussion on capacities pp 235-237). Consequently, human rights which attend to the nurturance of freedom, dignity, and respect; and uphold the quality of life, must also be considered human rights. On this level, then, we have the right to education, which

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7 As straightforward as this may seem, it raises issues of under what conditions is a human being living? and therefore what constitutes the arbitrary deprivation of human life? For example, at what point is an unborn foetus considered a human being? And, does the right to life prohibit the termination of life-support to a dying person? Debates over abortion and euthanasia, in relation to the right to life, have been central to much discussion of human rights, however, they are beyond the scope of this thesis (see, for example, Baier, 1981 for a detailed discussion of these issues).

8 Absolute rights are rights which should never be overridden, and thus should be upheld whatever the consequences. A prima facie right, on the other hand, is a right that may be justifiably overridden in certain situations. For example, ordinarily one might have a right to x, and it would normally be wrong to be denied that right. However, in some situations, that might have to yield to a competing or more important consideration (Jones, 1994).

9 By education, I am referring to the broader concept of learning, as opposed to schooling or indoctrination. Too often the right to education has been construed as the necessity for imperialistic British style schooling to be universally implemented. It is this type of colonialistic and neo-colonialistic, western interpretations of human rights which I am attempting to avoid here.
includes the right of access to information: freedom of expression, assembly, and association: and the right to immigration and asylum\textsuperscript{10}.

On this basis, the right to life is absolute, and all other human rights pertaining to the preservation of the right to life, or to the quality of that life must be seen as prima facie rights. Consequently, in a situation where human rights conflict with one another, the right which is more essential to human life must be preserved, at the expense of the less essential one. This would appear to be reasonable (at least in theory). in that it would be difficult to imagine a situation where it would be preferable for example, to kill people so as to provide a hospital or school from those who remain. However, human rights are indivisible, thus, all of these rights should be preserved for all people in all situations, and all things being equal, none of them should be compromised.

**Formulations of Human Rights**

Although human rights exist as a concept, to be implemented in practice, attempts have been made to formulate them into legally and constitutionally recognised documents. Consequently, numerous treaties, conventions, and declarations have been developed to enunciate what human rights are, and to ensure their legal protection (Wilets, 1994). These documents are guidelines which attempt to highlight the values that all nations and states should use as a yardstick against which to measure their actions (Cassese, 1990).

It is generally agreed that the earliest agreement (at least in the western world) enumerating what later became thought of as human rights was the Magna Carta signed in 1215 (Cassese, 1990, but cf. Davidson, 1993). The Magna Carta (or great charter) was an agreement between King John of England and his subjects, after the king violated the ancient laws and customs by which England had been governed.

In the late 18th century, human rights began to be codified into national constitutions. The first of these formulations was the United States Declaration of Independence, adopted on 4th July 1776, claiming the right of the American people to be free from rule by the British crown, and the right of all men [sic] to life, liberty and the pursuit of happiness (Declaration of Independence, 1776). Soon after, in 1789, as a result of the French Revolution, the first French republic was established, and the

\textsuperscript{10} Although it should be noted that in a pure model where there is no such thing as states or nations, there would be no need for asylum.
"Declaration of the Rights of Man" was proposed (Trade Unionists Against Section 28, 1989). Together, these two documents became the foundation of human rights legislation, and the model on which the UDHR was developed some 150 years later (Cassese, 1990; Marks, 1998).

However, human rights issues gained international attention on an unprecedented level immediately following the Second World War. The Nazi regime in Germany, both before and during the war, was responsible for the massacre of six-million Jews (commonly known as 'the Holocaust'), five-hundred-thousand gypsies, and tens of thousands of others, including lesbians and gay men (see Donnelly, 1993; Grau, 1995; Schoppmann, 1995). In addition, medical research by Nazi officials, including (among other things) inflicting wounds and diseases on, and the execution and defleshing of humans, was carried out on otherwise healthy individuals (Kimmel, 1988). The arbitrary deprivation of, and blatant disregard for, life evident in these atrocities are, as already outlined, clear violations of the most fundamental of human rights.

The exposure of the atrocities of the holocaust, and the Nuremberg War Crimes Trials which followed, drew attention to the need for human rights of individuals to be protected internationally (Donnelly, 1993; Weissbrodt, 1988). This heightened awareness resulted in the development of codes of ethics for medical and psychological practice, and also the formation of the United Nations (UN), the first ten years of which were devoted primarily to defining human rights, and clarifying the international obligation to promote them. A clear human rights agenda was, therefore, incorporated into the official charter of the UN (UN, 1968).

In 1946, the UN Commission on Human Rights was established under the chairpersonship of Eleanor Roosevelt. Its initial task was to prepare the world’s first international declaration of human rights (Davidson, 1993; UN, 1968). The commission’s draft was eventually submitted to its third committee, who spent 81 meetings considering 168 suggested amendments (Humphrey, 1988). Finally, on 10th December 1948, the Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly with no dissenting votes (Donnelly, 1993; Jones, 1994; UN, 1968; Weissbrodt, 1998). Only eight members of the UN (all the communist

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11 As a result of the atrocities committed during the holocaust, leading Nazis were charged with crimes against humanity, during the Nuremberg War Crimes Trials (1945-1946). Although such acts have clearly been considered immoral, they were not legally prohibited at the time they occurred. Thus, the Nuremberg trials (although ex post facto prosecution) were an important catalyst for the mobilisation of the human rights movement (Donnelly, 1993).
states, plus Saudi Arabia, and South Africa) abstained from voting, because for various reasons they objected to some of the content of the document (see Humphrey, 1988).

However, the UDHR was not a treaty and therefore was not binding in law (Donnelly, 1993). On completion of the UDHR, then, the Commission on Human Rights devoted its attention to drafting two covenants: one on civil and political rights, and the other on economic, social, and cultural rights: which together became known as the International Human Rights Covenants (UN, 1968). Thus in 1966, when the International Human Rights Covenants (collectively called the International Bill of Human Rights) was adopted, the protection of human rights became a legal obligation in all member nations (Davidson, 1993; Donnelley, 1993; UN, 1986; Weissbrodt, 1988).

Over the ensuing years, a succession of human rights conventions were adopted in a number of geographical regions (Weissbrodt, 1988). The first of these was the “Convention for the Protection of Human Rights and Fundamental Freedoms”, adopted by the Council of Europe in Rome on the 4th November 1950. This was followed by the “American Convention on Human Rights” in November 1969, and “The African Charter on Human and People’s Rights” in 1981. These conventions parallel the model set by the UN (with certain variations), and all are currently utilised in international law. Although a commission of human rights was established in the Arab States in 1968, this commission is not active, and attempts to establish a human rights treaty in the Islamic world have not come to fruition (Davidson, 1993; Weissbrodt, 1988). Similarly, there remains no regional human rights system in Asia (Weissbrodt, 1988).

In addition to these multilateral agreements, many countries have formally recognised human rights as part of their national law. For example, human rights feature as central to a number of national agreements, including the New Zealand Bill of Rights (1993), the Canadian Charter (1982), and the UK Human Rights Act which came into effect on October 2, 2000. Internationally, however, countries differ substantially in the extent to which human rights are incorporated into national law.

The Protection and Promotion of Human Rights

The various covenants, charters, and declarations of human rights described above are enforced by the legal system, both nationally (where international human rights are recognised within domestic law) and internationally (in the case of international
agreements). With the exception of the African Charter, for which no African human
rights court exists (Wilets, 1994), the remaining three multilateral agreements have
parallel bodies/courts for the legal enforcement of human rights: The Inter-American
Court of Human Rights, in the case of the American Convention; The European
Commission of Human Rights and the European Court of Human Rights, in the case of
the European Convention; and the Human Rights Committee, in the case of the UDHR
(see Davidson, 1993; Wilets, 1994).

Human rights violations are usually brought before the international courts
either by individuals, or by non-governmental organisations (NGOs), such as Amnesty
International, or Human Rights Watch (Cassese, 1990). In the case of the UN, any
person or group may complain about human rights violations, even if the country
concerned is not currently a member of the UN (see Donnelley, 1993). Complaints are
then processed by a sub-committee, before being passed on to the Human Rights
Commission for investigation (UN, 1986; Wilets, 1994).

However, there is no international police force to check that governments are
complying with their human rights obligations, nor to compel them to comply if they
aren’t (Weissbrodt, 1988). Most of the work of promoting and protecting human rights
is carried out by human rights organisations. The first of these was the Geneva-based
International Committee of the Red Cross, formed in 1865. The committee was
established to give relief to the wounded and victims of armed conflict (Davidson,
1993; Weissbrodt, 1988). It was the establishment of this committee which lead to the
first multilateral treaty, commonly known as the Geneva Convention. The convention
assured soldiers prisoner of war status if they became sick, wounded, shipwrecked, or
chose to lay down their arms, and offered security of life and property of civilians in
occupied territories (Weissbrodt, 1988).

Over the early 20th century, a number of organisations were established to
address particular social issues, such as slavery, brutal working conditions, and child
labour. Among these were the International Labour Organisation (ILO), established in
1919 (Cassese, 1990), and the League of Nations, established in 1926 (Weissbrodt,
1988). Although not human rights organisations per se, they have contributed
significantly to the advancement of human rights (Davidson, 1993). However, the
establishment of the UN and the subsequent development of the UDHR, acted as a
catalyst for the emergence of human rights organisations in contemporary (western)
society.
Although the United Nations (UN) was (and continues to be) important in initiating international action to protect the human rights of individuals in legislation, being formed of the governmental bodies it was unable to provide a non-partisan voice in world affairs, which impeded progress on establishing and preserving human rights internationally. Consequently, NGOs began to emerge around the world, in an effort to monitor human rights violation, and actively to work for positive social and political change.

In 1961, Peter Benenson (a British lawyer) launched an Appeal for Amnesty after reading in The Observer that some Portuguese students had been imprisoned for making a toast to freedom (Amnesty International. 1998; Bouandel, 1997). The appeal was so far reaching that it continued to exist beyond the year long appeal, developing into an organisation with branches throughout the world. Amnesty became the foundation of the modern human rights movement as the first NGO devoted specifically to human rights issues. Non-partisan and independent of ideology, this organisation became known as “Amnesty International”, and focused on working for the release of prisoners detained for peaceably holding religious and political beliefs which differed from those of their governments. In the 1970s Amnesty International gained permanent observer status at the UN, acting as the watchdog for international human rights.

Through the work of Amnesty International, and more recently other human rights activist groups, human rights are monitored internationally, and reported on by these organisations. Human rights violations are dealt with through the imposition of political and public pressure, such as through persuasion (e.g. letter writing campaigns), embarrassment, aid to victims, technical assistance to governments which are complying, and if necessary ceasing trade with offending countries (Brems, 1997; Weissbrodt, 1998; Wilets, 1994). Since its inception in 1961, Amnesty International has been involved in 47,000 cases, many of which have resulted in the release of political prisoners (AIUK Information Office. personal communication, 3 August 2000).

Following the establishment of Amnesty International, a number of local organisations sprung up around the western world. The most well-known of these groups, Helsinki Watch, was established in 1978 by Russian activists, and is known today as “Human Rights Watch”. However, until relatively recently the work of NGOs focused primarily on human rights violations on a basis of religion, sex, and race/ethnicity, and there has been a noticeable reticence on the part of NGOs for the inclusion of lesbian and gay human rights into their agendas (Sanders. 1996).
Almost 30 years after the establishment of Amnesty International, the rights of lesbians and gay men finally came to the attention of international human rights organisations (cf. Helfer & Miller, 1996). In 1990, the US based “International Gay and Lesbian Human Rights Commission” (IGLHRC) was established to bridge the gap between the human rights movement and the lesbian and gay rights movement. It wasn’t until a year later, after 17 years of protest from lesbian and gay activists (Rosenbloom, 1996), that Amnesty International officially included violations against lesbians and gay men into its agenda, although its charter has never been amended. Similarly, in 1994, Human Rights Watch modified its mandate to include sexual orientation issues (see Sanders, 1996 for a brief outline of both the Amnesty International and Human Rights Watch decisions). However, although the UN has a number of rapporteurs and working groups employed to investigate alleged human rights violations, to date, none of them have investigated human rights violations based on sexual orientation (Helfer & Miller, 1996).

In addition to the work of Amnesty International and the IGLHRC, several local and international gay and lesbian rights organisations are involved in working for the human rights of lesbians and gay men. The most well known organisations are the Washington DC based organisation the Human Rights Campaign, established in 1980; the International Lesbian and Gay Association (ILGA), established in 1978; the International Lesbian Information Service (ILIS); and in the UK, Stonewall and Outrage!. Although NGOs have no official legal status, they serve a particular role as mediators between the public and governments on behalf of the victims of abuses (Cassese, 1990; Davidson, 1993).

Levsons and Gay Men & Human Rights in Practice

To date, no international treaty or declaration explicitly mentions sexual orientation as a protected category. For example, the UDHR states that “everyone is entitled to all the rights and freedoms set forth in this declaration, 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” (UN, 1998). However, in judicial and political practice,

12 One of the main reasons for not explicitly mentioning sexual orientation in the charter, is that it would prohibit Amnesty International from working in a number of the world’s countries where homosexuality is still illegal.
the human rights of lesbians and gay men are increasingly being recognised as protected under the category “other status” (Helfer & Miller, 1996). Human rights declarations have, therefore, been successfully used to contest human rights violations against lesbians and gay men, and to create positive social change: especially with regard to the repealing of state sodomy laws under the European Convention.

Progress in Advancing Lesbian and Gay Human Rights

The first victory for gay rights in international human rights law was Dudgeon v. United Kingdom. In 1981 the European Court of Human Rights ruled that the prohibition of gay male sexual activity in Northern Ireland (Gay male sexual activity had been decriminalised in England and Wales in 1967) violated the right for respect to private life (Sanders, Krickler, & Croome, 1997; Wintemute, 1997). As a result of the Dudgeon case, Northern Ireland’s sodomy laws were repealed in 1982 (Wintemute, 1997). After this judgement, a number of the UK’s dependent territories (e.g. Guernsey, Jersey, Isle of Man, Gibraltar, and Bermuda) also amended their legislation, avoiding similar cases (Wintemute, 1997).

The Dudgeon case set a precedent for similar cases in Ireland in 1988, and in Cyprus in 1993, both of which resulted in the repeal of the state sodomy laws. Since the Dudgeon case, the prohibition of homosexuality in states belonging to the Council of Europe, is in conflict with the European Convention, thus states applying for membership to the Council are required to repeal their sodomy laws (Sanders et al., 1997): three have done so since joining the Council (Krickler, 1998a; Sanders et al., 1997).

Whilst considerable progress has been made under the European convention, unfortunately, progress under the United States Convention has been much less successful. In the 1986 Hardwick case, a case directly paralleling Dudgeon, the Supreme Court ruled that the oral and anal intercourse law does not violate the fundamental rights of homosexuals, in that homosexual sodomy is immoral under the US Constitution, and therefore homosexuals do not have a fundamental right to engage in sodomy (Wilets, 1995; Wintemute, 1997). In this particular case, it was construed that the right to privacy is limited to marriage, family, and procreation, and thus not applicable to homosexual activity (Heinze, 1995). The case also failed on the grounds
that in Georgia, as in many states of the US, sodomy is illegal for both heterosexuals and homosexuals (see argument in Wintemute, 1997, p.38).

Another precedent for lesbian and gay rights was set in 1994, this time under the UDHR. Toonen v. Australia (another case similar to Dudgeon v United Kingdom) was considered before the Human Rights Committee of the UN. In this case, Toonen argued non-discrimination, privacy rights and equality rights under Articles 2, 17 & 26 of the International Covenant on Civil and Political Rights (Helfer & Miller, 1996; Wilets, 1995). The law, it was argued, discriminated on two grounds: sexual orientation (covered under “other status”), and sex (by applying only to males). On April 4, 1994, the commission ruled that the Tasmanian law violated Toonen’s right to privacy (Article 17), and the rights to non-discrimination (Article 2) and was therefore a violation of fundamental human rights (Sanders et al., 1998). This case set a precedent, in that it was the first producing the verdict that under article 2 ‘sex’ is to be taken to include ‘sexual orientation’ (IGLHRC, 1998a; Sanders et al., 1998; Wintemute, 1995). This decision also marked the first time that any UN body had unequivocally stated that fundamental human rights protections extend to lesbians and gay men (Helfer & Miller, 1996).

In 1993, Claudia Roth (a member of the European Parliament) submitted a landmark report on equality issues for lesbians and gay men (Sanders et al., 1997). In response to the Roth Report, in February 1994, the European Parliament adopted a resolution calling for all member states to abolish all laws criminalising homosexuality; equalise all age of consent laws; end discrimination of homosexuals in housing, social security, adoption, inheritance, and criminal laws; take measures to reduce violence against homosexuals and prosecute offenders; combat social discrimination against homosexuals; and provide funding to social and cultural organisations (IGLHRC, 1998a; Sanders et al., 1997; Wilets, 1994). In addition, the resolution requests that the UK repeal Section 28, and seeks the recommendation that gay men and lesbians be guaranteed full and equal rights of marriage and parenting (IGLHRC, 1998a). In 1997, the European Union revised the Treaty of Amsterdam to allow the European Commission to act against member states which allow discrimination based on sexual orientation (IGLHRC, 1998a).

As a direct consequence of the Roth report, a number of UK laws concerning homosexuality have come under review. Since 1994, the age of consent for sex between men has come under scrutiny on several occasions. After considerable debate in the
House of Commons. In 1994 the age of consent for sex between men was lowered from 21 to 18, maintaining an unequal age of consent for gay men as compared with their heterosexual and – implicitly – lesbian peers. Subsequently, a case brought before the European Court (Euan Sutherland v. UK) in respect of the unequal age of consent, resulted in the European Human Rights Commission ruling, in 1997, that

no objective and reasonable justification exists for the maintenance of a higher minimum age of consent to male homosexual, than to heterosexual, acts and that the application discloses discriminatory treatment in the exercise of the applicant's rights to respect for private life under Article 8 of the convention (ILGA, quoted in Krickler. 1998b, p. unknown).

The UK was therefore obliged to bring its age of consent laws in line with its obligations under international laws in relation to privacy (McKelvey, 1998). Although the House of Commons passed the redrafted legislation of the bill in July 1998, in 1999, and in 2000, it was overwhelmingly rejected in the House of Lords on both occasions. An equal age of consent was finally realised in November 2000, but only by the rare invocation of the Parliament Act (see AIUK, 2000).

In addition to changes to the age of consent laws, as already highlighted considerable progress has been made towards the recognition of the (human) rights of lesbians and gay men in the UK. For example, in January 2000 the ban on lesbians and gay men serving in the military was officially lifted, then in March, new sex education guidelines were released, highlighting the need to deal with homophobic bullying, and recognise the needs of young lesbians and gay men for advice and information. The most recent victory has been the repeal of Section 28 in Scotland (June 2000), which although currently under review in the British parliament, was defeated at its first reading in the House of Lords (July 2000).

In recent years, issues surrounding sexual orientation have increasingly featured prominently on the international human rights agenda as fundamentally important issues (Marks, 1998). In 1995, lesbian human rights achieved global prominence, when they were made a major issue on the agenda of the 4th World Conference on Women in Beijing (Helfer & Miller, 1996). In the same year, the United Nations Human Rights Committee (UNHRC) censured the United States for the sodomy laws carried on the books of several US states, which effectively infringe the human rights of lesbian and gay persons by criminalising same sex sexual relations (IGLHRC, 1998a). However, to
date, 20 states in the US still legally criminalize homosexuality, sodomy being illegal for both heterosexuals and homosexuals in 14 states (NGLTF, 1999c).

In addition, the late 1990s saw a considerable increase in individual cases of employment discrimination being won in many countries on grounds of human rights. For example, in Israel, on 30 November 1994, the Israeli Supreme Court ended a five year case against El Al Airlines (Israel’s state owned airline), by ruling that equivalent benefits must be given to same sex partners of employees as are given to opposite sex partners (Safier, 1994). Similarly, in South Africa, the Pretoria High Court ruled on 4 February 1998 that the failure of the South African Police Services Medical Aid to extend health coverage to lesbian police officer Jolande Langmaat’s lover of 11 years violated the South African Constitution (ILGA, 1998b). Although the first major case of this kind to be taken to the International Courts (Grant v South West Trains) was rejected by the European Court (BBC, 1998; for full judgement of the court see European Court 1998), in October 1999, South West Trains reversed its position on partner benefits with regard to Lisa Grant’s case, followed by a mandate by ATOC (the UK Association of Train Operating Companies) that all train companies in Britain revise their policies to include the extension of partner benefits to lesbian and gay couples (BBC, 1999).

Mixed Success and Slow Progress

Although there are relatively few international court cases where lesbians or gay men have successfully won on claims of human rights violations, this is not necessarily a cause for concern (although the lack of successful cases involving lesbians as opposed to those involving gay men clearly is). Proportionately, the number of cases brought to the international courts is very low, when compared against the incidence of violations against lesbians and gay men internationally. However, there are several plausible reasons for this, and it is not, therefore, necessarily indicative of a lack of success in the advancement of lesbian and gay human rights.

One of the main reasons that lesbian and gay issues are seldom brought before the courts or international treaty organisations, is that they are infrequently promoted as human rights issues, and are therefore seldom viewed as such. Whilst in part this may be attributed to complacency on the part of individuals (including many lesbians and gay men), these issues are often seen as things which happen to individuals, rather than
systematic violations against lesbians and gay men as a group. For example, it is not uncommon for lesbians and gay men to expect to be discriminated against, so they may actively conceal their identities, avoid certain places, and/or take precautions to ensure their safety (see Kitzinger, 1996, p.11), and often just accept (sometimes begrudgingly, sometimes willingly) the status quo. The vast majority of cases of lesbian and gay men’s human rights violations (e.g. Dudgeon; Toonen), have been brought to the international courts by individuals who were themselves lesbian and gay activists, who have made an occupation of fighting for lesbian and/or gay rights.

Another reason is that the threat to governments (and sometimes organisations) of embarrassment, exposure, or exclusion from international politics, trade, and aid, is often enough to achieve the desired goals. Since the 1960s over half of the world’s countries have repealed their sodomy laws (Sanders, 1996). The pressure exerted by human rights organisations has a major impact on the advancement of human rights, including lesbian and gay human rights. Human rights organisations usually work outside of the legal system, so advancements made by these organisations are often ‘hidden’ achievements. In the UK, organisations such as Stonewall, Liberty, and Outrage! have played a significant part in lobbying for change in the political arena, thus minimising the number of cases which are brought before the international courts. However, these organisations have also contributed significantly to the recognition of lesbian and gay human rights by bringing individual cases to the attention of governments, international courts and the general public: Often it has been human rights organisations who have funded and supported cases brought before the international courts.

Problems with a Human Rights Framework

The human rights construct has faced intense criticism from a number of groups, including feminists and cultural relativists. In this section, I will briefly explore – and counter – a number of key arguments against a human rights framework. My contention is that a human rights framework is useful for studying lesbian and gay issues in psychology.
Universality vs Cultural Diversity

The main criticism levelled at proponents of human rights are accusations of cultural imperialism, in that the underlying theory of human rights is liberal and individualistic, and therefore seen as both ‘western’ and ‘eurocentric’ (Brems, 1997; Marks, 1998; see also discussion in Evans, 1998). In this respect, human rights have typically been viewed by many as an arrogant assertion by western culture that its values should be prioritised over those of non-western cultures (Jones, 1994). Relativists have often claimed that human rights are a product of the dominant cultures of western countries, framed in their language, and reflecting their needs and aspirations (Brems, 1997).

Although most non-western cultures did not initially contribute to the writing and formulation of human rights documents such as the UDHR, most have been involved in their subsequent development (Perry, 1997). Almost all countries of the world are signatories to the UDHR (see the UN website http://www.un.org), and many are signatories to similar human rights treaties and declarations, such as the African Charter, or the European Convention. Governments and nations seldom reject human rights outright, but rather reject the classification of certain practices as human rights, or object to certain aspects of the content and interpretation of human rights documents (Brems, 1997). It would seem then, that although cultural differences may exist with respect to the content of human rights (i.e. what should or should not be included as human rights), there is significant transcultural agreement with the principle of human rights itself (Perry, 1997). Governments attempting to justify alleged violations of human rights have seldom justified their actions from a cultural perspective, thus, working within and affirming a human rights framework, rather than working against it (Heinze, 1995).

Second, cultural and ethnic groups have frequently claimed that they do not view themselves as atomistic individuals, but rather as having an ascribed status as members of a larger group or community (Brems, 1997). The argument that human rights are individualistic and therefore incompatible with collectivist or communitarian interests (Jones, 1994) is often made, but is not necessarily justifiable. Although many (particularly non-western) cultures do not view people as atomistic individuals, a human rights framework is not necessarily incompatible with the notion of collectivism, nor with cultural relativism. Human rights are to some extent culturally relative, in that (1) all cultures embrace individualism and collectivism to some extent, and (2) human
rights are construed differently within different political contexts and cultures (see Cassese, 1990; Donnelley, 1993). This diversity is not necessarily a problem, in that the liberalism which underpins the notion of human rights seeks to accommodate and celebrate diversity (Jones, 1994). Thus, human rights are not inherently coercive, and although some human rights are absolute (i.e. the right to life, liberty, and security of person), others are less central, and therefore there is room to justify some variation without obscuring the fundamental universality of human rights (Brems, 1997; Donnelley, 1993). Human rights provide a baseline of what is acceptable practice, but they are not prescriptive, thus there is room for considerable diversity in cultural practices within those boundaries.

Third, although there may be some cross-cultural divergence as to the exact nature and limits of specific concepts (e.g. ‘dignity’ or ‘liberty’), there is widespread agreement that some rights are absolute (Heinze, 1995). For example, few cultures, faiths, or creeds agree that torture, rape, arbitrary detention, ethnic cleansing, and politically motivated disappearances are acceptable, or even tolerable (Perry, 1997). However, this is too simplistic, in that it assumes that the issue of human rights being (potentially) coercive can be reasonably easily reconciled with cultural relativism. However, this is potentially problematic when particular human rights are seen as fundamentally at odds with beliefs, values, and practices central to a given culture. For example, some cultures place a high premium on the first-born child being a boy, and thus condone (and even actively assist) the abortion of female foetuses. Likewise, in many non-western cultures it has been a long-standing cultural tradition to remove a woman’s external genitals, and then force her to marry a man of someone else’s choosing. Both, in one way or another contravene women’s right (as human beings) to life, liberty, and security of person.

Cultural practices such as female genital mutilation (FGM), the deliberate abortion of female foetuses, and widow burning (Sati), have been at the forefront of debates over human rights versus cultural practice. Typically, it has been argued by some (including women within those cultures) that these are time-honoured cultural practices which need to be preserved, whilst others (e.g. activists, those from western cultures, as well as those from within the cultures in question) have argued that such practices are human rights violations.

However, just because a given practice is culturally (or socially) condoned, or even ‘traditional’, does not mean that it is acceptable, and that we should respect or
tolerate it (Donnelley, 1994; Jones, 1994). Consider, for example, the deeply rooted cultural practices of racism, sexism, and anti-semitism in the west (Donnelley, 1993). The slaughtering of millions of Jews, homosexuals, religious activists, gypsies, and others in Nazi Germany was culturally condoned, yet the outcry at those atrocities led to the establishment of the contemporary human rights movements, with the support of western cultures to which such practices had been endemic. Similarly, prior to the civil rights movement, slavery, and more recently the banning of black people from certain occupations, activities and locations was culturally condoned in the west. Counter to claims of moral imperialism from outsiders, human rights for all have primarily been advanced by those from within a culture, but who are not necessarily victims (Perry, 1997), and as a result, it has been possible to change traditional cultural practices without rejecting culture or religion (Marks, 1998).

We can further validate the argument for human rights by examining the extent to which human rights violations actually occurring at the moment, are manifestations of cultural practices which just happen to conflict with human rights. The answer is probably not all that many. As Jones (1994) suggests, the vast majority of human rights violations are unlikely to be the result of people innocently carrying out cultural practices, but rather, “mere abuses of power [by authorities, acquaintances, or family members] or consequences of ideologies [e.g. Christianity] which are every bit as western in origin as the doctrine of human rights” (Jones, 1994, p.219). Moreover, to claim that on the basis of ascriptive characteristics (e.g. sex, race), one group (especially the group with the power and responsibility for defining and enforcing those distinctions) is entitled to radically different basic rights from another group, is not about cultural diversity, but rather is an outright rejection of the idea of human rights (Donnelley, 1993), and is itself an abuse of power by one group over another. Furthermore, whilst many non-western cultures are apparently unwilling to embrace the construct of human rights because of its eurocentrism and individualism, they are often only too willing uncritically to embrace other neo-colonialistic influences on their cultures (i.e. McDonalds; Cable TV; The Internet) (see Mason-John & Okorowa, 1995).

In the case of homosexuality, attempts have often been made in non-western societies to justify the violation of lesbians’ and gay men’s human rights on the basis that homosexuality is a “white man’s [sic] disease” (see Doughty, 1998; Gledhill, 1998; Mason-John & Khambatta, 1993): a product of colonialism and neo-colonialism.
However, numerous accounts from anthropologists, sociologists, and lesbians and gay men in non-western societies suggest that homosexuality in some form or other existed in many traditional societies and was acceptable in countries and regions as culturally and temporally diverse as India and South Asia (see AIDS Bhedbav Virodhi Andolan (ABVA), 1993; Thadani, 1996a; 1996b); Indonesia (see Gayatri, 1996); Nigeria, Kenya, East Africa, and Tanzania (see Mason-John & Khambatta, 1993; Mason-John & Okorrowa, 1995); New Guinea, Melanesia, and Polynesia (see Besnier, 1993; Herdt, 1997; Te Awekotuku, 1995); Turkey (see RISC, 1992); Thailand (see Herdt, 1997; Weinrich & Williams, 1991); among Indigenous Canadian peoples (Weinrich & Williams, 1991; Williams, 1996); and in ancient Greece (see Herdt, 1997). Recent accounts by black lesbians (e.g. Mason-John & Okorrowa, 1995; Thadani, 1996) claim that it is colonialism, in particular, the importation of Christianity to Africa and Asia, and the slave trade which were largely responsible for the erasure and suppression of indigenous ‘homosexualities’ (see also Sanders, 1996).

**Awareness of Human Rights is poor and Support for Human Rights Weak**

Despite ever-increasing access to information and the media, awareness of human rights is generally poor. In the 1970s, Holt (1972) reported that when given a copy of major human rights documents, such as the Declaration of Independence, most Americans were not able to recognise the documents, and found them both ‘radical’ and ‘subversive’. Much more recently though, Peters and Montgomerie (1998) reported “considerable ignorance” (p.45) on the part of teachers as to human rights in relation to education, and Payaslyoðlu and Içduygu (1999) that on average only 53% of students showed awareness of which human rights issues existed in legislation. Congruently, studies of school children report a lack of understanding of the concept of human rights and appear generally uninformed about human rights issues (see Wade, 1994 for reviews). However, whilst support for human rights is typically reported to be greater among university educated individuals (e.g. see Payaslyoðlu & Içduygu, 1999; Sotelo, 2000a), teachers are often reported to resist human rights education (see Wade, 1994 for reviews). Furthermore, Spini & Doise (1998) report that many of their respondents showed a ‘disinterested’ attitude towards human rights.

However, over recent years, the human rights movement has gained momentum. The UDHR is currently ratified by almost all of the world’s countries, and has inspired
more than 60 human rights treaties, declarations, and covenants around the world (UN Department of Public Information, 1997). Amnesty International, the world's largest human rights organisation currently has just over one million members worldwide (AIUK Information Office, personal communication, 3 August 2000). Furthermore, in the UK, current opinion polls show that around 89% of people surveyed say that they believe in human rights (Puddphatt, 1998).

It has also been suggested that human rights are poorly understood (Bouandel, 1997), and as a result have not been widely promoted. It took the 50th anniversary of the signing of the UDHR in 1998 to bring human rights back to the forefront of international politics. The United Nations declared 1995-2004 the decade of human rights education, and have been undertaking a massive public awareness campaign to educate people about and promote human rights (see UN Department of Public Information, 1997).

Support for human rights may still be relatively weak, and the extent of human rights violations occurring internationally would suggest that it is, but this is not a reason to ignore human rights. Just because something is not well supported, does not mean that it is not important. The vast majority of issues which activists have succeeded in winning on grounds of human rights have not been popular. The fact that the human rights of many individuals, including lesbians and gay men, are being violated, daily, is reason enough to pursue (and promote) human rights.

**Human Rights Formulations as Poor Representations of ‘True’ Human Rights**

Another major problem with a human rights framework, is that discussion around human rights issues has typically started from, and centred around human rights declarations, treaties, and covenants. Human rights declarations, charters, and treaties, purport to represent ‘true’, ‘self-evident’, and ‘inherent’ human rights. For example, Article 1 of the UDHR states that “all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and shall act towards one another in a spirit of brotherhood [sic]”. (UN, 1948, p.2). Similarly, the American Declaration of independence states “we hold these truths to be self-evident, that all men [sic] are created equal, that they are endowed by their creator with certain unalienable rights” (American Declaration of Independence, 1776, p.1). However, these formulations are poor representations of ‘true’ human rights, in that (1) they are
exclusive of certain groups in society; (2) they are vaguely worded, leaving their interpretation open to abuse; and (3) they include some rights which may not necessarily be human rights, whilst excluding others which might be human rights.

To date, lesbians and gay men (and also disabled people) have not been explicitly mentioned in any human rights document. Article 2 of the UDHR and its regional counterparts (i.e. Article 1 of the American Convention, Article 119 of the European Convention, and Article 2 of the African Charter) states that “Everyone is entitled to all the rights and freedoms set forth in this declaration, 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” (UN, 1998, my emphasis). By not being specifically mentioned in these formulations both activists and lesbians and gay men have encountered unnecessary discussion about whether sexual orientation is a protected category in international law, under the terms “other status”, or even “sex”.

In attempts to resolve this issue, legal discussion has focused on whether sexual orientation is innate or chosen, with varying consequences in legal practice (see Wintemute, 1995). However, discussion around the origin and inclusion of sexual orientation ought not to be an issue, as it fails to recognise that human rights are afforded to people as human beings, and not on a basis of categories, such as sexual orientation. However, one of the main problems, is that distinctions are made in human rights legislation (i.e. race, sex, and religion are explicitly stated), which gives rise to discussion of other categories or statuses. From a ‘true’ human rights position, it would be better not to mention any examples, but to merely state ‘all human beings’.

On the other hand, as Celia Kitzinger highlights “there is always the danger that oppressed groups will be excluded from rights and protections unless they are specifically included by name” (Kitzinger, 1994, p.138). The non-inclusion of lesbians and gay men in human rights formulations has, in practice, discriminated against lesbians and gay men. For example, in the Toonen v Australia (1994) case, a precedent was set in that the judge ruled that the category “sex” in the UDHR was to be taken as inclusive of sexual orientation (see IGLHRC, 1998a; Wilets, 1994). However, in the Grant v South West Trains case in the UK (1996), a verdict was reached on a basis that ‘sex’ did not include sexual orientation (see BBC, 1998: European Court, 1998). The former case was successful, whereas the latter was not: Had homosexuality been explicitly included in the formulations, this could not have happened. The exclusion of
any group through non-mention has contributed to the reinforcement of cultural
definitions of the excluded groups as less than fully human (Bunch, 1995).

Additionally, the wording of these documents, in particular the use of sexist
language, has also been problematic for establishing inclusion. Although more recent
versions of the UDHR and its regional counterparts have been reworded using inclusive
language (e.g. "no one...") and "everyone..."), there are still a number of anomalies. For
example, articles 22, 27 (2), and 29 (1 & 2) of the UDHR, and articles 5 (2 & 4), 6 (1),
and 8 (1) of the European Convention include explicitly sexist language. Article 8 (1) of
the European Convention is a prime example, stating that “Everyone has the right to
respect for his private and family life, his home, and his correspondence” (Council of
Europe, 1950, my emphasis). Similarly, even the American Convention talks about “the
essential rights of man” (see Organisation of American States, 1969, my emphasis).

Feminist writers have also been critical of human rights. Apart from the issue of
sexist language, human rights have typically been viewed by feminists as men’s (read:
male) rights, in that they fail to reflect the need for protection from the human rights
violations typically faced by women, instead prioritising the rights of concern to men:
namely, civil and political rights in the public sphere (Bunch, 1995). Many feminists
have claimed that human rights are “a product of the dominant male half of the world,
framed in their language, reflecting their needs and aspirations” (Brems, 1997, p. 137),
and that they are therefore underpinned by a western liberal discourse based in the
public sphere from which women have traditionally been excluded (Peterson & Parisi,
1998).

Although not the only issue of concern (Friedman, 1995), feminists have
particularly been concerned with the omission of violence against women (especially in
the private sphere) from the human rights agenda, despite its obvious connection with
human rights. For example, Charlotte Bunch states that violence against women is

the issue which most parallels a human rights paradigm and yet is excluded. You can see in
violence all the things the human rights community already says it’s against: it involves slavery, it
involves situations of torture, it involves terrorism, it involves a whole series of things that the
human rights community is already committed to [fighting, but which] have never been defined in
terms of women’s lives. (quoted in Friedman, 1995, p. 20).

Essentially this is still the case, however, the recognition of women’s rights as human
rights have recently begun to be acknowledged. For example, the World Conference on
Human Rights in Vienna (1993) gained recognition for violence against women, whether in public or private as a human rights violation (Bunch, 1996), and rape has been formally recognised by the UN as a form of torture, especially when perpetrated by police officials or during war (Bunch, 1995).

Feminists have also claimed that human rights not only marginalise women's concerns, but favour the interests of white, western, heterosexual males at the expense of non-white, non-western, and non-heterosexual cultures and individuals (Evans, 1998). In particular, human rights have been criticised for their state sanctioned heterosexism because of their failure to provide legal protection for those whose gender/sexuality is 'outside' of the heterosexual norm, and who are therefore vulnerable to discrimination and violence (Peterson & Parisi, 1998).

Furthermore, the wording of human rights treaties and declarations is sufficiently vague that their interpretation is left to discretion, and therefore open to abuse. For example, in the UDHR, words such as 'arbitrary' (article 9, 12, & 15) are not defined, and concepts such as 'family' (article 16) and 'education' (article 26) are not qualified. This is problematic, firstly, because concepts of 'family' and 'education' differ considerably cross-culturally, and secondly, because the translation of words into other languages\textsuperscript{13} can substantially alter their meaning. However, suggesting that more specific definitions and qualifications need to be employed in formulations of human rights, runs the risk of producing legislation that is prescriptive and (potentially) imperialistic. However, in not at least engaging with these issues, the vagueness of human rights documents has contributed to human rights abuses both transculturally (e.g. the imposition of western style schooling in non-western settings) and intraculturally (e.g. FGM, Sati, and the abortion of female foetuses).

Finally, the content of human rights documents is problematic. For example, even at the time the UDHR was being devised, there was some cross-cultural disagreement over what should or should not count as a human right (see Humphrey, 1988). Whilst the right to vote in elections (which is included in some form in human rights documents) may well be a right which people are entitled to, it is debatable whether it is a human right, in that it is tied to the concept of democracy, which is not inherent to being human. Similarly, some (e.g. Okin, 1981) have argued that the right

\textsuperscript{13} To date, the Universal Declaration has been translated into more than 200 languages, including a number of local language versions released for the 50th Anniversary of the signing of the Universal Declaration (UN Department of Public Information, 1998a).
to (give and receive) love is essential to the well-being of the person, and is therefore a basic human right, yet this is omitted from all the major human rights documents.

Summary: Human Rights and Sexual Orientation

Increasingly, lesbian and gay rights are being recognised as human rights issues. However, while the literature has much to offer by way of utopian visions, it is clear from the first section of this chapter that there is a large mismatch between theory and the socio-political reality for lesbians and gay men (Evans, 1998). By locating sexual orientation within a human rights framework (in the same way as has been previously done for women and black people) lesbians and gay men can link their struggle to a tradition that has transformed an array of basic human needs into rights respected under domestic and international law (Helfer & Miller, 1996). Since human rights have proved an important tool in other spheres, they may also be strategically useful in the contemporary struggle to create positive social change for lesbians and gay men, despite claims of their inherent heterosexism (Kaplan, 1997; Peterson & Parisi, 1998).

Furthermore, the struggle to achieve lesbian and gay human rights is integral to the struggle for the human rights of all people, not just lesbians and gay men. Just as a chain is only as strong as its weakest link, human rights as an effective political tool are only as strong as their weakest links. Therefore, if human rights are to be effective in the struggle to ensure human rights for all people then we must work to achieve recognition of all people in human rights policy and practice: “If the human rights of any group are left behind, the human rights of all are incomplete” (Bunch, 1996, p. viii).

This chapter has looked at human rights in theory and practice, with particular reference to human rights violations against lesbians and gay men, and the extent to which a human rights framework has been successful in securing human rights for lesbians and gay men. In the next chapter, the extent to which human rights have featured within psychology will be outlined, and the interface between lesbian and gay psychology and human rights explored.
CHAPTER 2
Psychology and Lesbian and Gay Human Rights

In the previous chapter the socio-political situation for lesbians and gay men was discussed, the concept of human rights introduced, and the intersection between lesbian and gay issues and human rights highlighted. Given the extent to which the human rights of lesbians and gay men are violated, it would be expected that human rights violations against lesbians and gay men would be of concern to psychologists. The purpose of this chapter, then, is to discuss the relationship between psychology and human rights, with particular reference to lesbian and gay issues.

In order to explore the interface between psychology and lesbian and gay human rights, this chapter comprises three main sections. In the first section, the interface between psychology and human rights will be discussed. Next, the relationship between psychology as a discipline and lesbian and gay issues will be discussed, with reference to human rights. Finally, the relationship between lesbian and gay issues within (and beyond) psychology and human rights will be explored. The main argument of this chapter, discussed in the concluding section, is that psychology has seldom explicitly engaged with human rights, much less in relation to lesbian and gay issues.

Psychology and Human Rights

Although popular within political and legal studies, a human rights framework has seldom been explicitly employed in mainstream psychological research. However, where it has been employed, a human rights perspective has been applied to issues such as domestic violence (e.g. Perilla, 1999; Russo, Koss, & Goodman, 1995), incest (e.g. Russell, 1995), transracial adoption (e.g. Penn & Coverdale, 1996) and educational psychology practice (e.g. Burden, 1993).

Despite the dearth of psychological studies employing a human rights framework, human rights themselves have been of some interest to psychologists in
three main ways: (1) the implications of human rights for psychological practice, (2) moral reasoning, and (3) attitudes, perceptions, and understandings of human rights. I shall now review each of these in turn.

**Human Rights and Psychological Practice**

Contemporary psychology has acknowledged the importance of psychology in the advancement of basic human rights (e.g. see Melton, 1989, 1992; Rosenzweig, 1988). Much psychological research has therefore been devoted to investigating the extent and psychological consequences of human rights violations, typically with a view to developing appropriate therapeutic practices. For example, many studies have explored human rights violations as a consequence of specific political regimes (e.g. Khamis, 1998; Rasekh et al., 1998); against specific groups of individuals such as children (e.g. Cohn, 1998; Dawes & Cairns, 1998; Wessells, 1997) or cultural, religious and/or social groups (e.g. Ghadirian, 1998; Kornfeld, 1995); whilst others have investigated the effect of war on civilian populations (Lykes, Brabexk, and Radan, 1993; Summerfield, Loughrey, Nikapota, & Parry-Jones, 1997), trauma following human rights violations (e.g. Becker, 1995; Silove, 1999), and empowerment of (e.g. Snodgrass-Godoy, 1999) and empathy for (e.g. Harff, 1987) victims of human rights violations.

A small body of psychological literature has also been devoted to the discussion of human rights in relation to policy and practice outside of psychology concerning children (e.g. Drexel, 1994; John, 1994; Lansdown, 1994; Levesque, 1996; Verhellen, 1994), and the disabled (e.g. Ashman, 1990; Baker, 1993; Olkin, 1997; Stratford, 1991). The main purpose of studies concerning children has been to assess human rights violations against children (e.g. physical violence, poverty, and homelessness) in relation to international human rights treaties such as the UN Convention on the Rights of the Child (e.g. see John, 1994; Lansdown, 1994; Levesque, 1996). Studies of human rights and disability, on the other hand, have focused on the human rights of disabled persons in relation to issues such as sterilisation of the intellectually disabled (e.g. Ashman, 1990); the right to live and work in the community (e.g. Stratford, 1991); and the development of appropriate therapeutic practice when working with disabled children (e.g. Olkin, 1997).
Mainstream psychology has also reflected on human rights in relation to therapeutic and research practices more generally. A number of studies have evaluated therapeutic practice for dealing specifically with victims of human rights abuses. In particular, several studies (e.g. Gavagan & Martinez, 1997) have focused on the development of strategies for intervention with survivors of human rights violations, whilst others (e.g. see Becker, 1995; Lykes, 1996; Silove, 1999; Simpson, 1995) have engaged in debates about the usefulness of psychological constructs, notably post-traumatic stress disorder (PTSD), when dealing with victims of human rights violations. These studies have tended to conclude that the construct of PTSD is inadequate for describing the psychological status of victims of human rights abuses.

However, the main area where psychological practice has come under scrutiny has been in terms of ethics, or the extent to which research and therapeutic practices respect the rights of human subjects. The social climate of concern for human rights during the 1960s and 1970s, the revision of ethical guidelines within institutionalised psychology, and the publication of Baumrind’s (1964) critique of Stanley Milgram’s (1963) study of obedience, strongly contributed to an increased interest by psychologists in the ethics of psychological research (McGaha & Korn, 1995). As a result, psychology spawned numerous publications and researches devoted to discussing and evaluating the ethics of procedures and practices in psychological research (e.g. Elms, 1975; Gardner, 1978; Kelman, 1967) and therapy (e.g. Kastrup, 1997; Vasquez, 1996).

**Moral Reasoning**

Psychological theory and research on moral reasoning has engaged more implicitly with human rights. Human rights occupy a small, but key position in moral developmental theory. Lawrence Kohlberg devised a stage theory of moral development, comprising six stages, or modes of reasoning about moral issues (see table 2.1). Based on Jean Piaget’s cognitive-moral developmental theory, each of the six stages were grouped into three levels of moral development: preconventional, conventional, and postconventional (or principled) (Langford, 1995).
<table>
<thead>
<tr>
<th>Level and stage</th>
<th>Content of Stage</th>
<th>Reasons for doing right</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Level I: Preconventional</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stage 1 – Heteronomous morality</td>
<td>To avoid breaking rules backed by punishment, obedience for its own sake, avoiding physical damage to persons and property.</td>
<td>Avoidance of punishment, and the superior power of authorities.</td>
</tr>
<tr>
<td>Stage 2 – Individualism, instrumental purpose, and exchange.</td>
<td>Following rules when it is in someone’s immediate interest; acting to meet one’s own interests and letting others do the same. Right is what’s fair, an equal exchange, a deal, an agreement.</td>
<td>To serve one’s own needs or interests in a world where you have to recognise that other people have their interests, too.</td>
</tr>
<tr>
<td><strong>Level II: Conventional</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stage 3 – Mutual interpersonal expectations, relationships, and interpersonal conformity.</td>
<td>Living up to what is expected by people close to you. “being good” is important and means having good motives, showing concern about others.</td>
<td>The need to be a good person in your own eyes and those of others. Desire to maintain rules and authority which support stereotypical good behavior.</td>
</tr>
<tr>
<td>Stage 4 – Social system and conscience</td>
<td>Fulfilling the duties to which you have agreed. Laws are to be upheld except in extreme cases where they conflict with other fixed social duties. Right is contributing to society, the group, or institution.</td>
<td>To keep the institution going as a whole, to avoid breakdown in the system “if everyone did it”, or the imperative of conscience to meet one’s defined obligations.</td>
</tr>
<tr>
<td><strong>Level III: Postconventional or Principled</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stage 5 – Social contract or utility and individual rights</td>
<td>Being aware that people hold a variety of values and opinions, that most values and rules are relative to your group. These relative rules should be upheld in the interest of impartiality and because they are the social contract. Some nonrelative values and rights like life and liberty, however, must be upheld in any society and regardless of majority opinion.</td>
<td>A sense of obligation to the law because of one’s social contract to make and abide by laws for the welfare of all and for the protection of all people’s rights. A feeling of contractual agreement freely entered upon, to family, friendship, and work obligations. Concern that laws and duties be based on rational calculation of overall utility, “the greatest good for the greatest number”.</td>
</tr>
<tr>
<td>Stage 6 – Universal ethical principles.</td>
<td>Following self-chosen ethical principles. Particular laws or social agreements are usually valid because they rest on such principles. When laws violate these principles, one acts in accordance with the principle. Principles are universal principles of justice: the equality of human rights and respect for the dignity of human beings as individual persons.</td>
<td>The belief as a rational person in the validity of universal moral principles, and a sense of personal commitment to them.</td>
</tr>
</tbody>
</table>
Although by adulthood, individuals are (theoretically) able to reason at a postconventional level, they still have access to the range of arguments available at all six ‘stages’. Within this framework, reasoning from a human rights perspective occupies a privileged position, featuring at stage six, the ‘highest’ stage of moral reasoning. This is evident, in that Kohlberg (1984) explicitly states that reasoning at stage six is characterised by “universal principles of justice: the equality of human rights and respect for the dignity of human beings as individual persons” (p. 176). Human rights reasoning is therefore central to Kohlbergian moral developmental theory and indicative (in Kohlberg’s theory) of maturity in moral reasoning.

Arising from Kohlberg’s theory is a well established body of empirical research, but for the most part, these studies have seldom explored human rights reasoning, much less engaged with a human rights framework. In part, this is probably due to the fact that in most studies, few (if any) participants have been found to reason at stage six (see Kohlberg, 1984; Kohlberg et al., 1983). However, although stage six (human rights) reasoning seldom appears to emerge in studies of moral reasoning, in moral developmental theory it serves as the benchmark by which earlier stages of reasoning are considered less adequate (Carter, 1987).

More importantly, studies of moral reasoning have tended not to focus on the types of arguments used to reason about moral issues, but typically have focused on exploring correlates of moral reasoning (e.g. Chovan & Freeman, 1993; Hubbs-Tait & Garmon, 1995; Lapsley et al., 1984; Lonkey et al., 1984); investigated the moral reasoning of specific groups, such as young offenders (e.g. Aleixo & Norris, 2000; Mullis & Hanson, 1983), ethnic groups and non-western cultures (de Mey et al., 1999; Hau & Lew, 1989; Zeidner & Nevo, 1987); or have explored gender differences in moral reasoning (e.g. Galotti et al., 1991; Wark & Krebs, 1996). Others have used a Kolbergian framework to undertake longitudinal studies of moral development (e.g. Kitchener et al., 1984). In order to facilitate large-scale research of this kind, many studies have employed Rest’s (1979) Defining Issues Test (DIT), a psychometric test designed to operationalise Kohlberg’s theory (see Schlaefli et al., 1985 and Rest et al., 1978 for reviews of psychological studies employing this measure).

Some studies within a moral developmental framework have, however, explored people’s (mostly children’s) attitudes towards or reasoning about specific rights issues.
including human rights issues. For example, psychologists have studied attitudes towards and reasoning about euthanasia (e.g. see Lee et al., 1996; Rogers, 1996); the death penalty (e.g. Ellsworth and Gross, 1994); environmental issues (e.g. Kahn, 1997); and AIDS (e.g. Schwalbe & Staples, 1992).

Moral developmental theory has come under considerable criticism though (cf. Kohlberg, Levine, & Hewer, 1983), for being andro- and ethno-centric (e.g. see Gilligan, 1982; Kurtines & Gewirtz, 1987; Sampson, 1988), and for a failure in empirical research to demonstrate sequential progression through the stages (e.g. see Carter, 1987). In particular, Kohlberg’s theory has been criticised by feminists, notably Carol Gilligan (1982), who have claimed that the model is androcentric because it favours a justice-based reasoning favoured by men, over the ethics of care and connection favoured by women (see Gilligan, 1982; or for a summary see Greene & Maccoby, 1986).

However, Gilligan’s study has also come under criticism (e.g. see the ‘viewpoint’ section of Signs, 11 (2), 1986; Special feature in Feminism & Psychology, 4 (3), 1994; also Segal, 1987; Woods, 1996). Whilst Gilligan’s study seems to suggest that when reasoning about ‘real life’ issues such as abortion, women invoke an ethic of ‘care and connection’, it is not self-evident that women consistently use this type of reasoning when thinking about moral issues (Kerber, 1986). Furthermore, studies of moral reasoning which specifically look at sex/gender differences have, with few exceptions, found little difference in reasoning between women and men, even when using Gilligan’s own method (Wood, 1996). Moreover, some have suggested that the tendency for women to reason from a standpoint of care and connection, rather than of justice, may equally be interpreted as a consequence of women’s socialisation and oppression, as of the hierarchical structure of Kohlberg’s theory.

However, as others (e.g. Schwalbe & Staples, 1992) have suggested, people may be stage inconsistent in their reasoning, employing different types of arguments depending on the type of dilemma they are faced with. In revising his theory in the 1980s, Kohlberg himself suggested that each stage of his moral framework was self-contained, comprising distinct views of the socio-moral world (see Carter, 1987). So, although Kohlberg’s cognitive-moral framework has traditionally been seen as a sequential, hierarchical, stage theory, it may equally be conceptualised as six distinct ways of thinking about moral issues. Essentially though, Kohlberg’s theory is a theory of justice, and therefore of social
transformation (Lourenço, 1996), thus a failure to employ stage six (human rights) reasoning may be viewed as a rejection of the notion of justice and positive social change.

Attitudes, Perceptions, and Understandings of Human Rights

Human rights have also featured in the psychological study of attitudes. Since the mid-1980s there has been a burgeoning interest in attitudes towards and/or social understandings of human rights among mainstream psychologists. This field of enquiry has primarily explored understandings of human rights among specific populations, such as children (e.g. Wade, 1994; Ruck et al., 1998); investigated understandings in cross-national (e.g. Clemence et al., 1995; Doise et al., 1999) and non-western contexts (e.g. Atolagbe and Otubanjo, 1984; Macek et al., 1997); and looked at people’s constructions of human rights (for example, Diaz-Veizades et al., 1995; Stainton-Rogers & Kitzinger, 1995) and whether situational and ideological contexts make a difference to people’s attitudes (Moghaddam & Vuksanovic, 1990).

Central to this body of research has been the work of Willem Doise, who with international colleagues has carried out a number of cross-national studies exploring how people in different countries organise their beliefs about violations of human rights, and whether these concur with the principles defined by experts and international organisations (e.g. see Clemence et al., 1995; Doise et al., 1994; Doise et al., 1999). These studies employed a composite questionnaire primarily comprising (1) 30 articles of the UDHR, to which respondents were asked to evaluate understanding and importance of each article (see Doise et al., 1994), and (2) the Rokeach Values Survey (Rokeach, 1973). On a basis of a cluster analysis of responses, findings of these studies suggest that for the most part, individuals adhere to an institutional definition of human rights. Conversely, a study of the construction of human rights in public discourse, using a Q-sort methodology showed a lack of homogeneity in people’s construction of human rights (see Stainton Rogers & Kitzinger, 1995).

From a developmental perspective, some psychologists have explored children’s and adolescents’ conceptual understandings of human rights (Helwig, 1995; Ruck et al., 1998; Wade, 1994). In one study (Ruck et al., 1998) children and adolescents from age eight to 16 were interviewed on their knowledge about human rights. The semi-
structured interviews comprised questions such as "What is a right?" and "Who has rights?" followed by vignettes structured around moral dilemmas where a child wishes to exercise a right that is in conflict with authority. Similarly, in Wade’s (1994) study, after a class unit on human rights, children between the ages of nine and eleven were interviewed about their understandings of human rights and how they viewed the connection between human rights and their own lives. The findings of both studies suggest that children’s understandings about human rights are influenced by how they perceive rights in their own lives, and are based on their personal interests and agendas.

