

*Homosexuality  
and  
Young People*

A report

by Colin Hart, Simon Calvert  
and Iain Bainbridge

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EQUIPPING CHRISTIANS FOR ACTION

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**Eslington House**  
**Eslington Terrace**  
**Jesmond**  
**Newcastle upon Tyne**  
**NE2 4RF**

Telephone: 0191 281 5664 Fax: 0191 281 4272  
E-mail : [info@christian.org.uk](mailto:info@christian.org.uk) Internet : <http://www.christian.org.uk>

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*The Christian Institute* is a non-denominational Christian organisation. Based in Newcastle-upon-Tyne, it seeks to promote the Biblical Christian faith in public life through publishing, conferences and campaigning. It specialises in research and comment on ethical issues including marriage and the family, homosexuality, religious freedoms, constitutional issues, drugs, and education.

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## INTRODUCTION

There can be no doubt that 1998 will see major attempts at homosexual law reform.

Martin Bowley QC, President of the Bar Lesbian and Gay Group writing in *The Times* has argued for much more than just lowering the age of homosexual consent to 16:

"...the real importance of an equal age of consent is largely symbolic. What is urgently needed now is a huge overhaul of the sexual offences law."<sup>1</sup>

The issue is not just the age of consent, repeal of the law banning the promotion of homosexuality in schools ("Clause 28") and anti-discrimination legislation. Also the abolition of the specific offence of gross indecency is now one of the key demands of mainstream gay rights groups such as Stonewall.

From the gay rights perspective the three main arguments for homosexual law reform appear to be grounded in:

- Equality
- Safer sex
- Personal freedom

This report considers these arguments. Apart from the medical literature, virtually all the research we quote is from gay researchers or researchers known to be sympathetic to homosexual rights. All the research quoted is in the public domain.

Away from the political debates, there are many gay writers whose honesty leads them to admit the risks of harm associated with the gay lifestyle but then they argue that those risks must be accepted. For them, the issue is personal freedom.

The first part of this report considers the general arguments about further liberalisation of laws and attitudes relating to homosexuality. The second part from Chapter 5 onwards considers the specific proposals from gay campaigners for changes in the law.

Homosexual law reform inevitably involves discussing young people.

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<sup>1</sup> *The Times* 2 September 1997

Children are bombarded with many influential ideas and images, very many of them sexual. Most of the sexual pressures on young people are, of course, heterosexual. The charge is sometimes made by gay campaigners that fathering a child when you are 16 is far more momentous than embarking on a homosexual lifestyle. It is therefore argued that whatever the consequences of teenage homosexual activity, the age of homosexual consent should in all fairness be lowered to 16.

However, an alternative argument is now being heard. The data clearly shows that gay campaigners are pointing to an alarming problem. But in the minds of many this could be resolved by *raising the age of heterosexual consent*.

There is one another important introductory observation.

Sexual offences committed by women are only a tiny fraction of those committed by men. Also female homosexuality is of a different character to male homosexuality. It is certainly much rarer. The legal framework also differs in relation to men and women (and it has been argued that this is so for good reason).

The laws relating to the age of consent and gross indecency directly concern homosexual men; so in the relevant sections of this report it is inevitable that the focus will be on men.

## CHAPTER 1 : ATTITUDES

### Public opinion

In 1994, *Sexual Behaviour in Britain* ("the Wellings study"), the largest British study of its kind, concluded:

"The view that emerges predominantly from these data is one of a British nation strongly committed to the ideal of the heterosexual, monogamous union, but one of considerable relaxation in attitudes towards teenage sexuality and, in particular, sex before marriage..... *Responses to attitudinal questions show widespread condemnation of homosexual relationships* [emphasis added]."<sup>2</sup>

Despite this strong public disapproval for homosexual behaviour, the West is facing growing pressure from highly effective gay rights groups and many in the media to liberalise the laws governing homosexuality.

With just over 70% of men believing that homosexual intercourse is always or mostly wrong it was no surprise that the study concluded that there is "widespread condemnation of homosexual relationships".<sup>3</sup>

The most liberal views are held in London, where only 61.4% of men believe that homosexual sex between men is always or mostly wrong. The highest disapproval rates are in Wales (78.6% of men ) and the North (80.7% of men).<sup>4</sup>

Wellings finds that, contrary to popular myth, the young are not broad minded on homosexuality. The study reports that "Younger respondents are not markedly more tolerant than older ones."<sup>5</sup>

Even of those who have actually had homosexual intercourse, 19.3% believe it to be wrong.<sup>6</sup>

*British Social Attitudes* (in a much smaller study) have also looked at public attitudes on homosexuality. When asking both men and women about "sexual relations between two adults of the same sex"<sup>7</sup> BSA found that 54.9% said it was always or mostly wrong, with an additional 9.6% believing it to be sometimes wrong.

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<sup>2</sup> See Johnson A M, Wellings K, et al *Sexual Attitudes and Lifestyles*, Blackwell, 1994, page 256, 257. The paperback version was published as Wellings K et al, *Sexual Behaviour in Britain*, Penguin, 1994

<sup>3</sup> Wellings K et al, *Sexual Behaviour in Britain*, Penguin, 1994, page 271

<sup>4</sup> Johnson A M, Wellings K et al *Op cit*, page 475

<sup>5</sup> *Ibid* page 241

<sup>6</sup> *Ibid* page 245

<sup>7</sup> *British Social Attitudes*, The 13th Report (1996/7), Dartmouth/SCPR, 1996, pages 39, 233

These figures are broadly comparable with American surveys. The United States General Social Survey found that 75% judged homosexual practice to be always or almost always wrong.<sup>8</sup>

### What is homophobia?

"Homophobia" is a word much used by gay rights campaigners. It appears to have two main usages. It is used to mean "an irrational fear of homosexuals"; but there is also a second usage, as, for example, in the Wellings study where it is used to define current public opinion:

"...despite the spread of opinion, homophobic attitudes are widespread in Britain. More than two-thirds of men (70.2%) and more than half of women (57.9%) believe sex between two men to be always or mostly wrong.."

So homophobia, by this commonly used second definition, is the belief that homosexuality is morally wrong.

It would be wrong to conclude that only heterosexuals are considered capable of being homophobic. Gay writers rail against the "internal homophobia" of guilt experienced by homosexuals. Andrew Sullivan, probably the leading gay intellectual, writes that,

"To reach puberty and find oneself falling in love with members of one's own sex is to experience a mixture of self-discovery and self-disgust that never leaves a human consciousness."<sup>9</sup>

The concept of internal homophobia is used to explain some of the behaviours associated with the homosexual lifestyle. An increasing number of gay writers do accept that *there are* medical studies which show poor health outcomes and high drug and alcohol abuse rates. These writers respond by saying that it is widespread homophobia in society and the consequent internal homophobia which results in intolerable pressure being put on 'gay people'; the poor health and other outcomes are said to be the results of this pressure.

It is indeed true that homosexuals do have higher incidences of drug and alcohol abuse. According to the US National Gay-Lesbian Health Foundation, drug and alcohol problems are three times greater among homosexuals than among heterosexuals.<sup>10</sup> But Gay groups argue that this is because homosexuals are victimised. Homophobia, they argue, *causes* gay men to take drugs and to experience other poor health outcomes.

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<sup>8</sup> Johnson A M, Wellings K et al *Op cit*, page 241

<sup>9</sup> Sullivan A *Virtually Normal*, Picador, 1996, page 154

<sup>10</sup> Quoted in Satinover J, *Homosexuality and the Politics of Truth*, Baker, 1997, page 194

Homophobia as a concept asserts the "victim" status of homosexuals whilst at the same time cleverly and pejoratively giving low moral status to those who believe that homosexuality is wrong.

### **The persistence of moral views on homosexuality**

In whatever way the homophobia theory is used, there can be no doubt that *public* stigma against homosexuality has substantially declined in recent years.

Thirty years ago all homosexual sexual acts were criminal offences. Today there are actively homosexual characters in mainstream TV soaps. Government departments - even the Lord Chancellor's Department, which used to sack homosexual judges - now have non-discrimination policies for homosexuals. Television news stories routinely use the term "partner" to apply both to heterosexual and homosexual cohabitants.

The public perception is also that many liberal Church leaders and Rabbis are now equivocating on, if not supporting, homosexual conduct.

But despite these moves by Government, by the media and by liberal religious leaders, amongst the vast majority of the population there is a remarkable persistence of the view that homosexuality is wrong.

On a global scale this belief is practically universal. All the main world religions, in their orthodox teaching, as understood for hundreds if not thousands of years, hold that homosexual practice is wrong.<sup>11</sup>

Ordinary Church members, like the British public, still view homosexual acts as wrong. In the Church of England the formal policy is still that homosexual acts call for "repentance".<sup>12</sup> But what causes homosexual desires?

### **The Gay Gene**

A genetic cause for homosexuality has been much talked of in recent years. People cannot be blamed if what they do is not their fault. It is argued that if it really is true that some people were born to behave in a certain way and that they have no choice over their actions, then no opprobrium, or indeed restriction, can be attached to those actions.

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<sup>11</sup> See Morgan P and Lawton C (Ed.s), *Ethical Issues in Six Religious Traditions*, Edinburgh University Press, 1996

<sup>12</sup> General Synod Motion, 1987

"When the British gay film maker Derek Jarman was asked in a radio broadcast whether his homosexuality was learnt or inborn, he replied that it was inborn - and then added that at least he hoped so, because otherwise he would have no basis with which to challenge moral conservatism."<sup>13</sup>

A number of studies have shown that people who believe that homosexuals are "born that way" rather than choosing or learning their behaviour have significantly more positive attitudes towards homosexuals.<sup>14</sup>

Some gay activists prefer to emphasise that being homosexual is *their* choice and the exercise of *their* free-will. They resent the deterministic notion implied by genetic origin. But most activists have warmly embraced the news of a "gay gene". They have seized on the two separate 1991 studies<sup>15</sup> which were widely reported as finding evidence of a genetic basis for homosexual behaviour.

Responses to the studies by leading geneticists have not been well reported. The following is a discussion of the main claims of the "gay gene" research and the response of the scientific community.

### *Simon LeVay*

In the first study, gay neuroscientist Simon LeVay studied the tiny region of the *hypothalamus* called INAH-3. This region is known to control body temperature, blood pressure, pulse rate and hormone production. The INAH-3 is believed to be "the chief co-ordinator of instincts and drives", including the sex drive.<sup>16</sup>

This region in the brain is more than twice as large in men as in women. A similar region in animals appears to control "male typical" behaviour.<sup>17</sup>

LeVay compared the brains of homosexual males with male heterosexuals. In the study of 41 subjects, 26 had died of AIDS, with the remainder dying of other causes.

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<sup>13</sup> Weeks, J *Invented Moralities*, Polity Press, 1995, page 8

<sup>14</sup> Quoted in Satinover J, *Op cit*, page 78

<sup>15</sup> LeVay S *A Difference in Hypothalamic Structure between Heterosexual and Homosexual Men*, *Science*, 253: 1034-1037, 1991 and Bailey J M and Pillard R C *A genetic study of male sexual orientation* *Archives of General Psychiatry*, 48, 1093 cited in *Citizen*, Focus on the Family, November 16, 1992, pages 12, 13, 14

<sup>16</sup> Mesulam M.-Marsel, *Neural Substrates of Behaviour: The effects of brain lesions upon mental state*, in Armand, M N Jr (Ed) *The New Harvard Guide to Psychiatry*, Belknap Press, Cambridge, Mass, 1988, page 91 Cited in *Citizen*, Focus on the Family, November 16, 1992, page 14

<sup>17</sup> See references quoted *Citizen*, Focus on the Family, November 16, 1992, page 14 and *Physician*, Focus on the Family, July/August 1992, pages 10, 11

Medical records alone were used to deduce that 19 of the subjects were homosexual. The research has been criticised on these grounds. It is not known whether they were exclusively homosexual or bisexual. For the other subjects LeVay simply assumed they were heterosexual in the absence of any information in the medical records.

LeVay measured the size of the INAH-3 cell group and found that it was twice as large in the presumed heterosexual men as in the homosexual men or presumed heterosexual women.

Neuroscientists differ as to whether it is more telling to count the number of cells in the INAH-3 region or to measure their size.<sup>18</sup> Certainly it is very difficult to measure the size of INAH-3 as, unlike some other parts of the brain, it has no clear boundaries.

No one actually knows for certain what was the sexual behaviour of the subjects. LeVay has admitted classifying one man as homosexual when he was labelled by his medical records as bisexual.

Not all of LeVay's subjects fitted into his theory. In some homosexual men INAH-3 was found to be large and in some heterosexual men INAH-3 was found to be small - results which directly contradict his hypothesis. But if INAH-3 really did control "sexual orientation" there would be no exceptions. LeVay has therefore been forced to admit that some of the subjects may have been wrongly labelled.

In admitting that some of his subjects may have been wrongly labelled, LeVay has undermined the credibility of his own research.

Even if LeVay had completely and comprehensively demonstrated a link between INAH-3 size and orientation there is another issue - that of causation. Was the smaller INAH-3 the cause of homosexual 'orientation' or did the homosexual behaviour itself cause that area of the brain to shrink?

It is well known that the area of the brain governing the right index finger becomes progressively enlarged for individuals who become blind as adults and then learn Braille. The brain is a plastic organ. Its neural networks re-configure themselves in response to certain experiences.<sup>19</sup>

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<sup>18</sup> News and Comment : *Is Homosexuality Biological*, Science, 253, page 957 (1991) cited in *Physician*, Focus on the Family, July/August 1992, pages 10, 11

<sup>19</sup> Satinover J, *Op cit*, page 79

Simon LeVay is now reported as running the West Hollywood Institute for Gay and Lesbian Education.<sup>20</sup>

### *Bailey and Pillard*

The study by Michael Bailey and Richard Pillard recruited 161 homosexual or bisexual men who had at least one brother.

The question at issue was whether those whose genetic make up was most similar would also share the same sexual "orientation".

In a study of the twins within the group Bailey and Pillard found that 52% of the identical twins were both homosexual, compared to 22% of the non-identical twins.

An obvious problem with the research is that identical twins have identical genes. If "orientation" is determined by genes then instead of 52% being homosexual, 100% would be. This research therefore entirely *disproves* genetic determinism.

Non-identical twins are no more alike than normal brothers and sisters. So the proportion who were homosexual in each group might be expected to be the same if there *was* a genetic cause for homosexuality and if, as the study assumes, environmental factors were equal. Yet in Bailey and Pillard's research, 9% of normal siblings were homosexual compared to 22% for the non-identical twins.

There is also another major problem with the study: were the environmental factors equal? The brothers shared the same upbringing, but it does not necessarily follow that they were both treated in the way same by their parents. Neither does it account for other factors operating upon them.

### *Genetic influence*

There are no studies which show that genes *determine* later homosexual behaviour. In fact the *scientific articles* cited above never claimed that they did, but all the researchers in touring the television studios fanned the media hype that genes do determine homosexual behaviour. The reason was that LeVay, Bailey and Pillard are all advocates of gay rights.

There have been strong criticisms of these two pieces of research. Two geneticists, Billings and Beckwith, one heading the largest genetics

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<sup>20</sup> *Citizen*, Focus on the Family 16 November 1992 page 12

department in the USA, the other from Harvard, have commented on the conclusions Bailey and Pillard have drawn from their research.

Billings and Beckwith compare their work to *Phrenology* - the discredited idea that the size and shape of the skull is related to the intellectual faculties.

They remark:

"...recent studies seeking a genetic basis for homosexuality suggest that...we may be in for a new molecular phrenology, rather than true scientific progress and insight into behaviour.

While the authors interpreted their findings as evidence for a genetic basis for homosexuality, we think that the data in fact provide strong evidence for the influence of the environment".<sup>21</sup>

Two British researchers generated comparable results to Bailey and Pillard. Their conclusion,

"...confirmed that genetic factors are insufficient explanation for the development of sexual orientation."<sup>22</sup>

Billings and Beckwith have said of LeVay's work that his

"research design and subject sample did not allow others to determine whether it was sexual behaviour, drug use, or disease history that was correlated with the observed differences among the subjects' brains."<sup>23</sup>

#### *Genetic correlation with homosexuality*

Jeffrey Satinover, an American psychiatrist, has demonstrated in a masterly study how genetic correlation does not necessarily imply any direct link.<sup>24</sup>

The first example he gives relates to the favourable physical characteristics possessed by athletes. No genes exist for basketball players, but some genes determine height, quick reflexes, favourable bone structure, muscle strength and so on. Someone born with a favourable combination of height and athleticism is in no way genetically programmed to become a basketball player. Yet these qualities facilitate the choice to become a basketball player.

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<sup>21</sup> Billings, P and Beckwith, J *Technological Review*, July 1993, page 60 cited in Satinover J, *Op cit*, pages 88,89

<sup>22</sup> King M and McDonald E *Homosexuals who are Twins: A study of 46 probands*, British Journal of Psychiatry 160 (1992), pp.407 - 409 cited in Satinover J, *Op cit* Baker, 1997, page 87

<sup>23</sup> Billings, P and Beckwith, J *Technological Review*, July 1993, page 60 cited in Satinover J, *Op cit*, pages 80, 81

<sup>24</sup> Satinover J, *Op cit*, page 95

So the choice to play basketball has a genetic component. If studies were conducted they would show a degree of genetic influence.

The second example he gives is that of alcoholism. It could be argued that alcoholism is linked to a certain genetic make up in an individual or a family. The genes of Northern Europeans result in nervous arousal under perceived threats. This is experienced as anxiety and alcohol is a relaxant.

Differences in the nervous system of Northern Europeans compared to their Southern counterparts appear to be due to the way the Northern races have adapted to their harsher environment and the different cycles of sunlight further away from the equator. These factors have led to the development of a nervous system in Northern Europeans which is more easily stimulated.

Responses to stress lead to increased heart rate, blood pressure and so on. All of these physical responses are mediated by the nervous system, which can be calmed by alcohol.

Hence the link between genes and alcoholism. But no individual is *bound* to become an alcoholic and there are no genes with a specific code for alcoholism.

There may well be *some* genetic factors *associated* with homosexuality. *But if this was ever demonstrated nothing would be proved.* Satinover dismisses the published studies to date, but comments,

"Because all human behaviour is related in some way to genes, we can nonetheless guess that one day higher quality research *will* find genetic factors that correlate to homosexuality. But remember, one of the fundamental principles of research is that ***correlation does not necessarily imply causation.*** With respect to whatever genetic or biological factors are correlated to homosexuality we will need to be very careful to understand what they mean and, indeed, how limited the implications really are."<sup>25</sup> [Emphasis added.]

Satinover points out that if homosexuality was directly genetic then this leads to the insoluble problem of why the incidence of homosexuality is increasing.<sup>26</sup> Homosexuality is obviously associated with far lower childbearing rates. At present the average childbearing rate in America is 1.05 children per adult. This is the rate for the whole population - heterosexuals and homosexuals. But 1.05 also happens to be the minimum replacement rate.

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<sup>25</sup> *Ibid* page 81

<sup>26</sup> *Ibid* see the argument on page 103

There is therefore no way by which homosexuality could ultimately survive - let alone increase - unless its existence was redeveloped by some non-heritable cause or causes.

The fact that homosexuality is not declining is therefore an argument against it being genetically determined.

### **So what causes homosexuality?**

Like many character traits, the explanation of what causes the homosexual urge probably has both environmental and biological factors. There may be different types of homosexuality which have different explanations.<sup>27</sup>

Most psychiatric work in this area has tended to point to inner conflicts resulting from a poor relationship with the father. Whilst mothers have a natural role in the care and nurture of children, much more social pressure and control is needed for fathers to be responsible parents. It is therefore much more likely that the male role model will be missing than the female role model. This particularly affects boys and so, it is argued, this explains why there are far more males than females who have homosexual tendencies.

Relationships with the opposite sex normally involve a degree of anxiety which, if further heightened by environmental or innate factors, may lead to same sex relationships becoming more attractive. Individuals may seek to alleviate these inner conflicts with self-soothing responses involving compulsive sexual or other behaviour. As we have said many gay writers accept that there is a high correlation between the use or abuse of drugs and alcohol and homosexual practice (See section in Chapter 3 on the gay subculture).

The vast majority of the population have a disposition to be sexually attracted to someone of the opposite sex. There are people, however, a tiny minority, who have a disposition to be sexually attracted to someone of the same sex. There are also people who are attracted to both sexes. Some people even have sexual desires for children.

But it also needs to be said, in the same way that it is possible to stimulate heterosexual desire (for example through sexual experience or

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<sup>27</sup> *Ibid* see the argument on page 191-195

exposure to pornography) it is possible to stimulate homosexual desire. Probably many heterosexual men, given certain extreme circumstances, could become capable of responding to homosexual stimuli.

Another factor correlated with the development of homosexuality is abuse in childhood. Satinover makes the point that a significant minority of homosexuals were abused as children. He cites one study:

“1,001 adult homosexual and bisexual men attending sexually transmitted disease clinics were interviewed regarding potentially abusive sexual contacts during childhood and adolescence. Thirty-seven percent of participants reported they had been encouraged or forced to have sexual contact before age 19 with an older or more powerful partner; 94 percent occurred with men. Median age of the participant at first contact was 10; median age difference between partners was 11 years. Fifty-one percent involved use of force; 33 percent involved anal sex.”<sup>28</sup>

No one actually knows the full truth about what causes a person to adopt a homosexual lifestyle.

### **Homosexual 'Orientation'**

Gay writers commonly refer to a person as having a 'homosexual orientation' if they are attracted to a person of the same sex and 'gay' if they publicly identify themselves as homosexual.

The term 'homosexual orientation' is a very powerful concept. This study raises questions over the term 'orientation' and its implications of stability and fixed-ness which in reality are usually not justified. The detailed arguments on the statistics are presented in the next chapter, but for now here is a brief overview.

It will be argued that homosexual orientation as a concept must logically mean *persistent* and *exclusive* attraction and behaviour. There is no question that for some men and women this is precisely the case *in their experience*. But by no means is this an accurate *general picture* of the phenomenon of homosexuality.

Homosexual attraction and experimentation are very often part of a youthful phase. Wellings finds that 5.5% of men claim to have been attracted to another man, but only 3.6% have *ever* committed a same sex genital act.<sup>29</sup>

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<sup>28</sup> Doll L S et al., *Self-Reported Childhood and Adolescent Sexual Abuse Among Adult Homosexual/Bisexual Men*, Child Abuse and Neglect 16, no. 6 (1992), pp. 855-64 as cited in Satinover, J *Homosexuality and the Politics of Truth* Baker, 1996 page 44

<sup>29</sup> Wellings K et al, *Op Cit*, page 187

Half of these acts were never repeated with another man. There is a great deal of evidence that "Homosexual experience is often a relatively isolated or passing event"<sup>30</sup> and that homosexual acts are often single occasions in youth which never recur in adult life.<sup>31</sup>

Of those men *having had* a homosexual partner, 61.8% have had no partner at all in the past five years and most (50.4%) report only ever having had one homosexual partner.<sup>32</sup> It is very often a case of "trying it once and not again".

It is a fact that those who have adopted an actively homosexual lifestyle can leave it. In the United States, there are large numbers of former homosexuals who are part of the ex-gay movement. Homosexuality is still regarded as a treatable condition by many psychiatrists, who accordingly have formed their own professional association. People who have sought help to leave their homosexual lifestyle have been able to do so and in a significant number of cases have even acquired an attraction for the opposite sex, married and had a family.

Homosexuality cannot be described as being persistent in anything like the way in which heterosexuality can.

Neither is homosexuality as a phenomenon particularly exclusive. In the majority of cases *men who continue* to have genital contact with men also have genital contact with women.

Of the 1.4% of men who have had at least one homosexual partner in the last five years, a clear majority (57%) of these men have also had female partners in the same period.<sup>33</sup>

Though 0.3% of men have only had male partners in their lives,<sup>34</sup> eleven times as many men (around 3.4%) had *both* male *and* female sexual partners.<sup>35</sup>

Some 2.2% of men have reported having same-sex desires, but never acting upon them.<sup>36</sup> There are even, apparently, 2.6% of men who, whilst

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30 *Ibid* page 203

31 *Ibid* page 214

32 *Loc cit*

33 *Ibid* page 209

34 *Loc cit*

35 *Loc cit*

36 *Ibid* pages 185, 197

exclusively attracted to women, have nevertheless had some same-sex contact ranging from cuddling and kissing to genital contact.<sup>37</sup>

There is a crucial distinction which careless use of the term 'orientation' fails to draw. That is the difference between *the urge* and *the action*. This is important to assert for two reasons.

First, there is a need to be clear about precisely what statistical data on homosexuality is being measured at any one time. Early surveys drew little distinction between attraction and actual behaviour. Heavy reliance was placed on self-defined terms which meant different things to different people. The result was a confused and wholly inaccurate picture.

Second, after considering what precisely is being measured about homosexuality, it has to be said that merely experiencing an urge or an attraction does not necessarily prove anything.

A man owning up to having had a same-sex attraction may just be referring to a youthful teenage crush long since grown out of. Same-sex desire owned up to even as an adult may actually elicit no information about a person's lifestyle. The question is whether the urge is acted upon.

In everyday life this same distinction is drawn between an urge or desire and an action. A man can think that his neighbour's car is particularly impressive. That can lead to jealousy or envy and that may lead him to steal it, but it may not. A woman can fall out with a colleague at work. This can lead to hatred, anger or possibly even murder, but hopefully it will not. No doubt surveys would point out shockingly high numbers of people who own up to jealous or murderous thoughts, but this would give little information on stolen cars or the murder rate.

A married man can look at a woman and think to himself that she is particularly attractive. That *could* lead to lust or even adultery, but perhaps most would hope that it would not.

