

Uneasy Bedfellows

a brief history of British legal interventions in sexual health and LGBT (in)equalities

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It all starts with the Tudors...

- 1533** – Henry VIII's Buggery Act makes all male-male sexual activity (and other acts) punishable by death.
- 1726** – Three men hanged at Tyburn for sodomy following a raid on Mother Clap's Molly House
- 1746** – The London Lock Hospital openly provides treatment for venereal diseases
- 1785** – Jeremy Bentham argues for the decriminalisation of sodomy, because homosexual acts did not weaken men, nor threaten population or marriage as claimed

19th Century moral backlash (1)

- 1810** – A wave of arrests for sodomy including 27 men at the White Swan near Drury Lane
- 1812** – James Miranda Barry graduates as a doctor, serves as an army surgeon but was found to be female on his death.
- 1828** – Buggery Act replaced by Offences Against The Person Act
- 1835** – The last two men executed in Britain for buggery.
- 1864** – In response to STI spread amongst Crimean War troops, Contagious Diseases Act allows compulsory medical examination of any woman suspected of prostitution

19th Century moral backlash (2)

- 1885** – Labouchere Amendment to the 1828 Act prohibits gross indecency between males, allowing prosecution where buggery is not shown.
- 1888** – R v Clarence: transmission of an STI is not “grievous bodily harm” under the OAPA of 1861
- 1889** – The Cleveland Street Scandal: a gay brothel in London is raided and aristocratic clients discovered
- 1895** – Oscar Wilde given 2 years with hard labour for gross indecency.
- 1897** – George Cecil Ives organizes first homosexual rights group in England, the Order of Chaeronea. Havelock Ellis publishes *Sexual Inversion* stating homosexuality is not a disease but a natural anomaly. The book is banned in England until 1936.

The 20th Century, where everything changes

1909 - First effective treatment for syphilis (salvarsan). The later advent of penicillin etc, leads to effective cure for bacterial STIs

1912 – London's first gay public house, The Cave Of The Golden Calf, opens in Heddon Street off Regent Street

1913 – British Society for the Study of Sex Psychology is founded. The society was particularly concerned with homosexuality, aiming to combat legal discrimination with scientific understanding.

War and sexual health

1913-16 Royal Commission on VD leads to STI clinic system and principles of confidentiality and free treatment.

1914-1918 1 in 20 British soldiers caught STIs during WWI, five times more than got trench foot (STI rates far higher among the better paid Canadians and French)

1916 - Defence of the Realm Act makes it illegal for prostitutes to solicit troops.

1917 - Ettie Rout, a NZ nurse, begins distributing home made prophylactic kits to the troops in Africa and the idea spreads. She was decorated for her war effort by the French but news of her actions was suppressed in her own country for decades.

20th Century in transition

1936 – A British athletic champion, Mark Weston, transitions from female to male. The story appears in national newspapers.

1944 – The Education Act establishes sex education in schools but gives little Governmental support or advice

1945 – First known FTM confirmatory surgery in the UK

1948 – Establishment of the NHS

1951 – First known MTF confirmatory surgery (Roberta Cowell)

1950s: crackdown and backlash

1952 – Gay witch-hunts begin: up to 1,000 men a year imprisoned or fined, including John Gielgud, Lord Montague, Alan Turing.

1956 – Sexual Offences Act recognises sexual assault between women

1957 – The Wolfenden Report backs decriminalisation of homosexuality, sex work law reforms

1958 – Homosexual Law Reform Society + Albany Trust are formed

1961 – Release of film “Victim” about blackmail of gay men

1960s: law reform begins

- 1964** – The North West Homosexual Law Reform Committee founded in Manchester
- 1965** – A UK opinion poll finds 93% see homosexuality as a form of illness needing medical treatment
- 1966** – First bill to decriminalise falls due to time constraints. The Beaumont Society, a TV/TS social/support group, is founded in London
- 1967** – MP Leo Abse introduces the Sexual Offences Bill with Government support, partially decriminalising homosexual acts
- 1969** – Campaign for Homosexual Equality/Scottish Minorities Group founded
- 1970s-90s** - Increased gay arrests for “cottaging” by police