Although currently only a small body of research, others (Diaz-Veizades et al., 1995) have directly explored attitudes towards human rights issues, either by investigating perceptions of the existence of human rights in a given setting (e.g. Atolagbe & Otubanjo, 1984; Moghaddam & Vuksanovic, 1990; Payaslyoðlu & Içduygu, 1999), or by exploring support for human rights for all (e.g. Payaslyoðlu & Içduygu, 1999; Sotelo, 1997, 2000a, 2000b). In one study (Atolagbe & Otubanjo, 1984), university students in Nigeria were administered an attitude survey, comprising statements about human rights and the enforcement of justice in Nigeria (e.g. “Freedom of speech exists in Nigeria”; “To wipe out crime in Nigeria, the courts should impose stiffer fines or longer jail sentences”), to which respondents were asked to indicate the extent to which they agreed or disagreed with each statement. The findings of this study showed a “fairly positive assessment of ...opportunities for the enjoyment and defence of human rights in Nigeria” (p.96). Conversely, in Moghaddam & Vuksanovic’s (1990) study, students were randomly distributed one of three different versions of an otherwise identical human rights scale. Following an experimental design, respondents were asked to indicate the extent to which they perceived specific violations in human rights to be occurring in Canada (condition 1), The Soviet Union (condition 2), and Third World societies (condition 3). Analyses of the data showed that support for human rights was stronger in the Soviet and third world conditions than in the Canada condition. Moghaddam & Vuksanovic also found that religiousity and right-wing political ideology were negatively associated with support for human rights.

Other studies on support for human rights have typically comprised the administration of attitude surveys. For example, Diaz-Veizades (1995) administered an attitude survey comprising questions about the extension of human rights generally (e.g.
“Everyone should have the right to favorable conditions of work”; “Everyone should have the right to leave any country, even his or her own”). A factor analysis showed that the items converged on four factors (social security, civilian constraint, Equality, Privacy), which like other studies (e.g. Clemence et al., 1995: Doise et al., 1994; Doise et al., 1999) were reflective of the classifications currently used in human rights documents. Significant differences in responses on some of these factors were found on a basis of sex and political party affiliation. In Sotelo’s studies (Sotelo, 1997, 2000a, 2000b) respondents also completed an attitude survey, but the focus of the studies was to explore the willingness of participants to extend human rights to specific societal groups, such as feminists or homosexuals.

Alternatively, some studies (e.g. Diaz-Veizades et al., 1995; Doise et al., 1994; Macek et al., 1997) have extended the concept of support for human rights by investigating perceived responsibility for enforcing human rights. Overwhelmingly, these studies have concluded that most respondents view the enforcement of individual human rights as the responsibility of governmental institutions, rather than themselves. For example, in Macek et al.’s (1997) study, the majority of respondents did not believe that they could contribute to the implementation of any of the articles of the UDHR, whilst in Doise et al.’s (1994) study, almost two thirds of respondents considered that none of the human rights issues concerned them personally.

In summary, across these three areas, psychologists have engaged with human rights: explicitly, in relation to both psychological practice, and the study of attitudes, perceptions, and understandings of human rights; and implicitly in moral developmental theory. However, across these areas, it would seem that only one study (Sotelo, 2000b) has engaged with human rights in relation to lesbian and gay issues. In the next section, the relationship between psychology and lesbian and gay issues will be discussed, highlighting the extent to which psychology as a discipline has been responsible for both the advancement and inhibition of progress in achieving human rights for lesbians and gay men.
Psychology and Lesbian and Gay Issues

Since its inception, psychology has been responsible both for violating and for promoting the human rights of lesbians and gay men, and at other times, ignoring lesbian and gay human rights issues completely. This section will review the extent to which psychology as a discipline has (institutionally) engaged with lesbian and gay human rights, and has contributed to, or inhibited, the advancement of lesbian and gay rights.

The advancement of lesbian and gay human rights within psychology as a discipline

Since the 1970s, psychology has undergone a series of institutional changes which have contributed to the advancement of lesbian and gay rights, particularly in the United States, but more recently in the United Kingdom.

Major institutional changes within psychology were largely triggered by the landmark decision of the Board of Directors of the American Psychiatric Association, in December 1973, to remove homosexuality (per se) from the Diagnostic and Statistical Manual (DSM), after the Association’s meetings had repeatedly been interrupted by the social protest of gay activists (Bayer & Spitzer, 1982; Kitzinger, 1990b; Silverstein, 1991). This decision was supported by the vote of the membership in 1974 (Bayer & Spitzer, 1982; Herek, 1997), by a 58% majority (Kirk & Kutchins, 1992).

The removal of homosexuality as a diagnostic category triggered activism within the American Psychological Association (APA), with the inauguration in the same year of the (then) Association of Gay Psychologists (AGP). The AGP delivered a list of demands to Albert Bandura, the then president of the APA, among which were the demand for the APA Board of Directors to create a task force to represent lesbian and gay psychologists, and to follow the lead of the American Psychiatric Association in rejecting the notion of homosexuality as a mental illness (Kimmel & Browning, 2000). In 1975, the APA Council of Representatives responded by establishing the Task Force on the Status of Lesbian and Gay Psychologists (later superseded by the Committee on Lesbian and Gay Concerns) to address issues facing lesbian and gay
members of the APA (Kimmel & Browning, 2000; Morin & Rothblum, 1991). The purpose of these groups was to be active in developing policy on civil rights issues for lesbians and gay men. In the same year, the Council amended its Equal Employment Opportunity policy to include sexual orientation, and declared its commitment to the depathologisation of lesbians and gay men stating that “homosexuality, per se, implies no impairment in judgement, stability, reliability, or general social or vocational capabilities” and that “the American Psychological Association urges all mental health professionals to take the lead in removing the stigma of mental illness that has long been associated with homosexual orientations” (Conger, 1975, p.633).

Over this period, the Society for the Psychological Study of Social Issues (Division 9 of the APA), a division committed to rights issues, acted as the liaison body between the AGP and the APA (Kimmel & Browning, 2000). In January 1980, the Council created a Committee on Gay Concerns (COGC), to keep records of teaching and research on lesbian and gay issues, and to provide information to help change the stereotypical notions about homosexuality (Kimmel & Browning, 2000). In 1976, the President of the Association for the advancement of Behavior Therapy suggested that efforts to modify sexual orientation be terminated, setting the path towards the termination of conversion therapy (Haldeman, 1991, cited in Garnets & D’Augelli, 1994).

On 15 June 1981, a group met for the first time as an organised effort to achieve divisional status for the psychological study of lesbian and gay issues. The embargo on new divisions was lifted by the Council of the APA in January 1984 (Kimmel & Browning, 2000), and in August 1984, the Council (under the presidency of Janet Spence) by a majority of 70% voted that the Society for the Psychological Study of Lesbian and Gay Issues be established as Division 44 (Abeles, 1985; Kimmel & Browning, 2000). Four years later, the Council of the APA issued the following statement urging its members not to use the remaining classifications of homosexuality on the ICD and DSM in psychological practice:

BE IT RESOLVED that the American Psychological Association: Urge its members not to use the “302.0 Homosexuality” diagnosis in the current ICD-9-CM or the “302.00 I-go-dystonic Homosexuality” diagnosis in the current DSM-III or future editions of either document. (Fox, 1988, p.529).
Since January 1985, when Division 44 was officially established, the division and the APA together have been politically active in addressing civil rights issues affecting social policy (e.g., see Bersoff & Ogden, 1991), and have taken an active role in addressing concerns and assessing psychologists through its Task Force on Heterosexual Bias in Psychotherapy. The APA’s agenda of advancing civil rights for lesbians and gay men continues to be monitored by the Committee on Lesbian and Gay Concerns (Morin & Rothblum, 1991), much of this political action being due to the work of the ALGP (previously the AGP), which although sharing much of its membership with Division 44, as an organisation independent of the APA could respond in a more radical way than would have otherwise been possible (Kimmel & Browning, 2000).

In the United Kingdom, progress towards the institutional recognition of lesbian and gay psychology has been somewhat slower. However, a Lesbian and Gay Psychology Section (the equivalent to a Division of the APA) was finally established within the British Psychological Society (BPS) on 18 December 1998 (Kitzinger, 1999a; Wilkinson, 1999b). Although the remit of the BPS prohibits its sections from being ‘political’ (per se), it is clear that the Lesbian and Gay Psychology Section is (at least in part) devoted to ensuring the advancement of lesbian and gay rights. For example, the official aim of the section is reportedly

To contribute … to removing the stigma of mental illness that has long been associated with gay male and lesbian sexual identities and to contribute psychological perspectives to social policy initiatives which provide for better quality of life for lesbian and gay people, their families and friends. (Kitzinger et al., 1997, quoted in Kitzinger, 1999, p. 4).

Currently, the Committee (on behalf of the Section) is in the process of finalising an official statement regarding the unequal age of consent for sex between men as opposed to their heterosexual counterparts. Its view as a professional body, is that “recent psychological research does not support the maintenance of the current disparity in the age of consent” and therefore “the Lesbian and Gay Psychology Section… finds no sound psychological evidence to support a different age of consent for same sex versus opposite-sex sexual activities” (British Psychological Society Lesbian and Gay
The impeding of lesbian and gay human rights within psychology as a discipline

Despite considerable progress, the struggle to achieve positive social change for lesbians and gay men has been and continues to be developed against a backdrop of entrenched heterosexism within psychology as a discipline. A number of psychologists interested in lesbian and gay issues have commented on heterosexual bias, or cultural heterosexism in psychology generally (e.g. Kitzinger, 1990a; 1990b; 1996b; Lapsley & Paulin, 1994), in practical training (e.g. Buhrke, 1989; Pilkington & Cantor, 1996), and in psychological practices (e.g. Chernin et al., 1997; Morin, 1977).

One of the main sources of heterosexism in psychology is the under-representation (and in some cases, the mis-representation) of lesbian and gay issues in psychology publications. As some psychologists (e.g. Kitzinger, 1996b; Lapsley & Paulin, 1994; Simoni, 1996) have pointed out, lesbians and gay men have been seriously marginalised in psychology textbooks. Typically, lesbian and gay issues are compartmentalised in small sections on “homosexual behaviour” or “homosexual relationships” (Kitzinger, 1996), often in the adolescence chapter. Otherwise, lesbian and gay issues are relegated to specialist sub-disciplines, such as ‘abnormal psychology’ (Lapsley & Paulin, 1994).

For example, in a recent investigation of psychology textbooks published between 1991 and 1995, in introductory, social, developmental, and abnormal psychology (Simoni, 1996), findings confirmed the general consensus of poor coverage of lesbian and gay perspectives and issues. Several of the textbooks reviewed did not mention the terms ‘lesbian’, ‘gay’, ‘homosexual’, ‘heterosexual’, or ‘sexual orientation’ anywhere in the book, and most others segregated such content in sections on sexuality, or gave a token coverage of homosexuality (see also Kielwasser & Wolf, 1994, for an examination of high school textbooks). Furthermore, whilst a substantial body of research suggests that young lesbians and gay men are at high risk of attempted suicide and self-harm, substance abuse, homelessness, truancy, and underachievement (e.g. see...
social and developmental psychologists have generally omitted to mention sexual orientation in relation to these issues (see Nelson. 1994).

Similarly, coverage of lesbian and gay issues in psychology journals is also poor. Apart from a special issue of *Developmental Psychology* on “Sexual Orientation and Human Development” (vol. 31, issue 1, 1995), lesbian and gay issues have seldom featured in mainstream psychology journals, although a special issue is planned for *Journal of Community and Applied Social Psychology* (Ed. Coyle & Wilkinson).

Although there is an ever-increasing number of interdisciplinary journals devoted to lesbian and gay issues (e.g. GLQ, *Journal of Homosexuality, Journal of Lesbian Studies, Journal of Gay and Lesbian Social Services*), to date there is only one specifically psychology journal devoted exclusively to lesbian and gay issues: The recently inaugurated *BPS Lesbian and Gay Psychology Review*.

Furthermore, coverage of lesbian (and gay) issues in feminist psychology journals – a sub-discipline which one would expect to be more empathic about lesbian (and gay) issues – is patchy. For example, in *Psychology of Women Quarterly* from 1991-1998, only seven of the 191 articles (about 4%) appearing in that period were explicitly on lesbian issues. *Feminism & Psychology* has done somewhat better: of all the articles (all formats, excluding book reviews, and excluding the special issue on heterosexuality) published in *Feminism & Psychology* since its inauguration in 1991, about 10% have been explicitly devoted to lesbian issues, and some articles on gay issues have also been published in the journal. However, a number of the articles appearing in the journal are multi- or inter-disciplinary, rather than strictly psychological, thus the actual percentage of lesbian (and gay) psychology articles *per se* is likely to be slightly lower than 10%. Despite this, as Kitzinger (1996b) notes, there have been recurrent complaints that *Feminism & Psychology* has ‘too much’ lesbian content.

Moreover, lesbian (and gay) perspectives are largely absent from *Psychology of Women* textbooks, and where included, this amounts to a tokenistic gesture at being inclusive, and is often no better (and sometimes much worse) than the efforts of mainstream psychologists (Kitzinger, 1996). For example, a relatively recent psychology of women textbook titled “The Psychology of Women: Ongoing Debates”
(Walsh, 1987) includes only one section on lesbianism, which is titled “Is Lesbianism a Sickness?” (a question seldom raised in contemporary mainstream psychology). The sequel to this text (Walsh, 1997) engages with a similarly outmoded debate, the section on sexual orientation titled “Sexual Orientation: Is it Determined by Biology?”.

Another source of hetero-centricity in psychology is found in the instruments used to measure psychological phenomena. In a recent investigation, Chernin et al. (1997) systematically assessed heterosexual bias in seven widely used psychological assessment instruments, finding that with only one exception, The Beck Depression Inventory (BDI), all instruments contained some form of heterosexist bias. Chernin and colleagues identified three types of bias: omission bias - where wording and items refer to concepts and circumstances which apply exclusively to heterosexuality (e.g. married, copulation); connotation bias - when words with negative connotations are associated with sexual minorities (e.g. the juxtaposition of such terms as “child-molester” alongside the words “homosexual” or “gay”); and contiguity bias - when scales for assessing psychopathology appear alongside those assessing homosexuality.

The professional training programs of clinical and other professional psychologists apparently also fail adequately to represent the issues and concerns of lesbians and gay men. In a relatively recent study, Pilkington & Cantor (1996) surveyed student members of Division 44 of the APA about their graduate training in professional psychology. Typically, comments in textbooks, and by instructors were found to pathologise, stereotype, or ridicule lesbians and gay men, or referred to ‘diagnosing’ and ‘curing’ homosexuality. 53% of the sample reported a total of 42 heterosexually biased passages in clinical psychology textbooks, such as “homosexuals cannot truly love because they do not have the polarity of the opposite sexes in their relationships”, and some describing male homosexuals as “passive-weak characters... impulsive, and hypersexual” (quoted in Pilkington and Cantor, 1996, p.606). Additionally, 58% of respondents reported offensive comments made by instructors, and 50% of the sample had been actively discouraged from undertaking practica, internships, or research on lesbian and or gay issues or topics.

Lack of exposure to lesbian and gay issues and perspectives in psychology courses more generally is also commonplace (see Kitzinger, 1990). In a large survey of doctoral students in counselling psychology (Buhrke, 1989), it was found that the
students received little exposure to lesbian and gay issues or clients in the course of their training. Furthermore, attempts to include lesbian and gay issues in the curriculum have frequently been discouraged (e.g. see Kitzinger, 1990; Mintz & Rothblum, 1997). Likewise, lesbian and gay academics (including psychologists) frequently report being discouraged from including publications on lesbian and gay issues in their CVs, if they wish to secure tenure-track (US) or permanent (UK) positions (e.g. see Mintz & Rothblum, 1997).

Attempts to establish a Lesbian and Gay Psychology Section within the BPS also met with considerable resistance. The initial proposal for a Psychology of Lesbianism Section was declined in 1991 by the BPS Council, and only received the support of one of the BPS’s subsystems: the ‘Special Group in Counselling Psychology’ (Comely et al., 1992). A second proposal in 1993 was also declined by the BPS Council & Scholastic Affairs Board (SAB) (Beloff, 1993; Wilkinson, 1999b), and although a somewhat revised proposal for a Lesbian and Gay Psychology Section was submitted in 1994, with the support of the Scientific Affairs Board this too was defeated at Council (Coyle et al., 1995; Wilkinson, 1999b). These early proposals were rejected by the BPS as being outside the remit of the society. Others within the BPS opposed the establishment of the section, as they felt that it was not something the Society should be seen to support (see Holder, 1993). For example, when the idea was first put forward, the Executive Secretary of the BPS wrote that “by accepting a section devoted to the study of lesbianism, the society will be giving a public signal that it endorses behaviour which, by the biblical standards they personally seek to follow, is incompatible with their own standards of morality” (Quoted in Holder, 1993), whilst the proposals themselves were turned down on the grounds of being “too narrow” and “too political” (Kitzinger, 1999a).

The most recent attempt to establish the section was ratified in 1998, and the section was finally established, but only by a narrow majority vote (1988 to 1623) of the BPS membership (Kitzinger, 1999a; 1999b; Wilkinson, 1999b). This membership vote yielded the largest ‘anti’-vote on any issue in the history of the BPS, and during the campaign to establish support, members of the steering group received abusive hate mail from some BPS members (see Kitzinger, 1999a; Wilkinson, 1999b). Since the Section has been established, attempts by the committee actively to contribute to the
advancement of lesbian and gay rights by providing official statements on public policy issues (e.g. the Age of Consent debate) have also been blocked by the BPS (Celia Kitzinger, address at the ‘Extraordinary General Meeting’ of Section members at the Inaugural BPS Lesbian and Gay Section Conference. The University of Surrey, 18 July 2000).

Summary

Significant progress in advancing lesbian and gay rights has been made (at least in some quarters) within psychology institutionally. In the UK, the recent establishment of the Lesbian and Gay Section of the BPS, although strongly opposed, was endorsed by many members of the BPS with little or no professional interest in lesbian and gay psychology. This milestone, together with the forthcoming publication of a book on lesbian and gay psychology in the UK (published by the BPS), and the inaugural conference of the section in July 2000, represent important moves towards the recognition of lesbian and gay issues within institutionalised psychology.

On the other hand, psychology’s maintenance of lesbian and gay invisibility through heterosexism and hetero-centricity in its publications, assessment instruments, professional training, and institutional representation has impeded the advancement of the human rights of lesbians and gay men. Thus psychology as a discipline has been responsible for both facilitating, and for impeding, the passage of positive social change for lesbians and gay men. Not only has psychology actively denied the rights of lesbians and gay men to access to information, and the right to organise institutionally (freedom of association), but it has inhibited the promotion of lesbian and gay human rights within and without psychology, by failing to legitimate and support the efforts of those actively working towards positive social change.

In the next section, psychological theory and research on lesbian and gay issues will be reviewed, with a view to exploring the interface between these issues and human rights. In particular, I will focus on the way(s) in which psychological theory and research on lesbian and gay issues has contributed to, or inhibited, the advancement of lesbian and gay human rights.
Lesbian and Gay Issues as Human Rights – In and Beyond Psychology

Since the late 1800s, lesbians and gay men have been the subjects of interest and investigation, first by sexologists, and subsequently by psychologists. However, the extent to which both sexologists and psychologists have attempted to address the human rights of lesbians and gay men has varied considerably as a function of socio-political climate and disciplinary ethos.

In this section, the sexological and psychological literature on lesbians and gay men will be traced chronologically, and within its socio-political context evaluated in relation to a human rights perspective. Since a large body of literature is reviewed in this section, it will be divided into three subsections. The first of these (“Early attempts to address lesbian and gay human rights”) will trace the sexological literature on lesbians and gay men from the late nineteenth through to the early twentieth century. Next, the early psychological and mid-twentieth century sexological literature will be reviewed in the section titled “Opposing lesbian and gay human rights”. Finally, the contemporary (post 1970s) psychological study of lesbians and gay men will be reviewed (“Leaving behind lesbian and gay human rights”).

**Early Attempts to Address Lesbian and Gay Human Rights: The Homosexual as Victim**

The predominantly anti-lesbian/gay stance within psychology owes much to the legacy of the early sexologists. Prior to the late 19th century, as with most aspects of social life the status of sexuality in society was governed by the church and state. Lesbianism and gay male homosexuality (at least in Europe) were deemed “unnatural” and enshrined in religion as ‘sin’ and in law as ‘crime’ (Boswell, 1980; Herek, 1997), and therefore subject to punishment. As early as the 1600s, lesbian women were tried for witchcraft in Europe (see Barstow, 1994), and in the late 1800s much of Europe instituted laws criminalising sexual behaviour between males. Although early sexology has been frequently condemned for introducing the pathological model of homosexuality into psychology (e.g. see Kitzinger, 1987, p. 42), it is against the societal backdrop of its time, we must assess the work of early sexologists (Weeks, 1977).
Prior to the development of sexology as a sub-discipline, Karl Heinrich Ulrichs pioneered the gay movement through his concern for the right of ‘urnings’ (homosexuals) to equality and equal treatment. Although Ulrichs claimed that urnings were strong enough to fight for their own rights, he actively spoke out on their behalf for the abolishment of the Prussian anti-homosexual law (Kennedy, 1988). The law in question was the penal code §152, which in 1871 became §175, stating that “an unnatural sex act committed between persons of male sex or by humans with animals [was] punishable by imprisonment; [and that] the loss of civil rights may also be imposed” (Reich Penal Code, 1871, quoted in Grau, 1993, p. 65). In his campaign for institutional change, Ulrichs published much literature claiming that homosexuality should not be condemned in law, as despite a history of persecution, it had existed internationally for centuries, and therefore was both natural and inborn (Kennedy, 1988).

Similarly motivated by societal and legal injustice towards (male) homosexuals, the early sexologists engaged in attempts to challenge the criminalisation of homosexuality in their respective countries: Richard von Krafft-Ebing in Austria (Hyde, 1970); Havelock Ellis in England (Brome, 1979); and Magnus Hirschfeld in Germany (Wolff, 1986). From the late 19th century, homosexuality was illegal in Germany under the Reich Penal Code (§175; quoted above); in Austria under a harsh law criminalising sexual conduct between two males or two females; and in England, the English Criminal Law Amendment Act (1885) had just been passed, making “‘gross indecency’ between males, ‘however privately committed, a penal offence’” (Brome, 1979, p. 100) punishable by two years’ imprisonment with hard labour (Hyde, 1970).

Havelock Ellis and his colleague, Symonds, were agreed that the attitude of the English law in relation to inverts (homosexuals) should be “that the same definition of public decency should be applied to intercourse between adult males as to that between adult male and female” (Calder-Marshall, 1959, p. 146). Together they engaged in work with the explicit intent of securing the rights of (male) homosexuals, by challenging the discourses of sin, crime, and illness which were responsible for condemning, criminalising, and pathologising homosexuality. Both were concerned with educating professionals, practitioners, and the public, as a precursor to legal reform (Weeks, 1977).
Despite the social and political constraints of their time, both Ellis and Symonds (following the works of Ulrichs and Krafft-Ebing) testified to the normalcy of homosexual relations, suggesting that homosexuality was neither a sin, crime, nor illness, but a harmless sexual variation caused by a congenital abnormality (Weeks, 1977). In his book *A Problem of Modern Ethics*, Symonds claimed that he was interested in the social justice aspects of the criminalisation of homosexuality, in that it condemned “a class of people who were guilty of nothing” (Weeks, 1977, p.55). In a letter to Carpenter in 1892, Symonds stated that in order to initiate social change, “the first thing is to force people to see that the passions in question have their justification in nature” (quoted in Weeks, 1977, p.54). Although they had initially collaborated on the work, after Symonds’ death Ellis published his well-known book, *Studies in the Psychology of Sex: Sexual Inversion* (1897/1901). Piecing together anthropological, historical, religious, and literary evidence, Ellis attempted to demonstrate that homosexuality was a common part of human sexuality across time and place (rather than a vice, or product of social decay), emphasising that homosexuals were essentially ‘ordinary’ people (Weeks, 1977).

Similarly, Ellis’ German contemporary Magnus Hirschfeld also engaged in a political struggle to secure the rights of gay men. Hirschfeld was at the forefront of the homosexual emancipation movement in Germany, where in 1897, he established the Scientific Humanitarian Committee, whose key concern was to see the abolition of Paragraph 175, which punished homosexuality with heavy prison sentences and loss of status or position, even when a court had allowed the defendant to go free (Wolff, 1986). In its first year, the Scientific Humanitarian Committee (led by Hirschfeld) sent a petition to the Reichstag with 2000 signatories (including Krafft-Ebing and others) requesting the repeal of Paragraph 175. Although the initial petition was unsuccessful, at the assembly of each new Reich, a further petition was furnished. Hirschfeld was also involved in the protest against the imprisonment of Oscar Wilde in England, was actively involved in rescuing from prison sentences and suicide, men accused of ‘sodomy’, and wrote and distributed a pro-homosexual pamphlet entitled “What the people should know of the third sex” (Wolff, 1986). In 1918, Hirschfeld established the Sexual Science Institute, which became the home of the Scientific Humanitarian Committee, a centre for research in sexology, and a repository for a large collection of
paintings, books, periodicals, and documents (including those by Freud, Ellis, von Krafft-Ebing and others) relating to sexological study.

In attempting to secure the rights of homosexuals, the early sexologists drew on arguments that were not rights-based. Primarily, their arguments were based around homosexuality being natural, and inborn, but rooted in the manifestation of a congenital disorder. For example, von Krafft-Ebing (1882/1965), finding no physiological differences between homosexual and heterosexual men, concluded that “just as in all pathological perversions of the sexual life, the cause must be sought in the brain” (von Krafft-Ebing, 1882/1965, p. 222). Similarly, Havelock Ellis (like Ulrichs and Hirschfeld) testified that homosexuals were the victims of a congenital disorder, which he likened to colour-blindness, and claimed that in every other respect homosexuals were normally-functioning human beings indistinguishable from heterosexuals (Calder-Marshall, 1959; Doan & Walters, 1998; Weeks, 1977). Both von Krafft-Ebing and Ellis supported their claim of the inborn nature of homosexuality, on a basis of medico-forensic (von Krafft-Ebing, 1882/1965) and anecdotal (Ellis, 1897/1901) evidence of a family history of inversion, neuroses (e.g. hysteria, neurasthenia), and precocity of (physical and psychic) sexual emotions (see also Grosskurth, 1980).

The success of this approach in securing the human rights of lesbians and gay men was very limited. Whilst there was evidence that for individual homosexuals, the work of the sexologists was helpful on a personal level (see Calder-Marshall, 1959; Wolff, 1986), and in some cases saved men from imprisonment or suicide, little was achieved by way of social and legal change.

Victorian England was not ready to accept homosexuals as a normal part of its society (cf. Brome, 1979), and among the general population of the time, Ellis’ work was not well received (Calder-Marshall, 1959). Since anti-homosexual sentiments were so widespread, Ellis had difficulty finding a publisher for his book1 (Brome, 1979; Calder-Marshall, 1959), and when eventually published, the first edition was banned from sale. Soon after the book’s publication, George Bedborough (a bookstore owner) was arrested and prosecuted on a charge of having “sold and uttered a certain lewd

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1 *Sexual Inversion* was first published in Germany as *Das Konträre Geschlechtsgefühl* in 1896. The manuscript was subsequently sent to several medical publishers in England (who were not prepared to touch the topic) before it was finally accepted for publication by a new, and small, publishing house, Watford University Press (see Brome, 1979; Calder-Marshall, 1959).
wicked bawdy scandalous and obscene libel in the form of a book entitled *Studies in the Psychology of Sex: Sexual Inversion*” (quoted in Grosskurth, 1980, p. 194). As a result, Ellis was forced to send his subsequent works to America for publication (Freedman, 1942). Furthermore, it was not until 70 years later that Ellis’ vision was (partially) realised by British law (Brome, 1979), when the recommendation of the Wollenden report of 1957 – that consenting sex between two males be decriminalised – was incorporated into the Sexual Offences Act (1967).

The situation in Germany was not much better. Ulrichs was warned by the Hanoverian Ministry against publishing his works, and in 1864, was expelled from membership of the Hochstift. He was tried in Württemberg, but after proving his work was scientific, he was absolved. Eventually, he fled to Italy. Magnus Hirschfeld, who directly took up Ulrich’s cause, was taken to court and fined for “propagating obscene inquiries and pamphlets” (Wolff, 1986). Then on the 6th May 1933, the Sexual Science Institute was stormed by Nazis, and works held in the institute (including books, paintings, and periodicals) were seized or destroyed, including several unpublished manuscripts by Ulrichs, Krafft-Ebing and others. Those responsible for the raid made it clear that their intentions were to destroy the institute, and death threats were made against Hirschfeld. Three days later, some 10,000 volumes, plus an effigy of Hirschfeld were publicly burned at Berlin’s Opernplaz (Grau, 1993).

Legally, the situation did not change in Germany either. Section 175 was revised in June 1935 to include the criminalisation of any physical contact between two naked male bodies (with sexual intent), an offence punishable according to “healthy public feeling”, and for which both parties involved in the act could be punished. Paragraph 175 (formerly § 175) remained in effect in Germany until 1994 (Grau, 1993).

Whilst firmly rooting the origins of homosexuality in genetic and biological causes may have contributed to the demise of the homosexual being viewed as a deviant (sinner or criminal), it replaced the deviant discourse with a discourse of the homosexual as ‘victim’. On the one hand, this approach emancipated the homosexual from blame, and therefore in need of societal compassion and psychological help, rather than punishment (Comstock, 1991). However, it fed directly into the dominant discourse of the medical model, positioning the homosexual as a victim of a hereditary illness, and in so doing, failed to displace the heteronormative framework of Victorian
society. Consequently, whilst aimed at advancing the human rights of lesbians and gay men, the work of early sexologists was largely unsuccessful in creating positive social change, in that by defining the lesbian or gay man as ‘victim’, it personalised and individualised the oppression of lesbians and gay men.

**Opposing Lesbian and Gay Human Rights: The Homosexual as Pathologically Ill**

From the mid-twentieth century, psychology began to develop into a discipline in its own right, characterised by the ‘scientific’ study of people and behaviour, through ‘objective’ assessment and measurement. Emerging out of the work of the early sexologists, mid-century psychologists who were working within the medical model (the dominant framework at that time) adopted the notion of the homosexual as victim. However, rather than viewing homosexuality within a social context, the individualistic approach of the medical model gave rise to the notion of homosexuality as a pathological illness.

Consequently, from the 1950s until the 1970s, the psychological study of lesbians and gay men was dominated by research which portrayed lesbians and gay men as sick, abnormal, or deviant (Kitzinger, 1987). The majority of this research was focused on ‘establishing’ the cause of homosexuality in order to determine whether or not homosexuals were sick (Morin, 1977). Two key theories dominated this research. Whilst one school of thought (the biological school) suggested that being lesbian or gay was determined by one’s genes, the other school of thought (the environmental school) suggested that being lesbian or gay was shaped by a person’s upbringing. Both set about proliferating psychological research to support their own theory.

A large body of (primarily) clinical research was therefore created by the biologists, devoted to finding genetic (or chromosomal) factors which they believed predisposed an individual to homosexuality (Masters, Johnson, & Kolodny, 1995; see Kenyon, 1970 for a detailed account). Some of these studies comprised investigations of identical twins (e.g. Pardes, Steinberg, & Simons, 1967; Perkins, 1973), whilst others focused on brain structure and function, hormone levels, and genital measurement and comparison (e.g. Jacoby, 1928; Perloff, 1949; Moore, 1945). Many of these studies concluded that the cause of male homosexuality lay in the hypothalamus. whilst
Lesbians were believed to have higher blood testosterone levels and larger than average clitoris.

The environmentalists, on the other hand, claimed that the root of homosexuality lay in early socialisation. This research attributed homosexual tendencies to a dysfunctional relationship between the lesbian or gay person and her his parents, such as a failure to resolve the oedipal complex: or more typically an overprotective mother and a weak, passive father (Bieber, 1969). For example, Charlotte Wolff (1971) suggested that lesbianism is caused by an inadequate love relationship with the mother (thus the need to seek love in other women) and a poor relationship with the father (preventing her from learning to relate to men) (Wolff, 1971). Some of this work also suggested that homosexuality was learned through early sexual experiences: either through pleasurable, gratifying same-sex encounters, or through unpleasant, dissatisfying, or frightening heterosexual encounters (see Masters et al., 1995).

Whilst neither theory supplanted the other, both contributed to the pathologisation of lesbians and gay men by either seeing them as the products of genetic defects, or disturbed backgrounds (Kitzinger, 1987). Consequently, this body of research contributed to the proliferation of therapeutic psychology and psychiatry aimed at the ‘cure’ of homosexuality, commonly known as conversion therapy (Feldman & McCulloch, 1971). Although in most western countries this procedure ceased in the early 1970s because of its low success rate (Silverstein, 1991), many otherwise healthy lesbians and gay men were needlessly subjected to forced incarceration, hypothalamadectomy, shock treatment, and sometimes genital mutilation.

This body of research directly opposed the advancement of lesbian and gay human rights. Rather than achieving societal compassion for lesbians and gay men, as the early sexologists had attempted, categorising homosexuality as an illness in this way gave “authoritative weight to those who would discriminate against homosexuals in employment, discharge them from military service without honor, deprive them of various legal rights, and indeed sometimes confine them involuntarily in mental institutions” (Marmor, 1980). Thus it contributed to maintaining and increasing the denial of human rights to lesbians and gay men. In addition, because psychology had become a ‘scientific’ discipline, it became more concerned with establishing the ‘truth’
about homosexuality, than it was about attempting to create positive social and political change, and in so doing began to move away from a rights-based approach.

However, in direct response to this body of pathological research, other research emerged testifying that lesbians and gay men are as well adjusted as (if not better adjusted than) their heterosexual counterparts. The first studies of this type were undertaken by Alfred Kinsey and his colleagues who, although sexologists rather than psychologists (see Herek, 1997), published two well-known studies on human sexuality—*Sexual Behavior in the Human Male* (Kinsey, Pomeroy, & Martin, 1948) and *Sexual Behavior in the Human Female* (Kinsey, Pomeroy, Martin, & Gebhard, 1953) — with the specific aim of “‘detoxify[ing]’ the homosexual identity” (de Cecco, 1990, p. 377). Carried out on non-clinical populations, the main findings of these studies were that many women and men had experienced both homosexual and heterosexual responses and/or behaviour.

The findings of the Kinsey studies (of both men and women) strengthened the efforts of the lesbian and gay movement by suggesting that any man or woman could engage in homosexual acts, supporting the notion that homosexuality was not restricted to just a small number of pathological men and women with particular personal characteristics and family backgrounds (Comstock, 1991; Herek, 1997). However, Kinsey’s work was not well-received. In England, the major national newspapers suggested that the books were ‘pornographic’ and ‘morally subversive’, whilst the magistrates in Doncaster ordered the confiscation of *The Sexual Behavior of the Human Female* which they believed to be intended to deprave and corrupt (Hyde, 1970).

Only a few years later, Evelyn Hooker published a (at the time) controversial psychological study on the adjustment of male homosexuals, refuting the idea that there was a connection between pathology and homosexuality (Hooker, 1957/1992). Using a matched pairs sample of homosexuals and heterosexuals, Hooker administered the Rorschach, Thematic Apperception Test (TAT), and Make-A-Picture-Story (MAPS) tests to each of the participants. The results of the tests were then given to clinicians experienced in the Rorschach to give an unbiased judgement of personality and adjustment of each participant, and to differentiate the homosexual from the heterosexual records. This study showed that there was no difference between heterosexuals and homosexuals in the adjustment ratings assigned by the judges.
Furthermore, neither judge was able to correctly identify the sexuality of participants at a level better than chance.

Similarly, the work of Gagnon and Simon (1973) suggested that there was no difference between lesbian and heterosexual females. In their book *Sexual Conduct* (Simon & Gagnon, 1973), they state that “the female homosexual follows conventional feminine patterns in developing her commitment to sexuality and in conducting not only her sexual career but her non-sexual career as well” (p.178) and that “their pattern of overt sexual behavior... tend[s] to resemble closely those of heterosexual females” (p.180).

Although this model of homosexuality did not succeed in completely overthrowing that of homosexuality as pathology, it was instrumental in revolutionising the psychology of lesbians and gay men (Kimmel & Browning, 2000). It was the work of Kinsey, Gagnon and Simon, Hooker and others which was invoked to argue for the removal of homosexuality from the DSM, and ultimately the dethronement of the model of homosexuality as pathology within psychology, paving the way for a ‘gay-affirmative’ (cf. Kitzinger, 1987) psychology of lesbians and gay men.

On the other hand, whilst providing counter-evidence has sometimes been effective in advancing rights, at other times it has not. The main problem is that this approach to lesbian and gay issues is diversionary, in that it generally evokes lengthy debates about whether lesbians and gay men really are as well-adjusted as heterosexuals, or whether sexual orientation is caused by nature or nurture. Such arguments then become susceptible to further debates about whether a given piece of research which ‘proves’ that lesbians and gay men make just as good parents as heterosexual people, or that lesbians and gay men are as well if not better adjusted than heterosexuals, is good ‘scientific’ research. Furthermore, as feminists (e.g. Kitzinger, 1987) have often argued, this approach is a two-edged sword, in that providing ‘positive images’ as counter-discourses to prejudice reinforces the opposition’s arguments (Smith, 1994), by using heterosexuals as the yardstick by which lesbians and gay men are measured.

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1 Psychological work viewing homosexuality as pathology still exists even today (i.e. see NARTH, 1998), but fortunately is relatively scarce.
Leaving Behind Lesbian and Gay Human Rights:

Researching Attitudes and Behaviours.

The removal of homosexuality from the DSM and changes in societal attitudes due to the Lesbian and Gay Liberation Movement, saw a major shift in the dominant focus of psychological research on lesbians and gay men from the 1970s onwards, to what has become known as ‘gay-affirmative’ psychology (Kitzinger, 1987), also known as ‘lesbian and gay psychology’. The favoured view of this era was that homosexuality is an alternative form of sexual attraction and behaviour, and an equally valid variant of it (Garnets & D’Augelli, 1994). Therefore, psychology’s focus moved away from lesbians and gay men as the objects of pathology, onto individual and societal prejudice against lesbians and gay men (Kitzinger, 1987).

Adopting a liberal humanist (or equality-centred) approach, the aim of this work appeared to be both the reinforcing and affirming of lesbian and gay culture, and awareness-raising about lesbian and gay issues. Consequently, the vast majority of work since the 1970s focused on theorising and researching (1) anti-lesbian/gay attitudes and behaviours, through the study of homophobia, heterosexism, hate crimes, and social climate; and (2) investigating the psycho-social consequences of lesbian and gay oppression. This sub-section will give an overview of the psychological research in each of these areas.

The Invention of Homophobia

In the early 1970s, psychologists began researching homophobia, a term coined by Smith (1971) and popularised by Weinberg (1972). Homophobia was defined as “the dread of being in close quarters with homosexuals - and in the case of homosexuals themselves, self-loathing” (Weinberg, 1972, p.4). However, in more recent work it has come to be conceptualised as feelings of anxiety, disgust, aversion, anger, discomfort and fear towards lesbians and gay men (see Davies, 1996; Hudson and Ricketts, 1980). Throughout the 1970s and 1980s a number of alternative terms were also employed, such as ‘homonegativism’ (Hudson & Ricketts, 1980), ‘homosexophobia’ (Levitt and Kassen, 1974), and ‘homosexism’. In this body of work, people holding negative
attitudes came to be known as ‘homophobes’. or as ‘homophobic’.

This shift from viewing homosexuality as pathological to viewing extreme negative reactions to homosexuality as pathological represented a major psychological reversal in thinking about lesbian and gay issues (Kitzinger, 1987). Consequently, from the 1970s, psychology spawned a plethora of scales to measure and assess homophobia (e.g. see Hudson & Ricketts, 1980; Lumby, 1976: Millham. San Miguel. & Kellogg, 1976; Smith, 1971), and to establish its correlates in order to ensure that ‘homophobes’ could be readily identified (and treated). As with any psychometric measurement, respondents in these studies would be asked to respond to a series of statements, such as “I would not want to join an organisation that has homosexuals in its membership” (Lumby, 1976), “The growing number of male homosexuals indicates a decline in American morals” (Millham et al., 1976), or “Homosexuals should be locked up to protect society” (Smith, 1971). Each item would then be coded and scored, and the scores added to give an overall homophobia score.

A number of studies employing homophobia scales have investigated and documented the attitudes of particular groups of individuals, such as psychologists and mental health professionals (e.g. Fort, Steiner, & Conrad, 1971; Garfinkle and Morin, 1978; DeCrescenzo, 1983-84), social workers (e.g. Wisniewski & Toomey, 1987), medical professionals and students (e.g. Douglas, Kalman, & Kalman, 1985; Klamen, Grossman, & Kopacz, 1999), police officers (e.g. Fretz, 1975), students (e.g. Donnelly et al., 1997; Matchinsky & Iverson, 1996; Proulx, 1997; Schellenberg, Hirt, & Sears, 1999), and resident assistants (D’Augelli, 1989). On the whole, these studies have tended to find that homophobic individuals are less likely to have had personal contact with lesbians and/or gay men (Hansen, 1982[a]; Millham et al., 1976), are more likely to be older and less well educated (Nyberg & Alston, 1976; Snyder & Spreizer, 1976) to be more authoritarian (MacDonald & Games, 1974; Smith, 1971), and to be less permissive or positive about sexuality (MacDonald & Games, 1974; Nyberg & Alston, 1976). (See Herek, 1984 for further examples of correlates of homophobia.) In addition, more recent work has tended to find that males are more homophobic than females (e.g. see D’Augelli, 1989; Donnelly et al., 1997; Klamen et al., 1999; Schellenberg et al., 1999), and that those with religious affiliations are more homophobic than those who have no religious affiliation (e.g. see Berkman & Zinberg, 1997; Seltzer, 1992; see also
Eliason, 1995; Herek, 1994).

In response to the study of homophobia, a large body of psychotherapeutic literature emerged in the early 1980s, giving rise to the notion that lesbians and gay men could internalise negative societal attitudes (Sophie, 1987), and therefore experience negative perceptions of themselves as lesbian or gay. This phenomenon, known to psychologists and therapists as ‘internalised homophobia’ (or lately as internalised oppression/heterosexism) continues to dominate the psychotherapeutic literature on lesbian and gay issues (e.g. see Brown, 1986; Mayer & Dean, 1998; Malyon, 1981/82; Shidlo, 1994; Sophie, 1987). Internalised homophobia has been viewed by psychologists as manifesting itself in one of two ways: (1) by the lesbian or gay male individual consciously accusing her/himself of being evil, second-class, or inferior, resulting in the acting out of self-destructive or abusive behaviours, or (2) by her/his tolerating discriminatory or abusive treatment from others, on the grounds that bigotry will prevent her/him succeeding (see Gonsiorek, 1988; 1993). Lesbians and gay men were therefore seen as in need of therapeutic assistance to adapt to society (e.g. see de Monteflores, 1986, cited in Davies, 1996; Gartrell, 1984; Sophie, 1987).

Whilst on the one hand, studies of homophobia have been useful in contributing to the de-pathologisation of lesbians and gay men within psychology, they produced two main barriers to the advancement of lesbian and gay rights. First, the focus on homophobia necessarily internalised and individualised what was essentially societal oppression of lesbians and gay men (cf. Kitzinger, 1994: 1996). That is, because of its association with a fear or (as the term ‘homophobia’ suggests) a phobia, it assumes a psychosocial pathology in certain individuals who may be identified and then treated through psychotherapy (Kitzinger, 1996a; Rothblum & Bond, 1996). Second, as a result of this individualisation, the concept of ‘internalised homophobia’ was promoted within psychology, resulting in a shift away from the oppressor as the source of the problem, and back onto lesbians and gay men as victims (Kitzinger, 1996a). Together these two things produced a depoliticised account of lesbian and gay oppression, relegating it to the individual sphere (cf. Kitzinger, 1996a), and leading away from a rights-based analysis of (and solutions to) the problem.
From Homophobia to Heterosexism

As a direct result of the critiques of the concept of homophobia, it was reincarnated, (in some quarters at least) as ‘heterosexism’. which espoused a different theoretical focus from its predecessor. Like racism, sexism, and classism, heterosexism (or heterosexual bias) was viewed as the product of prejudice and power (Neisen, 1990). therefore recognising the systematic oppression of lesbians and gay men on a societal level rather than on a purely individual level, and shifting the focus from victim to survivor (Neisen, 1990). Although the construct had featured in earlier literature (e.g. Morin, 1977; Garfinkel & Morin, 1978), it was not until the late 1980s that the term came into favour. Gregory Herek (1990), who contributed significantly to the popularisation of the term, defined heterosexism as “an ideological system that denies, denigrates, and stigmatises any non-heterosexual form of behavior, identity, relationship, or community” (p.316; see also Neisen. 1990, p.25).

Herek suggested that heterosexism manifests itself in two main ways, which he labels ‘cultural heterosexism’ and ‘psychological heterosexism’, respectively. Cultural heterosexism (or institutionalized homophobia) referred to heterosexual bias in societal customs and institutions (e.g. religion, education, and the legal system), resulting in the erasure and denial of lesbian and gay male existence, customs, and history, and by implication, the privileging of heterosexual experiences, customs, and history (for a detailed illustration, see Herek, 1990; Kitzinger 1996b). Psychological heterosexism, on the other hand, refers to anti-lesbian/anti-gay attitudes and behaviour towards lesbian and gay issues and people (Herek, 1990: 1996). It is predominantly the latter type of heterosexism and its aftermath with which lesbian and gay psychology of this past decade has concerned itself.

The theoretical shift from measuring homophobia to thinking about lesbian and gay oppression as ‘heterosexism’, changed the focus of lesbian and gay psychology from one of mental illness (of either homosexuals. homophobes, or both), to one of societal prejudice or oppression (Garnets & D’Augelli. 1994). One of the main (political) advantages of this is that it more clearly recognised the element of power which perpetuates and sanctions prejudices and oppression (Neisen. 1990). However. despite viewing lesbian and gay oppression as societal, it falls short of
a human rights approach, in that it conceptualises oppression as perpetrated by one group (heterosexuals) against another (lesbians and gay men). failing to recognise the interconnectedness of all types of oppression (cf. Bunch, 1995, 1996).

Hate Crimes and Discrimination

Since the late 1980s, a small but growing body of psychological literature has been devoted to documenting and reporting the incidence of violence against and victimisation of lesbians and gay men. However, this area of research is not well-established (Berk, 1990). These phenomena of violence and victimisation have commonly been referred to in the psychological literature as hate-motivated crimes, or hate-crimes for short.

Hate crimes, or anti-lesbian/anti-gay violence, are an extreme extension of the heterosexism pervading western society (Herek, 1990; 1994). As such, hate crimes represent attacks not just of individuals and property, but also on an individual’s identity, and (in the case of homosexuality) the lesbian and gay community as a whole (Herek, 1994).

A number of studies have been undertaken to investigate the incidence of hate crimes against lesbians and gay men. For the most part, these studies have investigated a similar range of anti-lesbian/anti-gay behaviours, from verbal abuse, threats of violence, property damage, to being chased or followed. Studies of lesbians and gay men undertaken in the United States consistently show that between 80% and 90% have been the victims of verbal abuse in relation to their sexual orientation (see summary tables in Berrill, 1990; 1992), and around 35-50% of lesbian and gay respondents report having experienced at least one anti-lesbian/anti-gay crime or attempted crime, or having suffered violence because of their sexual orientation (Herek et al., 1997; Hetrick & Martin, 1987; Hunter, 1992; von Schulthess, 1992).

Across the studies, between 6% (D’Augelli, 1992) and 27% (von Schulthess, 1992) of respondents reported having had objects thrown at them, between 2% (D’Augelli, 1992) and 12% (von Schulthess, 1992) had been punched, hit, or beaten, and 17%-33% reported having been chased or followed. Around 88%-95% of those who had experienced victimisation did not report the incident(s), predominantly
through fear of further harassment, fear of being ‘outed’ by authorities, or because they believed that they would not be taken seriously (D’Augelli, 1989b; 1992; Herek, 1993; Norris, 1991). The majority of perpetrators of anti-lesbian anti-gay violence and victimisation are consistently reported to be white, young adult males (Berrill, 1990; 1992; Comstock, 1991; Herek et al., 1997).

Few studies have investigated domestic violence against lesbians and gay men (as lesbians and gay men), however, in studies of young lesbians and gay men (e.g. Hetrick & Martin, 1987; Hunter, 1992), 49%-61% of reported gay-related violence had occurred within the family. Similarly, earlier reports from US-based community organisations state that around 30% of sexual orientation violence reported to those organisations had been committed by family members (see Comstock, 1991).

Psychological research also suggests that lesbians and gay men are often discriminated against in the workplace. For example, in one study (Levine & Leonard, 1984), 24% of respondents reported actual incidences of job-discrimination, 75% of those in the form of verbal harassment, just over a third non-verbal harassment (e.g. ostracism, vandalism, etc), and around 10% actual physical violence. Furthermore, lesbians and gay men have often reported experiencing the denial of employment, promotion, or being pressured to leave their jobs, because their sexual orientation had become known to employers (see Bell & Weinberg, 1978; Saghir & Robins, 1973; see also Kitzinger, 1991 for a full discussion of these issues).

Although hate crimes are human rights issues (in that physical violence is a violation of the right to life, liberty, and security of person), psychologists have not adopted a human rights approach to the study of hate crimes. Instead they have tended to take a passive approach to human rights, merely documenting the incidence of hate crimes as discrete incidents directed at individuals, but designed to send a message to lesbians and gay men as a group. By taking this approach, the social context in which these incidents take place is largely ignored (Kitzinger, 1996a), harassment being seen as discrete incidents which are perpetrated by certain (‘homophobic’) individuals against a large number of individual lesbians and gay men.
Climate Studies

Emerging out of the literature on hate crimes, ‘climate studies’ have been undertaken to explore attitudes towards lesbian and gay issues and perceptions of the social environment for lesbians and gay men. Usually these studies have been undertaken with a view to creating some change in policy and/or practice to improve the social climate for lesbians and gay men in a given setting, and as such have implicitly been concerned with the rights of lesbians and gay men.

Studies undertaken on university campuses (e.g. D’Augelli, 1989b; 1992; Herek, 1993; Norris, 1991) report much lower incidences of direct verbal abuse (around 16-27%) and threatened violence than for studies of the general population. However, on average, campus climate surveys report around 60% of respondents having often overheard anti-lesbian/anti-gay remarks by students or staff on campus (see D’Augelli. 1989a; 1992; Eliason, 1996; Herek, 1993; Malaney et al., 1997; Norris, 1991); and in Eliason’s (1996) study of university staff, 30% reported having observed negative treatment of a lesbian, gay male, or bisexual person by other staff members.

Some recent studies have concluded that attitudes towards lesbians and gay men are predominantly positive (e.g. see Berkman & Zinberg, 1997; Norris, 1991). However, in one study (Eliason, 1996), around 20% of respondents said that they felt uncomfortable around lesbians and gay men, and a similar percentage said they would find it unacceptable if someone known to them personally was lesbian or gay. In this same study, a huge mismatch was reported between heterosexual respondents’ (28%) and lesbian, gay, and bisexual respondents’ (74%) perceptions of the prevalence of anti-lesbian/anti-gay attitudes on campus. Furthermore, in another study around 30% of students said they would “do nothing” if they witnessed the verbal harassment of lesbian or gay students (Malaney et al., 1997).

Similarly, respondents have typically shown strong support for the rights of lesbians and gay men. For example, the majority of students surveyed agreed that lesbians and gay men should be allowed to teach in schools, marry, and have their relationships legally condoned (Malaney et al., 1997). However, there was much less support for lesbians and gay men to serve in the military, or to adopt children, and in another study (Eliason, 1996) up to 26% of staff surveyed did not support the right of
lesbians and gay men to teach children. Furthermore, less than 50% of university staff surveyed in Eliason’s (1996) study said they would feel comfortable working with an openly lesbian or gay person, and around 3%-5% would avoid working with and/or oppose the hiring of a lesbian or gay man.

On a basis of these findings, studies have generally concluded that a “chilly” climate exists for lesbians and gay men, on campus, in the workplace, and in society generally. What these studies have tended to suggest, is that although the incidence of overt violence appears to be reasonably low on campus (and is certainly much lower than in the general population), the anti-lesbian/anti-gay attitudes and behaviours prevalent among the general population, and the broader institutionalisation of heterosexism ensure that a climate of terror (or fear) is maintained, pressuring lesbians and gay men to conceal their sexual identity (Garnets et al., 1993; Hetrick & Martin, 1987). As Kitzinger (1996a) states -

In an oppressive society, it is not necessary, most of the time, to beat us up or to murder or torture us to ensure our silence and invisibility. This is because a climate of terror has been created instead in which most gay people voluntarily and of our own free will choose to stay silent and invisible (Kitzinger, 1996a, p.11, her emphasis).

This notion of a climate of terror is clearly illustrated by psychological research on the extent to which lesbians and gay men are ‘out’ on campus, in the workplace, with their families, and in society generally.

For example, studies of campus climate consistently show that around 50% of lesbian and gay male students were not comfortable disclosing their sexual orientation to others (e.g. see D’Augelli, 1989b; Herek, 1993), and up to 90% deliberately hid their sexual identity from other students (see D’Augelli, 1989b; Herek, 1993: Norris, 1991). Furthermore, 55%-65% said that they were afraid, or feared for their safety on campus because of their sexual orientation, and 40%-60% students or staff had deliberately made changes to their behaviour and/or appearance to avoid discrimination or harassment (see D’Augelli, 1989b; 1992; Herek, 1993: Norris, 1991; see also Berrill.

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3 The term ‘out’ refers to being openly gay. A lesbian or gay man who is ‘out’ is one who has made her/his identity known to others. She, he may be ‘out’ in some situations, but not in others. ‘Outing’ refers to the disclosure of someone’s lesbian gay identity by others.
1990). Or in other words, *because* of discrimination and harassment, lesbians and gay men take precautions to avoid being violated or discriminated against (Kitzinger, 1994), resulting in a restriction of lesbians’ and gay men’s rights to freedom from fear.

Similarly, early studies of lesbians in the workplace (e.g. Bell & Weinberg, 1978; Saghir & Robins, 1973) have shown that lesbians anticipate significant employment discrimination. Although little recent psychological research has been undertaken on discrimination in the workplace, psychologists writing and researching the subject have consistently reported that around 75% of lesbians and gay men who are ‘out’ enough to participate in studies report being ‘out’ to few, if any, of their co-workers, many making deliberate attempts to conceal their identity at work (Levine & Leonard, 1984; see Kitzinger 1991 for further references).

Most lesbians and gay men who are not ‘out’ at work, including psychologists, anticipate being discriminated against if their sexual orientation is discovered. In particular, respondents reported that they feared both the possibility of verbal and physical abuse from co-workers (Levine & Leonard, 1984; Griffin & Zukas, 1993), and problems with supervisors or employers (Levine & Leonard, 1984), including the possibility of being fired (Levine & Leonard, 1984; Griffin & Zukas, 1993), particularly those who worked with children. Even in the relatively liberal and privileged world of academia, many lesbians and gay men choose not to be ‘out’ through fear of reprisals (Kitzinger, 1990; see also Mintz & Rothblum, 1997).

Consequently, many lesbians and gay men choose to ‘pass’ as heterosexual (Garnets & D’Augelli, 1994), creating a situation whereby they are exposed to other potential forms of harassment, such as the threat of disclosure, or in the case of lesbians, being seen as ‘fair game’ by heterosexual men (Kitzinger, 1994). Choosing to stay closeted also has drawbacks for the personal well-being of lesbians and gay men, in that by not being ‘out’ not only makes lesbians and gay men invisible to society, but to each other, resulting in the fragmentation of the lesbian and gay community (Garnets & D’Augelli, 1994), and ultimately their inability to find affirmation and support when they need it, and a sense of community and culture.

