

## SECTION 28 AND EDUCATION

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During the last few years the presentation of lesbian and gay issues has become inextricably intertwined in the public mind with party politics, a tendency which came to a head in the campaign surrounding the notorious Clause 28 of the Local Government Bill 1988. During the same time, the field of education, and especially school-based education, has become established as a key site of conflict and confusion. How has this come about?

In the late 1970s and early 1980s the impact of feminist critiques of patriarchy, coupled with the rise of Black consciousness, did much to challenge and enrich socialism, especially in local government. As a result, councils began to look at both their own employment practices and at the services they provided to see just how these affected minority and disadvantaged groups within their area. Among other matters there was a recognition that local government employees appointed to serve the local population failed to reflect the composition of that population in terms of gender or race, while services such as housing, arts and leisure and social services often did not recognise the needs of particular groups. To rectify this, many authorities, to very varying degrees, began to implement forms of equal opportunity and positive discrimination policies.

This movement naturally influenced the education service, where many feminists were already agitating and attempting at grass-roots level to put into practice projects and programmes designed to challenge the white male middle-class dominance of the curriculum. It seems to us no accident that much of this work was carried out by lesbians, who had both the personal experience of marginalisation and the developing political analysis of the realities of discrimination in its many forms. However, initially, lesbian and gay issues were not, in general, tackled directly.

There were good reasons for this. National legislation on race relations and sex discrimination, passed in response to widespread agitation and growing public awareness of the importance of these issues, offered a background of legitimation to local initiatives. In contrast, there was no such widespread recognition of the discrimination and disadvantage experienced by lesbians and gay men.

The one significant piece of legislation of recent years, the 1967 Sexual Offences Act, studiously declined to reverse Victorian legislation prohibiting male homosexual acts, merely decriminalising certain limited forms of sexual behaviour between men (that is, broadly speaking, sex in private between two men over the age of 21). In the context of the prejudice against homosexuals which was widely voiced even by the Bill's supporters, there was absolutely no question of steps to outlaw discrimination, and in that sense, though the Act undeniably contributing to a more liberated atmosphere, it endorsed rather than challenged public hostility towards gay people. [1]

An important aspect here is the question of visibility. Until very recently, lesbians and gays have been perceived in our society as constituting an imperceptibly tiny minority in our society. Virtually all lesbians and gays can and commonly do 'pass' for at least part of the time – at work, for instance – as heterosexuals, whereas women and Blacks are readily identifiable. This has affected both our ability to organise ourselves politically – in the sense that, very often, we have literally been unable to identify each other – and the public recognition of our existence and experience. (There are some analogies here with the position of people with disabilities, whose concealment, however, springs rather from their restricted access to the public environment. They, too, have had to fight longer than either women or Blacks for a recognition of their needs and rights.)

The women's movement, which initiated political groupings around issues such as abortion, rape and violence and the setting up of women's centres had, since the early 1970s, provided the political and geographical space for women to meet, and to discover that many who were agitating most strongly for women's rights were lesbians. The discrimination and prejudice in society were reflected in the women's movement, and much work had to be done to raise consciousness around race, class, lesbianism and disability. However, with members of all the oppressed groups active in the movement, these issues did receive varying degrees of attention. It must, of course, be recognised that the battle is still not won on any of them.

Analyses developed within the movement were then taken outside and used as the basis for work in the institutions of the wider society. Trade unions, local political parties and, to a certain extent, the national Labour Party all recognised the membership and voting potential of the newly organising groupings, particularly of women and ethnic minorities, and tentatively began to listen to their demands. It is worth noticing that at a local level Conservative politicians in search of votes were often prepared to go along with the rhetoric and in some cases with the practice of equal opportunities and minority rights. At national level the Conservative Party was at best ambiguous: lip

service was paid to 'equal opportunities' at the same time as policies on immigration betrayed the most pernicious racism and the steady dismantling of the welfare state placed particularly heavy burdens upon many women.

It was in the context of the newly fashionable interest in the rights of marginalised groups that attempts began to be made, notably by the now-defunct Greater London Council (GLC), to woo the pink vote. Politicians who had cut their teeth on feminism and race began to pay attention to the demands of feminist lesbians and of lesbians and gay men from the mixed gay movement which had grown up since the law reform of the late 1960s, and which had received much of its momentum from the parallel movement which had developed in America following the Stonewall riots. Some important preliminary work was carried out. In the field of education we might notice, for instance, the research conducted by the London Gay Teenage Group, which gave an invaluable picture of the lives and experiences of young lesbians and gays, [2] or the pioneering curriculum development work of the Inner London Education Authority (ILEA) 'Relationships and Sexuality' project.

However, it soon became very clear that many local councillors were both extremely superficial in their analysis of sexuality politics and also insufficiently prepared for the political costs of pursuing the pink vote. When their opponents showed themselves fully inclined to make adroit use of anti-gay prejudice as a means of scoring party points, our self-appointed cavalry too often retreated in disarray, pursued by the triumphant catcalls of the Tory press. Too often, controversial policies were presented without sufficient discussion, either with the lesbian and gay communities or with the public at large, and then, when these policies came under attack, their proponents fell suddenly silent. This was particularly the case with initiatives in education; in more than one authority, ill-thought-out promises of action on heterosexism in schools were then left unexplained and undefended in the face of accusations that councillors were seeking to encourage children to grow up gay.

Similarly, work undertaken in less harried years was frozen or at least put under restrictions when the climate began to change. A good example of this was the ILEA 'Relationships and Sexuality' project, whose excellent pair of videos, 'A Different Story', finished in 1986 and intended for use with young people, were promptly put on ice by nervous officialdom. [3] Ultimately, the real brunt of this kind of behaviour was borne by lesbians and gays, whose position in the community began in many ways to be publicly undermined, at first by growing prejudice, eagerly encouraged by Tory politicians and the right-wing press, and latterly by a significant loss of civil liberties, in the shape of Section 28 of the

Local Government Act 1988. This legislation makes it an offence for local authorities to 'promote homosexuality' and is intended to inhibit them from responding appropriately to the needs and concerns of lesbian and gay communities.

The debate on Clause (now Section) 28 and its forerunner, the Earl of Halsbury's Private Member's Bill of 1986, occupies many columns of *Hansard*. But the keynote message from the supporters of the legislation, so far as lesbians are concerned, was delivered right at the start by the Earl himself in December 1986. Moving the second reading of his Bill, which was entitled 'An Act to restrain local authorities from promoting homosexuality', he said:

I did not think . . . that lesbians were a problem. They do not molest little girls. They do not indulge in disgusting and unnatural practices like buggery. They are not wildly promiscuous and do not spread venereal disease. It is part of the softening up propaganda that lesbians and gays are nearly always referred to in that order. The relatively harmless lesbian leads on the vicious gay. That was what I thought . . . and what I still in part continue to think, but I have been warned that the loony Left is hardening up the lesbian camp and that they are becoming increasingly aggressive. [4]

Presumably it was basic male chauvinism which prevented the noble Earl from suspecting that the opposite was the reality: the policies of the so-called 'loony Left', so far from politicising lesbians, had, instead, begun to develop following many years' hard work and agitation by lesbian activists. His observation does, however, reveal one crucial point about the attitudes towards lesbians current among today's authoritarian Right: what they find unforgivable is that we are becoming visibly involved in the political process, and are demanding a larger share of social resources. This, of course, is classic patriarchal misogyny in operation. Halsbury's use of the words 'hardening' and 'aggressive' betray a horror and fear of women who refuse to fit into traditionally accepted patterns, who are outspoken and visibly different, and who make demands. At the same time, he clearly cannot believe that women might initiate their own actions: without the 'loony Left' to stir us up, he appears to think we would not be, in his terms, a 'problem'.

The insecurity becomes even more evident as Halsbury continues:

One of the characteristics of our time is that we have for several decades past been emancipating minorities who claimed that they were disadvantaged. Are they grateful? Not a bit. We

emancipated races and got inverted racism. We emancipate homosexuals and they condemn heterosexism as chauvinist sexism, male oppression and so on. They will push us off the pavement if we give them a chance. [5]

Underlying his whole speech is an awareness that demands are being made which, if met, will change society as he knows it and lead to the erosion of the existing bases of power. The projection here is unmistakable; it is, after all, the members of the ruling class who hitherto have successfully colluded to keep Blacks, lesbians and gays (among so many others) 'off the pavement'. Hence the fear that, given half a chance, we would do the same to them. It is particularly noteworthy that, not being an elected representative, and therefore answerable to nothing and no one but his own interests, Halsbury can afford to make explicit his anxieties about Black people, and to link them with his fear of lesbians and gays. Throughout this whole debate, racism has rumbled on, mainly below the surface, occasionally (as here) coming into the open, revealing a crucial clue to the real attitudes and hidden agenda of our opponents.

Already noticeable at this stage in the debate, and something which remained fairly constant in the speeches of the 'moral Right', is the deliberate invocation of hostile stereotypes of gay people, particularly gay men, and which is almost invariably coupled with the disingenuous denial of any intent to stir up anti-gay hostility. Repeated encounter with this kind of whingeing hypocrisy is one of the most sickening aspects of studying the parliamentary record.

The purpose of the Halsbury Bill was outlined for the assembled peers by Lord Campbell of Alloway, who had drafted it. At this point, he was anxious to insist that the Bill would in no way prevent local authorities from funding special provisions for lesbians and gays, nor 'prohibit', as he puts it, 'the appointment of a homosexual teacher'. The aim was to prevent 'the promotion of lesbian and gay rights . . . as it is implemented in our schools', and 'the provision of explicit books of certain types . . . which', he says, 'are made available to these children'. As example, he cites the picture book *Jenny lives with Eric and Martin*, which he confidently assumes that his audience will have read about in the press. [6] This was another feature of the whole debate: stories taken up by the right-wing press, and particularly by the less responsible tabloids, were repeated uncritically in parliament and used as evidence for the need for legislation. This point was well taken by Ken Livingstone, one of Clause 28's more forceful opponents in the Labour Party, when he commented: 'Some people have the misfortune to believe what they read in the *Daily Express*, the *Daily Mail* and *The Sun*.' [7] We would add, coming fresh from reading the parliamentary record, that we found it terrifyingly noticeable that anything which had been published in a newspaper was given total credence and weight by both

peers and MPs. Even when an item of so-called news had been clearly shown to be a fabrication, the story continued to be repeated as 'evidence' by supporters of the legislation. [8] For its part, the Tory press was keen to lend itself to the Bill's support. Thus, on the morning of the day on which the Halsbury Bill was first debated, *The Times* carried a leader welcoming the proposed legislation and giving a very biased and misleading account of the situation in Haringey, where the local authority's embryo policies on lesbian and gay rights in education were coming under heavy attack. [9]

'The plain and simple intendment of the Bill', according to Lord Campbell, was 'to curb an abuse of rates': and this introduces another theme which was heard continually on the lips of the supporters of this legislation. To hear all the tender concern expressed on behalf of the ratepayer, one would think that lesbians and gay men were classes exempt from local taxation, and moreover, that the sums being spent on projects related to our concerns had gone soaring through the roof. The truth was carefully left unspoken: that even in the case of those local authorities who had begun to explore ways of fulfilling their responsibilities towards the many lesbians and gays living in their areas, the amounts of money involved were puny compared to the sums being spent on other projects and other groups. This distortion yet again reflects persistent agitation in the right-wing press.