The Christian faith draws this distinction between the urge or the temptation and the action. An involuntary thought or an urge which does not lead to action cannot be wrong. In this sense people who experience same sex attraction but remain celibate and do not mentally feed their desire could never be classified as immoral. Their desires are certainly out of the norm, but not wrong in themselves, according to the Christian

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<sup>37</sup> *Loc cit*

faith. The only 'orientation' taught in the Bible is the orientation towards sin - an orientation present in every man and woman.

## Chapter 1: Summary

### *Public attitudes*

- Just over 70% of men believe that homosexual intercourse is always or mostly wrong. *Sexual Behaviour in Britain* reports that "Responses to attitudinal questions show widespread condemnation of homosexual relationships".<sup>38</sup>
- Homosexual *practice* is viewed as immoral in the major world religions, though there are liberals claiming Christian or Jewish faith allegiance who support the practice.

### *The gay gene: the urge and the action*

- Claims by some scientists that there is a gay gene have been dismissed in US and UK scientific literature.
- Even if a genetic link was ever established it would merely establish a disposition in the same way that some people are genetically more disposed to become athletes or alcoholics.
- Even if homosexuals were "born that way", it simply means they are more prone to a particular set of temptations.
- As far as moral judgements are concerned it has long been understood in Christian theology that homosexual urges are not wrong. Temptation is not sin, yielding to it is.

### *Fixed-ness throughout life:*

- Research shows that young people can go through a phase of experiencing an attraction to someone of the same sex, but the overwhelming majority of those who do, grow out of it.
- Of the 3.6% of men who have had same sex genital contact<sup>39</sup> the vast majority go on to have heterosexual relationships. Only 0.3% of men have only ever had male partners.<sup>40</sup>
- Many people who have sought help to leave their homosexual lifestyle have been able to do so and in a fair number of cases have even acquired an attraction for the opposite sex.

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<sup>38</sup> *Ibid* pages 271

<sup>39</sup> Johnson, A M, Wadsworth, J *et al* in *Nature* (360) 411, 3 December 1992 and Wellings K *et al* *Op cit*, page 188

<sup>40</sup> Wellings K *et al*, *Op cit*, page 209

## CHAPTER 2 : STATISTICS

### Alfred Kinsey

The claim that there are very large numbers of homosexuals is an important part of the argument for gay liberation. One person in ten is the figure that is most often used.

The ten per cent figure is derived from the work of the zoologist Alfred Kinsey. His two studies *Sexual Behaviour in the Human Male* (1948) and *Sexual Behaviour in the Human Female* (1953) profoundly challenged the sexual mores of the West.

Professor James Jones has recently published a sympathetic biography of Kinsey. He argues that:

"More than any other American of the twentieth century, he was the architect of a new sensibility about a part of life that everyone experiences and not one escapes. Kinsey was the high priest of sexual liberation. His power derived from the cultural authority of science... he used his status as a scientist in an increasingly secular society to challenge deeply ingrained moral values and legal strictures that regulated human sexual attitudes and behaviour."<sup>41</sup>

Kinsey in *Sexual Behaviour in the Human Male* concluded that:

"10% of the males are more or less exclusively homosexual for at least three years between the ages of 16 and 55."<sup>42</sup>

"4% of white males are exclusively homosexual throughout their lives after the onset of adolescence."<sup>43</sup>

Kinsey claimed that:

"37% of the total male population has at least some overt homosexual experience to the point of orgasm between adolescence and old age."<sup>44</sup>

Kinsey's figures are still used today.

Teaching materials published in 1995 by Camden and Islington Community NHS Trust, tell children:

"Research has found that

About 50% of women and men have experienced a sexual attraction to someone of the same sex.

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41 Jones J *Alfred C. Kinsey : A Public/Private Life*, Norton and Co, New York, 1997, preface

42 Kinsey A C *Sexual Behaviour in the Human Male*, W. B. Saunders Co. 1948 page 651

43 *Ibid* page 651

44 *Ibid*, page 650

Nearly 40% of all men have had sex with another man at some point in their lives.

Around 10% of people are mainly or exclusively lesbian or gay."<sup>45</sup>

A recent case<sup>46</sup> before the European Court of Justice concerned whether an employee should be entitled to claim the same travel perks for a "homosexual partner" as could be claimed by a heterosexual couple. The case hinged on whether the European Equal Treatment Directive (intended to protect the position of women in relation to men in employment and other areas) should be extended to prevent discrimination on the grounds of sexual orientation.

The Advocate General in giving his provisional opinion argued that the Directive should be so extended. He argued that 35 million homosexuals in Europe would be affected by this move. This happens to be almost one tenth of the EU population.<sup>47</sup> The full Court of Justice later reversed the Advocate's provisional opinion.

The Department of Health in a 1987 official report on the prediction of HIV infection cited as 'very out of date' a Kinsey-based estimate of 3.5% as the exclusively homosexual male population.<sup>48</sup> The report suggested that

"A further 3.5 to 10% of men are assumed to have some homosexual contact"<sup>49</sup>

The Kinsey figures are said to be 'very out of date', but the writer of the report then suggests that the *real figure* for

"the homosexual population is around 4.5% of adult males with a probable range of 3% - 7%."<sup>50</sup>

Perhaps these figures might explain why some predictions of the AIDS crisis were so wide of the mark.

Though the ten per cent figure is still often used in political debates, the classroom and the Court room, it is difficult to overstate the extent to which Kinsey's figures have been discredited. As will be seen in the next section large scale studies put the exclusively homosexual population at less than 1%.

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<sup>45</sup> Mole S *Colours of the Rainbow*, Camden and Islington Community NHS Trust, 1995, page 104

<sup>46</sup> *Lisa Jacqueline Grant v South West Trains Ltd*, Case C-249/96

<sup>47</sup> Opinion of Advocate General 30th September 1997 *Lisa Jacqueline Grant v South West Trains Ltd* Case c -249/96, para 42

<sup>48</sup> Hillier H, Appendix 3 in *Short-term prediction of HIV Infection and AIDS in England and Wales*, Department of Health, HMSO, 1987, page 48

<sup>49</sup> *Loc cit*

<sup>50</sup> *Loc cit*

The reason for such a massive margin of error was the bias in Kinsey's sample. Some 25% of the sample were prisoners and 63% were college educated.<sup>51</sup> Many "subjects" volunteered after attending Kinsey's lectures on sex. Kinsey famously used a "0 to 6" scale with 0 being exclusively heterosexual and 6 being exclusively homosexual<sup>52</sup>. Merely to have had a single thought of attraction to the same sex was sufficient to be classed as having a homosexual "psychologic reaction" and therefore to have a homosexual rating.<sup>53</sup>

A 1990 book by Judith Reisman and Edward Eichel was appropriately entitled *Kinsey, Sex and Fraud*.<sup>54</sup> This book did not have a wide readership probably because it had a Christian publisher.

Jones is critical of Reisman and Eichel, but concedes many of the points they raise about Kinsey's personal life and the use of a large amount of data from child molestation incidences. Jones himself argues that Kinsey obtained some of his data by having sex with his 'subjects'.<sup>55</sup>

Professor Jones acknowledges that

"Kinsey's deep-seated animosity to traditional morality led him to take a benign view of child molestation and incest."<sup>56</sup>

Kinsey in his own words states matter-of-factly in *Sexual Behaviour in the Human Male* that he made use of

"older subjects who have had sexual contacts with younger boys" and of,

"technically trained persons who have kept diaries or other records which have been put at our disposal"<sup>57</sup>.

Some of Kinsey's paedophiles had abused children over many years. Table 34 on page 182 of Kinsey's 1948 report sets out observations of multiple orgasm in "pre-adolescent males". The ages of the boys involved range from 5 months to 10 years. In a chillingly understated phrase on page 163 of the report Kinsey says that,

"in addition we now have material obtained by some of our subjects through the direct observation of infants and of older pre-adolescents".<sup>58</sup>

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<sup>51</sup> Reisman J A and Eichel E W *Kinsey Sex and Fraud*, Huntingdon House, 1990, page 23

<sup>52</sup> Kinsey A C *Op cit* page 638

<sup>53</sup> *Ibid* pages 638, 639 and 641

<sup>54</sup> Reisman J A and Eichel E W *Op Cit*

<sup>55</sup> Jones J *Op cit*, pages 384-386 see also *The Mail on Sunday*, 24 August 1997

<sup>56</sup> Jones J *Op cit*, page 620

<sup>57</sup> *Ibid* page 177

<sup>58</sup> Kinsey A C et al, *Op cit*, page 163

There were,

"317 pre-adolescents who were either observed in self masturbation, or who were observed in contacts with other boys or older adults".<sup>59</sup>

Jones admits that

"Further into the chapter, the text and charts suggested that infants less than a year old had been stimulated (pronounced "molested") and observed for as long as an hour at a stretch; four year olds for as many as twenty-four hours."<sup>60</sup>

It is clear that the children were held down whilst they were abused. Highly disturbing accounts are found in the 1948 report which has been in University libraries for almost fifty years. Kinsey records the children's reactions to the 'experiments' in graphic detail:

"Extreme tension with violent convulsion... gasping, eyes staring... mouth distorted, sometimes with tongue protruding... whole body or parts of it spasmodically twitching... throbs or violent jerking of the penis... groaning, sobbing, or more violent cries, sometimes with an abundance of tears (especially among the younger children)... masochistic reactions... more of less frenzied movements... extreme trembling, collapse, loss of colour, and sometimes fainting of subject... pained or frightened... will fight away from the partner and may make violent attempts to avoid climax, although they derive definite pleasure from the situation".<sup>61</sup>

Jones rejects as 'groundless' the claim by Reisman and Eichel that Kinsey and his co-workers "witnessed or personally participated in child molestation under the guise of scientific research."<sup>62</sup> Professor Jones argues that:

"All that can safely be said is that Kinsey and the members of his inner circle knew pedophiles, interviewed them, and accepted data from them. Kinsey and his colleagues, in keeping with their revolutionary social agenda, expressed tolerance for adult-child sexual contacts, arguing that cases had to be evaluated on an individual basis. Critics may fault Kinsey for not turning known pedophiles over to the police, but exposing sex offenders was not the goal of his research. Many of the subjects he interviewed had engaged in illegal behaviour."<sup>63</sup>

Whether Kinsey abused the children himself or whether it was done by paedophiles, it is shocking that the scientific community tolerated such a man, and astonishing that Kinsey's work still continues to be widely quoted.

## **The size of the homosexual population**

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<sup>59</sup> *Ibid* page 177

<sup>60</sup> Jones *Op cit* page 511

<sup>61</sup> Kinsey A C et al *Op cit* 160, 161

<sup>62</sup> Jones, *Op cit*, page 851

<sup>63</sup> Jones, *Op cit*, page 852

*Self-defined experience*

Unlike Kinsey, recent studies do make the proper distinction between attraction and experience. Kinsey used a seven point scale (0 - 6). The Wellings study uses a five point scale for sexual experience, but in face to face interviews it was made clear that,

"Sexual experience is any kind of contact with another person that you felt was sexual (it could be just kissing or touching, or intercourse or any other form of sex)."<sup>64</sup>

For men the five point scale of attraction and experience is as follows:

Reported homosexual attraction and experience:	men % I have felt <i>sexually</i> <i>attracted</i> .....	men % I have had some <i>sexual experience</i> .....
Face to face interview		
...only with females (or with a female), never with a male	93.3	92.3
...more often with females, and at least once with a male	4.0	3.9
...about equally often with females and males	0.5	0.3
...more often with males (or a male), and at least once with a female	0.5	0.6
...only with males (or a male), never with a female	0.5	0.4
I have never had sexual experience with anyone at all	0.8	2.0
Refused	0.5	0.6

Though 5.2% of men report homosexual experience on at least one occasion, only 0.4% report exclusively homosexual experience.<sup>65</sup> By the study's own definition this 'experience' could have meant two boys cuddling.

In the self-completion booklet, answering basically the same question, 6.1% of men said they had had a homosexual experience within this definition.<sup>66</sup>

The same question on 'experience' was asked both in a face to face to interview and also in a self-completion booklet. The reason being that the Wellings researchers believed that the booklet would give a fairer picture than the interview.

*Actual genital contact*

Respondents were asked about same-sex (a) "genital contact" or (b) "sexual partners" involving "genital contact" including oral or anal intercourse. Not surprisingly, respondents tended to believe that the two

<sup>64</sup> Wellings K et al, *Op cit*, page 181

<sup>65</sup> *Ibid* page 183

<sup>66</sup> *Ibid* page 188

terms meant the same thing. For *genital contact*, 3.6 % of men reported ever having such contact, with 3.5% reporting a homosexual *partner*.<sup>67</sup> But only 0.3% of men reported having *exclusively male* sexual partners.<sup>68</sup>

The study therefore concluded that:

"Exclusively homosexual behaviour appears to be rare".<sup>69</sup>

Instead of Kinsey's 37% of males experiencing orgasm with another man, Wellings finds only 3.6 % of men reporting same sex genital contact ever in their lives.<sup>70</sup> Instead of 10% of men being 'more or less exclusively homosexual for at least three years', Wellings finds that 0.3% of men reported having exclusively male sexual partners.<sup>71</sup>

The study finds that one in 90 men (1.1%) have had a homosexual partner in the past year<sup>72</sup> with one in 333 (0.3%) having exclusively homosexual partners in the past year.<sup>73</sup>

Many other studies have shown that the size of the homosexual population is consistent with the Wellings study.

A study of 480 randomly selected men aged 15-49 from eight health regions in England and Wales found that 8 of the men (1.7%) had had homosexual intercourse. Only 1 man (0.2%) was exclusively homosexual.<sup>74</sup>

In the UK Government statistics also confirm similar figures. The 1996 General Household Survey estimated that 0.1% of households in Great Britain were headed by a same-sex couple.<sup>75</sup> An omnibus survey by the Office for National Statistics recently found that 2% of men had had homosexual intercourse with a man at some time in their life. Half of this group had also had sex with a woman.<sup>76</sup>

An official US study conducted in 1989 by Professor Tom Smith of the US General Social Survey found that 5.5% of Americans had had

<sup>67</sup> Johnson A M, Wadsworth, J *et al* in *Nature* (360) 411, 3 December 1992 and Wellings K *et al* *Op cit*, pages 187, 188

<sup>68</sup> Wellings K *et al*, *Op cit*, page 209

<sup>69</sup> *Loc cit*

<sup>70</sup> Johnson A M, Wadsworth J *et al* in *Nature* (360) 411, 3 December 1992 and Wellings K *et al* *Op cit*, page 188

<sup>71</sup> Wellings K *et al*, *Op cit*, page 209

<sup>72</sup> *Ibid*, page 187

<sup>73</sup> *Ibid*, page 209

<sup>74</sup> Forman D and Chilvers C *Sexual behaviour of young and middle aged men in England and Wales* *BMJ* (298) 1137 - 1142 29 April 1989

<sup>75</sup> Hansard, House of Commons, 11 November 1997 column 507

<sup>76</sup> Hansard, House of Lords, 27 November 1997 wa column 137

homosexual intercourse but that only 0.7% of the US population were exclusively homosexual.<sup>77</sup>

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<sup>77</sup> Smith T, *Adult Sexual Partners in 1989: Number of Partners, Frequency and Risk*. GSS Topical Report No. 18, NORC, University of Chicago, 1990

Another large US study '*The National Survey of Men*' (1991) found that, of men between the ages of 20 and 39, only 2% of sexually active men report having had any same-gender oral or anal sexual activity during the last 10 years, and only 1% reported being exclusively homosexual.<sup>78</sup>

'*Sex in America*', the largest and most thorough US study conducted to date, found that 2.7% of sexually active males and 1.3% of sexually active females have had at least one partner of the same sex during the past year.<sup>79</sup>

A French study based on a very large telephone survey conducted in 1991 and 1992 found that 4.1% of men and 2.6% of women reported at least one occurrence of homosexual intercourse during their lifetime<sup>80</sup>, but that only 0.7% of men and 0.6% of women were exclusively homosexual.<sup>81</sup>

Leading Gay Rights commentator Chris Woods has argued that many gay campaigners hold on to the myth of Kinsey's 1 in 10 figure, refusing to accept the Wellings's study and other studies :

"So, like Flat Earthers, we deny the evidence".<sup>82</sup>

## **Homosexual behaviour - tried it once but not again**

### *The spectrum of behaviours and experiences*

The Wellings study found some 5.2% of men (in a face to face interview) and 6.1% (in a self completion booklet) reported homosexual *experience* on at least one occasion. Only 0.4% of men reported *exclusively* homosexual experience<sup>83</sup>

The Wellings study was very open about this term being self-defined and therefore very widely defined. It might be no more than one teenager putting an arm round another teenager.

Some 3.6 % of men reported *genital contact* with another man on at least one occasion,<sup>84</sup> but only 0.3% of men reported having *exclusively* male sexual partners.<sup>85</sup>

<sup>78</sup> *Family Planning Perspectives* 25:50-52, 1993

<sup>79</sup> Laumann E O et al *The Social Organization of Sexuality*, University of Chicago Press, 1994, page 294

<sup>80</sup> ACSF investigators, *AIDS and Sexual Behaviour in France* Nature 360 : 407 - 409 3 December 1992

<sup>81</sup> ACSF investigators, *Op cit*, 408 : 'Of the people who had had homosexual intercourse at least once, most had intercourse with both sexes (82% of men and 78% of women).'

<sup>82</sup> Woods C *State of the Queer Nation*, Cassell, 1995, page 5

<sup>83</sup> Wellings K et al, *Op cit*, page 183

<sup>84</sup> Johnson A M, Wadsworth J et al *Op cit*, page 411

<sup>85</sup> Wellings K et al, *Op cit*, page 209

- 6.1% recall having had some homosexual experience
- 3.6% have had genital contact
- 1.1% have had a homosexual partner in the past year
- 0.3% have had only homosexual partners in the past year

Clearly there is a spectrum. 6.1% of men recall an 'experience'. 0.3% are exclusively and actively homosexual.

### *The passing phase*

There is overwhelming evidence that in very many cases homosexual attraction is nothing more than a passing phase in youth.

The study finds that:

"The youngest group of male respondents, aged 16-24 (though not female respondents in this age group), are more likely to report having been attracted to someone of the same gender compared with other age groups."<sup>86</sup>

Only 2.47% of 16 - 24 year old men reported some 'homosexual experience' *before the age of 16*.<sup>87</sup> For men homosexual attraction is highest in the 16-24 age range; for women it is the 25 - 34 age range. <sup>88</sup>

### Male Homosexual activity by age group<sup>89</sup>

<b>age of men</b>	16 - 24	25 - 34	35 - 44	45 - 59	all
% any genital contact ever	2.4	3.8	5.1	3.1	3.6
% at least one homosexual partner in the last year	1.2	1.5	0.8	0.7	1.1

The authors of the Wellings' study remark that,

"The difference in prevalence between lifetime and current homosexual experience points to the likelihood that homosexual experience is often a relatively isolated or passing event. Almost certainly, respondents who report having had some homosexual experience but no genital contact (2.4% of men

<sup>86</sup> *Ibid* page 195

<sup>87</sup> *Ibid* page 198

<sup>88</sup> *Ibid* page 196

<sup>89</sup> *Ibid* page 187

and 1.7% of women) are predominantly those for whom the same-gender experience was a transient part of their sexual development."<sup>90</sup>

They add,

"A form of bisexuality prevalent in early adulthood may represent a transitional phase in which preferences are tested through experimentation with different lifestyles and relationships".<sup>91</sup>

The Wellings study notes that,

"Men and women whose first experience of same-gender sex occurred before the age of 16 were less likely to have had genital contact, and less likely to report having had a same-gender sexual partner within the last 5 years than those for whom this experience occurred at the age of 16 or later."<sup>92</sup>

Fewer questions were asked in the study about first homosexual experience compared with first heterosexual experience.<sup>93</sup> The Wellings study does not report on data concerning the age of first homosexual intercourse (as opposed to "experience", a much broader term which could include kissing or cuddling).

### *Homosexuality rejected*

Half of all men (and two thirds of all women) who report *having had* a same-gender partner in their lifetime have had only one.<sup>94</sup> The study warns:

"It would be misleading to base any assumptions about homosexual behaviour in general on these figures, since the proportion reporting a same sex partner includes a large number of respondents for whom the experience was a single, possibly youthful and experimental, occurrence and for whom homosexual inclination was not a lasting orientation."<sup>95</sup>

In other words *a large number* of those who have had a homosexual "partner" *have tried it once and not again*. It was a single occasion and the same-sex attraction was not lasting.

It is easy to see why the Wellings' study draws this conclusion. Most of those men (61.8%) who have had a homosexual partner in the past have had no partner in the past five years. By contrast only 2.3% of heterosexual men had had no partner in the past five years.<sup>96</sup>

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<sup>90</sup> *Ibid* page 203

<sup>91</sup> *Ibid* page 204

<sup>92</sup> Johnson A M, Wellings K et al *Op cit*, page 204

<sup>93</sup> *Loc cit*

<sup>94</sup> Wellings K et al, *Op cit*, page 213

<sup>95</sup> *Ibid* page 214

<sup>96</sup> Johnson A M, Wellings K et al *Op cit*, page 213

Sexual Behaviour in Britain <sup>97</sup>		
men		
	%	%
partners in the last 5 years	homosexual	heterosexual
0	61.8	2.3
1	16.3	60.5
2 - 9	12.8	32.0
10 -19	4.9	3.5
20- 99	3.2	1.7
100 +	1.0	0.01

The proportion of men reporting large numbers of partners is much higher for homosexuals than for heterosexuals,<sup>98</sup> but for now it is enough to observe that the general picture is that those men who have had homosexual intercourse, in the clear majority of cases, are no longer active.

Data from the Kinsey Institute's 1970 survey was only slightly more modest than Kinsey himself in claiming that 20% of US men reported sexual contact to orgasm with another man at some time in their life. Even this study was found by Rogers and Turner to estimate that,

"only a third reported such contact occurring after the age of 20."<sup>99</sup>

Wellings *et al* agree with the 1991 research conducted by Rogers and Turner which concluded that same sex contacts have a "seemingly episodic character".<sup>100</sup>

A 1992 study of 36,741 American adolescents aged 12 to 20 years found that 1% reported 'homosexual experience' in the previous year (1.6 % boys, 0.9% girls). 'Experience' was defined by the young people themselves. Of those who said they had had 'homosexual experience' only 27.1% identified themselves as homosexual or bisexual.<sup>101</sup>

<sup>97</sup> Wellings K et al, *Op cit*, page 214

<sup>98</sup> Johnson A M, Wellings K et al *Op cit*, page 213

<sup>99</sup> *Ibid* page 204

<sup>100</sup> Noted by Rogers S M and Turner C F (1991) *Male - Male Sexual Contact in the USA: Findings from Five Sample Surveys, 1970-1990* Journal of Sex Research, 28(4): 491-519 cited in Wellings K et al, *Op cit*, page 203

<sup>101</sup> Remafedi G *Demography of Sexual Orientation in Adolescents* in Pediatrics Vol. 89 No 4 April 1992 pages 714 - 721

Although the term 'experience' can fall far short of actual sexual intercourse, it is clear from this study that the vast majority of those young people who had had such experience rejected a homosexual identity.

The US General Social survey in 1989 found that 5.5% of Americans had had homosexual intercourse but, at the time of the survey, of those reporting *any homosexual partnership since the age of 18*, 59% were in a heterosexual partnership, 16% are not sexually active and 3% did not provide information in the survey. Only 22% were in a homosexual partnership.<sup>102</sup>

### *Opportunity makes experience more likely*

The Wellings study finds evidence that homosexual genital contact is reported more often by those who have attended boarding school. Indeed boarders are three times as likely to report having had same-sex genital contact.<sup>103</sup>

Certainly,

"Schooling has an important influence on whether someone has ever had a homosexual partner..."<sup>104</sup>.

The Wellings researchers therefore accept a *facultative thesis*. Because there are more opportunities for same sex contact in boarding schools it happens more often.<sup>105</sup>

Later on in life, according to Wellings, those who have boarded are only marginally more likely to be practising homosexuals than those who were not boarders. Just under 2% of men who boarded have had at least one homosexual partner in the last 5 years, whereas the figure for non-boarders is just under 1.5%.

The precise figures are not given in the report but can be read off from a bar chart. The Wellings study argues that this difference is not statistically significant. Being a boarder or non-boarder "has no significant impact on homosexual partnerships in the last 5 years."<sup>106</sup>

### *Continuing Homosexuality*

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<sup>102</sup> Smith T, *Op cit*

<sup>103</sup> Johnson A M, Wellings K et al *Op cit*, page 206

<sup>104</sup> Wellings K et al, *Op cit*, page 209

<sup>105</sup> *Ibid* pages 204, 206

<sup>106</sup> *Ibid* page 209

Wellings found that, of those men who have had a homosexual partner: 61.8% *have not had* and 38.2% *have had* a homosexual partner in the past five years.<sup>107</sup>

The 38.2% are broken down as follows:

number of partners in the last 5 years	<u>Percentage of men who have had a homosexual partner</u> <sup>108</sup>
1	16.3
2 - 9	12.8
10 - 19	4.9
20 - 99	3.2
100 +	1.0
Total	38.2%

This 38.2% (1.38% of all men) are those who have had a homosexual partner and have also had at least one in the past five years. As can be seen above, 21.9% had more than two and 9.1% had more than ten partners in the past five years.

It might be argued that what has happened over the past five years is no predictor of the future, nor an accurate representation of what happened after the first incidence. But the study does find that 50% of men who have had a homosexual partner never have another. These two facts put together mean that it is a reasonable working assumption to say that of those who have ever had a homosexual partner, 40% continue to have one or more than one.