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4 To ‘pass’ as heterosexual refers to the actively disguising one’s lesbian or gay identity. For example, a lesbian may refer to her (female) partner as ‘he’ in a conversation, so the person she is talking to does not recognise her as a lesbian. Similarly, a lesbian or gay man may dress and act in a stereotypically heterosexual ways ‘passing’ as heterosexual.
Like the studies of hate crimes, climate studies have also been concerned with rights issues, but have not taken a rights-based approach. Climate studies also individualise lesbian and gay oppression, by focusing on the psychosocial wellbeing of the lesbian or gay individual (Kitzinger, 1996a) in a social context made up of prejudiced individuals. However, they are less individualistic than ‘homophobia’ scores, in that they locate the problem in the social ‘climate’ rather than in the prejudiced individual. Fundamentally, this approach focuses on documenting the normalcy of oppression, in order to seek ex post facto remedies, rather than focusing on the prevention of oppression.

Additionally, although some climate surveys have included questionnaire items asking about lesbian and gay human rights issues – for example, “Gay men should be allowed to adopt” (Maney & Cain, 1997); “a woman’s homosexuality should not be a cause for job discrimination in any situation” (Herek, 1984) – this has been largely incidental, rather than deliberately invoked.

**Psychosocial Consequences of Heterosexism and Homophobia**

The counterpart to studies of homophobia, heterosexism, hate crimes, and social climate, has been the assessment and documentation of the psychosocial consequences of lesbian and gay oppression. As with any form of violence or abuse, victims of heterosexism and homophobia (usually, but not always, lesbians and gay men) are at increased risk of psychological distress as a consequence of victimisation, or discrimination (Garnets et al., 1993; Herek, 1994; Herek et al., 1997; Neisen, 1993).

Whilst much psychological research has focused on the psychosocial effects of abuses such as rape and sexual abuse (e.g. Ajdukovic & Ajdukovic, 1993; Arellano, Kuhn, & Chavez, 1997; Polusny & Follette, 1995; Rogers, 1997), few studies within mainstream psychology have specifically addressed the mental health and developmental consequences of abuses against lesbians and gay men.

In the psychological literature on adolescence, in particular, there is a plethora of research specifically focusing on social and mental health issues (e.g. suicide, homelessness, substance abuse, truancy, depression and self-worth, and school performance). However, this vast body of psychological research has tended to focus on
the generic adolescent, with some reference to cultural issues, but has failed to discuss these issues in relation to sexual orientation, ignoring lesbians and gay men as a high risk group (Nelson, 1994). Furthermore, in establishing 'risk factors' for these social and psychological problems, issues specifically relating to lesbian and gay adolescents are omitted.

However, studies of lesbian and gay men have suggested that young lesbians and gay men, are “at risk” of suicide, substance abuse, stress-related disorders, etc. as a consequence of stressors associated with being lesbian or gay (Hetrick & Martin, 1987: Travers & Schneider, 1996). Studies on suicide and attempted suicide (parasuicide) undertaken in the past decade, consistently show that between 20% and 41% of lesbian and gay male respondents had attempted suicide at least once, a considerably higher figure than for the general adolescent population (e.g. see Diekstra et al., 1995: Teenage suicide in the United States, 1991/92; Vannatta, 1996). Furthermore, in some studies (e.g. Hershberger et al., 1997; Remafedi, et al., 1993) more than half of the respondents reported having made multiple attempts, incidences of attempted suicide being reported as highest among lesbians and gay men who are homeless or seeking assistance from social services (e.g. see Kruks, 1991), cultural and ethnic minorities (e.g. see Bradford et al., 1994), adolescents (e.g. see Rothblum, 1990), and those who have more recently identified themselves as non-heterosexual (e.g. see Hershberger et al., 1997; Remafedi et al., 1993).

Psychological research on the incidence of alcoholism among lesbians and/or gay men has tended to suggest that lesbians and gay men are more likely than their heterosexual counterparts to abuse alcohol (e.g. see Anderson & Henderson, 1985: Kus, 1988; Lewis et al., 1982; Mosbacher, 1988; Rotheram-Borus et al., 1992, cited in Grossman, 1997; Saghir & Robins, 1973). The incidence of substance abuse too, is reported at 28% to 39%, (at least three times that of the general population) (e.g. see Cabaj, 1996; Rotheram-Borus et al., 1992, cited in Grossman, 1997). Gay men are also reported to be disproportionately represented among crack/cocaine users (e.g. see Kang et al., 1994; McKirnan & Peterson, 1989a, cited in Anderson, 1996). and more than a third of lesbian and gay youth have been found to have a current usage of substances which would meet the psychiatric criteria for substance abuse (Remafedi. 1987: Rosario et al., 1997), increasing their risk of chemical dependency in adulthood (Shifrin &
Gay and lesbian youth are also over-represented among the homeless and school drop-outs (Travers & Schneider, 1996; see Savin-Williams, 1994, for a full review). Studies on school performance have reported that between 41% (Jordan et al., 1988) and 80% (Remafedi, 1987) of lesbian and gay youth surveyed had experienced a deterioration in their school performance as a consequence of anti-lesbian anti-gay bullying, anxiety, and fear. Furthermore, in Remafedi’s (1987) study 40% were reported to truant regularly, and 30% had dropped out of school. Similarly, Rotheram-Borus et al. (1991) reported that 60% had failed a grade, and Jordan et al., (1988) that 17.6% had dropped out of school.

As a consequence of oppression, lesbians and gay men are often reported to experience social isolation and loneliness (see Hetrick & Martin, 1987). Psychological research has often reported lower self-esteem among lesbians and gay men, attributing this primarily to negative societal attitudes towards lesbians and gay men (e.g. see Dombrowski et al, 1996; Fontaine, 1998; Frable et al., 1998; Lima et al., 1993; Walters & Simoni, 1993). Similarly, 19% of youth in the Hetrick & Martin (1987) study reported some type of emotional problem, usually involving depressive feelings and anxiety. However, studies of the incidence of depression and seeking professional help have almost exclusively focused on lesbian populations.

Studies consistently suggest that between 70% and 80% of lesbians have sought counselling at some point in their lives (e.g. see Albro & Tully, 1979; Bradford et al., 1994; Morgan & Eliasen, 1992; see also Montsho, 1995). For example, Morgan & Eliason (1992) found that 77.5% of lesbians (compared with 28.9% of heterosexual women) had been in therapy. Moreover, Ryan and Bradford’s national (USA) survey of lesbians (see Bradford et al., 1994) found that of the 50% of lesbians surveyed who had sought counselling, 59% had sought help for depression (see also Lehmann et al., 1998), 31% because they were anxious or scared about their sexuality, and 21% for feelings of loneliness and isolation.

Once again, rather than taking a rights-based approach, psychologists have taken a mental health approach to lesbian and gay oppression. By attempting to advance the rights of lesbians and gay men by documenting suicide rates, the incidence of alcohol and drug abuse, and school dropout and truancy statistics, psychology has once again...
personalised and individualised the problem of lesbian and gay oppression. Repositioning the lesbian or gay person as ‘victim’. In so doing, attention is diverted away from a human rights focus.

**Evaluation of ‘lesbian and gay affirmative’ psychology**

According to Kitzinger (1997), contemporary lesbian and gay psychology (post 1970s) is “psychology which is explicit about its relevance to lesbians and/or gay men, does not assume homosexual pathology, and seeks to counter discrimination and prejudice against lesbians and/or gay men” (Kitzinger, 1997, p. 203). Lesbian and gay psychology is therefore concerned with the rights of lesbians and gay men, although this is seldom made explicit.

As has just been illustrated, psychological theory and research on lesbian and gay oppression (i.e. homophobia, heterosexism, hate crimes, climate, and psychosocial consequences) has taken an individualised and depoliticised approach to the problem. For example, by studying ‘homophobia’ or ‘hate crimes’, lesbian and gay oppression is individualised as something perpetrated by those who have poor attitudes towards lesbians and/or gay men (i.e. ‘homophobes’) or who behave badly towards lesbians and gay men (i.e. ‘criminals’). Conversely, by focusing on ‘internalised homophobia’ or psychosocial effects of oppression, the focus is on (individual) lesbians and gay men as victims, suffering as a result of the poor attitudes and behaviours of other individuals.

In attempting to advance the rights of lesbians and gay men, therefore, lesbian and gay psychology (‘gay-affirmative’ psychology), and the study of lesbians and gay men prior to the 1970s, has done so predominantly by using arguments that are not rights-based. So, instead of arguing that it is a human rights violation to beat lesbians and gay men up, harass them, or dismiss them from their jobs, psychology has argued that these occurrences cause lesbians and gay men mental health problems. In so doing, the contemporary psychological study of lesbian and gay issues has, for the most part, neutralised human rights, by individualising lesbian and gay oppression and viewing human rights violations as mental health issues, rather than socially and legally condoned oppression.
Theoretical and Methodological Rationale for the Present Study

Although a human rights framework is well established within law and politics, there does not appear to be a coherent psychology of human rights, but rather a disparate collection of theory and research with a peripheral interest in human rights. Whilst a small body of psychological theory and research has explicitly engaged with human rights, either in relation to research and clinical practice, or in the study of attitudes towards and understandings about human rights, psychology has largely engaged with human rights in an implicit and cursory way. The two main areas of psychology where a human rights framework has been employed are (1) the study of moral reasoning, and (2) the study of oppression. As we have seen, human rights occupy a central position in the theory of moral reasoning, but because studies of moral reasoning typically employ a developmental approach, human rights are subsumed as a more morally developed way of thinking. Likewise, because psychologists have predominantly taken an individualised approach to the study of oppression, employing a psychosocial framework, human rights have been neutralised (decontextualised and depoliticised) into mental health issues.

The failure of psychology to engage directly with a human rights framework is striking. Despite a plethora of evidence that the human rights of lesbians and gay men around the world are violated in a whole range of ways, psychology has omitted to mention human rights in relation to lesbian and gay issues. For example, psychologists have typically investigated hate crimes against lesbians and gay men as something perpetrated by some individuals against others, rather than as systematic human rights violations against lesbians and gay men internationally. Furthermore, although homophobia and climate studies have typically included a small range of human rights issues within their scales, they have omitted exploring people’s views in relation to (human) rights issues such as the right to life, the right to asylum and the right to freedom of expression and access to information. It would appear then, that to date no study has comprehensively adopted a human rights framework in relation to a broad range of lesbian and gay issues. Moreover, psychology itself has been responsible both for promoting and for violating the human rights of lesbians and gay men.

As was highlighted in chapter one, lesbian and gay issues are increasingly being recognised as human rights issues, and in the global struggle to achieve equality with
heterosexuals, inequalities for lesbians and gay men (and other marginalised groups) are frequently being challenged using human rights arguments. A human rights framework is advantageous for studying lesbian and gay issues because by locating sexual orientation within a human rights framework, lesbians and gay men (and their advocates) can link their struggle to a tradition which has transformed the oppression of other groups (e.g. women and blacks). Consequently, it is important to employ a human rights framework to the psychological study of lesbian and gay issues, because by applying a human rights approach to phenomena such as attitudes, behaviours, and reasoning, we may gain an insight into the processes which maintain the denial of human rights, and from there establish how we might best work towards positive social change (Payaslyoðlu & Içduygü, 1999).

As highlighted at the beginning of this thesis, the purpose of the present research was explicitly to employ a human rights framework to the study of lesbian and gay issues. This study therefore aimed to explore the way in which people think, reason, talk, and argue about lesbian and gay issues, focusing explicitly and comprehensively on the extent to which people support lesbian and gay human rights, and employ rights-based reasoning in thinking, talking, and arguing about lesbian and gay human rights issues.

**Methodological approach**

For the present research, a multimethod approach was employed so as to enable the exploration of different aspects of support for and reasoning about lesbian and gay issues (attitudes, thinking, discussion) in different contexts (individual, social, formal). Traditionally, in the social sciences, quantitative and qualitative methods have been seen as opposing research paradigms (Brannen, 1992; Hammersley, 1996; Lincoln & Guba, 1985), in that methods of data collection and analysis have typically been viewed as divergent. Despite the widely recognised epistemological differences between the two approaches (e.g. see Hammersley, 1996; Henwood, 1996; Smith, 1984), a number of researchers (e.g. Bryman, 1992; Hammersley, 1996), including feminist researchers (e.g. Jayaratne, 1993; Henwood, 1996), have argued for the combination of both quantitative and qualitative methods in psychological research.
The use of diverse methods or ‘multiple research strategies’ (Burgess, 1982 in Brannen, 1992) in tackling a research problem, most commonly applies to combining quantitative and qualitative methods, in what is known as ‘triangulation’ (Bryman, 1992; Hammersley, 1996), whereby the findings of different measures are compared against one another. However, the main reason for combining methods in the present research was to gain a more complete picture of people’s support for and reasoning about lesbian and gay human rights issues, by using methods which complement each other (cf. Bryman, 1992; Hammersley, 1996; Jayaratne, 1993; see for example, Waterton & Wynne, 1999). In this study, then, the quantitative methods (i.e. questionnaire comprising attitude scales and the moral dilemma task) and the qualitative methods (i.e. focus groups, and texts) were designed to explore different aspects of the research question.

Questionnaire

Questionnaires have been widely used in survey research, and are commonly employed as a means of researching attitudes (Goddard & Villanova, 1996). Feminist research aims to be politically useful in creating social change (see Kitzinger, 1996; Wilkinson, 1996b), and therefore has been primarily concerned with finding out about the lives and experiences of those who are oppressed, particularly women (Kelly, Burton, and Regan, 1994; Stanley & Wise, 1993). To be politically active in counteracting the damaging claims about women made by androcentric research, feminist psychologists have often employed survey methods (despite criticism from other feminists; cf. Jayaratne, 1993) to provide counter-evidence to research findings of the ‘malestream’, or as a means of raising consciousness among women and in society generally (e.g. see Koss, 1988; Hite, 1976). Similarly, lesbian and gay psychologists have also used questionnaires to counteract damaging claims of heterocentric and heterosexist research and practice. For example, as outlined previously in this chapter, early homophobia studies (e.g. Smith, 1971; Lumby, 1976) were largely an attempt by lesbian and gay psychologists to challenge the prevailing dominance of psychological research claiming that lesbians and gay men were pathologically ill (Kitzinger, 1987).

Although feminists have frequently been critical of survey research, in that it imposes a pre-defined framework, with little opportunity for reflection and elaboration
(Shields & Crowley, 1996), or that it is buying into the patriarchal culture of 'scientific' method (see Reinharz & Davidman, 1992). Questionnaires and surveys can be particularly useful for advancing political goals and influencing policy (Jayaratne, 1993). In particular, surveys and questionnaires produce large scale data, which can be statistically quantified and readily co-opted by activists, MPs, and the press (Bryman, 1992; Jayaratne, 1993). Consequently, questionnaires and surveys provide a useful vehicle for raising awareness among the general population about the extent of a particular issue or problem (Reinharz & Davidman, 1992).

We know little about how people think about, reason about, and talk about lesbian and gay human rights issues. We also do not know whether people think about lesbian and gay issues from a human rights standpoint. One of the key advantages of carrying out a questionnaire study, is that it provides a means by which we can establish (relatively quickly) the views of a large number of people, in a way which would not be possible using qualitative methods such as interviews or focus groups. A questionnaire approach was therefore adopted in the present study to give a global snapshot of attitudes towards and reasoning about lesbian and gay human rights issues.

Focus Groups

Focus groups are small groups (usually less than 12 people) gathered by a researcher to collectively discuss a topic, or to explore a set of issues (J. Kitzinger & Barbour, 1999; Stewart & Shamdasani, 1990; Wilkinson, 1999a; See also Greenbaum, 1993). Although it is only relatively recently that focus groups have been employed in psychological research, they have a long history in marketing, public policy, and communications research (Stewart & Shamdasani, 1990; Wilkinson, 1999a). Increasingly though, focus groups have been employed by feminists in the social sciences for research on topics from breast cancer (see Wilkinson, 1998) and AIDS (J. Kitzinger, 1994), to adolescent issues and experiences (e.g. Frith, 1997; Granello, 1997; Lovering, 1995; Macpherson & Fine, 1995).

One of the main reasons that focus groups have gained popularity among feminist researchers, is that they provide a context within which ideas can be formulated and modified, thus closely approximating everyday conversation (J. Kitzinger, 1994b; J. Kitzinger & Barbour, 1999; Wilkinson, 1999a). Secondly, although
the researcher may guide the discussion, the focus group method is largely participant led, participants engaging with each other (rather than the researcher) and developing their own agendas and “pursuing their own priorities on their own terms” (J. Kitzinger & Barbour, 1999, p. 5; see also Stewart & Shamdasani, 1990). Consequently, focus groups may provide an insight into the social processes by which beliefs are accepted, rejected, and modified in a group context (Green & Hart, 1999). This attribute makes focus groups ideal for exploring people’s attitudes, and the way(s) in which people reason about issues in a group (or societal) context (Greenbaum, 1993; J. Kitzinger & Barbour, 1999; see also discussion in Waterton & Wynne, 1999).

Conversely, the group context has been seen by some as a drawback of the method, in that it can serve to silence particular individuals or inhibit (some) participants from raising points which may deviate from the group norm (Stewart & Shamdasani, 1990; see for example Granello, 1997; Kitzinger, 1994b). However, in this study, the ways in which inequality is maintained, and the processes by which certain people or views are countered or silenced was of analytical interest, and therefore a benefit of the method, rather than a drawback.

Focus groups were employed in this study to explore how people talk about lesbian and gay issues in a social context as opposed to the individualistic approach employed in the questionnaire. The focus group schedule used in this study was, therefore, designed to closely relate to the issues covered in the questionnaire, so as to allow comparison between general trends in questionnaire responses, and the way in which the issues are discussed in a social context, shedding light on potential reasons for patterns in questionnaire responses (cf. J. Kitzinger & Barbour, 1999).

**Texts**

In the Social Sciences, researchers (particularly those engaged in rhetoric, discourse, and communication research) have found the analysis of culturally available texts (e.g. news reports; talk shows; printed press) useful for identifying the way in which people talk about issues or societal groups. Recent psychological research of this kind has explored how anti-gay (etc) arguments are constructed in political and media fora, for example, talk shows (e.g. see Clarke, 1999). Hansard reports (e.g. Epstein, Johnson, &
Steinberg, 2000), and the print media (e.g. Myrick, 1998: Williams, 1996-97).

As lesbian and gay human rights issues have tended to be at the forefront of media
attention, and are typically fought in the public arena, a text-based analysis was employed
in this study to complement the data collected in the focus groups, by specifically exploring
the arguments used to counter human rights in a context where human rights are explicitly
made relevant. For this study, a single topical issue was selected as a case study for
exploring reasoning about lesbian and gay human rights in public discourse (in this case,
parliamentary debates, newspaper reports, and letters to the Editor). At the time of
undertaking the research for this thesis, the age of consent for sex between men was being
debated in the British parliament, and therefore Hansard and newspaper reports of this
debate were chosen as a convenience sample.

This chapter has focused on the relationship between psychology, lesbian and gay issues,
and human rights, and in exploring the interface between these, has provided a rationale for
the present research. The next three chapters will report the findings from the studies using
each of the three methods described above: Questionnaire (Chapter 3), focus groups
(Chapter 4), and texts (Chapter 5).
CHAPTER 3

Thinking about Rights: A Large-Scale Questionnaire Study of Support for and Reasoning about Lesbian and Gay Issues

As indicated in the literature review (Chapter 2), mainstream psychology has rarely used a human rights framework. Where it has, only very few rights have been considered, and seldom in relation to lesbians and gay men. To date no study has comprehensively explored support for human rights as they apply to lesbians and gay men.

In order to address this gap in the literature, and to provide a context within which to explore the way people talk and argue about lesbian and gay human rights (Chapters 4 and 5), a large-scale questionnaire study of attitudes and reasoning was undertaken. The purpose of the questionnaire was to explore students’ support for and reasoning about lesbian and gay human rights issues, with a view to establishing the extent to which (a) lesbian and gay human rights are supported, and (b) people prioritise human rights reasoning when thinking about lesbian and gay issues.

We know little about how people think about, reason about, and talk about lesbian and gay human rights issues. We also do not know whether people think about lesbian and gay issues from a human rights standpoint. One of the key advantages of carrying out a questionnaire study, is that it provides a means by which we can establish (relatively quickly) the views of a large number of people, in a way which would not be possible using qualitative methods such as interviews or focus groups. A questionnaire approach was therefore adopted in the present study to give a global snapshot of attitudes towards and reasoning about lesbian and gay human rights issues, providing a base on which to contextualise the material in the subsequent qualitative studies.

The purpose of this study was to explore the extent to which respondents (1) agree or disagree that human rights issues should be extended to lesbians and gay men; (2) view themselves as responsible for helping to create positive social change for lesbians and gay men; and (3) employ human rights reasoning when presented with moral dilemmas involving lesbian and gay issues. The findings of the present study will therefore be presented in three distinct sections:

Part 2: Individuals’ sense of personal responsibility for creating positive social change for lesbians and gay men.

Part 3: Reasoning about lesbian and gay human rights issues.

First, the method used for this study (all three parts) will be outlined.

Method

Development of the instrument

The questionnaire developed for this study comprised four sections. The first section (endorsement of lesbian and gay human rights) consisted of two attitude scales, one measuring homophobia, and the other, support for lesbian and gay human rights. The next section comprised two questions, both requiring an indicative and a written response, on self-perceived personal responsibility for creating positive social change for lesbians and gay men (position on lesbian and gay rights). The third section comprised a psychometric measure constituting two moral dilemmas involving lesbian and gay issues, and the final section of the questionnaire asked respondents to give demographic information about themselves. In outlining the development of the questionnaire as a whole, I will discuss the development of each section of the questionnaire in turn, ending with a brief explanation of the final structure of the questionnaire.

Section A: Endorsement of lesbian and gay human rights

Since, to date, no study appears to have explored attitudes towards human rights issues (in their entirety) as they apply to lesbians and gay men, it was necessary to develop a scale specifically for this study, to measure this aspect of support for lesbian and gay human rights. To construct this section of the questionnaire, an item pool (see Oppenheim, 1992) was compiled of statements pertaining to specific lesbian and gay human rights issues. Items addressing human rights issues from scales, tests, questionnaires, and interview schedules were selected from the psychological literature on lesbian and gay issues, and on human rights. Some of these were already framed as lesbian and gay issues (e.g. “Women’s homosexuality should not be a cause for job discrimination” [Maney & Cain, 1997]), and therefore were included in their existing
form. Others were framed in relation to human rights generally, or in relation to specific
groups or contexts. For example “A person’s race or sex should not block the person’s
access to basic rights and freedoms” (Diaz-Veizades et al., 1995); “Gays, lesbians, and
bisexuals should not be allowed to teach in public elementary schools” (Malaney et al.,
1994); “Books written by members of this group should be removed from a public
library” (Sotelo, 1997).

Where possible, statements of this latter type were modified or adapted (cf.
Bourque & Clark, 1994), so that they focused on lesbian and gay human rights. For
example, “a person’s race or sex should not block that person’s access to basic rights
and freedoms” (Diaz-Veizades et al., 1995) became “A person’s sexual orientation
should not block that person’s access to basic rights and freedoms”. In addition, a
number of items were created from scratch to represent current human rights issues
regarding lesbians and gay men worldwide, which had not been covered by previous
studies (e.g. “There is no situation in which it is justified to kill someone simply for
being lesbian or gay”). Next, items were systematically compared against the Universal
Declaration of human rights, to ensure that all items which could conceivably apply to
lesbians and gay men (qua lesbians and gay men) were represented. Items were then
systematically compared against the Universal Declaration of Human Rights, to ensure
that all articles of the declaration which could conceivably apply to lesbians and gay
men (qua lesbians and gay men) were represented.

When completed, the item pool comprised around 50 statements. It is usual in
attitude research for the pool of items to be larger than what is optimal to include in a
single scale or questionnaire (Oppenheim, 1992). Often psychologists use factor
analysis to reduce the number of items to those which form a succinct and coherent
scale (e.g. see Herek, 1984). However, because the purpose of this study was to explore
attitudes across a range of human rights issues, rather than to develop a psychometric
measure, items were systematically hand-chosen using the following procedure.

First, items in the pool were sorted according to the article of the Universal
Declaration to which each pertained, their wording modified, and duplicate items
discarded. After this process had been completed, most articles of the declaration were
represented by a single questionnaire item, however, for multifaceted articles, more than
one statement was included. For example, the right to marry and found a family (Article
16) was represented by two items – “Lesbian and gay male couples should be legally
permitted to marry, just as heterosexual couples are” (item 21) and “Lesbian and gay
couples should have all the same parenting rights as heterosexuals do” (item 34). Scale items were finalised by systematically double-checking that each relevant article of the UDHR was represented (in full or in part) by an item on the scale, and that the wording of each item accurately reflected the essence of the article to which it pertained. Throughout the process of developing items, care was taken to ensure that statements were clearly worded, were not ambiguous, and that double negatives, and double-barrelled items were avoided as much as possible (cf. Oppenheim, 1992; Fife-Schaw, 1995b). The final scale comprised a total of 25 items asking about lesbian and gay human rights issues, around a third of which were worded so that they could be reverse-scored.

In order to make possible a consideration of the relationship between support for lesbian and gay human rights and attitudes towards lesbians and gay men, a short homophobia scale was incorporated. Whilst there are numerous homophobia scales freely available in the psychological literature (e.g. see Hudson & Ricketts, 1980; Lumby, 1976; see also Davis et al., 1998 for many more), many are lengthy, outdated, or are designed for targeting a specific group (e.g. heterosexuals; men; etc). For this study it was necessary to choose a measure which would fit suitably with the SLGHR, and which was brief, so as not to make the complete questionnaire too lengthy, and to ensure a consistent format. The short form of the Attitudes Towards Lesbians and Gay Men Scale (ATLG-S; see Herek, 1984) was therefore selected because of (1) its brevity; (2) its structure and format was similar to that of the SLGHR; and (3) its validity and reliability are strong. Although some of the wording in this scale appeared at odds with our choice of wording in the SLGHR (e.g. the use of ‘female homosexuality’ rather than ‘lesbianism’), this was left unchanged so as to maintain the validity and reliability of the scale (cf. Fife-Schaw, 1995b).

The 25 human rights items and the ten homophobia scale items were organised quasi-randomly to ensure that the items of the two scales were well mixed, that items addressing similar issues were separated, and that reverse-scored items were distributed throughout the questionnaire. Items were laid out with a five point Likert type scale, commonly employed in attitude surveys (Fife-Schaw, 1995b; Goddard & Villanova, 1996), attached to each item. For this section of the questionnaire, respondents were asked to assess the extent to which they agreed with each item by indicating on a scale from “strongly agree” to “strongly disagree”. An ‘unsure neutral’ option was also provided (cf. Goddard & Villanova, 1996). With the exception of the 14 reverse-scored
items, which were scored from 5 through to 1. Each item attracted a score of 1 (strongly agree) through to 5 (strongly disagree). In all cases a low score (1 or 2) represented pro-
lesbian and gay human rights and more positive attitudes towards lesbians and gay men, and a high score (4 or 5) represented lack of endorsement for rights issues and negative attitudes towards lesbians and gay men. Item scores may be totalled to give an overall score for each participant, potentially ranging from 25-125 for the SLGHR. Items on the ATLGS may be similarly totalled to give an overall score from 10-50 for each participant.

This section of the questionnaire was piloted on 19 students (11 males and 8 females). Potential participants were approached individually in one of the bars on campus, on a single afternoon during term-time. Each person approached was briefed on the study, and were then asked if they would be willing to spend 5-10 minutes filling out the questionnaire. No changes were made to this section of the questionnaire as a result of the piloting.

Section B: Position on Lesbian and Gay Rights

To complement the situation-specific statements included in the first section of the questionnaire to explore endorsement of lesbian and gay human rights issues, the second section of the questionnaire was also designed to explore support for lesbian and gay human rights, but through self-perceived responsibility for helping create positive social change for lesbians and gay men. Previous research suggests that people will often endorse a proactive viewpoint in the abstract, but when asked about their personal commitment actively creating positive change, or if their active involvement is monitored, their commitment ceases to be evident (e.g. see Ajzen & Fishbein, 1980). Ideally, it would have been desirable to investigate people's actual behaviour in relation to lesbian and gay rights (see Stevick & Addleman, 1995 and Yates & Youniss, 1998 for examples of research on political action), however, this would have been too large a project to be incorporated as part of the present study.

In a number of studies, notably campus climate studies (e.g. Malaney et al., 1994), questions such as “If you witnessed one or more students making derogatory remarks about, or otherwise verbally harassing a student because they assumed he or she was gay, lesbian, or bisexual. What would you do first?” (Malaney et al., 1994) have been included to give an indication of the level of commitment people might be willing to give to such an issue. Two questions of this type were used. The first of these was
adapted from McClosky & Brill's (1983) questionnaire to read “If [lesbians and gay
men] are treated unjustly in our society, do you feel it is your personal responsibility to
help create positive changes?” focused on the individual's personal ownership of
responsibility for lesbian and gay rights issues. The second, “How willing would you be
to join others in their efforts to ensure that lesbian and gay rights are respected?”
(adapted from Doise, c.1994) focused on one's commitment to lesbian and gay rights in
relation to collectively working towards social change.

To facilitate data processing and analysis (Bourque & Clark, 1994), as with the
previous section, both questions were paired with a five point likert type scale from
“most definitely” to “definitely not”, and “extremely willing” to “extremely unwilling”
respectively, and scored from 1 through to 5. In addition, for each of these two
questions, an open-ended response format was used to allow respondents to explain
their responses.

Section C: Measuring Moral Reasoning:
The purposes of this part of the present study, was to get an indication of the type of
arguments being prioritised when thinking about moral dilemmas involving lesbian and
gay issues, rather than to place respondents into Kohlbergian stages of development. In
particular, the aim was to explore the kinds of arguments that people prioritise when
faced with lesbian and gay human rights issues in competition with other
considerations, and the extent to which human rights arguments are favoured.
Consequently, the focus was on the extent to which it was used, or if it was used at all
(as opposed to where this type of reasoning was placed in a given model).

In his theory of moral development, Lawrence Kohlberg (1976) places moral
thinking based on universal principles of justice, or human rights, at stage 6; the highest
stage of moral development, characteristic of what Kohlberg terms principled
reasoning, the most desirable way of thinking about moral issues (see Colby &
Kohlberg, 1987 for details of stages). Thus, from a Kohlbergian moral developmental
perspective, thinking about moral issues from a human rights perspective is indicative
of mature moral thought/development.

As with support for human rights issues, lesbian and gay issues do not appear to
have been the subject of studies on moral reasoning, although moral dilemmas have
been widely used in other areas (e.g. Kahn, 1997; Keller et al., 1998; Snell, 1996; White
& Manolis, 1997). Currently, there are three major instruments used in moral
developmental research: 1/ Kohlberg's Moral Judgement Interview (MJI; Colby & Kohlberg, 1987), 2/ Rest's Defining Issues Test (DIT; Rest, 1979), and 3/ Lind's Moral Judgement Test (MJT; Lind et al., 1981-82; Lind & Wakenhut, 1985). For all three measures, participants are asked to respond to a series of hypothetical stories involving moral dilemmas. Kohlberg's MJI takes the form of an interview where participants are read a moral dilemma and then asked a series of probe questions designed to elicit information about why they think the key player(s) in the moral dilemma should not have acted in the way they did. Rest's DIT and Lind's MJT, on the other hand, are quantitative measures based on Kohlberg's MJI.

Since no dilemmas relating to lesbian and gay issues existed in any of these three measures (nor in any other study to date) the possible options were to either create new dilemmas, as others (e.g. Schwalbe & Staples, 1992) have done, or adapt some existing dilemmas. The latter approach was chosen, as this would ensure that the important components that form the dilemma would remain intact, and that the revised dilemmas could be utilised within an existing measure.

Kohlberg's MJI is very labour-intensive and not well suited to being used with a large sample, so could not have been incorporated as part of a questionnaire. By contrast, Rest's DIT is relatively straightforward, has high level of validity and reliability, and has been employed in a large number of studies (e.g. see Galotti, Kozberg, & Farmer, 1991; Santilli & Hudson, 1992; Stevick & Addleman, 1995), including cross-cultural studies (e.g. see Hau & Lew, 1989; Zeidner & Nevo, 1987), and therefore seemed an appropriate choice for my study. This was therefore used as a starting point.

The DIT comprises six moral dilemmas, three of which are taken directly from Kohlberg's MJI. For each dilemma, respondents are asked to indicate how they think the key players in the dilemma should have acted. Next, participants are asked to respond to a series of statements corresponding to arguments at each of Kohlberg's stages (with some distracter items), indicating how important the participant believes each argument to be in making a decision about how the key players acted. Finally, participants are asked to identify the four most important arguments, and to rank these in order of importance.

Of the six dilemmas in Rest's DIT, three were easily modified into moral dilemmas involving lesbian and gay issues: student take-over (a dilemma where students take over an administration building, because the university wouldn't
implement an army ROTC program), Webster (about racial discrimination by an employer), and newspaper (about a school principal who embargoes a student newspaper publishing anti-Vietnam war material). In order to ensure that the validity and reliability of the DIT remained intact as much as is possible, only minor and absolutely necessary changes were made to the dilemmas. So, for example, in the Webster dilemma, the focus on racial discrimination was changed to one of lesbian and gay discrimination. Thus, all mentions of “orientals” were replaced with the words “gay men and lesbians”, and the words “...but he was Chinese” were replaced with the words “...but he was gay”. In addition, as this questionnaire was to be used in a British context, American-specific language was replaced with the nearest British equivalent (“petrol station” rather than “gas station”). In every other respect, the format was kept identical to that of Rest’s DIT.

In order to assess the potential viability of the adapted dilemmas, and of the format of the DIT itself (which seemed quite complex), the proposed dilemmas were used as a forum for discussion with a postgraduate/staff group as a means of pre-piloting. A number of issues were raised in this forum, including the overwhelming complexity of the measure, the time needed to complete the task, and the level of comprehension required to understand what was required. However, the format of Rest’s Defining Issues Test seemed to be a cause for concern: if staff and postgraduate students found the task difficult to comprehend, then how much more so would this be for undergraduate students? Researchers in the United States also reported problems: For example, one had resorted to conducting the DIT on a one-to-one basis, ‘walking’ each respondent through the task (Nicholas Santilli, personal communication). However, despite my reservations, I decided to pilot my adapted version of the DIT, but to trial some alternative measures/methods as well.

I turned to the less well-known, and less frequently cited MJT (Lind & Wakenhut, 1985) which is freely available on the internet (at http://www.uni-konstanz.de/ag-moral). The MJT comprises two moral dilemmas, which like the DIT first require participants to indicate whether they agree or disagree with the actions of the key players in the dilemma. Next, for each dilemma, participants are asked to respond (on a nine-point scale) to six potential arguments for, and six potential arguments against, the actions of the players in the dilemma (see Appendix Bii). In each case, one statement from each of the six equates with one of the six stages of Kohlberg’s theory of moral development.
Overall, the format of the MJT appeared much clearer than the DIT. So an adapted version of this measure was created. Two of the dilemmas (Student take-over and Webster) which had already been adapted were imported into the MJT, making only the minimum adjustments to the statements of the scale, so as to leave the measure as intact as possible. For example, in the case of the student take-over dilemma, the statement "that it is unwise to risk dismissal from university because of other people" replaced statement 9 ("that it is unwise to risk dismissal from the company because of other people") of the MJT.

An open-ended responses format version of the moral dilemmas was also piloted in addition to the DIT- and MJT-based versions. For this version, the student take-over and Webster dilemmas were presented, each followed by a question asking respondents to indicate whether they agreed or disagreed with the actions of the key players in the dilemmas. Respondents were then asked to explain their response.

Scoring details for the DIT and MJT were determined from their respective manuals (Rest, 1986 and Lind, 1998 respectively). Although there are a number of ways of scoring the DIT, the p-score (the most widely used method) seemed the most appropriate for me to use, in that it indicates the extent to which principled reasoning (Kohlbergian stages 5 & 6) is prioritised in coming to a decision about whether the actions of the key players in a dilemma acted rightly or wrongly (Rest, 1979). The advantage of this method of scoring, is that it offers a way of dividing participants into two groups: Those who are employing rights-based (principled) reasoning, and those who are not. The MJT, on the other hand, produces a c-score, which assesses both the consistency of judgement behaviour, as well as the direction and intensity of preferences for stage-typical concerns (Lind & Wakenbut, 1985; see also Rest, Thoma, & Edwards, 1997). For the open-ended responses, a Kohlbergian-type analysis was applied, responses coded according to the Kohlbergian stage each best represented.

The three versions were then piloted. Potential participants were approached individually in the library common room and in one of the bars on campus, over a period of several days. The same procedure was applied to the piloting of this section of the questionnaire as had been employed for the piloting of Section A.

For version 1 (based on Rest's DIT), a number of problems were encountered, including the length of time needed to complete the task, and the high level of reading comprehension necessary to comprehend what is required (see Kay, 1982; Sanders et al., 1995). Most of the questionnaires in this format were returned incomplete, or
incorrectly completed. The second version (based on Lind’s MJT), however, appeared to be much more comprehensible, and easier to complete, and respondents reported little difficulty completing the task. The third version (open response) also appeared to present no problems for respondents. However, the quality of the responses was disappointing, and the majority of responses did not engage with the moral or rights element of the dilemmas (although this may have been due to unclear instructions).

On reviewing the feedback from the piloting, version 1 was abandoned, as its unwieldy nature appeared to have deterred respondents from completing the questionnaire in its entirety. Although the qualitative potential of open-ended responses (version 3) was enticing, the quality of responses was disappointing, and analysis was unnecessarily complicated by the lack of conformity of the data to a moral or rights framework. On a basis of the piloting then, version 2 was clearly the favoured option, and was therefore adopted for use in the questionnaire.

Section D: Information about participants

The final section of the questionnaire was designed to collect demographic information. As suggested by others (Fife-Schaw, 1995b; Miller, 1991, cited in Goddard & Villanova, 1996), this was placed at the end of the questionnaire.

This section of the questionnaire was based on the standard form used by Loughborough University to collect demographic information. The standard form asks for information about sex, race, and disability, and in addition, a question on age was added. Age bands were employed rather than asking for specific ages, and because the vast majority of students are under 25 years of age, response categories were provided which distinguished age among young participants, but offered a single category for those over 25 years of age.

Some further questions were added to this section, based on the demographic details requested in other studies of lesbian and gay issues (e.g. Malaney et al., 1994) and human rights (e.g. Doise, c.1994). Respondents were asked for information about their sexuality. In addition to the usual categories (e.g. heterosexual, lesbian, gay male, bisexual, and transgendered), an “unsure” and an “other (please specify)” option were also added. In previous studies (e.g. D’Augelli, 1989b) participants were only offered, at best, the options just described leaving no option for those who did not wish to identify themselves in these ways, nor for any participants who were still unsure about their sexuality: such studies record high rates of non-response to questions on sexuality.
Participants were also asked about religious affiliations, and membership of groups which promote human rights, as these factors were expected to contribute to a pro- (in the case of membership of human rights organisations) or anti- (in the case of particular religious affiliations) lesbian and gay human rights stance.

This section of the questionnaire was piloted simultaneously with section A, and as a result of the piloting, some questions in the demographic details section were slightly modified. First, lines were added for all categories labelled “other (please specify)” to make it clear that a response was required. Second, for question 6 (religious affiliation) the categories ‘catholic’ and ‘protestant’ were collapsed and replaced with the category ‘Christian’. Third, when asked for “school of study” several respondents misinterpreted this to mean the institution of study, rather than the faculty/school in which they study (e.g. Social Sciences, Humanities, Engineering). Accordingly, the question was rephrased to ask, “What is the main subject you are studying for your degree/course?” Since the target sample had changed, this question (question 8) was later extended to ask for occupation, and then for students, specific characteristics about their student status (e.g. full-time or part-time, undergraduate or postgraduate, and year of study) in addition to the main subject studied.

For a self-administered questionnaire, it is usual to provide a statement at the beginning of the questionnaire, briefly explaining the nature of the study, assuring respondents of anonymity, and stating who the questionnaires are for (Fife-Schaw, 1995b; Goddard & Villanova, 1996). A statement of this nature was therefore included at the top of the questionnaire. However, because the moral dilemma task (section C) was less self-explanatory than sections A and B, instructions for completing the task were included at the beginning of that section. The final format of the questionnaire (see appendix A) was therefore

- Section A: Endorsement of lesbian and gay human rights (SLGHR & ATLG-S).
- Section B: Position on lesbian and gay rights (open-ended responses)
- Section C: Moral Reasoning (Moral dilemma task)
- Section D: Demographic Information.
Procedure

Sampling
The purpose of the questionnaire was exploratory, therefore in this study non-probability sampling (see McCready, 1996) was employed: in this case a convenience sample. A convenience sample (sometimes called a ‘judgement sample’ – McCready, 1996; Oppenheim, 1992) is typically employed where the size and demographic characteristics of the population are largely unknown, and from which it is therefore difficult to ‘draw’ a sample (Oppenheim, 1992). Although it would theoretically be possible to establish the number of students enrolled at a given university, and the ethnic and gender breakdown of each, this information is usually ‘classified’, making it difficult to employ a random and/or stratified sample. Furthermore, contact details for students would be virtually impossible to obtain, as these are typically confidential. Not withstanding this, even if it was possible to ascertain this information, for a large scale questionnaire study such as this, it would be an arduous task to obtain and monitor representation of all groups. For these reasons, a convenience sample was employed in the present study.

For an exploratory study such as this one, sample size is not as important as it would be in studies where the results are to be generalised to the population as a whole (McCready, 1996), but should be large enough to allow a (relatively) accurate estimation of attitudes beyond the sample surveyed (Oppenheim, 1992; McCready, 1996). McCready (1996) suggests that as a rule of thumb, the target sample size should be comparable to that reported in similar studies. With the exception of large cross-national studies (e.g. Doise et al., 1999) studies of attitudes towards lesbians and gay men and studies of human rights attitudes have typically employed between around 100 to 900 participants. For this study therefore, it was planned to distribute around 1000 questionnaires, and because of the distribution technique adopted, over half were expected to be returned.

Although response rates to questionnaires may be as high as 80% or more, for long questionnaires (as this one was) and/or those which deal with (relatively) sensitive topics, return rates tend to be much lower, averaging around 40% or less (Fife-Schaw, 1995a). Response rates also tend to be higher when postage-paid and addressed envelopes are provided, and when respondents or distributors are sent reminder letters/cards (Burns, 1990; Oppenheim, 1992; Vaux, 1996).
Distribution

In order to reach students across the country, the help of lecturers was enlisted to distribute questionnaires to classes of students on my behalf. It is common in large scale research for questionnaires to be administered by others (e.g. a research team) on the behalf of a researcher (e.g. see Malaney, 1994; Payaslyoðlu & Içduygu, 1999; Payne, 2000).

The questionnaire was first completed by a large class of students in the Department of Social Sciences at Loughborough University. Four colleagues at other universities were then approached in person, and asked if they could help by distributing the questionnaire: all accepted. Subsequently, a personally addressed letter was sent to 25 established academic staff known to have related research and/or teaching interests, requesting assistance: this resulted in 11 offers of help (plus one additional one via word of mouth). An unsuccessful recruitment attempt was made via the BPS Lesbian and Gay Psychology Section Newsletter.

In addition to Loughborough University, the questionnaire was copied and distributed in bulk to the 16 members of academic staff at 14 universities across the United Kingdom, who had agreed to distribute questionnaires to students. Distribution to students was managed in one of two ways: (1) handed out to and completed by students during class time or (2) handed out to classes of students to take away and complete, and return at their next class, via a central postal facility, or to return to me directly. After 6 weeks, a reminder message was e-mailed to distributors from whom questionnaires were outstanding, again two weeks later, and for the last batches, a final deadline was imposed.

In total, 1275 questionnaires were distributed and of these 627 completed questionnaires were returned, a return rate of 49.2%, the final sample comprising students from 13 UK universities (see Appendix B). The return rate for this study was therefore good. However, it is likely that the ‘true’ response rate is actually higher, given that many questionnaires may not have actually been handed to students and their non-return therefore not the result of non-response.

Analysis

On their return, questionnaires were numbered, and a log book kept recording which institution each had been returned from (cf. Fife-Schaw, 1995b). Each form was then
coded by hand (including reverse-scoring) and the data entered into an SPSS for windows (SPSSwin) data file. Statistical analyses (frequencies: correlations; t-tests: and scoring of SLGHR, ATLG-S, and moral reasoning task) were carried out using SPSSwin.

Qualitative responses were typed up into a table in Microsoft Word, and analysed using thematic analysis (e.g. Boyatzis, 1998). The thematic analysis employed here was largely theory-led (see Hayes, 1997), in that I was looking for whether students did or did not view social change for lesbians and gay men as their personal responsibility, and the types of reasons they used to substantiate their position. To do this, I first read through the responses categorising them into those who did view it as their personal responsibility, and those who did not. Next, I re-read the lists of responses looking for recurring reasons used by participants to substantiate their position. Responses were indexed (Frankland & Bloor, 1999) by marking similar responses in the same colour. Finally, theme headings were assigned to each type of response.

As with the ATLG-S and SLGHR, the moral dilemma task (which was pre-coded) was entered into a data file and analysed using SPSSwin. Since the task used in this study mimicked the format and structure of Lind’s MJT, the tasks were analysed using the scoring method devised by Lind (see Appendix A for a summary of this format; or Lind, 1998, for a detailed outline).

Ethical Considerations

In accordance with the British Psychological Society (BPS) Code of Ethics (BPS. 1990), confidentiality and anonymity were considered throughout the process of developing, administering, and analysing the questionnaire. In questionnaire studies, especially where distributed in bulk, anonymity is generally well preserved by the large number of participants taking part, and by the limited contact which participants have with the researcher, especially where completed questionnaires are mailed back to the researcher (Goddard & Villanova, 1996).

In designing the questionnaire, a statement was included at the top of the first page clearly indicating that the questionnaire would be anonymous, and briefly outlining its purpose. There was no requirement for participants to give their names on

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1 No questionnaires were returned from two universities, and repeated attempts to contact the two distributors concerned, failed.
the questionnaire, however, on the first 250 questionnaires a space was provided at the end of the questionnaire for respondents to (voluntarily) give their name and contact details if they wished to participate in a focus group. However, few respondents completed this section, so it was dropped from subsequent copies. My supervisor, a BPS Chartered Psychologist, (on behalf of the University Research Ethics Committee) gave ethical clearance before the questionnaire was distributed to students.

Since the distribution of questionnaires was largely outside of my control, it is not possible for me to determine the extent to which anonymity between students and their lecturers was afforded to respondents during the distribution and collection process. However, questionnaire forms were not pre-numbered, so individual forms could not be connected with particular individuals. As questionnaires were distributed and returned without me being present, the vast majority of my respondents were unknown to me. Although a record was kept of the institutions from which each bulk set of forms was returned (stored separately from the questionnaires), this was purely for administrative purposes, and not so that inferences could be drawn from or comparisons made between one institution and another. Confidentiality was also maintained by aggregating the data for the complete set, so as to ensure individual or institutional responses were not identifiable (cf. Goddard & Villanova, 1996).

Questionnaires were completed on a voluntary basis. Despite many of the questionnaires being distributed and completed during class time, there was no requirement that students complete them, and in only one case was a full complement of completed questionnaires returned. In addition, miscellaneous blank questionnaires were frequently returned amongst the completed ones for most subsamples.

Validity and reliability

In quantitative research employing scales and/or psychometric tests, reliability and validity are of considerable importance to the researcher (see Foster & Parker, 1995; Hammond, 1995; Ponterotto, 1996). In establishing the reliability of a test or scale, we are investigating its credibility as a measure (Hammond, 1995; Walsh & Betz, 1990). Validity, on the other hand, refers to the extent to which a scale or test measures what it purports to measure. (For detailed discussions of reliability and validity see Hammond, 1995; Ponterotto, 1996).
Reliability and validity of the homophobia scale (ATLG-S)

For a scale to have good internal reliability, it should produce an alpha level of at least 0.70, but preferably 0.80 or higher (Ponterotto, 1996). The full version of the ATLG is reported to have a high level of internal reliability ($\alpha = 0.92$), and good construct validity in that it was significantly correlated ($p < 0.05$) with both the construct validity measures and the parallel versions employed in the validation sample (see Herek, 1994). The internal reliability of the ATLG-S for Herek’s original study is reported to be lower than for the full version, with an alpha value of 0.80. The ATLG-S was used unchanged in the present study, and reliability and validity were therefore expected to remain intact.

Whenever a research instrument is used with a new sample, a new assessment of its reliability should be calculated (Ponterotto, 1996). For the present sample, a Cronbach analysis revealed a high level of internal reliability ($\alpha = 0.93$), comparable to that reported in other recent studies (e.g. Campbell, Schellenberg, and Senn, 1997).

Reliability and validity of attitudes towards Lesbian and Gay Human Rights (SLGHR)

As the SLGHR was designed specifically for this study, established levels of reliability and validity are not available, and on a single sample, it is not possible to establish test-retest and inter-rater reliabilities. However, for the present sample, a Cronbach reliability analysis revealed a high level of internal reliability for the SLGHR ($\alpha = 0.94$).

In terms of validity, the scale appears to have good (concurrent) criterion validity. It would be expected that responses on the SLGHR would show a strong positive correlation with responses on the ATLG-S (i.e. the more positive a participant’s attitude toward lesbians and gay men, the more likely he/she would be to indicate support for lesbian and gay human rights), in that they both measure similar things, and that the former was developed from the latter. In the present study, this was upheld, in that a highly statistically significant relationship was found between attitudes toward lesbians and gay men and support for lesbian and gay human rights ($r = 0.86$, $N = 585$, $p < 0.001$).

The SLGHR also showed good construct validity. Although it was expected that the items would form a unidimensional scale measuring support for lesbian and gay human rights, this was only partially substantiated for the present sample. A factor analysis produced three factors with an eigenvalue greater than one, the majority of items converging on one of two main factors, the first explaining 24.5% of the
variance, and the second, 21.3% of the variance. Ten items loaded highly on the first factor, and eight on the second factor, with five further items loading reasonably highly on both factors (see Appendix C). Thus, the SLGHR does not appear to be unidimensional, but neither does it have clearly defined subscales.

Reliability and validity of the Moral Dilemmas

The current versions of the MJT (Lind & Wakenhut, 1985) have established levels of reliability and validity (see Lind, 1998). However, when adapting a psychometric measure, such as the MJT, the reliability and validity of an instrument must be re-evaluated, as this may have been substantially altered by the adaptation process (Bourque & Clark, 1994; Fife-Schaw, 1995b). As this was the first time these moral dilemmas were used to explore reasoning about lesbian and gay issues, the reliability and validity of the moral dilemmas task has not yet been established. Since the intent of this task was to identify the types of arguments being prioritised, rather than to assess individuals' moral judgement competence, no attempt was made to determine the validity or reliability for this sample.

Part 1: Levels of Endorsement of Lesbian and Gay Human Rights Issues

One way of exploring support for lesbian and gay human rights is to investigate attitudes towards different human rights issues. In this section, attitudes are explored through levels of endorsement of lesbian and gay human rights issues.

Sample

The analysis presented in this section comprised a convenience sample of 627 students from 14 universities across the United Kingdom. As would be expected for a sample of predominantly psychology and social science students, the majority of participants were young, white, heterosexual, female undergraduate students. (see table 3.1 for a detailed breakdown of the sample).
Table 3.1: Composition of Questionnaire Sample.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sex</strong></td>
<td>Male</td>
<td>14.8%</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>83.1%</td>
</tr>
<tr>
<td></td>
<td>Not Specified</td>
<td>2.1%</td>
</tr>
<tr>
<td><strong>Sexuality</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Heterosexual</td>
<td>89.8%</td>
</tr>
<tr>
<td></td>
<td>Lesbian, gay or bisexual</td>
<td>5.9%</td>
</tr>
<tr>
<td></td>
<td>Unsure</td>
<td>1.1%</td>
</tr>
<tr>
<td></td>
<td>Not Specified</td>
<td>3.2%</td>
</tr>
<tr>
<td><strong>Ethnicity</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>White</td>
<td>86.8%</td>
</tr>
<tr>
<td></td>
<td>Black (for example, Black Caribbean; Black African)</td>
<td>3.2%</td>
</tr>
<tr>
<td></td>
<td>Asian (for example, Chinese; Pakistani; Indian)</td>
<td>4.6%</td>
</tr>
<tr>
<td></td>
<td>Other (for example, Eastern European; Mixed race; Maori)</td>
<td>2.6%</td>
</tr>
<tr>
<td></td>
<td>Not specified</td>
<td>2.8%</td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Under 18</td>
<td>0.3%</td>
</tr>
<tr>
<td></td>
<td>18 – 25</td>
<td>77.7%</td>
</tr>
<tr>
<td></td>
<td>25 and over</td>
<td>20.1%</td>
</tr>
<tr>
<td></td>
<td>not specified</td>
<td>1.9%</td>
</tr>
<tr>
<td><strong>Degree Major</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Psychology (incl. Conjoint degrees)</td>
<td>69.0%</td>
</tr>
<tr>
<td></td>
<td>Other Social Science (for example, Sociology; Human Geography)</td>
<td>15.6%</td>
</tr>
<tr>
<td></td>
<td>Arts or Humanities (for example, Art and Design; English Literature)</td>
<td>3.8%</td>
</tr>
<tr>
<td></td>
<td>Education</td>
<td>2.2%</td>
</tr>
<tr>
<td></td>
<td>Maths/Science/Computer Science</td>
<td>1.4%</td>
</tr>
<tr>
<td></td>
<td>Business/Law</td>
<td>1.2%</td>
</tr>
<tr>
<td></td>
<td>Not specified</td>
<td>6.8%</td>
</tr>
<tr>
<td><strong>Student Status</strong></td>
<td>Undergraduate</td>
<td></td>
</tr>
<tr>
<td></td>
<td>First year</td>
<td>10.7%</td>
</tr>
<tr>
<td></td>
<td>Second year</td>
<td>60.9%</td>
</tr>
<tr>
<td></td>
<td>Third year</td>
<td>19.3%</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>1.0%</td>
</tr>
<tr>
<td></td>
<td>Not specified</td>
<td>4.8%</td>
</tr>
<tr>
<td></td>
<td>Postgraduate</td>
<td>3.3%</td>
</tr>
<tr>
<td><strong>Religious Affiliation</strong></td>
<td>Christian</td>
<td>49.3%</td>
</tr>
<tr>
<td></td>
<td>Other (for example, Muslim; Hindu; Jewish)</td>
<td>6.9%</td>
</tr>
<tr>
<td></td>
<td>No religious affiliation</td>
<td>40.7%</td>
</tr>
<tr>
<td></td>
<td>Not specified</td>
<td>3.1%</td>
</tr>
<tr>
<td><strong>Organisational Membership</strong></td>
<td>Member of a human rights organisation</td>
<td>6.1%</td>
</tr>
<tr>
<td></td>
<td>Not a member of a human rights organisation</td>
<td>90.3%</td>
</tr>
<tr>
<td></td>
<td>No response</td>
<td>3.6%</td>
</tr>
</tbody>
</table>

Results

Attitudes toward Lesbians and Gay Men and Support for Lesbian and Gay Human Rights

A highly statistically significant relationship was found between attitudes toward lesbians and gay men as measured on the ATLG-S and support for lesbian and gay human rights as measured on the SLGHR ($r = 0.86, N = 585, p < 0.001$). Thus, the more negative a participant’s attitude toward lesbians and gay men, the less likely he/she was to indicate support for lesbian and gay human rights.
Endorsement of Lesbian and Gay Human Rights Issues

A descriptive analysis of responses showed that whilst 97.9% of respondents were willing to endorse the statement “a person’s sexual orientation should not block that person’s access to basic rights and freedoms” (item 18: see table 3.2), support was considerably lower for many of the individual human rights issues.

Table 3.2: Responses to a questionnaire item on access to basic rights and freedoms (expressed as percentages of the total sample).