More is involved here than resentment at a modest shifting of resources in the direction of an unpopular minority. The Halsbury Bill and its successor, Clause 28, cannot be understood in isolation from the repeated efforts of an entrenched Conservative administration to erode the powers and scope of local government. The Local Government Act (1988), of which Clause 28 is just one section, slots in alongside the poll tax legislation, the Housing Act and the so-called Great Education Reform Act as just one among numerous measures designed with this end in view. These efforts began, it would seem, as a strategy for destroying the power-base of the Labour opposition, as in the case of the abolition of the GLC. More recently, and particularly since the 1987 election, the imposition of drastic restrictions on the powers and resources available to local government has found its context in increasing and very determined attempts on the part of the present administration to stamp out any kind of independent voice or action on the part of the major institutions of our society, from the broadcasting media to the Church of England.

The Halsbury Bill, and later Clause 28, were persistently presented as measures designed not to curtail the freedom of lesbians and gay men, but to curb, as their proponents repeatedly argued, 'abuses' in local government. This concern for our liberties as individuals, of course, was no bar to

the lavish use of all kinds of hostile propaganda about lesbian and gay lifestyles, amounting at times almost to incitement to violence; as when Elaine Kellett-Bowman, MP for Lancaster, described the arson attack on the offices of the newspaper *Capital Gay* in December 1987 as an act which showed 'intolerance of evil'. [10] But that is in the future: let us return, briefly, to the Halsbury Bill which, interestingly enough, in view of all the battles which took place over Clause 28, passed through the Lords successfully and with little opposition. What opposition there was came, it is worth noting, mainly from representatives of the Conservative Government, Lord Skelmersdale and Baroness Hooper. The former, in a speech which returned to haunt the Conservatives during the debate on Clause 28, pointed out that while the Government supported the aims of the Bill, in seeking to put an end to 'irresponsible and inappropriate teaching in this field . . . the distinction between [this] and . . . proper teaching about homosexuality cannot be drawn sufficiently clearly in legislation to avoid harmful misinterpretation. That is a risk we cannot take'. [11]

From the Labour Front Bench, Baroness David equivocated skilfully: she was speaking 'from a personal point of view'; on the other hand she believed that she was speaking for 'a great many people on our Front Bench' in saying that 'we are sympathetic with the aims of the Bill of the noble Earl'; however, 'perhaps this is a much more complicated matter than the Bill suggests'. She did, in fact, make some very damaging criticisms, but her tone made it quite clear that this particular issue was not one on which Labour were prepared to fight. [12] At the time the debate took place, the Labour leadership had recently embarked on a policy of publicly distancing itself from the so-called 'loony' Left-wing councils, whose chief claim to insanity was their attempts to implement national conference policy on issues such as race and gay rights. These councils had recently been coming under particularly heavy attack from the Tory press; a particularly nasty feature was the singling out for specially vindictive treatment of councils with Black leaders, notably Lambeth and Haringey, and the Labour leadership's unwillingness to recognise and respond to the not very covert racism of much of the reporting. [13]

The anxieties which the issue of lesbian and gay rights was causing the Labour leaders was made very plain a few weeks later, with the leaking to the Tory press of the so-called 'Hewitt letter', written by the Labour leader's press secretary to a right-wing Labour MP, which expressed concern, in the wake of the Greenwich bye-election, which was won by the SDP, that the 'gays and lesbians issue' was losing Labour votes among the pensioners. [14] Not the least disturbing aspect of this incident was the fact that the author of the letter, Patricia Hewitt, had previously gained great credit on the left as General Secretary of the NCCL, an organisation which has, amongst other vital issues, always been

most assiduous in campaigning for lesbian and gay rights.

As originally worded, the Halsbury Bill would have prohibited local authorities from giving 'financial or other assistance to any person for the purpose of publishing or promoting homosexuality as an acceptable family relationship; or for the purpose of teaching such acceptability in any maintained school'. During its passage through the Lords, it underwent a number of substantial changes in wording, taking on the shape in which it was subsequently, at the end of 1987, to be introduced into the Local Government Bill as Clause 14 (later 28). Noteworthy is the insertion of the word 'pretended', so that (with scant regard for sense or grammar) their Lordships now proposed to prohibit 'the teaching . . . of the acceptability of homosexuality as a pretended family relationship'. More crucial to the scope of the Bill was the inclusion of a new subclause forbidding local authorities to 'promote homosexuality', so that from being a piece of legislation aimed at affecting lesson content and the use of certain publications in state schools, and at stopping local authority grants to gay publishers, it now became a much more wholesale prohibition, potentially affecting the whole range of activities funded by local authorities. [15]

The Halsbury Bill was promoted in the Commons by Dame Jill Knight, Conservative MP for Birmingham, Edgbaston, and reached the Committee stage on 8 May, 1987. Dame Jill, one of the legislation's most vociferous and persistent supporters, warrants more than a passing mention at this stage. Her contributions to the debate have a flavour all their own. Every made-up story in the tabloid press seems to have a believer in Dame Jill, and to throw her into frenzies of accusation. She introduced the Halsbury Bill in fine form: 'This Bill came into being for a very good reason . . . . It is before the Committee because there is evidence in shocking abundance that children in our schools, some as young as five years, are frequently being encouraged into homosexuality and lesbianism.' By way of a bizarre excursion through the sexual abuse of drummer boys in the Indian army under the Raj, she wound up triumphantly with a peroration on AIDS:

Millions outside Parliament object to little children being perverted, diverted or converted from normal family life to a lifestyle which is desperately dangerous for society and extremely dangerous for them . . . . Very few hon. Members fail to appreciate the seriousness of the danger that AIDS presents to the whole of our society, yet some of that which is being taught to children in our schools would undoubtedly lead to a great spread of AIDS. [16]

'Normal family life' was a frequent rallying cry among the supporters of the Halsbury Bill and its



successor, Clause 28. More recently, addressing the General Assembly of the Church of Scotland in May 1988, a few days before Clause (now Section) 28 became effective in law, Margaret Thatcher herself invoked 'the family' as a prominent concept in a major speech evidently intended to cast a spurious cloak of moral justification around Conservative policies in general. [17] However, neither she nor Dame Jill have ever seen fit to define this 'normal family', or to defend its supposed virtues in other than the vaguest terms. Statistically, of course, the 'traditional' nuclear family, with two married parents, of whom the wife stays at home to look after their two children, is disappearing very fast. The latest figures published by the Government show that the proportion of women staying at home had dropped to 37% by 1985; while 14 per cent of all families with dependent children at that time were one-parent families, most of them headed by women. Moreover, there has for many years been a steady growth in the divorce rate and an increase in the popularity of cohabitation as opposed to marriage. There are many families with two parents where there has been a change of partners, with or without re-marriage, and where children are being brought up by an adult who is not a biological parent. [18]

The truth is that so far as Conservative ideologists are concerned, the word 'family' means whatever serves their purposes at any given point, so that the image of the self-contained nuclear family, living in their semi-detached house, minding their own business and troubling no-one slides conveniently in and out of the idea of the supportive extended family of a mythical Victorian past. What these concepts have in common, of course, is the family as a resourceful, independent unit. Clearly such families are going to be needed, for all the support services the welfare state had begun to offer – nursery provision, health care, care for the elderly, for people with disabilities and with special needs, support for the unemployed and poor – are gradually and systematically being dismantled. State education, too, has suffered a massive haemorrhage of resources in recent years, and is about to undergo a wholesale reorganisation which can only result in a huge downgrading in service for the majority of users. Soon the only available support system for the elderly, the ill, the very young, the disadvantaged, will be women, thinly disguised as 'families'. It is significant that Tory efforts to 'strengthen the family', by dumping on women an ever-increasing burden of responsibility, is plainly not striking a chord with women voters, who are turning away from the party in increasing numbers. [19]

Right-wing ideologues respond with horror to radical feminist and gay perspectives on the family, perhaps partly because they suspect that these are based on an accurate analysis. It is interesting to note that after quoting the 1971 Gay Liberation Front manifesto on the necessity for putting an end

to the family, Dame Jill Knight, proposing the Halsbury Bill in the Commons, goes on to say: 'We could argue for some time about how true it is that the abolition of the family would help women, but it is debatable whether it would be anything other than a disaster for the country.' [20] Similarly, the Earl of Halsbury, defending the much-derided phrase 'pretended family relationships', insisted on retaining the word 'family' in his Bill, 'because', he claimed, 'it is part of homosexual propaganda that the family is a form of male chauvinism, which is not something I believe should be said.' [21] It is intriguing to see that he does not attempt to refute this claim; he simply feels it should not be expressed!

Feminists and feminist lesbians frighten people like Dame Jill and the noble Earl because we expose as a lie the myth that women and children are safer and better-cared-for inside the patriarchal family. The reality, of course, is that the family can be a very dangerous place. The rise in reported child abuse and the high level of domestic violence and rape are eloquent witness to this. The families of lesbians with children also challenge the idea that a woman needs a man 'to look after' her. It is interesting to note that among the various gay and lesbian books invoked in parliament to justify the need for the clause, derision was heaped on a light-hearted American novel called *Faultline*. Significantly, this book was the only fictional work about lesbians to be mentioned during the entire debate in both houses. Michael Howard, Junior Minister for the Environment, quoted the description of it in *Positive Images*, the ILEA resources guide to materials about lesbians and gays, as the 'story of a lesbian mother who lives with her lover and their children, a black gay male child minder and three hundred rabbits'. As he does not specify his objections to the book (surely not the rabbits?), the implication is clear enough that he is anxious about the image of lesbians and gays living with children. [22]

Despite Dame Jill Knight's eloquence, the Halsbury Bill was lost at Committee stage in the Commons. It fell more or less by accident, when a couple of back-bench Labour members, who had turned up to wait for some proceedings tabled for a later point, and who were plainly startled and appalled by what they found going on, forced a division. The Bill's supporters could not muster sufficient votes, on a Friday lunchtime, for the Bill to pass to its next stage. The following week the election was called; but Jill Knight still had a shot to play. In Question Time on 14 May she called the attention of the Prime Minister to the loss of the Halsbury Bill and demanded a promise that the next parliament would see Government legislation to 'protect both children and the concept of the family'. Mrs Thatcher's reply is worthy of note: she commended Dame Jill for her promotion of the Bill, regretted its loss, assured her of the Government's support for its objectives and most significantly, expressed

the hope that she would bring it back into parliament following the election. [23] The effusive support for the Halsbury Bill which Mrs Thatcher expressed in this exchange contrasts strikingly with the official Government view of previous months. What, we ask, has changed? Why is she now prepared to accept the 'risk' which only a few weeks earlier was so clearly recognised, the threat to a balanced sex education in schools? The answer can be summed up in one word: the election.

