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The last discrimination: Gay men and lesbians in the classroom

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The last discrimination: Gay men and lesbians in the classroom

Abstract
A democracy can only be strong when the rights of all the people are protected. If given the opportunity; individuals or groups that promote intolerance, hate, and bigotry will in time deny rights to all. Discrimination is at least as old as recorded history. The Roman Empire and Classical Greek society created a class system. Some were citizens; males only of course as women were treated more like property; others were slaves and traded and owned by others. Some were free men. However, during the early centuries of the Roman Empire and during virtually all of the Classical Greek period, same sex male / male relationships and conduct appear to have been the norm and these relationships accepted and acknowledged (perhaps even ignored) by the population and the governments. The Egyptians also believed in a class like social structure. India had a caste system that justified discrimination between groups of people. Only recently has this categorization been addressed, but traces of the old social and cultural biases remain in segments of the populations.

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The Last Discrimination: Gay Men and Lesbians in the Classroom

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A democracy can only be strong when he rights of all the people are protected. If given the opportunity; individuals or groups that promote intolerance, hate, and bigotry will in time deny rights to all.

Introduction

Discrimination is at least as old as recorded history. The Roman Empire and Classical Greek society created a class system. Some were citizens; males only of course as women were treated more like property; others were slaves and traded and owned by others. Some were free men. However, during the early centuries of the Roman Empire[1] and during virtually all of the Classical Greek period[2], same sex male / male relationships and conduct appear to have been the norm and these relationships accepted and acknowledged (perhaps even ignored) by the population and the governments[3]. The Egyptians[4] also believed in a class like social structure. India[5] had a caste system that justified discrimination between groups of people. Only recently has this categorization been addressed, but traces of the old social and cultural biases remain in segments of the populations.

Our 'Western' countries seem to be most effective in creating a class like structure in which there are a few in a 'privileged' group, and some, perhaps those least able to defend themselves against the 'moral' certainty of the 'majority' often are those who are discriminated against. British and US history is stained by economic ownership of and discrimination against other humans.

The British and US history is stained by the institution of slavery and involuntary servitude of human beings held captive in a very class oriented and property ownership dominated system. The institution of second class citizenship for People of Color in the US continues in many parts of the US and the UK. In Australia, Aboriginal people gained their rights of citizenship in the 1960's, and the Aboriginal and Torres Strait Islands people still lag behind badly in terms of education, health care, and social support. But, I am pleased to report, the conditions are getting better (albeit slowly) for the native citizens of Australia).

Our history is clouded by the brutality of the National Socialists in Germany. Hitler and his cronies selectively persecuted, exiled, incarcerated and murdered not only the Jewish population, but also the Gypsies, the

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[1] Although later Romans sometimes asserted that homosexuality was imported from Greece, by the close of the 6th century B.C.E, Polybius reported, there was widespread acceptance of homosexuality [Polybius, Histories, xxxii, ii].
[2] Ancient Greece has long been portrayed as a homosexual paradise for today's modern gays and lesbians. The most famous historic gay culture, Greek society normalized same-sex love among its male and female members. Homosexual relations were believed to be above the lower classes, reserved for the middle class and aristocracy. http://www.suphawut.com/gvb/gayly/gay_history2.htm
[3] See Boswell, John; (1980) *Christianity, Social Tolerance and Homosexuality;* University of Chicago Press for a detailed and complete history of the creation of discrimination against homosexuals (particularly men) between the beginning of the Christian era and the fourteenth century.
[4] http://www.suphawut.com/gvb/gayly/gay_history2.htm
[5] Vanita, R and Saleem Kidwai; *Same-Sex Love in India: Readings from Literature and History;* Macmillan India Limited (2000, reprinted 2001)

Communists, the 'Criminals, the Jehovah's Witnesses, and of course the people who were forced to wear the Pink Triangle as their mark of identity in the concentration camps. The Socialists / Communists following Marx and Lenin and Chairman Mao have nothing positive to say about homosexuals either. One has to wonder why so many of the leaders of the early Gay Rights Movements in the USA and in the West had such close ties to the 'left' when their socialist / left / communist brothers and sisters in countries dominated and controlled by the left persecuted, jailed and punished those accused of being homosexual.