<table>
<thead>
<tr>
<th>Agreetrdefinitely agree</th>
<th>Unsure/neutral</th>
<th>Disagree/Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>18. A person’s sexual orientation should not block that person’s access to basic rights and freedoms.</td>
<td>96.6</td>
<td>1.8</td>
</tr>
</tbody>
</table>

Basic Personal Freedoms:
Fundamental to the construct of human rights are basic personal freedoms, such as rights to life, privacy and freedom from fear. According to the UDHR (United Nations, 1948), “everyone has the right to life, liberty and security of person” (Article three): “no one shall be subjected to arbitrary arrest, detention, or exile” (Article nine); and “no one shall be subjected to arbitrary interference with his [sic] privacy” (Article 12). In the SLGHR, article three was represented by item 12, article nine by item ten and article 12 by item four (consenting sexual acts in private) and item 25 (privacy of identity). Endorsement of items in this category (with the exception of item 25) were extremely high, with more than 89% of respondents agreeing or strongly agreeing with each item (see table 3.3).

Political Rights:
Human rights documents also afford all human beings certain political rights. For example, the UDHR (United Nations, 1948) states that “all are equal before the law and are entitled … to equal protection of the law” (Article seven) and that “everyone is entitled to a fair and public hearing … of any criminal charge against him [sic]” (Article ten). On the SLGHR, Article seven was represented by items 22 and 30 (protection in policy) and item 14; and Article ten by item 27. Similarly, the UDHR states that “everyone has the right to leave any country, including [his] own and to return to his [sic] country” (Article 13) and “the right to seek and to enjoy in other countries asylum
Table 3.3: Responses to questionnaire items on support for basic personal freedoms (expressed as percentages of the total sample).

<table>
<thead>
<tr>
<th>Item</th>
<th>Agree/Strongly Agree</th>
<th>Unsure/Neutral</th>
<th>Disagree/Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Lesbians and gay men should not be fined or arrested for engaging in consenting sexual acts of whatever nature (for example, anal intercourse or sadomasochism) in the privacy of their own homes.</td>
<td>89.4</td>
<td>4.8</td>
<td>5.8</td>
</tr>
<tr>
<td>10. No one, in any country of the world should be arrested, detained, or exiled simply for being lesbian or gay.</td>
<td>94.4</td>
<td>3.0</td>
<td>2.6</td>
</tr>
<tr>
<td>12. A country should have the right to impose the death penalty on lesbians and gay men if that is consistent with that culture’s values and beliefs.</td>
<td>4.8</td>
<td>5.4</td>
<td>89.8</td>
</tr>
<tr>
<td>25. It is okay for a newspaper or organisation to publicise that a person is lesbian or gay without that person’s permission.</td>
<td>10.5</td>
<td>18.1</td>
<td>71.4</td>
</tr>
</tbody>
</table>

Table 3.4: Responses to questionnaire items on support for political rights (expressed as percentages of the total sample).

<table>
<thead>
<tr>
<th>Item</th>
<th>Agree/Strongly Agree</th>
<th>Unsure/Neutral</th>
<th>Disagree/Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>14. The age at which male homosexual sex is considered legal should be the same as that for heterosexual sex.</td>
<td>66.3</td>
<td>17.0</td>
<td>16.7</td>
</tr>
<tr>
<td>17. The partner of a lesbian or gay man should be entitled to the same immigration rights (for example, permanent resident status or citizenship) as is a partner of a heterosexual man or woman.</td>
<td>78.0</td>
<td>15.7</td>
<td>6.3</td>
</tr>
<tr>
<td>22. For the most part, policies which guarantee equal rights to lesbians and gay men in such matters as jobs and housing damage society’s moral standards.</td>
<td>7.3</td>
<td>9.8</td>
<td>82.9</td>
</tr>
<tr>
<td>27. A man’s homosexuality or a woman’s lesbianism should not be raised as an issue in a court of law, unless the case under consideration directly relates to homosexual acts.</td>
<td>90.1</td>
<td>7.7</td>
<td>2.2</td>
</tr>
<tr>
<td>30. Lesbianism and male homosexuality should be listed in policies, legislation and treaties as protected from discrimination, in the same way that race, class, sex, and religion are.</td>
<td>84.2</td>
<td>10.4</td>
<td>5.4</td>
</tr>
<tr>
<td>31. Just like people persecuted for their religious and political beliefs, lesbians and gay men should be granted asylum in another country when homosexuality is persecuted in their own.</td>
<td>57.4</td>
<td>30.1</td>
<td>12.5</td>
</tr>
</tbody>
</table>
from persecution” (Article 14). These two articles were represented on the SLGHR by items 17 (immigration) and 31 (asylum) respectively. Levels of endorsement for political rights were inconsistent. (see table 3.4) Levels of support ranged from around 90% agreeing or strongly agreeing that “a man’s homosexuality or a woman’s lesbianism should not be raised as an issue in a court of law, unless the case under consideration directly relates to homosexual acts”, whilst fewer than two thirds agreed or strongly agreed that “lesbians and gay men should be granted asylum in another country when homosexuality is persecuted in their own”.

Employment rights:
With respect to employment, the UDHR (United Nations, 1948) unequivocally states that “everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment” (Article 23). In order to cover the multiple aspects of this article, five items were included in the SLGHR: items one, seven, 15, 20 and 33. Item 23 (service in the armed forces) also related to Article 22(2) of the UDHR (“Everyone has the right to equal access to public service in his [sic] country”).

On the whole, the employment rights of lesbians and gay men were well supported. However, support for lesbians’ and gay men’s right to serve their country was somewhat lower than for other items, with 78% of respondents disagreeing that “it is not appropriate for lesbians and gay men to serve in the armed forces”. (see table 3.5)

Social rights:
Social rights include rights to freedom of expression, freedom of association, access to education and information and the right to marry and found a family. The UDHR states that “everyone has the right to freedom of opinion and expression; this right includes freedom … to seek, receive and impart information and ideas through any media” (Article 19) and that “education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms” (Article 26). Freedom of expression was represented on the SLGHR by three items: item three (marches and demonstrations), item eight (expression of views) and item 24 (expression of affection in public).
Table 3.5: Responses to questionnaire items on support for employment rights (expressed as percentages of the total sample).

<table>
<thead>
<tr>
<th>Item</th>
<th>Agree/Strongly agree</th>
<th>Unsure/Neutral</th>
<th>Disagree/Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. There is never a situation in which someone’s homosexuality should be a cause for job discrimination.</td>
<td>82.6</td>
<td>8.0</td>
<td>9.4</td>
</tr>
<tr>
<td>7. The partner of a lesbian or gay male employee should be entitled to the same spousal benefits (for example, parental leave, insurance cover, travel benefits, pension rights, etc) as a married or defacto partner of a heterosexual employee.</td>
<td>71.5</td>
<td>19.3</td>
<td>9.2</td>
</tr>
<tr>
<td>15. All employers should strive to develop just and favourable conditions in the workplace for lesbians and gay men.</td>
<td>82.9</td>
<td>10.9</td>
<td>6.2</td>
</tr>
<tr>
<td>20. If it is discovered that a primary school teacher is lesbian or gay, she/he should not be allowed to continue teaching.</td>
<td>4.2</td>
<td>5.9</td>
<td>89.9</td>
</tr>
<tr>
<td>33. It is not appropriate for lesbians and gay men to serve in the armed forces.</td>
<td>8.8</td>
<td>13.2</td>
<td>78.0</td>
</tr>
</tbody>
</table>

Support for these items was moderately high, with around 74% to 79% of respondents endorsing them (see table 3.6.1). However, in relation to freedom of expression and access to information within education settings, support was surprisingly much more variable. 83% of respondents agreed or strongly agreed that “children should be taught respect for the rights of lesbians and gay men”, yet fewer than 55% of respondents agreed or strongly agreed that “books promoting lesbianism and gay male homosexuality as a positive lifestyle should be freely available in school libraries”, that “university modules … should explicitly include lesbian and gay male perspectives” and disagreed or strongly disagreed that “society has a right to prevent lesbians and gay men who want to speak in schools from actively promoting homosexuality as equivalent to heterosexuality” (see table 3.6.2).

Even more surprising were levels of support for the right to marry and found a family. Fewer than half of all respondents agreed or strongly agreed that “lesbian and gay couples should have all the same parenting rights as heterosexuals” and fewer than two thirds that “lesbian and gay couples should be legally permitted to marry” (see table 3.6.3).
Table 3.6.1: Responses to questionnaire items on social rights – freedom of expression (expressed as percentages of the total sample).

<table>
<thead>
<tr>
<th>Item</th>
<th>Agree/Strongly agree</th>
<th>Unsure/neutral</th>
<th>Disagree/Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Lesbians and gay men should not have the right to flaunt their sexuality in public at marches and demonstrations.</td>
<td>7.8</td>
<td>17.1</td>
<td>75.1</td>
</tr>
<tr>
<td>8. Lesbians and gay men should only be allowed to express their views as long as they don’t offend or upset the majority.</td>
<td>14.4</td>
<td>11.2</td>
<td>74.4</td>
</tr>
<tr>
<td>24. It should be acceptable for lesbian and gay male couples openly to express their affection for their partners in public without fear of harassment or violence.</td>
<td>79.1</td>
<td>12.3</td>
<td>8.6</td>
</tr>
</tbody>
</table>

Table 3.6.2: Responses to questionnaire items on social rights – education and access to information (expressed as percentages of the total sample).

<table>
<thead>
<tr>
<th>Item</th>
<th>Agree/Strongly agree</th>
<th>Unsure/neutral</th>
<th>Disagree/Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Children should be taught respect for the rights of lesbians and gay men.</td>
<td>83.1</td>
<td>11.4</td>
<td>5.5</td>
</tr>
<tr>
<td>13. Books promoting lesbianism and gay male homosexuality as a positive lifestyle should be freely available in school libraries.</td>
<td>55.5</td>
<td>27.0</td>
<td>17.5</td>
</tr>
<tr>
<td>26. All university modules in fields such as social psychology, education, history, English literature, and health studies should explicitly include lesbian and gay male perspectives.</td>
<td>48.8</td>
<td>36.2</td>
<td>15.0</td>
</tr>
<tr>
<td>28. Society has a right to prevent lesbians and gay men who want to speak in schools from actively promoting homosexuality as equivalent to heterosexuality.</td>
<td>24.0</td>
<td>27.4</td>
<td>48.6</td>
</tr>
</tbody>
</table>

Table 3.6.3: Responses to questionnaire items on social rights – right to marry and found a family (expressed as percentages of the total sample).

<table>
<thead>
<tr>
<th>Item</th>
<th>Agree/Strongly agree</th>
<th>Unsure/neutral</th>
<th>Disagree/Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>21. Lesbian and gay male couples should be legally permitted to marry, just as heterosexual couples are.</td>
<td>63.4</td>
<td>22.2</td>
<td>14.4</td>
</tr>
<tr>
<td>34. Lesbian and gay couples should have all the same parenting rights as heterosexuals do (for example, adoption, fostering, and access to fertility services).</td>
<td>47.6</td>
<td>29.9</td>
<td>22.5</td>
</tr>
</tbody>
</table>
Discussion

The results of this study indicate that not all rights are supported to the same degree. Although most lesbian and gay human rights issues received majority support, levels of support for basic rights and freedoms were considerably higher than for social and (some) political rights. Whilst others (e.g. Sotelo, 2000a; 2000b) have also found that specific human rights issues are not equally supported, the issues least supported here differ from those least supported in other studies. For example, Sotelo (2000a, 2000b) found that respondents were willing to extend social rights to a number of specific socio-political groups (e.g. feminists, homosexuals, immigrants) more readily than political rights; and were particularly unwilling to extend rights pertaining to homosexual public activities (e.g. demonstrations) to lesbians and gay men. Conversely, in the present study it was social rights, especially the rights of lesbians and gay men to parent children, and the inclusion of lesbian and gay perspectives in education, which were least supported.

However, the findings presented in this section were comparable to those of other studies in some respects. For example, questions relating to parenting issues and marriage yielded similar levels of endorsement to some studies (e.g. Malaney et al., 1997), but received lower levels of endorsement than in other studies (e.g. Annesley and Coyle, 1995). Like many other studies (e.g. Annesley & Coyle, 1995; Klamen et al., 1999; Maney & Cain, 1997), fewer than 10% of respondents agreed that being lesbian or gay was grounds for job discrimination and fewer than 6% agreed that homosexuals should not be allowed to teach in schools (e.g. see Annesley & Coyle, 1995; D’Augelli, 1989; Klamen et al., 1999; Malaney et al., 1997; Maney & Cain, 1997). However, the present respondents showed greater support than in other studies with regard to issues such as the extension of spousal benefits to lesbian and gay couples (e.g. see Eliason, 1996) and in allowing lesbians and gay men to serve in the military (e.g. see Malaney et al., 1997; Strand, 1998).

However, the most surprising finding was that although most items on the SLGHR received majority endorsement, a comparison of individual human rights issues showed a lack of consistency in levels of support, even for items pertaining to the same or similar human rights. Whilst basic personal freedoms and employment rights received high percentages of endorsement, support for social and (certain) political
rights was somewhat lower. For example, despite almost unanimous agreement with the statement ‘a person’s sexual orientation should not block that person’s access to basic rights and freedoms’, fewer than two thirds of respondents were willing to endorse lesbians’ and gay men’s rights to asylum, marriage and the provision of books which positively portray lesbians and gay men in school libraries; and fewer than half of respondents were willing to have lesbian and gay perspectives represented in school classrooms and university courses, and to extend full parenting rights to lesbians and gay men.

This finding would seem to indicate that whilst respondents were willing to endorse basic liberal principles of non-discrimination they were somewhat less willing to endorse specific lesbian and gay human rights issues. The pattern of responses may suggest that respondents did not necessarily conceptualise lesbian and gay human rights as a universal and indivisible package, appears to run counter to that of previous studies on human rights issues (e.g. Clemence et al., 1995; Doise et al., 1994; Doise et al., 1999) which suggest that individuals adhere to an institutional definition of human rights.

It is also noteworthy that issues not receiving a high level of endorsement were not so much opposed but rather respondents were unwilling to indicate a committed response one way or the other, evident in the inflated endorsement of ‘unsure/neutral’ responses. Theory around racism (for example, see McConahay et al., 1981: Schuman et al., 1985) and sexism (for example, see Campbell et al., 1997; Masser and Abrams, 1999) suggests that the current cultural climate makes it unlikely that respondents (especially university educated individuals) will openly espouse prejudicial attitudes. The present findings support this theory, in that very few respondents indicated clear opposition to any issue: This will be explored further in Chapter 4.

Part 2: Perceived Responsibility for Lesbian and Gay Human Rights

In part 1, attitudes towards lesbian and gay human rights issues were explored through levels of endorsement. Another approach to exploring support for lesbian and gay human rights issues is to investigate the extent to which respondents view themselves as responsible for ensuring that lesbian and gay human rights are respected. This approach
was adopted in Section B of the questionnaire, the findings of which are reported in this section.

Sample

The findings presented in this section were derived from the same sample as that of part 1 of this chapter. However, since not all respondents completed the qualitative component of the questionnaire, the analysis of the qualitative material comprised responses from 521, rather than all 627, participants.

Results

Responses to the question “If lesbians and gay men are treated unjustly in our society, do you feel it is your personal responsibility to help create positive changes?”

Overwhelmingly, the majority of students surveyed did not view themselves as responsible for helping to create positive social change for lesbians and gay men. Whilst 59% of respondents saw themselves as in some way responsible for helping to create positive social change, only 19% said that it was “most definitely” their responsibility. Conversely, around a quarter (26%) did not view it as their responsibility (see figure 3.1).

Figure 1: Students’ perceptions of their responsibility for helping to create positive social change for lesbians and gay men.
Responses to the question “How willing would you be to join others in their efforts to ensure that lesbian and gay rights are respected?”

Similarly, on the whole, students showed a lack of willingness to join others in their efforts to ensure that lesbian and gay rights are respected. Fewer than half of respondents indicated a willingness to become involved (46%), and only 10% stated that they were “extremely willing” to join others to ensure that lesbian and gay rights are respected (see figure 3.2). More than a third of respondents were unsure about their willingness to be actively involved.

Figure 2: Students' willingness to be actively involved in ensuring that lesbian and gay rights are respected?

Qualitative Responses to both Questions

The qualitative responses for both questions (analysed together) indicated a predominant lack of (active) support for lesbian and gay human rights. Findings for this material will be presented in two sections: (1) those claiming that creating positive social change is not their personal responsibility and (2) those claiming that it is their personal responsibility.
It is not my personal responsibility:

Of the 521 written responses to the question “If lesbians and gay men are unjustly treated in our society, do you feel it is your personal responsibility to help create positive changes?” 43% (N = 223) indicated that lesbian and gay issues were not their personal responsibility. This response was accounted for in three main ways: (1) disinterest; (2) pessimism; and (3) moral prohibition.

Disinterest:

Disinterested responses comprised the majority of responses (63%; N = 139) from those who perceived positive social change as not their responsibility. Typically, respondents justified their position with statements like “It does not concern me” (R 6); “I’m not directly involved” (R 38); “it does not affect me” (R 48); “It is not my problem” (R 65); “It’s not really my business” (R 126); “I see the lesbian and gay issue as irrelevant to my life” (R 182); “Don’t want the hassle” (R 266); “I don’t feel strongly about this issue”; “I don’t care” (R 330). This theme was also mirrored in responses suggesting that responsibility belonged with lesbians and gay men themselves – for example, “they should take responsibility themselves” (R 6); “it is their place to fight for it” (R 51); “It’s their responsibility, not mine” (R 201); “I feel it is up to the gay community to create positive changes” (R 217).

Pessimism:

Pessimism about social change also emerged as strong within this category (11%; N = 25). This included responses such as “I don’t think I have the ideas or will to actively promote homosexuality” (R 21); “I do not think I would be able to do anything” (R 132); “I do not have the power to make a change” (R 229); “I don’t think my personal view would have a huge effect” (R 374); “I would not know how to create useful positive changes” (R 454).

Moral Prohibition:

Moral prohibition also characterised many responses of this type (11%; N = 25). Responses belonging to this theme focused on notions of lesbianism and gay male homosexuality as perverse, sinful, unnatural and a matter of choice. For example, “I don’t think homosexuality is right, as I see it as a choice” (R 114); “I can’t condone homosexuality” (R 131); “it is a sin – it is not natural” (R 281); “I think such sexual
behaviour is a perversion and should not be encouraged” (R 481): and “homosexuality of any kind is a serious wrong deviation from what should be” (R 133).

Fifteen percent of responses (N = 34) in this category did not fit any of the above sub-categories, and comprised largely idiosyncratic responses, such as “I have not got the time to be involved” (R 163) or “I am not creating any of the negative changes” (R 535), or responses where reasons were not given (e.g. “depending on the situation” [R 174]; “I think you tend to ignore the situation unless it is happening to someone you know” [R 502]).

It is my personal responsibility
Responses from 53% (N = 276) of respondents indicated some sense of personal responsibility for helping to create positive social change for lesbians and gay men. Responses here comprised (1) those who viewed their personal responsibility as being individual and (2) those who saw it as being political.

Individual Responsibility:
The largest group of responses (43%; N = 119) were justified in terms of an individual, personal responsibility, but typically offered little more than a tokenistic endorsement of liberal notions of equality. At one end of the spectrum were respondents who saw their sense of personal responsibility as not extending beyond them personally, characterised by passive responses such as “I try not to discriminate myself” (R 202); “by not condemning them myself or isolating them” (R 99); “by not personally saying anything harmful” (R 106); and by taking “a positive attitude towards them in social circumstances” (R 416). Others justified their sense of responsibility in terms of liberal acceptance or tolerance of lesbians and gay men. For example, “it is the responsibility of everyone to accept gays and lesbians for who they are and what they are” (R 238): “It is a “live and let live” opinion that other people would benefit in sharing” (R 291): “The sexuality of people should just be accepted. It should not need promoting” (R 359). Conversely, some viewed their personal responsibility as comprising the education of others, especially children – for example, “It’s my personal responsibility to ensure that my children have a positive attitude” (R 472): “I feel it is my personal responsibility to pass my views on to my children” (R 274): and “educating people in their perception of others’ sexual orientation” (R 206).
Where respondents did indicate some sense of responsibility in terms of their beliefs or actions, this was usually offered conditionally. For example, “If I heard people talking negatively about lesbians or gay men I would speak out, but I would not go around preaching lesbian and gay rights” (R 33, my emphasis); “I believe that being [sic] lesbian or gay is a human right and as long as they do not influence with their behaviour” (R 188, my emphasis); I would “advocate that people have a right to choose their sexual orientations as long as they don’t force others to convert” (R 385, my emphasis). Similarly, respondents suggesting that they would actively challenge prejudice typically confined their responsibility to challenging only blatant discrimination – for example, “I feel you must say something to someone in a situation where they are openly discriminating against lesbian/gay people in an offensive way” (R 444, my emphasis); “I have a duty as a fellow human to defend [sic] outright discrimination” (R 538, my emphasis).

Political (or collective) Responsibility: Comparatively, few respondents (19%; N = 52) saw their personal responsibility as political. However, respondents taking a political approach framed their responsibility for lesbian and gay rights in terms of a social (or collective) responsibility for social change. For example, “I think homophobia is equally as unacceptable as racism or any other form of prejudice. It is everyone’s responsibility to promote human rights in all circumstances” (R 231); “In our society we value equality and freedom from discrimination so it is everyone’s responsibility to help create positive changes” (R 572); and “I believe it is the responsibility of all of us…to make a united effort to abolish unfair and unjust treatment within our societies” (R 378).

A few respondents gave responses that indicated an interconnectedness of lesbian and gay human rights with the rights of all of us as humans. For example “Since I’m not gay, it doesn’t affect me personally, but giving all people equal rights benefits society. It benefits everyone indirectly” (R 588); “If gays and lesbians are disadvantaged and treated unfairly it ultimately effects [sic] society as a whole” (R 144); “any restrictions on the freedom of lesbians and gay men is a restriction of the life-style choice of all” (R 91); or, in the words of one respondent

As a member of an ethnic minority I understand that it can be disempowering to have someone else fighting your battles. Nonetheless under certain circumstances it would be
damaging to my own sense of sense [sic] if I were to witness discrimination etc and not act. (R 381)

In summary, although just over half of respondents viewed themselves as personally responsible for creating positive social change for lesbians and gay men, few gave responses which indicated a commitment to actively supporting lesbian and gay rights. As with the previous section, responses in this section indicated widespread endorsement of broad, liberal notions of equality for all, with little evidence of active commitment to creating positive social change. Furthermore, where respondents indicated some form of action aimed at creating social change, almost without exception these comprised retro-active (as opposed to pro-active) approaches. Responsibility for social change was also viewed predominantly as personal (individual) rather than political (collective).

The remaining 38% (N = 105) of respondents claiming some responsibility, gave responses which could not be categorised as they did not give a clear reason for their answer.

Discussion

As in part 1 of this chapter, findings in this section indicated limited support for and commitment to lesbian and gay human rights. Whilst just under two thirds of respondents viewed themselves as in some way responsible for helping to create positive social change, fewer than half indicated a willingness to be actively involved in helping to create that change, suggesting a lack of overall support for lesbian and gay human rights. Similarly, although the qualitative responses indicated about a 50:50 split between those who viewed positive social change as their responsibility and those who did not, a detailed analysis of responses suggested that the degree to which respondents viewed themselves as responsible for ensuring that the rights of lesbians and gay men are respected varied somewhat.

As with endorsement of lesbian and gay human rights, responses were characterised by a willingness to endorse broad liberal principles of equality, but seldom the willingness to extend these principles to pro-actively initiating or politically organising around positive social change. This finding seems to concur with that of
others (e.g. Diaz-Veizades et al., 1995; Doise et al., 1994; Macek et al., 1997). whose respondents were also reluctant to view human rights as their responsibility, seeing it instead as a governmental or institutional concern.

**Part 3: Moral Reasoning and Lesbian and Gay Human Rights Issues**

In the first two sections of this chapter, support for lesbian and gay human rights was explored through endorsement of lesbian and gay human rights issues, and through perceived responsibility for creating positive social change for lesbians and gay men. Diverging from this focus, in the third section of the questionnaire, people’s reasoning about lesbian and gay human rights issues was explored using a ‘traditional’ moral developmental approach.

In essence, a human rights approach is a moral framework (cf. Bouandel, 1997, p. 20), and therefore human rights issues are moral issues. By implication, then, if we are thinking about lesbian and gay issues from a human rights perspective, we are thinking about them as moral issues to be reasoned about from a human rights standpoint.

As noted in Chapter 2, traditionally within mainstream psychology, reasoning about moral issues has been explored from within a moral developmental framework. The present study, however, explores the types of arguments which people favour when thinking about lesbian and gay rights issues (rather than categorising individuals into developmental stages). For this particular study, a Kohlbergian approach was chosen to explore moral reasoning, (1) because this is a well-established approach, allowing comparison with other studies, and (2) it employs rhetoric reflective of the range of arguments widely available in social discourse (cf. Schwalbe & Staples, 1992). Although the moral issues represented within this framework are not the only moral viewpoints available in contemporary society, they fit within the liberal-humanist ethos of the current socio-political climate.

As described in Chapter 2, human rights reasoning features at stage six of Kohlberg’s model. Although rights-based reasoning is characteristic of both stages five and six, reasoning at stage 6 is distinct from stage 5 reasoning (see figure 2.1). Fundamentally, reasoning at stage 5 is based on maintaining a sense of community through previously agreed rules (social contract) and is oriented towards what is in the best interests of the majority – there is, therefore no basis for universal agreement.
Conversely, stage six reasoning is founded on universal principles of justice, equality, and respect for the individual/person, which are applied to all situations, even when laws might suggest otherwise (see Kohlberg, 1981; Colby & Kohlberg, 1987). The principles characteristic of stage six can be applied universally to all people in all situations, therefore mapping directly onto a human rights framework.

Although stage six reasoning has seldom appeared in empirical work (see Kohlberg et al., 1983; Kohlberg, 1984), this type of reasoning can be recognised in the following:

“I believe that one has at least a prima facie duty to save a life ... and in this case the legal duty not to steal is clearly outweighed by the moral duty to save a life” (quoted in Kohlberg, 1981, p. 162).

“Heinz ... just by virtue of being a member of the human race, has an obligation, a duty to protect other people.... I think Heinz should steal the drug ... out of a sense of responsibility to preserve life” (quoted in Colby & Kohlberg, 1987, pp. 33-34)

Thus, stage six reasoning is characterised by human rights language, in particular the prioritisation of universal principles of justice, equality, and respect for the person over and above all other considerations. Since stage six reasoning is founded on universal principles, rights and obligations/duties are completely correlative, distinguishing it from stage five reasoning where rights and obligations are subject to social agreement, and therefore majority values (Kohlberg, 1981).

Although moral developmental theory does not appear to have been previously used to explore reasoning about lesbian and gay issues, like reasoning about AIDS issues (e.g. see Schwalbe & Staples, 1992), people presumably draw on some moral principles to guide their thinking about these issues. Knowing what these principles are is important for deciding on the best course of affirmative action. The purpose of this section of the questionnaire was to explore consistency in reasoning, and preferences for different types of moral arguments, used by respondents when thinking about moral dilemmas involving lesbian and gay issues. In particular, the aim was to explore the extent to which Stage 6 (or human rights) reasoning is employed when thinking about moral dilemmas involving lesbian and gay issues.

Based on the premise that people have a limited ability to articulate the underlying principles of their judgements, but can recognise preformulated arguments
congruent and incongruent with their own views (cf. Schwalbe & Staples, 1992). A structured measure of cognitive moral reasoning was employed in this study. This measure will first be outlined before discussing the findings for the task.

**Method**

**Measure**

As highlighted in Chapter 2, a plethora of studies have been published using a Kohlbergian framework, and employing Kohlberg’s Moral Judgement Interview (MJI) (see Colby and Kohlberg, 1987). The MJI comprises a series of moral dilemmas to which respondents are asked to explain whether they think the action taken in each of the dilemmas was right, and to explain their responses. Responses given by participants are then categorised according to the modes of reasoning in Kohlberg’s theory. Since this procedure is very labour intensive, in the 1970s James Rest and Georg Lind each devised a psychometric measure for operationalising Kohlberg’s theory. As outlined in Chapter 2, these two measures, the Defining Issues Test (DIT) (Rest, 1979) and the Moral Judgement Test (MJT) (Lind & Wakenhut, 1985), particularly the former, have been widely used for assessing moral reasoning, especially in correlational studies.

In contrast, moral dilemmas involving lesbian and gay issues were employed in the present study to elicit preferences for different types of moral arguments. In this particular study two dilemmas from the DIT were adapted, and inserted into the framework of the MJT, to form a measure of moral reasoning in relation to lesbian and gay human rights issues. The type of information which this procedure yields, is an indication of the kinds of arguments people find compelling in evaluating the action taken in hypothetical moral dilemmas around lesbian and gay issues (cf. Schwalbe & Staples, 1992; see also Lind & Wakenhut, 1985 for a theoretical discussion around the benefits of this method).

Following the work of others (e.g. Lind & Wakenhut, 1985; Schwalbe & Staples, 1992), the moral dilemmas employed in this study took the form of vignettes, the first concerning student protest around the failure of a university to institute a lesbian and gay issues awareness programme, and the second, employment discrimination against a gay man. These two dilemmas were chosen because of the existing dilemmas that form the Moral Judgement Interview (MJI), DIT, and MJT. These two vignettes still made conceptual sense when adapted into moral dilemmas around
lesbian and gay issues, they were comprehensible to the population being sampled, and perhaps most importantly, encapsulated specific human rights issues.

The first vignette read as follows:

At Anytown University a group of students, called the Students for Lesbian and Gay Rights (SLGR), believe that the university should have a lesbian and gay issues awareness programme. SLGR students are against harassment and discrimination against lesbians and gay men, and want a programme to be created to educate staff and students about lesbian and gay issues. The SLGR students demanded that Anytown University should institute this programme as an official university course. This would mean that Anytown students could take lesbian and gay issues awareness training as part of their regular course work, and get credit for it towards their degrees.

Agreeing with the SLGR students, the lecturers at Anytown agreed to implement the programme as a university course. But the Vice Chancellor of the university stated that he didn't want the programme on campus as a course. The SLGR students felt that the Vice Chancellor was not going to pay attention to the faculty vote or to their demands.

So, one day last April, two hundred SLGR students walked into the university's administration building, and told everyone else to get out. They said they were doing this to force Anytown University to institute the lesbian and gay issues awareness programme as a course.

This vignette, called Student Take-over, entails the dilemma of a conflict between obedience to a legitimate authority, and the right to freedom of expression of lesbians and gay men and their advocates (and their rights of access to information and education).

After reading the vignette, respondents were first asked to indicate (on a 5 point likert-type scale) the extent to which they agreed or disagreed with the actions of the students. Respondents were then presented with six arguments in favour of the students' actions, and asked to indicate how acceptable they found these arguments. The arguments presented were

- because they weren't breaking any rules by doing it. Stage 1: punishment-obedience
- because the Vice-Chancellor had committed an injustice first, the students were justified in acting the way they did. Stage 2: Instrumental hedonism and concrete reciprocity
- because most students would approve of their action and many of them would be happy about it. Stage 3: Interpersonal relations of mutuality
- because they were restoring the equal opportunities policy which had been agreed to by the university. Stage 4: Maintenance of social order, respect for law and authority
- because the students saw no legal means of revealing the Vice-Chancellor's misuse of authority. Stage 5: Social contract
The arguments were scrambled in the same order as for the MJT. [N.B. Stage labels have been included here for the reader’s benefit, but were not included in the questionnaire itself.]

After indicating how acceptable they found each of these arguments, respondents then rated the acceptability of six similar arguments against the students’ actions:

- because equality for all counts more than any other consideration.  
  Stage 6: Universal ethical principles 
  (human rights) 

- because they could get themselves into a lot of trouble, maybe even expelled from university.  
  Stage 1: punishment-obedience 

- because it is unwise to risk being expelled from university because of other people.  
  Stage 2: Instrumental hedonism and concrete reciprocity 

- because one does not take over a building if one wants to be considered a decent and honest person.  
  Stage 3: Interpersonal relations of mutuality 

- because law and order in society would be endangered if everyone acted as the students did.  
  Stage 4: Maintenance of social order, respect for law and authority 

- because the students didn’t exhaust the legal channels at their disposal and in their haste committed a serious violation of the law.  
  Stage 5: Social contract 

- because when no universally valid principles justify doing so, it is wrong to violate such a basic right as the right of property ownership and to take the law into their own hands.  
  Stage 6: Universal ethical principles 
  (human rights) 

Employing this procedure for rating arguments in relation to moral dilemmas, enables us to establish how much weight (or rhetorical force) is given to a particular form of moral argument, regardless of whether the appeal supports or contradicts the respondent’s own position (Schwalbe & Staples, 1992). (see Lind & Wakenhut, 1985 for a detailed theoretical discussion of this procedure).

In the second vignette, called Webster, the central dilemma encapsulated a conflict between a gay worker’s employment rights (non-discrimination), and a manager’s business rights. The vignette read as follows:

Mr. Webster was the owner and manager of a petrol station. He wanted to hire another mechanic to help him, but good mechanics were hard to find. The only person he found who seemed to be a good mechanic was Mr. Smith, but he was ‘out’ as gay. While Mr. Webster himself didn’t have anything against lesbians and gay men, he was afraid to hire Mr. Smith because many of his customers didn’t like lesbians and gay men. His customers might take their business elsewhere if Mr. Smith was working at the petrol station.
When Mr. Smith asked Mr. Webster if he could have the job, Mr. Webster said that he had already hired somebody else. But Mr. Webster really had not hired anybody because he could not find anybody who was a good mechanic besides Mr. Smith.

As with the first vignette, after reading this vignette, respondents were first asked to indicate (on a 5 point likert-type scale) the extent to which they agreed with the manager’s (Mr Webster’s) actions, then to indicate how acceptable they found six stage-specific arguments in favour of the manager’s actions:

- because Mr Webster would open himself to the possibility of damage to his property from anti-gay behaviour. Stage 1: punishment-obedience
- because he must do what is in the best interests of his business by paying attention to his customers' wishes. Stage 2: instrumental hedonism and concrete reciprocity
- because he means nothing personal in refusing Mr Smith the job. Stage 3: Interpersonal relations of mutuality
- because the law does not state explicitly that employers should not discriminate on a basis of sexual orientation. Stage 4: Maintenance of social order, respect for law and authority
- because a majority of people in Mr Webster's society feel the same way as his customers. Stage 5: Social contract
- because Mr Webster had to act according to his conscience. Stage 6: Universal ethical principles (human rights)

Respondents then indicated how acceptable they found six stage-specific arguments against the manager’s actions:

- because Mr Webster might expose himself to retribution from the gay community. Stage 1: punishment-obedience
- because hiring a good mechanic is in the best interests of his business. Stage 2: Instrumental hedonism and concrete reciprocity
- because he should show compassion for Mr Smith, knowing how badly he needs the job. Stage 3: Interpersonal relations of mutuality
- because the law is meant to protect people from discrimination in employment. Stage 4: Maintenance of social order, respect for law and authority
- because most people would agree that it is wrong to act out of prejudice. Stage 5: Social contract
- because upholding an individual's equal right to employment is more important than any legal or business considerations. Stage 6: Universal ethical principles (human rights)

Participants

Of the 627 questionnaires returned, 82 participants either didn't attempt the moral dilemma task, or failed to complete it in its entirety, and so were excluded from the
analysis presented in this section. The sample for the present analysis, therefore, comprised 545 participants.

**Results**

Unlike traditional Kohlbergian studies of moral development, the approach to analysis employed in studies which use the MJT (e.g. see Lind et al., 1981-82) is to aggregate the data, rather than assessing participants individually on their moral reasoning as adopted here. In presenting my analysis, I will first explore consistency in moral reasoning, and then preference for stage-specific arguments.

**Cognitive-moral consistency**

Cognitive-moral consistency refers to the extent to which participants are consistent in the type of arguments they favour in reasoning about moral issues. In the present task, as with the MJT, cognitive-moral consistency refers to the extent to which respondents favour the same type of arguments across the two dilemmas, and across the pro and contra position for each dilemma.

For the present sample, the mean agree/disagree score, on a 9-point scale from −4 through to +4, for the first dilemma (Student Take-over) was −2.71, and for the second dilemma (Webster) −1.53. Respondents therefore tended to disagree with the actions of the students in the first dilemma (i.e. opposing a pro-rights stance), and to also disagree with the actions of Mr Webster in the second dilemma (favouring a pro-rights stance), indicating inconsistency in support for lesbian and gay rights. However, consistency in reasoning can be assessed in more detail by exploring cognitive-moral consistency across both dilemmas for both pro and contra arguments.

Possible cognitive-moral consistency scores (c-scores) on the MJT (from which the present test was devised) may range from 0 to 100, although it is unusual for c-scores above 50 to be produced (Lind, 1998). In the present study, c-scores ranged from 0 through to 56.77, but were highly positively skewed causing a floor effect [skewness = 1.004; S.E. skew = 0.105]. The distribution of c-scores for this sample is shown in figure 3. According to Lind (1998), c-scores have often been grouped into low (0-9), medium (10-29), high (30-49), and very high (50+) consistency scores on the basis of power analysis (see Cohen, 1988). In the present sample, however, only one respondent produced a c-score higher than 50, so for the following analysis, the ‘high’ and ‘very
high’ categories were collapsed into a single category, referred to as ‘high’. Unlike the DIT, to get a high score, a respondent need not favour principled reasoning, but must consistently judge same level arguments similarly across the pro and con stances for both dilemmas (Lind, 1998).

**Figure 3: Distribution of c-scores (N = 545)**

![Histogram showing distribution of c-scores](image)

Of the 545 participants, 41% responded to the task with a low level, 51% with a medium level, and only 8% with a high level of cognitive-moral consistency. Therefore, participants in the present study did not reason consistently with regard to either dilemma, nor in relation to the arguments within each dilemma.

**Stage-specific Preferences**

As has been done in other studies (e.g. Lind, Sandberger, & Bargel, 1981-82; Lind & Wakenhut, 1985), for the present sample, the acceptability of (or preference for) each of the six types of moral argument by students with different degrees (i.e. low, medium, high) of cognitive-moral consistency was explored.

The findings of this analysis (presented in figure 4) suggest that respondents at all levels of moral consistency found stage two (Individualism, instrumental purpose, and exchange), stage four (maintenance of social order, and respect for authority) and stage five (social contract) reasoning the most acceptable, when faced with moral
dilemmas involving lesbian and gay issues, favouring these arguments over ethical principles and human rights reasoning characteristic of stage six. For those with high cognitive-moral consistency, this pattern of response was even more marked. Additionally, respondents with higher moral consistency scores were much less likely to favour stage one and three reasoning, than those with lower moral consistency scores. A similar pattern was evident for low and medium cognitive-moral consistency, but was more accentuated for those reasoning with a high level of consistency. But how does this compare with stage-specific reasoning within the dilemmas?

**Figure 4: Acceptability of the six stages of moral judgement by students with different degrees of cognitive-moral consistency (N = 545).**

Based on Kohlbergian theory, if participants (collectively) favour human rights type arguments when faced with moral dilemmas involving lesbian and gay issues, we would expect the mean score for 'acceptability of argument' to be consistently higher for stage six arguments. The mean scores for each of the six stage-specific arguments (pro and contra) for both dilemmas are presented in table 3.7.

Two things can be deduced from these data. First, stage six arguments are not favoured in either the pro or the contra position for either of the two dilemmas, as the mean scores for stage six arguments are not highest in any of the four conditions. Second, arguments for all stages are not favoured consistently across the pro and contra positions, or across the two dilemmas. The latter can be seen more clearly in figure 5.
Table 3.7: Mean Scores for Acceptability of Arguments by Stage for each Dilemma (N = 545)

<table>
<thead>
<tr>
<th>Stage represented by argument</th>
<th>Dilemma 1: Student Take-over</th>
<th>Dilemma 2: Webster</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pro</td>
<td>Contra</td>
</tr>
<tr>
<td>1</td>
<td>.14</td>
<td>.15</td>
</tr>
<tr>
<td>2</td>
<td>-.12</td>
<td>-.30</td>
</tr>
<tr>
<td>3</td>
<td>.27</td>
<td>.14</td>
</tr>
<tr>
<td>4</td>
<td>1.28</td>
<td>.46</td>
</tr>
<tr>
<td>5</td>
<td>.53</td>
<td>1.00</td>
</tr>
<tr>
<td>6</td>
<td>1.03</td>
<td>.23</td>
</tr>
</tbody>
</table>

Figure 5: Mean Scores for Acceptability of Arguments by Stage for each Dilemma (N = 545)

For the 'Student Take-over' dilemma (dilemma 1) participants as a whole used similar reasoning in both the pro (the students’ actions were justified) and contra (the students’ actions were not justified) positions, with the exception of the stage which was most favoured. For the pro position, the stage four argument (“they were restoring the equal opportunities policy which had been agreed to by the university”) was clearly favoured, whilst in the contra position the stage 5 argument (“the students didn’t exhaust the legal channels at their disposal”) was favoured. For this dilemma, stage 4 and 6 arguments were rated significantly more favourably in the pro condition (stage 4 \(t = 6.09, \text{df} = 606, p < 0.001\) Stage 6 \(t = 6.00, \text{df} = 602, p < 0.001\)), whilst stage 5 arguments were rated significantly more favourably in the contra condition (\(t = 3.47, \text{df} = 605, p < 0.001\)) (see figure 3.12).
For the ‘Webster’ dilemma, on the other hand, reasoning was clearly divergent, in that with the exception of stage one arguments, respondents consistently rated arguments in the con position (that Mr Webster’s actions were not justified) more highly than the arguments in the pro position (that Mr Webster’s actions were justified). Consequently, significant differences were not found between the pro and contra positions for stage one arguments. However, significant differences were found for stage two through stage six arguments, arguments in the contra position being rated significantly higher than those in the pro position were (see table 3.8). This finding suggests that for this dilemma, responses evidenced a bias towards seeing opinion-compatible arguments as more legitimate. In the pro position, respondents favoured the stage two argument (‘because he must do what’s in the best interests of his business’) over all other arguments. In the contra position, both the stage two (‘hiring a good mechanic is in the best interests of his business’) and the stage four (‘the law is meant to protect people from discrimination in employment’) arguments were more favoured.

Table 3.8: T-test of statistical significance of differences in acceptability ratings for the pro and contra positions of each dilemma.

<table>
<thead>
<tr>
<th>Stage represented by argument</th>
<th>Dilemma 1: Student Take-over</th>
<th>Dilemma 2: Webster</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>t</td>
<td>df</td>
</tr>
<tr>
<td>1</td>
<td>-0.08</td>
<td>600</td>
</tr>
<tr>
<td>2</td>
<td>1.48</td>
<td>602</td>
</tr>
<tr>
<td>3</td>
<td>-0.89</td>
<td>603</td>
</tr>
<tr>
<td>4</td>
<td>6.09</td>
<td>606</td>
</tr>
<tr>
<td>5</td>
<td>3.47</td>
<td>605</td>
</tr>
<tr>
<td>6</td>
<td>6.00</td>
<td>602</td>
</tr>
</tbody>
</table>

These findings would therefore seem to suggest that, respondents did not typically reason about lesbian and gay issues from a human rights standpoint.

Discussion

The findings presented here indicate, first, that respondents do not apply moral reasoning consistently, and second, do not (clearly) favour human rights arguments when thinking about lesbian and gay human rights issues.
The analysis presented in Part I of this chapter suggested that respondents indicated inconsistent levels of support for different human rights issues, favouring basic rights and freedoms, and employment rights over social and (some) political rights. Likewise, in the present analysis respondents appeared to apply different types of reasoning to the first dilemma, which pertained to social rights, than to the second dilemma, pertaining to employment rights. However, when the responses are aggregated across the dilemmas and the pro and contra positions (via the calculation of c-scores) stage two, four, and five arguments (i.e. instrumental hedonism and concrete reciprocity; maintenance of social order, respect for law and authority; and social contract, respectively) appear to be favoured by respondents for justifying actions when faced with moral dilemmas involving lesbian and gay issues.

On the other hand, when the dilemmas and pro and contra positions are assessed separately, a slightly different pattern emerges. For 'student take-over' (dilemma 1) the stage four argument ("because they were restoring the equal opportunities policy which had been agreed to by the university") is favoured in the pro position, yet the stage five argument ("because the students didn’t exhaust the legal channels at their disposal and in their haste committed a serious violation of the law") is favoured in the contra position. However, for 'Webster' (dilemma 2) the stage two argument ("because he must do what is in the best interests of his business by paying attention to his customers’ wishes") is favoured in the pro position and the stage two ("because hiring a good mechanic is in the best interests of his business") and stage four ("because the law is meant to protect people from discrimination in employment") arguments in the contra position. For neither dilemma nor pro/con position were stage six (human rights) arguments favoured.

These findings concur with those reported in Schwalbe and Staples’ (1992) study of reasoning about AIDS related dilemmas, where stage two, four, and five arguments were also favoured. The predominance of a relativist-individualist reasoning (inherent to the arguments of each of these stages) is hardly surprising given the current political ethos that promotes individualism and encourages a complacent (or apolitical) 'live and let live' approach to thinking about social issues. However, the findings in Schwalbe and Staples’ and the present analysis appear to run contrary to those of (traditional) moral reasoning studies using the MJT where a near-linear relationship has typically been found between stage of arguments and acceptability of arguments, with stage six (human rights) arguments consistently being favoured most highly (e.g. see
Lind et al., 1981-82; Lind, 1985). The incongruence in findings may be partly explainable in terms of the different types of dilemmas used in the MJT as opposed to those used in this study and that of Schwalbe and Staples: that is, the MJT includes a ‘life and death’ dilemma, whereas this study and Schwalbe and Staples’ study do not. Whilst this difference may suggest that people apply different types of reasoning to different moral issues, including lesbian and gay issues, some caution should be exercised in drawing this conclusion, as there are other factors which may have contributed to this difference. For instance, the socio-cultural context in which each of the studies was undertaken, varies: The Lind studies were undertaken in Germany (although replicated in several other European countries), whilst Schwalbe & Staples undertook theirs in the US, and I in the UK.

It is however, potentially valuable to know what kinds of arguments are favoured when thinking about particular issues, in order to determine what type of arguments are likely to be politically persuasive when attempting to work for positive social change. Knowing how people are thinking about lesbian and gay human rights issues is essential for designing effective education programmes for changing attitudes and (mis-)understandings about human rights for lesbians and gay men. Like Schwalbe and Staples’ study, the findings presented here suggest that it cannot be assumed that the same principles or concerns that are salient for one issue will be so in regard to another issue. However, the preponderance of arguments based on values of individualism (stage 2), fulfilling social duties and obeying the law (stage 4) and social and cultural relativity (stage 5) suggest the need for both education in human rights, and development of effective counter-discourses to the liberal-humanist framework underlying these principles, if we are to seek positive social change for lesbians and gay men.

What we can deduce from these findings, then, are that the types of argument people find most compelling when faced with moral dilemmas involving lesbian and gay issues are heavily dependent on the issue they are faced with, and whether they are arguing for or against a particular course of action (i.e. moral reasoning is highly context-dependent). So, as highlighted by Schwalbe and Staples (1992), although people may favour a stage four argument when arguing for a particular course of action, they may prefer a stage five argument when arguing against the same action (as was the case for dilemma 1 in the present study).
Conclusion

In this chapter, support for lesbian and gay human rights has been explored through both endorsement of lesbian and gay human rights issues (Part 1) and sense of personal responsibility for ensuring positive social change for lesbians and gay men (Part 2). Overall, the findings presented in parts 1 and 2 of this chapter indicated a lack of support for lesbian and gay human rights. In Part 3, reasoning about lesbian and gay human rights issues was explored through the use of moral dilemmas to determine the types of reasoning prioritised by respondents when thinking about these issues.

Whilst a cursory reading of the data in parts one and two of the chapter seemed to indicate limited but majority support for (most) lesbian and gay human rights issues, a detailed analysis gave a more nuanced picture of this support. Typically, respondents were willing to endorse broad liberal notions of extending human rights to lesbians and gay men, but when asked about specific human rights issues (e.g. same-sex marriage; parenting; books in school libraries) especially social and (some) political rights they were much less willing to extend human rights to lesbians and gay men. Furthermore, when asked about their sense of personal responsibility for ensuring lesbian and gay human rights, respondents indicated only limited support for lesbian and gay human rights in terms of helping to create positive social change, lending credence to work suggesting a weak link between attitudes and actions (e.g. see Ajzen and Fishbein, 1980). Results from the moral reasoning task suggest that respondents did not prioritise human rights arguments when thinking/reasoning about lesbian and gay issues within the context of moral dilemmas.

In conclusion, the findings presented in this chapter suggest that support for lesbian and gay issues as human rights issues is limited and that other types of reasoning (i.e. individualism, legal duty, and relativism) tend to be prioritised over rights-based reasoning when thinking about lesbian and gay human rights issues. Although these data indicate, to some extent, the level of support for specific lesbian and gay human rights issues, this only tells us about the attitudes people hold in relation to these issues and the types of arguments prioritised when thinking about lesbian and gay issues, and not why students do or do not support these issues. Thus we do not know what types of arguments led to the judgements which respondents made in deciding on the extent to which they supported each of these issues. Leading from the findings of this study then, the next two chapters will explore the context of moral reasoning, that is, the ways in
which people talk about, and counter lesbian and gay human rights. The focus group study presented in the next chapter (Chapter 4) looks at reasoning about lesbian and gay rights in an interactive social context, whilst the case study in Chapter 5 looks at reasoning in the formal context of parliamentary debates.
CHAPTER 4
Discussing Rights: A Small-Scale Qualitative Study of Talk and Reasoning about Lesbian and Gay Issues

As we have seen (in Chapter 2), the majority of psychological researches on attitudes and reasoning have been based on attitude surveys, and/or psychometric tests. Consequently, these studies have employed a pre-established framework within which to explore people's attitudes and reasoning. Indeed, this is the framework used in Chapter 3, where the results of a large-scale questionnaire study, predominantly comprising attitude scales and a psychometric test of moral reasoning, were presented. However, in order qualitatively to explore the way(s) in which people reason about lesbian and gay issues, and the range and diversity of arguments they use, it is necessary to employ a more discursive approach. In this case, a focus group approach was employed.

The purpose of this chapter is to explore the way(s) in which students talk about lesbian and gay issues in a social context. Building on the previous chapter then, this chapter aims to explore if and how human rights reasoning is employed to talk about lesbian and gay issues in a social context, and to identify potential reasons why lesbian and gay human rights may or may not be supported.

Focus group discussions complement scales and tests, in that they provide a useful means for developing and extending the information acquired from these more structured approaches. Whereas previous studies have focused solely on quantifying levels of support, this study aimed to qualitatively explore the reasoning behind those quantified attitudes: that is, why people do or do not support lesbian and gay human rights issues. In relation to investigating support and reasoning, then, focus groups provide a means to obtain data which qualifies the responses of an attitude scale. However, focus groups also provide information about the processes used to reason about issues, and therefore provide a more in-depth means of exploring reasoning than a highly structured psychometric test (such as that employed in the previous chapter). Thus, focus group discussions enable an analysis of ways in which people reason about given issues, as well as about why they hold particular views. In addition, focus groups contextualise people's reasoning, allowing an analysis of how people talk about issues.
in a social context, rather than in a vacuum (as is the case with traditional, individualistic approaches to moral reasoning).

This chapter is based on an analysis of data from six one-off focus group discussions on lesbian and gay issues. After an outline of the methodology used for the study, results will be presented in four main sections (1) Human rights in focus group talk – an analysis of incidences of human rights talk occurring in the discussions (2) Support for lesbian and gay human rights; (3) Reservations about extending specific human rights to lesbians and gay men; and (4) Barriers to support for lesbian and gay human rights – an analysis of potential reasons why support for lesbian and gay human rights is limited.

Method

Development of the focus group schedule

In preparation for running the focus groups, a focus group schedule (see Greenbaum, 1993) was created based on key items from the questionnaire used in Chapter 3, especially those pertaining to recent public debates in the UK. Included in the schedule were questions on same-sex marriage, lesbian and gay parenting, teaching lesbian and gay issues in schools (viz. Section 28), lesbians and gays in the military, partner benefits, and the age of consent for sex between men. These issues were chosen for discussion, as their high public profile and media coverage were likely to mean that participants were more likely to have thought about them.

Items from the questionnaire pertaining to these issues were selected, simplified, and reworded into question format. For example, “Lesbian and gay male couples should be legally permitted to marry, just as heterosexual couples are” became “what do you think about same-sex marriage?” Questions were then organised into probe questions, and follow up questions, and questions on similar topics grouped together following a probe question. So, for example, the issue of lesbians and gay men in the military was used as a key question for the section on employment, and was followed up by probe questions on employment and partner benefits: the issue of immigration was incorporated into the section on same-sex marriage; and so forth. In wording the probe and follow-up questions, care was taken to ensure that the words ‘rights’ and ‘human rights’ were not used, to allow the discussion of human rights to occur spontaneously.
Stewart and Shamdasani (1990) suggest that focus group items should be ordered from the more general to the more specific, and according to their relative importance to the research agenda, and that the schedule should begin with an item which does not require too much thinking. The schedule was therefore organised to begin with the issue of lesbians and gay men displaying affection in public, followed by a series of social issues from same-sex marriage through parenting, through inclusion of lesbian and gay issues in the school curriculum. These were then followed by questions on employment issues (lesbians and gay men in the military: employment discrimination; partner benefits), and lastly questions on political issues (age of consent: asylum). The progression of items moved from the most contentious through to the least contentious, as identified by preliminary findings from the questionnaire (see Chapter 4). The schedule then ended with a section directly asking respondents whether they thought that the issues we had been discussing could/should be considered human rights issues (see appendix D for a copy of the focus group schedule).

The focus group schedule was then piloted with a group of three male postgraduate students. No changes were made to the focus group schedule as a result of piloting, so these data were incorporated into the main study.

Ethical Considerations

As with the questionnaire, the focus groups were carried out in accordance with the British Psychological Society Code of Ethics (BPS, 1990). However, because focus groups involve face-to-face contact with participants, and involve participants disclosing information to each other as well as to the researcher, the ethical considerations are somewhat different than for questionnaires.

First, it is necessary when interviewing people individually or as a group to gain their informed consent to participate in the research (especially when the interview is being recorded). In this study, participation in focus groups was on a purely voluntary basis, and consent to participate was initially gained when participants volunteered for the study. Informed consent was formally gained (in writing) at the focus group itself, after the nature of the research had been outlined, and participants had been informed of their right to withdraw from the study. Participants were also assured of anonymity and confidentiality.

Anonymity was maintained throughout the process of running the focus groups. Names of participants were only recorded on the consent forms (which were securely
stored separately from cassette tapes and transcripts). and whilst transcribing the tapes, pseudonyms were inserted into the transcripts. Pseudonyms were double-checked to ensure that none of them corresponded with the actual name of any person who had participated in the focus groups (nor a derivative of anyone’s name), and that the pseudonym assigned to any given participant did not begin with the same letter as the person’s real name.

Respondents were assured that information shared within the context of the focus group would not be disclosed by me (as researcher) to others outside the group, except for the express purposes of the research, and only then in an anonymous fashion. Similarly, all focus group participants were asked to respect the confidentiality of others in the group by not repeating (specific) information shared during the focus group with people outside of the group. In the case of participants from within the department, information about who may listen to recordings (i.e. my supervisor; research group), under what conditions this would happen, and the identity of my supervisor was made explicit – no participants declined participation as a result. Additionally, in the case of one group comprising students from the practical class for which I was a demonstrator at the time, I was careful to explain that I had no responsibility for assessing their work, and that their participation would therefore not have a bearing on their course grades (had there have been any doubt about this, I would not have recruited these students).

Procedure

Recruitment

Participants were recruited from among the student population, attempting to ensure that my sample encompassed the range of students in my questionnaire sample (i.e. male and female; white and non-white; Christian and non-religious; heterosexual and lesbian/gay). Participants were recruited through several different methods. My first focus group included a casual acquaintance (introduced by a colleague) who invited two of his colleagues to join him in a focus group. Three further groups, were recruited from undergraduate students within the department. Another group was organised on my behalf by a casual acquaintance, who recruited participants by e-mailing all her social contacts. Finally, I specifically wanted to include an exclusively lesbian and gay group, so I solicited potential participants at a meeting of the Loughborough Lesbian, Gay and Bisexual Association (LLGBA), of which I had formerly been a member.
All focus groups were conducted during the daytime (early evening, in one case) and took place in a tutorial room within the department. Participants were requested to meet at my office.