During the next few weeks the 'pavement paranoia' invoked by Halsbury was openly exploited for party political ends, with powerful help from the Tory press. At a crucial point during the election campaign, the Home Secretary, Douglas Hurd, suddenly unveiled proposals to tighten immigration controls. The measures planned (in this party of the family) included making the right of women and children to join lawfully settled husbands dependent on showing that 'proper maintenance and accommodation arrangements' had been made. [24]

Meanwhile, the Labour Party continued to reveal its own problems with these issues, notably when Black candidate Sharon Atkin was sacked after she described the party as racist in the context of the continued refusal to accept Black sections. This episode also shows the Labour leadership's lack of commitment to gay rights, which Sharon Atkin, in line with conference policy, had always supported. The candidate who replaced her, Mohammed Aslam, who was imposed on the local constituency party by the Party's National Executive, was well known for his active opposition, as a county councillor, to any recognition of the rights of gays and lesbians. [25] Incidentally, he lost what had previously been regarded as a winnable seat – an interesting sidelight on the widely-touted notion that the election was lost for Labour by the so-called 'loony Left'.

The Conservative Party was plumbing new depths in its election poster campaign. One poster in particular deliberately set out to stir up fear and hostility towards lesbians and gays, while making a calculated use of disinformation as a means of discrediting Labour. Under the heading, 'IS THIS LABOUR'S IDEA OF A COMPREHENSIVE EDUCATION?' three books in red covers were pictured side by side. The titles: *Police: Out of School*, *Young gay & proud*, and *The playbook for kids about sex*. 'TAKE THE POLITICS OUT OF EDUCATION. VOTE CONSERVATIVE.', the poster shrilled. Both the latter books featured in the debate about Clause 28. A consistent propaganda ploy by the Conservatives has been to imply that education has normally constituted an area outside politics, deliberately ignoring the fact that both the covert and overt curricula in schools consistently promote images of white middle-class heterosexual family life which are of evident service to consumer capitalism and the patriarchy.

Another anti-Labour advertisement, put out by a shadowy body calling itself 'Committee for a Free Britain', featured a prominent member of the so-called 'Parents Rights Group', set up in Haringey to oppose the council's embryonic policies on lesbian and gay issues in education. Betty Sheridan, 'married with two children', was pictured saying 'I'm scared. If you vote LABOUR they'll go on teaching my kids about GAYS & LESBIANS instead of giving them proper lessons.' This nasty little piece of misrepresentation – apart from anything else, Haringey's policies on sex education were still at the consultative stage and had never actually been implemented – was condemned by the Advertising Standards Authority, along with a number of others put out by the mysterious 'Committee', as a 'blatant violation' of the existing advertiser's code. [26] The insinuation that there is something mutually exclusive about a sound academic education and constructive and honest teaching about lesbian and gay lifestyles is a familiar smear, popular with the gutter press. It is always convenient for right-wingers to ignore the enormous impact on pupils' school performances of environmental and emotional factors, whether in the case of isolated and suicidal gay or lesbian teenagers, or of children of homeless families brought up in bed and breakfast hotels.

Clearly the Labour Party was in a difficult position. It is notoriously hard to defend oneself against accusations which have only a marginal relation to reality. Outright lies can be refuted; or the truth can be positively affirmed. At a national level, Labour's formal policies on lesbian and gay issues were less than two years old at the time of the election, and there was no specific mention in those policies of school-based education. At a local level, initiatives in education were sparse, and either embryonic, as in Haringey, or very much at the level of experimental special projects, such as the ILEA work on 'Relationships and Sexuality'. Every stage in the progress of those initiatives had been greeted with a storm of jeers, sneers and outright lying from the Conservative press, and had been adroitly exploited for maximum propaganda effect by Conservative politicians. Now, with an election imminent, Labour's response to attacks on its putative 'education policy' was to keep its head well below the parapet and hope the issue would go away. It was the worst possible strategy, both for maximising the party's election prospects and for defending the civil rights of lesbians and gays against erosion. Once again, as in the case of the Hewitt letter, Labour had shown that lesbian and gay rights were an area where it felt itself to be electorally vulnerable.

The Tories did not miss the point. Nor were they prepared to drop the matter when the election was over. The opportunity to continue to score political points was evidently too tempting. During her triumphant address to the Conservative Party Conference in October 1987, Margaret Thatcher made a special point of attacking 'hard-left education authorities and extremist teachers' on the grounds

that 'Children who need to be taught to respect traditional moral values are being taught that they have an inalienable right to be gay'. [27] It was a chilling and sinister moment. For it logically follows from her remark that in the eyes of the woman who has led this country for more than eight years, and who had recently entered on a further term in government, those of us who identify as lesbian or gay have no inalienable right to *be*.

In the light of the events just recounted, the next development should not really have come as much of a surprise. On 8 December, 1987 a new clause was proposed for insertion in the Local Government Bill, then going through its Committee stage in the Commons. This clause, at first numbered 14, later 27, briefly 28, 29, and finally 28 once again, was entitled 'Prohibition on promoting homosexuality by teaching or by publishing material'. The proposer was David Wilshire, Conservative MP for Spelthorne, but the text of the clause as initially put forward was, word for word, that of the Halsbury Bill. There was one considerable difference this time round, however; Government support, which the Halsbury Bill had conspicuously lacked, was now freely forthcoming, subject only to a few amendments, the most significant of which was a brief additional subsection aimed at exempting AIDS prevention work from the scope of the legislation. This 'U-turn' on the part of an administration which has always vaunted its intransigence was noted and taken up by opponents of the new clause on its next return to the Commons, on 15 December. Their questions and challenges were in every case evaded, nor was any reason ever given as to why legislation which Government representatives had criticised just a year before as unnecessary and undesirable should now receive Government endorsement. The answer, clearly, lies in the adoption by the Tory Party leadership during and after the election of a posture of ostentatious condemnation towards the advocates of gay and lesbian rights; and that was less a matter of policy than of political opportunism.

More disturbing and certainly more astonishing to many lesbian and gay activists than the attitude of the party in power was the response to the proposed legislation of the Labour Party leadership. Clause 28 seems to have taken the Labour front bench unawares; at all events, it found them unprepared. To be fair, it is probably true to say that many lesbians and gay men were equally taken by surprise. One reason for this was the relative lack of publicity which had been received by the Halsbury Bill; even now, there are undoubtedly many who have marched and campaigned against Clause 28 who are still unaware of any attempts to promote such legislation prior to December 1987. However, Clause 28 certainly exposed a serious gap in Labour Party understanding of lesbian and gay issues, as well as a disturbing lack of commitment on the part of some of its leading spokesmen to the principle, first established as policy at the 1985 Party Conference, of combating discrimination

towards lesbians and gay men. The resolution which established this policy also called for Labour local authorities to take action to prevent this discrimination, both by supporting lesbian and gay organisations, including youth groups, and by reviewing their own practices; [28] the kind of action, in other words, which had been so widely misrepresented in the popular press, and which was now to be repeatedly cited by Government representatives and Tory backbenchers as evidencing the necessity for the proposed legislation.

The official Labour response to the clause on its first appearance was voiced by John Cunningham, Labour environment spokesman, who took the line that a ban on the promotion of homosexuality by local authorities was entirely reasonable and to be supported. However, he expressed reservations about the second part of the clause, which banned authorities more specifically from promoting 'the teaching . . . of the acceptability of homosexuality', fearing that this would hinder teachers and school counsellors in their pastoral function, and he indicated that Labour would be likely, if the Government failed to address this issue, to move an amendment to the clause at Report stage. The Liberal Party also, at this point, in the person of Simon Hughes, MP for Southwark and Bermondsey, accepted the main principle of the clause, though expressing rather more cogently and forcefully a concern over the possible implications of the second subclause for teachers and school pupils. [29]

From a strictly legalistic viewpoint, perhaps, the position adopted by the opposition spokesmen may be intelligible, though scarcely edifying. The powers and duties of local authorities are laid down in law. The promotion of homosexuality has never been one of the functions of a local authority; therefore, were any authority to promote homosexuality, it would be exceeding its powers. Following this line of argument through, a legal ban on promoting homosexuality does not change anything: it merely ratifies the state of things as they are. However, in the world of practical politics, to argue thus is at best naive; at worst, thoroughly dishonest. It glosses over the widespread existence of prejudice, and the signal which such legislation inevitably gives to those who bear ill-will towards lesbians and gays; and it disregards the vagueness of the term 'promote', which might arguably be stretched to cover activities previously well within the scope of a local authority's powers.

In fact, it is clear from subsequent statements by Cunningham's office and colleagues that while the position adopted by the Labour leadership was to some extent naive, in the sense that the possible implications of the clause had certainly not been fully grasped, [30] it was also disingenuous, in that the debate around the clause was initially seized as an opportunity to distance the Labour Party from what was perceived as a vote-losing association with pro-gay policies. This was implicit in the way

that Cunningham, during the debate at Committee stage, made only a very half-hearted effort to defend Labour-run authorities such as ILEA and Haringey from the viciously misleading charges which were brought against them by David Wilshire and by Michael Howard, Minister for Local Government. It became explicit two days later, when Jeff Rooker, another Labour front bench spokesman, responding now to a gathering storm of protest from lesbian, gay and left-wing party activists, was quoted in *The Independent* as saying, 'If anyone comes to me quoting Labour conference resolutions I shall point out to them that between those resolutions and now Labour has lost a general election.' [31]

The only Labour member prepared, at Committee stage, to condemn the clause out of hand, was Bernie Grant, MP for Tottenham, who as one of only four Black MPs, and as former leader of Haringey Council, was no doubt better versed than Cunningham both in minority politics and the politics of sexual identity. He was also, of course, defending his own political record. He identified the clause as an attack on the rights of a minority and a signal to fascists. He went on to speak of Haringey's existing policies and the reasons why they had been developed, and quoted an official document from Her Majesty's Inspectorate, 'Health Education from 5 to 16', on the need for schools to address the topic of homosexuality. His contribution was the only one which addressed itself at all adequately to the issues involved. Perhaps for this reason, it was received with evident disrespect by Tory members, and, a final accolade, branded 'disgraceful' by Michael Howard. [32]

The clause reached its Report stage in the Commons a week later. In the intervening time, several instructive incidents occurred. On the evening of the day the Committee debate took place, Dame Jill Knight was confronted on BBC radio by Neil Fletcher, leader of ILEA, who challenged her to name any school where *Jenny lives with Eric and Martin*, by now undoubtedly the most widely-heard-of child's picture book in the country, had been made available to pupils. She replied that she did not have her files with her. [33] Similarly evasive responses on the part of the supporters of the clause have become very familiar: the 'evidence' they have cited to justify the need for such legislation has either been of the vaguest, or drawn from the more inventive sections of the popular press, or else has been of a kind to which only a closed and bigoted mind could possibly find objection, such as the ILEA bibliography and video list *Positive Images*, produced by the 'Relationships and Sexuality' project, a highly responsible publication intended to introduce educators to appropriate materials for teaching about homosexuality at secondary and further education levels.