This systematic discrimination against the homosexual[6] population continues today. There are still States in the US that have sodomy laws on the books. According to the *Associated Press*, sodomy laws remained on the books in 13 states as of the middle of 2003. "Sodomy" was illegal for everyone -- gay and straight -- in Alabama, Florida, Idaho, Louisiana, Mississippi, North Carolina, South Carolina, Utah and Virginia. In addition, four contiguous states, Kansas, Missouri, Oklahoma and Texas, criminalized certain forms of private, consensual sexual behaviour between persons of the same gender, but permitted them if performed by a man and woman[7].

These sodomy laws are questionable after the Lawrence v Texas US Supreme Court Decision. ***Lawrence v. Texas* (2003)**[8] declares all state sodomy laws unconstitutional and lays the foundation for massive further legal changes across the U.S.

These laws are seldom enforced, and when they are enforced it is almost always against same sex couples engaged in consensual activity. Many States have enacted DOMA (Defense of Marriage Acts) to prohibit *legal* recognition of same sex couples who wish to live in marriage like arrangements. Apparently the churches will determine who is allowed to marry, with the full cooperation of the government. Equal protection statutes and anti-discrimination laws are ignored by self appointed conservative religious leaders.

Where the laws prohibit discrimination

The several States and Territories of Australia all prohibit discrimination on the basis of sexual orientation or sexual preferences. In Australia, however, unlike the US where marriage is a State issue, marriage law is governed by the Federal constitution. A Conservative coalition supported by the Christian churches (most notably Arch Bishop George Pell of the Sydney Diocese) acts to actively practice discrimination against gay men and lesbians in the churches and church controlled and operated schools and hospitals. Some members of the various Parliaments of Statues[9] have a rich history of 'gay baiting' and use of Parliamentary privilege to make comments that would clearly be defamatory if not made in the Parliamentary chambers.

> Christian Churches consistently and strongly opposed gay rights, even (and especially potently) the liberal Church of England done so. They opposed and ejected known homosexuals from its ranks, clergy and offices; would not allow homosexual rights committees to meet on Church property and considered AIDS to be God's revenge on homosexuals. American and South African fundamentalists still re-iterate this point of view however, now

[6] The literature of the present is more directed to 'queer theory' and the inclusion of other alternative sexual 'orientations'. I have chosen to write in terms that I know best. I believe that the same arguments and literature applies to discrimination practiced against consenting adults who happen to be gay, lesbian, transgender, and bisexual people.

[7] http://www.religioustolerance.org/hom_laws.htm

[8] http://a257.g.akamaitech.net/7/257/2422/26jun20031200/www.supremecourtus.gov/opinions/02pdf/02-102.pdf

[9] Senator (Federal) Bill Heffernan's recent attack on High Court Justice Michael Kirby, MLC (NSW) , MLC (NSW) Fred Nile's continual statements against the Sydney Gay and Lesbian Mardi Gras and the Sisters of Perpetual Indulgence stand out in a career of homophobic and discriminatory actions by a now retired Uniting Church minister, former MLC (NSW) Franca Arena's open accusations against the Judiciary and others of an organized pedophile network are outstanding examples of hate speech and intentionally misleading statements made under the protection of Parliamentary privilege.

most Christians consider it immoral and very inconsiderate and misguided to do so. Despite the oppression of homosexuals, that the public began to consider a wrongdoing on behalf of the Church, in the late 20th century there were known homosexual sympathizers within the Church and many of it's priests and bishops (much) later came out as having been homosexual all along, others of having knowingly ordained homosexuals. The fear of exposure prevented these people from supporting the gay rights movement, which is itself testimony to the fearsome anti-gay agenda of the higher-up Christian communities. These would have also been the more powerful, older and more conservative Christians[10].