Men: of the 3.5% who have had a homosexual partner ever : *Last five years*<sup>109</sup>

38.2% at least one homosexual partner in the last 5 years	61.8% none in last 5 years
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All of the 40% can hardly be said to have a homosexual orientation since the majority will also be having heterosexual partners.

The Wellings report finds that over the past five years, 1.4% of men have had a homosexual partner, with 0.6% being exclusively homosexual.<sup>110</sup>

The 1.4% of men who have had a homosexual partner in the last five years<sup>111</sup>

<sup>107</sup> Johnson A M, Wellings K et al *Op cit*, page 213

<sup>108</sup> Wellings K et al, *Op cit*, page 214

<sup>109</sup> *Loc cit*

<sup>110</sup> Wellings K et al, *Op cit*, page 209

<sup>111</sup> *Loc cit*

Exclusively homosexual <b>0.6%</b>	Male and Female partners <b>0.8%</b>
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When the *last year* is considered 1.1% of men have had a homosexual partner, but only 0.7% of men have been *exclusively* homosexual in this period.<sup>112</sup>

<b>All men : Exclusively homosexual partners<sup>113</sup></b>	
Over lifetime	0.3%
Last five years	0.6%
Last year	0.7%

For those men who have had a homosexual partner and then continue having them, the vast majority are not exclusively homosexual. Such exclusivity appears to be very rare.

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<sup>112</sup> *Loc cit*

<sup>113</sup> *Loc cit*

## Chapter 2: Summary

### Alfred Kinsey

- Alfred Kinsey claimed that nearly 40% of males had homosexual intercourse during their lifetime and that 10% were exclusively homosexual for a period of at least 3 years.
- Kinsey's figures are still quoted in classrooms and court rooms despite the fact that there were gross distortions in the sample and serious ethical problems with Kinsey's methodology, especially his work with paedophiles.

### The Wellings Study

Men : genital contact with another man on *at least one occasion*<sup>114</sup>

96.4% no contact	3.6% contact
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Men : of the 3.5% who have had a homosexual partner *ever* <sup>115</sup>

49.6% more than one	50.4% only one in lifetime
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Men : of the 3.5% who have had a homosexual partner ever : number of partners :  
*Last five years* <sup>116</sup>

9.1%	12.8%	16.3%	61.8%
10 +	2 - 9	1 (one)	None in last 5 years

- The Wellings study finds only 3.6% of men reporting same-sex contact ever<sup>117</sup> and that only 0.3% of men reported having only male sexual partners.<sup>118</sup> The study finds that one in 90 men (1.1%) have had a homosexual partner in the past year<sup>119</sup> with one in 333 (0.3%) having exclusively homosexual partners in the past year.<sup>120</sup>
- These figures are confirmed by UK Government statistics and by significant studies carried out in the UK, USA and France. For men, 1% (or usually less) are found to be exclusively homosexual in these studies.

<sup>114</sup> Johnson A M, Wadsworth J et al in *Nature* (360) 411, 3 December 1992

<sup>115</sup> Wellings K et al, *Op cit*, page 214

<sup>116</sup> *Loc cit*

<sup>117</sup> Johnson, A M, Wadsworth, J et al in *Nature* (360) 411, 3 December 1992 and Wellings K et al *Op cit*, page 188

<sup>118</sup> Wellings K et al, *Op cit*, page 209

<sup>119</sup> *Ibid* page 187

<sup>120</sup> *Ibid* page 209

- There is a great deal of evidence that many young men experience a homosexual phase which they later grow out of. Of those who have had homosexual genital contact, 50% never repeat the experience with another man<sup>121</sup> and 61.8% have not repeated the experience within the last five years.<sup>122</sup>
- For those men who have had same sex genital contact it is commonly a single occasion - a case of 'tried it once and not again'.<sup>123</sup>
- But nearly 40% of those who have had a homosexual partner continue in the lifestyle, with 21.9% having more than two and 9.1% having more than ten partners in the past five years.<sup>124</sup>
- The Wellings study finds that young men who attend boarding school are *three times more likely* to have had homosexual genital contact than those who do not attend such schools.<sup>125</sup> A greater percentage of boarders than non-boarders go on to have homosexual partnerships in adult life but, according to Wellings, the difference is not statistically significant.

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121 *Ibid* page 214

122 *Loc cit*

123 *Loc cit*

124 *Loc cit*

125 Johnson A M, Wellings K et al *Op cit*, page 206

## CHAPTER 3 : PRACTICES

### **Heterosexual v Homosexual : The Wellings data on partners**

The 3.6% of men *who have ever had* genital contact with another man split into roughly 60% who are now inactive as homosexuals, and 40% who are now active.

This chapter focuses on the homosexual lifestyle of the 40% by using work done by researchers who are either homosexual or who are openly sympathetic to homosexuality.

For heterosexuals Wellings finds the lifetime average (mean) number of total reported partners is 9.9, but the study finds that this average is subject to "extreme skewness". A minority of men have large numbers of partners and swing the average high. The median average, which gives a fairer measure, is 4.<sup>126</sup>

Curiously averages do not appear to be calculated for homosexuals in the Wellings study, but grouped data on the number of partners is given.

For men who have had a same-sex partner, there are essentially three broad categories which can be derived from the Wellings data:-

- not active     - no repeated experience ever with another man (50%)  
                  - or no partners in the last five years (61.8%)
- active           - between 1 and 9 partners over the last 5 years (29.1%)
- very active    - large (10+) numbers of partners over the last 5 years (9.1%)

The large number of *heterosexual* men (60.5%) having only 1 partner in the last 5 years reflects the fact that, over that period, some 83.4% of married men did not have intercourse with any woman other than their wife.<sup>127</sup>

There are more homosexuals than heterosexuals in the 'very active' category of 10 + partners.

The Wellings study cautiously admits that,

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<sup>126</sup> Wellings K et al, *Op cit*, page 94

<sup>127</sup> Johnson A M, Wellings K et al *Op cit*, page 444

"Broadly speaking, the proportion reporting large numbers of sexual partners in the last 5 years is higher for men reporting homosexual partners than it is for men reporting heterosexual partners."<sup>128</sup>

This rather understates the position for the particularly promiscuous. Of those reporting 100+ partners in 5 years, for homosexuals the percentage is one hundred times greater than the percentage for heterosexuals.<sup>129</sup>

In an interview with *The Independent* the Wellings researchers comment:

"the proportion of homosexual men reporting 10 or more partners within the past five years was 9.1%, against 5.2% of heterosexual men. If we eliminate those who have not had partners in the past five years, the contrast is even more marked - 23.8% of homosexual men against 5.3% of heterosexuals. This calculation, it must be emphasised, is based on small numbers".<sup>130</sup>

The marked contrast is clearly seen from the table that follows.

partners in the last 5 years	Sexual Behaviour in Britain <sup>131</sup>	
	homosexual	heterosexual
1	42.7	61.9
2 - 9	33.5	32.8
10 - 19	12.8	3.6
20 - 99	8.4	1.7
100 +	2.6	0.01

|| 23.8% ||      || 5.3% ||

### Casual Partners : The SIGMA study

The Wellings Study is based on a statistically representative sample of the whole population. By contrast, Project SIGMA studies sexual behaviour only amongst gay and bisexual men. Based in London (though under the auspices of the University of Portsmouth) it is one of the leading research organisations into homosexual practice and AIDS. The Project is openly sympathetic to gay rights<sup>132</sup> and claims to have emerged from within the homosexual community.<sup>133</sup>

<sup>128</sup> *Ibid* page 213

<sup>129</sup> Wellings K et al, *Op cit*, page 214

<sup>130</sup> Field J et al. *The Independent on Sunday* 23 January 1994

<sup>131</sup> Calculations based on eliminating those who have had no partners in the last five years. Johnson A M, Wellings K et al *Op cit*, page 213

<sup>132</sup> See Project Sigma : Position Paper - the legal age of homosexual consent in the UK, 1994 and Davies P et al. *The sexual behaviour of young gay men in England and Wales*, AIDS CARE vol. 4 No 3 1992, page 262. These papers argue in favour of reducing the age of homosexual consent to 16, repealing Clause 28 and repealing the legislative provisions for

The main SIGMA study of 1,083 gay and bisexual men in England and Wales was funded by the Department of Health. Unusually this study did not recruit through Genito Urinary Medicine (GUM) clinics. All those in the SIGMA study are known homosexuals; 70% are members of the 'gay scene' frequenting gay clubs, bars and health clubs, hotels and gyms.<sup>134</sup>

SIGMA found that most men in the study had casual partners, on average 7 a year, or one every seven or eight weeks.<sup>135</sup>

The study describes what is meant by casual sex for homosexuals:

*“Meeting Casual Sexual Partners*

There is a variety of places gay men can meet each other either primarily or solely for casual sex.

Clubs and pubs are the central social venues of the gay community and as such offer gay men a safe environment for meeting, social interaction and for explicit and implicit sexual negotiations.

The cottage (public lavatory) offers the possibility of sexual contact both for men on the gay scene and for other men who keep their homosexual activities secret. Sexual negotiation in this context is mostly silent, and is highly patterned and ritualised.

Cruising grounds include parks, heaths and lightly wooded areas where sexual contact can be negotiated and executed.

In many parts of the world gay saunas and bath-houses cater explicitly for sexual contact and activity. In the UK, openly gay saunas on the model of the North-American bath-houses or of the saunas of continental Europe do not exist. Although those which clandestinely cater for a homosexual clientele are furtive and subject to intermittent raids by the police, they do provide a space where sexual negotiations and interaction can take place.

Of course, men may also meet in any public space, and negotiate a sexual encounter."<sup>136</sup>

Another SIGMA research paper makes the following matter-of-fact statement:

"That non-exclusive relationships are, for many men, simply more fulfilling than monogamous ones, leads us to ask about the ways in which non-exclusivity can be combined with a strategic regard for safer sex."<sup>137</sup>

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sex education to have 'due regard to moral considerations and the value of family life' (1996 Education Act section 403(1))

133 Weatherburn P et al, *The Sexual Lifestyles of Gay and Bisexual Men in England and Wales*, HMSO, 1992, page 7

134 *Ibid* page 5

135 *Ibid* page 19

136 *Ibid* pages 19-20

In the first wave of the study 930 men were interviewed. Writing of this group, SIGMA researchers say:

"In general the cohort are gay identified and happy with this identity and are from a predominantly white, well-educated background."<sup>138</sup>

In this same group 21% had a little regret at "being gay", with 17% having considered giving up being gay and 9% willing to "take a pill today to make them heterosexual (if one were available)".<sup>139</sup>

The SIGMA study<sup>140</sup> classifies gay men as having four kinds of "sexual lifestyles":

One partner only	- <b>monogamous</b>
At least one regular partner + casuals or two or more partners + no casuals	- <b>open</b>
Casual partners only	- <b>no regular</b>
No sex at all	- <b>celibate</b>

The study found that less than 1% were celibate. The rest were broken down as follows<sup>141</sup> :-

monogamous	25.9%
open	31.6%
no regular	42.5%

Of those who have casual partners :-

- the median number of partners was 7 annually, or one every eight weeks.<sup>142</sup>
- almost half had met at least one in a pub (49%) or club (47%).<sup>143</sup>

<sup>137</sup> Hickson F C I et al *Maintenance of open gay relationships: some strategies for prevention against HIV*, AIDS CARE Vol 4 No 4, 1992, page 410

<sup>138</sup> Hickson F C I et al *Gay Men as Victims of Nonconsensual Sex*, Archives of Sexual Behaviour, Vol. 23 No 3, 1994 page 285

<sup>139</sup> Weatherburn P et al, *Op cit*, pages 7, 8

<sup>140</sup> *Ibid* page 10

<sup>141</sup> *Ibid* page 11

<sup>142</sup> *Ibid* page 19

<sup>143</sup> *Ibid* page 20

- over one quarter (27%) had met at least one in a 'cottage'.<sup>144</sup>
- over one quarter (26%) had met at least one at a cruising ground.<sup>145</sup>
- just under one quarter (24%) had met at least one in a sauna.<sup>146</sup>
- 8% had met a casual partner in the street.<sup>147</sup>
- Men using cottages average 30 partners per year.<sup>148</sup>

### **Seduction and manipulation**

When discussing homosexuality and young people there is great concern, especially amongst parents, about the risk of seduction into the lifestyle by older homosexuals. This is one of the key arguments on which debates on the age of homosexual consent have tended to turn.

School boarders are three times as likely to report having had same-sex genital contact as non-boarders. The Wellings researchers therefore accept the *facultative thesis* : 'homosexual expression borne out of coexistence with people of the same gender is more likely to be opportunistic'.<sup>149</sup>

Many young men in their teens do go through a phase where they are more likely to be attracted to someone of the same sex.

Half of all men who have had same-sex genital partner appear never to repeat the experience with another man. In a large proportion of cases it was a single occasion.<sup>150</sup> Whether this came about through seduction is not known from the data.

It has already been noted that 61.8% of men who have had same-sex genital contact are no longer practising homosexuals (i.e. have had no such contact in the past five years).<sup>151</sup> The 40% of men who continue having same sex genital contacts also, in most cases, over a five year period, have sexual intercourse with women.

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144 *Loc cit*

145 *Loc cit*

146 *Loc cit*

147 *Loc cit*

148 *Loc cit*

149 Johnson A M, Wellings K et al *Op cit*, pages 205-206

150 Wellings K et al, *Op cit*, page 213

151 Johnson A M, Wellings K et al *Op cit*, page 213

How many of those presently in the homosexual lifestyle were initiated into it by older men?

Project Sigma claims that its research demonstrates that the seduction theory is not borne out.

But SIGMA's own figures show that male rape or non-consensual sex is common and that in many cases there *is* a significant difference in the ages of those involved in the first homosexual experience.

In the whole study 3% of the men first had a sexual experience (with another man) before they were aged 10<sup>152</sup> and a staggering 24% of the men in the study reported being raped by another man. (see below).<sup>153</sup>

SIGMA found that

"40% of first experiences are with men of the same age, and almost 60% with partners less than two years older or younger."<sup>154</sup>

Despite these assurances, the study does admit that,

"20% first had sex with a man who was 10 years or more older than themselves."<sup>155</sup>

An entirely separate US study of 1,001 homosexual and bisexual men attending disease clinics has already been quoted. It found that :

"Thirty-seven percent of participants reported they had been encouraged or forced to have sexual contact before age 19 with an older or more powerful partner; ninety-four percent occurred with men. Median age of the participant at first contact was 10; median age difference between partners was 11 years. Fifty-one percent involved use of force; thirty-three percent involved anal sex."<sup>156</sup>

In the *whole* SIGMA sample the mean age of first experience of anal intercourse was 20.9 years.<sup>157</sup> During most of the period in which the study has been conducted anal intercourse with someone under 21 years was illegal.

152 *Loc cit*

153 219 out of 930 men (23.5%) had had non-consensual sex with another man. Hickson F C I et al *Gay Men as Victims of Nonconsensual Sex*, Archives of Sexual Behaviour, Vol. 23 No 3, 1994 pages 286

154 Weatherburn P et al, *Op cit*, page 13

155 *Loc cit*

156 Doll L S et al., *Self-Reported Childhood and Adolescent Sexual Abuse Among Adult Homosexual/Bisexual Men* Child Abuse and Neglect 16, no. 6 (1992), pp. 855-64 as cited in Satinover, J "Homosexuality and the Politics of Truth" Baker, 1996

157 Weatherburn P et al, *Op cit*, page 13

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Unlike *Sexual Behaviour in Britain*, Project SIGMA defines 'homosexual experience' as activities usually leading to orgasm.

### Young men under 21 in the SIGMA study

A detailed examination<sup>158</sup> of the 111 gay men under 21 in the study found that 3% had not had homosexual experience and 13% had *not* had anal intercourse, 45% had had a female partner with 34.2% having had vaginal intercourse.<sup>159</sup>

The study found that of these men,

"most respondents (92.6%) reported their first sexual experience occurred with a male of the same age, or older. Nearly a half (39.4%) had their first experience with someone who was within a year of their own age; rising to 48.1% for within 2 years; 60.8% for 5 years; and 73.1% for 10 years."<sup>160</sup>

It is important to examine the figures in more detail to consider what they mean in practice.

Clearly there is the finding that 12.7% (60.8 minus 48.1) of men first had homosexual experience with someone aged within 2 and 5 years of their own age. Such a case could involve an 18 year old man seducing a 13½ year old boy. It should be remembered that at the time of interviewing all these men describing their first homosexual experience were still under the age of 21.

There is the finding that 12.3% (73.1 minus 60.8) first had intercourse with someone aged between 5 and 10 years of their own age. One scenario here could be a 20 year old man who had homosexual intercourse with a 10½ year old.

More seriously there is the finding that 26.9% of the 111 gay men first had intercourse with someone 10 years or more older or younger than themselves. *All the men in this study were under 21*. So given this last statistic the partner involved was either more than 10 years *younger* (that is the partner is a child under the age of 11), or more likely a man more than 10 years *older*. Such a case could involve a 10 year old boy being seduced by a 25 year old man.

These figures are for the *first homosexual experience*. They give no information about subsequent experiences. Obviously the numbers are small but they give sufficient information to question SIGMA's statement that the seduction theory is not borne out by their data.

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158 Davies P et al. *The Sexual Behaviour of young gay men in England and Wales*, AIDS CARE vol. 4 No 3 1992, pages 259-272

159 *Ibid* pages 259,267

160 *Ibid* pages 263,4

The men in the study were certainly deeply immersed in the full range of homosexual activities. Fourteen sexual practices of the young men in the study were identified ranging from anal intercourse, experienced by 87%, and regularly practised by 53%, to coprophilia (eating of and playing with human excrement) experienced by 20%.<sup>161</sup>

Nearly a third (32%) of the young men had homosexual experiences with 'identifiable strangers such as someone they had just met in a park, pub or toilet'.<sup>162</sup> In fact two thirds of the young men had casual partners.<sup>163</sup>

The SIGMA researchers noted that,

"there is a trend for younger men to have more sex than older men".<sup>164</sup>

### **Homosexual Rape**

Male homosexual rape was first made a criminal offence in 1994.<sup>165</sup> The number of rapes of women in 1996 was recorded at 5759.<sup>166</sup> The corresponding figure for male rape in the same year was 231.<sup>167</sup> Obviously this was only the second year for which records of male rapes were made. In the first year, 1995, the figure was 150.<sup>168</sup> It is to be expected that there will be significant under-reporting since male rape is a new offence.

It is also acknowledged even by homosexual researchers that men would be much less likely to report being raped than women. SIGMA rightly argue that studies on the rape of women by men underestimate the true position. SIGMA researchers believe that the under-reporting of homosexual rape "may be considered to represent an even smaller proportion of actual assaults"<sup>169</sup>.

To simply evaluate the comparison between heterosexual and homosexual rape it is necessary to consider the potential 'pool' of those who could commit the crimes.

In the UK, 86.5% of men have had intercourse only with a woman in the past year, 0.7% have had intercourse only with a man and 0.4% with both

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161 *Ibid* pages 266

162 *Ibid* pages 264

163 *Ibid* pages 263

164 Weatherburn P et al, *Op cit*, page 16

165 Criminal Justice and Public Order Act 1994 section 142

166 *Criminal statistics England and Wales 1996*, HMSO, page 58, Table 2.16

167 *Loc cit*

168 *Loc cit*

169 Hickson F C I et al *Gay Men as Victims of Nonconsensual Sex*, Archives of Sexual Behaviour, Vol. 23 No 3, 1994 pages 281 - 294

a man and a woman. Even if the bisexuals are counted as homosexuals, resulting in a figure of 1.1%, heterosexuals outnumber homosexuals by 78 to 1. If bisexuals were not included at all or counted with the heterosexuals the ratio would be over 120 to 1 in both cases.

Having considered the 'pool' of heterosexuals and homosexuals it is now possible to evaluate the rape figures. In 1996 there were 5990 rapes - 5759 of women (96.1% of all rapes) - and 231 of men (3.9%).

The ratio of homosexual rapes to heterosexual rapes is 1 to 24.9. But there is one homosexual person for every 78 heterosexual persons. Homosexual rapes are therefore more than 3 times over-represented in the reported rape figures. (The real figure must be higher since the calculation has counted *all* bisexuals as homosexuals).

There therefore appears to be a disproportionate number of homosexual rapes. Obviously it is possible that a particular rapist may be responsible for several rapes. This consideration also applies to heterosexual rape. It is not possible to give the exact factor of over representation but it is possible to draw the conclusion that there is a substantial over-representation.

The experience of rape is accepted by SIGMA as being not at all uncommon in their study of homosexual men. SIGMA found that 24% of the men in the study reported being raped or coerced into sexual activity by another man.<sup>170</sup>

In 29.2% of the cases some prior consensual sexual activity had taken place.<sup>171</sup> Where a casual partner was involved the median age of the victim was 20 years (range 14-57).<sup>172</sup>

In the remainder of the cases the victim had conducted no prior sexual activity with the assailant.<sup>173</sup> In 12.5% of cases the rape was by a family member, the median age being 12 (range 4 - 16).<sup>174</sup>

The study found that,

"Older men 'molesting' or 'touching up' younger boys was not uncommon."<sup>175</sup>

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<sup>170</sup> *Ibid* page 286

<sup>171</sup> *Ibid* page 287

<sup>172</sup> *Loc cit*

<sup>173</sup> *Loc cit*

<sup>174</sup> *Loc cit*

<sup>175</sup> *Ibid* page 292

"...what this study highlights is the large number of assaults that occur in which both the victim and the assailant are homosexually active"<sup>176</sup>.

"Fantasies of the sexually forceful man, the pleasure of 'being taken', the excitement of power-driven sex are very common in gay culture and pornography. All these collective sexual fantasies normalise sexual abuse and rape of gay men by gay men, providing motivation, justification, and normalisation for the assault. It is difficult to see how a climate of intolerance towards sexual aggression can be achieved when sexual aggression is one of the mainstays of collective sexual fantasies".<sup>177</sup>

SIGMA argues that,

"the gay community itself is reluctant to acknowledge that gay men intimidate, exploit, and sexually assault other gay men; it is politically embarrassing to the gay movement (in the same way that pedophilia is embarrassing), and it is dangerous ammunition for an oppressive majority".<sup>178</sup>

### **Paedophilia – sex with children**

*The "positive nature of some adult-child sexual relationships"*

It is a plain statement of fact that the majority of homosexuals are *not* paedophiles. But in the debates on homosexual law reform paedophilia has been made an issue principally by what some leading gay activists and gay academics have said. Some have publicly supported the lowering of the age of consent to 13 and have even argued that the morality of paedophilia is a matter for debate.

In an interview with *The Independent*, Peter Tatchell, leader of the militant activist group Outrage!, argued that many gays and lesbians are

"coming out younger than ever"

between 13 and 15 when sex would still be illegal under the likely changes in the law. Tatchell stated:

"No-one's really picked up on this so far. These groups are still in danger of being criminalised".<sup>179</sup>

Clearly he believes that the law should allow children of this age to have homosexual sex. In a subsequent letter to *The Sunday Telegraph* he opted for an age of 14, claiming it would be,

"more realistic and fairer".<sup>180</sup>

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176 *Ibid* page 292-293

177 *Ibid* page 293

178 *Ibid* page 284

179 *The Independent* 15th July 1997.

180 *The Sunday Telegraph* 20th July 1997.

Most controversial of all, in 1997, Tatchell wrote to *The Guardian*<sup>181</sup> welcoming the publication by the *Gay Men's Press* of *Dares to Speak - Historical and Contemporary Perspectives on Boy-Love*.<sup>182</sup> This is a book which deliberately sets out to justify paedophilia.

In his *Guardian* letter Tatchell, says the book is “courageous” to challenge the assumption that all sex involving children is abusive. He refers to,

“the positive nature of some child-adult sexual relationships”  
and concludes,

“..it is time society acknowledged the truth that not all sex involving children is unwanted, abusive and harmful.”<sup>183</sup>

Even a cursory reading of *Dares to Speak* should sicken every right-thinking member of society. Yet it appears that Tatchell is happy to associate himself with the book which endorses paedophilia and incest. *Dares to Speak* is a compilation of articles from *Paedika: The Journal of Paedophilia*, a Dutch publication that 'sponsors research on paedophilia'.<sup>184</sup> This journal argues for the acceptance of sex between men and boys.

The front cover of *Dares to Speak* says,

“What was Oscar Wilde imprisoned for a hundred years ago if not the love of boys? Today once more, the “love that dares not speak its name” is despised and rejected, as if the sexual mores of classical Greece, medieval Japan or Islamic civilisation could be adequately comprehended under a heading such as ‘child abuse’.”<sup>185</sup>

The book redefines paedophilia by giving it the label “intergenerational sex”<sup>186</sup>. The first interview in the book is an interview with an anthropologist. However, his specialist subject is “man-boy insemination rites among the Sambia in New Guinea”<sup>187</sup>. He explains to the interviewer how older men in families introduce boys “into sexual life sometime between the ages of seven and ten...”<sup>188</sup>

*The Journal of Homosexuality*, the “mainstream” academic journal of gay rights, devoted a special issue to the paedophilia “debate”. The editor of

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181 *The Guardian* 26th June 1997

182 Geraci J (Ed.) *Dares to Speak - Historical and Contemporary Perspectives on Boy-Love*, The Gay Men's Press 1997

183 *The Guardian* 26th June 1997

184 Satinover J *Op cit*, page 63

185 Geraci J (Ed.) *Dares To Speak – Historical and Contemporary Perspectives on Boy-Love*, The Gay Men's Press, 1997

186 *Ibid* See page one of the preface by Vern Bullough.