On the Saturday following, an arson attack was made on the office of the newspaper *Capital Gay*.

The same weekend, teargas bombs were thrown into a crowded gay pub in Rochester. [34] Then, on Monday 14 December, the day before the clause was due to be debated for the second time, over 800 lesbians and gay men met at the House of Commons to lobby their MPs, a mass action organised by the very recently formed Organisation for Lesbian and Gay Action (OLGA). [35] Bomb attacks, and the mass lobby – these encapsulate what we have since seen so many times and so widely repeated since the clause first reached the headlines: on the one hand, extreme violence and malice directed against lesbian and gay individuals and the institutions of our communities – a bomb found at a disco, an increase in street attacks, besides sackings and all kinds of harassment; on the other, a greater readiness on the part of very many lesbians and gays to stand up and be counted, much more effective networking and organisation, and the forging of broader alliances between often very disparate groupings of lesbians and gay men.

On the day the debate took place, Tuesday 15 December, Chris Smith, Labour member for Islington South and the only 'out' gay MP, was quoted in *The Guardian* as saying that Labour had made a tactical error by not voting against the clause when it first appeared. The Labour front bench was reported to have been still undecided the night before as to whether to seek to delete the clause. [36] Clearly the response from party activists and from constituents had shaken their complacency. In the event, however, they threw their weight behind amendments designed to limit the clause's possible effects, rather than seeking to see it deleted; and although John Cunningham, speaking on behalf of the Shadow Cabinet, was now much more determined in his attack on the clause, Michael Howard, for the Government, was able to make capital out of the Opposition's failure to force a vote on the clause while it was in Committee. [37] Although individual Labour backbenchers, notably Chris Smith, Ken Livingstone and Joan Ruddock, made excellent speeches bringing out the disturbing civil liberties, educational and censorship implications of the clause, their appeals to the consciences of Tory members were unavailing, and the amendments were voted down. Only one speech, by Ken Livingstone, recognised the insult and potential threat to lesbian mothers in particular, of having their families officially labelled 'pretended' under the law. [38]

The two amendments tabled by the Labour front bench sought, firstly, to limit the effect of the clause by excluding from its scope anti-discrimination work and secondly, to permit the provision of information and counselling to 'any pupil . . . as to his (sic) personal or social development', which presumably was intended to safeguard sex education and pastoral work. In outlining the Government's objections to these and other opposition amendments, Michael Howard maintained that the clause was a purely educational measure, designed to curb notorious abuses – the borough



of Haringey received its usual ritual mention – and prevent local authorities from promoting the teaching in schools 'that homosexuality is the norm'. He blandly denied that the clause would have any wider effects: 'Nothing in clause 27 will put a homosexual at a disadvantage compared to any other person'. [39] However, one fear expressed by the Opposition he did not seek to allay: in reply to a question from Joan Lestor, Labour MP for Eccles, as to whether or not a lesbian or gay teacher who is open about his or her sexuality to pupils would be held to be 'promoting homosexuality', he stated, 'The answer would depend on the circumstances and the context'. In other words, as Joan Lestor was quick to note, the clause was recognised by the Government as a threat to the employment rights of lesbian and gay teachers. [40]

In the course of his remarks, the Minister also betrayed the Government's distaste for anti-discrimination work of any kind, when he described this as 'meddling with other people's conduct of their own business'. [41] It should be remembered that the primary purpose of the Local Government Act was to undermine the equal opportunities work of local authorities, by preventing them, when awarding contracts, from taking into account a contractor's employment practices, including the provision of non-racist, non-sexist employment opportunities. Clause 28 may have been an afterthought; but it fitted very neatly into a bill with such objectives. Taken as a whole, the Local Government Act 1988 is an especially devastating attack on the employment opportunities and public services available to Black people who are lesbian or gay. The Halsbury principle is becoming legitimised – make sure you keep the pavement clear for yourself.

Campaigners against the clause now had a breathing space, as the Local Government Bill at this point left the Commons for the House of Lords, where it was not due to be debated until 11 January. On Saturday 9 January OLGA organised a march through London, the first of a series of big marches against the clause. Meanwhile, innumerable lesbian and gay campaigning groups across the country were turning their attention to organising against the clause, and many new groups and coalitions of groups were springing up. All kinds of ordinary lesbians and gays, many of whom had previously been to some degree reticent about their sexual identity, began to speak out: to relatives, to workmates, to neighbours, on local and national television and radio, in letters to the press. The activities of local government are many and varied – they range from licensing clubs to letting out premises for cultural events, and include the giving of grants to voluntary bodies and cultural groups, not to mention providing housing, recreational facilities, social services and education (including adult education). Moreover, they are major employers. For these reasons, and because the loose wording of the clause was generally feared to make it into something of a catch-all, the overwhelming

majority of lesbians and gay men, however different their individual lifestyles or political perspectives, perceived the clause as a serious threat to the quality of their lives; besides reacting with anger and resentment to the crude stereotyping and disgraceful rabble-rousing which were widely engaged in by the clause's supporters.

In terms of achieving publicity, the most effective anti-clause grouping was probably the arts lobby, which was able to call on big name stars, both gay and heterosexual, and muster several journalists, in its efforts to direct the attention of the media towards the pernicious nature of the clause, and particularly its feared effects on the subsidised theatre and the provision of library books. On Monday 25 January, a week before the main debate in the Lords, the Arts Lobby held a press conference at which many famous names from the theatre, television, film and art worlds condemned the proposed legislation. [42] The arts lobby has been criticised by some campaigners against the clause, who feel that the disproportionate attention which was given in the media to 'elitist' concerns, such as access to plays and books, distorted public understanding of the clause, and distracted attention from the fears of less powerful groups such as people with special needs, many of whom live in local authority institutions or are otherwise heavily dependent on the local authority for facilities, or lesbian mothers, concerned about their children's treatment at the hands of the education system if their family relationships were to be legally stigmatised as 'pretended'.

Against this, it must be pointed out that the arts lobby never set out to hog the limelight; they received disproportionate attention from the press and television partly because they had a clearer sense than many groups of how to attract notice – and after all, who could be better at publicising a cause than performers, who live by publicity? Moreover, it did make serious attempts to publicise other aspects of the clause than the censorship fears, such as its implications for school pupils. It is to be questioned whether, if the arts lobby had never existed, public awareness of Clause 28 would have been anything like so high. The simple truth of the matter is that the national press was not, in general, nearly so interested in the worries of ordinary lesbians and gays as in reporting statements from the stars. This was shown at a press conference organised the following Friday by the Stop the Clause Campaign Education Group, where several of the speakers were lesbian and gay teachers and community workers, besides a gay school-leaver and two lesbian mothers. Despite the involvement of some better known figures, such as the Vice-President of the National Association of Teachers in Further and Higher Education and the SDP peer Lord Falkland, this was sparsely attended by journalists, and went almost unreported. [43] Incidentally, the education press conference could not have taken place were it not for the advice and practical support which were given by the members

of the arts lobby. The concerns of ordinary gays and lesbians campaigning against the clause probably received better coverage on television and radio than they did in the press; most talk shows and documentary series seemed to feature a session on Clause 28 at some point during the campaign, although many of these programmes went out too late to influence the course of events in parliament.

Meanwhile, the campaign against Clause 28 now extended much more widely than the lesbian and gay communities or the more liberal element in the theatrical profession. The National Council for Civil Liberties (NCCL), whose opposition to the clause was hardly surprising, commissioned legal advice which formed the basis of a briefing to peers. This set out in detail fears that the vagueness of the phrase 'promote homosexuality' risked the clause's being interpreted by the Courts in ways which would have an impact far beyond the field of school-based education. It also expressed fears that the clause would lead to a witch-hunt of lesbian and gay teachers, aggravate the difficulties experienced by lesbian and gay pupils, damage the confidence of children of lesbian mothers, and detract from the right of all school pupils to receive full information. Among organisations less noted for their radical commitments, the Library Association expressed its concern about the implications for public libraries of a ban on local authorities' publishing 'material for the promotion of homosexuality', since in law the term 'publish' means to circulate, make available. The National Council for Voluntary Organisations (NCVO) feared that counselling and advice organisations which were run by lesbians and gays would lose local authority grants, as also might organisations which operated positive policies in respect of lesbians and gays. The Family Planning Association saw the proposed legislation as a threat to sex education. Meanwhile, for its part, the Church of England studiously declined to endorse the Bill's supporters, despite the frequent lip-service given by these people to 'Christian' moral values. Instead, the Bishop of Manchester, speaking in the Lords during the Second Reading of the Local Government Bill, warned the Government of 'the terrible dangers of encouraging prejudice'. [44] Opposing the clause was becoming highly respectable. On 29 January, Neil Kinnock, leader of the Labour Party, finally felt it safe to condemn the clause in public. [45]

One of the organisations expressing most concern about the clause at this juncture was the Arts Council, which went so far as to commission a barrister's opinion on its likely interpretation in the context of the arts, and to draft an amendment which was proposed in the House of Lords by Lord Falkland at the Committee stage of the Bill. The Falkland amendment removed from the clause the catch-all ban on promoting homosexuality, and instead would have made it illegal for councils to publish material which represented 'homosexual relationships or homosexual acts as more

acceptable than heterosexual relationships or acts', or to cause such material to be used in schools. There was a provision for exempting material published in the honest belief that it served 'a literary, artistic, scientific or educational purpose'. In effect, the Falkland amendment called the Government's bluff: the Government were still maintaining that Clause 28 was a measure whose implications were confined to education – well, here was an amendment, drafted on the best legal advice, designed to prevent just the kind of teaching in schools the Government claimed to find so disturbing, without curbing any of the cultural or other activities engaged in by local authorities.

