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Don't frighten the horses!

A systemic perspective on violence against lesbians and gay men

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Explanations for the phenomenon of gay-bashing have tended, to date, to focus on individual psychology or pathology (Groth and Burgess, 1987; Herek, 1984; Herek, 1987). That is, bashers are said to be motivated by fear of homosexuality and hatred of gays, possibly because they are aware that they are themselves homosexual or are afraid that they might be, and are intent on proving to themselves and to others that they are normal.

I would beg to differ with this perspective. While individuals clearly are motivated by a variety of reasons, I believe that there is a broader and more salient point at issue here. It is my contention that violence against gay men and lesbians is a systemic issue, and while not in any way wishing to absolve those who commit assault, and even murder, from personal responsibility for their own actions, I do believe that in many ways the real responsibility lies elsewhere. The homophobia which finds expression in violence against individual lesbians and gay men, is an individual response to signals which exist throughout our society and which are universally understood. Such signals suggest that lesbians and gay men do not deserve the same degree of respect as heterosexual members of the community.

A fate worse than death

Gay-bashing is a contemporary urban pastime for some young Australian males. But the gangs of young men who deliberately stalk gay men in inner-city areas such as Sydney's Darlinghurst are merely acting out what the rest of the world does in other ways. The word 'poofter' and all its numerous synonyms, is so loaded and considered so derogatory, that even to be called it in jest is cause for alarm. Consequently, it is hardly surprising that adolescent males should

consider gay men to be legitimate targets in the quest of proving their manhood (see Harry, 1990).

The so-called 'homosexual panic defence' has been successfully employed in a number of recent Australian murder trials in which the victim was a gay man, and the accused is heterosexual (refer to Tomsen and George, this publication). The defence rests on a claim by the accused that the victim had attempted to initiate sexual contact with the accused, who was so horrified that he killed the victim in 'self-defence'.¹ This defence was used to secure an acquittal in a particularly brutal case in Victoria, in which the victim's throat was cut after he had been rendered unconscious (*Brother Sister*, 1993), and is a prime example of the way individual acts of extreme violence against gay men are minimised and even justified in a homophobic society.

It does not seem to matter that these murders have usually taken place in the victim's home, where the accused has accompanied the victim from an initial meeting elsewhere, frequently a gay bar. There is no acknowledgment that the victim may have believed, not altogether unreasonably in the circumstances, that the accused was himself gay and in search of a sexual liaison. Juries in these cases just do not seem to consider why the accused would have accompanied the victim to his home, knowing he was gay and that a sexual encounter was expected, if the thought of homosexuality was personally repellent to him. It is enough that a sexual approach was made. There is such a sense of loathing attached to homosexuality that, within this legal discourse, the murdered man becomes the aggressor and the murderer, the victim.

The contrast between the ways in which such a scenario and one of heterosexual sexual assault are viewed is staggering. Since women are expected to enjoy and be flattered by any sexual attention from men, anything other than an outright rebuff on their part is taken to imply abdication from the need to further consent to 'anything and everything' the man has in mind (Smart, 1990). Women are blamed for sexual assault if they as much as smile at the perpetrator – or, indeed, if they do not smile, since a man is expected to vigorously defend any blow to his ego. Most commonly, women who do not struggle when sexually assaulted, so as to avoid injury, risk their failure to do so being viewed as compliance, if not outright consent, by the courts (Graycar and Morgan, 1990).

1 The *Macquarie Dictionary* defines 'self-defence' as 'the use of *reasonable* force against an *attacker*' (italics mine). The acceptance by juries of the use of the term in this context reveals clearly the extent to which a sexual approach by one man towards another is viewed as an *attack*, and that deadly force is considered a *reasonable* response. Homosexual sex becomes, literally, a fate worse than death.

Sexually autonomous women

Lesbians too are subject to violence, but here sexuality is intricately bound up with gender, and the fundamental relationship between men and women. Men of all ages are led to believe that women would do anything to be assured of a male escort at all times. It is not unusual for heterosexual men to regard themselves as being totally irresistible to the entire female population. So when a man asks a woman for a drink, a dance or a date, he expects her to accept, not challenge him to a game of pool.