Running the groups

Prior to commencing the formal proceedings of the focus groups, sandwiches, biscuits, and drinks were provided for participants (cf. Greenbaum, 1993; Stewart & Shamdasani, 1990), while the tape recorder and microphone were being set up. Participants were unpaid volunteers, and were not offered any other incentives (see Stewart & Shamdasani, 1990) to participate.

Before formally beginning the focus group, I introduced myself and my research, briefed participants on ethical considerations, and outlined the procedure that would be adopted for the discussion (see focus group schedule, appendix D). Following this introduction, participants were given the opportunity to ask questions, and their written consent to participate was gained at this point (for a copy of the consent form, see appendix E). After completing the consent form, participants were asked to complete a short questionnaire of demographic details (e.g. sex, age, sexuality, etc) and once these were collected the tape-recorder was switched on.

For each focus group, the discussion followed more-or-less the focus group schedule. Once the discussion was completed, participants were thanked for their participation, and reminded to respect the confidentiality of others in the group. In each case, the tape-recording of the discussion was transcribed verbatim (Krueger, 1998).

Analysis

Focus group data may be analysed in a variety of ways, the method chosen often determined by the design of the study. For example, analyses may make comparisons of data within groups or they may explore similarities and differences across groups (cf. Krueger, 1998).

Since the purpose of this part of the present study was to explore reasoning, the analysis was concerned with how students argue for and against lesbian and gay rights. For this reason, I chose to employ a data-driven (or bottom-up) qualitative thematic analysis (cf. Boyatzis, 1998; Hayes, 1997), rather than the more quantitatively oriented approach of content analysis (Stewart & Shamdasani, 1990), to analyse most of the focus group data. However, when exploring the types of arguments raised as potential
reservations about extending specific rights to lesbians and gay men, a combined content and thematic analysis was used. Thus, for each argument raised, the number of occurrences of the argument was also recorded in order to not misrepresent the data, since many arguments were raised by few respondents (yet were arguments commonly used in lay and public discourse) whilst other arguments were raised by participants across several different groups. The method used to do this was simple counting (cf. Morgan, 1996).

Like much qualitative analysis in the social sciences (discourse analysis and thematic analysis alike), analyses of focus group data have typically involved the drawing together of similar themes or discourses (Kitzinger & Barbour, 1999). However, because focus groups comprise a social/group context, commentators have suggested that analyses should also pay attention to the group dynamics or interaction (Kitzinger & Barbour, 1999). Consequently, drawing on the methods of analysis employed in discursive studies (e.g. Potter & Wetherell, 1987), the analysis presented here explored both the content and processes employed in focus groups to talk about lesbian and gay rights issues.

A systematic approach similar to that used in other qualitative studies (e.g. see Frankland & Bloor, 1999; Potter & Wetherell, 1987; Sherrard, 1997) was adopted in this study. Analysis began with the reading through of each of the transcripts for systematic patterns in the data, in particular, recurring features across the transcripts. These features were then coded (Potter & Wetherell, 1987) or indexed (Frankland & Bloor, 1999), by marking each place where a particular feature occurred. The transcripts were then re-read, and further incidences of the features initially identified, also marked. This process was repeated several times, after which conclusions were drawn based on the analysis.

In order to identify the extent to which rights-based reasoning was employed in the focus group talk, it was necessary to derive a working definition of what rights-based talk would look like. As described in Chapter 2, and highlighted in the analysis presented in Part 3 of Chapter 3, human rights reasoning features at Stage 6 (the highest stage) of moral reasoning, according to Kohlberg’s moral-developmental theory. However, despite giving numerous examples of reasoning at stages one through five, the manual for Kohlberg’s Moral Judgement Interview (Colby & Kohlberg, 1987) does not give any working examples of stage six (human rights) reasoning. Although Kohlberg quotes some philosophical accounts of stage six reasoning (see Chapter 3, p.
125-126), these pertain to the right to life, and therefore do not give a clear indication of what stage 6 reasoning might look like in relation to other issues. The stage six examples incorporated into the Defining Issues Test (DIT) and Moral Judgement Test (MJT) were of little help also, as they were too succinct to adequately encompass what human rights actually comprise. A new operational definition was therefore created for this study as a guide to analysis.

This definition was based on material from Chapter 1, where following Cranston (1962), human rights were defined as “the rights of all people at all times, and in all situations” (cited in Bouandel, 1997, p. 20). Consistent with human rights theory, human rights were further defined as universal and egalitarian (i.e. they apply to all people equally), indivisible (they cannot be separated from one another) and inalienable (they cannot be taken away or foregone) (for example, see Donnelly, 1993; Jones, 1994). In relation to lesbian and gay issues then, it was expected that if respondents were using human rights reasoning, they would be employing the language of human rights, as just described, or drawing on human rights principles (e.g. the right to life is paramount over cultural considerations; everyone has the right to live without fear). Therefore, in analysing the focus group data, passages were selected where participants explicitly mentioned human rights (i.e. “lesbians and gay men should be allowed to parent children, because it is a basic human right to parent children”), or when this was implied by the use of human rights language, such as universality and egalitarianism (i.e. “lesbians and gay men should be afforded partner rights as a matter of equality”).

However, lay conceptions of concepts seldom comprise formal definitions or highly structured ‘official’ language. Consequently, a statement which drew on human rights concepts was, in the present study, deemed to be considered human rights talk. So, for example, where a participants referred to “equality for all people, regardless of sexual identity”, or that “all people should have the right to marry”, this was deemed to be human rights talk, in that the statement “all people” implies universality. Likewise, where a participant said, for example, “lesbians and gay men should have the same rights as heterosexuals”, or that “denying lesbians and gay men to serve in the military is the same as not allowing blacks to serve in the military”. this too was deemed to be human rights talk, in that it implicitly refers to equality. Therefore, talk which drew on human rights concepts, but did not necessarily state them explicitly was considered rights-based talk for the purpose of the present analysis.
The analysis for the latter part of the chapter explored potential reasons why support for lesbian and gay human rights may be limited. Four dominant themes were identified in the data: (1) ignorance about lesbian and gay issues; (2) incomplete knowledge of human rights; (3) social change being viewed as occurring without an agent; and (4) the view that lesbians and gay men are basically the same as heterosexuals. The analysis of the data was built around these themes, using the method described earlier in this section.

Participants

Eighteen students from Loughborough University each participated in one of six focus groups. Of the six groups, five groups of predominantly heterosexual students were interviewed, and the sixth group comprised participants recruited primarily because they self-identified as lesbian or gay. The breakdown of the groups by sex, age, ethnicity, sexuality, student status, and majoring subject can be found in Table 4.1.

Table 4.1: Breakdown of focus group sample

<table>
<thead>
<tr>
<th>Pseudonym</th>
<th>Sex</th>
<th>Age</th>
<th>Ethnicity</th>
<th>Sexuality</th>
<th>Student Status</th>
<th>Subject Major</th>
</tr>
</thead>
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<tr>
<td>Group 1:</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Adam</td>
<td>M</td>
<td>2</td>
<td>white</td>
<td>Heterosexual</td>
<td>PG</td>
<td>Sports Science</td>
</tr>
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<td>Heterosexual</td>
<td>PG</td>
<td>Sports Science</td>
</tr>
<tr>
<td>Chris</td>
<td>M</td>
<td>2</td>
<td>white</td>
<td>Heterosexual</td>
<td>RA</td>
<td>Sports Science</td>
</tr>
<tr>
<td>Group 2:</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Diana</td>
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<td>UG</td>
<td>Psychology</td>
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<td>UG</td>
<td>Psychology</td>
</tr>
<tr>
<td>Fiona</td>
<td>F</td>
<td>1</td>
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<td>Heterosexual</td>
<td>UG</td>
<td>Psychology</td>
</tr>
<tr>
<td>Group 3:</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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<td>Imogen</td>
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<td>Heterosexual</td>
<td>UG</td>
<td>Psychology</td>
</tr>
<tr>
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<tr>
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<td>Heterosexual</td>
<td>UG</td>
<td>Psychology</td>
</tr>
<tr>
<td>Group 4:</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Gavin</td>
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<td>1</td>
<td>white</td>
<td>Heterosexual</td>
<td>UG</td>
<td>Electronics</td>
</tr>
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<td>Heterosexual</td>
<td>UG</td>
<td>Physics</td>
</tr>
<tr>
<td>Katherine</td>
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<td>Bisexual</td>
<td>PG/UG</td>
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</tr>
<tr>
<td>Leanne</td>
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<td>Lesbian</td>
<td>UG</td>
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<td>Group 5:</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pam</td>
<td>F</td>
<td>2</td>
<td>white</td>
<td>Heterosexual</td>
<td>UG</td>
<td>Social Policy</td>
</tr>
<tr>
<td>Rita</td>
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<td>white</td>
<td>Heterosexual</td>
<td>UG</td>
<td>Social Policy</td>
</tr>
<tr>
<td>Group 6:</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wendy</td>
<td>F</td>
<td>2</td>
<td>white</td>
<td>Lesbian</td>
<td>UG</td>
<td>Psychology</td>
</tr>
<tr>
<td>Robert</td>
<td>M</td>
<td>1</td>
<td>white</td>
<td>Gay</td>
<td>UG</td>
<td>Art/Design</td>
</tr>
<tr>
<td>Tim</td>
<td>M</td>
<td>1</td>
<td>white</td>
<td>Gay</td>
<td>UG</td>
<td>Physics + Maths</td>
</tr>
</tbody>
</table>

a: 1 = 18-21, 2 = 25+  
b: UG = undergraduate; PG = postgraduate; RA = research assistant
Results

The analyses of the focus group data will be presented in four sections. First, the extent to which human rights talk (language and concepts) was used in focus group discussions will be explored. This will then be followed by a section exploring support for lesbian and gay human rights. Third, potential arguments against lesbian and gay human rights will be outlined, followed by an analysis of potential limitations to support for and reasoning about lesbian and gay human rights issues.

Human rights in focus group talk

An analysis of the transcripts from all six focus groups showed that to some degree focus group participants did use the language of human rights when discussing lesbian and gay issues, although the phrase ‘human rights’ itself was used infrequently.

Whilst the discussion of most issues invoked brief reference to human rights, a human rights perspective was most prominent in relation to the statement “In some countries lesbians and gay men are imprisoned, tortured, or killed, simply for being lesbian or gay”, a human rights framework being employed by most participants to suggest that these actions should not occur. For example, “I don’t think they have the right as humans to kill other humans” (Katherine, FG 4); “it’s human rights at the end of the day” (Rita, FG 5); “we go into places like Kosovo and stuff like that for basic human rights … why can’t we do that for gay people?” (Wendy, FG 6); and it’s “human rights basically” (Tim, FG 6).

Similarly, when the concept of human rights was explicitly introduced in relation to lesbian and gay issues, several participants explicitly discussed the interface between lesbian and gay issues and human rights. For example, the following excerpt shows Rita (FG 5) employing a human rights framework to indicate support for lesbian and gay issues as human rights issues:

Sonja: Do you think that the concept of human rights might be relevant to thinking about lesbian and gay issues? If so, how, if not, why not?
Pam: If persecution in other countries because of their sexuality, yeah, it’s a human right issue.
Rita: And in this country I think it is as well. You know in any culture - I mean, it’s not equal now, for gay and lesbians compared to heterosexuals, and l
think that is a human right really, that they should have the right of anybody else walking on this earth, they should have just as much right. So, yeah, I think it is a human rights issue.

In this excerpt, I introduce the notion of human rights in relation to lesbian and gay issues, to which Pam responds that she thinks persecution in other countries on grounds of sexuality is a human rights issue. Rita then adds “in this country... as well” and “in any culture” (human rights are universal), pointing out that lesbians and gay men do not have equality with heterosexuals (human rights are egalitarian), and that lesbians and gay men should have the same rights as “anybody else walking on this earth” (human rights apply to all people everywhere).

Likewise, in response to the same question, Bryan indicated support for the notion of lesbian and gay issues as human rights issues, as illustrated in the following excerpt:

Bryan: Right. But whether you know issues surrounding sexuality have been elevated to that of human rights, and they haven’t – they certainly haven’t it’s usually based on religious or um ethnic persecution, human rights.
Sonja: Do you think they should be elevated to that?
Bryan: Absolutely, absolutely. I mean it’s like Adam said, you’re talking about issues that are related fundamentally to you know, people have the right to be free of fear of discrimination, persecution, and for what – and for the issues that that encompasses. I mean that should be taken very seriously.

(6.0)

Here, Bryan first points out that lesbian and gay issues have not typically been considered human rights issues. However, when asked whether he thinks they should be, he gives his unequivocal support (“absolutely”), going on to use the central tenet of human rights – albeit his own version – to justify his stance (“[all] people have the right to be free of fear of discrimination”).

Fiona (FG 2) also employs a human rights perspective, but in this case when discussing lesbian and gay marches. She says

Homophobic people are. I think, worsened by that kind of behaviour, not because I think they shouldn’t have freedom of speech, because I think everybody should, but just because I am not entirely sure that it’s not saying “look. Here we are, and we’re different, and you have to accept us”.
Fiona introduces a human rights principle ("freedom of speech") attending to egalitarianism ("I think everybody should"). Although in this excerpt Fiona is actually disagreeing with the right of lesbians and gay men to freedom of expression, later in the focus group she revisits this issue during a discussion of Section 28, and retracts her previous stance in light of her newly found awareness of "these ridiculous rules that still exist".

Congruent with this, the notion of equal rights, or equality for all, was frequently invoked. For example, in connection with same-sex marriage, Fiona (FG 2) claimed "it’s just another question of equal rights", Katherine (FG 4) that "it’s a difference [sic] of equal rights", and Tim (FG 6) that "the same rules should be applied to both". Likewise, in relation to the age of consent, Diana (FG 2) stated "if you’re making everything else equal, I can’t see any argument why the age of consent shouldn’t be equal as well", whilst Robert (FG 6) asserted "it should be equal, whatever age it is".

The concept of equality was also alluded to where some participants claimed that a lack of equality suggests that lesbians and gay men are somehow ‘less worthy’ of equal rights than heterosexual persons. For example, when discussing partner benefits, Diana (FG 2) claimed that the existing inequalities “suggests that lesbian and gay couples aren’t on the same level as heterosexuals, that they’re not worthy enough”. Similarly, when discussing the age of consent for sex between men, Pam (FG 5) states “if it’s a different age, it’s just saying that … it’s [being lesbian or gay is] not as good as heterosexuals [sic]”.

Another way in which the concept of human rights was raised, was through the notion of universality, or that the issues (or rights) in question should apply to all people, equally. For example, when discussing same-sex marriage, Adam (FG 1) stated “I think one of the problems is that it’s got to be all or none. I don’t know whether or not there’s any kind of justification for half measures” and that “it’s got to be either they’re equivalent, or no law”. Similarly, when discussing employment rights, Katherine (FG 4) suggests that rather than having universal laws, that lesbian and gay discrimination is “a case of multiple laws” or “separate laws for different groups”, and likened it to “the Jews being sent off into little ghettos” during the holocaust.

In discussing employment issues, the concept of human rights as universal and egalitarian was invoked by participants often through the drawing of parallels between discrimination against lesbians and gay men, and race discrimination. For example,
when discussing the ban on lesbians and gay men in the armed forces. Imogen (FG 3) stated “you can’t take away somebody’s right to employment like that, because of their sexuality”, going on to add that “it used to be that black people weren’t accepted in the army”, and that “you can’t take away somebody’s right to employment … because they’re blacks”. Likewise, when as moderator I introduced the idea of lesbians and gay men being fired for being lesbian or gay, Rita (FG5) stated “it’s wrong” because “it’s just like being sacked because of your race”. Similarly, Tim (FG 6) stated that firing someone on grounds of their sexual orientation is “just blatant discrimination” and that “it’s like firing someone for race, you just don’t do it”.

In discussing other issues, some participants also employed human rights talk by invoking the notion of non-discrimination on grounds of characteristics such as ethnicity and religion. For example, when discussing parenting rights, Imogen (FG3) makes a strong rights-based claim for lesbian and gay parenting:

I think that anyone should – not have the right to have a child, because it isn’t a right, but should have a chance to have their own children. And just because you happen to have a certain kind of sexuality, doesn’t take away that you should have that chance, so anyone should be able to have a chance to have their own child, whatever colour, sexuality. whatever, they should be able to, and you shouldn’t be lumped with somebody else’s child, but you shouldn’t have to adopt to have a child in your family.

Here, Imogen draws on the language of human rights by suggesting that the ‘chance’ to have a child should be afforded all people, irrespective of colour or sexuality. Similarly, Adam (FG 1) suggests that the right to asylum should be extended to lesbians and gay men in the same way as is afforded on the basis of religion, creed or ethnicity, stating “if you’re having a policy of offering asylum to people who are being discriminated on the basis of religion, ethnic what’s it, creed, sexuality, I mean – I am sure it has to fit in under those – under the scope of those concepts”.

Finally, when discussing same-sex marriage, some participants employed rights-based reasoning, referring to the benefits accrued by marriage and not available to unmarried partners. For example, Tim (FG 6) stated “some married couples get benefits on tax relief” and that “it would be nice to see gay couples recognised by the government”. whilst Katherine (FG 4) said “I’m not as worried about the terminology. I think the legal rights are more important”. Similarly, the following interchange between Katherine and Leanne (FG 4) occurred when Leanne (a self-identified lesbian) puts
forward the idea of the (gay) ‘commitment ceremony’ as equivalent to (heterosexual) marriage:

Leanne: In this country you can - you can do a commitment ceremony, which isn’t a marriage but it’s the same level of commitment, it’s performed by a priest and it can be - it can be a Christian ceremony, yeah, so it isn’t - it isn’t called a marriage, because you can’t legally get married, but it is - it is a ceremony of commitment which says that “I am committed to you, and I want to be with you for the rest of my life” and it is - it is a very similar statement, so it - it isn’t a marriage because that’s not legal, but it is a very similar ceremony saying very similar things, so

Katherine: It does the emotional

Leanne: It does have the same effect.

Katherine: It doesn’t cover the - It doesn’t cover if one of the couple falls ill then their family gets the rights of choosing medical

Leanne: I’m not sure how it works, but there is - I don’t think it’s covered by the same rules, because it’s not a marriage. It’s a very grey area, but it’s a

Gavin: sort of like a ( )

Leanne: yeah, and it’s things like - if, if you’re working for a company which has health insurance, when it says it covers a spouse, a gay partner is not covered because they’re not a spouse unless you’re married, and things like that. So, it’s very difficult.

In response to Leanne’s suggestion that the commitment ceremony is “similar” to marriage, Katherine introduces a rights-based approach by pointing out that although a commitment ceremony does the same job in terms of the “emotional” aspect of marriage, it does not extend the rights afforded by a legal marriage. Leanne then backtracks on her claim, first claiming ignorance (“I’m not sure how it works”) going on to adopt a rights-based approach herself, highlighting that partner benefits in the workplace are only extended to a (legally defined) “spouse” and therefore are not extended to lesbian and gay couples.

Although there were many instances of human rights reasoning being employed in the focus group discussions, the discussions were typically characterised by initial support for the issues, followed by the discussion and evaluation of potential reservations or considerations about individual issues. However, across all six groups, there was little evidence of resistance to any issue. These findings seem to suggest that to some extent, people employ human rights (stage six) reasoning when discussing
lesbian and gay issues in a social context. However, they tend to employ this type of reasoning before going on to describe possible concerns and problems with implementing them, thus drawing on non-rights-based reasoning.

Support for lesbian and gay human rights

For the most part, the focus group discussions were characterised by participants initially expressing support for each issue, followed by a discussion of the potential considerations around or limitations to that support. Support was evident by unequivocal and immediate agreement with each issue, and appeared across all issues, and across all focus groups.

Issues around basic personal freedoms (i.e. the right to life, liberty, and security of person”) were strongly supported across all groups. When I as moderator introduced the notion that in some places around the world, lesbians and gay men are imprisoned, tortured, or killed for being lesbian or gay, respondents showed strong opposition to these actions, and (almost) all supported asylum on grounds of sexual orientation. For example, “there really isn’t even a spin-off issue there. There isn’t even a we should consider this, or we should consider that, it’s just disgraceful” (Emma, FG 2), “I think any torture is not on, is it?” (Pam, FG 5), “Disgusting. Breaks my heart” (Wendy, FG 6), “it’s human rights at the end of the day” (Rita, FG 5) and “then they [lesbians and gay men] should have the same rights to asylum as everybody else” (Heather, FG 3).

Employment rights were also well supported. When I introduced the UK government’s proposal to lift the ban on gays in the military, Rita (FG 5) immediately responded “I think it’s a good idea in principle to lift the ban”. Similarly, Melissa (FG 4) stated “I think they [lesbians and gay men] should be allowed to be [in the military], just like everybody else”, whilst others said “about time!” (Heather, FG 3), “at some point it’s got to change” (Imogen, FG 3), and “I don’t see a problem with it” (Jessica, FG 3). Similarly, when I introduced the notion that lesbians and gay men were being fired for being lesbian or gay, respondents stated “it’s just not right is it! …it’s outrageous” (Pam, FG 5), “it’s just discrimination” (Jessica, FG 3), “that’s just blatant discrimination” (Tim, FG 6). and “it’s discrimination” (Adam, FG 1). These responses also suggest support for equality for lesbians and gay men in employment.

In contrast to the questionnaire study, the extension of social rights to lesbians and gay men was well supported in the focus group discussions. The following exchange
occurred in one group when the topic of lesbian and gay issues in schools was introduced:

Sonja: What do you think about lesbian and gay issues being discussed in schools?
Jessica: Should be.
Heather: They should be.
Jessica: Yeah, definitely.
Imogen: Without a doubt.
Heather: And at an early age. Primary school.

In this excerpt, the topic – whether lesbian and gay issues should be discussed in schools – was introduced by me as moderator, endorsed by Jessica (“should be”), reinforced by Heather (“they should be”), then Jessica indicates her agreement with Heather (“yeah, definitely”), which is then also endorsed by Imogen (“without a doubt”). After initially indicating their agreement, participants then moved on to discuss potential limitations to lesbian and gay perspectives being discussed in schools (e.g. insensitive children; ill-informed and prejudiced teachers; lack of time). Similarly, in other groups, the inclusion of lesbian and gay perspectives in schools was also supported. For example, when I asked “what do you think about lesbian and gay issues being discussed in schools?”, participants responded “they definitely should” (Emma, FG 2); “I think they should be discussed more” (Rita, FG 5); “I think it’s fine” (Tim, FG 6). The right of lesbians and gay men to show affection in public (freedom of expression) was also well supported, with most participants claiming “I’ve got nothing against it” (Emma, FG 2), “I’ve got no problem myself” (Rita, FG 5), “I wouldn’t think anything” (Jessica, FG 3) and “I’ve got no problem with it” (Pam, FG 5).

Similarly, respondents indicated considerable support for same-sex marriage. When I introduced the topic, saying “what do you think about the idea of same-sex marriages?”, participants’ responses included “I think if people want to get married, whatever they are, as long as they’re consenting adults, then there should be no boundaries laid down, due to anything” (Imogen, FG 3), “there’s no logical explanation to stop it” (Heather, FG 3), “if people want to get married, then they should be able to” (Jessica, FG 3), “they should be able to get married” (Emma, FG 2), and from lesbian/gay respondents, “good idea” (Wendy, FG 6); “I think it’d be cool”.

Furthermore, the following interchange occurred in focus group 1:
Sonja: Okay, what do you think about the idea of same sex marriage?
Chris: Ah! That’s nice. Yeah. [laughter] Couples get married?
Sonja: Yeah. Should gay couples
Adam: Absolutely.
Chris: Yeah, of course. It’s ridiculous not to.
Bryan: Yeah.

Like the excerpt in the previous paragraph, I (as moderator) first introduce the topic – same-sex marriage, and after I begin to clarify the question for Chris, Adam agrees that same-sex couples should be able to get married (“absolutely”). Chris agrees (“yes, of course. It’s ridiculous not to”), and Bryan consolidates the agreement, responding “yeah”.

The focus group discussions also evidenced a certain level of initial support for lesbian and gay parenting generally, although support was typically conditional. For example, when asked “what do you think about lesbian and gay couples parenting children?”, participants responded “I agree with it. Why shouldn’t they?” (Wendy, FG 6), “Yeah. I think that responsible parenting is not based on sexuality” (Bryan, FG 1), “as long as the couple is loving and remain together then it shouldn’t be a problem” (Leanne, FG 4), “I wouldn’t have a problem with two men bringing up a child” (Fiona, FG 2), “as long as they’re capable parents” (Rita, FG 5). Support for lesbian and gay parenting was perhaps, then, not as strongly supported as other social issues.

Similarly, only some respondents supported an equal age of consent for sex between men. The following excerpt from focus group 3 showed strong support for an equal age of consent, with all respondents agreeing with the government’s proposal:

Sonja: Okay. You may have heard that the British government is currently attempting to reduce the age of consent for sex between men from 18 to 16. What do you think about this?
Jessica: I think – I don’t understand why it should be different.
Imogen: It should be the same [cough]
Jessica: Yeah.
Heather: Absolutely.

Whilst some participants in other groups agreed with this position – e.g. “it should be equal, whatever age it is” (Robert, FG 6), “Yep, lower it” (Bryan, FG 1), “it should be the same” (Wendy, FG 6) – others were less certain claiming “I guess it’s 18 because
they think it’s such a – it’s a big decision to make” (Diana, FG 2). “I think it should all be raised to 18” (Katherine, FG 4). and “I think it should be stayed at 18” (Tim. FG 6). It would seem then, that unlike other issues, support for an equal age of consent was mixed.

Another way in which participants backslid on their initial support for lesbian and gay human rights was to put a proviso on that support: That is, the use of the word ‘but’ to indicate some qualification to their support. For example, when discussing lesbian and gay parenting, Fiona (FG 2) states

it’s not that I think that homosexual couples should be deprived the joy of parenthood…
but I just think it’s very difficult. I wouldn’t perhaps be extremely chuffed to be the first child anyone knew in my social circle, or the first one at my school who had…

homosexual parents (my emphasis).

Similarly, when discussing lesbians and gay men in the military, Rita (FG 5) agrees – “I think it’s a good idea in principle to lift the ban” but then immediately after, states “but I don’t think it will change the issues with the military” (my emphasis).

Respondents also tended to backslide by first suggesting they agreed with an issue, but then stating that they could see or understand why others did not. For example, when discussing lesbians and gay men in the military, Emma (FG 2) claims “I’m totally for [it] being alright, but I can see the issue there” (my emphasis). However, she immediately follows this with an illustration of an incident at a children’s camp where several “lesbians” were thrown off the staff because “they were found in their room together at night”. She then completely backslides on her initial position by concluding that “if lesbians are together on that camp”, then that “provides a situation where they can be in contact with one another in a sexual way, which is exactly the same as in the army”.

In a similar way, when discussing whether books presenting lesbian and gay issues positively should be available in school libraries, Katherine (FG 4) claims “I don’t believe any books should be banned” but then states “but, I think… if they’re put it into a corner with bright labelling or something it could be a bit too much” (my emphasis). On the one hand. Katherine agrees in principle that books should be available, but then partially retracts this claim by putting a proviso on it.
implying that it’s okay for lesbians and gay men to have their rights acknowledged, as long as they are not too visible about it.

In relation to some issues respondents typically professed to not have a problem with the issue, but then backslid by admitting that in some way they actually did. For example, when discussing lesbians and gay men showing affection in public, Emma (FG 2) states “I’ve got nothing against it [lesbians and gay men showing affection in public], but I would look twice if I saw a girl and a girl snogging”, and in the same group, Fiona states “not that I’m prejudiced against homosexuals, but just if I saw it, it would be more remarkable” (my emphasis).

In the focus group discussions, therefore, respondents tended to agree in principle that certain rights should be afforded lesbians and gay men, but then placed limitations or qualifications on their agreement. This finding concurs with the pattern of responses in the questionnaire study, in that questionnaire respondents indicated high levels of support for the principle of extending human rights to lesbians and gay men, but specific individual issues (particularly social issues) were much less well supported. This data may suggest that differences in support for certain issues in the questionnaire study (Chapter 3, Part 1), and the large number of ‘unsure/neutral’ responses, might be due to potential reservations about extending all human rights to lesbians and gay men.

Expanding on these findings, the next section will explore the reasons respondents suggested might (potentially) be used to deny the extension of specific human rights to lesbians and gay men. It should be noted, however, that these were not necessarily participants’ own reservations. Although participants sometimes did express their own concerns about extending certain rights to lesbians and gay men, on the whole they were not using these reasons to advocate the denial of rights to lesbians and gay men, but rather to point out that they could be used (by others) in this way.

**Reservations about extending specific human rights to lesbians and gay men**

As highlighted in the previous section, although the discussions were typically characterised by initial support for the issues, a discussion and evaluation of potential reservations or limitations about individual issues tended to follow. This section will
outline for each issue, using illustrative examples, the types of reasons participants suggested might be considerations for not extending specific rights to lesbians and gay men. [In presenting the arguments raised, the frequency each argument occurred is presented in brackets.]

Affection in public:
In connection with lesbians and gay men showing affection in public, four (relatively) idiosyncratic considerations were raised as to why people might object to lesbians and gay men showing affection in public:

- It's not the norm (1).
- It may be seen as offensive (1).
- It might turn children into lesbians/gay men (1).
- Children might ask embarrassing questions (1).

For example, one participant suggested that “some people find it more offensive” (Emma, FG 2), whilst another said that “I suppose it’s just prejudice” (Rita, FG 5). The other two incidences pertained to lesbians and gay men showing affection in the presence of children, in that it can be “embarrassing even to a normal [sic] heterosexual couple” if a small child notices and then asks their parents awkward questions (Melissa, FG 4), whereas another suggested that parents might be concerned that “it’s going to turn my daughter into a lesbian” (Adam, FG 1).

Same-sex Marriage:
Discussions around same-sex marriage evoked the following six reasons why lesbians and gay men (potentially) should not be afforded the right to marry:

- Heterosexual marriages are failing (2).
- Lesbians and gay men can’t reproduce (1).
- Homosexuals are too promiscuous (1).
- There are lots of legal issues (1).
- They would be under pressure with media interest (1).
- Homosexuality is not condoned by religious groups (1).
Twice, the alleged failure of heterosexual marriages was used to justify discrimination against lesbians and gay men in relation to marriage. For example, Tim (FG 6) stated “seeing as marriages are failing anyway... I think it’s not too great a deal” whilst Melissa (FG 3) claimed “the divorce rate’s something like one in three, the allowed heterosexual marriages and it’s probably rising”. Other reasons included “half the arguments against gay couples seem to be ‘oh, well, they’ll run off and have something with somebody else’” (Katherine, FG 4), that “it [homosexuality] goes against religious canon” (Adam, FG 1), and “other than by adoption a gay or lesbian couple – you know – they can’t be biologically father and mother to a child” (Melissa, FG 4), implying perceived deficiencies in lesbian and gay relationships, and societal prejudices, should be grounds for discrimination.

Parenting issues:
In contrast to same-sex marriages, the issue of lesbians and gay men as parents, generally, was dominated by considerations concerning the well-being of the children of lesbian and gay parents, whilst only donor insemination raised some additional issues. Participants put forward the following considerations:

- Children need both a father and mother figure (2).
- The child will be bullied at school (10).
- The parents might be vegan (1).
- Homosexuals do not stick together long enough to provide stability for the children (1).
- The children will turn out to be homosexual (1).

Donor insemination:
- It will cause the child psychological damage when they find out that their father was a sperm donor (2).
- It’s not normal (1).
- Using frozen sperm is a risky practice (1).

Although two participants claimed that “children need a father and mother figure” (Bryan, FG 1; also Chris, FG 1), the most frequently raised concern was that the children would be bullied or ostracised in school. For example, Tim (FG 6) stated “my

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1 Issues around children needing both a mother and a father, and bullying in school were also prevalent in talk show and focus group data in Victoria Clarke’s current work on lesbian parenting (e.g. Clarke, in progress; Clarke, Kitzinger, & Potter, in preparation).
concern would go out for the kids who I was looking after... about him in school, how kids of his age would react”, adding “at the end of the day, I think it’s just what kind of flack the kids will get”, whilst Diana also suggested that “kids get so much stick just having two parents of the same sex”. Similarly, Jessica (FG 3) claimed “I think that child ... will have problems at school, undoubtedly, because [of] the other children who aren’t educated” (Jessica, FG 3); and Adam (FG 1) said that he would be concerned about “how the kid is going to develop with peers at school, with others knowing he’s got two daddies”.

Other considerations in relation to lesbian and gay parenting generally, although only mentioned by one participant (in each case) drew on popular stereotypes about lesbian and gay parenting. For example, these included that relationships between gay men “just don’t last” (Tim, FG 6), and therefore can’t provide the stability children need; and employing an illustrative example of a lesbian couple “I can see serious issues by the fact that these two women are both vegan” (Gavin, FG 4); and that “people say the boy or girl will turn out homosexual because they’ve been brought up by homosexuals” (Tim, FG 6).

Whether or not lesbians and gay men should have access to assisted reproductive services also raised issues concerning the welfare of the children. For example, whilst Pam (FG 5) queried the effect on the child of knowing “that their father had just wanked in a tube for a tenner”, Tim (FG 6) claimed “the child will grow up and say ‘who’s my father?’ ‘Oh, number 59 at the sperm bank’” adding “I think I would go off the rails if I found out I was from a sperm bank”. Tim also showed his opposition to donor insemination, claiming that “going to a sperm bank isn’t exactly normal”. Pam, on the other hand, raised concerns about health risks, saying “they did this research now that says they’ve [recipients of assisted reproduction] got a higher chance of getting cancer and things like that”, and that medical intervention in reproduction is “quite a dodgy area” “when you’ve got frozen eggs, and frozen sperm”.

Lesbian and gay perspectives in schools:
the discussion around teaching lesbian and gay issues in schools evoked five considerations:

- Teachers are poorly informed, lack training, and can be prejudiced (8)
- Pragmatics - It’s difficult to know where in the curriculum it should be
taught, and to find the time to teach it (5).
- Parents will be worried that their children will be converted to homosexuality, will withdraw their children from classes, or cause an uproar (5).
- Children and adolescents are not mature enough to deal with the issues (4).
- Students are not interested (1).
- It should only be included if it’s relevant (1).

Concerns about teachers being poorly informed, lacking training in lesbian and gay issues, or being insensitive and/or prejudiced were commonly raised as considerations for preventing the inclusion of lesbian and gay perspectives in schools. For example, Fiona (FG 2) said “I don’t necessarily feel that teachers are the best qualified people in some cases to talk about sensitive issues”, whilst Rita (FG 5) suggested that including lesbian and gay perspectives could be a problem “if you get … a teacher [who] doesn’t have any idea of gay and lesbian issues”. Others suggested that the homophobia or prejudice of teachers was an issue – e.g. “teachers are as prejudiced as the next person” (Heather, FG 3); “teachers can be so prejudiced” (Jessica, FG 3); and “you hear about some lecturers being very – like marking certain people’s papers down, because they know they’re gay” (Tim, FG 6).

Concerns about parental prejudice were also raised several times. Katherine (FG 4) suggested that “deliberately installing lesbian and gay issues would just cause a lot of fuss and nonsense” from parents, whilst others highlighted that some parents “believe that children can be made to be lesbian or gay” (Imogen, FG 3), and say “‘no, we don’t want our children experimenting with [learning about?] homosexuality’” (Adam, FG 1).

Concerns about including lesbian and gay perspectives in schools were also expressed in connection with the overall maturity of children and adolescents. For example, Heather (FG 3) suggested that “it’s what kids can take on board, or understand … I think it would be wrong to start education, and [for children] not to click on, because you could give them a lot of misconceptions”. Others, appeared to have reservations about including lesbian and gay perspectives because “the maturity of children up to 15 is too low” and “they’re not mature enough to discuss it – rationally” (Gavin, FG 4); and that whilst “it’s [homosexuality’s] an issue for 14, 15, 16 year olds”, it’s not until “17, 18 they’re usually mature enough… to talk about it” (Leanne, FG 4).

In addition, several participants raised reservations with respect to pragmatic issues. For example, on several occasions Pam (FG 5) suggested that “it’s quite um hard
to find times to talk about other issues such as disability, or racism, or whatever” and that “it’s quite hard to fit everything in anyway”. Similarly, Heather (FG 3) stated “I don’t know how you would fit it in”, to which Imogen added “and what would you do?”

In addition, one participant implied that it would be a waste of time, claiming “it’s a non-issue… people are I suppose too busy dyeing their hair in bright colours frankly to be concerned about sexuality” (Katherine, FG 4)

Employment issues:
In terms of both lesbians and gay men in the military, and employment issues more generally, a range of considerations were posed to (potentially) justify discrimination against lesbians and gay men:

**Lesbians & gays in the military:**
- It’s a security risk (2).
- Gays are preoccupied with sex, and will be too busy eyeing up the other men (4).
- Others will be prejudiced against them (5).
- They might go out with someone above their rank, and get special treatment (1).
- They will be sharing dormitories with others of the same sex (3).
- Having gays and lesbians around will affect the morale of others (2).

**Employment generally:**
- Being lesbian or gay affects how you interact with others (1)
- Some employers are prejudiced (1).
- Things are the way that they are, and lesbians and gays just have to live with the status quo (4).
- Homosexuality is not condoned by religious groups (1).

With specific reference to the military, participants raised considerations about lesbians and gay men being a potential security risk (e.g. “they reckon they’re more likely to give secrets away” - Wendy, FG 6; “there is the old quagmire of being in jobs where there’s high security involved” - Adam, FG 1). Concerns were also raised about lesbians and gay men sharing dormitories and bathrooms with persons of the same sex, in that “they’re more likely to look at the boys in the showers” (Tim, FG 6), and would be more likely to cause “debauchery going on between people of the same [sex]” (Bryan, FG 1). The same sorts of reasons were also used to suggest that lesbians and gay men
would be too distracted by their sexual urges to focus on the job. as the following excerpt highlights:

if you’re too busy eyeing up someone else in that situation, you’re not going to be concentrating on what you’re doing. It’s more important to see the bigger picture, and while there’s nothing wrong with being homosexual or being gay, when you’re paid to protect not just your life, but everyone else’s it’s more important to stay focused. (Gavin, FG 4).

When discussing employment more generally, this same participant claimed that “it [being lesbian or gay] affects how you interact with other people” and therefore “in jobs where you do have to interact with people it can be a problem”.

In relation to both the military, and employment more generally, the prejudiced (i.e. homophobic) attitudes of others were considered a barrier to the realisation of lesbian and gay human rights. For example, when discussing the lifting of the ban on gays in the military, Rita (FG 5) stated “I think it’s a good idea to lift the ban. Gay rights. But I don’t think it will change the attitudes in the military”, whilst Leanne (FG 4) claimed that “the problem comes when … you get chucked out purely because the commanding officer or whatever is biased against lesbians or gays” (Leanne, FG 4). Congruent with this, some suggested that concerns around having lesbians and gay men in the military were often based around “heterosexual men not feeling comfortable” (Imogen, FG 3), or that “it’s going to affect morale it’s going to affect our communication” (Adam, FG 1).

Another barrier to change was the perception that lesbians and gay men should just accept the status quo, and avoid making choices which involve putting them in that situation. For example, Gavin (FG 4) suggested that “basically priests choose to be there” and like “if you’re a professional footballer or something you’ve got to play by the rules”. Or, as Bryan suggested, if a lesbian or gay man chooses to enter the priesthood “you have to resolve those sorts of issues in your own mind”, implying that employment discrimination in some occupations is something for lesbians and gay men to either live with or choose another occupation.

Age of Consent:

In relation to the age of consent for sex between men, three (potential) considerations against an equal age of consent were raised in the focus group discussions:
Adolescents of 16 are not mature enough (7),
Girls mature faster than boys (1),
Older men may exploit younger men (1).

Whilst one respondent claimed that lowering the age of consent for sex between men to 16, making it equal to the age of consent for heterosexual sex, may mean that “older men might just exploit younger 16 year olds” (Tim, FG 6), the other eight incidences all pertained to issues of maturity. As one participant highlighted, “there was a big thing that men mature a lot later than women do” (Heather, FG 3), whilst others claimed that “they’re [16 year olds are] not actually ready to sleep with someone” (Melissa, FG 4), and that “most 16 year olds are not physically ready for sex” (Gavin, FG 4). In some cases, personal anecdotes (from both heterosexuals and non-heterosexuals) were used to argue for continued discrimination against lesbians and gay men. For example, Tim (a gay man; FG 6) suggested that the age of consent should remain at 18 “because my teenage years probably was like – I was swinging all over the place, and when – by the time I was 18, I pretty knew what I wanted”.

Asylum Rights:
On the whole, lesbians’ and gay men’s right to asylum evoked little suggestion of exceptions or competing considerations. When participants were introduced to the concept of asylum and told that in certain countries lesbians and gay men are tortured or killed, simply for being lesbian or gay, few participants could come up with any potential reasons to justify these actions. For example, Emma (FG 2) responded “there isn’t even a spin-off issue there. There isn’t even a ‘we should consider this, or we should consider that’”. However, the following two considerations were raised:

- It clashes with cultural rights (2).
- You don’t get asylum for being heterosexual (1).

A potential conflict between cultural rights and human rights was raised in connection with this issue. For example, Chris (FG 1) claimed that “certain countries do not join this asylum thing” … “because of their religion”. whilst Katherine pointed out that “It’s not fair, but it is also frequently the government standing by the local culture and religion” and that “you’re condemning an entire religion for their beliefs too”
Another respondent claimed that lesbians and gay men “shouldn’t be granted” asylum, because “you don’t get asylum on grounds of being heterosexual” (Gavin, FG 4).

Overall, there appear to be four key concerns (potentially) limiting support for lesbian and gay human rights: (1) issues concerning the care and ‘protection’ of children take precedence over lesbian and gay human rights; (2) people’s inadequacies and prejudices take precedence over lesbian and gay human rights; (3) the perception of lesbians and gay men as deficient or deviant warrants the denial of human rights; and (4) pragmatic issues stand in the way of changing current policy and practice. (See Table 4.2 for a summary).

Barriers to Support for Lesbian and Gay Human Rights

An analysis of the focus group transcripts suggested four potential reasons why lesbian and gay human rights are not well supported, and why students may not be actively involved in creating positive social change for lesbians and gay men. The focus groups with students indicated that (1) people are not particularly well informed about lesbian and gay issues; (2) they lack a comprehensive understanding of human rights; (3) they view social change as something which just happens, and doesn’t require action; and (4) they view lesbians and gay men as basically the same as heterosexuals. Each of these potential barriers to support for lesbian and gay human rights will be explored in turn, in this section.

i) Ignorance about lesbian and gay issues

One potential barrier to support for lesbian and gay human rights is that people may have insufficient knowledge about the socio-political climate faced by lesbian and gay men. Indeed, across the focus groups, participants’ talk indicated a certain degree of unawareness or ignorance about lesbian and gay issues. Participants (including lesbian and gay participants) seemed to be either not aware of specific lesbian and gay issues or problems or else they appeared to have only a vague conception of them.

For example, despite recent publicity around the proposed repeal of Section 28 of the Local Government Act 1988, few participants had heard of this law, and those who claimed they had, made patchy attempts to explain what it was about. This was even true of students in the lesbian and gay group. For example, Imogen (FG 3) stated
Table 4.2: Summary of reservations and concerns about extending specific human rights to lesbians and gay men.

<table>
<thead>
<tr>
<th>Overriding concern</th>
<th>Examples</th>
<th>Issues under which raised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issues concerning the care and ‘protection’ of children take precedence over lesbian and gay human rights.</td>
<td>• Children might be converted to homosexuality</td>
<td>affection in public; parenting; lesbian and gay perspectives in schools</td>
</tr>
<tr>
<td></td>
<td>• Children might ask awkward questions</td>
<td>affection in public</td>
</tr>
<tr>
<td></td>
<td>• The children of lesbian/gay parents may be bullied in school</td>
<td>parenting</td>
</tr>
<tr>
<td></td>
<td>• Children need both a father and a mother figure</td>
<td>parenting</td>
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<tr>
<td></td>
<td>• Finding out that one’s father is a sperm donor could be psychologically damaging to a child</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Children and adolescents are not mature enough to discuss homosexuality, let alone engage in homosexual sex</td>
<td>lesbian and gay perspectives in schools; age of consent</td>
</tr>
<tr>
<td></td>
<td>• Older men may exploit teenage boys</td>
<td>age of consent</td>
</tr>
<tr>
<td></td>
<td>• Girls mature faster than boys</td>
<td>age of consent</td>
</tr>
<tr>
<td>Majority prejudice or other people’s inadequacies take precedence over lesbian and gay human rights.</td>
<td>• Some people find lesbian/gay behaviour offensive</td>
<td>affection in public</td>
</tr>
<tr>
<td></td>
<td>• Teachers are poorly informed and lack training in lesbian and gay issues</td>
<td>lesbian and gay perspectives in schools</td>
</tr>
<tr>
<td></td>
<td>• Parents/teachers/employers/comrades are homophobic</td>
<td>lesbian and gay perspectives in schools</td>
</tr>
<tr>
<td></td>
<td>• Heterosexual men will feel threatened, and it will affect morale</td>
<td>serving in the armed forces</td>
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<tr>
<td></td>
<td>• Cultural rights are more important</td>
<td>asylum</td>
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<tr>
<td></td>
<td>• Prejudice is a fact of life, and lesbians and gays just have to live with the status quo</td>
<td>employment issues</td>
</tr>
<tr>
<td></td>
<td>• Homosexuality is not condoned in religion</td>
<td>affection in public; same-sex marriage; parenting issues</td>
</tr>
<tr>
<td>Lesbians and gay men are inadequate or deviant.</td>
<td>• Homosexuality is not the norm, and is not condoned in religion</td>
<td>affection in public; same-sex marriage; parenting issues</td>
</tr>
<tr>
<td></td>
<td>• Homosexuals are promiscuous, preoccupied with sex, and too busy eyeing up others</td>
<td>same-sex marriage; serving in the armed forces; employment issues</td>
</tr>
<tr>
<td></td>
<td>• Lesbians and gay men can’t reproduce</td>
<td>same-sex marriage</td>
</tr>
<tr>
<td></td>
<td>• Homosexuals are a security risk</td>
<td>serving in the armed forces</td>
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<td></td>
<td>• being lesbian/gay affects how you interact with others</td>
<td>employment issues</td>
</tr>
<tr>
<td>Pragmatic difficulties take precedence over lesbian and gay human rights.</td>
<td>• not enough time, difficult to find space, too many legal complications</td>
<td>same-sex marriage; lesbian and gay perspectives in schools</td>
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<tr>
<td></td>
<td>• Assisted reproduction carries health risks</td>
<td>parenting</td>
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<tr>
<td></td>
<td>• Shared dormitories</td>
<td>serving in the armed forces</td>
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<tr>
<td>Other issues</td>
<td>• Heterosexual marriages are failing</td>
<td>same-sex marriage</td>
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<td></td>
<td>• They would be under pressure from media invasion</td>
<td>same-sex marriage</td>
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<td></td>
<td>• You don’t get asylum for being heterosexual</td>
<td>asylum</td>
</tr>
</tbody>
</table>
“that’s when they um, they wanted to introduce it. isn’t it? And they took all the books out. Is that the one?” The following interchange between a lesbian and a gay man, Tim and Wendy (FG 6), also shows a student struggling to articulate the essence of Section 28:

Sonja: Have you heard of Section 28
Tim: That’s um to do with
Wendy: The legal age of consent isn’t it?
Tim: No, it’s
Wendy: No? I’m not sure then.
Tim: It’s a by-law passed years ago – well, not too long ago. about oh shit. I can’t remember.

When I attempted to outline Section 28 to participants, I received responses that suggested ignorance – for example, “How old is the legislation?” (Fiona, FG 2), and when I told her, “really?” Similarly, when I asked about the provision of books in school libraries (alluding to Section 28) one of these participants responded “I think they are, are they not?” (Fiona, FG 2). In only two instances was Section 28 raised spontaneously in a focus group, and in neither case was the participant able to clearly articulate what it was about. For example, Pam questions “Isn’t there that Clause 28? and it um started banning things like that?”, and in another group a lesbian participant who, in relation to teaching lesbian and gay issues in schools, merely said “there’s all this great big block about teachers or whoever promoting gay and lesbian issues”.

Questions about workplace discrimination yielded similar types of responses. In one case, when I asked “what do you think of people losing their jobs or being fired for being lesbian or gay?” Pam (FG 5) responded “and that happens does it?” Furthermore, despite considerable publicity around the South West Trains case, one respondent (Katherine, FG 4) incorrectly explained the case as being about a gay male employee rather than a lesbian employee. and another respondent (Pam, FG 5) told the story as being about a tube worker, and claimed that the case had been won in the European Court of Human Rights.

Likewise, some participants seemed unclear about the legal status of lesbians and gay men in relation to marriage. For example, Leanne (a self-identified lesbian: FG 4) mentions (at length) the commitment ceremony which some lesbian and gay couples have, claiming “it is a very similar statement” to marriage. When Katherine (bisexual)
challenges her saying “it doesn’t cover [certain legal] rights”. she then states “I’m not sure how it works”, but then goes on to clearly explain how lesbian and gay couples are discriminated against in terms of partner benefits. Heterosexual participants were also unclear about this, for example, Rita (FG 5) asked “are they [lesbians and gay men] actually allowed to get married?”, to which Pam clarified “not in England. No. no. they’ve got no legal right”.

Other issues produced responses that appeared equally uninformed. For example, questions about various issues yielded responses such as “is it [the age of consent] the same – is it 16 for women…or 16 for heterosexual sex?” (Adam, FG 1); “is it [lesbians using reproductive services] illegal?” (Chris. FG 1); “it’s not illegal in the States to be gay though, is it?” (Wendy, FG 6); and in relation to my question about teaching lesbian and gay issues in schools, “don’t they?” (Chris, FG 1), all assuming less discrimination than is actually the case.

Participants were especially ill informed when it came to issues of human rights violations in other countries. For example, in response to questions about lesbians and gay men being imprisoned, tortured, or killed because of their sexual orientation, participants responded with an overwhelming shock or disbelief not evidenced when asked about other lesbian and gay issues. For example, “which countries?” (Chris, FG 1); “I don’t know where these countries are, but…” (Wendy, FG 6); “It is terrible…you really don’t…” (Diana, FG 2); “it’s almost unbelievable actually” (Fiona, FG 2).

In one group, participants seemed particularly aware of their lack of knowledge, actively reflecting on their self-confessed ignorance. For example, when discussing lesbians and gays in the military, one respondent said

But we should know that as a point really that we’re missing, we should know it’s a huge great big world like risking debate whether or not gays should be allowed in the military, and we don’t know enough about it to make a decision for ourselves, and I think that’s where we’re going wrong. I think we should know. (Emma, FG 2).

Likewise, when discussing Section 28, Fiona revisits the issue of marches and demonstrations stating “they do achieve awareness, and there’s none of us know about that Section 28”. Later, when discussing the torture and killing of lesbians and gay men, Fiona acknowledges her lack of awareness about the socio-political situation for lesbians and gay men internationally, saying “that makes me realise is that I live a very
sheltered existence where it doesn’t even occur to me that people are persecuted because of their sexuality like that, to that extent”.

On the other hand, although participants appeared to have limited knowledge about lesbian and gay issues, many of them raised specific lesbian and gay issues spontaneously, showing that they were aware of their existence, even if they were unclear (or misinformed) of their details. For example, the recent case of the gay couple from Essex who had given birth to twins through a surrogate mother in the US, and who had both been named as parents on the twins’ birth certificates, was raised and discussed in four of the six focus groups. Likewise, in relation to partner benefits, the Lisa Grant v South West Trains case was raised by two participants (Katherine, FG 4; Pam, FG 5) (even though they got some of the details incorrect), one of whom (Katherine) was also able to name three major companies (Disney, United Airlines, and Netscape Corporation) who offer partner benefits to lesbian and gay couples. Moreover, the age of consent was raised spontaneously in one group (Melissa, FG 4), the Matthew Sheppard case raised in another (Tim, FG 6), and in a third group two respondents (Adam & Chris, FG 1) appeared to know about registered partnerships in Sweden and the Netherlands, respectively.

These findings would seem to suggest that participants were not entirely ignorant of lesbian and gay issues, but rather that their knowledge of the socio-political situation for lesbians and gay men, nationally and internationally, is patchy. Thus, it is possible that a failure to support lesbian and gay liberation is due, at least in part, to not knowing how and to what extent lesbians and gay men are discriminated against. However, it is not necessarily a case of people not wanting to know about lesbian and gay issues. As one respondent highlighted

But we should know that as a point really that we’re missing, we should know it’s a huge great big world like risking debate whether or not gays should be allowed in the military, and we don’t know enough about it to make a decision for ourselves, and I think that’s where we’re going wrong. I think we should know. (Emma, FG 2: my emphasis)

This would seem to suggest that at least some participants were aware that they were not well informed on the issues, but wanted to know more.
Another potential barrier to support for lesbian and gay human rights issues may be a lack of understanding of human rights and what they entail. On a basis of the focus group discussions, participants seemed to have a limited knowledge about human rights, especially their breadth and scope. For example, when asked “have you heard of the phrase human rights?” most participants said yes, with only one participant (Chris) claiming to have not heard of them. However, when asked to explain what human rights are, many participants responded in ways which suggested an uncertainty about content. For example, Heather (FG 3) stated “everyone has got certain rights – Freedom of speech – I don’t know what they all are” and Rita (FG 5) “I don’t know about education. I don’t know if that’s a human right”. Others gave partial and halting explanations: “a general kind of acceptance of diversity”, “people’s right to be who they want to be”, “live free from persecution” (Adam, FG 1); “people have a basic right to live. To live freely” (Pam, FG 5); and “persecution. Any prejudice” (Rita, FG 5).

The discussions also suggested that people do not generally think of human rights as the more mundane issues, such as non-discrimination in employment, or the right to marry and found a family. For example, when towards the end of the focus group discussions I introduced the notion of whether the issues we had been discussing (e.g. same-sex marriage; lesbian and gay parenting; and lesbian and gay rights to employment) might be considered human rights issues, Diana said, “human rights to me suggests something a little more deeper like being killed and being abused or something”. Likewise, Fiona suggested that “human rights would just be rights like to not be persecuted and tortured and all that sort of thing”; and Pam “I’ve never thought of um lesbian and gay issues as a human rights thing”. It would seem then that participants were not aware of the range of issues encompassed by human rights, and often could not see that lesbian and gay issues might be conceptualised as human rights issues.

These responses, although not conclusive, seem to suggest that participants may have an incomplete knowledge of human rights, limiting their ability to think about lesbian and gay issues as human rights issues. Never-the-less, they were able to (and did) invoke rights-based talk when discussing lesbian and gay issues. So, like the way in which they appeared to be ignorant of many lesbian and gay issues, but spontaneously raised others, they seemed to have a partial knowledge of human rights, yet sometimes
employed the language of human rights or drew on rights-based concepts in their discussions. Thus, a lack of knowledge about human rights may also be a potential barrier to support for lesbian and gay human rights.

**iii) Social change in search of an agent**

A third feature of the focus group discussions was the notion of social change just occurring without any need for action. For example, when discussing partner benefits for same-sex couples, Gavin (FG 4) said that “it’s [the existing discrimination is] just a prejudice that will change in time”, claiming that, in the past, de facto heterosexual couples were not recognised and now they are, so “it’s like a natural progression” that lesbian and gay couples should be recognised.