The Falkland amendment was not a satisfactory compromise. In particular, it retained the phrase 'pretended family relationship', so offensive to lesbians with children and their partners. However, it was widely regarded at the time as the best opportunity of watering down a clause which, it was becoming clear, the Government were determined not to see deleted. The press reported Government anxiety that there would be a revolt among Tory peers. There were rumours of substantial Government re-drafting of the clause, designed to pre-empt the Falkland amendment. In the event, when these changes were announced, they turned out to have limited significance. The most important was the insertion of the word 'intentionally' in front of 'promote homosexuality', which Government ministers affirmed should be quite enough to allay the fears of arts supporters and the voluntary organisations. Opponents, including the Arts Council and the NCVO, remained thoroughly dissatisfied. [46]

During the progress of the clause through the House of Lords, the deep ambivalence of the parliamentary opposition leadership was once again clearly revealed. It is significant that it was left to Lord Falkland, a hereditary peer acting, as he made it plain, as an individual and not as a representative of his party, the SDP, to lead the attack on the clause at this stage. That the Falkland amendment failed was due at least in part to the refusal of the opposition parties to match the whip imposed by the Conservatives with a whip of their own members. The Alliance parties, though critical of the clause, nevertheless enjoyed the spectacle of Labour's discomfiture over the issue; while the Labour leadership were quite evidently scared stiff by the prospect of negative publicity.

These fears were very clearly revealed in their failure to support an attempt by a Labour peer, Lord Willis, to seek to have the clause deleted. Indeed, it was rumoured among activists in London that strenuous efforts were made by the Party leadership to persuade him to abandon his stand. Not for the first time, in the history of its 'support' for lesbian and gay rights, the Labour Party succeeded in obtaining the worst of all possible outcomes for itself: it failed to distance itself in the public mind

from an admittedly risky issue – opposition to discrimination against lesbians and gays – at the same time as it earned the comprehensive mistrust of the lesbian and gay communities and the disgust of liberals and radicals. In the process, it betrayed the principles of its own party policies, as established by the Party Conference, and disregarded the civil rights and legitimate interests of thousands of lesbians and gay men.

The debate on Lord Willis's proposal to delete the clause altogether took place at the end of the Committee stage. The vote was, of course, lost, and was immediately followed by one of the most memorable episodes in the entire proceedings, when three lesbian demonstrators, shouting protests, abseiled down ropes from the galleries into the middle of the startled peers. *Hansard* laconically records an '*Interruption*', but the abseilers drew widespread attention from press and broadcasters both nationally and internationally. This was the first of a series of inventive stunts carried out by small groups of lesbian protesters, culminating in the invasion of BBC television's Six O'Clock News programme on 23 May, the day before the Local Government Act became operative in law. [47]

The speeches made by the sponsors of the clause during its progress through the Lords were a reprise of themes already aired before in the course of the debate: it was intended to end an abuse of ratepayers' money; it was necessary to protect young people at an impressionable stage in their development; parents (not lesbian mothers, apparently) needed to have their anxieties addressed; the family is the basic principle on which civilisation depends. And further: the clause would not affect the civil rights of homosexuals; homosexuality was abnormal; homosexuals are promiscuous and aggressive and flaunt themselves in public; homosexuals (with the aid of certain local authorities) are seeking to corrupt the nation's children . . .

More interesting and more significant are some of the observations made by the Earl of Caithness, who spoke on behalf of the Government. The Falkland amendment was one of several attempts to limit the effect of the clause strictly to education, in accordance with the Government's avowed purpose in supporting the legislation. All were unavailing; the Government insisted on retaining the broad prohibition on promoting homosexuality. In doing so, however, it was forced to shift its ground somewhat. Some interesting revelations emerged.

The Government had begun by arguing that the clause was a purely educational measure, with no wider implications. It continued to maintain, in parliament and outside, that its intention in

supporting the legislation was to protect young people from local authorities, who, it was claimed, in a startlingly mendacious phrase repeatedly used during February and March in Conservative letters to concerned constituents, 'were targetting (sic) some activities on young people in schools and outside, in an apparent endeavour to glamourise (sic) homosexuality'. [48] Notice that the stress is changing: from concern about reputed 'gay lessons' to 'activities in schools and outside'. During the debate on the Falkland amendment, Caithness had actually admitted that a prohibition directed against local authorities would be of very little effect as regards what happened in schools. The reason: the 1986 Education (No. 2) Act, as a result of a previous 'moral panic' about sex education, including teaching about homosexuality, had removed from local authorities all control over this part of the curriculum and placed it in the hands of school governing bodies. [49] The role of local authorities in this area was now purely advisory. This significant revelation, which was repeated more than once in the course of the Lords debates at Committee and Report stages, was not at the time reported or otherwise picked up. In fact, the situation in law is slightly less straightforward than Caithness indicated, a matter we shall return to later. Incidentally, Caithness, like Howard in the Commons, refused to give any assurances that 'out' lesbian and gay teachers and other local authority employees would not be at risk, under the clause, of dismissal; or that the clause could not be invoked against individual volumes in libraries. [50]

In order to 'justify' the clause in the light of his acknowledgement that its direct effects on school-based education could only be, to say the least of it, slight, Caithness and other Government supporters began to lay less emphasis on 'gay lessons' and more on other supposed 'abuses' such as lesbian and gay youth groups, Pride weeks, and publications such as *Changing the World*, the charter for lesbian and gay rights put out by the Greater London Council before the Government abolished that authority. The emphasis, however, continued to be on the necessity of protecting supposedly impressionable young people against corruption. [51] Here as everywhere in the debate, the stereotype of gay people as child molesters, and the 'seduction' theory of homosexual development, were never very far from the surface. Meanwhile, some of the peers who voted for the clause seem not to have taken in any of the debate which was raging around them. At the Report stage in the Lords, the Earl of Longford recorded a conversation with a Tory peer to whom he had explained that the aim of an amendment which he himself was proposing was to restrict the operation of the clause to schools. The other replied that he had thought that that was the situation already. [52]

Reading through the debates on Clause 28 and its predecessor, the Halsbury Bill, in the pages of *Hansard* is often a disturbing experience. Both the present authors, who have identified as lesbians

all their adult lives and who believed that they were entirely confident and proud in that identity, found it virtually impossible to plough through column after column of vicious misrepresentation, disinformation and extreme animosity without confronting feelings of self-doubt and personal anxiety which they had long thought dead. But there were a few heart-warming moments. One was the sane and moving speech by Lord Rea, who, in seeking to have the phrase 'pretended family relationship' deleted from the clause, revealed that he himself had been brought up by two women in a lesbian relationship, adding that he considered himself to have 'had as rich and as happy a childhood as most children who are reared by heterosexual couples, and far better than many I see in my daily practice as a doctor'. [53] This was one of the very few times in the debate that the implications of the clause for lesbian mothers and their children was given any consideration. The debate around Lord Rea's amendment won an admission from the Earl of Caithness that the second part of the clause, regarding teaching, which contains the offensive phrase, is in fact redundant, being already covered by the much wider ban on promoting homosexuality. [54] He nevertheless argued that it was important to retain it to emphasise the particularly undesirable nature of any move to represent 'homosexual relationships which have the appearance of being family relationships, in most senses of that phrase, as being on those grounds a welcome development'. [55] The Government's determination to single out for special hostility stable, nurturing relationships of the kind implied here is a pointer to an important part of its real agenda, its determination to commit any absurdity or injustice in upholding the patriarchal domination of women and family life.

The Bill's return to the Commons for a final consideration of the clauses amended in the Lords was like the final act of a pantomime. A final but plainly doomed attempt was made by Labour to limit its effects by exempting work carried out 'for the purpose of discouraging discrimination against or protecting the civil rights of any person'. John Cunningham's arguments had sharpened up somewhat in the weeks since the clause had last been debated in the Commons; it is evident that he had been reading some of the briefing material put out by the NCCL and other groups who had taken part in the campaign. Nicholas Fairbairn, MP for Perth and Kinross, made a bid for the title of most offensive contributor to the entire debate when he described homosexuality as a 'morbid squint' and a 'psychopathological perversion'. He later claimed to have 'many close friends who happen to be homosexuals'. [56] We trust that if this were true at the time, it is true no longer. Dame Jill Knight was on her usual dotty form, and claimed that 'children under two have had access to gay and lesbian books in Lambeth play centres': a particularly colourful press report which had, as it happens, been thoroughly exploded following a previous airing in the House of Lords. [57] Three Conservative

MPs spoke out against the clause, and two of these, Robin Squires and Michael Brown, later voted with the Opposition. Michael Howard, speaking on behalf of the Government, was as smooth and specious as ever. And the clause passed through parliament.

Section 28 of the Local Government Act 1988 adds a new Section 2A to the Local Government Act 1986. That section now reads as follows:

'Prohibition on promoting homosexuality by teaching or by publishing material'

(1) A local authority shall not -

- a) intentionally promote homosexuality or publish material with the intention of promoting homosexuality;
- b) promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship.

2) Nothing in subsection (1) above shall be taken to prohibit the doing of anything for the purpose of treating or preventing the spread of disease.

(3) In any proceedings in connection with the application of this section a court shall draw such inferences as to the intention of the local authority as may reasonably be drawn from the evidence before it.

The wording of the section is notoriously vague, and its interpretation was acknowledged to be a vexed matter even by Government representatives, and before it was passed by parliament. On 18 January, 1988 a journalist from *The Teacher* consulted 'a Government spokesperson' as to the implications of 'promote', and received the cheerful admission that 'We're a little unclear what that word means ourselves. But the Government is happy with the word even though there's a little uncertainty over what it means. If it comes to trial, it'll be up to the courts to decide.' [58] This remarkable statement convicts the Government of irresponsibility at best, in knowingly permitting an imprecise piece of legislation to reach the statute-books; many may feel that it reveals a substantial degree of bad faith. At all events, it lends colour to the widespread belief among activists that the section has been left deliberately vague so as to cause maximum confusion and anxiety.