187 *Ibid* page 11 (interview with Gilbert Herdt).

188 *Ibid* page 17

this Journal, John DeCecco, has another editorial role – on *Paedika: The Journal of Paedophilia*.<sup>189</sup>

In the *Journal of Homosexuality* one author argues,

“Contemporary concern over paedophilia and child sexual abuse usually rests upon uncritical and under-theorised conceptions of childhood sexualities. This article...outlines the “social constructionist” alternative.”<sup>190</sup>

Another complains that,

“In recent years the general trend has been to label... intergenerational intimacy [as] ‘child sexual abuse...’ [This] has fostered a one-sided, simplistic picture.... Further research... would help us to understand the ... possible benefits of intergenerational intimacy.”<sup>191</sup>

This "progress" of normalizing different "sexualities" already means that in Holland there are some psychotherapy programs that apparently facilitate *adjustment* to paedophilia rather than treatment:

"Male paedophiles are trained to talk effectively about common problems surrounding man-boy relationships. Counselling is based on the notion that the emotional, erotic and sexual attraction to boys *per se* does not need to be legitimised or modified."<sup>192</sup>

In one sample:

"Sixteen males were treated for sexual identity conflicts. For eight of them this ended in a positive self-labelling as paedophile... Twenty males were ... counseled how to handle their relationships with boys. Several modalities of interpersonal interaction in man-boy relationships are proposed..."<sup>193</sup>

Another author in the *Journal of Homosexuality* special issue argues:

"The issue of man/boy love has intersected the gay movement since the late nineteenth century, with the rise of the first gay rights movement in Germany. In the United States, as the gay movement has retreated from its vision of sexual freedom for all in favour of integration into existing social and political structures, it has sought to marginalize cross-generational love as a "non-gay" issue. The two movements continue to overlap, amid signs of mutual support as

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189 Satinover J *Op cit*, page 63

190 Plummer K "Understanding Childhood Sexualities," *Journal of Homosexuality* 20, nos.1-2 (1990), pp.231-49 cited in Satinover J *Op cit* page 63. [Kenneth Plummer is also the editor of "The Making of the Modern Homosexual" Barnes & Noble Books, 1981 and a well-known gay apologist. Interestingly, Jeffrey Weeks contributes to the book. According to page 10 Weeks has also been a consulting editor of the *Journal of Homosexuality*.]

191 Jones G P "The Study of Intergenerational Intimacy in North America: Beyond Politics and Paedophilia," *Journal of Homosexuality* 20, nos.1-2 (1990), pp.275-295 cited in Satinover, J *Homosexuality and the Politics of Truth*, page 64.

192 van Zessen G "A Model for Group Counselling with Male Paedophiles," *Journal of Homosexuality* 20, nos.1-2 (1990), pp.189-98 cited in Satinover, Jeffrey *Homosexuality and the Politics of Truth*, page 64.

193 van Naerssen, A. "Man-Boy Lovers: Assessment, Counseling, and Psychotherapy," *Journal of Homosexuality* 20, nos.1-2 (1990), pp.175-87 cited in Satinover, J *Homosexuality and the Politics of Truth*, page 64.

well as tension - a state of affairs that also characterises their interrelationship in other countries."<sup>194</sup>

This tension is illustrated in the *Gay Times*, the UK's premier gay publication. In August 1996 the magazine published letters discussing the reduction of the age of consent to 14, including former Bishop Derek Rawcliffe telling of his relationship with a 24 year old when he was 14<sup>195</sup>.

Bishop Rawcliffe wrote :

"I had my first relationship when I was 14 with a man who was ten years my senior. I welcomed his love for me, felt no guilt (that came later when misunderstandings of scripture came in and spoiled things), enjoyed our friendship and was enormously helped in every way by him. I knew what I was doing and gave my consent.

Ideally, starting with the age of puberty we don't need an age of consent for gay sex, though I think 14 would be reasonable.

But we do need laws to protect everyone from unwanted, harassing sexual advances and all kinds of rape."<sup>196</sup>

For the Bishop "*Ideally, starting with the age of puberty we don't need an age of consent for gay sex*". The age of puberty for girls can start at 9 whilst for boys it can start at 10.<sup>197</sup>

*Gay Times* is a magazine littered with adverts for gay porn videos, frequently emphasising the youth of the subjects ("Just Eighteen"<sup>198</sup> ""Boyz 4 Men" "Boy babe fantasies"<sup>199</sup> "Euroboy" "tender young lust"<sup>200</sup> "Euroboy sauna"<sup>201</sup> and so on.)

In August 1997 following Peter Tatchell's welcoming of the publication of *Dares to Speak*, one *Gay Times* editorial writer worked hard to disassociate the paedophile agenda from the gay agenda. In "Terry Sanderson's media sandwich"<sup>202</sup> he writes with reference to the book's favourable accounts of paedophile activity in other cultures,

"Whatever happens in Papua New Guinea or Ancient Greece has no relevance to what took (sic) place in Britain in 1997."

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194 Thorstad D "Man/Boy Love and the American Gay Movement," *Journal of Homosexuality* 20, nos. 1-2 (1990), pp.251-74 cited in Satinover, J *Homosexuality and the Politics of Truth*, page 65

195 *Gay Times* August 1996 page 116

196 *Loc cit*

197 *Churchill's Illustrated Medical Dictionary*, Churchill Livingstone, New York, 1991, page 1551

198 *Gay Times* August 1996 page 15

199 *Loc cit*

200 *Ibid* page 39

201 *Ibid* page 40

202 *Gay Times* August 1997 page 64-67

However, the political backlash seems to concern some more than the issue of protecting children:

"Understanding for 'boy-lovers' is not the next staging post in the great march towards gay freedom, merely a return ticket to a hostile yesterday."<sup>203</sup>

In the same magazine there is a review of *Dares to Speak* by Simon Edge, a staff writer for the Evening Standard. While clearly disagreeing with the purpose of the book he jokes that one graphic section of it,

"can only have been included for the one-handed reader" (i.e. is suitable material for reading while masturbating) and concludes merely that it is,

"a bit tawdry, on balance".<sup>204</sup>

### *Paedophilia - a matter for debate?*

Professor Jeffrey Weeks of South Bank University, London is a sociologist and a leading gay academic. His books are amongst the standard texts on gay theory. Weeks argues paedophilia should not be condemned simply because it is paedophilia. He says that perspectives on 'intergenerational sex' have shifted over the past 100 years.<sup>205</sup> The link with child abuse he says is 'contested'.<sup>206</sup>

Weeks repeatedly demonstrates an ambivalent attitude towards paedophile rights campaigners and the issue of sex with children:

"Conditions that made it possible for homosexuality to find a voice have not always been present for other groupings. The intense stigma attached to paedophilia (sexual attraction to children) and its controversial, if contested, overlap with child sex abuse has made it very difficult for its advocates to develop a substantial subculture, find a common voice or group together over long periods in stable organizations. Characteristic organizations like NAMBLA (North American Man Boy Love Association) in the United States and PIE (Paedophile Information Exchange) in Britain have experienced social obloquy and constant police attention even for advocating changed attitudes."<sup>207</sup>

He describes in clinical terms why those who have sex with children are unable to form strong pressure groups in the same way as homosexuals,

"...it is not an activity that lends itself easily to the establishment of stable social communities, given the social hostility and the transient nature of many paedophile relations, stemming from the fact that children tend to grow up, and the disparity in interest between adults and children."<sup>208</sup>

<sup>203</sup> Lesley White in the *Sunday Times*, quoted in *Gay Times* August 1997 page 67

<sup>204</sup> *Gay Times* August 1997 page 98.

<sup>205</sup> Weeks J *Sexuality*, Routledge, 1986, page 82

<sup>206</sup> *Ibid* page 79

<sup>207</sup> *Ibid* pages 79-80

<sup>208</sup> *Ibid* page 80

Presumably what Weeks euphemistically calls 'disparity in interest' is an admission that paedophiles are more interested in children than the other way around.

He acknowledges the role of campaigning in changing public attitudes and appears to lament the vestiges of moral conservatism:

“Passionate campaigns by feminists and social purity men and women over the past hundred years have shifted perceptions of inter-generational sex, pornography and prostitution in various directions. But the unconscious belief that some acts are better than others still exists, even if, in a pluralistic world, we cannot always agree what that order ought to be.”<sup>209</sup>

He concludes with a thumbnail view of the total relativism which he espouses and again uses paedophilia to illustrate it:

“The perspective embryonically outlined here breaks with .. unitary categories. If we do this it will no longer be possible to condemn a sexual practice because it is ‘homosexual’ or even ‘heterosexual’, ‘sado-masochistic’ or ‘paedophile’. Instead we should begin to ask: what makes this particular activity valid or invalid, appropriate or inappropriate? What are the social factors that make these meaningful? What are the power relations at work?”<sup>210</sup>

“...The power relations that sex can involve are most dramatically illustrated by the question of sex between the generations. For the vast majority of the population this is not a serious issue as such, it is simply child sex abuse. It involves powerful adults using their experience and wiles to gain satisfaction from inexperienced and vulnerable children. For advocates of paedophilia on the other hand, there is a mirror-image celebration of the possibilities of inter-generational sex. It is applauded for its pedagogic possibilities - the so-called Greek love justification: in the passage from childhood dependence to adult responsibility, guidance, sexual and moral, of a caring man can be invaluable, it is argued. It is further legitimated by the supposed facts of childhood sexuality: sexology itself has revealed the wide extent of childhood sexual potentiality including the existence of infantile masturbation. If something is so natural, and omnipresent, should it be as rigidly controlled as childhood sexuality is today? And again, if it is natural then surely it cannot be harmful even if it takes place with adults. As Tom O’Carroll has written ‘...there is no need whatever for a child to know “the consequences” of engaging in harmless sex play, simply because it is exactly that: harmless’” (Tom O’Carroll, *Paedophilia. The Radical Case*, Peter Owen, London (1980), p.153).<sup>211</sup>

Weeks quotes Leo Bersani as endorsing this approach:

“...sexuality is too difficult and elusive an idea to be tied away into neat compartments of right or wrong. We need to be alive to its ambivalent and ambiguous qualities, and act accordingly.”<sup>212</sup>

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209 *Ibid* page 82

210 *Loc cit*

211 *Ibid* pages 83-84

212 *Ibid* page 118

### *Homosexual Paedophilia*

Gay rights groups often claim that most child abusers are heterosexuals.<sup>213</sup> This is bound to be true since there are *overwhelmingly more* heterosexuals than homosexuals. Obviously most heterosexuals *and most homosexuals* are *not* child-abusers. To make valid comparisons what matters is the proportion of heterosexuals and the proportion of homosexuals who are child-abusers.

The ratio, in the UK, of practising heterosexuals to practising homosexuals is, as we have seen, 78 to 1. In the United States, Satinover uses the *Sex In America* data to find that male heterosexuals outnumber homosexuals by thirty six to one.<sup>214</sup> This lower ratio confirms the common perception that there is a higher incidence of homosexuality in the US. The proportion of heterosexuals may well in fact be higher, but this figure will be used for the sake of argument, assuming, as Satinover does, that all bisexuals are, for the purposes of this calculation, homosexuals.

A study published in a North American academic journal found that heterosexual paedophiles outnumber homosexual paedophiles by a factor of *eleven to one*.<sup>215</sup> But since heterosexuals outnumber homosexuals by at least *thirty six to one* it is easily deduced that homosexuals are disproportionately represented amongst paedophiles. Paedophile activity must therefore be more than three times more common among homosexuals. If the proportion of homosexuals in the general population is lower than 1 in 36 then this figure will obviously be a conservative estimate.

As has been seen SIGMA, the leading pro-homosexual research group in the UK, found that 24% of the men in its study reported being coerced into sexual activity by another man<sup>216</sup> and that in this group,

"Older men 'molesting' or 'touching up' younger boys was not uncommon."<sup>217</sup>

The contentions made by paedophiles' rights groups as to the naturalness, normalcy, unchangeability and prevalence of paedophilia appear to mirror the arguments used about the nature of homosexuality, as does the

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<sup>213</sup> Mason A and Palmer A *The Case for Equality*, Stonewall, January 1998

<sup>214</sup> Satinover J *Op cit* page 65

<sup>215</sup> Freund K and Watson R J "The Proportions of Heterosexual and Homosexual Paedophiles among Sex Offenders against Children: An Exploratory Study," *Journal of Sex and Marital Therapy* 18, No.1 (1992), pp.34-43

<sup>216</sup> Hickson F C I et al *Gay Men as Victims of Nonconsensual Sex*, Archives of Sexual Behaviour, Vol. 23 No 3, 1994 pages 286

<sup>217</sup> *Ibid* page 292

claim that social condemnation of paedophilia is arbitrary and nothing more than a manifestation of prejudice.

## The Homosexual Subculture - Drugs

SIGMA researchers found that 31% of those interviewed in wave four of the study used alcohol either directly before or during sexual encounters:

"Alcohol is used to enhance sexual desire or performance and overcome sexual and social inhibitions or merely because it is such an entrenched part of the gay social scene."<sup>218</sup>

Chris Woods, a leading gay journalist, former News Editor of both *Capital Gay* and *The Pink Paper*, demonstrates a striking honesty when talking about homosexuals and the "gay scene":

"Drugs have been linked closely with homosexuality since the creation of definable identities, and the association has accelerated in recent years to the point where a modern gay urban life is almost impossible without their accompanying abuse and use..."<sup>219</sup>

"So entrenched is the role of alcohol in gay and lesbian identity that some health workers identify alcoholism as a greater problem than narcotic use. In the US... there are over 500 Alcoholics Anonymous groups *exclusively* for gay men and lesbians. In Britain, where questioning gay drug culture remains a taboo, in part because that same drug culture is the main source of advertising finance for the gay press, there are less than ten gay and lesbian AA groups."<sup>220</sup>

He goes on to explain the "necessity" for drugs:

"The fleeting nature and instability of many gay and lesbian relationships and the poorly-defined rules of cruising mean that drug consumption, namely the lowering of barriers, plays an important role in our social habits. Studies have reported that gay men and lesbians are often unable to have sex *unless* using drugs of some nature – usually alcohol."<sup>221</sup>

He even goes so far as to concede the central role that drugs historically play in "gay" identity and the higher rate of drug use compared to the general population:

"From cannabis to heroin, recreational drugs also play an important role in gay identity. From the narco-inverts of the 1890s to the coke-snorting 'theatricals' of the 1920s, from the gay Mods with their speed habits in 1960s London to the E-popping clubbers of the 1990s, drug use has run hand-in-hand with the development of homosexual identities. Do urban gay men and lesbians take more drugs? Probably yes.

Studies suggest two things: firstly that gays tend to be greater poly-drug users than the general population, that is, taking a selection of drugs simultaneously or over a short period. The general drug-using population tends to stick to particular drugs. And comparisons of gay versus straight drug-use show gay men taking more of virtually every drug than their counterparts, and more often.

<sup>218</sup> Weatherburn P et al, *Op cit*, pages 7,8

<sup>219</sup> Woods C, *State of the Queer Nation – A Critique of Gay and Lesbian Politics in 1990s Britain* Cassell 1995, page 55

<sup>220</sup> *Ibid* page 55-56

<sup>221</sup> *Ibid* page 56

Secondly, a wider demographic range of gays tend to imbibe. Most straights experiment with drugs until their mid-20s, at which point due to family commitments or the day-to-day pressures of heterosexuality, they modify their behaviour. Gay men and lesbians, free of family to a greater degree, and involved in a narcissistic party culture, like the Duracell rabbit just keep going for longer..."<sup>222</sup>

He concludes this revealing section of his book with an apologetic for this state of affairs and a startling statement about the extent of the problem:

"Drugs are about escapism, the creation of feelings of elation or at least the suspension of tedious reality. Gays take to psychedelics because they offer a surface hedonism, the abandonment of a perhaps-pained personality and its replacement with a lowest common denominator drug-rush high. Ecstasy has become the gay Valium for the 1990s.

...drugs now so dominate gay identities, whether the alcohol of the bars or the drugs of the clubs, that it's difficult to find any alternatives. If it is true that the majority are incapable of having sex without being under the influence of one drug or another, then clearly we do have a drug problem. *The most common gay conversation at the Pride Festival, or indeed at most gay gatherings, is now likely to be 'what drugs are you taking?'*"<sup>223</sup>

Certain types of drugs, amyl and butyl nitrites, or "Poppers" are used almost exclusively by homosexuals to,

"enhance sexual performance by relaxing smooth tissues, engorging blood vessels, lowering blood pressure, causing dizziness and heightening skin sensitivity."<sup>224</sup>

Intoxication, of course, leads to irresponsible behaviour. There are several studies which confirm the link between the use of drugs and sexual practices with a high degree of HIV risk. One Los Angeles study of 823 gay or bisexual men seeking medical care concluded:

"Clearly men who had engaged in unsafe sex were significantly more likely to have used drugs more often than men who had engaged in safer sex."<sup>225</sup>

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222 *Ibid* pages 56-57

223 *Ibid* page 57-58

224 Schmidt T, *Op cit*, page 110

225 Linn L S et al Recent Sexual Behaviours Among Homosexual Men Seeking Primary Medical Care, Archives of Internal Medicine, Vol. 149 December 1989 page 2688

## Chapter 3: Summary

### *Number of Partners*

- Half of all men who have had a same-sex sexual partner appear never to repeat the experience with another man. In a large proportion of cases it was a single occasion.<sup>226</sup>
- There are more homosexuals than heterosexuals in the 'very active' category of 10 + partners.
- Of those reporting 100+ partners in 5 years, for homosexuals the percentage is one hundred times greater than the percentage of heterosexuals.<sup>227</sup>

### *Casual sex*

- SIGMA found that most men in their study had casual partners, on average 7 a year or one every seven or eight weeks.<sup>228</sup>
- Of men who have casual partners, 27% have met a partner in a public lavatory ("cottage").
- Men using cottages average 30 partners per year.<sup>229</sup>

### *Coercive sex*

- UK Criminal Statistics show that homosexual rapes are more than three times over-represented in the rape figures.
- 24% of homosexual men in the SIGMA study claim to have been forced to have homosexual sex.
- 26.9% of the gay men under the age of 21 in the study first had intercourse with someone 10 years older or younger than themselves.
- Despite what SIGMA claim, the seduction theory is borne out by their data.
- Some very prominent homosexuals are pressing for an age of 13 or 14 as the age of homosexual consent. There are leading gay academics who would seek to defend paedophilia.

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<sup>226</sup> Wellings K et al, *Op cit*, page 213

<sup>227</sup> Wellings K et al, *Op cit*, page 214

<sup>228</sup> Weatherburn P et al, *Op cit*, page 19

<sup>229</sup> *Ibid* page 20

- There is evidence to suggest from a North American Study that homosexuals are disproportionately (three times) more likely to be paedophiles. This may be a conservative estimate.

*Drugs and alcohol*

- SIGMA researchers found that 31% of those interviewed used alcohol either directly before or during sexual encounters. A leading gay journalist has described the endemic nature of drug-taking in gay culture.

## CHAPTER 4 : HEALTH

### Public health

Gay campaigners argue that it is a human right for homosexual people that there should be an equal age of consent between homosexuals and heterosexuals. Euan Sutherland, assisted by Stonewall, has been seeking a ruling against the present UK law by taking a case to the European Court of Human Rights.

On July 14th, 1997 it was announced that the government had decided not to defend the Euan Sutherland case, thereby signalling acceptance in principle of lowering the age of homosexual consent.

On that very day the government also let it be known that it was considering raising the minimum age at which cigarettes can be bought from 16 to 18. The Press were quick to make the charge of inconsistency.

The long battle against the tobacco industry by anti-smoking groups first started over 30 years ago when a handful of medical studies showed that smoking was harmful. The public health risks of smoking are commonly viewed as being proven beyond all reasonable doubt.

Yet there is now also substantial evidence that the multiple health risks of homosexual behaviour may be just as lethal as smoking, if not more so, for certain behaviours.

A review article in the medical literature finds that young people who carry out homosexual practices are prone to four types of disease :-

- classical sexually transmitted diseases
- enteric diseases (other infections which travel through the body)
- trauma (physical damage)
- AIDS<sup>230</sup>

There are two major factors which increase susceptibility to disease amongst homosexuals: anal intercourse and number of partners.

These factors are further compounded by the fact that people tend to have sex predominantly with those who share their lifestyles and preferences.<sup>231</sup>

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<sup>230</sup> Owen W F *Medical Problems of the Homosexual Adolescent*, Journal of Adolescent Health Care, Vol 6, No 4 (July 1985) pages 278-85 Quoted in Satinover J, *Op cit*, page 68

<sup>231</sup> See the *Sex In America* study Quoted in Satinover J, *Op cit*, page 53

### *Anal intercourse*

The law specifically refers to anal intercourse or, in legal terms, buggery. This is decriminalised for consenting adults over the age of 18 if carried out in private. The age of homosexual consent constitutes that age at which anal intercourse can be committed in private between males.

In 1994 when the age of homosexual consent was lowered from 21 to 18, anal intercourse was also made legal between men and women for the first time.<sup>232</sup> So now between a man and a woman anal intercourse is legal over the age of 18 years.

Anal intercourse has a high status amongst homosexual men.<sup>233</sup> Some see it as the defining feature of homosexuality. It is certainly a favourite homosexual activity.

Project SIGMA found that 92% of homosexual men had had anal intercourse, with 71% in the past year and 41% in the past month.<sup>234</sup>

American studies confirm that anal intercourse is a continuing practice for 80% of homosexual men.<sup>235</sup>

The Wellings study found that 89.5% of men who have had genital contact with another man have had anal intercourse.<sup>236</sup>

For heterosexuals the percentages are almost completely reversed. Wellings finds that 86.1% of men *have never had* anal intercourse with a woman, with less than 7% of men and women reporting it in the past year.<sup>237</sup>

Anal intercourse carries particular risks for the transmission of disease. It also carries the risk of actual physical damage primarily to the 'receptive' partner.

Jeffrey Satinover describes the problems :

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<sup>232</sup> Criminal Justice and Public Order Act 1994 section 143

<sup>233</sup> Weatherburn P et al, *The Sexual Lifestyles of Gay and Bisexual Men in England and Wales*, HMSO, 1992, page 29

<sup>234</sup> *Ibid* pages 13 - 15

<sup>235</sup> See Kaslow R A et al *The Multicenter AIDS Cohort Study : Rationale, Organisation, and Selected Characteristics of the Participants*, American Journal of Epidemiology 126 No 2 (August 1987) pages 310 - 18 and Bell A P and Weinberg M S *Homosexualities*, Simon and Schuster, New York, 1978, pages 107-11, 327-30, table 9 cited in Schmidt T *Op cit*, IVP, 1995, page 108

<sup>236</sup> Anal intercourse between homosexuals is referred to as penetrative sex. Johnson A M, Wellings K et al *Op cit*, pages 216, 217

<sup>237</sup> Johnson A M, Wellings K et al *Op cit*, page 163

"Anal intercourse, penile or otherwise, traumatises the soft tissues of the rectal lining. These tissues are meant to accommodate the relatively soft fecal mass as it is prepared for expulsion by the slow contractions of the bowel and are nowhere near as sturdy as vaginal tissue...Even in the absence of major trauma, minor or microscopic tears in the rectal lining allow for immediate contamination and the entry of germs into the bloodstream."<sup>238</sup>

"..comparable tears in the vagina are not only less frequent because of the relative toughness of the vaginal lining, but the environment of the vagina is vastly cleaner than that of the rectum."<sup>239</sup>

"The body has a strong barrier between bloodstream and the extraordinarily toxic and infectious contents of the bowel. Anal intercourse creates a breach in this barrier for the receptive partner, whether or not the insertive partner is wearing a condom."<sup>240</sup>

The consequent entry of faeces into the bloodstream means that homosexual men are disproportionately vulnerable to

"a host of serious and sometimes fatal infections."<sup>241</sup>

Another medical review article states:-

"Because of their larger numbers of partners and sexual practices such as anilingus [oral/anal contact] and anal intercourse, homosexual men are at particularly high risk of acquiring hepatitis B, giardiasis, amebiasis, shigellosis, campylobacteriosis, and anorectal infections with *Neisseria gonorrhoea*, *Chlamydia trachomatis*, *Treponema pallidum*, herpes simplex virus, and human papilloma viruses."<sup>242</sup>

Hepatitis B, *neisseria gonorrhoea* and *treponema pallidum* can all be fatal.

Condylomara or anal warts are caused by the viruses transmitted through anal intercourse. One study has found that anal warts affect 30-40 % of homosexual men, and may be present in as many as 65%. <sup>243</sup> A history of genital warts is strongly linked with anal cancer.<sup>244</sup>

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<sup>238</sup> Satinover J, *Op cit*, page 67

<sup>239</sup> *Loc cit*

<sup>240</sup> *Loc cit*

<sup>241</sup> *Loc cit*

<sup>242</sup> Judson F N *Sexually Transmitted Viral Hepatitis and Enteric Pathogens* Urology Clinics of North America 11 No 1 (February 1984), pages 177-85 cited in Satinover J, *Op cit*, page 68

<sup>243</sup> Quinn T C *Clinical Approach to Intestinal Infections in Homosexual Men*, The Medical Clinics of North America, 70 No 3 (1986) : 615, 619 and Law C L H et al *Factors associated with Clinical and Sub-clinical Anal Human Papillomavirus Infection in Homosexual Men*, Genitourinary Medicine Vol 67 (April 1991) page 94 both cited by Schmidt T, *Op cit*, page 120,207

<sup>244</sup> Holly E A et al *Anal Cancer Incidence : Genital Warts, Anal Fissure or Fistula, Hemorrhoids, and Smoking*, Journal of the National Cancer Institute, Vol 81, 1989, page 1726

### One study concluded:

"a history of receptive anal intercourse was strongly associated with the occurrence of anal cancer (relative risk 33.1)."<sup>245</sup>

The penile-anal thrusting which occurs during anal intercourse, or even more seriously the introduction of the hand ("fisting"), can damage the rectal sphincter.<sup>246</sup> Homosexual men therefore suffer a disproportionately high incidence of rectal incontinence:

"a third of those who received anal intercourse reported some degree of anal incontinence or urgency of defecation."<sup>247</sup>

Anal intercourse is not the only homosexual behaviour which carries a high risk of disease infection or trauma. (See, for example, table below "SIGMA study: Homosexual Practices").