Congruent with this, was the perception that positive change would naturally occur with the passing of time. For example, in the following excerpt, Bryan highlights that increasingly, lesbian and gay couples are adopting children. Adam adds that “it’ll become more acceptable”, to which Bryan responds by agreeing (“right”), claiming that it probably won’t be an issue in the future (“it may be a moot point in twenty years’ time):

Bryan: I think we’re at that time where it’s becoming – well, we’re just starting to deal with the fact that its – that, that now couples – gay couples are adopting children, or want to adopt children.
Adam: It’ll become more acceptable
Bryan: Right, and so it may not be – it may be a moot point in twenty years time

Similarly, when discussing same-sex marriages, Tim (FG 6) stated that “sixty years ago, a single parent family… would be a totally different situation to a single parent family nowadays” going on to say “it might be the same for gay couples” “sixty years down the road”. Likewise, others suggested that positive social change was ‘just a matter of time’. For example, Jessica (FG 3) claimed that “it just takes time. It’s like the issue of women. You know, women weren’t wearing trousers that long ago, it takes time to come through”, and Tim (FG 6) stated “society takes a while to change. and it won’t happen overnight”. whilst Imogen (FG 3) asserted that “at some point in time it has got to change”. So, whilst participants highlighted the need for change, for the most part, they did not indicate that they saw either themselves or specific others as having a role
to play in creating that change. Furthermore, in none of these cases was reference made
to how the change would come about.

On the other hand, in some places participants did make reference to social
change, claiming that “it’s beginning to happen” (Katherine & Leanne, FG 4) and
referring to it being surreptitiously introduced into society in ways which escape the
notice of those who would normally be prejudiced. For example, Emma (FG 3)
suggested that the presence of lesbian and gay persons in television soaps
was a good way of creating positive change because even people who if they “saw two
girls snogging outside would be terribly shocked and offended” would “accept it, kind
of in a porous way”. Likewise, Melissa (FG 4) claimed that being lesbian or gay is now
more accepted, claiming “with it being on television, everyone’s sort of beginning to
relax a little more about it, and not get so up tight”.

On the other hand, across the discussions, there were three incidences in which
participants did indicate some sense of agency, or active commitment to creating
positive social change for lesbians and gay men. In the following excerpt, Adam
recounts an incident at a football club, where players were being overtly homophobic,
and he recognised the need to challenge their homophobic behaviour:

I had an interesting situation at Leicester, Leicester city, and it was when Robbie Fowler
and Graham (? ) – do you know those two players? Basically when they were playing
football Robbie Fowler pretended to take down his shorts and bent over towards this other
footballer, and Robbie Fowler proceeded to be fined a lot of money ( ) in the football club,
you know, all the old lads – “Oh, f- don’t want fags in the football club”. In that situation,
I certainly didn’t mention – I didn’t say “oh, no that’s” – you know, “that’s a nasty thing
to say” whatever, I ‘passed’ if you like as a homophobe, because it was going to be critical
to my job prospects. (Adam, FG 1).

Although Adam, in fact, did not challenge their behaviour (because it might affect his
job prospects), his retelling of the incident indicates a recognition of the need for action
in order to initiate social change, in that he was both able to recognise the need to
challenge the behaviour of others, and to acknowledge that he had “passed... as a
homophobe” in having not done so.

Heather (FG 3), on the other hand, shows an active commitment to positive
social change, through the education of her son. Recounting a discussion with her
father, she claims “I’m different to my dad”, going on to add “my son will be different
again, that’s just normal for him. That’s how I’m educating him”. Likewise, when Tim
(FG 6) says that he (as a gay man) couldn’t bring up children because of society’s prejudices against lesbians and gay men, Wendy challenges him, claiming “but we should be able to change society. We should be able to change their way of looking”.

Like the questionnaire findings presented in part 2 of Chapter 3, then, the focus group discussions provided little evidence that participants saw themselves as responsible for helping to create positive social change. Thus, the perception that positive social change does not require doing anything active may also be a contributing factor to people not supporting lesbian and gay human rights, and in particular, not being actively involved in fighting for positive social change.

iv) Asserting ‘no difference’ between lesbians/gay men and heterosexuals

A final feature of the focus group discussions which might potentially be a barrier to support for lesbian and gay human rights was the tendency of participants to assert that in their view there was (basically) no difference between lesbians or gay men and heterosexuals. This type of response was characterised by phrases such as “no difference”, “just like” or “just the same as”.

This phenomenon was particularly evident in discussion around lesbians and gay men showing affection in public. For example, Emma (FG 2) states “if a heterosexual couple are really snogging, then that really annoys me”. She then goes on to say “it’d be the same if it was two blokes, or two girls”. Likewise, Rita (FG 5) asserts that lesbians and gay men showing affection in public is “just the same as if you’re a heterosexual couple”. She then qualifies this by saying that if it was at a swimming baths and there were children around, that she “wouldn’t like to see a heterosexual couple do that [show affection in public] either”. Also, Heather (FG 3) states “I would no more appreciate it if it was a lesbian or gay couple than I would if it was a heterosexual couple”. Whilst this type of response appears relatively liberal, it fails to acknowledge the socially condoned differences between what is considered acceptable in public for a heterosexual couple, compared with what is deemed acceptable for a same-sex couple.

Discussions around employment discrimination also evoked claims of little or no difference between lesbians or gay men and heterosexuals. For instance, when discussing whether lesbians and gay men should be prevented from working in specific occupations, Leanne (FG 4) claims “being gay or lesbian doesn’t affect the job you do.
it merely affects who you go to bed with”. Rita (FG 5) makes a similar claim – “lesbian and gay men aren’t really that different to us, they just... fancy the same sex rather than another sex”; as does Melissa (FG 4) – “it [being lesbian or gay] just basically affects who they sleep with”. In all three cases, the socio-political differences between lesbians/gay men and heterosexuals are reduced to an issue of sex of one’s partner, ignoring the manifold ways in which lesbians and gay men are discriminated against or oppressed.

In focus group five, “just like” claims were common across the whole range of issues. For example, when discussing the age of consent for sex between men Rita claimed “they [homosexuals] are the same as us [heterosexuals]” and in relation to same-sex couples showing affection in public “it’s just the same as being heterosexual really”. Likewise, in relation to same-sex marriage, Pam claimed “I think it’s quite a hard thing to do anyway, whether you’re heterosexual, or gay”; in relation to immigration “if it’s a legal minefield for heterosexuality it’s the same as homosexuality. It’s just the same.”; and with respect to lesbian and gay parenting “It’s just like with us [i.e. heterosexuals parenting]”.

Although claims of no difference between lesbians/gay men and heterosexuals appear to be supportive of lesbian and gay rights as claims of equality, and participants may well have intended them this way, in practice they work against the achievement of equal rights. In particular, although they imply equality, sameness arguments fail to recognise the actual socio-political differences between what is automatically extended to heterosexuals, and denied to lesbians and gay men. So, for example, although it might be ‘difficult’ for unmarried heterosexual couples to attain immigration status, or to be recognised as partners for the purposes of partner benefits, participants tended to ignore the relative difficulties faced by lesbian and gay couples (i.e. lesbian and gay couples can’t overcome those difficulties by getting married, whereas heterosexuals can). Sameness arguments, therefore, have the effect of neutralising lesbian and gay rights. Thus, highlighting sameness, rather than difference, acts as a potential barrier to the achievement of human rights for lesbians and gay men, in that they mask structural differences, which in turn suggest the need for different treatment. On the other hand, ‘sameness’ arguments are a good thing insofar as they show an orientation to rights-based thinking (i.e. suggest equality, or at least the need for empathy).
Discussion

Since many of the participants in this self-selected, non-random sample knew lesbians and gay men, and others were lesbian or gay themselves, it was expected that support for lesbian and gay human rights in the focus group discussions would be greater than for the questionnaire sample. This was to some degree substantiated by the focus group data, in that the focus group discussions comprised a fair amount of talk using human rights language, or drawing on human rights concepts.

The findings of this study also suggested that, up to a point, participants supported lesbian and gay human rights. This was evident, in that there was clear initial support for issues, little evidence of opposition to any issue raised, and in many places, human rights language and concepts were employed to argue for positive social change. However, the use of the human rights language and concepts was intermittent, and some issues were more supported than others. Typically, participants offered initial support, progressing to a discussion and evaluation of potential reservations and considerations about extending specific rights to lesbians and gay men.

These findings would appear to be consistent with the response pattern in the questionnaire, in that respondents agreed in principle that human rights should be extended to lesbians and gay men, but when asked about specific human rights issues, support was limited. However, the focus group data extended on the questionnaire data, in that it provided qualitative data about the types of reasons lesbian and gay human rights are not necessarily supported. Although not necessarily presenting their own views or beliefs, participants raised a number of reservations or considerations which they potentially saw as preventing the extension of specific rights to lesbians and gay men. Some of the main arguments levered against the extension of rights to lesbians and gay men included (for example) that the children of lesbian or gay parents might be bullied or psychologically damaged; that teachers and employers are prejudiced and poorly informed about lesbian and gay issues; and that homosexuality is not natural.

The reservations mentioned by participants varied from issue to issue, but overall, three key issues were identified as taking precedence over lesbian and gay human rights: (1) Issues concerning the care and ‘protection’ of children; (2) other people’s inadequacies and prejudices; (3) Moral issues or principles of right and wrong. These too concur with the questionnaire findings, in that these arguments are consistent with stage five (social contract) reasoning. Stage five reasoning is predicated on
majoritarian interests (i.e. the greatest good for the greatest number) – manifested in the focus group discussions as arguments around other people’s inadequacies and prejudices – and a concern for the welfare of others – manifested as issues concerning the care and protection of children. As stage five reasoning featured as one type of reasoning prioritised over human rights reasoning in the moral dilemma task of the questionnaire study, it is not too surprising that the types of reasons put forward as potential limitations to the extension of human rights to lesbians and gay men in the focus group discussions were consistent with stage five reasoning.

Despite support for lesbian and gay human rights being limited due to a range of non-rights-based reasons and practical concerns, participants did sometimes discuss lesbian and gay issues using human rights language, or drawing on human rights concepts. However, in the same way that basic personal freedoms were strongly supported as human rights in the questionnaire study whilst social and (some) political rights were not, human rights reasoning was most frequently invoked in discussions around issues pertaining to the right to life, and the right to asylum, whereas rights-based reasoning occurred only intermittently in discussions around other issues. This too is consistent with stage five reasoning, in that from a social contract (stage five) perspective, human rights is viewed as encapsulating the right to life – which is considered absolute – whilst other issues are open for negotiation and subject to majoritarian values. This (somewhat narrow) conceptualisation of human rights was evident, in that focus group participants appeared to have a limited perception of the range of issues encompassed by human rights.

However, it is not entirely surprising that participants’ knowledge of human rights centred around the right to life at the expense of other issues. The ‘commonsense’ notion of human rights is that which is promoted in the media and by activist groups – the scenes of genocide and torture which are portrayed daily on our television screens, spread across the pages of the daily newspaper, and freely accessible on the internet. Human rights violations are therefore commonly perceived as only the extreme forms of violation, and something which happens in non-western countries or in Russia or Bosnia, rather than equally prevalent in western societies (cf. Moghaddam & Vuksanovic, 1990). Therefore, it is only to be expected that the participants in this study would view lesbian and gay human rights primarily as the right to life, and freedom from torture, rather than other issues (e.g. lesbian and gay parenting; same-sex marriage) even though they did employ human rights language to discuss other issues.
(in the same way that they spontaneously mentioned some lesbian and gay issues, and omitted to mention others). Thus, a lack of knowledge about human rights may also be a potential barrier to support for lesbian and gay human rights: Again, if you do not understand what human rights are, how can you argue for them?

Likewise, whilst the findings of the present study suggest that participants were not entirely ignorant of lesbian and gay issues, their knowledge of human rights violations and discrimination against lesbians and gay men appeared patchy. For the most part, participants underestimated the extent of discrimination against lesbians and gay men, and few appeared to have any idea about the ways in which lesbians and gay men are, or have been, socio-politically discriminated against, even in their own cultural context. Furthermore, many participants appeared unaware that lesbian and gay issues might be seen as human rights. Consequently, the lack of global support for lesbian and gay human rights, may (at least in part) be due to people not knowing that lesbians and gay men are discriminated against and oppressed, and to what extent: It is difficult unequivocally to support something you know little about.

However, it is also not surprising that participants appeared to have a patchy knowledge about lesbian and gay rights issues, nor is it surprising that few connect lesbian and gay issues with human rights. Despite increasing lesbian and gay visibility in the media, lesbian and gay lifestyles remain relatively invisible (cf. Griffin & Zukas, 1993; Kitzinger, 1996a), discrimination against lesbians and gay men is perhaps not as well publicised as other types of discrimination, and lesbian and gay issues are infrequently promoted as human rights issues, except in select arenas, such as parliamentary debates (see next chapter). Consequently, people acquire an incomplete picture of the socio-political situation for lesbians and gay men. Moreover, the absence of lesbian and gay perspectives in education helps to perpetuate this ignorance, in turn maintaining, rather than challenging discrimination against lesbians and gay men.

The focus group discussions also gave little evidence that participants viewed themselves as agents of social change for lesbians and gay men. Instead, participants discussed social change as if it occurred without any agency or political action. This is consistent with the findings reported in Chapter 3, where around half of respondents viewed themselves as not responsible for creating positive social change for lesbians and gay men, and with other studies (e.g. Diaz-Veizades et al., 1995; Doise et al., 1994; Macek et al., 1997) which suggest that people seldom view themselves as responsible for ensuring that human rights are respected.
Finally, the tendency for participants to view lesbians and gay men as basically the same as heterosexuals was also problematic for both support for lesbian and gay human rights, and for creating social change. Whilst discourses of ‘sameness’ appear relatively liberal, and orient towards a rights perspective (i.e. implying equality), they are not expedient in creating positive social change, in that they are devoid of analyses of power (Fine & Addelston, 1996) and therefore fail to recognise the differences in the socio-political realities of lesbians/gay men as opposed to heterosexuals, due to the prioritisation of heterosexual values and lifestyles in society. For example, whilst unmarried heterosexual couples can attain rights sometimes denied them (e.g. partner benefits, immigration status, rights to adoption, etc) lesbian and gay couples are prevented from attaining these rights, because the law actively prevents them from marrying. Furthermore, because heterosexual unions are automatically recognised, rights are often automatically extended to unmarried heterosexual couples, when lesbian and gay couples are not afforded them (even when they can provide evidence of being in a long-term partnership).

This chapter has explored how human rights reasoning is employed to talk about lesbian and gay issues, and has identified some potential reasons why lesbian and gay human rights may not be supported. Following on from this chapter, the next chapter (Chapter 5) continues to explore barriers to lesbian and gay human rights by examining the types of arguments used explicitly to counter lesbian and gay human rights. In contrast with the focus group context employed in this study, Chapter 5 entails a textual analysis, set in the formal context of a parliamentary debate, and where lesbian and gay human rights are made explicit. Therefore, this chapter and the next explore reasoning about lesbian and gay human rights issues in two very different types of social context.
CHAPTER 5
Arguments against Rights: A Case Study of the UK ‘Age of Consent’ Debates.

As we have seen in the previous chapter (Chapter 4), when discussing lesbian and gay human rights issues in a social context, people (in this case, students) sometimes engage in rights-based talk, typically drawing on human rights arguments intermittently. However, as highlighted in Chapter 1, when social change for lesbians and gay men is promoted in a socio-political context, human rights arguments are often employed to mobilise change. Building on the previous chapter, this chapter explores within a political and societal context (parliamentary and public debate) how issues explicitly promoted as lesbian and gay human rights are then countered. Since an analysis of the whole range of lesbian and gay human rights issues currently and recently under debate is a rather large undertaking, this chapter will be based on a case study of a single issue, the age of consent for sex between men. Specific reference, however, will be made to other campaigns for lesbian and gay rights.

The UK Age of Consent Debates in Context

The age of consent for sex between men has recently been at the forefront of political debate and media coverage around lesbian and gay rights in the UK. Essentially a human rights issue, the debate is about non-discrimination (or equality) - in particular, about the rights of all men (gay, straight, bisexual, and unlabelled) to be afforded equal status.

The age of consent was first created in 1885, out of a concern over prostitution among young girls, and prohibited sexual intercourse with women under the age of 16 (Waites, 1998). This same act made (male) homosexuality illegal for the first time in Britain, by stipulating that ‘gross indecency’ between males (in both private and public) be considered a criminal offence, punishable by two years imprisonment (Hyde, 1970; Mason & Palmer, 1998). This act, known as the ‘Labouchere amendment’ (Stonewall, c. 1994), set the tone for what became the 1956 Sexual Offences Act. Although the term “gross indecency” has never been defined in statute, in practice the common law prohibition of ‘buggery’ or ‘ sodomy’ has commonly been applied to all homosexual acts between males (Stonewall, c.1994).
In 1957, the Wolfenden Committee (a Home Office inquiry into the legislation on homosexuality and prostitution) recommended the decriminalisation of male homosexual practices (DCHOP, 1957). The 1967 Sexual Offences Act (England and Wales)\(^1\), which finally put the Wolfenden recommendations into law, decriminalised consensual sexual practices in private places between adult males, with the exception of anal intercourse (which remained illegal for both heterosexuals and homosexuals).

Although the 1967 Sexual Offences Act (partially) decriminalised homosexuality, it simultaneously discriminated against (male) homosexuals by setting the age of consent at 16 for heterosexual sex and 21 for (male) homosexual sex, therefore constructing an age of consent distinction (Smith, 1994; Stonewall, c. 1994; Waites, 1998).

In the early 1990s, a series of campaigns, led predominantly by Stonewall, were mounted to challenge the discriminatory age of consent (Smith, 1995; Waites, 1998), and as a result, the question of the unequal age of consent was revisited in 1994. After considerable debate in the House of Commons (Hansard, 1994), the age of consent for male homosexual sex was reduced from 21 to 18, and anal intercourse was decriminalised for consenting adults over the age of 18. However, an age distinction remained in place, and attempts to achieve an equal age of consent with heterosexuals (of 16) failed.

Subsequently, a case was brought before the European Court in respect of the unequal age of consent (Euan Sutherland v. UK). The Sutherland case was heard in the European Court, and on 1 July 1997, the European Human Rights Commission ruled that there was no reasonable justification for the maintenance of the age of consent distinction (ILGA, quoted in Krickler, 1998b – see Chapter 1). The Sutherland case, coupled with the recommendations of the Roth Report, a landmark report on equality issues for lesbians and gay men (see Sanders et al., 1997; Wilets, 1994), required the UK to bring its age of consent laws in line with its obligations under the European Convention (McKelvey, 1998). Consequently, the issue was once again revisited in the British parliament.

In June 1998 in the House of Commons, Labour backbencher Ann Keen tabled an amendment (new clause 1) to the Crime and Disorder Bill which advocated the reduction of the age of consent for gay men from 18 to 16 – the same as their heterosexual counterparts. In the House of Commons the clause was overwhelmingly

\(^1\) The law remained unchanged in Scotland until 1981 and in Northern Ireland until 1982, when the European Court of Human Rights ruled in Dudgeon v. United Kingdom that the law in Northern Ireland violated the right to respect for private life (Sanders, Krickler, & Croome, 1997; Wintemute, 1997).
supported (336 to 129). A month later in the House of Lords, "vehement opposition to the reform" (Ward, 1998) led by Baroness Young reversed the Commons' decision — again by an overwhelming majority (290 to 122). In 1999, a revised version of the amendment, in the form of the Sexual Offences (Amendment) Bill, was tabled and supported in the House of Commons (313 to 130) but opposed in the House of Lords (222 to 146). However, the age of consent was finally equalised in a rare invocation of the parliament act (AIUK, 2000). Consequently, until November 2000, the British law maintained a different age of consent for sex between males compared with that for heterosexual sex.

As with other attempts to secure civil and human rights (e.g. for women and for racial and ethnic minorities. For example see Tomaševski, 1998) lesbian and gay rights activists campaigning for lesbian and gay rights to marriage (e.g. see Zicklin, 1998), or domestic partner benefits (e.g. see Spielman & Winfeld, 1996), and for the right to serve in the military (e.g. see Wyman & Snyder, 1997) have frequently based their campaigns on the issue of equality, or equal human rights for all. Similarly, in the UK age of consent debate, the key principle advanced by those in favour of lowering the age of consent (1994, 1998, and 1999 debates) was a human rights argument based on equality. Throughout the campaign in the UK, gay and lesbian lobbying groups such as Stonewall and Outrage!, and civil and human rights organisations, such as Liberty (The National Council for Civil Liberties) prioritised the principle of equal rights and the removal of discrimination. In particular, their focus was on arguing for an equal age of consent, rather than on the lowering of the age of consent, the latter of which seemed to be paramount to the campaigns of the opposition. Consequently, the public campaign of these groups was mobilised on arguments of equality - "The case for equality" (Stonewall, 1998), "Write for the right to equality" (Stonewall, 1999b), "Outrage! Backs equality at 16" (Outrage!, 1999), "Liberty welcomes equalisation of the age of consent" (Liberty, 1999) and the most recent campaign was supported by a public opinion survey (NOP Research Group, 1999) and full-page advertisement titled "Age of consent for young gay men: whose side are you on?" (The Times, April 13 1999, p.14), requesting that the public indicate their support by endorsing the statement "I'm on the side of equality".

The equality argument was also echoed in the houses of parliament by proponents of change. For example, speaking in the House of Commons, members stated - "it [the age of consent issue] is not an issue for gay men alone ... but one of
human rights, which touches us all ...[... Equality is the only worthwhile and sustainable position" (Edwina Currie); “I believe in the fundamental principle that we are all equal before the law” (Chris Smith) (See Hansard, 1994. cols. 75. 81. 111).

Again, in the 1998 Commons’ debate, Ann Keen claimed that “This debate is about equality”, and others supported this argument by suggesting that “it is an issue of equality” (Stephen Twigg), and that “the basic starting point in addressing the issue is that there should be equality in law” (Evan Harris) (Hansard, 1998a. cols. 756. 778. 796). Similarly in the House of Lords - “the moral imperative is equality before the law” (Lord Williams of Mostyn; Hansard, 1998b, col. 968), and in the words of Lord Alli -

Equality before the law is a high and exacting standard. It means that we have to support things that we do not personally believe in: it means that we have to let people do things that we would not do ourselves; and it means that we have to allow people to say things that we personally do not agree with. (Hansard, 1999b, col. 737).

The argument of equality in law is based on a human rights perspective (Donnelley, 1993; Jones, 1994), a central tenet of which is that of non-discrimination (see Chapter 1). Not surprisingly, then, a human rights approach (centred around the notion of equality) has been seen as a powerful political tool in fighting for social change. Nonetheless, in relation to the age of consent, many MPs, Lords, Journalists, and letter-writers opposed it.

Method

As lesbian and gay human rights issues have tended to be at the forefront of media attention, and are typically fought in the public arena, a text-based analysis was employed in this study to complement the data collected in the focus groups, by specifically exploring the arguments used to counter human rights. So for this study, a single issue was selected as a case study for exploring reasoning about lesbian and gay human rights in public discourse (in this case, parliamentary debates, newspaper reports, and letters to the Editor). At the time of undertaking the research for this thesis, the age of consent for sex between men was being debated in the British parliament, providing a case study of ‘convenience’. Since then, other lesbian and gay issues (e.g. lesbians and gay men in the military; the proposed repeal of Section 28) have been debated in parliament, and could equally have been used for a similar analysis.
Procedure

Data collection

A complete set of published Hansard reports (from both the House of Lords and House of Commons) (Hansard, 1994; 1998a; 1998b; 1999a; 1999b), and newspaper articles and letters to the Editor from the major British daily broadsheet newspapers (The Daily Telegraph, The Guardian, The Independent, and The Times), pertaining to the 1994, 1998, and 1999 parliamentary debates on the homosexual age of consent were collected. In addition, articles and letters to the editor were collected from the tabloid newspapers (e.g. The Daily Mirror; The Sun) and gay press (e.g. Pink Paper; Axiom News), covering the periods of the 1998 and 1999 debates (16 April 1998 through 31 July 1998, 24 - 28 January 1999, and 10 – 14 April 1999 inclusive).

Since the purpose of this study was to identify the range of arguments used for and against the lowering of the age of consent, only direct statements were included in the analysis. Consequently, newspaper articles secondarily reporting what had been said in parliament or elsewhere were excluded from the analysis. The criterion for inclusion, therefore, constituted an individual putting forward an argument for or against lowering the age of consent, either as part of a parliamentary speech, or as a viewpoint in an article or letter to the Editor. The final sample for analysis comprised five Hansard reports, 41 newspaper articles, and 71 letters to the Editor.

Analysis

As with the focus groups, a data-driven (or bottom-up) analysis was conducted on the texts. In this case, content and thematic analyses (cf. Krippendorf, 1980 for content analysis, and Boyatzis, 1998; Hayes, 1997 for thematic analysis) were employed to identify key arguments used to promote and oppose the lowering of the age of consent. The newspaper coverage and Hansard reports were read, and each incidence of an argument for or against the lowering of the age of consent was marked. The marked data was then re-read to identify key themes recurring within the data. This process followed a similar form as that employed for the analysis of the focus group data, and

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2 In the UK, broadsheets and tabloids are different in size (tabloids are smaller and cheaper), image and character. The tabloids, or ‘popular’ press have a large circulation, and their presentation and format are short and highly visual. In contrast, the broadsheets, or ‘quality’ press, tend to be more elaborate and in-depth. (Fenton, Bryman, & Deacon, 1998; Fenton & Finlay, under review).
similar to that commonly employed in qualitative studies (e.g. see Frankland & Bloor, 1999; Potter & Wetherell, 1987; Sherrard, 1997).

Although the sources of data employed in this method differ substantially in purpose, style, and audience, the aim of this study was to identify the range of arguments employed. Others (e.g. Potter & Wetherell, 1987) have suggested that the arguments people use in any given social situation constitute culturally and socially available discourses (interpretive repertoires). So, although people may employ different arguments depending on the social context they find themselves in, they still form some of the discourses available to argue for or against specific rights, thus the context within which the arguments were made was largely ignored.

An analysis of the data showed that opponents of the amendment countered with three key arguments which laid claim to ethical principles overriding human rights:

1. Principles of right and wrong take precedence over human rights.
2. Principles of democracy take precedence over human rights.

Two further arguments were also widely used: One relying on ‘facts’ about health risks: and the other, demands for more rights (wedges and slippery slopes). These five arguments comprised two types of rhetoric: moral arguments and ‘fact’ based arguments (or ‘truth’ claims). The former draw on rhetoric around what is ‘right’, ‘natural’, or ‘sinful’ based on what is viewed by proponents as ‘normal’ or ‘acceptable’. The latter employ the selective use of statistical ‘evidence’ (i.e. opinion poll results, medical and psychological research) or statements from authority figures (i.e. medical practitioners, major organisations, and former parliamentarians).

Results

In this section, the employment of each of these five arguments in relation to the age of consent debate will be illustrated, and discussed in relation to how these arguments map onto the arguments employed in other debates on lesbian and gay issues. Although each of these five categories has been treated as discrete, they are to a large extent intertwined, and many contributors to the debate used more than one argument.
(i) Principles of right and wrong take precedence over human rights; There can be no ‘equality’ between normality and abnormality, moral probity and sin.

In the UK age of consent debates, those opposing a human rights position frequently drew on arguments of homosexuality as ‘unnatural’, ‘sinful’, ‘abnormal’, or as a violation of the [acceptable] moral code. In response to the moral argument based on human rights, alternative moral frameworks, primarily Judeo-Christian morality, are used to advance ethical objections to the proposal for an equal age of consent. Typically, two moral arguments were employed as attempts to discredit the argument of equality.

First, those opposed to the lowering of the age of consent argue that “there is no equality between homosexual and heterosexual intercourse” (Andrew Robathan, Hansard, 1999a, col. 79), and therefore “there is no requirement on any government to give equal treatment to normal and abnormal behaviour” (J. Hereford, letter to the Editor, Daily Mail, 27/7/98, p. 44). Similarly, Earl Ferrers suggests that “men and women are made differently … fundamentally, for the procreation and continuation of the species. Heterosexuality must therefore be the norm. Homosexuality… an aberration from the norm” (Earl Ferrers, Hansard, 1999b, col. 671). In addition to arguing that homosexuality is not the norm, others argue that “there is no equality between heterosexual and homosexual behaviour. One is the natural order of things; the other is not” (Lord Stoddart of Swindon, Hansard, 1998b, col. 965). Still others claim that “[heterosexuality] is the path to the creation of families [and] … to suggest that it is equivalent to the homosexual act is wrong”. (“Men and boys”, article, The Daily Telegraph, 19/6/98, p.25), and therefore a “violation of the moral code which …has distinguished civilised life for millennia” (Lord Jacobovits, Hansard 1998b, col.949).

Second, the argument that God denounces homosexuality is invoked to argue against equalising the age of consent. For example, the Lord Bishop of Winchester stated that “some forms of sexual fulfilment are intrinsically better and more in accord with God’s will” (Hansard, 1999b, col. 715) and therefore it does not follow that all forms of sexuality should be granted equal status. Similarly, others claim that homosexuality is “unnatural: it is a perversion; and it is repeatedly and firmly condemned in holy scripture” (Lord Ashbourne, Hansard, 1999b, col. 727), and that “the New Testament…is equally strong in its denunciation of what the Bible states is … abnormal practice and perversion” (Rev Ian Paisley, Hansard, 1999a, col. 62).
This rhetoric is familiar from other contexts in which lesbian and gay rights have been opposed, and was evident in both the questionnaire and focus group data (Chapters 3 & 4). It is commonly argued that the protection of gays and lesbians undermines morality (Samar, 1994), and rhetoric around homosexuality as ‘sinful’, ‘morally wrong’, ‘sick’, ‘unnatural’ or ‘deviant’ is well established in both psychological and public discourse (see Chapter 2). Despite this view no longer being espoused in psychology, these discourses continue to be adopted when opposing lesbian and gay rights issues in political debates and public discourse, and any effort to put homosexuality on an equal plane with heterosexuality is typically seen as subversive (Smith, 1994).

Those who use this argument commonly employ what Jacobs (1993) calls the “scourge rhetoric”, conveying disapprobation for homosexuality, and drawing on moral (often biblical) discourses to assert the intrinsic evil of lesbians and gays. For example, the 1970s USA anti-gay crusader Anita Bryant claimed that “God has ordained sexual identities innate in male and female: so homosexuality is a twisting of divine order” (Anita Bryant, quoted in MacKinnon, 1992, p.85). Similarly, US organisations of the ‘new religious right’ claim that “Homosexual activity is not a civil right, it is a lethal and immoral behavior” (FRC, 1999), and that “The homosexual movement ... has initiated a quiet, deadly war on America and everything this nation once stood for” (Ovadal, 1995).

When biblical justifications are more difficult to find, or when the appeal to biblical images is less likely to be effective, those opposed to equality typically draw on arguments around what is ‘natural’ or ‘normal’ (MacKinnon, 1992; see also Tiefer, 1997). Consequently, in post-Christian Europe, much of the opposition to lesbian and gay rights has centred around claims that the legitimisation of homosexuality through the granting of (‘special’) rights, will result in the demise of the (heterosexual, two-parent, nuclear) family, seen as the foundation of morality and society as we know it (e.g. see MacKinnon, 1992). Consequently, in the UK, the campaigns of Mary Whitehouse and the Thatcher government, which led to the institution of Section 28 of the Local Government Act, were designed to address the alleged “declining morals” of British society (Adam, 1995). Similarly, in the recent French campaign to achieve legal recognition for gay couples, opponents of change denounced the move as “the death of the family” and “licensed debauchery” (Bremner, 1999), and in the 1986 local election in the Borough of Haringey (London), Peter Murphy (Conservative Chairman for
Tottenham) claimed that “the council’s pro-lesbian and gay rights policy was ‘part of a Marxist plot to destabilise society as we know it’” (Smith, 1994, p. 187).

In summary, arguments around normality and abnormality, moral probity, and sin are commonly employed in political and public discourse as a means to deny lesbians and gay men equality. These claims serve as ‘rationalisations’ for maintaining inequality (see Tiefer, 1997), and because they are emotive are difficult to counter with substantial evidence.

(ii) Principles of democracy take precedence over human rights; the majority of the population opposes any lowering of the age of consent.

The second key argument put forward by opponents of change, was that the majority of the British population was opposed to the lowering of an equal age of consent. Consequently, results of opinion polls allegedly supporting these claims frequently appeared in the Hansard reports and press coverage of the UK age of consent debate, even though other opinion polls (e.g. NOP Research Group, 1999) suggested otherwise. For example, although the NOP poll (NOP Research Group, 1999), widely publicised by Stonewall, found that 66% of respondents thought that the age of consent in Britain should be equal for everyone, members of the public argued against equality claiming that “at least 80 per cent of the population is against legalising gay sex for 16 year-olds, yet our MPs have not asked our opinion” (T. Domeng, letter to the Editor, The Express, 25/7/98), or that “70 per cent of the public oppose the measure, what democratic right have our MPs to ignore public opinion and try to force this measure through?” (P. Smith, letter to the Editor, The Daily Telegraph, 25/7/98, p. 19). Similarly, MPs stated that “opinion polls suggest that between three fifths and three quarters of people in this country do not want the age of consent to be reduced” (Andrew Robathan, Hansard, 1999a, col. 79), and that “it is opposed by 70 per cent of the population, so the House will be out of kilter with the public” (Gerald Howarth. Hansard, 1999a, col. 29).

Others, however, resorted to broad sweeping statements about majority opposition, claiming that “people do not want it, parents do not want it” (Earl Ferrers, Hansard 1999b, col. 672): “the public at large do not want the age of consent lowered to 16” (Baroness Young. Hansard, 1998b): and “there is no doubt that the British people oppose the lowering of the age of consent” (H. Thomson, letter to the Editor. The Independent, 24 7-98, p. 2, review section). It was also argued that “the public have it
right: no matter how much people may wish to tolerate homosexuality and accord equality to it, a large element of public opinion is uneasy about the step we are considering" (James Clappison, Hansard, 1999a, col. 106). and that “we should listen to the public and not move to reduce further the age of consent” (Sir Norman Fowler, Hansard, 1999a, col. 35).

Further credibility was gathered for this argument by conflating it with issues of care and protection, invoking public concern around exposing young boys to homosexuality. For example, “most British people do not think it is self-evident that boys should be allowed to sleep with one another when they are 16”. (“The people’s peers”, article, The Daily Telegraph, 24/7/98, p. 27). or as suggested by Lord Ashbourne: “Opinion polls always show support for vague concepts of equality, but when it is spelt out that this means giving homosexual men legal access to schoolboys, opinion is solidly against” (Hansard, 1999a, col. 726). Finally, others claimed that “[A] tiny dissident minority [i.e. homosexuals] … cannot demand that the other 95 per cent or 99 per cent must accept and treat as equal” (Lord Jakobovits, Hansard, 1998b, col. 949), and that the government “tends to be persuaded by pressure groups who, although representing only a very small minority, make their voice heard” (D & J Godfrey, letter to the Editor, The Daily Telegraph, 24/6/98, p. 25).

Proponents of this position draw on majoritarian arguments to claim that what the majority wants is what is in the best interests of society as a whole. Like this debate, the US Supreme Court’s sole expressed reason in Bowers v Hardwick for upholding Georgia’s sodomy statute from Equal Protection Challenge was that the law expressed a legitimate state purpose in that it promoted ‘morality’. The court made it clear that what it meant by ‘morality’ was simply “the majority sentiments about … morality” (Mohr, 1988, p. 205). Similarly, other debates over lesbian and gay rights in the UK have also employed majoritarian arguments. For example, in arguing for the institution of Section 28, the Conservative party offered opinion polls as ‘conclusive’ evidence for the necessity of the section and to argue that the public supported the need for legislation (Smith, 1994).

This line of reasoning relies on the argument that what the (real or perceived) majority wants, is in the best interests of society as a whole. However, few political measures aimed at instituting human rights for any minority group has received majority endorsement, or even been popular.
(iii) Principles of care and protection take precedence over human rights: Young men are immature and vulnerable and need the protection of the criminal law.

In the age of consent debates, employment of rhetoric around young (adolescent) men as vulnerable and in need of being protected by society were also frequently employed to deny human rights to gay men. Typically, two discourses were employed here. 1/ the ‘fragile youth’ discourse concerning predatory older (homosexual) men, and 2/ teenage boys as immature and unsure of themselves. Consequently, the debates centred around a proliferation of arguments about the need to protect young people (e.g. “My overwhelming concern ... is the protection of young people”, Baroness Young, Hansard, 1999b, col. 652; “Our priority is to protect the vulnerable and to reinforce the duty of professional care”, Alun Michael, Hansard, 1998a, col. 787; “the consideration of protecting vulnerable individuals remains valid”, Crispin Blunt, Hansard, 1998a, col. 792).

Throughout Hansard and in the newspaper reports, there were numerous protestations that equalising the age of consent would open the floodgates for teenage boys to be seduced or coerced into homosexuality by older (homosexual) men. For example, among claims that “the Home Secretary is bulldozing through a paedophiles’ charter” (Editorial Comment, Daily Telegraph, 26/1/99, p. 21), or “… granting a charter for unnatural sexual practices with young boys” (H. Thomson, letter to the Editor, The Independent, 24/7/98), suggestions were made that lowering the age of consent would necessarily result in young boys “being led or forced into doing something they do not want to do” (L. Stafford, letter to the Editor, The Express, 26/7/98, p. 10); “of being befriended and abused by older, homosexual men” (Lord Annaly, Hansard, 1999b, col. 729): and that “older homosexuals do prey on teenagers, and will be even more blatant about it if the age of consent is lowered to 16” (J. Worker, letter to the editor, The Telegraph, 25/7/98). This rhetoric was also accompanied in the press, notably the Daily Telegraph, by text invoking the stereotype of homosexuality as predatory, and gay men as child abusers: The law was described as “a licence for the exploitation of children” and support for changes as “a vote for child abuse” (“a vote for child abuse”, article, Daily Telegraph 24/6/98, p. 25).

Secondly, claims were made that young boys “are often less mature than girls at 16, and not infrequently ambivalent about their sexuality” (Baroness Young, Hansard, 1999b, col. 652), and therefore in need of protection until they are ‘mature’ enough to
decide their sexuality (or rather, discouraged from taking up a homosexual lifestyle). For example, Lord Annaly claimed that “young men mature physically and emotionally rather later than girls.... by keeping the homosexual age of consent at 18, time is allowed for adolescent boys to mature and be in a better position to decide their sexuality” (Hansard, 1999b, col. 729). Others claimed that “sixteen is an extremely formative age....at 16, young people ... are unsure about themselves.... They are unsure about life and their relationships” (Earl Ferrers, Hansard, 1999b, col. 672), and that the “difference between 16 and 18 is but two years.... those extra two years may well save [a boy] from becoming involved in a homosexual relationship which he might bitterly regret later in life” (Lord Gray of Contin, Hansard, 1999b, col. 721). Similarly, Lord Harmsworth argued that “once that crucial experience has been had ... the chances of parental help in accelerating a likely swing later the other way may be lost forever” (Hansard, 1999b, col. 716).

Principles of care and protection also featured prominently in the focus group data, especially with regard to lesbian and gay parenting, and the inclusion of lesbian and gay perspectives in schools, in addition to the age of consent. Rhetoric around the need to protect young men (in this case, those aged 16-18 years) relies on the mobilisation of the image of homosexuality as essentially predatory, and the construction of young men as helpless and vulnerable children, the majority of whom are open to corruption (Smith, 1994). In debates around lesbian and gay rights, anti-discrimination laws have typically been equated with ‘child molesting’ and ‘gay recruiting’ (Button, Rienzo, & Wald, 1997), hence the normalisation of the image of the vulnerable young man who is threatened with perversion by the older male homosexual seducer (Smith, 1994). For example, the Anita Bryant campaign to “protect America’s children” was known as the “Save our Children” campaign and was aimed at protecting children from ‘exposure’ to homosexuality (Button et al., 1997; MacKinnon, 1992). It was this campaign which was responsible for the ban on open homosexuals teaching in public schools in some states (Diamond, 1995). Bryant claimed that “the recruitment of our children is absolutely necessary for the survival and growth of homosexuality – for homosexuals cannot reproduce, they must recruit, must refreshen their ranks” (MacKinnon, 1992, p.123; her emphasis).

Furthermore, Bryant’s campaign evoked sentiments that proposed anti-discrimination laws were equated with ‘child-molesting’, ‘boy prostitution’, and ‘gay recruiting’, resulting in the proposed anti-discrimination measures being overturned in
several states, including Minnesota, Kansas, and Oregon (Adam, 1995). Similarly, the myth of homosexual recruitment of youths was also invoked in 1991, by Rev. Louis Sheldon, head of the Coalition for Traditional Values, when arguing against Assembly Bill 101, a measure designed to protect lesbians and gay men from housing and employment discrimination in California (Jacobs, 1993).

Concerns around the need to ‘protect’ children, have also centred around the idea that legitimising homosexual behaviour encourages role models harmful to children, who are necessarily seen as impressionable (Samar, 1994). In particular, arguments about education and the distribution of information about lesbianism and gay male homosexuality corrupting children and young people are widely employed in contemporary debates around lesbian and gay rights issues. For example, the Right wing US organisation Concerned Women for America (CWA) have stated that

None of our tax dollars must go to support “sensitivity training” programs designed to promote the homosexual lifestyle among our children. And none of our tax dollars must go to “celebrate” Lesbian and Gay History Months in our public schools. …CWA is going to stand our ground and continue giving parents the information they need to protect their children. …What we are standing against is the blatant implementation of a radical political agenda that millions of parents believe is harmful and destructive for children. (LaHaye, 1995).

Similarly, in the United Kingdom, Section 28 of the Local Government Act, serves to ensure that children are not exposed to material presenting homosexuality in a favourable light until ‘true’ sexuality has been carefully nurtured (Smith, 1994). Consequently, in the recent bid to repeal Section 28, the campaign of the ‘keep the clause campaigners’ has adopted this theme – e.g. “Kids face gay lessons: protect young children from these trendies” (article, The Sun, ?/1/00); “Law must be preserved to protect schoolchildren” (article, Daily Telegraph, 8/2/00); and “there must be ‘adequate safeguards’ to protect children” (The Archbishop of Canterbury, paraphrased in Jones, Daily Telegraph, 25/1/00).

In summary, principles of care and protection have frequently been prioritised in issues concerning equality for lesbians and gay men, including the age of consent for sex between males. Like arguments around moral probity, these are rhetorically persuasive, in that they evoke societal moral panic (see Goode & Ben-Yehuda, 1994) by employing unsubstantiated claims that (all) children are in ‘real’ danger of being corrupted.
(iv) Health Risks

The alleged health risks of a homosexual lifestyle, in particular, medical rhetoric around AIDS/HIV, were also employed by those opposing an equal age of consent. Members of the public claimed that “the new bill is unlikely to promote sexual health. Homosexual HIV infections rose by 11 per cent from 1995 to 1996 after the age of consent was lowered to 18 in 1994” (D. Holloway, letter to the Editor, The Times, 10/4/99, p. 21), that “the medical consequences of a homosexual lifestyle are truly shocking” (H. Thomson, letter to the Editor, The Daily Telegraph, 27/1/99), and that “homosexual practices carry great health risks to young people” (Baroness Young, Hansard, 1998b, col. 940).

Typically, homosexuality was constructed primarily (or even solely) as comprising anal intercourse, and consequently, rhetoric around health risks relied on truth claims about medical risks surrounding this practice. For example, claims were made that “anal intercourse is deemed to be very dangerous from the medical viewpoint” (Lord Annaly, Hansard, 1999b, col. 729), and about the “ample medical evidence of the increased risks attached to anal intercourse” (Lord Stallard, Hansard, 1999b, col. 747); and claims were also made that “homosexuality is largely associated with the dangerous practice of anal intercourse, frequent changes of partner and the spread of HIV, hepatitis B and gonorrhoea” (A. Rogers, letter to the Editor, The Daily Telegraph, 24/6/98, p. 25); with “…sarcomas, lower bowel damage and AIDS” (P. Watson, letter to the Editor, The Daily Telegraph, 20/6/98, p. 25); and with “…HIV infection and other sexually transmitted diseases” (“Men and boys”, article, The Daily Telegraph, 19/6/98, p. 25).

Furthermore, concerns about health risks were sometimes conflated with other issues, some suggesting that “the Bill legitimises a dangerous physical activity that will increase radically the prospects of children -- boys and girls of 16 and 17 -- contracting fatal diseases” (Dr Julian Lewis, Hansard, 1999a, col. 90), and others that “anal sex is a fundamentally dangerous activity because the Almighty did not design that part of the anatomy for that purpose” (Edward Leigh, Hansard, 1999a, col. 70). Concerns were also raised about “the effects of the gay subculture, the level of promiscuity among homosexuals and the high proportion of homosexual men who are reported as having been raped or coerced into sexual activity” (Baroness Blatch, Hansard, 1999b, col. 735).
Rhetoric around homosexuals as promiscuous and homosexuality as being ‘unhealthy’ and responsible for the spread of diseases such as hepatitis B, HIV and AIDS has been widely employed by those wishing to exclude lesbians and gay men from human rights. For example, Dr. Paul Cameron’s (Family Research Institute, Colorado) pamphlet on Same Sex Marriage reads as follows:

Why is homosexual marriage a health hazard? ... They [homosexuals] see shared biological intimacy and sexual risk-taking as the hallmark of trust and commitment. Being exposed in this way to the bodily discharges of their partner increases the risk of disease .... The evidence is also strong that gays disproportionately contract more disease, especially AIDS and the various forms of hepatitis... (Cameron, 1997).

Disease rhetoric is strategically employed so that homosexuality is represented as a threat to society as a whole, not just homosexuals (Smith, 1994). Thus homosexuality becomes constructed as not only morally contagious, but also physically contagious (MacKinnon, 1992), in the same way that around the turn of the century, Jews were widely regarded as tuberculosis carriers (Smith, 1994).

(v) Wedges and Slippery Slopes

Finally, the cliches of “the thin end of the wedge” and the “slippery slope” were also employed, but to a much lesser extent. Excerpts of this type centred around the idea that if the age of consent was reduced, then this would initiate requests for further changes. For example, in the words of Lord Stallard

this Bill is the beginning of a long agenda of demands. We have heard that there are to be demands for the lowering of consent to 14. for the right to homosexual marriage, for the right to adopt and foster children, for the repeal of Section 28 of the Local Government Act and for an end to the storage of police information and data on paedophiles. (Hansard, 1999b, col. 747).

Similarly, others stated that this is “the thin end of the wedge” (Gerald Howarth; Baroness Young), as “some people want to reduce the age further, from 16 to 14” (Gerald Howarth, Hansard, 1999a, col. 69). “lowering the age of consent to 14 ... a demand for gay and lesbian marriages and for the right for such couples to adopt children” (Baroness Young: Hansard, 1998b; col. 939); and “the pressure will then shift to a campaign to allow homosexuals to adopt children, for clause 28 to be repealed, and
for legal marriage between homosexuals” (Edward Leigh, Hansard. 1999a, col. 69). Or in the words of Lord Habgood – “We may accept that we lower the age of consent to 16 now, but in practice it gives the green light to 14 year-olds, and we are going down a slippery slope” (Hansard, 1998b, col. 955)

These arguments have also been widely adopted in debates around lesbian and gay rights issues. Founded on the premise that granting such rights opens the floodgates to affirmative action programmes (Samar, 1994), and like the issue of care and protection, evoke a sense of moral panic (see Goode & Ben-Yehuda, 1994). Underlying this line of argument is the construction of lesbian and gay rights as “special rights” (as opposed to human rights), or rights which are ‘earned’ by those who ‘deserve’ them (Button et al., 1997). For example, in the ballot for anti-discrimination laws in Oregon (1988), those opposed to the proposed laws attempted to convince voters that gays and lesbians were “demanding something beyond basic legal protections enjoyed by other groups of citizens” (human rights) and “demanding special excessive privileges” (Diamond, 1995, p.253).

This line of reasoning is typically founded on beliefs that lesbians and gay men do not deserve ‘additional’ rights, either because the proponents of this position do not perceive lesbians and gay men as having suffered discrimination, or because discrimination is viewed as justified, in that homosexuality is an objectionable ‘chosen behaviour’ (Button et al., 1997; Schacter, 1994). In effect they are diversionary arguments, shifting the focus away from human rights, to that of special rights.

**Discussion and Conclusion: Arguing Back**

The findings of this case study show that in the UK age of consent debates (and also in other debates on lesbian and gay human rights issues), the arguments used to oppose human rights, are not, for the most part, rights-based. When human rights arguments were made explicit in relation to the age of consent debate, they were countered with arguments about the principles of right and wrong (i.e. the morality of homosexuality); principles of democracy; principles of care and protection; arguments about health risks; and arguments about the permitting of one right allowing demands for other rights. Some of these arguments (i.e. principles of right and wrong; principles of care and protection) were raised in the focus group discussions as potential considerations against extending specific human rights to lesbians and gay men.
As we have seen, the arguments used to oppose the lowering of the age of consent for sex between men are familiar arguments, which also have been employed in other contexts to oppose lesbian and gay rights. In arguing against human rights and equality, those opposed to change employed two types of arguments: moral arguments (i.e. there can be no ‘equality’ between normality and abnormality, moral probity and sin) and ‘fact’ based arguments (or ‘truth’ claims). On a basis of these, those opposed to the lowering of the age of consent have developed a coherent and effective strategy for opposing equality (Samar, 1994; Smith, 1994).

Although proponents of change initially argued for the lowering of the age of consent on grounds of human rights and equality, in arguing back against the opposition they resorted to providing counter-evidence to the opposition’s claims (e.g. see Smith, 1994) (perhaps because these are easy to argue against in that they can easily be refuted by available evidence [Samar, 1994]). For example, in responding to claims that homosexuality is amoral, sinful, and unnatural, proponents of change argued that people “are entitled to campaign for those opinions … [but] not entitled to insist that their prejudices be written into British law” (Edwina Currie, Hansard, 1994, col. 76), and that “in the past, the same thing has been said about practices such as divorce and contraception, and we do not now make laws banning them” (Edwina Currie, Hansard, 1994, col. 79).

With regard to majoritarian arguments, proponents of change employed parallel examples, to argue that “basic rights and freedoms should [not] be decided on the basis of majoritarianism or the outcome of opinion polls” (Lord Lester of Herne Hill, Hansard, 1998b, col. 950). For example, Edwina Currie argued that “83% of the public stated that they were in favour of capital punishment [but] that did not stop a huge majority of hon. Members voting the other way” (Hansard, 1994, col. 76). Lord Dholakia asked

Who in 1965 - 35 years ago - would have ever believed that this country would have three separate pieces of race relations legislation if one had simply decided to act on public opinion? In the past four decades who would have believed that we would have legislation about gender equality, the termination of pregnancy … Is it that we follow public opinion or do we lead it? (Hansard, 1998b, col. 945).

Neil Kinnock similarly argued that “if in 1967, our predecessors in the House had waited for a consensus of public opinion … we would still have total criminalisation of homosexual behaviour. (Hansard, 1994, col. 85).
In opposition to the claim that the age of consent discrimination was necessary to protect young men, it was argued that the law did not protect young men, but rather, inhibited them from seeking advice and support from individuals and organisations (Ann Keen, Edwina Currie, Mr Watson, and others; Hansard, 1994; see also Stonewall, 1998). For example, Baroness Mallalieu states that “on occasions when sexual attentions are or have become unwelcome, to cut them [young gay men] off from the protection of the police and the authorities... far from protecting them, it denies them the protection the rest of us enjoy” (Hansard, 1998b, col.940). Similarly, Edwina Currie argued that “a law that keeps people silent and means that they are unable to lodge a complaint is not a protective shield.... It is a gag, and it is likely to leave them much more open to abuse, pressure, harassment, blackmail, and extortion” (Hansard 1994, col. 77).

Where arguments were made about exposing young boys to abuse by predatory older men, proponents of change offered counter-arguments suggesting that “overwhelmingly the problem of abuse is the problem of abuse by older men of younger women” (Chris Smith, 1994, col.112); that “no one seems equally bothered about rapacious, middle-aged heterosexuals chasing young girls” (Mrs Currie, Hansard 1994, col. 80); and that sexual abuse “happens ... with young girls, yet no one would advance that as a reason for raising the age of consent” (Tony Blair, Hansard, 1994, col.99). To those who argued that young men were not mature enough to make decisions about their own sexuality, proponents of change argued back that “the vast bulk of evidence suggests that, at 16, boys and girls ... are aware of their sexuality” (Tony Blair, Hansard, 1994, col.99); that “of course, young people are immature, but that it is not an argument for making them criminals” (Edwina Currie, Hansard 1994, col. 80), and quoting the Royal College of Psychiatrists that “there is no developmental reason to treat young men and young women differently” (Neil Kinnock, Hansard, 1994, col.82).

Similarly, counterclaims put forward in response to the opposition’s arguments about medical risk, included that “criminalisation of homosexual activity may inhibit health education and healthcare” (BMA – Edwina Currie, Hansard 1994, col. 78); “the present criminality of homosexual relationships can limit health promotion activities” (Neil Kinnock, Hansard, 1994, col.78); and that “all sexual activities carry some medical risks” (Earl Russell. Hansard, 1998b, col. 963; also Lord Annan, Hansard, 1999b, col. 667). Others provided parallels with heterosexuality, for example, “when we see a heterosexual couple, we do not instantly think of gonorrhea; we see people trying
to form a long-term relationship, caring about each other and falling in love" (Edwina Currie, Hansard 1994, col. 78), and that “to drive them to secrecy within the homosexual community [is] to isolate them; to cut them off from seeking advice, guidance and help from family and friends, from doctors…” (Baroness Mallalieu, Hansard, 1998b, col. 940).

However, in attempting to initiate social change, providing 'positive images' as counter-discourses to prejudice is not a particularly successful strategy, in that it reinforces the opposition’s arguments (Smith, 1994). By engaging with the opposition’s arguments, we end up involved in lengthy and diversionary debates about whether sexuality really is fixed by the age of 16. or whether homosexuals really are more prone to contracting AIDS or hepatitis (cf. Ellis, 1999). In so doing, heteronormativity remains unchallenged, compounding the very problem we seek to overcome (Rahman, 1998).

Human rights discourse, on the other hand, occupies a privileged moral position in democratic states so should be rhetorically powerful. However, the human rights arguments employed in the age of consent debate failed to be heard. By engaging in a counter-arguments approach, the human rights argument becomes buried among the plethora of other arguments and counter-arguments. For example, although proponents of change first argued from a position of human rights and equality for all, when faced with arguments against equality, they provided counter-arguments to the claims of their opposition, instead of consolidating the human rights argument.

Secondly, in presenting their human rights argument, proponents of change placed undue emphasis on the notion of ‘equality’, which resulted in the conflation of the concepts of ‘equity’ and ‘civil rights’ (also associated with equality) with that of human rights. In prioritising the notion of ‘equality’, rather than ‘human rights’, the distinction between human rights and other types of equality became lost. Since discourses around ‘equity’ and ‘civil rights’, entail different assumptions about what constitutes equality, co-opting the term equality proved disadvantageous for advancing a pro-lesbian and gay human rights position. In so doing, those opposed to equality were able to hijack the debates with arguments around morality, democracy, care and protection, and health, and to by-pass the real issue, which is one of justice (or human rights) versus oppression (Dean, 1994).

A human rights perspective has been seen as very important in pursuing justice for lesbians and gay men (Kaplan, 1997), and indeed it has been central to the
achievement of equal (human) rights for lesbians and gay men internationally. in the political and legal arenas. The purpose of a human rights approach is to oblige governments to change the structures that perpetuate the denial of equal rights (cf. Tomaševski, 1998). It is therefore important that we develop effective strategies to argue for lesbian and gay rights, by prioritising the notion of human rights: highlighting that human rights are universal, inalienable, and indivisible: and clearly illustrating how issues such as the age of consent are human rights issues.

As has been illustrated in this chapter, the comparisons of the arguments raised in relation to the age of consent debate, are familiar arguments. as they have also been frequently employed in other debates on lesbian and gay issues. This supports the general findings of all the research contained in this thesis, that lesbian and gay human rights are not seen as human rights, and as this chapter suggests, their legitimacy as human rights countered using claims which are not rights-based. It would seem then, that in order to facilitate positive social change for lesbians and gay men, we need to consider how best to convince others that lesbian and gay issues are human rights issues.