At the time of writing (December 1988) no court case based on the section has so far been initiated, and it is not clear, in fact, whether such a case is going to take place. It seems that the main impact of the section may well prove to lie, firstly in legitimating the mushrooming tendency towards verbal and physical lesbian- and gay-bashing which has received such a stimulus in recent years from the tabloid treatment of the AIDS epidemic, and secondly, in creating an atmosphere of fear and intimidation among local authorities and their employees which can only encourage repression and self-censorship. Of these, we have seen several examples already. East Sussex County Council has banned from use in its schools and colleges a resources pack on voluntary organisations produced by the National Youth Bureau (a Government-funded body) which includes an entry on the London Lesbian and Gay Centre, while Strathclyde Regional Council, which is Labour-controlled, has instructed further education colleges to withhold money from student unions which fund lesbian and gay societies. The London Borough Grants Committee is now including a new condition in its agreements with voluntary organisations which forbids the use of grant money for 'the intentional promotion of homosexuality'. There is a serious fear that this may lead to self-censorship by theatre companies, some of which have done valuable education work in schools and colleges presenting plays with lesbian and gay themes. [59] Legal opinion indicates that none of the actions cited above are in fact justifiable by reference to Section 28. It is likely, however, that what we have seen is only the tip of the iceberg. The present background of continuing financial cutbacks in local government offers councillors every opportunity to axe or deny funding to lesbian and gay projects without ever acknowledging the basis of their decisions.

The uncertainties as to the legal implications of the section were partially resolved when the Department of the Environment (DoE) issued a circular on the Local Government Act in May 1988, just before the section became operative in law. The DoE circular received considerable press publicity when it appeared, particularly for its statement that the section 'does not affect the activities of school governors, nor of teachers. It will not prevent the objective discussion of homosexuality in the classroom, nor the counselling of pupils concerned about their sexuality.' [60] The circular cites the Education (No. 2) Act 1986, which placed responsibility for sex education in the hands of school governors, and which states that where sex education is given, it should be given in 'such a manner as to encourage . . . pupils to have due regard to moral considerations and the value of family life', [61] and the Department of Education and Science Circular on Sex Education, which says that 'There is no place in any school . . . for teaching which advocates homosexual behaviour, which presents it as the "norm", or which encourages homosexual experimentation by pupils'. It should be noted that the status of government circulars is solely advisory; also that the DES circular

makes it clear that 'Schools cannot, in general, avoid tackling controversial sexual matters . . . and . . . should be prepared to offer balanced and factual information and to acknowledge the major ethical issues involved'. [62]

The DoE circular was prominently reported in the press as meaning that Section 28 would have no impact on school-based education, [63] an impression which the DoE was subsequently at pains to counteract. It pointed out that although the final decision on the content of school sex education now rests with the governing body, the local education authority retains an advisory role, as well as responsibility for issuing reading lists and teaching materials, and arranging visits by drama groups, and suggested that local authorities who wished to avoid legal problems should tread carefully. In what appears to have been a deliberate and politically-motivated piece of shit-stirring, the DoE cited Haringey Council's draft guidelines on the treatment of homosexuality in the classroom, 'Mirrors round the walls', then very recently issued, as an example of the kind of activity that might fall foul of the law. [64]

But will it? Legal advice obtained by the NCCL, the Association of London Authorities (ALA) and other bodies suggests that very few activities previously carried out by local authorities, educational and otherwise, are actually vulnerable to attack under Section 28. [65] This does not mean that the section is not extremely damaging. The examples of self-censorship which we noted earlier are evidence of its pernicious effects, and there can be no doubt that many similar instances have never reached public attention. However, the advice does suggest that in the event of councillors' finding themselves taken to court for 'promoting homosexuality', it might well be possible to mount an effective legal challenge.

One of the two key terms in the section is 'promote', which occurs also in the section before it, Section 27. This bans local authorities from publishing material which 'promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another'. A legal opinion commissioned from Lord Gifford, QC, by the ALA and the NCCL notes that in this section 'the word "promote" undoubtedly has the sense of pushing a point of view with the intention of persuading people to adopt it'. Previously, the concept of 'promoting' had been confined to company law, where it means to put out a prospectus with a view to persuading the public to buy shares. [66]

The other key term, of course, is 'homosexuality', which interestingly enough has no definition in law.

As the parliamentary record shows, the Government defended its use specifically on the grounds that it was vague in import: 'We wish to cover the sum of homosexuality – homosexual relationships and sexual orientation; in short, every aspect of the way homosexuality manifests itself'. [67] On one interpretation, then, any support given to lesbian and gay people or organisations may be held to 'promote' homosexuality in this broad sense. This was a fear which was widely expressed by campaigners while the legislation was passing through parliament. However, Gifford draws support both from the statutes under which local authorities were set up, which lay on them a duty of equal treatment, and the European Convention on Human Rights, which the United Kingdom has obligations to uphold, in arguing that parliament cannot have intended to disadvantage lesbians and gays relative to heterosexual people, because to do so would bring this country into conflict with the principles laid down in these places. Therefore, he argues, the term 'promote homosexuality' must have some more limited meaning: and he concludes that it must involve 'active advocacy directed by local authorities towards individuals in order to persuade them to become homosexual, or to experiment with homosexual relationships'. [68]

The section, then, certainly does not compel local authorities to discriminate against lesbian and gay people, including those in their employment, nor does it prohibit them from discouraging such discrimination. We may conclude from this that there is no reason why policy statements on equal opportunities in employment should not continue to specify 'sexual orientation' among the grounds on which individual authorities are resolved not to discriminate; nor, in areas where policy statements do not contain such a statement, why union negotiators should not press for one to be included.

Some local authorities fund lesbian and gay youth groups, which were the subject of special attacks in parliament by Government representatives and the sponsors of the section. Gifford argues that such organisations are not 'promoting homosexuality', so that a local authority which funded them would not be doing so either. On his argument, moreover, there are no grounds on which local authorities must censor books with gay or lesbian themes from their central library lending stocks, or ban tours of plays, or avoid offering in-service training or advice to schools on lesbian and gay issues, provided that they avoid 'promoting homosexuality' in the sense of advocating a lesbian or gay lifestyle. However, he seems to suggest that there may be individual books and plays whose circulation or sponsoring might be held to cause a local authority to fall foul of the section. [69] It is possible, in fact, that the courts may be more tolerant of recognised 'classics' than of books which do not fall into this category. It has also been suggested that any special display of books with a lesbian

or gay theme might be held to contravene the section.

What of the individual school or college teacher? It is important to note that no case may be brought, under Section 28, against individual employees of local authorities; it is councillors who are directly at risk, and who, if a court finds against them, may be surcharged and barred from office. However, teachers and other employees might, of course, face disciplinary proceedings at the hands of their employing authority, if it was thought that they had taken action likely to bring the authority in contravention of the section. So far as schools are concerned, it is now a matter for the governing body, under the Education (No. 2) Act 1986, as to whether information about homosexuality should form part of the formal curriculum; although it is interesting to note that under section 18, subclause 6 (c) (i) of that Act, if the governors' policy is incompatible with any part of the syllabus for a course leading to a public examination, their view becomes of no effect. So we shall not see school governors banning the teaching at 'A' level of Plato or Virginia Woolf. However, teachers, like college lecturers, remain at present responsible as employees to the local authority, who have powers to investigate complaints against them and to take disciplinary action. This state of affairs will change when financial management, with powers of hire and fire, is delegated to governing bodies under the 1988 Education Act. At present, a governing body has the power to recommend to the LEA that a teacher's employment at the school be terminated, but the LEA has discretion over accepting their recommendation. [70] The Earl of Caithness's statements in the House of Lords that 'The teacher is answerable to the governing body and not to the local authority' and 'what the teacher does is now the responsibility of the head teacher and the governing body' are not, therefore, entirely correct. [71] Teachers who disregard instructions from their LEA are vulnerable to disciplinary action, including loss of job, and it is at least a possibility that some authorities, seeking to cover themselves, may issue advice in relation to Section 28 which is more restrictive than the law requires. It is to be hoped that any such attempt would be strongly resisted by local teaching unions.

In general, for an authority to cite Section 28 as grounds for disciplining a teacher or other employee it would have to show that they were 'promoting homosexuality', for example by urging pupils to adopt a gay or lesbian lifestyle or to experiment sexually with members of their own sex. It is generally agreed that there is nothing in Section 28 to stop teachers from discussing homosexuality with pupils in the classroom objectively and honestly, or counselling individual pupils in a pastoral context. Nor should teachers fear to intervene in cases of anti-gay name-calling or bullying, since as Gifford points out, they have a duty, which Section 28 certainly doesn't take away, to protect their pupils' welfare. [72] But this still hasn't entirely clarified the position of lesbian and gay teachers,

particularly those whose sexual identity becomes known to pupils. The reality of the matter is that in the past many such teachers have been disciplined, sacked, or forced to resign, without benefit of Section 28 to lend power to the elbows of timorous or bigoted school hierarchies, governing bodies or LEAs. Gifford argues that there is nothing in Section 28 which makes it necessary for an authority to sack or otherwise discipline an openly lesbian or gay teacher. [73] However, it is clear that in practice, the position of such teachers, depending, of course, on the authority and school in which they teach, may well be more delicate than previously, if only because the passing of the section has given a general encouragement to anti-gay prejudice and harassment.

Notorious problems of interpretation are presented by Subsection 1(b) of Section 28, which prohibits local authorities from promoting 'the teaching . . . of the acceptability of homosexuality as a pretended family relationship'. For one thing, the phrasing is illiterate; 'homosexuality' is not and cannot be a relationship of any kind. Gifford suggests that it prohibits local authorities from recommending to teachers that they teach 'that a homosexual family relationship is acceptable'. [74] It does not mean that they must go out of their way to instruct teachers to teach that it is unacceptable, nor that teachers cannot discuss the issue honestly and objectively with pupils.

At the height of the campaign against Clause 28, in January and February 1988, it was widely argued that if it were passed, local authority funding and facilities, such as the use of premises, would be withdrawn from lesbian and gay groups, library books would be censored, as would plays or films put on in locally-subsidised theatres or cinemas, and, of course, any mention of lesbians and gays in the classroom would become absolutely impossible. The real state of affairs is somewhat less drastic, but still grave. We have attempted to explain the apparent legal implications of the section in relation to education. The effects of the section are something else altogether, and many of these will never be publicly known. Teaching is done behind the closed doors of classrooms. Following the publicity given to the clause, many teachers are undoubtedly fearful that to even mention lesbians and gays in anything but a derogatory light is likely to see them in court (a groundless fear, of course), or at least facing disciplinary proceedings. Unhappily, one must suspect that many will avoid the topic altogether, or else deal with it in such a summary way as to endorse existing prejudice.

There is still little recognition among educators and the public in general, including some lesbians and gays, as to why some of us have fought, and are continuing to fight, to bring a better understanding of lesbian and gay issues into the classroom. It is common for such efforts to be smeared as dragging into schools matters which, at best, belong outside. The truth is that they are

there already; that they have always been there; that they are present in a thousand vicious jokes, circulating within huddled groups of pupils – and staff; that they are present in innumerable insults, hurled every day across playgrounds and corridors, or scribbled on walls and desks; that they are present in the anxiety and bewilderment of many pupils, who have heard the insults and are not fully certain what it is all about; that they are present in the isolation, fear and confusion of many more, who know, or who are beginning to know, that words like 'poof', 'lesbo' or 'battyman' mean them. Some of these young people are among the most victimised and vulnerable pupils in our schools. Some – and no small number – have attempted suicide, or will do so in the future; [75] some – how many, we have no way of knowing – will undoubtedly succeed.