### *Condom use and anal intercourse*

It is universally accepted that the physical force involved in anal intercourse, together with the very thin lining of the rectum, mean that anal intercourse is an activity with a high risk of acquiring HIV. This is so serious that there is currently no approved UK standard for condoms used in anal sex.

The official policy of the *Terrence Higgins Trust*, one of the UK's premier AIDS charities, as stated in 1987 was that,

"Anal sex with or without a condom is dangerous. If you choose to continue having anal sex, condoms may offer some worthwhile protection."<sup>248</sup>

A major review article on condom use for anal intercourse was published in *Sexually Transmitted Diseases* in January 1997. This article cited one study which found condom breakage of 32% and slippage of 21%,

"significantly different from the breakage and slippage rates of 5.3% and 6.3% respectively, calculated for this group during vaginal intercourse."<sup>249</sup>

The researchers pointed out that,

"Condoms manufactured in the United States generally are labelled 'for vaginal use only'. This labelling reflects the concern that condoms designed for use

<sup>245</sup> Daling J R et al *Sexual Practices, Sexually Transmitted Diseases, and the Incidence of Anal Cancer*, New England Journal of Medicine, Vol 317, No . 16 page 973

<sup>246</sup> Satinover J, *Op cit*, pages 67, 256

<sup>247</sup> Miles A J G et al *Effect of anoreceptive intercourse on anorectal function*, Journal of the Royal Society of Medicine, Vol 86 (March 1993) page 146

<sup>248</sup> Quoted in King E, *Safety in Numbers*, Cassell, 1993, page 89

<sup>249</sup> Silverman B G et al *Use and Effectiveness of Condoms During Anal Intercourse* Sexually Transmitted Diseases Vol 24 No 1 January 1997 page 14

during vaginal intercourse may fail at an unacceptably high rate when used during anal intercourse."<sup>250</sup>

The review article concluded that,

"survey and clinical trials data indicate that condom breakage and slippage rates vary during anal intercourse and may be considerably higher than during vaginal intercourse."<sup>251</sup>

A 1994 study of the sexual behaviour of gay and bisexual men in eight European countries found that around 25% of condom users in the Netherlands, (the then) East and West Germany, Austria, Switzerland and the UK report they have had a condom burst.<sup>252</sup>

Writing in 1993, Edward King, who has the distinction of being one of the leading gay writers on condoms, was very critical of condom manufacturers and the British Standards Institution for not agreeing a safety standard for anal condom use. He argued that condoms do offer:

"a significant level of protection during anal sex. However, manufacturers choose actively to discourage the use of their condoms for anal sex because of their fears of liability under the Consumer Protection Act 1987. These legal concerns would not arise if there was a recognised standard for condoms for anal sex. But unfortunately, the British Standards Institution and the manufacturers claim that they do not know how to formulate one."<sup>253</sup>

The new standard BS EN 600 1996, (replacing BS 3704) is still only for vaginal use. By contrast with the views of Edward King, one of the largest condom manufacturers, Durex, stated in 1998:

"Anal intercourse is a high-risk activity because of the potential for infection from STDs including HIV transmission. Currently, there are no specific standards for the manufacture of condoms for anal sex. Current medical advice is therefore to avoid anal sex. However, whenever this advice is not followed, the medical profession recommends that stronger condoms should be used although studies have shown that there is still a risk of breakage and slippage.... risk assessment of condoms in anal use has not been undertaken for ethical reasons."<sup>254</sup>

The *Terrence Higgins Trust* still advise

"Condoms with the British Kitemark or the new European CEN mark are recommended for use in vaginal sexual intercourse. No condoms have been

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250 *Ibid* page 11

251 *Loc cit*

252 Bochow M et al *Sexual behaviour of gay and bisexual men in eight European countries*, AIDS CARE, Vol 6 No 5, 1996 page 544

253 King E, *Op cit*, page 97

254 <http://www.durex.com/scientific/faqs/faq-4.html> as at 2nd January 1998

scientifically tested for anal sex, but extra strong condoms such as Durex Ultra Strong and Mates Super Strong are widely used."<sup>255</sup>

The risk of acquiring disease through anal intercourse is illustrated by the fact that those who have *ever had* anal intercourse are not permitted to donate blood in the UK through the National Blood Service. The following advice is given to all potential donors:

"You must not give blood if you are a man... who has EVER had sex with another man."<sup>256</sup>

The standard failure rate for condoms in preventing pregnancy is quoted by the Family Planning Association as 2 women per 100 women per year with careful use and between 2 and 15 women per 100 women per year with less careful use.

The failure rate for pregnancy is bound to be lower than for infection by HIV since women have 23 non-fertile days where failure does not result in pregnancy. Moreover, the failure rates for condom use in anal intercourse are much higher than for vaginal intercourse. The consequences of condom failure when one man is HIV+ could, of course, result in death.

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<sup>255</sup> *Preventing HIV Infection*, The Terrence Higgins Trust as on <http://aids.miningco.com> on 2nd January 1998

<sup>256</sup> National Blood Service, London and the South East, Form FRM/SEZ/BT/006/01 17 November 1997

*Other homosexual practices*

The SIGMA study<sup>257</sup> outlines some of the other practices which are prevalent amongst homosexuals. The table on the following page summarises the practices and their frequency.

<b>SIGMA Study: Homosexual Practices</b> <sup>258</sup>			
Sexual Act	Ever	In the last month	Mean number of occurrences in the last month, for those that engaged in them
<b>Masturbation:</b>	-	-	-
Passive	95%	63%	7
Active	96%	66%	7
<b>Fellatio</b> (oral sex)	97%	68%	
Insertive	96%	58%	7
Receptive	95%	61%	7
<b>Kissing</b>	96%	67%	12
<b>Anal Intercourse</b>	92%	41%	
Receptive	85%	28%	3
Insertive	85%	29%	3
<b>Anal Fingering</b>	90%	42%	3
<b>Body Rubbing</b>	84%	52%	4
<b>Massage</b>	81%	41%	4
<b>Anilingus</b> (oral /anal contact)	81%	31%	3
<b>Inter-femoral</b> (penis-body contact between the thighs or buttocks)	78%	30%	3
<b>Corporal Punishment</b>	41%	10%	2
<b>Lindinism</b> (urination)	28%	3%	2
<b>Brachio-Proctic</b> (insertion of hand, fist or forearm into the rectum)	17%	1%	2
<b>Douching</b> (use of enemas)	7%	1%	2
<b>Coprophilia</b> (eating or playing with human excrement)	3%	0%	0

*Risk related to number of partners*

It is not only the particular practices which are factors in acquiring disease. If two cohabiting homosexual men were absolutely faithful to one another throughout their whole lifetimes having been previously celibate, there would be no risk of acquiring HIV through sexual transmission. But that is the essence of the problem.

<sup>257</sup> Information taken from Weatherburn P et al, *Op cit* pages 13, 14

<sup>258</sup> *Loc cit*

'Monogamous' (exclusive) behaviour amongst homosexuals is extremely rare.

This has been shown by a study of stable homosexual couples conducted by academics who were themselves gay. Of 156 couples, none of the 100 couples who had been together for more than five years had maintained 'fidelity'. For the 56 couples which had been together for five years or less, only 7 had maintained monogamy.<sup>259</sup>

The SIGMA study used the term "closed" to signify "monogamy". Their definition of "monogamy", however, is extremely weak:

"A relationship was considered to be closed if the respondent had not had sex with a third party in the preceding month."<sup>260</sup>

In the third wave of its study SIGMA interviewed 387 men who practised homosexual behaviour. SIGMA found that 65% had more than one *regular* partner; 43.7% were in relationships designated "at that time" to be closed.<sup>261</sup> But the regular relationships did not last long. The median length of relationships in the whole SIGMA study was 21 months.<sup>262</sup>

The SIGMA researchers state :

"There is a widespread expectation among gay men that relationships will not be monogamous since this is widely seen as a means of combining the security of a long term commitment with the excitement of new encounters."<sup>263</sup>

"..it is clear that sexual exclusivity was neither a reality, nor an ideal, for most coupled gay men before AIDS. The most common reasons given for non-monogamy were sexual variety, and the sense of personal independence attained by not confining sexual activity to one person. That open relationships are a positive choice on the part of gay men seemed... to be too simple an explanation for some researchers who saw openness as evidence of a failed closed relationship. Blumenstein & Schwarz (1983), for example, talk of the 'threat' of openness to relationships and Bell & Weinberg (1978) suggest that "a monogamous quasi-marriage between homosexual men is probably difficult to achieve."<sup>264</sup>

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259 McWhirter D and Mattison A *The Male Couple: How relationships develop*, Prentice-Hall, 1984, page 3 Cited in Satinover J, *Op cit*, page 55

260 Hickson F C I, et al, *Maintenance of open gay relationships: some strategies for protection against HIV*, AIDS Care Vol 4 No 4, 1992, page 411

261 *Loc cit*

262 Weatherburn P et al, *Op cit*, page 11 see also Hickson F C I, et al, *Maintenance of open gay relationships: some strategies for protection against HIV*, AIDS Care Vol 4 No 4, 1992, page 412

263 Weatherburn P et al, *Op cit*, page 12

264 Hickson F C I et al, *Maintenance of open gay relationships: some strategies for protection against HIV*, AIDS Care, Vol 4, No 4, 1992, page 410

Even where there is relative monogamy, because anal intercourse is more prevalent amongst regular partners, there is an increased risk of other diseases. Satinover warns:

"Although relatively monogamous gay couples are at lower risk for AIDS, they tend to engage in unprotected anal intercourse more frequently than do highly polygamous single homosexuals. As a result they are at higher risk for non-AIDS conditions.."<sup>265</sup>

Some of these conditions include fatal diseases. Homosexuals who *become* completely monogamous may of course already be HIV+ because of their earlier experiences. These people will be at greater risk of transmitting their HIV+ status to their sexual partner because anal intercourse is more prevalent amongst regular partners.

In the US, consistent with the concentration of AIDS cases among high-risk populations, epidemiologists estimate that 30% of all twenty-year-old homosexual males will be HIV-positive or dead of AIDS by the time they are thirty.<sup>266</sup> This means that the incidence of AIDS among twenty-to thirty-year-old homosexual men is roughly 430 times greater than among the heterosexual population at large<sup>267</sup>.

According to the *Terrence Higgins Trust*, up to 20% of gay men in London and 5% of gay men outside London are HIV+.<sup>268</sup>

### AIDS

In the UK 72% of HIV infections amongst men are acquired as a result of sexual intercourse with another man. Infection by intercourse between men makes up 61% of all HIV infections (men and women).

Conventional sexual intercourse between men and women carries a very small risk of HIV infection. This category makes up 4% of all infections even if all cases with an unknown cause of infection are assigned to this category.

Infection by HIV develops to full blown AIDS, a fatal condition. In the UK in the year to June 1997, 871 men died of AIDS as a result of homosexual intercourse.<sup>269</sup>

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<sup>265</sup> Satinover J, *Op cit* page 67

<sup>266</sup> Odets W in a report to the American Association of Physicians for Human Rights. Cited in Goldman E L, "Psychological Factors Generate HIV resurgence in Young Gay Men," *Clinical Psychiatry News*, October 1994, p.5 cited in Satinover J, *Op cit*, page 57, 253

<sup>267</sup> Calculated by dividing 30 percent by 0.07 percent

<sup>268</sup> See <http://www.tht.org.uk/prvinfec.htm> 26 February 1998

<sup>269</sup> Communicable Disease Report 25 July 1997 Vol 7 No 30 page 271 Table 1

It is now recognised that the politically correct attempts by health educators to 'de-gay' AIDS resulted in expenditure on a blanket approach to prevention which did not help homosexuals who were most at risk.

Homosexual writer Edward King says :

"With hindsight, it is clear that the de-gayng of public health education campaigns has had considerable harmful consequences for the sustenance of safer sex among gay men. From 1986 onwards, public, government, and media attention were firmly fixed upon the threatened heterosexual explosion of HIV infection."<sup>270</sup>

HIV infected persons by exposure category:  
United Kingdom to end of June 1997.  
All reports.<sup>271</sup>

How HIV infection was probably acquired	Male		Female		All Cases
		%		%	%
Sexual intercourse					
between men	17954	72.0	-		60.8
between men and women					
exposure to high risk partner(s)	114	0.5	557	12.1	2.3
exposure abroad	2194	8.8	2135	46.3	14.7
exposure in the UK	194	0.8	303	6.6	1.7
investigation continuing/closed	137	0.6	170	3.7	1.0
Injecting drug use (IDU)	2098	8.4	962	20.8	10.4
Blood factor treatment (e.g. for haemophilia)	1194	4.8	11	0.2	4.1
Blood/tissue transfer (e.g. transfusion)					
abroad/UK	103	0.4	105	2.3	0.7
Mother to infant	195	0.8	204	4.4	1.4
Other or investigation continuing/closed	741	3.0	168	3.6	3.1
<b>Total</b>	<b>24924</b>		<b>4615</b>		<b>29539</b>

### *AIDS, Sex Education and the Age of Consent*

Studies both in the USA and in the UK have shown that *young* homosexual men are at particular risk. In 1993 the UK's Communicable Disease Surveillance Centre (CDSC) published a paper which demonstrated that younger active homosexual men were at greater risk than older men.<sup>272</sup>

It might be thought that the particularly high risk of AIDS amongst young homosexual men would lead the BMA to campaign for a higher

<sup>270</sup> King E, Safety in Numbers, Cassell, 1993, 188

<sup>271</sup> Communicable Disease Report *Op cit* page 272 Table 2

<sup>272</sup> Evans B G et al *Sexually transmitted diseases and HIV-1 infection among homosexual men in England and Wales*, BMJ 1993; Vol 306, pages 426-8

age of consent to protect young homosexuals from themselves. But the very opposite is the case.

In 1994, just before the last debates on the age of homosexual consent, the BMA Board of Science and Education issued a report concluding:

"That the age of consent for homosexual men should be set at 16 because the present law may inhibit efforts to improve the sexual health of young homosexual and bisexual men."<sup>273</sup>

The CDSC study was cited in the BMA report:

"The study concluded that unsafe sexual behaviour and HIV transmissions have increased among homosexual men after a period of decline. It is of particular concern that the researchers concluded that recent HIV transmissions may disproportionately affect younger men. The authors recommend that health promotion for all men who have sexual relations with men was important, and that safe sex information aimed at young homosexual men and homosexual men in London needed special emphasis."<sup>274</sup>

The BMA Council subsequently voted to urge the Government to lower the age of consent to 16.<sup>275</sup>

Project SIGMA argued along similar lines:

"Our research also shows that the gay community is the most important and trusted source of accurate and relevant information about HIV and safer sex for gay men. The current age of consent limits the effectiveness of such community initiatives. At the same time statutory bodies cannot promote safer sex among the 16-20 year old age group without condoning criminal behaviour....reducing the age to 16 would better protect this age group from HIV infection."<sup>276</sup>

### *Risking everything*

It is often maintained that increased sex education will tackle the problem of the spread of HIV by encouraging "safer sex" practices.

Unfortunately the most promiscuous teenagers, be they hetero- or homosexual tend to have more 'unsafe' sexual intercourse.

A study of the patterns of behaviour amongst US teenage men reported in 1992 found that,

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<sup>273</sup> Report to the BMA Council from the Board for Science and Education, January 1994, page 8

<sup>274</sup> *Ibid* page 3

<sup>275</sup> *BMA Council Urges Lowering of Age of Consent for Homosexual Men*, (Press Statement) BMA, 13 January 1994.

<sup>276</sup> See Project Sigma : Position Paper - the legal age of homosexual consent in the UK, 1994

"condom use is a preventive behaviour that is negatively correlated with most risk behaviours; those who have multiple partners, or who are substance abusers, tend to use condoms least."<sup>277</sup>

The Wellings study found that condom use was lower for those who have more partners:

"Amongst those reporting only one partner in the last 4 weeks, 16.4% of men and 13.4% of women for whom that partner was someone with whom sex had taken place on a previous occasion used a condom on every occasion of sex in that time. These proportions increased to 34.2% and 41.4% for men and women respectively whose only partner in the last 4 weeks was a new one. For men who had two or more partners in the last 4 weeks, the proportion who used condoms on every occasion of sex dropped to 5.7% (no new partners) and 17.5% (at least one new partner)."<sup>278</sup>

Men who have two or more partners are the least likely to use a condom. Those who have two or more partners are also half as likely to use a condom as those who have had one new partner in the past 4 weeks.

AIDS has been present in the US since 1981 when it was initially labelled Gay Related Immune Disorder.<sup>279</sup> Since its advent there have been very considerable efforts to promote safer sex practices.

A most disturbing trend, however, has now been uncovered by researchers: homosexual men, in full knowledge of the risks, and of safer sex practices, continue to engage in risky i.e. "unprotected" homosexual practices.

Project SIGMA found that,

"non-use of condoms is not because of a lack of knowledge about HIV". <sup>280</sup>
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Over the course of the project :

"..it should be recognised that there has been an increase in anal intercourse, measured either by the number of partners with whom it occurs or by the proportion of men who are currently engaging in it. This increase is less pronounced than the overall rise in sexual activity and is almost all related to changes in patterns of relationships. Considerable numbers of men have changed their behaviours over time indicating that many more may have had unsafe sex than the aggregate numbers suggest. Whether or not this will lead to a future rise in new HIV infections remains to be seen and given the long latency period may not be apparent for many years".<sup>281</sup>

<sup>277</sup> Ku L. et al *Patterns of HIV Risk and Preventive Behaviours Among Teenage Men*, Public Health Reports Vol 107 (March - April 1992) No 2 page 131

<sup>278</sup> Johnson A M, Wellings K et al *Op cit*, page 338

<sup>279</sup> Satinover J, *Op cit*, page 11

<sup>280</sup> Weatherburn P et al, *The Sexual Lifestyles of Gay and Bisexual Men in England and Wales*, HMSO, 1992, page 24

<sup>281</sup> *Ibid*, page 35

The study found that 30% had changed their patterns of risk behaviours with no net benefit: 15% increased and 15% decreased their risk.<sup>282</sup>

This position of no aggregate change was also confirmed by another SIGMA study into HIV risk behaviour among gay men who attended "Gay Pride" festivals from 1993-1995. This study concluded that :

"Despite an increase in prevention work targeted at this population, aggregate levels of sexual risk-taking have remained very stable."<sup>283</sup>

A study commissioned by the Health Education Authority reported in 1995 that unprotected sex is common amongst bisexual men.<sup>284</sup>

The 1994 study of the sexual behaviour of gay and bisexual men in eight European countries<sup>285</sup> found that 42% of those with casual partners in the UK do not use a condom in penetrative intercourse on every occasion.

This last statistic is particularly serious given the fact that HIV+ individuals can fail to reveal their HIV status. A Los Angeles study of HIV positive men found that in a 1988 to 1989 sample consisting primarily of homosexual and bi-sexual hispanic men,

"52% had not informed one or more partners of their infection."<sup>286</sup>

Recent reports in the press indicate that it may soon become a criminal offence knowingly to infect someone with HIV or other life-threatening diseases.<sup>287</sup> The sad fact that people - be they heterosexual or homosexual - have unprotected intercourse with others they know to be HIV+ was highlighted by Dr Ray Brettle, an AIDS specialist:

"Obviously for most people it's never a problem: they have sex, and they're never going to catch anything ...What makes me despair is that 30 per cent of my patients, about a hundred people, went into a relationship knowing that their partner was positive. If people will do that, if people will have sex without a condom with somebody who's openly positive, then how the hell are we going

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282 *Loc cit*

283 Hickson F C I *No aggregate change in homosexual HIV behaviour among gay men attending the Gay Pride festivals, United Kingdom, 1993-1995*, AIDS 1996, Vol 10: pages 771-774

284 Weatherburn P et al *Survey shows unprotected sex is a common behaviour in bisexual men*. BMJ 1995; Vol 311 : pages 1163-1164

285 Bochow M et al *Sexual behaviour of gay and bisexual men in eight European countries*, AIDS CARE, Vol 6 No 5, 1996 page 542

286 Marks, G et al, *HIV Infected Men's Practices in Notifying Past Sexual Partners of HIV Risk*, Public Health Reports Vol 107 (January - February 1992) No 1 page 101

287 *The Independent on Sunday* 8 February 1998

to persuade two people who are probably *negative* to use a condom 'just in case.'<sup>288</sup>

Ignorance of safe sex practices is not the problem. The *Terrence Higgins Trust* introduced a new campaign in July 1997 by stating that the campaign's messages,

"do not seek to deliver any specific safer sex information, which is now well known to gay and bisexual men."<sup>289</sup>

### *Gays against monogamy*

Peter Davies, from Project SIGMA, has argued,

"The implicit goal of eradicating unsafe sex is unrealistic. It is neither a sustainable strategy nor an epidemiological necessity, but rather an unnecessary restriction on desire and action."<sup>290</sup>

Another SIGMA paper attacks those who seek to press for exclusive relationships:

"The endorsement of sexual exclusivity within these relationships is neither realistic nor necessary, and calls for it must be seen as morally guided."<sup>291</sup>

In his book *Invented Moralities* Jeffrey Weeks quotes Bersani in defence of deliberately promiscuous and dangerous sexual activity. Deliberate sexual risk-taking, he says, should be celebrated as a positive, even honourable, activity:

"In his essay on the revulsion against sex produced by the AIDS crisis, 'Is the rectum a grave?', Leo Bersani mounts a passionate defence of promiscuous desire, especially among gay men, as a way of freeing the self from normative imprisonment:

'Gay men's "obsession" with sex, far from being denied, should be celebrated – not because of its communal virtues, not because of its subversive potential for parodies of machismo, not because it offers a model of genuine pluralism to a society that at once celebrates and punishes pluralism, but rather because it never stops re-presenting the internalized phallic male as an infinitely loved object of sacrifice. Male homosexuality advertises the risk of the sexual itself as the risk of self-dismissal, of *losing sight* of the self, and in so doing it proposes and dangerously represents *jouissance* [enjoyment] as a mode of asceticism [rigorous self discipline]"<sup>292</sup>

<sup>288</sup> Garfield S, *The End of Innocence, Britain in the Time of Aids* Faber and Faber London 1994, page 105

<sup>289</sup> "Assume Nothing - Campaign Background", <http://www.tht.org.uk/anbrief.htm>

<sup>290</sup> Davies P, *Safer Sex Maintenance among gay men: are we moving in the right direction?*, AIDS 1993, Vol 7, page 280

<sup>291</sup> Hickson F C I et al, *Maintenance of open gay relationships: some strategies for protection against HIV*, AIDS Care, Vol 4, No 4, 1992, page 418

<sup>292</sup> Bersani, L *Is the rectum a grave?* in Goldberg J (ed) *Reclaiming Sodom*, Routledge, 1994 p.262 cited in Weeks, J *Invented Moralities - Sexual Values in an Age of Uncertainty* Polity Press 1995

## Chapter 4: Summary

- There are significant health risks associated with the homosexual lifestyle.

### *Anal intercourse*

- Anal intercourse has a high status amongst homosexual men.<sup>293</sup>
- The Wellings study found that 89.5% of men who have had genital contact with another man have had anal intercourse.<sup>294</sup>
- Anal intercourse carries high risks for the transmission of disease.
- There is currently no approved UK standard for condoms used in anal sex.
- Any man who has ever had anal intercourse with another man is not permitted to give blood in the UK.

### *Monogamy*

- (Exclusive) monogamous behaviour amongst homosexuals is extremely rare.
- Monogamous behaviour is not seen as desirable by some leading gay academics.