Nevertheless, Australia and her several States and Territories have made significant changes to the laws regarding systematic discrimination against gay men and lesbians. The Australian Defense Forces have stopped systematic discrimination against gays and lesbians, and neither morale nor command and control have collapsed. There have been instances where individuals have taken it unto themselves to 'discipline' or physically and mentally abuse known or presumed gay men or lesbians, but these instances have been dealt with in precisely the same way that other discrimination issues would be handled. If only the US Defense Department and Congress had the same commitments to equality under the law. The 'don't ask, don't tell' policy has been a failure at best, as the number of gay men and lesbians expelled and discharged from the US Military services continues to rise.

In spite of the campaigns of hate, bias and bigotry, there have been many activists in the fight for social justice and equal rights for all gay men and lesbians. NSW political leaders like MLC Jan Burnswoods, MLA Clover Moore, former MLC Paul O'Grady who was an openly gay member of the NSW Parliament, MLC Arthur Chesterfield and for MLC Liz Kirkby have been vocal supporters of equal rights and social justice. Evans, Senators Brian Grieg and Bob Brown (both openly gay Parliamentarian) along with "open secret' closeted NSW political leaders like Treasurer Michael Egan and MLC Jenny Gardner have often paved the way for legislative change. In the US Congressmen Barney Frank, Steve Gunderson and a few other have stood up to the radical religious right and put our case forcefully and consistently.

I previously noted the hold that the churches have on the rights to marry. In Hawaii, the Christian right campaigned endlessly with a carefully constructed campaign of misinformation and outright lies to eliminate rights of equal protection and human rights for as much as 10[11]% of the population. Even those political leaders elected with less than a majority of the total vote are speaking of a 'mandate' to rule and to set their agendas. Unfortunately in both the US and in Australia, these 'minority' governments are controlled and dominated by the thinking (or good vs evil dogma) of the radical religious right.

There is no evidence that removal of discriminatory laws in countries where they have been eliminated has caused a collapse of the social order. Denmark, Holland, and other countries in the European Union have eliminated laws designed to control and monitor sexual behavior between consenting adults (which the Romans and Greeks had done centuries before).

On the other hand, there is clear evidence that when there are anti-discrimination laws in place, and when they are enforced, the levels of gay bashing and open harassment of gay men and lesbians declines. When hate crimes and anti-vilification laws are enacted and enforced, there is a further reduction in violence and persecution.

The United Nations Universal Declaration of Human Rights (UNDHR) and the attached protocols absolutely prohibit discrimination based on actual or presumed sexual preference or orientation. Many otherwise complying members of the UN refuse to adopt UNDHR. Where these conventions and protocols have been followed, the sky has not fallen, the society has not crumbled, and the systematic hate, violence and bigotry has

[10] http://www.vexen.co.uk/religion/homosexuality.html

[11] The 10% figure from Kinsey's classic study is often questioned, but the real point is how many people does it take to make it right to discriminate? If .05% of the people are homosexual, is it right to discriminate? If 51% of the people believe that homosexuality is 'wrong, immoral, not natural' does that give this majority the privilege of discriminating against the other citizens regardless of how many there are? In the Star trek movie *Insurrection* Captain Jean-Luc Picard makes that precise point about the removal of the 'colonists'. How many lives have to be destroyed or forced to comply with the social constructions before it becomes 'wrong'.

decreased substantially. There are, however, those who need to hate, those who need to have some group to be 'superior to' … some individuals to 'convert' and 'reform' to their socially constructed beliefs. Few of us in the political activist arena would deny their right to practice their hate and bigotry, but we do deny their right to impose their hate, bias and bigotry on others; particularly when these discriminatory organizations receive either public funding or tax advantages unavailable to organizations working for equal rights and social justice.