The projects which have been initiated in the last few years by a small number of local authorities, and which have received such brutal misrepresentation at the hands of the 'moral Right' and their friends in the press, are only a drop in the ocean of what needs to be done to raise the awareness of educators and provide them with appropriate materials. The purpose of these projects has never been to 'indoctrinate' pupils: on that, the most sensible comment is that made by a Conservative opponent of the clause in the final debate in the Commons. Noting that his wife was a former teacher, he observed: 'In her experience, the suggestion that one can address an average or even below average group of teenagers seeking to proselytise and expect to be heard sympathetically is unrealistic'. [76] We would say, utterly fantastic; and an unwarranted slur, too, on the professionalism of this country's teachers, that such a charge is levelled. Rather, the objective is to open up a topic which has hitherto been largely taboo, to give pupils a chance to think about their own and other people's sexual feelings, and to discuss the diverse forms of sexuality and love within an honest and tolerant framework. Crucial to this enterprise is offering space to lesbians and gay men, whether in person or through their writing, to speak for themselves: to break through the silence, and provide alternative images to the vicious stereotypes of the tabloid press, or the condescending stereotypes of heterosexual social science or psychology. It is this work which is now under threat from Section 28: not because the section makes it illegal, but because the signals have gone out, both to local authorities and to individual educators, that now more than ever, such work is liable to prove expensive: whether in votes, or in the personal stress which comes from constant harassment.

Lesbian and gay teachers are particularly vulnerable to this harassment; yet their personal experience of what it means to be homosexual in our society, coupled with their professional experience of classroom techniques, makes their involvement absolutely essential. A relatively small number of teachers are known by their pupils to be lesbian or gay. Some have deliberately chosen to

'come out' to their classes, some have been in a sense forced out by inquisitive and dogged questioning, or have been seen in gay pubs or on marches. Their presence in schools is extremely important, contradicting received notions of lesbians and gays as social casualties or parasites. For many of the young people they teach they are undoubtedly the only link with the reality that gives the lie to the negative stereotypes: they are in effect walking, talking visual aids – a difficult role, and one that deserves every respect.

To teach children to understand themselves and others better is not to teach them to be lesbian or gay. It is to start to put an end to fear: the intense fear of gay people which plainly torments so many heterosexuals; the fear of insult and attack which is the reality of life for many lesbians and gays, particularly, perhaps, those who are school pupils, and the fear of social sanctions, which affects all of us to some degree; and worse than this, the internalised fear of one's own desires. To show children that this is unnecessary: that lesbians and gays are neither threatening nor pathetic, is not to indoctrinate them, but to tell them no more than the truth.

The first British government to be headed by a woman has identified itself firmly with the interests of the patriarchy. This is entirely of a piece with its policies in general. 'Protecting the family unit', to take up a phrase of Jill Knight's, [77] is code for continuing the coercion of women into 'caring' (servicing) roles which relieve pressure on the public purse and so facilitate tax cuts for the rich – the one clear principle of Thatcherite Toryism. A feature of the Clause 28 debate is the way in which knee-jerk hostility to gays has been invoked to cover an attack on feminist ideas about the family. This is very evident in the insistence on stigmatising unconventional family relationships as 'pretended'. As Baroness Blatch put it in the Lords, in the course of an unpleasant little speech about the undesirability of children being brought up by lesbian couples, ' . . . underlying much of our discussion is a strong conviction that the future of our society depends upon the relationship between man and woman and the product of man and woman – the child'. [78] The child as product – what else? It is marvellous how these people betray themselves by the language they use. Products are not nurtured or educated – they are processed and packaged for consumption. No one asks if they are happy or fulfilled. If they are 'protected', it is in order to safeguard the owner's investment – not for their own sake. This is the rhetoric of a slave-owning society.

Slaves are not generally encouraged to think for themselves. Clause 28 fits in very nicely with Tory instincts to control what can be presented to the populace. The preceding clause of the Local Government Act seeks to prevent local authorities from spending money on publicising any point of

view which is seen as 'party political' – such as support for nuclear disarmament, presumably. The 1988 Education Act gives the Education Minister unprecedented powers to control the school curriculum. Recently, the Home Secretary's administrative powers over the broadcasting media have been invoked in a ban on the direct transmission of statements from members of Irish paramilitary groups and their political sympathisers. Like Section 28, this prohibition is somewhat vague in its wording. Already, it seems to be giving rise to some remarkable examples of self-censorship on the part of nervous media bureaucrats. [79] Meanwhile, a new and draconian Official Secrets Act is on its way. Knowledge is power – the Tories know that well. The attacks on school sex education, which have been going on now for a couple of years, and which extend much wider than attacks on teaching about lesbian and gay sexuality, are very much a part of this wider pattern.

Section 28 seeks to restrict people's choices, by restricting the information available to them. This was implicit, and sometimes explicit, in many of the speeches made by its supporters, who made it plain in their attacks on teaching about lesbian and gay lifestyles that they believed that an individual's sexuality is learned from others, or is developed as a result of particular circumstances. Conversely, a major plank in the campaign against the clause was the contention that the sexuality of each individual is fixed and innate. From this, it was argued, firstly, that children cannot be taught to be lesbian or gay, and secondly, that discrimination against lesbians and gays was against natural justice, since sexuality is not a matter of choice. This line of argument, however convenient in the circumstances, betrays a naive lack of awareness of the ways in which sexuality is socially constructed. From a feminist perspective, it is also politically dangerous; the same arguments can just as easily be used to defend rape, as a 'natural' manifestation of the inborn urges of the male.

It is clear to us that the formation of an individual's sexual identity is no simple matter, and also that many people, including the present writers, experience their sexual preferences as very deeply-rooted. But many people in our society are only imperfectly aware of their own sexual needs, let alone how to look for fulfilment. This is particularly likely to be true of women, who are simply not encouraged to give priority to their own needs on any level. The result in many cases is a broken marriage, child custody battles, a difficult and often painful reappraisal of personal history, a drastic cultural and social re-orientation.

A damaging feature of the campaign to stop the clause was the way in which certain voices were heard more loudly than others; and though we feel it inappropriate to seek to lay blame, it is important to give consideration to those whose shouts were largely drowned out, which included, in



general, those who spoke from a considered feminist political perspective. Others whose voices were missed belonged to groups who are consistently silenced or disregarded in our society. At the top of the list, undoubtedly, must come people with special needs, and particularly the many who because of mental or physical disabilities, live in institutions or attend special schools and centres funded by local authorities. Like lesbians and gays, people with special needs are widely seen as 'other', and experience the effect in their lives of distorted public perceptions: but whereas lesbians and gay men are generally presented as preoccupied with sex to the exclusion of anything else, many people in our society experience extreme discomfort at the thought that disabled people, whether they are mentally or physically disabled, have sexual desires or needs. Sex education for school pupils with special needs is thus a very delicate area in itself; a very great deal of work must still be done before there is anything like adequate recognition of those pupils (and adults) with special needs who identify as lesbian or gay.

Lesbian mothers and their partners found themselves under direct attack in the clause in the phrase 'pretended family relationships'. Many lesbian mothers experience difficulty in obtaining the custody of their children in the face of bias in the legal system; now, since the advent of the clause, there are indications that judges are becoming even more hostile in their attitudes. Many lesbian mothers conceal their sexuality and their relationships, because they fear that not to do so will risk their losing their children; others worry that their children will be victimised by their peer group, or that teachers will dismiss any difficulties the children have at school as simply a result of their home background. Many, nevertheless, spoke up against the clause, on television or in letters to the press. Yet their fears were seldom brought clearly into focus in media commentaries in the way, say, that anxieties about censorship were explored: chiefly, perhaps, because of the absence of any organisation, whether lesbian-run or otherwise, to channel their protests. Bringing up children, particularly if you are a single parent, in most cases leaves only limited time for attending meetings and generally defending your political interests.

A third group whose needs were not, in general, clearly heard in the course of the campaign were lesbian and gay young people. This is perhaps odd, because the clause was initially presented by its sponsors as an education matter. At the first appearance of the clause in the Commons, it was the educational implications that worried the Labour front-bench spokesman most: by its second appearance, Labour were attempting to amend it so as to protect pastoral work in schools. But the main thrust of the attack on the clause in the Lords was to confine its effects to education so as to protect the arts, and by the final return to the Commons, Labour had abandoned their earlier

amendment. This is not altogether strange; conventional political thinking identifies the welfare of young people strictly with what is generally perceived to be the wishes of their parents; self-determination is not encouraged, and nor is political self-expression. However, it is disturbing that the major educational institutions – such as the Advisory Centre for Education, the teaching unions, and others – either failed to take part in the campaign, or mounted only a muted or late attack. To some extent, this was because their energies were tied up in fighting other Government initiatives, specifically the 1988 Education Bill, which through the imposition of a national curriculum, and the delegation to governors of powers to hire and fire staff, may yet prove far more detrimental to the welfare of lesbian and gay pupils and teachers than Section 28.

However, if the educational issues were not carried to the public at large, Clause 28 has nevertheless made ripples in the teaching profession. At the Easter Conference of the National Union of Teachers, the largest teaching union, delegates voted near-unanimously for a resolution on lesbian and gay rights, which not only commits the Union to full support for its lesbian and gay members and deplores Clause 28, but makes harassment of and discrimination against lesbians and gays an offence under the union's rule book. The NUT is the first school teachers' union to adopt a policy of support for lesbian and gay rights. It is clear that the campaign against Clause 28 was a key factor influencing delegates' attitudes, as also was the courage of a lesbian delegate, Lena Milosevic, who 'came out' publicly on the rostrum, and received a standing ovation. [80]

One of the more positive outcomes of the campaign against Clause 28 was that discrimination against lesbians and gays became much more clearly focused as an issue in the public mind. Though many people undoubtedly found confirmation for their own prejudice in the strident bigotry of Jill Knight and David Wilshire, others were stirred to deeper reflection, and a recognition of the justice of our struggles. Another positive aspect is the way the campaign has united so many disparate groups among lesbians and gays, and the way so many ordinary people have discovered in themselves in the course of campaigning gifts of expression and organisation which they hadn't realised they possessed. But there is still a fundamental problem of unequal power and access to resources. This is not going to go away.