### *Safer homosexual sex*

- In the UK 72% of HIV infections amongst men are acquired as a result of sexual intercourse with another man.
- Only 4% of HIV infections were acquired through vaginal intercourse, even if all unclassified reports are classed in this group.
- Young homosexual men are particularly at risk from acquiring HIV.
- According to the *Terrence Higgins Trust*, up to 20% of gay men in London and 5% of gay men outside London are HIV+.<sup>295</sup>
- A US study estimates that 30% of all twenty-year-old homosexual males will be HIV-positive or dead of AIDS by the time they are thirty.<sup>296</sup>

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<sup>293</sup> Weatherburn P et al, *The Sexual Lifestyles of Gay and Bisexual Men in England and Wales*, HMSO, 1992, page 29

<sup>294</sup> Anal intercourse between homosexuals is referred to as penetrative sex. Johnson A M, Wellings K et al *Op cit*, pages 216, 217

<sup>295</sup> See <http://www.tht.org.uk/prvinfec.htm> 26 February 1998

- According to project SIGMA homosexual men, in full knowledge of the risks, and of safer sex practices, continue to engage in risky i.e. "unprotected" homosexual practices. Despite an increase in prevention work SIGMA has consistently found no aggregate increase in safer sex practices.<sup>297,298</sup>
- 42% of those with casual partners in the UK do not use a condom in penetrative intercourse on every occasion.<sup>299</sup>
- Leading gay researchers and writers defend unsafe sex as a sacrificial and self-less action<sup>300</sup> and refer to "safer sex" as "an unnecessary restriction on desire and action".<sup>301</sup>

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<sup>296</sup> Odets W, in a report to the American Association of Physicians for Human Rights. Cited in Goldman E L , "Psychological Factors Generate HIV resurgence in Young Gay Men," *Clinical Psychiatry News*, October 1994, p.5 cited in Satinover J, *Op cit*, page 57, 253

<sup>297</sup> Weatherburn P et al, *Op cit*, page 35

<sup>298</sup> Hickson F C I *No aggregate change in homosexual HIV behaviour among gay men attending the Gay Pride festivals, United Kingdom, 1993-1995*, AIDS 1996, Vol 10: pages 771-774

<sup>299</sup> Bochow M et al *Sexual behaviour of gay and bisexual men in eight European countries*, AIDS CARE, Vol 6 No 5, 1996 page 542

<sup>300</sup> Bersani, L *Is the rectum a grave?* in Goldberg J (ed) *Reclaiming Sodom*, Routledge, 1994 p.262 cited in Weeks, J *Invented Moralities - Sexual Values in an Age of Uncertainty* Polity Press 1995

<sup>301</sup> Davies P M, *Safer Sex maintenance among gay men: are we moving in the right direction?*, AIDS 1993, Vol 7, page 280

## PART II : THE LAW

### THE STATED AIMS OF HOMOSEXUAL CAMPAIGNERS

#### Stonewall's Equality 2000

“

- Equal recognition for young lesbians, gays and bisexuals in our schools, an end to homophobic bullying and the repeal of Section 28.
- Equal treatment under the criminal law, an equal age of consent and the repeal of gross indecency.
- Equal protection from discrimination in the workplace, in education and in the provision of goods and services.
- Equal recognition and respect for same sex partners.
- Equal recognition and respect for lesbian and gay parents and their children.

”

Source : Stonewall, June 1997<sup>302</sup>

Stonewall is known as the leading gay rights campaign organisation. Its most recently stated aims for its *Equality 2000* campaign<sup>303</sup> are described by Stonewall as seeking human rights for gays, lesbians and bisexuals.

This study now focuses on the arguments surrounding further liberalisation of the law as far as young people are concerned, namely:

- The lowering of the age of homosexual consent to 16;
- The case for the *raising* of the age of heterosexual consent.
- The repeal of 'Clause 28';
- The repeal of the crime of gross indecency.

<sup>302</sup> Equality 2000, The Stonewall Lobby Group Ltd, June 1997

<sup>303</sup> *Loc cit*

## CHAPTER 5: THE AGE OF HOMOSEXUAL CONSENT

The leaders of all the main political parties support reducing the age of homosexual consent to 16.<sup>304</sup> According to one poll for BBC 2's *GayTime TV*, support for much of the gay rights agenda comes from over 90% of the Parliamentary Labour Party.<sup>305</sup> Some homosexuals are talking as if their fight is nearly over.

Certainly news during the later part of 1997 gave them some cause for celebration. In July the Government made known that it would not contest the Euan Sutherland case in the European Court of Human Rights.<sup>306</sup> Sutherland, backed by homosexual campaigners, took the Government to court over the difference between the age of consent for homosexuals (18) and the age for heterosexuals (16). Labour have also indicated that they will keep their election promise to have a free vote on reducing the age of consent *before the end* of the 1997/98 parliamentary session.<sup>307</sup>

Because the Government did not defend the *Sutherland* case, the European Court of Human Rights was thereby strongly encouraged to give judgement against the UK. It was no surprise therefore that the provisional findings from the Court's filtering body, the Commission on Human Rights, backed Sutherland against the UK.

Findings from the Commission on Human Rights are not binding. They have often been overturned by the full Court. After the finding Stonewall announced that it had reached an "historic" agreement with the government.<sup>308</sup> Further action before the full Court would be put on hold to allow the Government to provide MPs with an opportunity for a free vote on the age of homosexual consent.

The Commission of Human Rights stated in their finding that,

"current medical opinion is to the effect that sexual orientation is fixed by the age of 16 and that men aged 16 to 21 are not in need of special protection because of the risk of their being 'recruited' into homosexuality. Moreover, as noted by the BMA, the risk posed by predatory older men would appear to be

<sup>304</sup> *The Daily Telegraph*, 14th July 1997. *Daily Mail*, 15th July 1997. *The Guardian*, 15th July 1997

<sup>305</sup> *The Daily Telegraph*, 26th June 1997. A poll for BBC2's *Gaytime* programme showed 93% of Labour MPs in favour of lowering the age of consent to 16 out of 140 members contacted. It also showed 91% in favour of lifting the ban on homosexuals in the armed forces and the same percentage for the repeal of Section 28 of the Local Government Act. (Section 28 forbids the promotion of homosexuality in schools.)

<sup>306</sup> *The Daily Telegraph*, 14th July 1997. *The Daily Mail*, 15th July 1997. *The Guardian*, 15th July 1997.

<sup>307</sup> *The Daily Mail*, 27th June 1997.

<sup>308</sup> <http://www.stonewall.org.uk/stonewall/cgi-bin/news.cgi?euansutherlandreport> on 25th February 1998

just as serious whether the victim is a man or a woman and does not justify a differential age of consent."<sup>309</sup>

The Commission also cited as relevant background the argument by the BMA that lowering the age of consent would assist in the provision of safer sex information to the very group of men particularly at risk from acquiring HIV.<sup>310</sup>

All of these arguments are based on the case advanced by Stonewall. Of course, since the Government offered no defence in the case, the Court did not hear any contradictory arguments.

It is worth relating the claims put before the European Commission of Human Rights to the evidence gathered in the first part of this report.

*Claim #1: Sexual orientation is fixed by 16.*

The claim that a homosexual orientation is fixed by 16 years of age is one of the most extraordinary and untenable claims that has been made by gay rights campaigners. The Wellings study finds that the majority of those who have had a homosexual partner never have another. Many who have had a homosexual experience are just going through a phase in their youth:

"The difference in prevalence between lifetime and current homosexual experience points to the likelihood that homosexual experience is often a relatively isolated or passing event. Almost certainly, respondents who report having had some homosexual experience but no genital contact (2.4% of men and 1.7% of women) are predominantly those for whom the same-gender experience was a transient part of their sexual development."<sup>311</sup>

They add,

"A form of bisexuality prevalent in early adulthood may represent a transitional phase in which preferences are tested through experimentation with different lifestyles and relationships".<sup>312</sup>

Half of all men (and two thirds of all women) who report *having had* a same-gender partner in their lifetime have had only one.<sup>313</sup>

The study warns:

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<sup>309</sup> *Euan Sutherland v UK* (Application 25186/94) Report of the Commission, 1 July 1997, para 64

<sup>310</sup> *Ibid* para 24

<sup>311</sup> Wellings K et al, *Op cit* page 203

<sup>312</sup> *Ibid* page 204

<sup>313</sup> *Ibid* page 213

"It would be misleading to base any assumptions about homosexual behaviour in general on these figures, since the proportion reporting a same sex partner includes a large number of respondents for whom the experience was a single, possibly youthful and experimental, occurrence and for whom homosexual inclination was not a lasting orientation."<sup>314</sup>

Indeed 61.8% of those who have had a homosexual partner have not had one within the last five years.<sup>315</sup> So for a large number 'homosexual inclination was not a lasting orientation'.

An additional issue must be to look at the stability of the orientation, in the sense of its exclusivity. Of the 3.6% of men who have had same sex genital contact<sup>316</sup> the vast majority go on to have heterosexual relationships. Only 0.3% of men have had exclusively homosexual partners.<sup>317</sup>

The massive "Sex in America" study, the largest and most thorough US study to date, also makes clear that the vast majority of youngsters who at some point adopt homosexual practices later give them up.<sup>318</sup>

*Claim #2: men aged 16 to 21 are not in need of special protection because of their risk of their being 'recruited' into homosexuality.*

Whilst it is true that at least half of the young people who try out homosexual practices cease to engage in them, it is also true that at least 40% *will continue* in the lifestyle.

The argument might be raised, since so many reject homosexual practice after having tried it out, why oppose lowering the age of consent?

There are a number of points that should be raised concerning those who *subsequently reject* the homosexual lifestyle.

First, homosexual activity does carry very significant health risks, as has been seen. The use of a condom for anal intercourse is so risky in terms of breakage and slippage. And as we have seen, a leading condom manufacturer states that "risk assessment of condoms in anal use has not been undertaken for ethical reasons".<sup>319</sup>

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<sup>314</sup> *Ibid* page 214

<sup>315</sup> Johnson A M, Wellings K et al *Op cit*, page 213

<sup>316</sup> Johnson, A M, Wadsworth, J et al in *Nature* (360) 411, 3 December 1992 and Wellings K et al *Op cit*, page 188

<sup>317</sup> Wellings K et al, *Op cit*, page 209

<sup>318</sup> Cited in Satinover J, *Op cit*, page 22

<sup>319</sup> <http://www.durex.com/scientific/faqs/faq-4.html> as at 2nd January 1998

Second, there is the psychological harm. Andrew Sullivan writes (as a homosexual) of the 'self-disgust that never leaves a human consciousness'.<sup>320</sup> There will be differences of view as to why such guilt is experienced. Gay writers will put it down to the internal homophobia - the tension between societal stigma and personal desire. Others will argue that the self-disgust and guilt spring from conscience.

Third, reducing the age of consent will make teenage boys vulnerable to exploitation. The issue of physical coercion will be considered under Claim #3, but there can be other more subtler forms of pressure. Teenage boys who are shy and who do not find it easy to relate to girls, may have their vulnerability exploited by older men who befriend them.

A 16 year old who is seduced by a 19 year old man is at present strongly protected by the law. The older man's actions are automatically criminalised. Once the age of consent is lowered it becomes an issue of one person's word against another's. Automatic protection is exchanged for an argument about "date rape".

*Claim #3: the risk posed by predatory older men would appear to be just as serious whether the victim is a man or a woman and does not justify a differential age of consent.*

As has been seen, homosexual rape is more than three times over-represented amongst rapes.

In 1996 there were 5759 rapes of women officially recorded in England and Wales. This represents around 0.03% of all adult women or 0.02% of all women in one year.<sup>321</sup>

By contrast, SIGMA found that 24% of the homosexual men in their study reported being raped or coerced into sexual activity by another man.<sup>322</sup>

In 29.2% of these cases some prior consensual sexual activity had taken place.<sup>323</sup> Where a casual partner was involved the median age of the victim was 20 years (range 14-57).<sup>324</sup>

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<sup>320</sup> Sullivan A M, *Op cit*, page 154

<sup>321</sup> See Criminal Statistics England and Wales 1996, HMSO, page 58 table 2.16 and *Population Trends 90/Winter 1997*, ONS, page 55, Table 6.

<sup>322</sup> Hickson F C I et al *Gay Men as Victims of Nonconsensual Sex*, Archives of Sexual Behaviour, Vol. 23 No 3, 1994 pages 286

<sup>323</sup> *Ibid* page 287

<sup>324</sup> *Loc cit*

In the remainder of the cases (70.8%) the victim had conducted *no prior sexual activity* with the assailant.<sup>325</sup> In 12.5% of cases the rape was by a family member, the median age being 12 (range 4 - 16).<sup>326</sup>

The study also found that,

"Older men 'molesting' or 'touching up' younger boys was not uncommon."<sup>327</sup>

"...what this study highlights is the large number of assaults that occur in which both the victim and the assailant are homosexually active"<sup>328</sup>.

SIGMA summarises its research by stating that,

"the gay community itself is reluctant to acknowledge that gay men intimidate, exploit, and sexually assault other gay men; it is politically embarrassing to the gay movement (in the same way that paedophilia is embarrassing), and it is dangerous ammunition for an oppressive majority".<sup>329</sup>

The claim by the European Commission of Human Rights that the risks are just as serious whether the victim is a man or a woman is not borne out by the English criminal statistics. As has been seen in chapter 3, a North American study found that paedophile activity is proportionately at least three times more common among homosexuals than heterosexuals.

*Claim #4: lowering the age of consent would enable the provision of safer sex advice to those most at risk.*

The Commission of Human Rights accepted the claim by the BMA that young homosexuals

"are less able to access sources of information and advice about safer sexual practice".<sup>330</sup>

The BMA document which first stated this opinion in 1994 drew heavily on research by SIGMA.<sup>331</sup> But the BMA were less even-handed than SIGMA.

The SIGMA statistic of 15.7 years as the mean age of "first homosexual experience"<sup>332</sup> was quoted by the BMA. It was described by the BMA as the "average age of...first homosexual encounter". Misleadingly, the

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<sup>325</sup> *Loc cit*

<sup>326</sup> *Loc cit*

<sup>327</sup> *Ibid* page 292

<sup>328</sup> *Ibid* page 292-293

<sup>329</sup> *Ibid* page 284

<sup>330</sup> *Euan Sutherland v UK, Op cit* para 24

<sup>331</sup> *Report to the BMA Council from the Board for Science and Education* January 1994, page 7

<sup>332</sup> Weatherburn P et al, *Op cit* page 13

SIGMA statistic about 20.9 years being the average age of first anal intercourse was not quoted by the BMA. This omission completely changes the significance of what is meant by a homosexual "encounter". It clearly was not anal intercourse - the most unsafe practice for which safer sex advice is needed.

The BMA statement also completely ignores the decision of the House of Lords in the *Gillick* case<sup>333</sup> where the law lords held that, whilst it would be most unusual, there were circumstances in which a doctor would be justified in giving contraceptive advice to a girl *under 16* without the knowledge of her parents.

This landmark ruling in practice means that any doctor can give contraceptive advice and contraceptives to a girl under the age of 16 provided that they are satisfied that the girl is of sufficient maturity to appreciate the significance of her request.

If this is the case with girls under the age of heterosexual consent, it will also be the case with the provision of "safer sex" advice to boys aged between 16 and 18.

A whole host of gay helplines, youth advice centres and freely available leaflets give the most explicit advice on homosexual "safer sex". Moreover knowledge about HIV and other sexually transmitted diseases must by law be taught in all secondary schools. This certainly includes teaching on preventing the transmission of these diseases using barrier methods.

In addition to all these points the very safety of "safer sex" is also wide open to question. So too is the assumption that knowledge necessarily leads to a change in behaviour - sadly this is not the case as all the statistics from pro-homosexual sources indicate.

However, Stonewall are publicly calling for the age of homosexual consent to be lowered to 16. Its key argument is one of 'equality' - homosexual practices should be equal in law to heterosexual practices. Only four years ago the age at which men could engage in homosexual acts without being criminalised was 21. Now it is 18. Soon it may be sixteen. And, as we have seen, some leading homosexual campaigners are already openly calling for an even lower age.

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<sup>333</sup> *Gillick v West Norfolk and Wisbech Area Health Authority and the Department of Health and Social Security* [1986] AC 112

## The 1994 Parliamentary Debates

It was Edwina Currie who fronted the parliamentary campaign to reduce the age of consent to 16 in 1994, supported by Neil Kinnock. Currie joined with gay rights activists in painting the age of consent debate as,

“..no longer a minority issue, but one of human rights..”<sup>334</sup>

The main argument raised in the debates echoed the line advocated by the BMA and SIGMA (see Chapter 4) above,

“How can we advise young gay men about the dangers of AIDS, how can we talk to them straight about safer sex, when what they are doing is supposed to be strictly against the law?”

Interestingly she later argued,

“In a free society the onus to prove that restricting freedom is in the nation's interests is on those who would discriminate. That is impossible to prove.”<sup>335</sup>

This is the opposite burden of proof to that used in the licensing of new drugs or the introduction of new medical treatments. There it is necessary to prove *safety* before use.

Neil Kinnock, in his support for the amendment to reduce the age to 16, first rehearsed his previous position:

“The compromise of 18 automatically suggested itself. It is the age of majority and the age at which young men seem most able to decide for themselves about their sexual orientation. In short, it is not only the legal age of majority, but the biological age of maturity. It seemed to me to be a view that was sensible as an alternative to the current legal provision, liberal in terms of the accommodation of personal convictions and sexual orientation and realistic in terms of an individual's right to privacy.”<sup>336</sup>

He said he moved from this position because he realised he had been assuming,

“...that young men and young women were somehow more able to determine their sexuality at 16 if they were heterosexual...”<sup>337</sup>

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334 House of Commons Hansard 21 February 1994 column 75

335 *Ibid* column 78 and column 81

336 *Ibid* column 82

337 *Loc cit*

He continued with a statement which revealed something of his own natural instincts as opposed to his political position:

"Frankly, I just hope that had it been the case that either of my children had proved to be of homosexual orientation, I could have shown them the love and understanding, as their parent, as several parents already do to their children in similar circumstances. *I was not offered that test, for which I frankly give thanks.*"<sup>338</sup>

Michael Howard's arguments in favour of reducing the age to 18, showed rather more regard to the opinions of parents, to concerns about young men's ability to make judgements about homosexual temptation and to the expectations of the vast majority of the population:

"...the majority of its members [the Home Office Policy Advisory Committee] concluded, like Wolfenden, that the key question was to determine an age at which most young men could be said to be mature enough to take a decision on these matters for themselves. The committee's conclusion, which was informed by the public consultation which preceded its report, was that that age of consent should be reduced to 18...

It is also still unquestionably the case that most parents hope and expect their sons to follow a heterosexual lifestyle and hope that in due course they will build a family life of their own. The committee put it in the following way at paragraph 38:

*'The majority of parents would surely wish their children to grow up with the desire and possibility of marriage and children, and anything which puts this expectation at risk would be deplored.'*

I believe that those arguments still hold good. It is still true that in following a homosexual way of life a young man sets himself apart from the majority. From a certain age, he should be free to take that decision and no persecution or discrimination should flow from his decision, but he should not be misled into thinking that his decision will have no effect on his dealings with society at large. At the very least, he deserves time in which to make up his mind."<sup>339</sup>

This was followed by a quotation from the Wolfenden report in which it was said,

"a boy is incapable at the age of 16 of forming a mature judgement about actions of a kind which might have the effect of setting him apart from the rest of society."<sup>340</sup>

Michael Howard responded to Edwina Currie's arguments about equality and the ages of consent across Europe by saying,

"Equality of treatment under the law between homosexuals and heterosexuals does not in my view represent an end in itself. ...it would be wrong to ignore the

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338 *Ibid* column 83

339 *Ibid* column 93

340 *Ibid* column 95

instinctive and deeply-held concern of many people that a decision to have homosexual sex is quite different from a decision to have heterosexual sex.”<sup>341</sup>

“If we are unusual in Europe in respect of our age of consent for homosexuals and we are satisfied that there is good reason for us to do so, we are entitled to maintain that position. That is an issue which we can and should decide for ourselves.”<sup>342</sup>

When the new Government first confirmed that there would be a free vote on lowering the age of consent to 16 in July 1997, at least two homosexuals published articles in national newspapers arguing that it would be a mistake. Simon Blow<sup>343</sup> recounted his experience of being approached when he was 15 by a man in his forties.

He said,

“I felt homosexuality was being forced on me before I had been allowed to make up my mind.... I wonder... whether homosexuals ever fully adjust. However much protesting is done, we are always going to be outsiders in society. In teenage years, one desperately wants acceptance by normal society and to risk this for one’s sexuality is hard.... If homosexuality is going to be a boy’s choice, then time... is an important factor. There are the drawbacks to consider: there is no family life for the homosexual; because man is a natural hunter, it is difficult for homosexual relations to endure...”

He claimed,

“It is not wrong to be a homosexual at 16,”

but conceded,

“...it is a decision that a 16-year old is rarely emotionally developed enough to make.”

Although he was glad to be a homosexual, he admitted,

“I think I would have felt much more scared had I confronted my sexuality at 16.”

He also went on to state that “it seems hardly necessary” to lower the age to 16 since there

“are hundreds – no, thousands – of “out” boys of 18 upwards who look 15.

Donatello’s David is to be found on many an urban street these days”

implying that some want the age reduced in order to allow access to boys precisely because they are young.

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<sup>341</sup> *Ibid* column 96

<sup>342</sup> *Ibid* column 97

<sup>343</sup> The Daily Telegraph 15 July 1997

Another 'gay' man wrote to the *Daily Mail* to distance himself from Peter Tatchell's endorsement of the pro-paedophilia book *Dares to Speak*. He wrote:

“As far as I'm concerned, 18 is a perfectly reasonable age of consent. Many teenagers who think they're gay turn out not to be and there should be clear guidelines to protect anyone who is young, unhappy and confused from those who would seek to exploit that situation.”<sup>344</sup>

Daniel Farson is an author and himself a homosexual. In an article in the *Daily Mail*<sup>345</sup> he lambasted the government for its support for lowering the age of consent, calling it,

“political correctness at its very worst, driven along by the aggressively show-off tactics of the so-called gay lobby. I fear the damage it will do is beyond calculation...

There can be confusion at that age about where your inclinations lie. Is it really sensible to make those difficulties even more acute by lowering the present 18 limit? Frankly, I doubt it...

...what will happen when the limit is reduced to 16? Won't there be a few precocious individuals of 14 or 15 who are tempted to experiment? Is it not likely that they too will escape prosecution for the very reason that 16 and 17 year olds escape it now? So the ratchet of permissiveness is given another deadly twist. And adolescence, which used to be a wonderful time of discovery and self-awareness, is put under even more pressure.

...when people are confronted with choices about their lives, they need the chance to work out the situation for themselves, in their own time and in their own way. Instead they are faced with the raucous proselytising of gay pride, allied with the utter determination of business, the media, Government, local councils and everybody else not to be prejudiced against homosexual activity.”

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<sup>344</sup> Letter from David Williams, *The Daily Mail* 9 July 1997

<sup>345</sup> *The Daily Mail* 15 July 1997

## Ages of Consent in Europe

### AGES OF CONSENT IN COUNCIL OF EUROPE STATES<sup>346</sup>.

	Male/Female (Heterosexual)	Female/Female (Lesbian)	Male/Male (Homosexual)	Equal since
Austria	14	14	18	-
Belgium	16	16	16	1985
Bulgaria	14	18	18	-
Cyprus	16	16	18	-
Czech Rep	15	15	15	1990
Denmark	15	15	15	1976
Finland	16	18	18	-
France	15	15	15	1982
Germany	16	16	16	1994
Greece	15	15	15	1987
Hungary	14	18	18	-
Iceland	14	14	14	1992
Ireland	17	15	17	1993
Italy	16	16	16	1889
Liechtenstein	14	14	18	-
Lithuania	14	-	-	-
Luxembourg	16	16	16	1992
Malta	12	12	12	1973
Netherlands	16/12	16/12	16/12	1971
Norway	16	16	16	1972
Poland	15	15	15	1932
Portugal	16	16	16	1945
San Marino	14	14	14	1865
Slovakia	15	15	15	1990
Slovenia	14	14	14	1977
Spain	12	12	12	1822
Sweden	15	15	15	1978
Switzerland	16	16	16	1991
Turkey	15/18	15/18	15/18	1858
United Kingdom	16	16	18	-

Sources : *The Press Association* and *The Guardian*

### Notes

No figures are available for *Estonia* and *Romania*. In the *Netherlands* a non-prosecution policy operates when both parties are between the ages of 12 and 16 and there is not a subsequent complaint from the parents or one of the participants.<sup>347</sup>

In *Ireland*, the age of consent for intercourse is 17, except in the case of heterosexual couples who marry at 16 with their parents consent. The age of consent for other sex acts is 15 for heterosexuals and lesbians and 17 for homosexual men. Lithuania has no legislation on the age of consent for homosexual acts. *Turkey* allows penetrative vaginal and anal sex at 18 and other sex acts at 15, regardless of the gender of each person.

<sup>346</sup> See the Press Association 14 July 97 14:43 BST S6383; *The Guardian* 29th June 1993

<sup>347</sup> Schuijjer J *The Netherlands Changes its Age of Consent Law* in Geraci J (Ed.) *Dares to Speak - Historical and Contemporary Perspectives on Boy-Love*, The Gay Men's Press, 1997, page 207

## Chapter 5: Summary

- The UK Parliament is soon to debate the age of homosexual consent.
- Gay rights groups have had great success in getting their arguments on an equal age of consent accepted by The European Commission on Human Rights.

### *Sexual orientation is fixed by 16*

- The argument that 'sexual orientation is fixed by 16' is flatly contradicted by the facts.
- The Wellings study finds clear evidence of a *transient* same-sex attraction amongst men. There are a 'large number' of cases for whom homosexual experience:  
"was a single, possibly youthful and experimental, occurrence and for whom homosexual inclination was not a lasting orientation".<sup>348</sup>
- Of the 3.6% of men who have ever had homosexual genital contact<sup>349</sup> most never have contact with any other man<sup>350</sup> and only 0.3% of all men have had exclusively homosexual partners.<sup>351</sup>

### *Recruitment*

- Though the majority do not continue in the homosexual lifestyle after they have had a homosexual partner, around 40% do continue and have had a partner in the last five years.<sup>352</sup>
- There are much greater health risks in having homosexual intercourse than in having heterosexual intercourse.
- A number of homosexuals have publicly argued that if the age of homosexual consent is lowered more young men will be manipulated.