Where the Laws Encourage Discrimination

Campaigns to recognize same sex relationships[12] have raised the ire[13] and attention of the public. While surveys indicate that the majority of people in most western countries believe that homosexuals should have access to equal legal rights and social justice[14], granting equal marriage status to same sex couples results in conflict and rhetoric.

Granting of parenting rights[15] and adoption[16] by same sex couples is another area of systematic discrimination in many jurisdictions. Same sex couples may be systematically denied custody of children and may be prohibited from adopting otherwise neglected or dependent children.

In Ireland[17] there is currently no facility for couples, other than married couples, to adopt a child. A joint adoption by a couple is only possible where that couple is married and living together. This rule prevents a same-sex couple from jointly adopting a child, *even where one of the parties is the biological or legal parent of the child.*

Other jurisdictions are more 'progressive' and 'permissive'.

> A lesbian couple successfully petitioned the court in 2000-OCT because the Nova Scotia government had refused to grant them the status of parent. According to the Toronto Star: "*The ruling means the children of unmarried common-law couples will now be able to register their relationships with both parents, inherit under the Intestate Succession Act and receive maintenance from both parents.*" Justice Deborah Gass said in her ruling that families are an essential part of the democratic society and can't be restricted based on sexual orientation. "*Prohibiting a joint adoption where all the evidence indicates these adults are providing optimum care and loving...defeats the very purpose of the legislation.*" This ruling means that Nova Scotia joins Ontario, British Columbia and Alberta in allowing same-sex couples to adopt[18]

Access to IVF treatments[19] is often denied to lesbian couples. Apparently the only 'safe' parents are opposite sex couples. Much of the rhetoric against parenting is based on a belief that homosexuality is a learned behavior and that same sex couples will 'train' their adopted children to become homosexual.

Marriage law and rights are defined in the Federal Constitution in Australia. Marriage laws in the US are State based.

In the Classrooms and on the Campus

We would simply not allow students or faculty member to systematically discriminate against other students based on the color[20] of their skin. We must not tolerate discriminatory language or conduct in our schools

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[12] Equality for Same Sex Couples: The Legal Recognition of Gay Partnerships in Europe and the United States. Yuval Merin, Chicago, University of Chicago Press, 2002.
[13] http://www.religioustolerance.org/hom_orb.htm
[14] *2002 Statement, PC (USA),* On Affirming Civil Rights and Non-discrimination for All Persons, Regardless of Sexual Orientation**;** *pp. 73-74, 575*
[15] http://en.wikipedia.org/wiki/Same-sex_marriage
[16] http://www.debatabase.org/details.asp?topicID=51
[17] http://www.oasis.gov.ie/relationships/same_sex_relationships/adoption_and_same_sex_couples.html
[18] Alison Auld, "*Gays praise N.S. ruling,*" Toronto Star, 2001-JUL-10.
[19] http://www.ilga.info/Information/Legal_survey/Asia_Pacific/australia_victoria.htm

and universities. We will not tolerate religions persecution; Fred Nile and John Howard's comments about Islamic and Muslim dress aside, in our classrooms. Christian democrat MLC[21] Fred Nile[22] used the privilege of Parliament to assert that traditional Islamic female attire, the chador and hajib, should be banned because it provided effective cover for terrorism.

> John Howard, the Prime Minister of the Commonwealth of Australia added fuel to the flames of discrimination and bias. The lack of precision in Mr Howard's answers sparked immediate debate over whether he was adding momentum to Mr Nile's campaign by declining to rule out a ban[23]. In what his office later described as "a discursive conversation" on radio with John Laws, Mr Howard said: "Sometimes you don't have a flat yes or no on something like this. Different people of goodwill will have a different view."
>
> Several hours later, his press office issued a statement, saying it would be "absurd to suggest Mr Howard had implied that Muslim women could be banned from wearing the chador in public".

Why should anyone tolerate racist, sexist or religious 'jokes', discrimination, marginalization, and / or bias in our schools?