The fight against Section 28 is not over. It continues in a lot of actions by individuals and groups across the country, which are often laborious and tedious, but which are nevertheless of key importance: such as monitoring and publicising the behaviour of local authorities and other organisations, and putting out information to correct some of the widespread misunderstanding

about the section's legal implications. It continues, too, in a great deal of patient work to keep the issues alive within trade unions and the opposition parties, and in constantly challenging local decisions which use the section, covertly or openly, as an excuse for withdrawing funding from lesbian and gay projects or organisations. And it continues in individual schools and colleges, in staffrooms, in classrooms, and on governing bodies, in the fight to ensure that pupils are appropriately and truthfully educated about lesbian and gay lifestyles, and that staff are not only aware of the needs of lesbian and gay pupils, and of children from lesbian families, but are prepared to take practical steps to improve their educational welfare.

## Notes

1. See Nigel Warner, 'Parliament and the law', in *Prejudice and Pride. Discrimination against gay people in modern Britain*, ed. Bruce Galloway, Routledge & Kegan Paul, London, 1983, pp. 83–88.
2. See Lorraine Trenchard and Hugh Warren, *Something to tell you . . . The experiences and needs of young lesbians and gay men in London*, Hugh Warren, *Talking about School*, and Lorraine Trenchard, *Talking about young lesbians*, all published by the London Gay Teenage Group, London, 1984; also Lorraine Trenchard and Hugh Warren, *Talking about youth work*, London Gay Teenage Group, London, 1985.
3. They were finally made available in June, 1988, after counsel's advice persuaded ILEA that none of their work, including the videos, was in contravention of Section 28. The present authors recommend them highly.
4. *Hansard*, House of Lords, 18 December 1986, col. 310.
5. *Ibid.*
6. *Ibid.*, col. 312.
7. *Hansard*, House of Commons, 15 December 1987, col. 1010; cf. 9 March 1988, col. 418.
8. See below, n. 57.
9. 'A Grass-Roots Rebellion', *The Times*, 18 December 1986; cf. comments by Baroness Cox, *Hansard*, House of Lords, 18 December 1986, col. 320.
10. *Hansard*, House of Commons, 15 December 1987, col. 1009.
11. *Hansard*, House of Lords, 18 December 1986, cols. 335–336; cf. 11 February 1987, col. 709.
12. *Hansard*, House of Lords, 18 December 1986, cols. 330–331.
13. 'Kinnock blast at "zealots" for helping enemy', *The Times*, 20 November 1986; 'Cunningham strikes back at Tories', *The Times*, 16 December 1986; 'New Kinnock flare-up over left town halls', *The Times*, 18 December 1986; and cf. the remarks of Baroness Cox, *Hansard*, House of Lords, 18

December 1986, col. 322.

14. 'It is more anguish than panic', *The Guardian*, 7 March 1987.

15. House of Lords Sessional Papers 1986–87, Vol. V, under Local Government (Amendment) Bill.

16. *Hansard*, House of Commons, 8 May 1987, cols. 997–998.

17. 'Gospel according to Thatcher', *The Observer*, 22 May 1988; cf. also 'Thatcher claims Wesley as ally' and 'PM enforces responsibility line', *The Guardian*, 26 May 1988.

18. 'Household survey shows sharp increase in the number of women cohabiting', *The Guardian*, 16 December 1987; 'Britons swing to love – without marriage' and 'More women work as men take it easy', *The Guardian*, 14 January 1988.

19. 'Lady beware', *The Guardian*, 3 August 1988.

20. *Hansard*, House of Commons, 8 May 1987, col. 998.

21. *Hansard*, House of Lords, 3 February 1987, col. 181.

22. *Hansard*, House of Commons, 8 December 1987, col. 1209; cf. *Positive Images. A resources guide to materials about homosexuality, including lesbian and gay literature for use by teachers and librarians in secondary schools and further education colleges*, ILEA Learning Resources Branch, London, September 1986, p. 5.

23. *Hansard*, House of Commons, 14 May 1987, col. 413.

24. 'Hurd plans to tighten immigration controls', *The Times*, 1 June 1987.

25. 'Labour row as Kinnoch sacks black activist', *The Times*, 30 April 1987; and see letter to *The Guardian* by Mick Wallis, 4 May 1987.

26. 'Mystery scare ads rapped', *The Observer*, 14 June 1987.

27. 'Dramatic steps that will carry Britain forward', *The Times Educational Supplement*, 16 October 1987.

28. Letter from Larry Whitty, General Secretary of the Labour Party, to National Executive Members and others, 20 March 1986; see also *Hansard*, House of Commons, 9 March 1988, cols. 385–386.

29. *Hansard*, House of Commons, 8 December 1987, cols. 1211–1214; 1216–1218.

30. 'Gays angered by Labour betrayal over grants', *The Guardian*, 10 December 1987.

31. 'Gay rights outcry highlights new Labour line', *The Independent*, 10 December 1987; see also Jeff Rooker's remarks reported in 'Labour row over Clause 28 response', *The Independent*, 9 March 1988

32. *Hansard*, House of Commons, 8 December 1987, cols. 1220–1226, 1230.

33. As reported in 'Bigotry fear if gay sex teaching banned', *The Guardian*, 9 December 1987; see also *Hansard*, House of Commons, 15 December 1987, col. 1007; 9 March 1988, col. 408.

34. *Hansard*, House of Commons, 15 December 1987, cols. 1008–1009.

35. OLGA press release, 15 December 1987; see also n 37.

36. 'Labour in two minds over ban on teaching about homosexuality', *The Guardian*, 15 December 1987.
37. *Hansard*, House of Commons, 15 December 1987, col. 1016.
38. *Ibid.*, col. 1012.
39. *Ibid.*, col. 1017.
40. *Ibid.*, col. 1023.
41. *Ibid.*, col. 1020.
42. 'Clause 28 "witch-hunt"', *The Guardian*, 26 January 1988.
43. But see 'Scratched by the clause', *The Times Educational Supplement*, 26 February 1988.
44. *Hansard*, House of Lords, 11 January 1988, col. 965; 'Bishop warns of "terrible danger" of prejudice', *The Guardian*, 12 January 1988; cf. 'Clause 28 a threat to civil liberties, archbishop says', *The Independent*, 3 February 1988 and see *Hansard*, House of Lords, 11 January 1988, col. 965; cf. the remarks of the Archbishop of York, *Hansard*, House of Lords, 2 February 1988, cols. 998–999.
45. "'Family-smashing" poll tax will be dismembered in Lords, says Kinnock', *The Guardian*, 30 January 1988; 'Clause 28 amended to avoid Tory rebellion', *The Independent*, 30 January 1988.
46. *Ibid.*; 'Lords bid to alter gays curb', *The Guardian*, 27 January 1988.
47. *Hansard*, House of Lords, 2 February 1988, col. 1022; 'Rope trick ladies drop in on the Lords', *The Guardian*, 3 February 1988; 'Abseil demo by women as Lords confirm gay ban', *The Guardian*, 3 February 1988; 'Gay rights protesters disrupt Lords debate', *The Independent*, 3 February 1988; 'News team repels invaders', *The Guardian*, 24 May 1988; 'Gay demonstrators disrupt television news', *The Independent*, 24 May 1988; see also 'Labour row over Clause 28 response', *The Independent*, 9 March 1988; 'The gender trap', *The Guardian*, 30 May 1988.
48. Letter from 10 Downing Street signed by Margaret Thatcher, 3 March 1988. The same phrase occurs again in various letters from the Department of the Environment, who, however, unlike Mrs Thatcher's office, can spell 'glamorise' correctly; though not 'targeting', it seems.
49. *Hansard*, House of Lords, 1 February 1988, cols. 892, 968; 2 February 1988, col. 1018; 16 February 1988, cols. 597, 607–608, 611, 613, 614, 622.
50. *Hansard*, House of Lords, 1 February 1988, cols. 891–892.
51. See for example *Hansard*, House of Lords, 2 February 1988, col. 1018; 16 February 1988, cols. 598, 605, 610, 621.
52. *Hansard*, House of Lords, 16 February 1988, col. 587.
53. *Ibid.*, cols. 617–619; quotation from col. 617.
54. *Ibid.*, col. 620.
55. *Ibid.*, col. 627; see also col. 621.

56. *Hansard*, House of Commons, 9 March 1988, cols. 383, 399.
57. *Ibid.*, col. 377; see also cols. 378, 400; and *Hansard*, House of Lords, 11 January 1988, cols. 1012–1013; 1 February 1988, col. 871.
58. 'Letter of the law that spells fear', *The Teacher*, 18 January 1988.
59. 'Anti-gay law "is a legal non-starter"', *The Observer*, 22 April 1988; 'Lawyers support council funding of gay groups', *The Guardian*, 16 May 1988; 'Sexuality: a new minefield in schools', *The Independent*, 26 May 1988.
60. Department of the Environment Circular 12/88 §20.
61. Education (No 2) Act 1986 §46.
62. Department of Education and Science Circular 11/87 §21, 22.
63. 'Schools escape clause 28 in "gay ban" fiasco', *The Sunday Times*, 29 May 1988; 'Clause 28 note irks MPs', *The Guardian*, 30 May 1988.
64. 'Escape from Section 28 oversold', *The Times Educational Supplement*, 3 June 1988.
65. 'Anti-gay law "is a legal non-starter"', *The Observer*, 22 April 1988; 'Lawyers support council funding of gay groups', *The Guardian*, 16 May 1988; ; 'Section 28 "no bar to gay issues"', *The Guardian*, 26 July 1988.
66. *In the matter of section 28 Local Government Act 1988. Opinion*, Lord Gifford, QC and Terry Munyard, §14, 15. We are grateful to the National Council for Civil Liberties and the Association of London Authorities for permitting us to quote from this document.
67. *Hansard*, House of Lords, 16 February 1988, col. 616.
68. Gifford Opinion, §2–9, 13, 16.
69. *Ibid.*, §32, 34.
70. *Ibid.*, §25, 26, 27.
71. *Hansard*, House of Lords, 16 February 1988, cols. 613, 614.
72. Gifford Opinion, §20, 28.
73. *Ibid.*, §29.
74. *Ibid.*, §19.
75. See *Something to tell you. The experiences and needs of young lesbians and gay men in London*, by Lorraine Trenchard and Hugh Warren, London Gay Teenage Group, London, 1984, p. 145.
76. *Hansard*, House of Commons, 9 March 1988, col. 378.
77. *Hansard*, House of Commons, 9 March 1988, col. 387.
78. *Hansard*, House of Lords, 16 February 1988, cols. 609–610.
79. 'Broadcast ban leads terror fight', *The Guardian*, 20 October 1988; 'Terrorist ban hits pop song', *The Observer*, 20 November 1988.

80. *Spare Rib*, No. 190, May 1988, p. 38; *Lesbian and Gay Socialist*, Issue 14, Spring/Summer 1988, pp. 13–15.

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