### *Predatory conduct*

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<sup>348</sup> Wellings K et al, *Op cit*, page 213

<sup>349</sup> Johnson, A M, Wadsworth, J *et al* in *Nature* (360) 411, 3 December 1992 and Wellings K et al *Op cit*, page 188

<sup>350</sup> Wellings K et al, *Op cit*, page 213

<sup>351</sup> *Ibid* page 209

<sup>352</sup> *Ibid* page 214

- British Criminal Statistics reveal that a far higher proportion of homosexual rapes take place than heterosexual rapes. In 1996, the proportion was at least three times higher.
- SIGMA found that 24% of the men in their study reported being raped or coerced into sexual activity by another man.<sup>353</sup>

### *Safer Sex*

- All involved in the debates accept that young homosexual men are particularly at risk from acquiring HIV.
- The clear implication of the *Gillick* case for homosexuals is that they too can have safer sex advice even below the age of consent.
- Sadly knowledge of "safer sex" does not appear to determine behaviour.

### *Other European Countries*

- Comparisons with other European countries do reveal that many of them have a lower age of consent, some of them much lower. Ten Council of Europe Countries have an age of homosexual consent below 16. In Spain, the Netherlands and Malta the age is 12. Seven countries in the Council of Europe, including the UK, have an age of homosexual consent of 18.

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<sup>353</sup> Hickson F C I et al *Gay Men as Victims of Nonconsensual Sex*, Archives of Sexual Behaviour, Vol. 23 No 3, 1994 page 286

## CHAPTER 6 : THE CASE FOR RAISING THE HETEROSEXUAL AGE OF CONSENT

### **An issue which cannot be evaded**

The fact that there is a difference between the heterosexual and homosexual ages of consent in the UK resulted in Stonewall bringing the Sutherland case in the European Court of Human Rights.

Gay rights campaigners often argue that it is nonsense to suggest that a young man having homosexual intercourse for the first time is embarking upon a more serious course of action than heterosexual intercourse when pregnancy is itself an extremely serious consequence which may result.

Given the high levels of teenage pregnancy and abortion, of all the arguments raised by gay groups this is one of the most serious.

This study has argued that social and public health implications mean that homosexual conduct is of a completely different character to heterosexual conduct. This is, of course, particularly true for young men.

However, an even-handed approach, where the primary concern was the welfare of young people, would also have to conclude that there are serious social and public health implications of early heterosexual intercourse. There is, indeed, a case for *raising* the heterosexual age of consent. This is now very briefly examined.

*The general heterosexual population overwhelmingly support marriage*  
The institution of marriage is still usually regarded as the proper context in which to raise children. This is illustrated by considering people's behaviour.

In 1996 35.8% of children were born outside marriage.<sup>354</sup> In just over 40% of these cases the parents were either living at different addresses or only the mother registered the birth of the child. But in nearly 60% of the cases (20.8% of all births) both parents were registered at the same address, presumably cohabiting.

However, the 1996 General Household Survey has found that at any one time only 8% of households with dependent children were headed by a cohabiting couple. 70% were headed by a married couple.

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<sup>354</sup> Population Trends 90 Winter 1997 Table 8 page 58

So some 20.8% of all children are born to parents who cohabit. But *many* of these parents take the decision to marry *after* the birth of a child. The responsibility of having children and raising a family is commonly linked to the decision to marry.

The main picture presented in *Sexual Behaviour in Britain* is of a population which, once married, is monogamous. Sex before marriage is almost universal: only 6.1% of men and 15.9% of women were virgins when they married.<sup>355</sup> Having said this, many have premarital intercourse only with the person they subsequently marry. This is particularly true of women: 20.6% of men and 39.3% of women have had only one sexual partner throughout their lifetime.<sup>356</sup>

Some 4% believe that sex before marriage should not be allowed<sup>357</sup>, whilst 8.2% believe it to be wrong.<sup>358</sup> The Wellings Study finds that 6.6% of men and 5.7% of women have never had any heterosexual partners.<sup>359</sup> In the 16-24 age range over 20% of men and women have not had sexual intercourse.<sup>360</sup>

Exclusivity in marriage is the norm. The Wellings study finds that only 4.5% of married men and 1.9% of married women have committed adultery in the past year.<sup>361</sup> 1.2% of husbands and 0.2% of wives reported *more than two* sexual partners in the past year.<sup>362</sup> In the past five years 60.5% of all men and 71.4% of all women have had only one heterosexual partner.<sup>363</sup>

By contrast only 43.1% of cohabiting men were 'monogamous' (i.e. faithful to their cohabitee) in the past 5 years.<sup>364</sup>

The writers of the Wellings study comment:

"It is striking that cohabitation does not appear to exert any strong influence on monogamy".<sup>365</sup>

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355 Wellings K et al, *Op cit*, page 71,72

356 *Ibid* page 95,96

357 *Ibid* page 234

358 *Ibid* page 246

359 *Ibid* page 95,96

360 *Ibid* page 97

361 These reported "2 or more heterosexual partners" in the past year. *Ibid*, page 103

362 *Ibid* page 104

363 *Ibid* page 214

364 *Ibid* page 116

365 *Ibid* page 116

The authors conclude:

"It seems clear that marriage as a necessary precondition to having sex is a thing of the past. Yet these findings give little support to the assertion that marriage is losing its importance in Britain. While it is clear that it is no longer seen as the starting point of sexual relationships, once entered into it is certainly viewed by the majority of the population as an exclusive relationship for men and women alike."<sup>366</sup>

This same picture is confirmed by the US General Social Survey Project. It reported that during 1989, only 1.5% of spouses admitted to being unfaithful.<sup>367</sup>

### *The wider interests of society*

Politicians can decide what sexual behaviours should or should not be permitted at certain ages. In doing this many would argue that legislation is merely there to protect those not able to protect themselves. So the State otherwise has no interest in regulating sexual conduct.

This standard liberal argument cannot evade two issues when it comes to the heterosexual age of consent:

(1) There can be no pretence that early first intercourse is in the interests of society or the State.

The Health Education Authority in its 1997 summary of the latest research on 'Sexual Health' finds that between 50% and 90% of teenage pregnancies are unintended and that among girls under the age of 16 years, 52.8% of conceptions led to abortions in 1994.<sup>368</sup>

Following the *Health of the Nation* 1992 White Paper, the pregnancy rate amongst girls under 16 shows little sign of reaching the year 2000 target of 4.8 pregnancies per 1000 girls. The latest year for which figures are available (1994) shows a rise to 8.2 pregnancies per 1,000 girls.<sup>369</sup>

'Love' is *not even stated as the main reason* for first intercourse by 82.7% of all men and by 93.8% of men who had first intercourse before the age of 16.<sup>370</sup>

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<sup>366</sup> *Ibid* page 249- 252

<sup>367</sup> Smith T, *Op cit*

<sup>368</sup> *Health Update: Sexual Health*, Health Education Authority, 1997, page 13

<sup>369</sup> Adler M W *Sexual Health - a Health of the Nation Failure*, BMJ Vol 314, 14 June 1997, page 1745

<sup>370</sup> Wellings K et al *Op cit*, page 72

Leaving aside all moral considerations, there are many medical, psychological and social reasons why intercourse at the age of 16 is undesirable and harmful.

The Wellings study clearly shows that the age of first intercourse is falling. The question is whether this trend should be allowed to continue.

(2) Marriage is fundamentally in the interests of society or the State, if for no other reason than that children are predominantly cared for and nurtured within married families. Marriage provides the male and female role models that children need and is demonstrably more stable than cohabitation.

The argument cannot be developed at great length here, but it is true that those who cohabit before marriage, are according to Government statistics, 50% more likely to divorce within the first 5 years of marriage than those who do not cohabit before marriage.<sup>371</sup>

### **Too soon**

The case for raising the age of heterosexual consent is certainly made out by those who have experienced early sexual intercourse.

The Wellings study has plotted a steady decline in the age of first intercourse. For men aged 55-59 at the time of the survey in 1990/1991 the median age of first intercourse was 20 years. For those men aged 35-39 it was 18 years. For those men aged 16-34 the median age of first intercourse was 17 years.<sup>372</sup> The majority of the respondents in the Wellings Study find it acceptable for first intercourse to have occurred by 17.<sup>373</sup>

Of those men who had first intercourse before 16, 40.5% said they did it because they were curious. Only 6.2% of men were 'in love'.<sup>374</sup>

For those in the 16-19 age group the median age of first intercourse was 17.<sup>375</sup> 1.2% of the men and 0.4% of the women reported experience of intercourse before the age of 13.<sup>376</sup> 9.3% of men and 2.7% of women had experienced intercourse before the age of 15.<sup>377</sup>

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<sup>371</sup> *Social Trends 24*, HMSO, 1994, page 38

<sup>372</sup> Wellings K et al, *Op cit*, page 38

<sup>373</sup> *Ibid* page 239

<sup>374</sup> *Ibid* page 72

<sup>375</sup> *Ibid* page 41

<sup>376</sup> *Ibid* page 36

<sup>377</sup> *Ibid* page 40

For the youngest age group, those aged 16-19 at the time of interview, 27.6% of men and 18.7% of women had experienced first intercourse before the age of 16.<sup>378</sup>

Clearly for a minority of young people there is a problem with enforcement of the present law. It is understood that the police rarely prosecute young people who engage in under age sex. The decline in age of first intercourse reflects the general liberalising of attitudes including attitudes amongst those responsible for enforcing the law. Some are suggesting the age should be reduced to reflect the practice of this minority. This would clearly be a very serious mistake since it would simply encourage more young people to engage in sex at an earlier age, including an age below the lowered age of consent.

Many women regret their first intercourse. According to research carried out by the University of Southampton,

"Women were considerably more likely to report negative reactions to first intercourse, with over 80% of those whose first intercourse was aged fifteen or below doing so (compared with around one third of those aged sixteen years and above...)

Combining all ages, just over one third of women, and 10% of men, reported regret. The main reasons provided for regret were related to intercourse having occurred too soon, either in the context of the particular relationship, or in terms of their age, that it had been with the wrong person, and that the circumstances had not been as they had hoped they would be."<sup>379</sup>

The Wellings study found that 58.5% of women who had sex before the age of 16 judged it to be too soon.<sup>380</sup>

The earliest age at which a person can marry without parental consent is 18, whereas sex is allowed at 16. This breaks the connection between sex and marriage in the law. Sex is for adults in the same way that marriage is for adults. Raising the age of consent would emphasise the seriousness of the decision to engage in sexual intercourse. It would also provide many young people with the courage to say 'no' and resist pressure to have sex. It would give them the backing of the law to refuse advances.

If young people are not considered mature enough to buy alcohol or drive a car at 16 it is contradictory to consider them mature enough to engage in sexual intercourse - a far more serious activity with many more life-changing implications.

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378 *Ibid* page 42

379 Ingham R, *The Development of an Integrated Model of Sexual Conduct Amongst Young People*, 1996 page 13

380 Wellings K et al, *Op cit*, page 80

## Chapter 6: Summary

- The age of first intercourse has progressively fallen over the last thirty years.
- The median age of first intercourse is 17 in the Wellings study for those born between 1966 and 1975.
- In the 16 - 19 age group some 27.6% of men and 18.7% of women first had intercourse before the age of 16.
- Those who break the law regarding the heterosexual age of consent are rarely prosecuted.
- A third of women and 10% of men reported regret because of their first intercourse, mainly because it was too soon. The Wellings study found that 58.5% of women who had sex before the age of 16 judged it to be too soon.<sup>381</sup>
- The Wellings study finds that cohabitation exerts little influence on fidelity compared to marriage.
- The overwhelming majority of children are brought up by married parents.
- As it stands at present the law permits sex two years before it permits marriage (except with parental consent).

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<sup>381</sup> *Ibid* page 80

## CHAPTER 7: PREVENTING THE PROMOTION OF HOMOSEXUALITY– SECTION 28 OF THE LOCAL GOVERNMENT ACT

Section 28 of the Local Government Act 1988 added a new section 2A to the Local Government Act 1986 which states:

"2A.-(1) A local authority shall not-

intentionally promote homosexuality or publish material with the intention of promoting homosexuality;

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."

Section 28 was an amendment put forward by back-benchers<sup>382</sup> in response to an outcry in the media, amongst parents and from the public at large against what appeared to be the promotion of homosexuality by a number of local authorities.

Some of these authorities adopted policies which dealt with homosexuality as an "equal opportunities" issue. Some had gone further and created "lesbian and gay officers". The most controversial issue at the time of the debates in 1988 was the distribution of literature aimed at children which presented homosexual practices as "normal" and a valid option for them and for other people. Some of this literature included graphic descriptions of homosexual activity.

### **Homosexual prosyletism**

In the 1980s books began to appear which were for (and often about) young people and which presented homosexuality in a positive light and introduced young people to the gay lifestyle. These books were stocked in public libraries and were recommended for schools.<sup>383</sup>

*A Boy's Own Story* by Edmund White<sup>384</sup> is one of the books that was being promoted. In the introduction White claims,

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<sup>382</sup> Dame Jill Knight MP for Birmingham Edgbaston and Mr David Wilshire MP for Spelthorne. Hansard House of Commons 9 March 1988 column 421.

<sup>383</sup> For example, see Haringey council Education Service booklet, "Equal Opportunities – the Lesbian and Gay Perspective" a summary of "Mirrors round the Walls – respecting diversity", described as "the first report of the Curriculum Working Party on lesbian and gay issues in education." The report was received by the Education Committee on March 28<sup>th</sup> 1988.

<sup>384</sup> White E. *A Boy's Own Story* Picador 1983.

“the autobiographical events it was based on had all occurred to me before I was sixteen”.<sup>385</sup>

There are graphic descriptions of his visit to a prostitute with friends, including fantasies about being the object of his friends' sexual attentions instead of the prostitute.<sup>386</sup> He describes three-in-a-bed sex with a teacher and his wife<sup>387</sup> and an oral sex act performed on another teacher with the intent of blackmailing him.<sup>388</sup>

*A Boy's Own Story* is an account of the homosexual desire and practice of a boy. In one chapter he describes boyhood fantasies and relates it to his present day thoughts as a homosexual man:

“I hypothesized a lover who'd take me away. He'd climb the fir tree outside my window, step into my room and gather me into his arms.... I expected him to be able to divine my existence and my need, to intuit that in this darkened room in this country house a fourteen year-old was waiting for him. Sometimes now when I pass dozing suburban houses I wonder behind which window a boy waits for me.”<sup>389</sup>

*The Milkman's on His way* published by the Gay Men's Press in 1982 is another book that was recommended for schools in the early and mid-eighties. It is a novel for teenagers. It tells of a boy who experiments with his feelings of sexual attraction towards a male friend and details sexual encounters that they have with each other.<sup>390</sup> It also describes how, at the age of 16, he meets a 23 year old London teacher and within hours of meeting him has oral sex with him on a beach.<sup>391</sup> It moves on to describe in detail his first anal sex<sup>392</sup> and his subsequent active search for,

“sex, quick and anonymous”.<sup>393</sup>

*The Milkman's on His Way* was recommended by the Inner London Education Authority for children aged 15 and was available from the children's section of a library in the London Borough of Haringey.<sup>394</sup>

The most well-known book was *Jenny lives with Eric and Martin*, translated from Danish and first published in English in 1983 by Gay

<sup>385</sup> *Ibid.* From the first page of the introduction entitled “On the line”. (In an interview in the *Daily Telegraph* April 26 1997 Edmund White himself boasts that in a 20 year period he had sex with 3,120 men. By the age of 15 he had had an estimated 500 sexual encounters. He was diagnosed HIV positive in 1985.)

<sup>386</sup> White *E Op cit* pages 181-184

<sup>387</sup> *Ibid* page 197

<sup>388</sup> *Ibid* 213-218

<sup>389</sup> *Ibid* page 39

<sup>390</sup> Rees D *The Milkman's On His Way* The Gay Men's Press 1982. Page 20, for example.

<sup>391</sup> *Ibid* pages 53-56

<sup>392</sup> *Ibid* page 58

<sup>393</sup> *Ibid* page 76

<sup>394</sup> Hansard House of Commons 9 March 1988 column 421.

Men's Press (GMP).<sup>395</sup> It shows two homosexual men living together, one of whom has a child called Jenny from a previous relationship.

The book describes simple details of daily life to show the "normality" of the little girl's home situation. This includes breakfast in bed with her naked father and his lover. Friends of the "family" are all kindly and raise no objections. A nasty neighbour is the only one to indicate any disapproval and her parting comment ("You gays! Why don't you just stay at home so the rest of us don't have to see you? Ugh!"<sup>396</sup>) leads into a lesson on "homophobia". The two men make a chalk drawing for the little girl to illustrate their point:

"Here comes Bill and Fred. "I love you Fred!", "I love you too, Bill!", "Why don't we move in together?", "That is a good idea".

The "grumpy Mrs Jones" who objects, is converted when her husband informs her,

"Now that is not quite right dear. When I was young I was in love with a man and we lived together. But then I met you – and it was you I loved most. So we moved in together and got married.... It can never be wrong to live with someone you are fond of."<sup>397</sup>

More recently Gay Men's Press was also responsible for publishing *Dares to Speak : Historical and Contemporary Perspectives on Boy-Love*.<sup>398</sup> This book deliberately sets out to justify paedophilia. (see Chapter 3).

Rachel Tingle in her book, *Gay lessons*<sup>399</sup> drew public attention to these and other resources that were being used in state schools and public libraries to teach children and young people about homosexuality. She also lifted the lid on the extent to which public money was being used to promote homosexuality by public bodies such as the Greater London Council (GLC) and the Inner London Education Authority. Her book was very influential in the political debate that led to the passage of Section 28.

Tingle revealed that the GLC, under the leadership of Ken Livingstone, had been the most active local authority in taking up the demands of the gay rights movement and changing the climate of opinion about

<sup>395</sup> Bösche S *Jenny Lives with Eric and Martin*. Translated from the Danish by Louis Mackay. English edition first published 1983 by Gay Men's Press Publishers Ltd.

<sup>396</sup> *Ibid* page 48

<sup>397</sup> *Ibid* pages 52-55

<sup>398</sup> Geraci J (Ed.) *Dares to Speak - Historical and Contemporary Perspectives on Boy-Love*, The Gay Men's Press 1997

<sup>399</sup> Tingle R *Gay Lessons – How Public Funds are used to promote Homosexuality among Children and Young People* Pickwick Books London 1986

homosexuality. Its patronage of gay groups enabled them to produce books and materials which extended their influence way beyond London.<sup>400</sup> In one period £1,043,548 was spent funding gay groups, including the London Gay Teenage Group and the London Lesbian and Gay Community Centre in Cowcross Street, Islington<sup>401</sup> and the Gay Men's Press.<sup>402</sup>

The GLC produced a *London Charter for Lesbian and Gay Rights* in which it condemned "heterosexism":

“Heterosexism is not only individual attitudes, it is an institutionalised system that openly promotes the attitude that only heterosexuality (and heterosexual family life) is ‘normal’ and ‘natural’.”<sup>403</sup>

There are 142 recommendations in the charter, one of which says that:

“Clear, positive and straightforward information is needed for young people and also those who have influence and power over them ... Besides information, there is a need for active education to overcome the ignorance and fear that surrounds homosexuality ... For example, teacher training courses should address issues concerning homosexuality, the curriculum of education and institutions should include homosexuality, and policies which challenge discrimination within the school should include a policy on homosexuality. This applies to all areas of society.”

And under the heading “Tell it in the classroom” the report recommends that:

“Schools should acknowledge the work and achievement of lesbians and gays. Lesbian and gay pupils and students should see reflected in the curriculum the richness and diversity of homosexual experience..”

Lesbian activist Davina Cooper has written a study, *Sexing the City*,<sup>404</sup> on how local authorities have promoted homosexuality. She was a member of Haringey Council in the 1980s where she attempted to develop lesbian and gay equality policies.

The book analyses the advancement of pro-homosexual policies and spending between 1979 and 1987. Case studies include Haringey and Islington, as well as Nottingham<sup>405</sup>, Manchester (which since the early

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<sup>400</sup> *Ibid* page 7

<sup>401</sup> GLC agenda 22 May 1984 cited in Tingle R *Op cit* page 8

<sup>402</sup> David Wilshire MP in Hansard report of Standing Committee A 8 December 1987 column 1205

<sup>403</sup> *The Daily Telegraph*, 11 October 1985, cited in Tingle, R. *Op cit* page 8

<sup>404</sup> Cooper D *Sexing the City – Lesbian and Gay Politics within the Activist State* Rivers Oram Press London 1994

<sup>405</sup> *Ibid* page 46

1970's possessed a City Council-funded gay centre)<sup>406</sup>, the London Borough of Camden<sup>407</sup>, Southampton and Lambeth.<sup>408</sup>

### Clause 28 - the debate

It was in the light of increasingly explicit sex education which was seen to promote homosexuality that in 1986 Parliament amended the law to require that sex education

"have due regard to moral considerations and the value of family life."<sup>409</sup>

This reform in the law was also followed by guidance from the Department for Education and Science (Circular 11/87) which stated that homosexuality was not to be presented as the norm.<sup>410</sup> Despite all these changes LEAs continued to promote homosexuality. The stage was set for full-scale parliamentary debates on whether local authorities should be stopped.

The battle for clause 28 was a demonstration both of the strength of public opposition to homosexual rights and of the commitment and organisation of the homosexual lobby. The parliamentary debate was heated, with accusations of bigotry<sup>411</sup> and even fascism<sup>412</sup> levelled against those who supported the amendment. In defence of the clause MPs referred to the vulnerability of young people<sup>413</sup>, the opinion of the majority of the British public and the inadequacy of the existing law<sup>414</sup>, the psychopathology of homosexual conduct<sup>415</sup> and the view of the Christian Church over the past 2000 years<sup>416</sup>. Mr Nicholas Bennett pointed out that to hold to the teaching of the Old and New Testaments that,

"the homosexual act is intrinsically immoral and evil ... is a respectable view ... We should not be browbeaten into accepting the argument that we should not seek to promote what most people believe to be the norm in our society, which is a heterosexual loving relationship."<sup>417</sup>

A clear majority on a free vote saw the clause pass into law as Section 28 of the Local Government Act 1988.<sup>418</sup>

<sup>406</sup> *Ibid* page 55

<sup>407</sup> *Ibid* page 58

<sup>408</sup> *Ibid* page 196

<sup>409</sup> Education (No 2) Act 1986 Section 46 now Education 1996 section 403

<sup>410</sup> Dept. for Education and Science *Sex Education at School*, Circular 11/97 para 22

<sup>411</sup> Mrs Joan Ruddock in House of Commons Hansard 15 December 1987 columns 1002-1003

<sup>412</sup> Mr Tony Banks *Ibid* column 1022

<sup>413</sup> Mr Harry Greenaway *Ibid* column 1000

<sup>414</sup> Mr David Wilshire in Hansard report of Standing Committee A 8 December 1987 column 1202

<sup>415</sup> Mr Nicholas Fairburn in House of Commons Hansard 9 March 1988 column 372

<sup>416</sup> Mr Nicholas Bennett *Ibid* column 391

<sup>417</sup> House of Commons Hansard 15 December 1987 column 1015

<sup>418</sup> House of Commons Hansard 9 March 1988 columns 429-430

During the debates, claims had been made that the wording was so broad that it would ban almost anything published or done in respect of homosexuality, including artistic works by homosexual authors.<sup>419</sup> Soon afterward, those promoting homosexuality were arguing exactly the opposite – that the law was so badly framed that it would barely infringe on their activities at all.

### Section 28 – the response

Liberty, The National Council for Civil Liberties, published a detailed practical guide to section 28 setting out what activities were likely to be exempt or proscribed by the legislation.<sup>420</sup>

The 'Stop The Clause Education Group' published a booklet called *Section 28 – A guide for schools*.<sup>421</sup> It presents a critical guide to Government directives on sex education and section 28 and refers to public concerns which led to section 28 as,

“A carefully designed ‘moral panic...’”<sup>422</sup>

It sets out its guide to “Good practice” including a section entitled,

“How one school made Lesbian and Gay issues central to its Equal Opportunities Practice”.<sup>423</sup>

Advising about the position of teachers after section 28 they cite the opinion of Michael Barnes QC:

“It is important to observe that this section does not preclude teachers from dealing in an honest and objective way with homosexuality with pupils in the classroom. For in the first place, the section is not aimed against teachers at all. Secondly, ... nothing in the new section requires teachers to act contrary to the welfare of their individual pupils. As the government circular makes clear, teachers retain their freedom to counsel pupils about their sexuality.”<sup>424</sup>

Further support for the view that teachers should not feel restrained by section 28 came from Lord Gifford QC:

“A relationship of honesty and trust between teacher and pupils is an essential ingredient of effective teaching. Questions of a teacher’s own sexuality may arise, and nothing in the law prevents a teacher from referring to his or her own

<sup>419</sup> See for example Dr Jack Cunningham in House of Commons Hansard 9 March 1988 column 371

<sup>420</sup> Colvin M with Hawksley J *Section 28 : A practical guide to the law and its implications*, Liberty, 1989

<sup>421</sup> Section 28 - A guide for schools, teachers governors Stop the clause education group 1989 All London Teachers Against Racism and Fascism

<sup>422</sup> *Ibid* page 3

<sup>423</sup> *Loc cit*

<sup>424</sup> *Ibid* page 22

sexual orientation if that is a natural thing to do in the fostering of such a relationship.”<sup>425</sup>

In 1988 the North London Lesbians Group published *Heterosexism for Beginners – A handbook for challenging assumptions in Further Education Teaching*. The document was produced at North London College, Islington’s Community College, and aimed at those working in further education. The “Guidelines for Personal Behaviour” issue the challenge,

“Make yourself aware of the variety of ways in which you may be re-affirming exclusively heterosexual lifestyles e.g. wedding rings, talking about your heterosexual partner, showing photos etc.”<sup>426</sup>

The Stop The Clause Education Group’s own view is that,

“For reasons to do with religious dogma, the pursuit of power, or personal bitterness, a small group of people seek to impose heterosexual marriage or celibacy upon everyone.”<sup>427</sup>

Attacks on religious groups have also been made by other gay rights campaigners. The GLC’s policy referred to earlier<sup>428</sup> includes the following section:

“Intolerance of lesbians and gay men by leaders or members of organised religions should not be regarded as excusable on grounds of ‘tradition’, ‘ethnic freedom’, or ‘moral leadership’ ... Financial or civic protection to religious organisations which demonstrably discriminate in their hiring or caring policies against homosexuals should be withdrawn ... The law should be amended to permit the removal of charitable status from religious organisations or enterprises which provably practise and/or teach discrimination against lesbians and gay men.”<sup>429</sup>

## A Restraining Effect

Section 28 was brought in at a time when local education authorities had reached the high point of their powers. Since 1988 there has been progressive delegation of budgets to schools and the centralised funding of the further education sector. LEAs now have far fewer advisory staff because schools now control a very large proportion of their own

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<sup>425</sup> *Ibid* page 23

<sup>426</sup> *Heterosexism for beginners – a handbook for challenging assumptions in F.E. teaching* produced at North London College by North London Lesbians Group 1988 page 10

<sup>427</sup> All London Teachers Against Racism and Fascism *Op cit* page 33.

