

Where now for LGBT equality?

Peter Purton

Just how “equal” are lesbian, gay, bisexual and transgender people in Britain today? Given the prospect of a party which has resisted many recent legal reforms becoming the government in the next year, this should be an urgent debate: but it isn’t.

There hasn’t been a “movement” for LGBT equality since the resistance to Section 28 in 1988-89. Many LGBT people *do* feel themselves to be part of a community – as evidenced by the enormous numbers turning out for every summer’s Pride festivals – but few of them feel the need to campaign for anything. Many leave that to Stonewall’s behind the scenes lobbying, while activists now chiefly work through the labour movement (where there is still a growing politically active LGBT constituency), or through a handful of single-issue campaign groups. A few activists deploy the politics of the stunt, and denounce rather than engage. Large numbers of LGB people are happy with what they have – especially if they enjoy a privileged class position – and many vote Tory or Lib Dem. Of the LGBT, only trans people don’t fit this picture. Still at the bottom of the heap, with a medical legal definition of who they are, protections hedged around with exemptions, and outside Stonewall’s remit, they struggle with minuscule resources to challenge exclusion and invisibility.

The rampaging homophobes populating the back benches of Cameron’s Tory party, and the Norman Tebbit sound-alikes who throng the Lords, should be reason enough to fear what 2010 may portend. Are the legal reforms post-1997 secure? While the UK remains in the EU, many aspects of equality law that are due to EU directives are naturally safe. The Tory front bench has also supported such measures as civil partnerships. So it is improbable that these would be under threat, at least in a first term.

The real question is how far these legalities have actually created equality. The anti-theoretical prejudices of the British left create a dangerous hole. Progressives have avoided questions that have to be addressed first: like, what is equality? Some of us have tried to raise these issues, as in the 4 April “LGBT Progressive Politics” conference. This article is a further contribution. The debate is not just for LGBT people: it raises fundamental questions of socialist strategy for all who claim that word.

If “equality” means equal legal rights, then the goal is still not achieved (see box). But the remaining gaps themselves identify that there are deeper issues: if we are equal, why can’t we have same sex marriage? Why do religious leaders go to war against allowing LGBT people to work in their organisations? Why do the same people deny that someone can change their gender? Is hate crime merely a nasty phenomenon that can be ended by education and proper policing?

The root question is this: why have LGBT people faced discrimination, prejudice and oppression for so long? If it's just an unfortunate accident, it's taken a very long time to address it. No. The oppression we face is down to the structure of our society. The ideology that expresses it says that only opposite-sex relationships are "natural", and in consequence we are (depending on where you stand on the spectrum of views) sinful, sick, unnatural, criminal, threaten the whole fabric of society, or just sad inadequates needing therapy to become straight.

Long before there was such a thing as a homosexual identity or even less any kind of community of people who were primarily identified by their sexuality or gender identity, class societies penalised same sex relationships, even well-known exceptions such as classical Greek older man-younger boy relationships having very narrow limits of what was acceptable, that did not challenge the heterosexual norm. Established gender roles, and critically the many roles of the family structure – guaranteeing male dominance, securing the inheritance of property, a prop to social order (etc) – put us outside. The connection with the position of heterosexual women is obvious, and, tellingly, is one key to understanding the current epidemic of bullying in schools and colleges. The evidence is clear that most of the victims are girls and boys who do not conform to expected gender stereotypes.

So can we successfully challenge the homophobia that is rampant in schools and on football terraces just by educating people to respect us? There is always a time lag between legal equality and social acceptance. If society has changed to keep up with the laws over the last decade, the answer might be "yes", and we should not fear a Tory government since people will continue to treat us as equals regardless. But has it?

Undoubtedly, the environment *has* changed dramatically. The public statements in favour of equality of recent years would have been inconceivable even in the 1990s. But beneath the surface, large sections of society still hold the view that we are second-class, unnatural (etc), just as we know that racism continues to exist – reignited by such calls as "British jobs for British workers". We may be at a point analogous to the BME communities of twenty years ago. If the message from the top changes, if people feel released from the need to "say the right things", then the real situation will emerge. The Tory voting record on (for example) outlawing incitement to homophobic hatred unfortunately suggests that the message from the top may well be different from 2010.

So what should we do now? In the USA, the focus is on winning same sex marriage. If the source of our oppression is the way society is organised through heterosexual families, then one might argue either that same sex marriage is the best way to undermine this oppression – or that it merely seeks assimilation to an oppressive structure and therefore could not bring about that outcome.

Here, immediately, I would argue that the most productive challenge to LGBT oppression is to press forward with the demand contained in the equality duty of the Equality bill: the duty on public bodies to advance our equality in their policies and actions: and to oppose any retreat from that principle (for example, exemptions for religion). This would certainly test just how far the changes under a Labour government have succeeded in undermining our social oppression. Meanwhile, socialist LGBT activists urgently need to start debating these questions.

### Legal Gaps

Despite the cumulative effect of eleven years of reform LGBT people still face legal inequalities. Exemptions for religious organisations remain, civil partnership neither has formal equality with marriage (same sex survivor pension rights) nor equivalent status. Trans people, covered by sex discrimination law, have to divorce before getting a GRC, and still face a host of exemptions as well as practical problems (e.g in the NHS). The government's Equality Bill retains many of these inequalities. As suggested in the article, the most promising proposal is the extension of the existing public sector Equality Duty to cover LGBT.

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