The next, and final, chapter of this thesis will review the findings from this chapter, and those of Chapters 3 and 4, considering how best we might go about facilitating positive social change in relation to lesbian and gay human rights.
CHAPTER 6
Lesbian and Gay Human Rights – Where to from Here?

In recent years, issues of discrimination against lesbians and gay men have been at the forefront of international political debate (at least in the western world). In conjunction with this, there has been an increasing recognition of lesbian and gay issues as human rights. For example, advocates of positive social change for lesbians and gay men have called for the recognition of lesbian and gay (equality) issues as human rights issues, arguing that “love is a basic human right” (AIUK Gay, Lesbian, Bisexual and Transgender Network), “lesbian rights are human rights” (ILIS), and quoting the Universal Declaration of Human Rights, “all human beings are born equal in dignity and rights” (Stonewall). However, despite this increasing recognition of lesbian and gay issues as human rights issues in the political arena, internationally, the record of human rights violations against lesbians and gay men is both astonishing and appalling, as we have seen in Chapter 1. This record would seem to suggest a lack of support for lesbian and gay human rights internationally, and the paucity of political action for positive social change, would seem to suggest that the lack of support for lesbian and gay human rights at the macro-level is underpinned (at least to some extent) by a lack of support at the micro (or individual) level. Therefore, there is an urgent need for positive social change, and for research aimed at understanding resistance to change, particularly in relation to lesbian and gay rights issues. This is the key contribution of this thesis.

The purpose of this concluding chapter is to draw together the findings across the three studies in this thesis and explore the implications of these findings for creating positive social change. I will first summarise the key findings of my research and then outline some of its implications, following this with a critical evaluation of the theory and method employed in this thesis.

Summary of Thesis

In Chapter 1, a human rights perspective was introduced. Human rights were defined as “the rights of all people at all times and in all situations” (Cranston, 1962, quoted in Bouandiel, 1997, p. 20), and therefore inclusive of lesbians and gay men. The application of a human rights perspective to lesbian and gay issues in practice was then explored and some limitations of this approach discussed and countered. Then in
Chapter 2, the relationship between psychology and human rights was explored, showing that psychology has seldom engaged explicitly with human rights issues, much less specifically in relation to lesbian and gay rights. Chapter 2 also highlighted the way in which from a moral-developmental framework, human rights had been subsumed as a more morally developed way of thinking. Conversely, whilst the contemporary psychological study of lesbian and gay issues had often been directly concerned with advancing the rights of lesbians and gay men (Kitzinger, 1997), it had only implicitly engaged with human rights, focusing instead on mental health.

A multimethod approach was employed to enable the exploration of different aspects of support for and reasoning about lesbian and gay issues (attitudes, thinking, discussion) in different contexts (individual, social, formal). In Chapter 3, a large-scale questionnaire study was undertaken, followed in Chapter 4 by a small-scale focus group study. Finally, Chapter 5 comprised a single-issue case study of Hansard and newspaper articles on the age of consent debate, exploring the types of arguments used to counter human rights. Chapter 3 took an individualistic approach to support and reasoning, whilst chapters 4 and 5 explored support and reasoning in two distinct social contexts: (relatively informal) focus group discussions, and (formal) parliamentary debates, respectively.

**Support for and Reasoning about Lesbian and Gay Human Rights: A Summary of Key Findings**

In this section, the key findings of this series of studies will be summarised and compared, first looking at support for lesbian and gay human rights, and then reasoning about lesbian and gay issues.

**Support for Lesbian and Gay Human Rights**

‘Support’ was investigated in two main ways: (1) levels of endorsement of lesbian and gay human rights issues; and (2) perceived responsibility for creating positive social change for lesbians and gay men. These will be discussed in turn.
Endorsement of lesbian and gay human rights

Overall, the findings of this series of studies suggest moderate – although not uniform – support for lesbian and gay human rights. This was surprising because a number of researchers (e.g. see Kitzinger, 1987; Payaslyoðlu & Içduygu, 1999; Sotelo, 2000a) have suggested that support for human rights is typically greater, and attitudes more ‘liberal’, among university educated individuals. It was therefore expected that because a student sample was employed, the questionnaire responses and focus group discussions would evidence strong support for lesbian and gay issues.

An initial reading of the data seemed to indicate strong majority support for most lesbian and gay human rights issues, however, a more detailed picture emerged from a more detailed analysis. Rather, the findings of this study showed that respondents did not extend all human rights to lesbians and gay men to the same degree. Whilst almost all respondents (97%) were willing to endorse liberal notions of equality for all (e.g. ‘a person’s sexual orientation should not block that person’s access to basic rights and freedoms’ [item 18]) and most indicated high levels of support for basic rights issues (e.g. the right to life; arbitrary arrest, detention, and exile; the right to privacy), they were much less willing to extend social rights (e.g. the presentation of lesbian and gay perspectives in schools; the provision of books positively portraying lesbian and gay lifestyles; the right to marry; the right to parent children) and some political rights (e.g. asylum; an equal age of consent) to lesbians and gay men. Although Sotelo (2000a, 2000b) also found that respondents indicated different levels of support for different issues, in contrast to the present findings, Sotelo found that respondents were more willing to extend social rights to a number of socio-political groups (e.g. feminists, homosexuals, immigrants) than they were to extend political rights to those groups.

In the focus groups, support for lesbian and gay human rights also appeared strong, in that participants initially agreed with specific issues, and frequently invoked human rights concepts, such as equality etc. This is not completely surprising, in that the ‘contact hypothesis’ (Herek & Capitano, 1996) suggests that attitudes are much more positive among those who have some contact with lesbians and gay men (e.g. see Hansen, 1982a; Millham et al., 1976). However, there was evidence in the focus groups that participants did not wholly support lesbian and gay human rights. For example, despite initial agreement with the issues, participants engaged in lengthy discussions...
about limitations to support for particular lesbian and gay human rights, in many cases backsliding on their initial support.

The analysis of the focus group discussions also shed some light on potential reasons for the modest levels of support for lesbian and gay human rights in the questionnaire study. In general, whilst initially indicating support for each of the issues presented for discussion, focus group participants progressed to a discussion and evaluation of potential reservations and considerations about extending specific rights to lesbians and gay men. So, although participants initially supported the issues, and sometimes employed human rights language and concepts to argue a pro-rights position, they also offered substantive reasons as to why particular human rights should not be extended to lesbians and gay men.

Basic Personal Freedoms and Political Rights
In relation to basic personal freedoms and political rights, the questionnaire responses showed extremely high levels of support. For example, around 97% of respondents agreed that “a person’s sexual orientation should not block that person’s access to basic rights and freedoms”; whilst just over 94% of respondents agreed that no one should be “arrested, detained, or exiled simply for being lesbian or gay, 90% that “a country should not have the right to impose the death penalty on lesbians and gay men”, and 89% that “lesbians and gay men should not be fined or arrested for engaging in consenting sexual acts… in the privacy of their own homes”. In the focus group discussions, these issues evoked little or no discussion of competing concerns or other considerations: only two respondents suggested a need to weigh up cultural rights against lesbian and gay rights.

In the light of this, it was surprising that asylum rights for lesbians and gay men were not nearly as well supported. Despite strong support for asylum in the focus group discussions, only 57% of questionnaire respondents agreed that “just like people persecuted for their religious and political beliefs, lesbians and gay men should be granted asylum in another country when homosexuality is persecuted in their own”. One potential reason for this considerably lower level of support may, however, either be an indication that (a) respondents did not understand what is meant by asylum, or (b) they were not aware of the extent to which lesbians and gay men are the victims of human rights violation and discrimination. The focus group discussions provided limited support for this theory, in that asylum was explained to focus group participants before
the statement “in some countries, lesbians and gay men are imprisoned, tortured, or even killed simply for being lesbian or gay” was introduced for discussion: the issue of asylum was therefore contextualised in the focus groups, where it was not in the questionnaire. An analysis of the focus group data also suggested a certain extent of ignorance about the level of discrimination against lesbians and gay men. For example, when discussing asylum rights, Fiona stated

The only thing there that makes me realise is that I live a very sheltered existence where it doesn’t even occur to me that people are persecuted because of their sexuality like that, to that extent.

Many other responses in the focus groups also indicated surprise or disbelief about the fact that in some countries lesbians and gay men are tortured, imprisoned or killed simply for being lesbian or gay. (See analysis in Chapter 4).

Employment Rights

Employment rights, on the other hand yielded reasonably high levels of support in the questionnaire study, although they were not quite as well supported as basic personal freedoms and political rights. For example, around 83% of respondents agreed that “there is never a situation in which someone’s homosexuality should be a cause for job discrimination”; nearly 72% that “the partner of a lesbian or gay male employee should be entitled to the same spousal benefits as a married or defacto partner of a heterosexual employee”; and 78% agreeing that it is “appropriate for lesbians and gay men to serve in the armed forces”. Whilst levels of support for these issues are still reasonably high, they indicate that a sizeable proportion (between 17% and 28%) of respondents did not agree with the extension of employment rights, including the right to serve in the armed forces, to lesbians and gay men.

Likewise, in the focus groups, employment rights were also reasonably well supported. However, in contrast with basic rights and freedoms and political rights, these issues yielded an array of considerations as to why employment rights may not be extended to lesbians and gay men. The types of considerations raised here broadly fall into three main categories: first, other people’s prejudices take precedence over lesbian and gay human rights (e.g. employers and/or colleagues are homophobic; homosexuality is not condoned in religion; the presence of homosexuals will affect the morale of heterosexual employees; and prejudice is a fact of life); second, lesbians and
gay men as inadequate or deviant (e.g. lesbians/gay men are a security risk: being homosexual affects how you interact with others; lesbians/gay men are preoccupied with sex); third, pragmatic issues (e.g. lesbians gay men would be sharing dormitories with people of the same sex, whereas heterosexuals are prevented from sharing with people of the opposite sex). Although these views were (on the whole) not presented as the personal views of focus group participants, they draw on culturally available arguments based on common stereotypes about lesbians and gay men.

Levels of support for employment rights for lesbians and gay men appear to be slightly lower than in other comparable studies. For example, recent studies have reported 93% (Annesley & Coyle, 1995), 88% (Maney & Cain, 1997), and 75% (D’Augelli, 1989a) of respondents agreeing that “there is never a situation in which someone’s homosexuality should be a cause for job discrimination”; and 96% (Klamen et al., 1999) agreeing that “homosexuals should have equal opportunity employment”. However, these differences may (at least in part) be due to sampling differences between studies. With the exception of D’Augelli’s (1989a) study, the results of which more closely resemble those in the present study, these studies have been undertaken on highly educated professionals, such as clinical psychologists (e.g. Annesley & Coyle, 1995), preservice teachers (e.g. Maney & Cain, 1997); and medical students (e.g. Klamen et al., 1999). It is, therefore, perhaps not surprising that the views of these individuals are more supportive of employment rights for lesbians and gay men than a convenience sample of mainstream psychology undergraduates, in that they are more likely to have encountered lesbian and gay issues in a professional context, especially in relation to equal opportunities policy and ethics of practice.

On the other hand, many of the students who participated in the present research were recruited from courses on “human sexuality” or “gender and sexuality” and had, therefore, been exposed to lesbian and gay issues. Whilst it would be expected that as a consequence of their increased knowledge of lesbian and gay issues, they might have more positive views, this appears not to be the case. One possible reason that support for employment issues was not as strong as for basic personal freedoms, may be that respondents were not aware of the extent to which employment discrimination against lesbians and gay men exists. This was evident in some of the focus group data. For example, Pam’s response “and that happens does it?” when I asked “what do you think of people losing their jobs or being fired for being lesbian or gay?” suggests that Pam was unaware that sexual orientation discrimination in the workplace is as prevalent as
documented in Chapter 1. Ignorance in relation to employment discrimination, though, is perhaps not entirely surprising in that it is commonly assumed that because equal opportunities policies exist in most workplaces, discrimination does not occur. It is also commonly assumed that equal opportunities policies ‘protect’ lesbians and gay men from discrimination, whereas this is not necessarily the case: like human rights declarations and treaties, equal opportunities policies do not necessarily explicitly include lesbians and gay men, leaving policy open to abuse.

**Social Rights**

Social rights, on the other hand, evoked the lowest levels of support of all the issues covered in the questionnaire and discussed in the focus groups. Whilst 79% of questionnaire respondents agreed that “it should be acceptable for lesbian and gay couples openly to express their affection for their partners in public without fear of harassment or violence” (a freedom of expression issue), support for other social rights issues was considerably less. For example, just over 55% of respondents agreed that “books promoting lesbianism and gay male homosexuality as a positive lifestyle should be freely available in school libraries”; only 49% that “university modules... should explicitly include lesbian and gay male perspectives”; and only 48% disagreed that “society has a right to prevent lesbians and gay men who want to speak in schools from actively promoting homosexuality as equivalent to heterosexuality” (education and access to information issues). Likewise, whilst just over 63% of respondents agreed that “lesbian and gay couples should be legally permitted to marry”, only around 47% of respondents agreed that “lesbian and gay couples should have all the same parenting rights as heterosexuals”.

On the whole, the relatively low levels of support for social rights in the present research is surprising, given levels of support in previous studies. Support for same-sex marriage, and for the inclusion of lesbian and gay perspectives in schools was considerably higher in Malaney et al.’s (1997) research than in this study, with 83% agreeing that “junior high sex education classes should include information about being gay, lesbian, and bisexual”, and 89% agreeing that “gays, lesbians, and bisexuals should have the legal right to get married. However, in another study (Maney & Cain, 1997), only 52% of pre-service teacher trainees indicated that they felt “comfortable” teaching about gay and lesbian family units. Similarly, a relatively recent public survey in the US...
(Elam, Rose, & Gallup, 1996) found that only 34% of respondents supported the teaching of homosexuality as an acceptable alternative lifestyle.

On the other hand, the level of support for lesbian and gay parenting has varied considerably from one study to another. Whilst only around 47% of respondents in the present study agreed that lesbians and gay men should have all the same parenting rights as heterosexuals, in other studies between 25% (Maney & Cain, 1997) and 78% (Malaney et al., 1997) of respondents agreed with the idea of lesbians and gay men adopting children. Therefore, levels of support for lesbian and gay parenting in the present research were within the range of previous studies, although a little lower than for Annesley and Coyle’s (1995) UK study, where 64% of respondents agreed that “lesbians should be allowed to adopt children”, and 63% that “lesbians should have the same access to artificial insemination [sic] as heterosexuals”.

In the focus groups, social rights were generally supported, but these issues evoked a wide array of potential considerations against the extension of human rights to lesbians and gay men. Discussions around social rights were dominated by concerns around the care and protection of children, and were raised in connection with lesbians/gay men showing affection in public (e.g. children asking embarrassing questions; children being converted into homosexuals), the inclusion of lesbian and gay perspectives in schools (e.g. children are not mature enough to discuss the issues; children being converted to homosexuality), and lesbian and gay parenting (e.g. children needing a mother and father figure; children being bullied; the children of lesbian/gay parents being recruited to homosexuality; psychological damage to children who are the off-spring of anonymous sperm donors). As highlighted in Chapter 5, ‘care and protection’ arguments have commonly been invoked in debates around lesbian and gay rights issues (see also Clarke, 2000, in preparation; Clarke, Kitzinger, & Potter, 2000 in preparation).

Like employment rights though, arguments around lesbians and gay men as inadequate or deviant (e.g. homosexuality as not normal; lesbians/gay men cannot reproduce as a couple; lesbians/gay men as promiscuous and unable to maintain long-term relationships); other people’s homophobic prejudices (e.g. poorly informed and homophobic teachers; lesbian/gay affection in public as offensive to some members of the public); and pragmatic issues (e.g. how and where to fit lesbian and gay issues in an already packed curriculum) were also raised as potential reasons for not extending social rights to lesbians and gay men.
Equality and the Age of Consent

As indicated in Chapter 5, arguments against equalising the age of consent for sex between men to the same as that for heterosexuals, invoked arguments commonly employed to argue against lesbian and gay human rights for a whole range of issues. Whilst just over 66% of questionnaire respondents (in Chapter 3) agreed that "the age at which male homosexual sex is considered legal should be the same as that for heterosexual sex", in the focus group discussions, arguments about the care and protection of children (e.g. girls mature faster than boys; 16 year olds are not mature enough to have sex; older men will sexually exploit young boys) were raised as potential considerations for not lowering the age of consent from 18 to 16. In the case study of Hansard reports from the age of consent debate (Chapter 5), care and protection arguments were one of three dominant arguments invoked against positive change, the others being principles of democracy (i.e. the majority don’t want the change) and principles of right and wrong (i.e. homosexuality is morally wrong/sinful/unnatural). In addition, arguments about health issues (e.g. AIDS; physical danger of anal intercourse) and demands for further rights (e.g. marriage; parenting rights) for lesbians and gay men if the age of consent was reduced, were also invoked.

Summary of Response Patterns

The findings of this study showed that support for lesbian and gay human rights was not uniform. Support for basic human rights ranged from 89% to 97%, support for employment rights from 72% to 90%, and for social rights from 47% to 63%.

With the exception of social rights, most other issues were opposed by less than 10% of respondents. Likewise, when asked about sense of personal responsibility for creating positive social change, only around 6% of respondents gave responses which suggested that they opposed lesbian and gay human rights. Whilst in the questionnaire study, levels of support were substantially stronger for some issues than for others, levels of opposition were not nearly as diverse. A closer investigation of response patterns indicated that for many issues, especially for social issues, a large proportion of respondents (up to 36%) gave ‘unsure’ or ‘neutral’ responses. For example, 30% of respondents were unsure/neutral as to whether lesbians and gay men should be granted asylum rights, 27% as to whether books positively portraying lesbian and gay lifestyles should freely be available in school libraries, and 30% whether lesbian and gay couples should have all the same parenting rights as heterosexuals.
These findings appear to suggest that whilst lesbian and gay human rights were not uniformly supported to the same degree, they were not overwhelmingly opposed either. The sizeable proportion of unsure/neutral responses seems to indicate some degree of support, but with reservations: many of these reservations were explicated in the focus group discussions. This base of support is encouraging, as it is indicative that there is sufficient support around which to mobilise a political strategy for positive social change.

Responsibility for creating positive social change

The findings associated with students’ self-perceived responsibility for creating positive social change for lesbians and gay men (based on Section B of the questionnaire) also suggested a lack of support for lesbian and gay human rights. Whilst just under two thirds of respondents viewed themselves as in some way responsible for helping to create positive social change, fewer than half indicated a willingness to be actively involved in helping to create that change. Although the qualitative responses indicated roughly a 50:50 split between those who viewed themselves as in some way responsible for helping to create positive social change, and those who did not, a detailed analysis of the responses suggested that predominantly, respondents did not view themselves as responsible for creating positive social change. The 50% of respondents who did view themselves as responsible for creating positive social change, perceived their role as comprising small individual actions (i.e. holding positive personal views; encouraging positive views in their children), rather than large-scale, collective political action (e.g. actively challenging homophobic remarks; attending gay marches). Overtly non-supportive responses, on the other hand, were characterised by a disinterest in, pessimism about, or moral prohibition of lesbian and gay human rights.

Likewise, in the focus group discussions, there were only three incidences of respondents recognising the need to take some action in order to contribute to social change. Typically, the focus group discussions were characterised by the assumption that social change is something which ‘just happens’ with the passing of time, thus respondents appeared to construe social change as having no need of an agent. Limited support for lesbian and gay human rights through political action was therefore evident in the questionnaire responses, and reinforced to some extent in the focus group
discussions: as one respondent stated “it’s not a case of not wanting to change the attitudes but not wanting to be the one who had to do it” (Fiona, FG 2).

These findings are consistent with those of other studies which suggest a lack of self-perceived responsibility for ensuring human rights. For example, as highlighted in Chapter 2, studies on attitudes towards human rights (e.g. Diaz-Veizades et al., 1995; Doise et al., 1994; Macek et al., 1997) have concluded that most respondents view the enforcement of individual human rights as the responsibility of governmental institutions, rather than themselves. In Macek et al.’s (1997) study, the majority of respondents did not believe that they could contribute to the implementation of any of the articles of the UDHR, whilst of Doise et al.’s (1994) respondents, almost two thirds considered that none of the human rights issues concerned them personally.

Similarly, studies of political action have suggested (to some degree) a lack of responsibility for helping create positive social change. For example, in Malaney et al.’s (1997) study, respondents were asked

if you witnessed one or more students making derogatory remarks about or otherwise verbally harassing a student because they assumed he or she was gay, lesbian or bisexual, what would you do first?

Although many respondents did indicate that they would take some action (e.g. report it; intervene directly), 31% said they would do “nothing”.

Overall, it would appear that in the present thesis, participants in both the questionnaire and focus groups did not view themselves as agents of positive social change (at least not in relation to lesbian and gay issues). Although the findings do not suggest overwhelming apathy for creating positive social change, and indeed at least half the questionnaire respondents saw themselves as responsible for creating positive change (albeit often in very small ways), the findings showed that respondents did not, in general, see themselves as active agents of positive social change.

Reasoning about Lesbian and Gay Human Rights

‘Reasoning’ (the way people think, talk, and argue) about lesbian and gay issues was explored in the moral development task, the focus group discussions, and the age of consent data. This section will summarise the findings of these studies in relation to (1)
human rights reasoning in thinking and talking about lesbian and gay issues, and (2) arguments against lesbian and gay human rights.

**Human rights reasoning in thinking and talking about lesbian and gay issues**

The findings of the moral reasoning study showed that when presented with lesbian and gay human rights issues, people find liberal arguments about individual rights, relative values, and the maintenance of the current social structure, more persuasive than human rights arguments. Human rights (stage six) arguments were generally lessfavoured than other types of arguments. However, human rights arguments were favoured more than stage 1 (avoidance of punishment) and stage 3 (interpersonal conformity; ‘being good’) arguments. Although respondents tended to be inconsistent in their reasoning across dilemmas, and across the pro and con position for each dilemma, stage two (individualism, instrumental purpose and exchange), four (maintenance of social order, respect for authority), and five (social contract) arguments were consistently selected as the most acceptable arguments for thinking about lesbian and gay issues.

An analysis of the focus group transcripts suggested that to some degree, participants used the language of human rights or drew on human rights concepts when discussing lesbian and gay issues, although they seldom used the phrase ‘human rights’ itself. Participants used human rights principles, such as ‘equality for all’, ‘freedom of expression’, and referred to parity between lesbian and gay issues and race issues. However, despite being able to employ human rights concepts and/or language when talking about lesbian and gay issues, they did not consistently use a human rights framework in their talk. Typically, rights-based arguments were interspersed between talk drawing on other frameworks (e.g. personal preference; current social frameworks), and arguments against human rights predominantly characterised by non-rights-based reasoning.

The analysis of Hansard and newspaper reports showed that opponents of change argued against human rights, by invoking principles of right and wrong (e.g. homosexuality is sinful/unnatural/amoral), principles of democracy (e.g. the majority are not in favour of change), principles of care and protection (e.g. young men are not mature enough to engage in homosexual behaviour; predatory older men), health risks (e.g. AIDS; anal intercourse as dangerous) and arguments around allowing one change
would lead to demands for further rights (wedges and slippery slopes). Similarly, arguments around care and protection, and principles of right and wrong were highlighted by focus group participants as potential considerations against the extension of human rights to lesbians and gay men. In arguing against lesbian and gay human rights, then, people appear to employ arguments derived from non-rights-based frameworks, rather than arguing directly with a human rights perspective.

In summary, it would appear that in reasoning (thinking, talking, and arguing) about lesbian and gay human rights issues, people sometimes employ human rights reasoning, but predominantly draw on frameworks which are not rights-based. In particular, as highlighted by the results of the moral dilemma task, and supported by the focus group and age of consent data, people predominantly draw on arguments consistent with relativism and social contract (stage five) based reasoning, such as majority viewpoints, principles of right and wrong, care and protection, and health issues.

The fact that participants in the present research tended only to use human rights reasoning intermittently is not entirely surprising, in that a human rights perspective is not the dominant framework used in public and psychological discourse for talking about lesbian and gay issues. Until relatively recently, lesbian and gay issues were not promoted as human rights issues in political and public debate. Even though recent political debates in the UK around lesbian and gay rights issues (e.g. the Age of Consent; Section 28; gays in the military) have been promoted as human rights issues, media coverage has overwhelmingly focused on opposition to positive social change, which (as illustrated by the analysis of the Age of Consent data in Chapter 5) has almost exclusively comprised non-rights-based reasoning. Likewise, as explicated in Chapter 2, lesbian and gay ‘affirmative’ psychology has relied on arguments which are not rights-based (especially mental health issues) to argue for positive social change, individualising (rather than politicising) lesbian and gay oppression. Therefore, the findings of this study suggest a strong similarity between lay and psychological theory about lesbian and gay issues, psychological theory therefore having an important influence on lay attitudes and reasoning (this is explored further in the next section).
Arguments against Lesbian and Gay Human Rights

There are striking similarities in the arguments used against lesbian and gay human rights in all three studies. The analysis of the moral dilemma task presented in Chapter 3 suggested that stage five (social contract) arguments were one type of reasoning prioritised over human rights (stage six) arguments when thinking about lesbian and gay issues. Stage five arguments are characterised by a relativist perspective in which the right to life is not negotiable, but all other rights are subject to negotiation, and agreed upon in terms of what is in the interests of the majority ("the greatest good for the greatest number") as part of a social contract. Therefore, from a stage five perspective, freedoms may be limited by a given society when they are incompatible with the interests/beliefs of others (Kohlberg, 1981, 1984; Langford, 1995). Consistent with this, the focus group discussions and the age of consent debates produced two key arguments consistent with this framework: first, arguments about democracy and majority prejudice (e.g. the majority of the population are opposed to the proposed changes) and second moral prohibitions, or principles of right and wrong (e.g. homosexuality is a sin; assisted reproduction services are not natural).

The flip-side to rights, is obligations. According to Kohlberg (1981) from a stage five (social contract) perspective, obligations are defined in terms of a "rational concern for the welfare of others" (p.216). Arguments consistent with this notion were prevalent in the focus group discussions and Age of Consent debates. For example, in talking about lesbian and gay parenting, focus group participants raised many concerns pertaining to the welfare of the children (e.g. children need both a mother and a father figure; a child may be psychologically damaged if he/she finds out their father was a sperm donor) as potential reasons why lesbians and gay men should not be afforded the right to parent children. Likewise, in the Age of Consent debates, arguments around care and protection (e.g. older men preying on young boys; teenage boys are not mature enough to make their own decisions) and health issues (e.g. young men will be at greater risk of contracting diseases; anal intercourse is a risky sexual practice) took precedence over human rights arguments. Therefore, arguments about the alleged welfare needs/interests of others are prioritised over those of lesbians and gay men, when considering lesbian and gay human rights issues.

In addition, stage five reasoning was also evident in the data pertaining to support for lesbian and gay human rights. The key trend observed in this data was that
basic rights issues (e.g. the right to life, liberty, and security of person) were much more strongly supported in the questionnaire responses (Chapter 3), and more frequently talked about (unproblematically) as human rights issues in the focus group discussions (Chapter 4), whereas other issues, especially social issues, were much less well supported, and infrequently referred to as human rights issues. This too is consistent with a stage five perspective, in that according to Kohlberg’s theory, issues concerning life and liberty are considered non relative, and therefore to be “upheld in any society and regardless of majority opinion” (Kohlberg, 1984, p. 175; see Figure 1 Chapter 2), whilst other rights issues are open to negotiation.

Although reasoning about lesbian and gay human rights issues in the present research was dominated by arguments from a liberal-relativist framework characteristic of stage five of the Kohlbergian model, there were also examples of stage two (individualism, instrumental purpose, and exchange) reasoning in the qualitative responses from the questionnaire study and stage four (maintenance of social order) reasoning in the Age of Consent debates. Stage two reasoning entails acting to meet one’s own interests, and only acting in the interests of others if there is some personal gain from doing so (see Kohlberg, 1981). This type of reasoning was most evident in the questionnaire responses, where a large proportion of respondents claimed no responsibility for creating positive social change for lesbians and gay men because “it does not concern me” (R 6); “It is not my problem” (R 65); “I see the lesbian and gay issue as irrelevant to my life” (R 182). These type of responses typify stage two reasoning, in that they suggest that action should only be taken if the issues are in some way relevant to oneself.

On the other hand, in the age of consent debates, some opponents of change argued that lowering the age of consent would result in demands by lesbians and gay men that they be afforded other rights. These ‘wedges and slippery slopes’ arguments characterise stage four reasoning, in that they orient towards maintaining the existing social order by not affording further rights to lesbians and gay men.

With respect to arguments against lesbian and gay human rights, the findings of the present research appear to concur with the writing of at least some others (e.g. MacKinnon, 1992; Samar, 1994). The majority of work exploring opposition to lesbian and gay rights have focused predominantly on religious perspectives, and arguments around what is ‘natural’, ‘normal’, or ‘sinful’ (e.g. Halstead & Lewicka, 1998; Pronk, 1993). Although the findings reported in this thesis showed principles of right and
wrong (e.g. arguments that homosexuality is unnatural, not normal, and is sinful) were one type of argument used to oppose lesbian and gay human rights, a range of other arguments were also used, with principles of care and protection being a dominant theme, especially in relation to social rights.

Congruent with the findings of the present study, Samar (1994) suggests a number of typical arguments proffered in favour of discrimination against lesbians and gay men, including the need to exclude those groups that the majority deems ‘deviant’ in order to maintain social stability and do what’s best for the overall good of society (as defined by dominant values), to avoid undermining morality, and to protect children from ‘harmful’ role models. These principles define a social contract perspective and closely relate to the arguments about (majority) principles of right and wrong, and principles of care and protection, which both emerged as strong themes in the focus group and age of consent data. Samar (1994) also suggests that lesbian and gay rights issues are often opposed because they open the door to affirmative action programs, which closely relates to the ‘wedges and slippery slopes’ arguments raised in the age of consent debates, and characteristic of the stage two reasoning favoured in the moral dilemma task.

Overall, the findings of this series of studies suggest that human rights (stage six) reasoning is not the dominant discourse used for arguing for lesbian and gay human rights, and rights-based arguments are seldom employed to argue against lesbian and gay human rights. Instead, people predominantly draw on arguments around existing social structures, including concern for the welfare of others, following majority interests (stage five), and obeying existing laws (stage four), and doing what’s in one’s own personal interests (stage two) when thinking about social change. Following on from these findings, the next section will highlight the implications of these findings, particularly in the arenas of education and structural change.

Implications of the Present Research - Where to from Here?

Essentially the findings presented in this thesis suggest that people do not uniformly support lesbian and gay rights as human rights. However, the majority of students in the present research seem to support lesbian and gay human rights, at least to some degree. In the questionnaire, some rights were almost unanimously supported, whilst others
received lower levels of support. Likewise, in the focus group discussions, participants
did employ rights-based arguments in favour of lesbian and gay human rights, but also
explored the practical limitations of them. In this section, some of the implications of
these findings will be discussed, particularly in relation to structural change and human
rights education, with a view to facilitating positive social change for lesbians and gay
men. Structural change will first be considered, followed by human rights education.

Increasing Support and Changing Attitudes Through Structural Change

A major contribution of the present research is that it highlights the dominance of
existing social structures as a key basis upon which people make decisions about
support for specific lesbian and gay human rights issues. The analysis of the moral
dilemma task showed that social contract (stage five) reasoning and an adherence to
existing laws and agreed duties (stage four reasoning), as underpinning support for
lesbian and gay human rights, especially social issues. In particular, when assessing the
moral dilemmas (Chapter 3), people favoured arguments about equality, but in relation
to “restoring equal opportunity policy”, effecting change by going through the “legal
channels available”, and “the law” protecting people from discrimination. Similarly, in
the age of consent debates, arguments around democracy (i.e. majority opposition), and
maintaining the existing social structure (“wedges and slippery slopes”), as well as
arguments consistent with this framework (e.g. the duty of care and protection of
children; health issues) were central to decisions about lesbian and gay human rights
issues. Since people appear to draw strongly on existing structural frameworks when
reasoning about lesbian and gay issues, it would seem that structural change (socio-legal
changes) is of urgent concern, in that changes in attitudes are more likely to follow
structural change, rather than precede it.

As highlighted by those arguing for the equalisation of the age of consent, it has
often been necessary for legislative change to lead public opinion. For example, if
majority opinion had been followed in relation to issues such as the legalisation of
abortion and contraception, or implementing racial or gender equality laws, these issues
too would most likely be subject to the same difficulties faced by those fighting for
equality for lesbians and gay men now. In the current research, issues backed (at least to
some extent) by legislation or policy were well supported, whilst rights opposed by
legislation were much less well supported. For example, although lesbians and gay men
are not explicitly protected from discrimination in UK employment legislation. An increasing number of businesses and organisations are including sexual orientation in their non-discrimination policies, and a few (e.g. British Airways, Microsoft Corporation, Disney) have begun to recognise lesbian and gay couples for partner benefits. Consistent with this, equal employment rights issues were reasonably well supported exceeding 80%, whilst support for partner benefits was a little lower at around 71%. On the other hand, issues where legislation and policy actively discriminate against lesbians and gay men – e.g. the age of consent, lesbian and gay perspectives in schools, parenting rights, marriage – were less well-supported: 66% (age of consent), 49%-55% (lesbian and gay perspectives in schools), 48% (parenting rights), and 63% (marriage).

In the light of this, it would seem that there is a pressing need for the social rights of lesbians and gay men to be explicitly recognised in legislation, and the removal of existing discriminative legislation. Key structural change in the UK might well include the following:

- The Repeal of Section 28 in England, Wales and Northern Ireland; and the mandatory inclusion of lesbian and gay perspectives in Education.
- The extension of marriage to same sex couples, with all the legal rights currently afforded married heterosexual couples (e.g. partner benefits in employment; recognition of partnerships for the purposes of immigration; accession rights; and parenting rights). (cf. “Dutch Senate approves Lesbian and Gay Marriage”, 2001)
- The introduction of specific legislation affording lesbian and gay couples the same parenting rights as heterosexual couples (including access to Assisted Reproductive Services).
- Legal protection from employment discrimination for lesbians and gay men.
- The introduction of sexual orientation/preference as a social category recognised for asylum.
- The legal protection of lesbians’ and gay men’s rights to freedom of expression, and access to information (e.g. making books and resources positively portraying lesbian and gay lifestyles freely available in
libraries; allowing lesbian and gay persons and their advocates to speak openly about lesbian and gay issues in schools and publicly-funded fora).

In terms of enhancing positive attitudes towards the social rights of lesbians and gay men, these would appear to be key issues for structural change.

Whilst it is important to ensure that all specific human rights are respected, the two issues which might be considered priorities for facilitating widespread social change are education and marriage. First, marriage is important because marriage (as it is currently constituted in most societies) automatically affords a couple a whole range of other rights: partner benefits, international recognition for the purposes of immigration, property rights following the death of one’s partner, and parenting rights. Therefore, legally permitting same-sex couples to marry would address a number of other rights issues currently denied same-sex couples. Second, education is important because the existence of Section 28 means that current provision of lesbian and gay perspectives, in schools particularly, denies lesbian and gay young people their right to freedom of expression and access to information through the erasure and denial of lesbian and gay culture and existence. To be truly democratic education needs to acknowledge the worth of all ‘cultures’ or ‘worldviews’, including those of lesbians and gay men, but in order to do so, potential legal restraints (e.g. Section 28) need first to be removed. In addition, education is a vehicle by which positive social change can occur (This issue is followed up in detail in the next section of this chapter).

In order to ensure that lesbians and gay men are afforded all their human rights, however, it would be desirable for structural change to be initiated through the institution of an umbrella type of legislation, rather than the more piecemeal approach currently favoured. For example, a recent article (“a cruel prejudice”, 2000) suggests that the UK government should approach discrimination against lesbians and gay men as a single head-on battle by drafting and proposing a “Homosexual Equality Bill”, based on the “Sex Discrimination Act”. However, the institution of the (now legal) Human Rights Act would appear to be a much better approach, in that an umbrella law based on ‘human rights’, rather than ‘sexual orientation’, avoids having to engage (directly) with the types of arguments presented in this research when lesbian and gay issues are raised (e.g. whether same-sex relationships are natural; whether or not the majority of people approve of lesbian and gay relationships), at the same time providing the legislative backing to effect social change in relation to individual discriminatory
laws. Additionally, a human rights approach takes the focus away for lesbians and gay men, focusing instead on human beings, linking the fight for lesbian and gay human rights to the struggle of other marginalised groups, and legislation can be designed in parallel to sex/race/disability discrimination. It therefore provides a better strategy for effecting positive social change across the racial, gender, and sexuality divide.

**Increasing Support and Changing Attitudes through Education**

As suggested by the focus group findings, one of the main barriers to positive social change is the prejudice of others towards lesbians and gay men (e.g. homophobic and poorly informed teachers; prejudiced employers or employees: religious and cultural opposition to homosexuality). Many of the practical limitations to lesbian and gay human rights discussed by focus group participants rely on heterocentric bias (e.g. the argument that homosexuality is not natural/normal) or ill-informed stereotypes (e.g. homosexuals as child molesters and spreaders of disease; homosexuals as promiscuous; homosexuals as a security risk). These arguments, together with the patchy knowledge about human rights issues evident in the focus group discussions, would seem to suggest that education is an important means by which to raise awareness, increase support, and encourage political action for creating positive social change for lesbians and gay men. This section will discuss the implications of this thesis for first, human rights education, and second, lesbian and gay affirmative education.

**Human Rights Education**

Participants’ apparent limited knowledge of the range and scope of issues encompassed by ‘human rights’ would appear to be an important consideration for education. Although the findings presented in this thesis suggest limited support for particular lesbian and gay human rights, what we cannot tell from these data is whether this is specific to lesbian and gay human rights or whether it applies to human rights issues more generally (i.e. do people support social rights in general less than they support other rights, irrespective of individual differences such as sexual preference, race, or sex?). Attitudes towards and reasoning about human rights in and of themselves, and in relation to specific minority groups (e.g. ethnic, gender, sexual and religious minorities) have been under-researched. Nevertheless, what the findings of this series of studies do
suggest, is that even among highly-educated populations, whilst people are able to (and intermittently do) employ human rights reasoning, they do not apply it consistently across issues, nor do they perceive all human rights issues as such. Therefore, it would seem that some type of human rights education might be an appropriate prerequisite for positive social change.

Although human rights education has infrequently featured on the education agenda, in 1978, following the 30th Anniversary of the Universal Declaration. UNESCO highlighted “the need for teaching about human rights at all levels of education, including out-of-school settings” (UNESCO, 1978, p. 13). However, it would seem that since the 1970s, human rights education has largely been subsumed under the broader heading of ‘moral education’ and thus lost among other moral frameworks. Therefore, efforts to educate people about human rights need to explicitly focus on human rights, and to promote specific issues of discrimination as human rights issues. So, for example, discrimination against lesbians and gay men needs to be publicly presented as a human rights issue, as some recent campaigns (e.g. Stonewall’s “Equality 2000” Campaign – see http://www.stonewall.org.uk/) have attempted to do. The high levels of support for basic personal freedoms in the present research suggest that social (e.g. lesbian and gay parenting; Section 28) and political issues (e.g. asylum) especially need to be publicised and promoted as human rights issues.

However, to present issues of discrimination as human rights violations is not enough in and of itself, especially if people do not understand what human rights are. Therefore, it would be advantageous if the school curriculum included learning about what human rights are, and what they mean, not so much as in being able to repeat the Universal Declaration word for word, but to gain an understanding of why it was constructed, and what it contains. To do so, would both enhance people’s understanding of the nature and scope of human rights, as much as to raise people’s awareness about what constitutes human rights violation. People are much more likely to use rights-based talk if they understand the history and language of, and the concepts behind human rights (Alderson, 1999).

An on-line library of resources and syllabi (e.g. United Nations, 1999; Amnesty International – International Secretariat, 1997) for Human Rights Education along the lines just outlined are freely available on the internet at the Human Rights Education...
Associates (HREA) website (http://www.hrea.org). Similarly, many universities and colleges offer modules/courses on “The History of Human Rights” (University of Montana), “The Concepts of Human Rights and its Definitions” (Al-Quds Open University, Jordan), and “Human Rights and Ethnic Minorities” (Utrecht University, The Netherlands) (see the Human Rights Internet website: http://www.hri.ca). In order to be able to promote lesbian and gay issues as human rights issues, we need to ensure that people understand and accept lesbian and gay issues as human rights issues. These type of Human Rights curricula could, therefore, not just educate people about human rights, but also explicitly include lesbian and gay perspectives alongside cultural and gender perspectives on human rights.

In addition, future psychological research could usefully expand on the present research by exploring barriers to political action, both in relation to lesbian and gay human rights, as well as human rights more generally. However, the more immediate need is for education in human rights which facilitates political action. As a starting point, we need to aim for increasing people’s level of support for lesbian and gay human rights to one which evokes outrage, rather than just disgust, apathy, or acceptance of discrimination against lesbians and gay men (and other minority groups). One of the difficulties, though, is how do we then promote political action? The results of the present series of studies is testimony that positive attitudes alone are not enough to effect political action, supporting the notion of a weak link between attitudes and action (Ajzen & Fishbein, 1980; Kohlberg & Candee, 1984).

On a basis of the questionnaire responses on self-perceived responsibility of helping create positive social change, it would seem that there are two key principles around which to focus human rights education aimed at encouraging people to become agents of positive social change:

1. Human rights violations against any group affect the human rights of all.
2. Social change requires action.

First, as the questionnaire responses indicated, the majority of those who saw themselves as not in any way responsible for creating positive social change, believed that lesbian and gay human rights “did not concern” or “were not relevant” to them.

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1 HREA is an a-political [sic], non-profit organisation based in Amsterdam and Cambridge, Massachusetts. whose main aim is to support efforts aimed at introducing human rights concepts and values into educational curricula and teaching practices.
However, as highlighted in Chapter 1, human rights theory suggests that “if the human rights of any group are left behind, the human rights of all are incomplete” (Bunch, 1996, p. viii). People are more likely to have a vested interest in actively working for positive social change if they can see some societal or global gain from doing so.

Second, the perception of social change as something which ‘just happens’ (as suggested in the focus group discussions) or can be effected by merely holding positive personal attitudes and never challenging prejudice (as suggested by many questionnaire respondents) also needs to be countered: People will not actively engage in creating positive social change if they believe it will happen without them doing anything. It is therefore important that educative strategies for facilitating positive social change include highlighting and reinforcing the way(s) in which historically social change has resulted from actions. In relation to lesbian and gay human rights, this could include making explicit the ‘behind-the-scenes’ work undertaken by campaigners such as Stonewall and Outrage! which resulted in the lowering of the age of consent, or the lifting of the ban on lesbians and gay men in the military. Often, the publicisation of major structural changes reinforces the idea that social change evolves (i.e. spontaneously occurs over time), by opaquely presenting the process of change, rather than explicitly highlighting the progression of events which led to change.

In relation to the previous point, a number of questionnaire respondents did not see themselves as responsible for creating positive social change because they would have such a small effect, that their actions would be futile. Human rights education should therefore highlight the way in which it is often small actions which (collectively) result in positive change. That is, small localised action, repeated in many places can effect change on a much larger scale. However, in developing programmes aimed at encouraging people to become active agents of social change, the notion of action (i.e. public acts) needs to be made prominent: Having a positive personal attitude but never publicly challenging discrimination is insufficient to initiate the process of change.

Recent approaches to moral education have suggested that political action may be initiated through a collective (Lind & Althof, 1992) and contextualised (Alderson, 1999; Rabow, Stein, & Conley, 1999) approach. Therefore, education for action might include a specific focus on creating positive social change for lesbians and gay men, and on encouraging collective strategies for localised action (e.g. Rabow, Stein, & Conley, 1999). Guides to activism, such as *Making the Mountain Move* (Long, 2001) and *The Louder we will Sing* (AIUK, 1999) are a good place from which to begin human rights
education focused on action, the latter with specific reference to lesbian and gay human rights.

**Lesbian and Gay Affirmative Education**

In the psychological literature, lesbian and gay affirmative education has predominantly focused on changing attitudes through increasing contact with lesbians and gay men (e.g., see Grack & Richman, 1996; Pratarelli & Donaldson, 1997), including lesbian and gay perspectives in sexuality education and professional training courses (Buhrke, 1989; Serdahely & Ziemba, 1984), inviting guest speakers (e.g., Geasler et al., 1995) and providing in-service training courses on lesbian and gay issues for teachers, counsellors, and social workers (e.g., Friend, 1993; Schreier, 1995). In light of the present findings, it would seem that in-service courses might be useful as a means of educating teachers, employers, and employees in lesbian and gay awareness: at least as a starting point.

Whilst these approaches are an important means for raising awareness about lesbian and gay issues, they are merely a band-aid solution to the greater problem of societal prejudice. At best, they may change the attitudes of a small number of already receptive individuals, whilst those who are opposed continue to resist these efforts. It is not unheard of for people to withdraw their children from sessions in school when lesbian and gay issues are to be discussed, and in the workplace, to excuse themselves from lesbian and gay awareness training courses (e.g., see Peel, 2001). For those who do attend, and take on board the issues raised, conscientisation seldom exceeds a liberal ‘tolerance’ or ‘acceptance’ of lesbians and gay men. However, this is a significant step on the ladder towards positive social change, even if the realisation of lesbian and gay human rights requires much more than this.

On the whole, participants in the present research were not opposed to lesbian and gay human rights, but rather supported them up to a certain extent. Only around 6% of questionnaire respondents expressed religious or cultural aversion to homosexuality when asked whether they saw themselves as responsible for helping to create positive social change, and opposition to most questionnaire items was small (typically less than 15%). The prognosis for lesbian and gay human rights is therefore reasonably optimistic, in that there would appear to be a sufficient base of support upon which to build efforts to help create positive social change for lesbians and gay men.
Regardless of the extent to which any individual participant supported lesbian and gay human rights, the focus group discussions suggested a number of practical limitations (e.g. issues of care and protection: principles of right and wrong; prejudiced individuals) to the extension of human rights to lesbians and gay men, which were mirrored in the age of consent data as arguments against lesbian and gay human rights. In addition, there was some evidence in the focus group data to suggest that participants had a limited knowledge about discrimination against lesbians and gay men, and an incomplete perspective of the range of issues encompassed by human rights. If indeed people do have a limited knowledge of the extent to which the human rights of lesbians and gay men are violated, it would seem that what is needed is a wider awareness of lesbian and gay issues, problems, and rights in society generally.

One of the problems, with existing educative measures is that they have tended to focus on attitudes towards lesbians and gay men, rather than on lesbian and gay issues themselves. For example, the climate based studies reviewed in Chapter 2 (e.g. D’Augelli, 1989a, 1989b, 1992; Eliason, 1996; Norris, 1991, and others) have tended to focus on both attitudes and actions towards lesbians and gay men, rather than taking a more holistic approach which incorporates attitudes towards and support for lesbian and gay issues more generally. Although the levels of support for lesbian and gay human rights (measured on the SLGHR) reported in this study ranged from moderate to very high, attitudes towards lesbians and gay men (measured on the ATLG-S) were overwhelmingly positive (in fact, there was a ceiling effect), suggesting that it may not be attitudes towards lesbians and gay men which are the main problem. The educational agenda might, therefore, more usefully focus on raising people’s awareness of discrimination against lesbians and gay men, rather than promoting positive attitudes towards lesbians and gay men. The fact that the two were strongly correlated in this study might equally suggest that support for lesbian and gay human rights results in positive attitudes towards lesbians and gay men, as for positive attitudes towards lesbians and gay men resulting in increased support for lesbian and gay human rights.

Results of the present study also seem to suggest that support is stronger for highly publicised human rights issues (e.g. basic personal freedoms) than for what are considered ‘lower level’ rights (e.g. social rights). These findings therefore support the need for a broader education in both human rights and socio-political issues. around prejudice and discrimination, including the promotion of political discussion in the classroom (Sotelo, 1997). This, together with an apparently limited knowledge of the
extent of discrimination against lesbians and gay men, would seem to suggest that in raising awareness about lesbian and gay human rights, there is a need for much more emphasis on highlighting the extent of discrimination against lesbians and gay men, especially in relation to the less ‘visible’, but more highly controversial, forms of discrimination (i.e. social rights). To do this, education practice might usefully include anecdotal material (such as that outlined in Chapter 1), statistics and case studies, to illustrate and highlight the extent of discrimination against lesbians and gay men.

Perhaps more importantly, though, the differing levels of support for different human rights issues would appear to be a key issue for human rights education, and for research practice. Whilst the levels of support presented in this thesis are a major shift from the attitudes and values of previous generations, they are still a far cry from the ‘ideal’ position where the human rights of lesbians and gay men around the world would be wholeheartedly respected and acknowledged. One of the key contributions which this research makes, is that it highlights the way in which certain issues are well supported, whilst others are not, and begins to identify some of the reasons for this. The relative lack of support for social issues, as opposed to basic personal freedoms and employment rights, suggests that the focus of efforts to promote lesbian and gay rights needs to be on increasing support for social rights to the level afforded basic rights and freedoms.

One of the main problems, however, is the type of reasoning used to argue against the extension of specific social rights (e.g. marriage, parenting, and the inclusion of lesbian and gay perspectives in education) to lesbians and gay men. The dominance of concerns around the care and protection of children (based on the false assumption that lesbians and gay men are necessarily promiscuous or are child molesters) is especially problematic for creating positive social change, and therefore a key issue for education to address.

Also problematic, is that the inclusion of lesbian and gay perspectives in the classroom has typically been seen as the inclusion of lesbian and gay issues in sex or sexuality education (in the school classroom), or lesbian and gay perspectives in niche modules, such as ‘human sexuality’ or ‘gender studies’ (in Higher and Further Education). As a result of this somewhat narrow conceptualisation (evident in the focus group discussions), the inclusion of lesbian and gay perspectives in education has typically been equated with the discussion of sexual practices (as opposed to sexual identity, culture, and history), resulting in diminished support for their inclusion. In the
present research, only around 50% of respondents supported the inclusion of lesbian and gay perspectives in university courses, the provision of lesbian and gay literature in school libraries, and allowing lesbian and gay persons to speak openly about homosexuality in schools. Furthermore, in the focus group discussions, when asked “what do you think about lesbian and gay issues being discussed in schools?” participants immediately equated this question with sex education, and when asked about inclusion in other subjects, few concrete suggestions were forthcoming.

In order to increase support for lesbian and gay human rights then, it is necessary for lesbian and gay lifestyles to be ‘normalised’ as part of the diversity which makes up society, and for the focus on sexual difference to be de-emphasised. Like the inclusion of racial and disability perspectives then, it is desirable that lesbian and gay perspectives are incorporated through an integrative, rather than segregated (or compartmentalised) approach. So, in addition to inviting lesbian and gay speakers, or including a unit on lesbian and gay issues (approaches which may not only appear tokenistic, but which treat lesbians and gay men as a societal anomaly, thus reinforcing the notion of lesbians and gay men as deviant) – adding lesbians and gay men in – lesbian and gay perspectives need to permeate the whole curriculum in an age-appropriate manner (cf. Petrovic, 1999). For example, in teaching about families, lesbian and gay families should be present alongside single-parent households, conjoint (or step-) families, extended families, and the nuclear family as equally valid organisations of family life. Similarly, (heterosexual) marriage need not be presented as the ‘ideal’ arrangement around which family and social life is organised, but could be presented alongside households headed by one person (male or female) or two people (whether two women, two men, or a man and a woman).

Furthermore, positive images of lesbian and gay people (including single people, couples, families, and other living arrangements) – that is, as well-adjusted people living ‘normal’ lives – need to be included in children’s books and classroom resources alongside persons with disabilities and black persons. To do so would help to enhance support for lesbian and gay social rights, in that it would challenge prejudiced notions of lesbians and gay men as ‘abnormal’ or ‘deviant’, whilst at the same time addressing pragmatic concerns about lack of time and space in the curriculum: content is not being added, over and above the existing curriculum, but rather what is already there is being enriched or enhanced, in ways which respect the human rights of lesbians and gay men. Nevertheless, there is a danger that such an integrated (or normalised) approach to
lesbian and gay rights issues might result in lesbian and gay rights being subordinated or even overlooked, thus there is a need for lesbian and gay issues to be explicitly raised within the context of existing curricula.

In order to effect social change, however, 'education' also needs to extend beyond the formal setting of the classroom and into the wider world. Consequently, an integrative approach to increasing support for lesbian and gay human rights, also needs to be employed in society more generally: The popular media (television, the internet, magazines, and the printed press) have a central role to play here. The media too need to focus on including more representative images of societal diversity, including realistic images of lesbians and gay men as well-adjusted, fully functioning human beings with regular, everyday lives. Until lesbians and gay men are depicted (positively) in the popular media as capable parents, competent workers, and happy well-adjusted individuals, support for lesbian and gay human rights (especially rights concerning the care and education of children) is unlikely to increase. The current lack of visibility perpetuates the myth that homosexuality is a private issue about sexual behaviour: It is therefore important that lesbian and gay identities and lifestyles are given positive public recognition (Richardson, 2000; also cf. Perilla, 1999).

Psychologists have also tended to marginalise lesbian and gay issues and perspectives (see Chapter 2). Since, the findings of this series of studies indicated a strong relationship between lay attitudes and psychological theory, it would appear that a more well-rounded inclusion of lesbian and gay issues within psychology may be advantageous for improving attitudes. An agenda for the development of psychology to be more inclusive of lesbian and gay issues and perspectives might include positive representation of lesbian and gay perspectives in textbooks and in the classroom, and an official policy on the use of non-heterosexist language and practices (akin to that which governs the use of sexist language). These issues have been addressed to a much greater degree in the US, through the work of the APA and allied psychological bodies. The same needs now to happen in the UK (via the BPS) and elsewhere.

As highlighted in this section, the inclusion of lesbian and gay perspectives in education (and in wider society) is essential for enhancing support for lesbian and gay human rights. It is also crucial to the realisation of lesbian and gay human rights. Writing of lesbian and gay perspectives in education from a human rights perspective, Petrovic (1999) states
Not presenting any materials reflecting GLB is indefensible because this is not a rule or procedure that ensures recognition, i.e. systematic exclusion is a betrayal of the principle of non-oppression. Presenting materials that portray homosexuality as a pathology, a perversion, an evil, or solely as a link to AIDS is similarly indefensible. Such inclusion promotes intolerance (attenuating any possible recognition) and is a form of cultural imperialism which restricts students' rational deliberation of competing ways of life. The only defensible alternative here is positive systematic inclusion. (p. 205)

Finally, therefore, the non-inclusion of lesbian and gay perspectives in education is not only a violation of lesbians' and gay men's rights to freedom of expression and access to information, but is a direct rejection of human rights by its systematic oppression of lesbians and gay men.

**Structural Change and Education: An Indivisible Partnership**

In summary, the findings of the set of studies presented in this thesis suggest the need for both structural change as well as human rights education as central to the advancement of lesbian and gay human rights. However, as highlighted in these two sections, positive social change requires a holistic approach, and therefore the two things go hand-in-hand.

Likewise, in attempting to effect positive social change for lesbians and gay men, the findings of this thesis suggest that there is a need for human rights education in addition to lesbian and gay affirmative education. Consequently, lesbian and gay affirmative education should be considered an adjunct to human rights education, not a substitute for it; and might work most effectively if implemented in partnership with structural change both at a local and a global level.

**Reflecting Back: Towards an Evaluation of Theory and Method**

This section focuses on evaluating the theory and method used for the research, weighing up the benefits and pitfalls, and highlighting the limitations of the findings. This material will be presented in two sections, the first evaluating the theoretical framework of the research (i.e. a human rights approach), and the second evaluating its methodology.
Evaluating the Theory (i.e. a Human Rights Approach)

As highlighted in Chapter 1, a human rights perspective has proved an important tool for achieving social justice for racial minorities and women, and has therefore been seen as very important in pursuing justice for lesbians and gay men (Helfer & Miller, 1996; Kaplan, 1997). Yet, as indicated in Chapter 2, psychologists have seldom employed a human rights perspective, much less in relation to lesbian and gay issues. Typically, within psychology, human rights have either been subsumed as a more morally developed way of thinking about moral issues (i.e. at stage 6 of a Kohlbergian model), or have been neutralised as mental health issues. This research, however, goes beyond these approaches, making human rights an explicit part of the investigation of attitudes and reasoning in relation to lesbian and gay issues. This section will evaluate a human rights approach, first by highlighting the advantages of a human rights approach, with specific reference to the present research, and then by looking at its limitations.