<sup>428</sup> *Changing the World: A Charter for Lesbian and Gay Rights*, GLC 1985 cited in Tingle R *Gay Lessons – How Public Funds are used to promote Homosexuality among Children and Young People* Pickwick Books London 1986 page 8

<sup>429</sup> Cited in Tingle R *Op cit* page 10

expenditure. Schools can therefore operate much more independently of the LEA.

As well as stopping LEAs promoting homosexuality as a pretended family relationship in maintained schools section 28 also proscribes expenditure by local authorities on promoting homosexuality. This includes expenditure on public libraries and other local authority services.

Section 28 does appear to have had a restraining effect on the promotion of homosexuality.

Nick Seaton of the Campaign for Real Education comments that promotion of homosexuality within schools,

“seems to have died down quite a lot since clause 28. Before then we came across it quite a lot. Certainly parents in London did. It probably exists now but it hasn't come to our notice.”<sup>430</sup>

Outside education there is some evidence that it has prevented some of the more "novel" homosexual projects from receiving funding.

Camden council was forced by public pressure to withdraw its financial backing for a plan to send homosexuals, including some under 18, to Amsterdam to learn to be more relaxed and open about their sexuality and

“to experience holding hands in the street without fear.”<sup>431</sup>

“Male Out”, the group responsible for the scheme, is run by the Council.<sup>432</sup>

### **Local Authority Promotion of Homosexuality**

Formerly the relevance of section 28 was mainly in relation to schools. Now, with LEAs having lost much of their power, the relevance is more to local authority expenditure in other fields: the arts, voluntary groups and public libraries.

There are still clear examples of activity within local authorities of promoting homosexuality to young people. Newspaper reports have recorded numerous examples. Proposals were considered by Rotherham Council which attempted to introduce sex education lessons in primary schools teaching that being homosexual or bisexual is natural. The

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<sup>430</sup> Telephone interview 21st August 1997

<sup>431</sup> *The Express* 1 February 1997.

<sup>432</sup> *The Daily Telegraph* 1 February 1997. *Daily Mail* 1 February 1997.

education director justified his recommendations by saying that at the age of nine many children have identified their sexuality.<sup>433</sup>

Strathclyde Regional Council and Glasgow Development Agency both contributed thousands of pounds to fund a business and leisure centre in Glasgow for the exclusive use of the homosexual community, a venture labelled,

“the biggest and most exciting gay centre in Britain.”<sup>434</sup>

Lewisham Council in South East London, at a time when it was facing substantial budget cuts, proposed a £14,500 equal opportunities video for homosexual staff.<sup>435</sup> Haringey hit the headlines again in 1996 when it agreed to monitor services such as meals on wheels and libraries with reference to “sexuality”. Voluntary questionnaires, also intended for job applicants, asked people their sexual orientation to ensure homosexuals,

“get equal access to services and are provided for.”<sup>436</sup>

Hertfordshire Libraries, Arts and Information Web Server (a catalogue of Hertfordshire County resources which is published on the internet) reveals that the local authority is still stocking *Jenny Lives With Eric and Martin* and Edmund White’s *A Boy’s Own Story* in its public libraries.<sup>437</sup>

Meanwhile a visit to the Manchester Gay Village web site reveals that this very well presented site, which advertises gay clubs and advises visitors of good sites for “cruising” for sex, is sponsored by Manchester City Council.<sup>438</sup> The site contains crude glorification of homosexual sex and the homosexual lifestyle. As well as being sponsored by Manchester City Council, it has a hyper-text link directly to the council’s own web site. The council site also links to a “Lesbian and Gay Manchester” site<sup>439</sup> and includes advice lines for Lesbians and Gay men in its own “A to Z” of services.<sup>440</sup> An on-line computer-aided site-search provides the names of 11 different gay support groups in the Manchester area including “Rebels without a clause” and “Lesbian and Gay Youth Manchester”.

Manchester also provides money to the Manchester Central Grants Team which, in turn, is one of the main funders of “It’s Queer Up North”. This festival offers acts such as “The Go Girls” performing “Passionight”,

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433 *The Times* 20 July 1993

434 *The Herald* (Glasgow) 28 October 1995.

435 *The Times* 22 October 1994

436 *The Daily Telegraph* 2 December 1996

437 <http://hertslib.hertscc.gov.uk>

438 <http://www.gayvillage.co.uk>

439 <http://www.u-net.com/manchester/queer/home.html>

440 <http://www.manchester.gov.uk/atoz/entries/equal.htm>

(“a rollercoaster ride of lesbian courtship from a steamy Spanish Feria to the heights of erotic fantasy”).

### Club Bent,

(“a cavalcade of daring dance numbers, new form drag, circus, comedy, multi-media majesty, filth and frivolity”)

and dozens of other homosexual films and performers including Britain's "first internationally successful porn star."<sup>441</sup>

## Promoting Homosexuality in Islington

In 1996 dozens of primary schools received a 160 page guide produced by Camden and Islington NHS Trust (not itself part of the local authority) telling teachers how to create “positive” images of homosexuals and persuade children that it is an acceptable lifestyle.<sup>442</sup> This publication, entitled *"Colours of the Rainbow"*<sup>443</sup>, was quoted in Chapter 2 of this report because it claimed that 40% of all men have had homosexual intercourse. Although Camden and Islington NHS Trust produced the booklet, it is clearly designed to be a teacher's handbook for teachers of children aged 5 to 16.

In a lesson for five year-olds under the theme "Spectrum of Sexuality", designed to last for just over two hours, the teacher explains that,

"Michael is 6, has black hair, green eyes, white skin and is about the same height as... (point to a pupil). He likes sweets and lives with his two mums, Mona and Yasmin. Ask the class to draw/paint his family. Name and label them."<sup>444</sup>

Two other families are similarly described. One who has a mother and a father and the other who has two fathers.

In a 45 minute lesson for seven year olds, pupils are given pictures of one group of women and one group on men. The purpose of the lesson is to discuss the use of "ambiguous sexuality images and sexual imagery in advertising". The men are in suggestive poses wearing only shorts. A pair of women in the female group are holding hands. The children are asked to describe how the pictures make them feel.<sup>445</sup>

In a 25 minute lesson for 14 year olds, teachers are provided with information from Stonewall about "homophobic violence". Teachers are told that they may like to give an information leaflet about Stonewall to

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441 *It's Queer Up North Festival 1996* programme

442 *Daily Mail* 2 March 1996

443 Mole S, *Op cit*

444 *Ibid* page 80

445 *Ibid* pages 86 and 87

their pupils.<sup>446</sup> The leaflet gives details of Stonewall's lobbying and campaigning activities and invites the reader to become a member, giving a contact name and address.

*Strength and Pride*, the “Islington Libraries guide to books, music, videos and information” is produced by Islington Council. To the reader, the main title *Strength & Pride* may sound curious – until the reader looks more carefully at the images which make up the cover design of this guide. Paintings of lesbian embraces and a scarcely concealed frame from a porn film make up the collage. The Guide (which the cover informs us can be made available on audio cassette or in large print) is a 52 page catalogue of books, magazines, videos and music, much of which is available from the libraries (shelf references are included). The guide also gives a list of help-lines such as those run by the so-called Lesbian and Gay Christian Movement, Lesbian and Gay Teenage Group, Lesbian Avengers and Outrage.<sup>447</sup>

Most of the videos are described with reference to their sexual content. The books include *Spartacus* which is a gay tourism guide and *Tricks*,

“25 sexual encounters that are in turn funny, sexy, brutal and nasty.”<sup>448</sup>

*Out of Bounds* is,

“a romantic and touching novel showing the forbidden love of a school teacher for one of his pupils and of the many hazards therein. Set in the idyllic surroundings of an English boys school, the love blossoms around the cricket field...”<sup>449</sup>

The *Lesbian Sex Book* covers,

“topics from age difference to intimacy, anonymous sex and much more! A good book if you need help or advice.”<sup>450</sup>

*Doc and Fluff – a Distopian Tale of a Girl and her Biker* is described as,

“Pat Califia at her trashy best, but challenging as always the boundaries of the acceptable and the erotic. Brutality and tenderness combine in this tale of lust, revenge and Harley-Davidsons – ‘militant kink without compromise’.”<sup>451</sup>

In the “Issues for Parents/Carers/Children and Young Adults” section *The generous Jefferson Bartleby Jones* is,

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<sup>446</sup> *Ibid* page 135 - 138

<sup>447</sup> *Strength & Pride – Islington Libraries guide to books, music, videos & information* Islington Council 1996 page 41 - 52

<sup>448</sup> *Ibid* page 9

<sup>449</sup> *Ibid* page 11

<sup>450</sup> *Ibid* page 13

<sup>451</sup> *Ibid* page 16

“the story of a boy with ‘two Dads’ who loans them to friends! Special times and family life with gay parents; in Jeff’s case he shows it’s double the fun!”<sup>452</sup>

*Deliver us from Evie* is a,

“Prize winning novel exploring the experience of being a young lesbian in a rural community. It challenges all our stereotypes and ideas of ‘normalcy’.”<sup>453</sup>

In *Who lies inside*,

“Richard helps Martin to find out ‘Who lies inside’. An incredibly moving story of family and adolescent relationships and the special feelings involved in the discovery of sexuality.”<sup>454</sup>

## Sex Education

There are many published materials on sex education which promote a positive view of homosexuality. Birmingham LEA health guidelines provide for sex education which provides pupils with “a forum for discussing the whole spectrum of sexual choices”<sup>455</sup> and suggests sexual stereotyping according to gender and sexual orientation as content areas.<sup>456</sup> A book called *Taught Not Caught* is top of the list of teaching packs for pupils.<sup>457</sup>

Reprinted nine times<sup>458</sup> *Taught not Caught* is a sex education manual written by The Clarity Collective.<sup>459</sup> By the third paragraph of the book an important part of its agenda has been revealed:

“A purely heterosexist approach to sex education ignores the fact that by no means all sexual orientations are towards the opposite sex... The relationships in which people express their sexuality are many and varied. In society we will encounter, in addition to heterosexuality, preferences which include celibacy, bisexuality and homosexuality. For some people, these preferences may change during their lives.”<sup>460</sup>

In diagrams throughout the introduction homosexuality, heterosexuality and bisexuality are presented as equally valid options for people making decisions about sexual activity.<sup>461</sup>

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452 *Ibid* page 27

453 *Loc cit*

454 *Loc cit*

455 Birmingham LEA Health Guidelines, Health Education Guidelines 1 (1991) page 18

456 *Ibid* page 19

457 *Ibid* page 19

458 First published in the UK in 1985 it has been reprinted nine times.

459 *Taught not Caught – strategies for sex education* The Clarity Collective Second Edition LDA 1994 Edition

460 *Ibid* page 5

461 *Ibid* pages 7-10

Discussion sheets within the book present only positive statements about homosexuality.<sup>462</sup>

The Sex Education Forum is regarded as a mainstream education think tank. It produces a quarterly newsletter called *Sex Education Matters* and is active in campaigning for more sex education in schools. Favoured resources are explicit<sup>463</sup> and it advertises events such as the play *Two weeks with the Queen*, a play about a 12 year old who meets up with two gay men on holiday in London, recommended for children nine years and upwards.<sup>464</sup>

In 1995 they produced a special factsheet on “sexuality” criticising the absence of “supportive” sex education for lesbian and gay pupils.<sup>465</sup> The factsheet invites teachers to challenge “homophobia” and to encourage pupils to “value diversity”. It assures teachers that,

“Section 28 does not apply to schools and should not affect the honest delivery of sex education in the classroom”

and recommends various resources including those from gay campaign groups such as the Lesbian and Gay Christian Movement.

A feature in the summer 1997 edition of *Sex Education Matters* states that the *Terrence Higgins Trust* and Stonewall commissioned research which found that 56% of the schools that responded had,

“experienced difficulty in addressing the needs of lesbian, gay and bisexual pupils as a result of section 28”.<sup>466</sup>

### **Political Pressure to Repeal Section 28**

Section 28 has undoubtedly had a restraining effect, but it has clearly not put an end to all expenditure of public money by local authorities on projects which many might consider to “promote homosexuality”.

Politicians do feel under strong pressure from gay rights groups to abolish Section 28.

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<sup>462</sup> *Ibid* page 93

<sup>463</sup> See for example *Sex Education Matters* The Sex Education Forum Issue No. 4 1995 page 5 advertising “Lets Talk About Sex” by Robie H. Harris, 1994 Walker Books. The front cover (which is reproduced) features cartoons of a naked boy and girl and an illustration of a position for having sexual intercourse. It apparently provides “frank” information and “inclusive” illustrations featuring “old, young, black, white, disabled, able-bodied, gay or straight...”

<sup>464</sup> *Sex Education Matters* The Sex Education Forum Issue No.4 1995 page 9

<sup>465</sup> *Sex Education Matters* The Sex Education Forum Issue No.6 1995 Forum Factsheet 6

<sup>466</sup> *Sex Education Matters* The Sex Education Forum Issue No.13 Summer 1997 page 11

Current Home Secretary, Jack Straw, in a speech to Stonewall supporters in the House of Commons reaffirmed the Labour Party's position on Section 28:

"It gives gratuitous offence to those who are gay, whilst solving no problem... The Labour Party opposed section 28 when it was before Parliament in 1988, and it is our long-standing policy that we would repeal it."<sup>467</sup>

Interestingly, he also stated there should - and can -

"..be no proselytisation of particular lifestyles in schools."<sup>468</sup>

"Particular lifestyles" embraces homosexual practice but it also includes marriage which, presumably, is not to be promoted either.

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<sup>467</sup> Speech to a meeting of Stonewall held in the House of Commons on 19 February 1997. Page 5 of transcript.

<sup>468</sup> *Loc cit*

## **Chapter 7 : Summary**

- Section 28 was an amendment put forward by back-benchers<sup>469</sup> in response to a public outcry against what appeared to be the promotion of homosexuality by a number of local authorities.
- Formerly the relevance of Section 28 was mainly in relation to schools. Now, with LEAs having lost much of their power, the relevance is more to local authority expenditure in other fields: the arts, voluntary groups and public libraries.
- Section 28 has undoubtedly had a restraining effect, but it has not stopped some local authorities from spending public money and staff time on projects which clearly “promote homosexuality”.
- The policy of the present government is to repeal Section 28.

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<sup>469</sup> Dame Jill Knight MP for Birmingham Edgbaston and Mr David Wilshire MP for Spelthorne. Hansard House of Commons 9 March 1988 column 421.

## CHAPTER 8 : GROSS INDECENCY

Chris Woods, former news editor of *Capital Gay* and *The Pink Paper* has welcomed the fact that as an issue for gay men,

"...public sex is back in a big way".<sup>470</sup>

He praises the police tolerance that allows 'gays' to,

"cruise in public or to f\_\_\_ in a gay sex bar or go to an SM club..."<sup>471</sup>

Woods welcomes these 'advances' but warns that such practices are not enshrined as a legal right:

"Will gay men ever go public and demand the legally enshrined right to f\_\_\_ where they want to?"<sup>472</sup>

Woods argues that,

"...the main point of conflict between gay men and the state revolves around public, or semi-public, sex."<sup>473</sup>

Writing in 1995, Chris Woods attacks Stonewall for painting a false picture of what gay men are like. He is worth quoting at length:

"The continuing reluctance of gay men to zip up their trousers and take their full and wholesome place in wider society is the biggest flash point between gay and straight values. No matter how much Stonewall and others attempt to paint today's gay man as fine and upstanding, he generally is not. This too is where the assimilationist agenda falls down. To be 'free' as a gay man in a society which does not tolerate either public or orgiastic expressions of sexual desire (something which many gay men either pursue or want), means that something beyond equality is needed - a fundamental rethink either by ourselves or the wider British public of what comprises a sexual offence. Such a shift is (just) theoretically possible. But it seems least likely to come from our own political representatives. Even supposed 'sex-radicals' gloss swiftly over what is meant. Whilst many gay men appear to be demanding the right to f\_\_\_ in public, or at least in bars or sex clubs (truly revolutionary demands), some coyly refer to these same scenarios as 'lovers' lane-type situations.'"<sup>474</sup>

In fact Stonewall have been publicly committed to the abolition of the crime of gross indecency for a number of years.<sup>475</sup>

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<sup>470</sup> Woods C, *Op cit*, page 51

<sup>471</sup> *Ibid* page 52

<sup>472</sup> *Loc cit*

<sup>473</sup> *Ibid* page 51

<sup>474</sup> *Loc cit*

<sup>475</sup> *The Case for Change*, Stonewall Lobby Group Ltd, September 1993

Stonewall cite, as one example of "unjust" prosecutions for gross indecency, two homosexuals kissing and fondling in a parked car down a country lane.<sup>476</sup> Using the "lovers' lane" scenario - stretched to cover a multitude of sexual acts in public - is mocked by Chris Woods as being coy and dishonest. In fact gross indecency, as the SIGMA study makes clear, is much more likely to take place in a public lavatory, a sauna, a gym, a gay bar or a public park:

Most homosexual men in the SIGMA study had casual partners.  
Of these men

- over one quarter (27%) had met at least one in a 'cottage' (public lavatory)<sup>477</sup>
- over one quarter (26%) had met at least one at a cruising ground<sup>478</sup>
- just under one quarter (24%) had met at least one in a sauna<sup>479</sup>
- 8% had met a casual partner in the street<sup>480</sup>
- Men using cottages average 30 partners per year<sup>481</sup>
- Men using cruising grounds average 10 partners per year<sup>482</sup>

### *The Legal Issues*

Buggery was first made a criminal offence in English law in 1533 and has remained so ever since. The offence of Gross Indecency was created by the Criminal Law Amendment Act 1885 section 11. The 1956 Sexual Offences Act consolidated the law relating to both of these offences.

Gross indecency and buggery were partially decriminalised by the 1967 Sexual Offences Act.

Gross indecency was created to deal with homosexual acts which fell short of actual buggery. The 1967 Act created an exception. Gross indecency is always an offence *unless*:

- i) the acts are committed in private; (i.e. out of public view, not in a public lavatory and with only the two participants present); and
- ii) both parties consent; and
- iii) both parties have attained the minimum age (21 up to 1994, thereafter 18).<sup>483</sup>

<sup>476</sup> Equality 2000, Stonewall Lobby Group Ltd, June 1997.

<sup>477</sup> Weatherburn P et al, *Op cit*, page 20

<sup>478</sup> *Loc cit*

<sup>479</sup> *Loc cit*

<sup>480</sup> *Loc cit*

<sup>481</sup> *Loc cit*

<sup>482</sup> *Loc cit*

Similarly, since 1967, buggery is always an offence except where all the circumstances (i) to (iii) above apply.

The 1967 Sexual Offences Act had to make provision for the well-known problem of homosexual acts carried out in public lavatories.<sup>484</sup>

Because of the particular problem of homosexuals meeting and having sex in public lavatories, "private" was deliberately defined so that an act was not done in private if done "in a lavatory to which the public have or are permitted to have access".<sup>485</sup> Nor was an act private "when more than two persons take part or are present".<sup>486</sup>

The 1994 Criminal Justice and Public Order Act specifically confirmed the application of the same definition of privacy to the 1956 offence of buggery by inserting it into the relevant section.<sup>487</sup>

That these specific provisions aimed at keeping homosexual activity out of public view were necessary is confirmed by an examination of what constitutes the "gay scene". See for example, the SIGMA Survey referred to in Chapter 3 above on 'Casual Partners'.

As a central plank in its Equality 2000 campaign launched in Summer 1997 Stonewall are calling for the repeal of gross indecency.<sup>488</sup>

In a 1993 publication Stonewall declared the criminal law as regards gross indecency to be "discrimination" and called for it to be repealed.<sup>489</sup>

If the ages of homosexual and heterosexual consent were equalised in the future, Stonewall argues that the crime of indecent assault would remain, and apply equally to all. It therefore proposes that:

"The Sexual Offences Act 1967 could therefore be repealed".<sup>490</sup>

It might be argued that the 1967 Act does give a considerable degree of "equality" to homosexual practices since for sexual acts, whether heterosexual or homosexual, the law now examines the ages of the parties, their relationship, the question of consent and whether the acts are done in private. The main difference is the age at which the law deems it necessary to intervene.

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483 Sexual Offences Act 1967 Section 1(1)

484 *Loc cit*

485 *Ibid* Section 1(2)(b)

486 *Ibid* Section 1(2)(a)

487 Sexual Offences Act 1956 section 12 as amended by the Criminal Justice and Public Order Act 1994 section 143

488 Equality 2000, Stonewall Lobby Group Ltd, June 1997.

489 *The Case for Change* – Arguments for an equal age of consent, Stonewall Lobby Group Ltd, September 1993

490 Stonewall Newsletter, Vol. 5 No 3, August 1997, page 4

However, the law is not entirely neutral as far as homosexual acts are concerned. The 1956 Act labels homosexual acts as "Unnatural Offences" and as "immoral"<sup>491</sup> and this remains unchanged by subsequent amendments.

Stonewall make a quite unbelievable statement about sexual acts performed in public places:

"We accept that in *some* circumstances public sex can be a nuisance"<sup>492</sup> [emphasis added].

They go on to argue that,

"The same law should apply regardless of the sex or sexuality of the offenders, and the prosecution should be required to establish that a nuisance was caused."<sup>493</sup>

This fails to take account of three facts; first, men rather than women being responsible for committing the overwhelming proportion of sexual offences; second, the propensity of homosexual men (though not, apparently, lesbian women) to carry out sexual acts in public; third, the inherently offensive nature of public homosexual acts to the vast majority of the population.

Gay campaigners will have difficulty disputing that people are worried about the prospect of homosexual activity in toilets, public parks and in the vicinity of schools.

Where one or both of the perpetrators is below the age of 21, the permission of the Director or Public Prosecutions is required before a prosecution can go ahead. In practice this means the Crown Prosecution Service must decide to prosecute. An officer cannot make an arrest on the spot. This ties the hands of the police in dealing with public acts of gross indecency.<sup>494</sup>

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491 Sexual Offences Act 1956 Section 32

492 Mason A and Palmer A, *The case for equality - arguments for an equal age of consent*, Stonewall Lobby Group Ltd, January 1998

493 *Loc cit*

494 Sexual Offences Act 1967 Section 8

There are clearly problems with the law as regards offences committed in public between men and women. There is a lack of consistency in prosecution because the police are unsure what constitutes a public order offence.

Heterosexual men and women do not tend to seek heterosexual intercourse with complete strangers in public places such as lavatories and public parks. It is a conduct peculiar to the male homosexual lifestyle. Quite apart from the outrage caused by the very fact of indecent acts committed in public, such crimes are also a very great concern to parents who fear their children may be subject to predatory advances.

Abolishing gross indecency will make it more difficult to prosecute sexual activities which take place in public. Currently any homosexual act in public constitutes gross indecency. If a member of the public makes a complaint, it is not difficult to prove that an offence took place because the acts do not have to reach a certain threshold of indecency. The reason that laws to prevent heterosexual acts in public are defective is because of the problem of a lack of consistency by the courts in determining what is the threshold of indecency. The issue is that the statute law does not give sufficient guidance to the courts.

If two men go into the same cubicle in a public lavatory for ten minutes it is a fair presumption that something indecent is taking place - a presumption that can be used in evidence. There are no heterosexual parallels with this form of behaviour. The reason why the offence of gross indecency exists is because of the scale of the problem that there has always been with male homosexuals behaving in this way. There is a difference between men and women. Men virtually monopolise sex offences.

For all these reasons it is essential that the crime of gross indecency is maintained and vigorously enforced. Abolishing gross indecency will further weaken the resolve of the police to clamp down on sexual acts carried out in public.

In addition, it is quite clear that it is necessary to toughen up the law on heterosexual offences.

**Chapter 8: Summary**

- Stonewall has been publicly committed to the abolition of the crime of gross indecency for a number of years.<sup>495</sup>
- Stonewall believes that the offence of gross indecency discriminates against homosexuals<sup>496</sup>. It wishes to see the offence abolished.
- Homosexual activity in public, though demanded as a right by some, represents a serious problem in public parks and lavatories.
- The SIGMA research shows that public homosexual activity is not at all uncommon.
- Abolishing gross indecency or buggery will greatly widen the scope of homosexual activities which will be carried out in public, which presently are required to be only between two consenting adults in private.
- The parallel heterosexual public order offences are not well drafted in statute and are poorly enforced in the comparatively rare occasions where they apply.

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<sup>495</sup> *The Case for Change*- Arguments for an equal age of consent, Stonewall Lobby Group Ltd, September 1993

<sup>496</sup> *Loc cit*