Nor is it uncommon for husbands and boyfriends to believe that it is part of their role to protect women from other men's sexual attention. Women without a male protector may be seen as being 'on their own' (no matter how many women friends they may be out with at the time) and are deemed to be 'available' as potential sexual partners – to be 'unattached' is still considered by many to be shameful for a woman (Pharr, 1988). Within patriarchal discourse, women are not encouraged to have independent needs and lives of their own. The primary task for a woman alone is to find a man. If a man, any man, is kind enough to bestow his attentions upon a woman, she is often expected to be grateful and drop everything to keep him by her side. Women are expected to please men, to minister to their needs. Above all, women are certainly not supposed to compete with men for other women's attentions.

Heterosexual men may see it as their role to punish women who do not play by the rules. Ordinarily, such punishment is carried out by the woman's male protector. The widespread nature of male domestic violence against women is clear evidence of this (see National Committee on Violence Against Women, 1992). It is likely that lesbians' sexual autonomy and independence is perceived as a threat to male hegemony and control of women. As such, lesbians are seen to warrant a particularly vicious response. And without a male protector, they are considered fair game to any man who feels affronted. In this context it is pertinent to remember the recent case of a Sydney lesbian who was followed by two men as she left a well-known lesbian nightclub (Sheehan, 1996). The men verbally harassed her, calling her a 'filthy fucking dyke', hit and punched her, pushed her to the ground, where they scratched her, bit her breasts and kicked her in the stomach. They sexually assaulted her and repeatedly told her that they were going to kill her, only leaving her alone when she pretended to have AIDS.

Patriarchal origins of society and the centrality of marriage

In order to fully understand gender relations within contemporary society, it is necessary to consider the historical antecedents of the world we recognise today. Our society is both patriarchal and patrilineal, with descent occurring through the male line. In the historical origins of such a society, all property and wealth is concentrated in male hands. As the potential bearers of male heirs of this property and wealth, women were traditionally viewed as commodities owned by the head of the household, available for alliances and property transactions with other families, via marriage (Pateman, 1988).

Men, on the other hand, traditionally carried the family name and owned the wealth. Accordingly, they were granted autonomy and freedom that was denied to women. In other words, men were treated as individuals, while women were merely chattels. Traditionally, a man was expected to sow a few wild oats before marrying, but a woman's marriageability depended totally on her chastity. Since men wanted only their own offspring to inherit their property, women's faithfulness was less a moral issue than a function of property (Pateman, 1988). And while men were encouraged to see the world before settling down, women remained at home, their compliance in this matter ensured by both a lack of income and their dependence on a good reputation. For if a bachelor was admired as a man in charge of his own destiny, a spinster was pitied as an old maid and a hollow shell.

Nevertheless, marriage was an obligation towards family and society required of both men and women. Although marriage in contemporary society has moved away from these origins and is viewed nowadays as more of an egalitarian partnership, many of the originating attitudes remain with us. The household name still belongs to the man; a woman bears her father's name until she is given away in marriage by her father, at which time she usually adopts her husband's name.

Marriage and the family are still defined as the basic unit of society, which retains strict gender roles for men and women. Women are seen to be the nurturers who are encouraged to pander to men's needs and look after the children, while men often remain the primary protectors and providers. Lesbians, gay men and others who do not conform are punished, through legal sanctions, ostracism or physical assault (Croome, 1992; *The Lesbian and Gay Anti-Violence Project*, 1992).

Violence may be effective in maintaining social control, but it is not necessary for all, or even a majority, of lesbians and gay men to

experience attack, because the fear of violence helps to keep people in line. While only a small number of individuals actually take it upon themselves to act as society's moral arbiters who dish out punishment, their actions can be seen to be condoned by a far greater number, either through indifference or via outright applause. Even those who deny all knowledge of the phenomenon do not tend to be overly concerned when informed that such things really do happen: they recognise that others are acting on behalf of society in general (refer to Baird, this publication, for an example of police indifference to violence against gay men and lesbians).