1970s: Pride & Prejudice

- 1970** – London Gay Liberation Front founded. April Ashley's annulment sets legal precedent that birth certificates of trans people cannot be changed
- 1972** – First Gay Pride held in London. Gay News founded.
- 1973** – First British gay rights conference in Morecambe
- 1974** – First National TV/TS Conference held in Leeds
- 1975** – British Home Stores sacks openly gay trainee Tony Whitehead (later of THT)
- 1977** – “Save Ulster From Sodomy”. Gay Times prosecuted for blasphemy
- 1970s-80s** – moral & media panic about herpes

1980s: the backlash continues (1)

- 1980** – Scotland brings age of gay consent into line with rest of UK (21)
- 1981** – European Court of Human Rights strikes down Northern Ireland's criminalisation of homosexual acts, leading to law reform in 1982. First UK case of AIDS is recorded.
- 1982** – Terry Higgins dies in St Thomas's, London. Gay London Police Monitoring Group set up with specific brief to combat “pretty police” entrapment.
- 1983** – Britain reports 17 cases of AIDS. Gay men are told not to donate blood.
- 1984** – Chris Smith is the first MP to come out voluntarily. Gays The Word bookshop raided by Obscene Publications Squad; materials seized include sexual health materials.

1987 – darkest hour before dawn?

Clause 28 introduced in the Local Government Bill and becomes law the following year.

The first UK specialist HIV ward is opened by Diana, Princess of Wales ; she makes a point of not wearing protective gloves or a mask. AZT made available in the UK for the first time.

“Tombstone” campaign - AIDS leaflets to every household in the UK. Gay Switchboard nearly collapses due to volume of calls.

A South Staffordshire Councillor calls for 90% of lesbians and gays to be gassed to prevent the spread of AIDS.

1990s: the fightback begins

- 1989** – Stonewall Group is set up to repeal Section 28 and other legal barriers to equality
- 1994** – A backbench attempt to equalise the age of consent gets it lowered to 18. The Isle of Man finally decriminalises
- 1996** – Combination therapy (HAART) is discovered to significantly delay AIDS. The European Court of Human Rights hears further UK age of consent cases.
- 1999** – 1533 Buggery Law finally repealed; buggery remains illegal for everyone till 18, thanks to the Lords
- 2000** - Government attempts to repeal Section 28 in England and Wales are defeated by bishops and Conservative Lords. Scotland abolishes it successfully.

21st Century: You win some, you lose some

- 2001** – Government uses Parliament Act to overrule House of Lords and equalise age of consent. First conviction in Scotland for reckless transmission of HIV.
- 2003** - Section 28 repealed in rest of UK. Employment Equality Regs give gay rights at work. First English conviction for reckless transmission of HIV; takes 3 more trials to stick.
- 2004** – Civil Partnership Act and Gender Recognition Act passed
- 2005** – Chris Smith becomes first and so far only MP to acknowledge publicly that he has HIV
- 2006** – First gay trial for HIV transmission: accused acquitted thanks to phylogenetic and other medical evidence
- 2008** – Criminal Justice and Immigration Act creates offence of incitement to homophobic violence. First UK conviction for recklessly transmitting hepatitis B.

The 10s – more of the same?

2010 – Plans for compulsory sex ed (including contraception, abortion and sexuality) dropped by Labour after being blocked by the Tories

2011 - England, Scotland, Wales reduce lifetime ban on MSM donating blood to 12 months. First conviction for herpes transmission gets a 14 month sentence

2012 – People start to discuss chemsex as a lifestyle phenomenon. HIV treatment free to all on NHS, inc. undocumented migrants

2014 – Same sex marriage legalised in England & Wales, Scotland. Amendment to 2003 Communications Act restricts showing many sexual acts in UK-made porn including female ejaculation, fisting

2016 – Northern Ireland finally repeals lifetime blood ban on gay men. England “trials” HPV vaccine for men (already known to be effective in MSM). England also agrees to “trial” PrEP (ditto). 40% drop in new HIV diagnoses noted by some London clinics

So where do we stand?

- Centuries of persecution vs just over a decade of rights
- Continued criminalisation of “deviant acts”
- Good gays vs bad gays (chemsex etc.)
- Worse for others – sex workers, transpeople
- PSHE to be only partially compulsory
- Rights rollback in other countries inc. US
- Medical prevention to the aid of public health?



Moral of the story:

Just because you've never had it so good
that doesn't mean you've got it right yet
or that it will stay that way