In the US, Title VII of the Civil Rights Act of 1964[24] protects individuals against employment discrimination on the bases of race and color, as well as national origin, sex[25], and religion. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Why would we even consider letting sexual orientation or alternative sexual practices jokes, mocking, or hate into our classroom? Should or would we allow groups who systematically discriminate against homosexuals or presumed homosexuals systematically violate the law? Or might we encourage legalized systematic discrimination against any minority group? If so, which groups should be marginalized?

> Sexual rights[26] are universal human rights based on the inherent freedom, dignity, and equality of all human beings. Since health is a fundamental human right, so much sexual health be a basic human right. In order to assure that human beings and societies develop healthy sexuality, the following sexual rights must be recognized, promoted, respected, and defended by all societies through all means. Sexual health is the result of an environment that recognizes, respects and exercises these sexual rights.

Perhaps there is as much discrimination in the tea rooms and faculty and administrative offices as there is in other far less 'enlightened' environs.

One case illustrates this point:

> Two homosexual students – a woman and a man – reported a faculty at a major university for demeaning treatment. The main points of the complaint were as follows. During the practical term of the social work programme, they were not accepted at the first trainee post allotted and were obliged to transfer to another trainee location, due to their homosexual orientations. They did not receive any support from

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[20] http://www.eeoc.gov/types/race.html

[21] Member of the NSW Legislative Council;
[22] http://www.abc.net.au/worldtoday/stories/s732835.htm
[23] http://www.smh.com.au/cgi-bin/common/popupPrintArticle.pl?path=/articles/2002/11/21/1037697806923.html
[24] http://www.eeoc.gov/policy/vii.html
[25] For additional references to discrimination based on sex, see the United Nations Universal Declaration of Human Rights: http://www.un.org/Overview/rights.html
[26] http://www.siecus.org/inter/inte0006.html

university teaching staff and their tutor in dealing with this situation. On the contrary, the teacher appointed to act as tutor had personal problems in relating to homosexual persons. The man and the woman withdrew their complaint to HomO, due to fear of reprisals and, as a result HomO closed the case and no further action was taken[27].

A Google search indicates about 38,900 'hits' for search terms **discrimination higher education faculty homosexual**. Searching without 'faculty' yields 148,000 'hits'. There is clearly a publishable interest in addressing discrimination against homosexual discrimination in the literature.

Website http://www.esib.org/issues/equalopp.php reports:

Sexual orientation
For generations, LGB (Lesbian, Gay, Bisexual) people have been denied the opportunity to self define through a socially acceptable and legally reinforced barrier of discrimination. Even within Europe there are examples of discriminatory laws, for example in preventing schools from discussing the "homosexual lifestyle". In this context, students leaving school for University are unlikely to have had the opportunity to express their sexuality in a positive and safe environment.

Conclusions:

Systematic discrimination exists in many quarters of our universities. Within 'religious' and Church controlled universities, doctrine and bias are more likely to be present than in secular institutions. There is evidence that engineering and other male dominated curricula are more homophobic than the social science and the creative arts programs.

We believe that it is a basic responsibility of our universities to counter discrimination and bias in our students. We believe that discrimination creates a climate of violence and intolerance.

Last year Christian fundamentalists defaced posters and physically confronted students from the Allsorts group on the University of Wollongong campus during the annual Sexuality Week programs. Unfortunately, University Security was slow to react in defusing the tensions and the situation deteriorated considerably before university administration reacted.

In the longer term, reactions to the anti-gay protesters has been strong and committed to a climate of social justice, equal rights, and tolerance of individual differences. University policies have been amended to address issues of homophobia and discrimination across the campus. The Vice Chancellor of the university has committed both time and resources to counter discrimination on the campus and in the wider communities.

We can address issues of discrimination and violence if we will. We only have to stand up for equal rights and social justice. We must never allow people to express attitudes of intolerance in our classrooms and in our teaching. To do anything less that to work for equal rights and social justice for all our students is unacceptable.

[27] http://www.homo.se/o.o.i.s/2073