The legal position of homosexuality

Male homosexuality was a criminal offence throughout most of Australia, until the mid to late 1980s (Bull, Pinto and Wilson, 1991). In Tasmania, it remains illegal (*Criminal Code* (Tas) ss. 122(a), 122(c) and 123). Indeed, the Tasmanian State Government recently announced its intention to increase the penalty for sex between males as part of its proposed law and order package (Darby, 1996). This is clearly designed as a direct challenge to the *Human Rights (Sexual Conduct) Act* 1994 (Cth), which enshrines in law the right of consenting adults throughout Australia to have sex in private. While this must be partly understood in the context of a State challenge to the Federal Government's 'interference' in that State's criminal justice matters, it is also an assertion that homosexuality remains unacceptable in Tasmanian society. This renders disingenuous the State Government's claim that since the law is not used, there is no need to remove it from the statute book. In fact, whether or not prosecutions actually occur is irrelevant; the point is that it sets gay men apart in the public mind as criminals and deviants, simply for their sexual activities.

It is interesting to note that prior to the 1967 decriminalisation of male homosexuality in England, the law that prohibited such behaviour was colloquially referred to as a 'Blackmailers' Charter' (Weeks, 1977). Equally, in Australia, scandal and ruin potentially awaited anyone who was exposed as a homosexual and few were able to be open about their sexual orientation for fear of losing their jobs or being evicted from their homes. No doubt, many men married to avoid detection, leading risky double lives, while others made genuine attempts to overcome those troublesome urges. Many suffered from internalised homophobia and sought psychiatric assistance in a desperate attempt to become 'normal'.

Homosexuality in the past was a hidden, shameful thing, not to be talked about in polite society, and definitely not in the presence of ladies. While unhappily married men slipped out for liaisons at public

toilets, or certain discreet bars around town, they no doubt risked being bashed on many occasions (Wotherspoon, 1991). But in such a climate, reporting assaults to the police would have been out of the question. It would have meant admitting the very thing that must be kept quiet at all costs. Besides, in those days, the most the police would probably have done would have been to try their hand at a spot of blackmail, while offering comments to the effect of, 'Well, what do you expect?'

Lesbianism, by contrast, was not illegal. But women of independent means were few, and an almost total lack of employment opportunities for women, combined with the stigma of remaining a spinster, ensured that only the most determined women retained their independence and autonomy. The convent was one of the few socially acceptable alternatives to marriage available to women. In a world in which wives were expected to obey their husbands, and a man's home was his castle, there was very little chance of women using marriage merely as a cover (for a discussion of lesbian interactions with the law from the 1920s to the 1950s see Ford, 1995).

In England, in the early part of this century, lesbianism along with other sexual 'perversions' came under the scrutiny of the sexologists. They discovered that many women, having once sampled the 'Sapphic art', showed no inclination to return to heterosexual relations. Concluding that lesbianism was therefore harmful to women's mental health, many pushed for criminalisation. But such moves were rejected by the House of Lords as potentially counter-productive, once it was realised that the surrounding publicity might serve to actually increase women's knowledge of lesbianism. Following this lead, lesbianism was never criminalised in Australia (Mason, 1995). Better that the practice remain secret and unknown.

The turning of the tide

The 1960s ushered in a new era of social and political protest. The civil rights movement in the United States, the student movement and the anti-Vietnam War protests set the scene for the rise of women's and gay liberation, and paved the way for the many changes which would eventually follow. Within the context of the sexual revolution and the counter-culture, a new confidence among young people and a belief in the need for honesty and openness meant that lesbians and gay men started to come out and to become publicly visible for the first time.

In June 1969, lesbians and gay men rioted for three days following a police raid on the Stonewall Bar in New York City, a bar frequented primarily by working-class gays and drag queens. Although this was not the first occasion when gays had resisted and fought back in the

United States, the publicity generated in the media established the Stonewall Riot as the event which would with hindsight be seen to mark the birth of the international gay rights movement. In 1970, the Campaign Against Moral Persecution (CAMP Inc.) was founded in Australia (Wotherspoon, 1991). The emergence of such political groups marked the beginnings of greater public visibility for lesbians and gay men.

Such increased visibility, however, was not seen as a welcome development by the establishment. In June 1978, the first Gay and Lesbian Mardi Gras was held in Sydney, in a gesture of international solidarity with American gays and lesbians who were commemorating the anniversary of the Stonewall riots. Although it was a peaceful march, many people were arrested on that night, leading to further demonstrations and more arrests over the next few weeks, with the names of those arrested appearing in the *Sydney Morning Herald*, and the police refusing public access to the court where the trials were taking place (Dunne, 1995; Verrinder, 1996).

Such draconian measures, however, were markedly unsuccessful in halting the struggle for justice. Instead, lesbians and gay men simply became bolder and louder and pressure mounted for changes. In New South Wales, the *Anti-Discrimination Act* was amended in 1982 to include a ground of homosexuality, which made it illegal for the first time to discriminate against lesbians and gays in the areas of employment, rented accommodation, public education, registered clubs and in the provision of goods and services (*Anti-Discrimination Act 1977* (NSW) as amended 1982, s. 4(1)). Ironic, then, that male homosexual acts were to remain illegal for a further two years. Sex between males was partially decriminalised in 1984, and even now it retains a higher age of consent than for heterosexual sex (Bull, Pinto and Wilson, 1991). Similar changes have occurred at different times in most of the other States except Tasmania, although anti-discrimination measures, where they exist in other States, are less far-reaching than in New South Wales.

Discrimination continues

But even in New South Wales, with arguably some of the most wide-ranging legislation in the world, there are still many areas where discrimination is allowed to continue. For example, homosexual relationships have virtually no standing in society. Lesbians and gay men are not expected to take their nearest and dearest to the office Christmas party, and are unlikely to be awarded company relocation packages equal to those of heterosexual colleagues: where a heterosexual employee could normally expect their company to cover

the expenses for their whole family, a gay or lesbian employee will usually only be entitled to reimbursement of their own personal costs. Nor do gays and lesbians have any necessary right to access their partners' superannuation or life insurance - or even a right to visit them in hospital, if visitors are restricted to 'close family members'. In addition, lesbian and gay couples who have lived together for 30 years have no automatic claim on each other's property if one of them should die intestate (Lesbian and Gay Legal Rights Service, 1994).

It is not unusual for lesbians and gay men to be considered unfit as parents. While childless heterosexual couples are pitied and provided with counselling and sympathy, and enormous sums of public money are dedicated to the development of artificial methods of conception, lesbians' and gay men's desire to have children is viewed as perverse or just plain wrong. Lesbians are denied access to donor insemination services at public hospitals, and although lesbians or gay men are not necessarily prevented from fostering or adopting children, they must line up behind childless heterosexual couples, or take those children heterosexuals don't want, such as children with intellectual disabilities. Those who have children from a previous marriage are expected to give up custody of their children to the heterosexual partner. Determination to retain custody by a lesbian or gay parent is regarded as selfish and not in the best interests of the child. Lesbians simply do not fit the traditional image of the good mother, who sacrifices all for her family and who is not expected to have views and needs of her own (Winters, 1992).

There have been some fairly unjust rulings in the Family Court in the past, where custody has not been awarded to the mother simply because she is known to be a lesbian. More recently, custody was sometimes awarded where the mother agreed to live separately from her lover or to sleep in separate rooms. In some extreme cases, lesbians were ordered not to express affection towards their lovers in front of the child or children (Bateman, 1992). Thankfully, the Family Court has become rather more enlightened in recent years. But nevertheless, memories of earlier rulings linger on, leading many lesbians to lie about their sexuality, out of fear of losing their children.

Resistance and backlash

Those changes which have occurred, have been strongly resisted by a small but vocal section of the community, such as the Reverend Fred and Mrs Elaine Nile, and others of their ilk. While the Niles' views are probably not taken too seriously by many, the fact that they obtained enough votes to sit in the New South Wales Parliament, largely on an

anti-gay platform, demonstrates a level of community support for their opinions.

If the Niles' views are somewhat extreme, the mainstream churches differ only by degree. The exemption for religious organisations within the New South Wales *Anti-Discrimination Act* allows church bodies such as Catholic and other independent schools to sack teachers with impunity, for no other reason than that they are lesbian or gay (*Anti-Discrimination Act 1977* (NSW) s. 49ZH(3)(C)). Nor is this view restricted to Australia; it exists in most nations in some form or another. Most major religions, from Christianity to Islam to Judaism, concur in their condemnation of homosexuality (Greenberg, 1988). Religious doctrine provides a powerful underpinning for the widespread hostility to lesbians and gay men which thrives in societies around the world.

In the United States, for example, it is instructive to note that the mere existence of anti-discrimination measures has provoked forceful opposition from the Christian Right, who have succeeded in recent years in getting anti-discrimination legislation revoked in Colorado and have their sights set on similar protective measures in a number of other States. In a similar attempt in Oregon, the Oregon Citizens' Alliance narrowly failed to turn back the clock by running a campaign which equated legislation prohibiting discrimination, with special rights. Within a month of the referendum in Colorado, anti-gay violence increased by 275 per cent (MacDonald, 1994).

In the run-up to the 1996 United States presidential election campaign, contenders for the Republican Party nomination vied with each other over who could most successfully convince voters of their homophobic beliefs as befitting them for public office. For the first time, mainstream Republican candidates attended rallies specifically called to oppose the push for lesbian and gay marriages and recognition of lesbian and gay relationships. Speakers at these rallies tended to characterise homosexuality as 'satanic and evil' (Clark, 1996). Such rallies are chillingly symptomatic of a climate which led to the murder, in late 1995, of two well-known lesbian activists in a small Oregon town. They had each been tied up, blindfolded, lain face down in the back of their pick-up truck, and shot twice in the head. It would appear that the murder was viewed by the protagonist as an execution (Farrelly, 1996).

There are of course many unique factors which have given rise to this situation in the United States, and I do not seek to argue that an exactly parallel situation exists in Australia. Nevertheless, there are those who would like to foster such a climate here. For example, in 1993, a further amendment was proposed to the New South Wales *Anti-Discrimination Act*, outlawing homosexual vilification. During the

furious debate which ensued, an American-made propaganda video, 'The Gay Agenda', containing lies and distortions based on interviews with psychiatrists and 'ex-homosexuals', was sent to every member of the New South Wales Parliament in an attempt to influence their vote.²

Deputy Prime Minister Tim Fischer is another vocal detractor of the lesbian and gay community, who is on record as opposing any moves to officially recognise lesbian and gay relationships and whose attempts to stymie progressive moves resort to base emotional tactics (Meade, 1994). His statements that lesbian and gay relationships are not real families are deeply hurtful to those who seek no more than official acknowledgment that their emotions are as valid as those of heterosexuals. For him to further assert that a desire for acceptance is somehow an affront to heterosexual families simply adds insult to injury.

The very prominence of critics such as these bestows respectability on the view that lesbians and gay men are somehow lesser beings, undeserving of equality before the law or basic consideration of their needs by the society in which they live, work and pay taxes. The ease with which public figures are able to promulgate such views, regardless of how many others actually agree with them, legitimises dehumanisation and establishes a climate where lesbian and gay human rights can be publicly denied. From here, it is a relatively short step to the belief that what is needed is a 'good thrashing' or a 'good screw'.

The role of the media

The media also contributes to this climate of homophobia, particularly on talk-back radio and in rural newspapers. An example recently appeared in the editorial of the *Wagga Daily Advertiser*:

I see the Australian Broadcasting Corporation has dropped its live Saturday telecasts of the Australian Rugby League finals. This is in keeping with the ABC's policy of failing to provide what the majority of white, heterosexual people in this country want. One wonders what dear old Aunty will show in place of the footy . . . perhaps reruns of that

2 We should also note the backlash against 'political correctness' which featured in the 1996 federal election campaign, where a bogus argument about special rights for minorities, parallel to that used about gays and lesbians by the Oregon Citizens' Alliance, was employed by certain candidates in Queensland and Western Australia to gain huge swings in their favour. Their championing of 'ordinary Australians', besieged and downtrodden by the 'thought police', allowed racism to be portrayed as a *cause celebre* and legitimised its expression at the polling booths. While the focus in this case was racism, the same approach could be used to legitimise homophobia. Indeed, one of the candidates has been publicly outspoken on the subject in the past.

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vile poofter parade in Sydney the ABC bends over backwards (pun intended) to show and promote each year.

The ABC even packages the gay and lesbian Mardi Gras footage into an annual video tape for its customers. How nice for society's tiny percentage of queers . . . if it is not black, green, gay, feminist or left-wing, the tax-payer funded ABC does not want to know about it. . . (McCormack, 1995: 2,8)

Nor is media hysteria confined to the tabloid press. The *Sydney Morning Herald* recently published an article by Paul Sheehan concerning the former American AIDS activist, Luke Sissyfag. Apparently intending to challenge Sissyfag's views with probing questions, Sheehan was undaunted when initially unable to locate Sissyfag: he simply paraphrased Sissyfag's position, then provided his own counter-argument. Clearly, the aim of the article was not in fact to interview the activist, but to propagate his own views. Discovering Sissyfag's whereabouts part way through the article, Sheehan's triumph knew no bounds as he reported not only a recantation on Sissyfag's part, but the adoption of a whole new set of ideas which accorded perfectly with the author's own contention that AIDS and gay activists in general use lies and distortions to further their own selfish agenda (Sheehan, 1996).

The future

Alarmist statements about homosexuality and thinly-veiled warnings of 'the end of civilisation as we know it' serve to encourage hatred and legitimise violence. Despite the greatly increased visibility of lesbians and gay men in the mid 1990s, heterosexual politicians, policy-makers, educators and human rights activists are by-and-large reluctant to utter the words 'lesbian', 'gay' or even 'homosexual', leaving homophobia to run largely unchecked and unchallenged. At the United Nations World Conference on Human Rights in Vienna in 1993, representatives of the Australian Government made a strong statement in support of lesbian and gay rights, but seemed unable to pronounce the words themselves, preferring instead to clumsily and long-windedly refer to 'people who are discriminated against on the grounds of their sexual preference' (Ruthchild, 1993: 24).

While perhaps such pedantry may seem unimportant, even churlish, the point cannot be made strongly enough that bigotry and oppression need to be challenged loudly and clearly. If those who are entrusted with the Australian human rights conscience are too squeamish to say the words, how then can they set the example that is so desperately needed and unequivocally condemn the violence of others' deeds? Naming brings respect and genuine acceptance.

'Lesbians' and 'gay men' have humanity, but 'people who are discriminated against. . . [etc.]' are transformed into mere victims.

John Howard has insisted that his recent electoral victory gives him a sweeping mandate to carry out his agenda. But his position on lesbian and gay rights issues was not spelled out in any detail during the election campaign. With the Deputy Prime Minister's views on such matters on the public record, what might be in store politically for the lesbian and gay community is a cause for some concern. Certainly the government's opposition to the use of international instruments to dictate policy and underpin legislation, such as occurred with the passage of the *Human Rights (Sexual Conduct) Act 1994 (Cth)* is well known.

As the new millennium approaches, Australia has choices to make. One option is that we adopt the example of the American Christian Right and allow the erosion of hard-won gains in human rights for lesbians and gay men. While an undiluted religious message may have so far proved unpalatable to Australians, Sheehan's article in the *Sydney Morning Herald* is a prime example of a more secular version of the backlash which might have a greater appeal.

Or, more likely, we could continue on our current path, allowing indifference and political intransigence to stand in the way of equity and social justice. The Federal Government has given no assurances to date that Commonwealth innovations achieved under the previous administration are safe from rollback. It seems highly unlikely, then, that the human rights of lesbians and gay men will be much advanced by the Coalition. But alternatively we could, with enough vision, choose to make a difference. We could choose as a nation to endorse the concept of a genuinely pluralistic society and we could demand that our leaders do likewise. We could assert loudly that lesbians and gay men are members of the human family, the Australian family. And we could make it clear that our country is mature enough and big enough to accommodate all its citizens and that bigotry and prejudice have no place here. Because it will only be when the purveyors of hatred are at last held to account, that violence against lesbians and gays will finally no longer be tolerated.

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