Advantages of taking a human rights approach

Rather than focusing on attitudes towards lesbians and gay men, as has been the case in homophobia studies (e.g. Douglas et al., 1985; Hudson & Ricketts, 1980; Schellenberg et al., 1999; Smith, 1971), the present research focused on attitudes towards lesbian and gay issues – in this case human rights issues. Taking this approach enabled an examination of attitudes and reasoning (directly) in relation to existing social structures and potential social change. The findings of this series of studies showed a strong relationship between support for specific issues as human rights issues and existing legislation, with the most supported issues being backed by anti-discrimination legislation, and the least supported issues mapping onto existing discriminatory legislation. This research therefore took a dual approach to social change (i.e. focusing on individuals and society), as opposed to focusing solely on individual attitudes as the source of discrimination, and on changing attitudes at the individual level. Further, rather than simply documenting what attitudes people hold, the present research looked at why people held those views, how those views were manifested in a social context, and what type of arguments were used to promote or deny lesbian and gay human rights.
By looking at arguments for and against lesbian and gay human rights, as well as levels of support, it was possible to identify strategies for effecting positive social change, with a view to preventing rather than ‘curing’ lesbian and gay oppression. For example, studies of hate crimes (e.g. Berrill, 1992; D’Augelli, 1992; Herek, 1990; Hetrick & Martin, 1987) and social climate (e.g. Eliason, 1996; Malaney et al., 1997; Norris, 1991), have tended to document incidences of homophobia, and explored the psycho-social consequences for lesbians and gay men, offering small-scale, postventive solutions to the problem of lesbian and gay oppression. In contrast, a human rights approach, such as that employed here, enables a focus on broader, societal (and global) structural changes together with educative measures aimed at the prevention of individual discrimination (rather than attempting to cure homophobia, or dealing with the psycho-social aftermath of oppression and discrimination). In this respect, a human rights approach is a direct path to social change. Whilst these other approaches can be, and sometimes have been, effective in advancing rights, they can be seen as diversionary, in the sense that they draw attention to non-rights based frameworks, which call into question the legitimacy of homosexuality (as normal, natural, moral, etc), rather than attending to rights afforded on a basis of being a human being (across a range of dimensions of oppression).

Unlike other attitude studies (e.g. Herek, 1984; Maney & Cain, 1997) which have explored attitudes in relation to a limited range of lesbian and gay issues, this series of studies explored attitudes and reasoning in relation to the whole range of issues encompassed by human rights as constructed in human rights legislation. Taking a human rights approach meant working within a pre-existing structural framework (human rights), which is holistic in the sense that it explores attitudes and reasoning across the range of issues within that framework both individually, and as a whole, enabling links to be made between levels of support for (and types of reasoning about) specific issues, and existing social policy and social structure.

Since the present research employed a human rights framework, human rights were made explicit. So, rather than ignoring stage 6 (human rights) reasoning, or at best de-emphasising it – the approach taken by the vast majority of moral developmental researchers – this series of studies explicitly explored the extent to which (human) rights-based reasoning was employed when thinking and talking about lesbian and gay issues. In contrast with traditional moral reasoning studies (e.g. Colby & Kohlberg, 1987; Lind & Wakenhut, 1985) then, this research enabled
an exploration of the complex way in which people reason about lesbian and gay human rights issues. Whereas the majority of work in the Kohlbergian and neo-Kohlbergian traditions has tended to explore (individually or collectively) moral development by allocating individuals to stages on a basis of their responses, the present research explored the types of reasoning used to think about and discuss lesbian and gay human rights issues, avoiding the more prescriptive, fixed-stage approach which is typically used in research on moral reasoning (cf. Schwalbe & Staples, 1992). By combining the findings from the moral dilemma task and the focus group discussions, it was possible to explore the range of arguments used to think and talk about lesbian and gay human rights issues. In addition, the extent to which people changed, developed or modified the types of arguments they used within and across issues could also be explored.

However, it is precisely the fact that human rights works within existing social frameworks which makes it potentially useful in working towards positive social change. In particular, one of the key strengths of a human rights perspective is that it is a universal framework, which can be applied to the study of prejudice and discrimination against any group/all groups, rather than compartmentalising oppression into racism (oppression on the basis of race), sexism (oppression on the basis of sex), able-ism (oppression on the basis of dis/ability), and heterosexism (oppression on the basis of sexual orientation) etc.

Limitations of a human rights approach

Nonetheless, (and particularly as revealed in the focus group discussions), there are a number of limitations to a human rights framework. First, the findings of the focus group study suggest that many people do not understand a human rights approach. When asked to explain what is meant by human rights, they give halting explanations, suggesting an incomplete knowledge of human rights. In the focus group discussions, it was apparent that people were unaware of the range of issues encompassed by human rights, which is likely to contribute to the lack of support for some human rights issues, especially social rights.

Furthermore, when lesbian and gay issues are explicitly presented as human rights, people argue against them using arguments which are inconsistent with a human rights framework. For example, the most direct argument against human
rights is to claim that lesbians and gay men are ‘not human’ (Richardson & May, 1999), an argument frequently used by opponents of positive social change when human rights activists fight for lesbian and gay rights as human rights (e.g. AIUK, 1999). However, as we have seen in this series of studies, lay people and MPs (at least in the UK) argue against lesbian and gay human rights using a wide range of arguments, including issues of care and protection, democracy (majority rules), and existing prejudice to justify the denial of human rights to lesbians and gay men. It would seem then, that despite being a strong framework, a human rights approach is not as strongly supported or as widely used for thinking and reasoning about issues, as would be desirable to effect positive social change.

Perhaps more importantly though, an individualised approach (such as a focus on homophobia, hate crimes, or climate) is a double-edged sword, in that it provides opponents of lesbian and gay rights with information which can be used against lesbians and gay men as ‘evidence’ of ‘pathology’ or ‘deviance’ (see Kitzinger, 1987 and Kitzinger & Perkins, 1993 for similar discussion). Whilst it is politically useful to document incidences of violence and discrimination, or psychosocial consequences, what is really needed is social change. It is not necessary to demonstrate that lesbians and gay men (and ethnic minorities, disabled people, etc) are disadvantaged or suffer mental health problems, in order for the rights of those people to be acknowledged. However, a human rights approach does not necessarily overcome this problem either. Whilst in theory it should be more expedient in creating positive social change, as we have seen, people do not consistently nor coherently argue lesbian and gay rights from a human rights standpoint, and when human rights arguments are explicitly presented in relation to lesbian and gay issues, people draw on a whole range of non-rights-based arguments to counter them.

Another problem with a human rights framework, is that it is a liberal framework, and therefore is easily confounded with other liberal frameworks (including other rights-based frameworks). For example, as illustrated in Chapter 5, although proponents of change to the current age of consent promoted the issue from a human rights perspective, they tended to prioritise the notion of ‘equality’ rather than other aspects of human rights. The problem with this, is that although a human rights approach to lesbian and gay issues does mean seeking equality for lesbians and gay men (but entails much more than this), equality is also inherent in other frameworks (e.g. civil rights), in which it has different implications for lesbian and gay human rights. For
example, a civil rights framework is not all-encompassing in the way that a human rights framework is, and civil rights are afforded on the basis of being citizens (as opposed to human beings); legislation being the grounds on which rights are afforded individuals. Since so may laws discriminate against lesbians and gay men (either implicitly or explicitly), this is problematic for achieving positive social change.

Similarly, as highlighted in Chapter 5, in lay discourse ‘equality’ and ‘equity’ (or fairness) are used interchangeably. Consequently, injustices against lesbians and gay men are approached from a perspective of ‘sameness’ (i.e. homosexuals are the same as heterosexuals), and therefore neutralised. Consequently, people’s thinking about lesbian and gay issues comes from a standpoint of assuming a level playing field for lesbians/gay men compared with heterosexuals. Thus, the reliance of a human rights framework on the notion of equality is problematic, and is therefore disadvantageous for advancing lesbian and gay human rights, and promoting positive social change. On the other hand, as highlighted in Chapter 4, ‘sameness’ arguments are a good thing insofar as they show an orientation to rights-based thinking (i.e. suggest equality, or at least the need for empathy).

Evaluating the Methodology

This section explores some of the advantages and disadvantages of the methodologies employed in this thesis, in particular, highlighting the problems and difficulties encountered in carrying out each part of the research (and the extent to which these were successfully overcome).

Questionnaire

Attitude scales and psychometric tests have frequently been the objects of methodological criticism. However, in the present study, both the attitude scales (ATLG-S and SLGHR) and the psychometric test (moral dilemma task) – together as the substantive components of a large-scale questionnaire study – proved a useful foundation on which to ground the focus group and textual analyses. As the first large-scale questionnaire study comprehensively investigating support for lesbian and gay human rights, and one of only a handful which have explored attitudes towards lesbian
and gay issues in a UK context, this study has made an important contribution to attitude research on lesbian and gay issues.

In collecting a sample of student attitudes, the net was cast wide, resulting in the return of bulk questionnaires from 14 universities as geographically dispersed as Northern Ireland and Scotland to the metropolitan centres of London and Bristol. However, despite the wide geographic distribution, and the inclusion of respondents from 14 different UK universities, return rates from these institutions varied from less than 10% through to 100%. In addition, although it was strongly recommended that distributors administer the questionnaires in class time, as indicated in Chapter 3, the actual distribution procedures varied from institution to institution. There would appear then potentially to be a considerable response bias, in that a majority of the questionnaires returned represent only those who were willing to engage with the material, and to take the time to complete the rather lengthy questionnaire. It is therefore likely that the sample obtained for this study is over-representative of those who perceive themselves to have reasonably liberal views, or those with strong views.

The questionnaire sample was, however, ethnically diverse, including participants who self-identified as many categories of ‘black’ (i.e. Caribbean, African, British); a diverse range of Asian ethnicities (i.e. Pakistani, Bangladeshi, Sri-Lankan, Mauritian, Anglo-Indian, Chinese, Iranian, and Japanese); and several ‘other’ ethnic groups, including Eurasian, Maori, and Slavonic. However, despite this diversity, only 10% of the questionnaire sample comprised respondents identifying themselves as anything other than ‘white’. Similarly, male respondents – a group typically reported to hold more negative attitudes towards lesbians and gay men (e.g. see D’Augelli. 1989; Donnelly et al., 1997; Klamen et al., 1999; Schellenberg et al., 1999) – were also underrepresented in the questionnaire sample. Consequently, the views presented in the questionnaire study (Chapter 3) may in fact be more positive than might otherwise have been the case.

Since distribution of questionnaires was predominantly undertaken by lecturers who had initially been approached because they either had teaching or research interests in lesbian and gay psychology or allied areas (e.g. psychology of women: gender studies), or were members of the BPS Lesbian and Gay Psychology Section, questionnaires were mostly distributed to students in Psychology or Sociology courses. The gender and ethnic balance of the questionnaire sample therefore reasonably accurately reflects the gender and ethnic composition of these courses across UK.
universities, where males and non-white students tend to be underrepresented: the questionnaire findings, therefore predominantly represent the views of (young) white, female British students.

In addition, as a student sample, the views presented in the present thesis cannot necessarily be presumed to represent those of the wider population. Others (e.g. see Payaslyoðlu & Içduygu, 1999; Sotelo, 2000a) have suggested that attitudes among university students tend to be more supportive than those usually found in the general population. However, the importance of exploring students’ attitudes should not be underestimated, in that they represent the views of future generations, including professional psychologists, social workers, teachers, and employers. Overall, support for lesbian and gay human rights in the present sample was moderately high, although social rights issues were the least well supported, and whilst discussions about lesbian and gay issues tended to orient around non-rights-based arguments, human rights arguments were sometimes invoked. These findings therefore provide some positive indication for the future of lesbian and gay human rights, although there is still considerable scope for developing and promoting increased support for lesbian and gay issues as human rights issues.

Careful consideration was given to the construction of the questionnaire, which for the present sample showed a high level of internal reliability (α = 0.94) and good criterion validity, responses on the SLGHR being strongly correlated with those on the ATLG-S (r = 0.86, N = 585, P < 0.001). The questionnaire was therefore an effective measure for providing standardised responses about attitudes towards lesbians and gay men, and support for lesbian and gay human rights, and for allowing comparison with previous attitude studies. However, if the questionnaire were to be employed in future research, some minor adjustments would need to be considered.

First, in Section B, the question “If lesbians and gay men are treated unjustly in our society, do you feel it is your personal responsibility to help create positive changes?” was accompanied by the quantitative response options ‘most definitely’, ‘possibly’, ‘unsure/neutral’, ‘not usually’, ‘definitely not’. Although at the time of construction this scale appeared evenly balanced around the ‘unsure/neutral’ midpoint, in many of the completed questionnaires, respondents selected the ‘possibly’ option, but gave qualitative responses which were more cogent with other options. If this question was to be employed in future research of this type, consideration would need to be
given to the labelling of scale points to ensure that the meaning of each option was clear, and the scale more evenly balanced.

Second, during the analysis process it became evident that the collection of some other types of demographic details may also have been useful. For example, although respondents were asked for their religious affiliation, and whether they were members of any human rights organisations, they were not asked for their political affiliation; if indeed they had one, this may have had some bearing on responses to certain issues as studies have tended to show a strong relationship between political affiliation and attitudes towards lesbians and gay men (e.g. see Eliason, 1995). Likewise, many studies of attitudes toward lesbians and gay men (e.g. Herek & Capitano, 1996; Klamen et al., 1999; Millham et al., 1976) have suggested that people who have lesbian or gay friends and/or family tend to have more positive attitudes than those who do not. The omission of a question asking whether respondents knew any lesbians and gay men is, therefore, an important oversight (particularly as focus group participants mentioned lesbian and gay acquaintances, suggesting that their relatively positive views resulted from increased contact with lesbians and gay men).

The incorporation of a formally structured moral dilemma task into the questionnaire provided large-scale data concerning reasoning about lesbian and gay human rights, and acted as a preliminary investigation for contextualising the findings from the (comparatively smaller scale) focus group and textual studies. The inclusion of this measure was therefore beneficial, in that first, it allowed comparison between reasoning in this study with other studies of moral reasoning, and second, it enabled a large-scale investigation of the types of arguments prioritised when thinking about lesbian and gay issues. As an individualistic approach, then, the moral development task complemented the more contextualised approaches of focus groups and Hansard reports, which looked at the range of arguments used to reason about and argue against lesbian and gay human rights. Consequently, the outcome of the present series of studies point to the benefits of combining methodological approaches for exploring moral reasoning, in that an issue or problem may be explored from a range of different perspectives, in a more holistic investigation of reasoning in both isolated and social contexts. Whilst the study of moral issues/development using moral dilemmas might provide a baseline from which to explore attitudes, this approach fails to explore the range of arguments people use, shifts in the types of reasoning employed, and is devoid of context (i.e. is highly structured and individualistic). Moral developmental
psychologists might therefore consider the benefits of using focus groups or culturally available texts either as an alternative to, or in conjunction with, traditional measures, when exploring moral issues and reasoning.

By comparison with the attitude scales though, the moral dilemma task was fraught with problems. Despite having gone to considerable lengths to ensure the moral dilemma task was self-explanatory, comprehensible, and reasonably easy to complete (see Chapter 3), failure to complete the task, evidence of acquiescence (the tendency to select the mid-point for all or most items), and the time taken to complete this section of the questionnaire are worrying. This would seem to support the contentions of others (e.g. Kay, 1982; Sanders et al., 1995) that, despite being widely used, psychometric tests of moral reasoning are complex, and require considerable comprehension skills, calling into question their adequacy as a measure of moral development. Furthermore, of the 627 completed questionnaires returned, only 545 respondents had fully completed the moral dilemma task, resulting in a fairly high attrition rate (13%). Furthermore, of those who did not fully complete the task, some had not attempted it, whilst others had only partially completed the task, suggesting that respondents either had difficulty comprehending it, or had insufficient time to complete it. This may account for the responses to this task resulting in a floor effect for consistency in moral reasoning (see Chapter 3, Part 3), and consequently the lack of clearly distinguishable patterns in the arguments favoured by specific respondents.

**Focus Groups**

In contrast with the questionnaire, which was designed to collect large-scale quantitative data, the focus group discussions provided a forum for investigating, on a small-scale, the discussion of lesbian and gay issues in an interactive social context developing and extending findings of the more structured questionnaire study. On the whole, these provided a rich source of data about how people talk about lesbian and gay human rights issues, especially focusing on the extent to which participants employed human rights reasoning; the range of arguments used to oppose human rights; and the processes used to develop reasoning about lesbian and gay issues. In this respect, the focus group study complemented and extended the questionnaire study.

Although most of the groups were forthcoming with discussion, it was sometimes difficult to get participants talking directly about the issues under
investigation, and the discussions were seldom centred on whether participants agreed or disagreed with a given issue, and why/why not. Instead, participants drew on a wide variety of frameworks, often prioritising heterosexual agendas or perspectives (e.g. pregnancy and contraception; divorce rates). Nevertheless, the focus groups collectively produced about 10 hours of interactive discussion about lesbian and gay issues (185 pages of transcript). In contrast with the questionnaire then, the focus groups provided dynamic data where reasoning about and arguments against lesbian and gay human rights were being created and recreated in a social context, drawing on culturally available repertoires (cf. Potter & Wetherell, 1987). These discussions provided information about the types of arguments and processes of reasoning, data not possible to collect using more structured, individualistic approaches such as moral dilemma tasks.

The focus group discussions did, however, raise some issues which could be investigated more specifically in a follow-up study, or in other contexts and settings. For example, in the context of the present study, people’s understandings of human rights was barely touched, yet this is a major issue for thinking about creating social change: if people do not understand human rights, it is difficult to expect them to support them, whether in relation to lesbian and gay issues or not. The applied literature could therefore explore strategies for motivating political action and enhancing support for human rights. The relationship between human rights and discrimination on a basis of sex, culture, or disability could also be explored.

Like the questionnaire study, the recruitment of focus group participants failed to produce a sample of students from diverse social and ethnic backgrounds, and therefore the discussions did not produce the full diversity of perspectives and viewpoints (i.e. cross-cultural and religious perspectives; strongly anti-lesbian/gay views) that one would have hoped for. Largely, this is due to the composition of the student-intake of the Department of Social Sciences at Loughborough University (around which I focused my recruitment efforts), which almost exclusively comprises white, middle-class women. Since a self-selected, non-random sample was employed for this study, the views presented were perhaps more pro-lesbian/gay rights than might be expected from a more representative sample. Nevertheless, the discussions did yield a range of issues and considerations used against lesbian and gay human rights.

The ‘problem’ of undertaking research on lesbian and gay issues when you are yourself lesbian or gay may also have contributed to recruitment issues. Despite the
'liberal' ethos of a university context, the potential for hostility and violence towards lesbians and gay men on campus caused me carefully to monitor my recruitment procedures, thus perhaps not accessing those students who might be more likely to oppose lesbian and gay human rights. For example, it is likely that I would have had a better chance of recruiting participants from the Christian Organisations on campus had I turned up to their meetings in person, rather than attempting to recruit by e-mail or letter. Likewise, I could have solicited students by negotiating (through the appropriate channels) access to students in Halls of Residence or social venues on campus. However, I was not willing to put myself in a position where (outside of the research context itself) I would be opening myself to the possibility of harassment or abuse on account of my research topic. Therefore, for my own personal safety I actively chose to access the wider student population through third parties and written communications, at the possible expense of recruiting a sample with more diverse views.

Whilst the focus group sample may not (necessarily) be representative of the views of the student population as a whole, the research findings reported in this thesis are no less reflective of the views and perspectives which exist among students, and indeed in wider society. What they represent is a series of snapshots of the views 'out there', which are insightful for moving forward in thinking about and working towards positive social change.

Textual Analysis

In contrast with the focus group sample, the textual analysis involved an analysis of existing written transcripts of parliamentary debates and newspaper reports, rather than a self-selected sample. As pre-existing data, the reports were not produced for the present study, and therefore the 'participants' (MPs and members of the public) were producing reasoning about lesbian and gay issues (in this case the Age of Consent) in a real-life context (a parliamentary debate), rather than for the present project. As a result of these two features of the data, a 'real-life' presentation of arguments for and against lesbian and gay human rights was given than was the case for the focus group data where there was more of a temptation for participants to produce responses which conformed to an anti-discrimination norm (Maison, 1995), or that convinced me (as moderator) that they were not prejudiced. The textual analysis therefore enabled a more detailed analysis of arguments against lesbian and gay human rights than was possible
using the focus group data, and facilitated the exploration of some possible ways of countering these arguments.

On the other hand, there are some limitations to the textual data. First, as data produced in a formal context, for the most part, it was not interactive data. So, although the data complemented that collected in the focus groups, it did not enable an analysis of people's own views and how these shift within that context. It could also be argued that this data is distorted, in the sense that it is structured in a 'debate' format, emphasising extreme viewpoints, and in the case of letters to newspaper editors, is necessarily going to be biased towards those with strongly negative views. However, whilst this is essentially true, it is this feature of the data which made it an ideal source within which to explore opposition to lesbian and gay human rights. In particular, because the argument for an equal Age of Consent for gay men has always been one of equality based on human rights, the debates were initiated from a human rights standpoint, and therefore were clearly structured in such a way as to see other arguments for and against human rights.

With regard to the employment of a case study, one of the main limitations is that we don't know the extent to which the arguments used to oppose lesbian and gay human rights (in this case in relation to the age of consent) map onto the arguments used against other human rights issues, nor the extent to which these arguments are constant across time and context. For example, the questionnaire findings (Chapter 3) showed differing levels of support for different issues, and the focus group study (Chapter 4) showed that the types of arguments used to (potentially) limit the extension of specific rights to lesbians and gay men varied from issue to issue. Consequently, the extent to which the findings of the case study (Chapter 5) can be generalised to other lesbian and gay human rights issues is uncertain. Nevertheless, the textual analysis gives a starting point from which to begin thinking about how opposition to lesbian and gay human rights might be challenged.

As highlighted in this section on methodology, each method employed in this thesis has its strengths and its weaknesses. However, the use of a multi-method approach for this thesis was effective in that each method contributed a different perspective to the multifarious picture of attitudes towards and reasoning about lesbian and gay human rights issues.
Epilogue

Placing lesbian and gay issues within an international human rights framework, and exploring people's support and reasoning about these issues, draws attention to the extent of the problem of prejudice against lesbians and gay men. However, it also highlights the need for human rights legislation and societal structures which frame (and monitor) its implementation, to work more effectively on behalf of lesbians and gay men.

During the period in which I have planned, researched, and written this thesis, lesbian and gay issues have received an unprecedented amount of attention and real social change in British (and international) politics. The success of some moves to achieve recognition of the rights of lesbians and gay men (e.g. the lifting of the ban on gays in the British military; the removal of Section 28 from Scottish law; the equalisation of the age of consent), and the failure of others (e.g. the removal of Section 28 in England, Wales, and Northern Ireland), suggests that research such as this – exploring support and reasoning, with a view to how we might best effect positive social change – is both timely and necessary for understanding the arguments and processes which promote and/or inhibit social change in relation to lesbian and gay human rights.

The findings of this thesis suggest a dialogical relationship between structural and social change, highlighting the need for lesbians and gay men to be recognised (and explicitly included) in education and in human rights legislation as a catalyst for attitude change. On October 2, 2000 – whilst I was writing up this thesis – The Human Rights Act (2000) came into effect in UK law; on November 30, the invocation of the Parliament Act finally saw the Age of Consent equalised (AIUK, 2000); and in December The Netherlands became the first country to legalise same-sex marriage with the full rights of heterosexual marriage ("Dutch Senate...", 2001). We are therefore "poised on the edge of social change" (Mason, 1997, p. 5). The UK Human Rights Act incorporates a set of rights which all citizens are entitled to (rights which closely mirror those rights in the Universal Declaration), and specifically rules out discrimination against individuals on grounds of sexual orientation (MacErlean, 2000). In the long term, this legislation will make it possible for structural changes to be more easily implemented in that individual rights issues are now encompassed by an over-arching
piece of legislation. Consequently, it is now possible to fight discrimination against lesbians and gay men as human rights violations, which was not possible to the same extent until now. Instead of having to take human rights violations to the European courts, cases of human rights violation against lesbians and gay men are now legally protected in domestic law.

However, the challenge for policy-makers will be to ensure that this legislation is implemented in such a way as to be inclusive of all people, including lesbians and gay men. The present thesis is important because it goes some way towards highlighting the key areas where there is still resistance to lesbian and gay human rights, and examining the basis for this resistance, and therefore goes a small way to understanding the process social change. Politicians and policy-makers will need to ensure that the more contentious issues (especially social issues) are given specific attention, to ensure that in practice the full range of human rights are afforded lesbians and gay men, and indeed all people in the future.
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Appendix A: Questionnaire & Scoring Key

Lesbian and Gay Rights Questionnaire

I would be very grateful if you could spare the time to complete this anonymous questionnaire. The questionnaire has been designed to ask your views about issues relating to lesbian and gay rights, and is for a doctoral research thesis on lesbian and gay issues. There are four sections. Please complete all four. Thank you! - Sonja Ellis, Dept of Social Sciences, Loughborough University.

Section A: Attitudes towards Lesbianism and Gay Male Homosexuality

Below is a list of statements about lesbians and gay men. Please indicate the extent to which you agree or disagree with each of them by ticking the box which most closely represents your own personal view. (Be sure to tick one box only for each statement).

<table>
<thead>
<tr>
<th>Statement</th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Unsure neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. There is never a situation in which someone’s homosexuality should be a cause for job discrimination.</td>
<td></td>
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<tr>
<td>2. Just as in other species, male homosexuality is a natural expression of sexuality in human men.</td>
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<tr>
<td>3. Lesbians and gay men should not have the right to flaunt their sexuality in public at marches and demonstrations.</td>
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<tr>
<td>4. Lesbians and gay men should not be fined or arrested for engaging in consenting sexual acts of whatever nature (e.g. anal intercourse or sadomasochism) in the privacy of their own homes.</td>
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<tr>
<td>5. Children should be taught respect for the rights of lesbians and gay men.</td>
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<tr>
<td>6. Lesbians just can’t fit into our society.</td>
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<tr>
<td>7. The partner of a lesbian or gay male employee should be entitled to the same spousal benefits (e.g. parental leave, insurance cover, travel benefits, pension rights, etc) as a married or defacto partner of a heterosexual employee.</td>
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<tr>
<td>8. Lesbians and gay men should only be allowed to express their views as long as they don't offend or upset the majority.</td>
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<tr>
<td></td>
<td>Strongly agree</td>
<td>Agree</td>
<td>Unsure neutral</td>
<td>Disagree</td>
<td>Strongly disagree</td>
</tr>
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<tr>
<td>9.</td>
<td>Female homosexuality in itself is no problem, but what society makes of it can be a problem.</td>
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<tr>
<td>10.</td>
<td>No one, in any country of the world should be arrested, detained, or exiled simply for being lesbian or gay.</td>
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<tr>
<td>11.</td>
<td>I think male homosexuals are disgusting.</td>
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<tr>
<td>12.</td>
<td>A country should have the right to impose the death penalty on lesbians and gay men if that is consistent with that culture's values and beliefs.</td>
<td></td>
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<tr>
<td>13.</td>
<td>Books promoting lesbianism and gay male homosexuality as a positive lifestyle should be freely available in school libraries.</td>
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<tr>
<td>14.</td>
<td>The age at which male homosexual sex is considered legal should be the same as that for heterosexual sex.</td>
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<tr>
<td>15.</td>
<td>All employers should strive to develop just and favourable conditions in the workplace for lesbians and gay men.</td>
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<tr>
<td>16.</td>
<td>Lesbians are sick.</td>
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<tr>
<td>17.</td>
<td>The partner of a lesbian or gay man should be entitled to the same immigration rights (e.g. permanent resident status or citizenship) as is a partner of a heterosexual man or woman.</td>
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<tr>
<td>18.</td>
<td>A person's sexual orientation should not block that person's access to basic rights and freedoms.</td>
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<tr>
<td>19.</td>
<td>Male homosexuality is a perversion.</td>
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<tr>
<td>20.</td>
<td>If it is discovered that a primary school teacher is lesbian or gay, she/he should not be allowed to continue teaching.</td>
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<tr>
<td>21.</td>
<td>Lesbian and gay male couples should be legally permitted to marry, just as heterosexual couples are.</td>
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</tbody>
</table>
22. For the most part, policies which guarantee equal rights to lesbians and gay men in such matters as jobs and housing damage society's moral standards.

23. Male homosexuality is merely a different kind of lifestyle that should not be condemned.

24. It should be acceptable for lesbian and gay male couples openly to express their affection for their partners in public without fear of harassment or violence.

25. It is okay for a newspaper or organisation to publicise that a person is lesbian or gay without that person's permission.

26. All university modules in fields such as social psychology, education, history, English literature, and health studies should explicitly include lesbian and gay male perspectives.

27. A man's homosexuality or a woman's lesbianism should not be raised as an issue in a court of law, unless the case under consideration directly relates to homosexual acts.

28. Society has a right to prevent lesbians and gay men who want to speak in schools from actively promoting homosexuality as equivalent to heterosexuality.

29. Female homosexuality is a sin.

30. Lesbianism and male homosexuality should be listed in policies, legislation and treaties as protected from discrimination, in the same way that race, class, sex, and religion are.

31. Just like people persecuted for their religious and political beliefs, lesbians and gay men should be granted asylum in another country when homosexuality is persecuted in their own.

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Unsure</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
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<td></td>
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</tbody>
</table>
32. State laws regulating private, consenting lesbian behaviour should be loosened.

33. It is not appropriate for lesbians and gay men to serve in the armed forces.

34. Lesbian and gay couples should have all the same parenting rights as heterosexuals do (e.g. adoption, fostering, and access to fertility services).

35. Homosexual behaviour between two men is just plain wrong.

Section B: Your Position on Lesbian and Gay Rights

1. If lesbians or gay men are treated unjustly in our society, do you feel it is your personal responsibility to help create positive changes?

2. How willing would you be to join others in their efforts to ensure that lesbian and gay rights are respected?

Section C: Moral Dilemmas

In this section of the questionnaire you are asked to read two stories, and to decide in each case whether you tend to agree or disagree with the actions of the students (in the first story) and Mr. Webster (in the second story). You are then asked to indicate how acceptable or unacceptable you find each of the arguments for and against the actions of the students and Mr Webster, by ticking one of the boxes to the right of each statement.
**STORY 1: STUDENT TAKE-OVER**

At Anytown University a group of students, called the Students for Lesbian and Gay Rights (SLGR), believe that the university should have a lesbian and gay issues awareness programme. SLGR students are against harassment and discrimination against lesbians and gay men, and want a programme to be created to educate staff and students about lesbian and gay issues. The SLGR students demanded that Anytown University should institute this programme as an official university course. This would mean that Anytown students could take lesbian and gay issues awareness training as part of their regular course work, and get credit for it towards their degrees.

Agreeing with the SLGR students, the lecturers at Anytown agreed to implement the programme as a university course. But the Vice Chancellor of the university stated that he didn't want the programme on campus as a course. The SLGR students felt that the Vice Chancellor was not going to pay attention to the faculty vote or to their demands.

So, one day last April, two hundred SLGR students walked into the university's administration building, and told everyone else to get out. They said they were doing this to force Anytown University to institute the lesbian and gay issues awareness programme as a course.

Do you tend to agree or disagree with the students' behaviour?

<table>
<thead>
<tr>
<th>Disagree</th>
<th>-3</th>
<th>-2</th>
<th>-1</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
</table>

How acceptable do you find the following arguments in favour of the students' behaviour? Suppose someone argued they were **right** ...

<table>
<thead>
<tr>
<th>I find the argument...</th>
<th>completely unacceptable</th>
<th>completely acceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 because they weren't breaking any rules by doing it. ............</td>
<td></td>
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<tr>
<td>2 because they were restoring the equal opportunities policy which had been agreed to by the university. ..................</td>
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<tr>
<td>3 because most students would approve of their action and many of them would be happy about it. ..................</td>
<td></td>
<td></td>
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<tr>
<td>4 because equality for all counts more than any other consideration.</td>
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<td></td>
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<tr>
<td>5 because the Vice-Chancellor had committed an injustice first, the students were justified in acting the way they did. ...</td>
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<tr>
<td>6 because the students saw no legal means of revealing the Vice-Chancellor's misuse of authority.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

How acceptable do you find the following arguments against the students' behaviour? Suppose someone argued they were **wrong** ...

<table>
<thead>
<tr>
<th>I find the argument...</th>
<th>completely unacceptable</th>
<th>completely acceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 because law and order in society would be endangered if everyone acted as the students did. ................</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 because when no universally valid principles justify doing so, it is wrong to violate such a basic right as the right of property ownership and to take the law into their own hands.</td>
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<tr>
<td>9 because it is unwise to risk being expelled from university because of other people.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 because the students didn't exhaust the legal channels at their disposal and in their haste committed a serious violation of the law.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 because one does not take over a building if one wants to be considered a decent and honest person.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 because they could get themselves into a lot of trouble, maybe even expelled from university.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Mr. Webster was the owner and manager of a petrol station. He wanted to hire another mechanic to help him, but good mechanics were hard to find. The only person he found who seemed to be a good mechanic was Mr. Smith, but he was 'out' as gay. While Mr. Webster himself didn't have anything against lesbians and gay men, he was afraid to hire Mr. Smith because many of his customers didn't like lesbians and gay men. His customers might take their business elsewhere if Mr. Smith was working at the petrol station.

When Mr. Smith asked Mr. Webster if he could have the job, Mr. Webster said that he had already hired somebody else. But Mr. Webster really had not hired anybody, because he could not find anybody who was a good mechanic besides Mr. Smith.

Do you tend to agree or disagree with Mr. Webster's behaviour?

How acceptable do you find the following arguments in favour of Mr Webster's behaviour? Suppose someone argued he was right...

1 because Mr Webster had to act according to his conscience. ....
2 because a majority of people in Mr Webster's society feel the same way as his customers. ........................................
3 because he must do what is in the best interests of his business by paying attention to his customers' wishes. ....
4 because Mr Webster would open himself to the possibility of damage to his property from anti-gay behaviour. ........
5 because the law does not state explicitly that employers should not discriminate on a basis of sexual orientation. ....
6 because he means nothing personal in refusing Mr Smith the job. ...........................................................

How acceptable do you find the following arguments against Mr Webster's behaviour? Suppose someone argued he was wrong...

because he should show compassion for Mr Smith, knowing how badly he needs the job. .........................
8 because most people would agree that it is wrong to act out of prejudice. ..............................................
9 because upholding an individual's equal right to employment is more important than any legal or business considerations. ............
10 because Mr Webster might expose himself to retribution from the gay community. .............................
11 because hiring a good mechanic is in the best interests of his business. ....................................................
12 because the law is meant to protect people from discrimination in employment. .............................
Section D: Some Information About You

It would be very helpful if you could provide me with the following information:

1/ Sex

☐ Male
☐ Female

2/ Age

☐ under 18
☐ 18-21
☐ 22-25
☐ over 25

3/ Ethnic Origin (please tick one box)

☐ White
☐ Black-African
☐ Black - Caribbean
☐ Black other (please specify)
☐ Indian
☐ Pakistani
☐ Bangladeshi
☐ Chinese
☐ Asian other (please specify)
☐ other (please specify)

4/ Sexuality

Which of the following most closely describes you?

☐ Heterosexual
☐ Lesbian
☐ Gay male
☐ Bisexual (male or female)
☐ Transgendered
☐ Unsure
☐ Other (please specify)

5/ Disability status

Do you consider yourself to have a disability?

☐ Yes
☐ No

6/ Religious affiliation

☐ Christian
☐ Muslim
☐ Jewish
☐ Sikh
☐ Other religion (please specify)
☐ No religious faith or affiliation

7/ Are you a member of a movement or organisation concerned with promoting human rights?
If yes, which one?

8/ What is your occupation?

If you are a student, please complete the following:

Are you

- Full-time
- Part-time

Are you an

- Undergraduate
- Postgraduate

If you are an undergraduate, please indicate your year of study:

- First
- Second
- Third
- Other

What is the main subject you are studying for your degree/course?

Thank you for taking the time to complete this questionnaire.

If you have any questions or would like to discuss this further please contact:

Ms Sonja J. Ellis  
Dept of Social Sciences  
Loughborough University  
Loughborough  
Leics LE11 3TU.

Phone: 01509 - 228871  
E-mail: S.J.Ellis@lboro.ac.uk

or my supervisors  
Sue Wilkinson  (S.Wilkinson@lboro.ac.uk)  Phone: 01509 - 223364  
Celia Kitzinger  (C.C.Kitzinger@lboro.ac.uk)  Phone: 01509 - 223678
Scoring Key for Questionnaire

Section A: Views and Opinions on Lesbianism and Male Homosexuality

| Strongly Agree | 1 |
| Agree         | 2 |
| Unsure/neutral| 3 |
| Disagree      | 4 |
| Strongly Disagree | 5 |

Reversed scored items = 3, 6, 11, 12, 16, 19, 20, 22, 25, 28, 29, 33, 35.

Attitudes Towards Lesbians and Gay Men (ATLG; Herek, 1984) Scale Items = 2, 6, 9, 11, 16, 19, 23, 29, 32, 35.

To score for endorsement of lesbian and gay human rights: Add points for all items excluding those for the ATLG scale (listed above). Possible scores range from 25 to 125, low scores indicating greater support for lesbian and gay human rights, high scores indicating lack of support for lesbian and gay human rights.

To score the ATLG scale (short form): Add points for the items of ATLG (listed above). Total scores range from 10 (extremely positive attitudes) to 50 (extremely negative attitudes). See Herek (1994) for reliability and validity information.

Section B: Position in Relation to Lesbian and Gay Rights

<table>
<thead>
<tr>
<th>Question 1</th>
<th>Question 2</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most definitely</td>
<td>Extremely willing</td>
<td>1</td>
</tr>
<tr>
<td>Possibly</td>
<td>Willing</td>
<td>2</td>
</tr>
<tr>
<td>Unsure/neutral</td>
<td>Unsure/neutral</td>
<td>3</td>
</tr>
<tr>
<td>Not usually</td>
<td>Unwilling</td>
<td>4</td>
</tr>
<tr>
<td>Definitely not</td>
<td>Extremely unwilling</td>
<td>5</td>
</tr>
</tbody>
</table>

Section C: Moral Reasoning

As per numbers in questionnaire (-4 through 4).

Section D: Demographic Information

| Q1 | Sex | 1 | male |
|    |     | 2 | female |
| Q2 | Age | 1 | under 18 |
|    |     | 2 | 18-21   |
|    |     | 3 | 22-25   |
|    |     | 4 | over 25 |

<table>
<thead>
<tr>
<th>Q3</th>
<th>Ethnicity</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>white</td>
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<tr>
<td>2</td>
<td>black (e.g. African; Caribbean; other)</td>
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<tr>
<td>3</td>
<td>Asian (e.g. Indian; Pakistani; Bangladeshi; Chinese)</td>
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<tr>
<td>4</td>
<td>other</td>
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<thead>
<tr>
<th>Q4</th>
<th>Sexuality</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>heterosexual</td>
</tr>
<tr>
<td>2</td>
<td>lesbian</td>
</tr>
<tr>
<td>3</td>
<td>gay male</td>
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<tr>
<td>4</td>
<td>bisexual</td>
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<tr>
<td>5</td>
<td>transgendered</td>
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<td>6</td>
<td>unsure</td>
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<tr>
<td>7</td>
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<tr>
<th>Q5</th>
<th>Disability</th>
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<tr>
<td>1</td>
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<td>2</td>
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<th>Q6</th>
<th>Religious affiliation</th>
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<td>1</td>
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<td>Muslim</td>
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<td>4</td>
<td>Sikh</td>
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<td>5</td>
<td>other</td>
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<tr>
<td>6</td>
<td>no religious faith or affiliation</td>
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<tr>
<th>Q7</th>
<th>Human Rights member</th>
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<tbody>
<tr>
<td>1</td>
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<td>2</td>
<td>no</td>
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<th>Occupation</th>
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<td>Student (full-time)</td>
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<td>2</td>
<td>Teaching (e.g. lecturer; teacher; nurse)</td>
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<tr>
<td>3</td>
<td>Caring professions</td>
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<tr>
<td>4</td>
<td>Business/consultancy</td>
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<tr>
<td>5</td>
<td>Admin/sales</td>
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<tr>
<td>6</td>
<td>Service</td>
</tr>
<tr>
<td>7</td>
<td>Homemaker/volunteer worker</td>
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<tr>
<td>8</td>
<td>Other</td>
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<table>
<thead>
<tr>
<th>Student status 1</th>
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<tr>
<td>2</td>
<td>part-time</td>
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<tbody>
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<td>postgraduate</td>
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<table>
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<td>second</td>
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</tr>
<tr>
<td>3</td>
<td>third</td>
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<tr>
<td>4</td>
<td>other</td>
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<table>
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<tbody>
<tr>
<td>2</td>
<td>Social Sciences (e.g. Sociology; Media; Politics)</td>
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<tr>
<td>3</td>
<td>Humanities (e.g. English Lit; European Studies)</td>
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<tr>
<td>4</td>
<td>Business</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Maths/Science/Computer Science</td>
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</tr>
<tr>
<td>6</td>
<td>Education* (incl. Conductive Ed)</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Art/Design/Drama</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Law*</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Geography</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>PE/Sports Science</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Psychology + Criminology</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Psychology + Social Science</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Psychology + Humanities</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Psychology + HRM</td>
<td></td>
</tr>
<tr>
<td>99</td>
<td>Missing</td>
<td></td>
</tr>
</tbody>
</table>

* incl. conjoint Psychology and Social Science/Humanities
## Scoring Lind's MJT

<table>
<thead>
<tr>
<th>Stage</th>
<th>pro</th>
<th>con</th>
<th>pro</th>
<th>con</th>
<th>Σx</th>
<th>(Σx)^2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1</td>
<td>-1</td>
<td>-4</td>
<td>-2</td>
<td>-3</td>
<td>-10</td>
<td>100</td>
</tr>
<tr>
<td>Stage 2</td>
<td>-2</td>
<td>-4</td>
<td>-3</td>
<td>-4</td>
<td>-13</td>
<td>169</td>
</tr>
<tr>
<td>Stage 3</td>
<td>1</td>
<td>-4</td>
<td>1</td>
<td>-4</td>
<td>-6</td>
<td>36</td>
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<tr>
<td>Stage 4</td>
<td>2</td>
<td>-2</td>
<td>0</td>
<td>-2</td>
<td>-2</td>
<td>4</td>
</tr>
<tr>
<td>Stage 5</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>-1</td>
<td>8</td>
<td>64</td>
</tr>
<tr>
<td>Stage 6</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>-1</td>
<td>9</td>
<td>81</td>
</tr>
</tbody>
</table>

SSmean = Add all item scores, square the sum, and divide by 24.

SSdev = Square each item score and add up.

SStotal = Subtract SSdev from SSmean.

SSstage = Add the 4 item scores for each stage (Σx), and square the sum ((Σx)^2). Add the six squared sums and divide the result by 4 (unadjusted stage sum of squares). Subtract SSmean from this figure to give the adjusted score.

\[
r^2 (\text{coefficient of determination}) = \frac{\text{SSstage}}{\text{SStotal}}
\]

\[
C = r^2 \times 100
\]

For the above example -

SSmean = 8.2

SSdev = 186

SStotal = 177.8

SSstage = 105.3 (or 454/4 - 8.2)

\[
r^2 = \frac{105.3}{177.8}
\]

\[
C = \left(\frac{105.3}{177.8}\right) \times 100 = 59.0
\]
Appendix B: Breakdown of Returned Questionnaires by Institution

<table>
<thead>
<tr>
<th>University</th>
<th>Total completed questionnaires</th>
</tr>
</thead>
<tbody>
<tr>
<td>The University of Kent at Canterbury</td>
<td>30</td>
</tr>
<tr>
<td>The University of East London</td>
<td>27</td>
</tr>
<tr>
<td>South Bank University, London</td>
<td>17</td>
</tr>
<tr>
<td>Birkbeck College, the University of London</td>
<td>32</td>
</tr>
<tr>
<td>The University of the West of England</td>
<td>26</td>
</tr>
<tr>
<td>The University of Luton</td>
<td>98</td>
</tr>
<tr>
<td>Nene University College Northampton</td>
<td>53</td>
</tr>
<tr>
<td>Loughborough University</td>
<td>134</td>
</tr>
<tr>
<td>Nottingham Trent University</td>
<td>18</td>
</tr>
<tr>
<td>The University of Staffordshire</td>
<td>37</td>
</tr>
<tr>
<td>Keele University</td>
<td>78</td>
</tr>
<tr>
<td>The University of Dundee</td>
<td>24</td>
</tr>
<tr>
<td>The University of Ulster at Coleraine</td>
<td>51</td>
</tr>
<tr>
<td>Unsure (returned individually, no postmark)</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>627</strong></td>
</tr>
</tbody>
</table>
### Appendix C: Factor Analysis (Rotated) for SLGHR

<table>
<thead>
<tr>
<th>Component</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q34 Parenting rights</td>
<td>0.778</td>
<td>0.189</td>
<td>0.268E-02</td>
</tr>
<tr>
<td>Q13 Books in school libraries</td>
<td>0.712</td>
<td>0.340</td>
<td>-2.576E-02</td>
</tr>
<tr>
<td>Q21 Same-sex marriage</td>
<td>0.683</td>
<td>0.397</td>
<td>2.648E-02</td>
</tr>
<tr>
<td>Q14 Age of consent</td>
<td>0.683</td>
<td>0.277</td>
<td>-3.051E-02</td>
</tr>
<tr>
<td>Q26 Perspectives in university modules</td>
<td>0.653</td>
<td>2.623E-03</td>
<td>0.384</td>
</tr>
<tr>
<td>Q28 Speaking in schools</td>
<td>0.644</td>
<td>0.346</td>
<td>-5.068E-02</td>
</tr>
<tr>
<td>Q24 Affection in public</td>
<td>0.641</td>
<td>0.530</td>
<td>-8.866E-02</td>
</tr>
<tr>
<td>Q7 Partner benefits</td>
<td>0.598</td>
<td>0.403</td>
<td>0.157</td>
</tr>
<tr>
<td>Q17 Immigration</td>
<td>0.598</td>
<td>0.435</td>
<td>6.945E-02</td>
</tr>
<tr>
<td>Q31 Asylum</td>
<td>0.559</td>
<td>0.192</td>
<td>9.169E-02</td>
</tr>
<tr>
<td>Q15 Favourable conditions in workplace</td>
<td>0.522</td>
<td>0.452</td>
<td>0.219</td>
</tr>
<tr>
<td>Q5 Teaching respect for rights</td>
<td>0.498</td>
<td>0.479</td>
<td>0.238</td>
</tr>
<tr>
<td>Q18 Basic rights and freedoms</td>
<td>0.237</td>
<td>0.773</td>
<td>0.109</td>
</tr>
<tr>
<td>Q10 Arrest, detention, exile</td>
<td>0.258</td>
<td>0.738</td>
<td>0.127</td>
</tr>
<tr>
<td>Q20 Lesbian/gay teachers in schools</td>
<td>0.316</td>
<td>0.577</td>
<td>0.245</td>
</tr>
<tr>
<td>Q30 Protection in policy</td>
<td>0.408</td>
<td>0.571</td>
<td>7.249E-02</td>
</tr>
<tr>
<td>Q12 Death penalty</td>
<td>0.168</td>
<td>0.541</td>
<td>0.131</td>
</tr>
<tr>
<td>Q3 Public marches and demonstrations</td>
<td>0.480</td>
<td>0.541</td>
<td>-0.204</td>
</tr>
<tr>
<td>Q4 Consenting acts in private</td>
<td>0.206</td>
<td>0.535</td>
<td>0.178</td>
</tr>
<tr>
<td>Q8 Express views opposing the majority</td>
<td>0.289</td>
<td>0.511</td>
<td>-0.397</td>
</tr>
<tr>
<td>Q22 Equal rights policies</td>
<td>0.421</td>
<td>0.510</td>
<td>7.468E-02</td>
</tr>
<tr>
<td>Q33 Serving in the armed forces</td>
<td>0.430</td>
<td>0.457</td>
<td>0.210</td>
</tr>
<tr>
<td>Q1 Discrimination at work</td>
<td>0.345</td>
<td>0.409</td>
<td>0.366</td>
</tr>
<tr>
<td>Q25 Publicising of identity against one's wishes</td>
<td>-2.495E-02</td>
<td>0.116</td>
<td>0.662</td>
</tr>
<tr>
<td>Q27 Disclosing one's identity in a court of law</td>
<td>0.170</td>
<td>0.382</td>
<td>0.500</td>
</tr>
</tbody>
</table>
Appendix D: Focus Group Schedule

Focus Group Schedule: Lesbian and Gay Issues

First of all, thank you very much for coming. I'm really pleased that you were willing to do this, and I hope you will get something out of it too. As you know, we have come together to discuss specific lesbian and gay issues. All of you will have different experiences of the issues we are going to discuss. Some of you may have had first hand experience of some of these through friends and family, others of you might never have thought about them before – That doesn't matter. Whatever your views about lesbian and gay issues, they are as important as those of anyone else in the group.

First of all, I am a psychologist researching people's views on lesbian and gay issues – Things like same-sex marriages, lesbians and gay men in the military, and the teaching of lesbian and gay issues in schools. Some of these things have recently been in the news, but I am interested in your opinions on them. At this point, I would like to say that there are no right or wrong answers, and what I am particularly interested in is what you think about the issues, rather than whether you agree or disagree with them.

Now I'll just run through today's procedure. What I'm going to do is to pose six or seven discussion questions and to ask you as a group to talk about the questions with each other. I'll take very little part in the discussion because it's your views that are central, but I might just interrupt to ask you to clarify something, or to talk a bit more about something, or if you are getting well off the topic to try and bring you back to the main point. The discussion should take us about an hour and a half, and we won't be taking a break, so if you want to help yourselves to a glass of water or coke, feel free to do that. If you need to go to the loo or to pop out for any other reason, please just slip out quietly and slip back in, you don't need to ask.

As you can see from the microphone there, we're going to be tape-recording the discussion, because I'd never remember an hour and a half's discussion otherwise, but I want to assure you that the tapes are absolutely confidential. Your names are not on the tapes, they will only be heard by me and my immediate research team, and they will be destroyed at the end of the project. I also want to ask that you regard the discussion that takes place in this room as completely confidential. Whilst I hope that you will discuss with others the issues raised in this focus group, I ask that you respect the confidentiality of others in the group by not repeating in other places what has been shared in this group.

Just a couple of practical things. In order to get a nice clear recording, it would be helpful if you could speak only one at a time. Often if people get going they sort of cut across each other but that doesn't record well. Also, the more clearly you speak the better. Second, just a reminder that there are no right or wrong answers. You will probably disagree with each other about some things, and that's okay – whatever your views are, I want to hear them, and please say what you think. However, I ask that you allow others in the group the space to speak, giving them the same level of respect that you would expect yourself.

Before we start, I need you all to sign a consent form, to say that you agree to take part in this discussion. Please read it carefully and sign and date both halves of the form. If you have any questions, I am happy to answer those now.

Are there any questions before we get started?
1. Many lesbian and gay couples are afraid of holding hands, hugging, or kissing in public, through fear of reprisal. What do you think about this?
   - Are there any situations in which you think this is not okay? Which ones?
     Why/why not?
   - Are there particular types of behaviours that you think are not okay? Which ones? Why/Why not?
   - What about in front of children? Marches and demonstrations?

2. What do you think about same-sex marriage?
   - Do you think that lesbian and gay couples should be able to get married? Why/why not?
   - What if they want to make a public affirmation of their love for religious or other reasons?
   - What if a lesbian or gay man from Britain is in a committed relationship with a partner who is not British?

3. What do you think about lesbian and gay couples parenting children?
   - What about if they have children from a previous heterosexual relationship?
   - What if a lesbian couple neither of whom had ever had children wanted to have their own (biological) child? What if they wanted to use alternative insemination services at a medical clinic?
   - What about adopting or fostering a child? Are there some situations when you would consider this okay? – What if, say, there was a child who nobody else wanted to adopt?

4. What do you think about lesbian and gay issues being discussed in schools?
   - Are there any situations when you would consider that this is not okay? Which ones and why/why not? Sex(uality) education? What about in History, or Social Studies? In addressing issues of homophobic bullying in the class/school?
   - Did anyone ever mention lesbian and gay issues when you were at school? When? In what context?
   - What do you think about lesbian and gay guest speakers talking in schools about being lesbian or gay?
   - What do you think about lesbian and gay perspectives being routinely included in the school curriculum?
   - Do you think that books presenting lesbianism and male homosexuality as a positive lifestyle should be made available in school libraries? Why/why not?
   - What about public libraries?
   - Has anyone heard of Section 28? Do you know what it is? What do you think its effect might be?
5. It has sometimes been suggested that lesbian and gay perspectives should be routinely included in university courses. What do you think about this?

➢ What about in subjects/modules which are likely to lead to careers as teachers, psychologists, counsellors, or social workers?

6. You may or may not know that there is currently a ban in this country on lesbians and gay men serving in the armed forces. The papers say that the government is soon to lift this ban. What do you think about this?

➢ Do you think that there are any jobs which should not be open to lesbians and gay men? Teaching? Priesthood?
➢ What do you think about people losing their jobs, or being fired because they’re lesbian or gay?
➢ Did you know that a lesbian or gay employee is not entitled to travel benefits for his/her partner, but heterosexual couples are. What do you think about this? Do you think that lesbian and gay couples should be entitled to the same benefits as heterosexual couples? Why/why not?

➢ What do you think about people telling jokes, taunting, ostracising, or blackmailing lesbians and gay men at work? Are there any situations where you think this is okay? Which ones? Why/why not?

7. You may have heard that the British government is currently attempting to reduce the age of consent for sex between men from 18 to 16. What do you think about this?

➢ Are there any circumstances under which you think the age of consent for homosexual consent should not be 16?
➢ Do you think that the age of consent for homosexual sex should be the same as that for heterosexual sex? Why/why not?

8. Do you know what asylum is? (if not, explain) In some countries, lesbians and gay men are imprisoned, tortured, or even killed simply for being lesbian or gay. What do you think about this?

➢ Are there any situations in which you think this is justified? If so, which ones? If not, why not?
➢ What do you think about lesbians and gay men seeking asylum on grounds of their sexual orientation?

9. Have you heard of the phrase ‘human rights’? Do you have any idea what it means?

➢ Do you think it might be relevant to thinking about lesbian and gay issues? If so, how? If not, why not?
Appendix E: Consent Form

PARTICIPATION CONSENT FORM: 

Research Project: Lesbian and Gay Human Rights

Researcher: Ms Sonja J. Ellis

The researcher has fully explained this study to me. I have had the opportunity to ask any questions and discuss my participation. Any questions have been answered to my satisfaction.

I agree to participate in this research project, and understand that I am free to refrain from answering any questions I do not wish to answer, or to withdraw from the study completely, up until a week from today. I have been assured that I will not be penalised in any way for withholding information or withdrawing from the study, and that nobody other than the researcher and her immediate research group will hear the tape.

I give my permission for extracts from the things I say to be used in the final report and in subsequent publications and/or presentations of the results, providing my identity is kept confidential.

Signature:
Name:
Date:

PARTICIPATION CONSENT FORM: 

Research Project: Lesbian and Gay Human Rights

Researcher: Ms Sonja J. Ellis

The researcher has fully explained this study to me. I have had the opportunity to ask any questions and discuss my participation. Any questions have been answered to my satisfaction.

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I give my permission for extracts from the things I say to be used in the final report and in subsequent publications and/or presentations of the results, providing my identity is kept confidential.

Signature:
Name:
Date: