

## **Comparing the Socio-Political Positions of Gay Men in Australia at the Turns of Two Centuries**

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Launching from Peter Beilharz and Trevor Hogan's collection of edited essays, *Sociology: Antipodean Perspectives*, this research will examine the movement toward socio-political inclusion for gay men in Australia, with a focus on two time periods: 1880 to 1914, and 1980 to the present. When comparing these two time periods, this paper will demonstrate a dramatic shift for the position of the gay male citizen in Australia, whereby policies and discourses of exclusion were replaced with those of inclusion. This research will also argue for the need to understand the complex nature of these socio-political changes and identify some risks with assuming a homogenous gay experience.

In a broad context, policies of exclusion are restrictive legislations which serve to prohibit some groups from participating fully in society.<sup>1</sup> Such policies are often supported socially through 'stigma, traditional morality, biased norms, expert ignorance and active processes of discrimination'.<sup>2</sup> In contrast, policies of inclusion seek to create the possibility for previously marginalised groups to participate fully in society.<sup>3</sup> In the context of this research, the policies of exclusion considered are specifically those which promote and permit homophobia.<sup>4</sup> The commonly accepted definition of homophobia is the condition of a prejudice against homosexuals, although sometimes the words "hatred" or "fear" replace "prejudice".<sup>5</sup> Nevertheless, this prejudice frequently manifests in acts of violence, persecution, derision or erasure.<sup>6</sup>

In an attempt to avoid anachronisms, some conscious choices have been made here regarding the use of identity terminology. The term "homosexual" is employed in the section relating to the turn of the twentieth century, as it was most frequently used within the law and public discourse during this period to describe a man who engaged in same-sex sexual activity.<sup>7</sup>

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<sup>1</sup> Shaun Wilson, "Policies of Inclusion," in *Sociology: Antipodean Perspectives*, ed. Peter Beilharz and Trevor Hogan (South Melbourne: Oxford University Press, 2012), 513, 516.

<sup>2</sup> Ibid.

<sup>3</sup> Wilson, "Policies of Inclusion," 513.

<sup>4</sup> Wendy Turner-Frey, "Homophobia Is a Global Issue," *Social Work* 59, no. 3 (2014): 281.

<sup>5</sup> JoAnne Myers, *Historical Dictionary of the Lesbian and Gay Liberation Movements* (Lanham, Boulder, New York, Toronto & Plymouth: Scarecrow Press, 2013), 282; David Plummer, "The Ebb and Flow of Homophobia: A Gender Taboo Theory," *Sex roles* 71, no. 3 (2014): 128.

<sup>6</sup> Ibid.; Turner-Frey, "Homophobia is a Global Issue," 281–282.

<sup>7</sup> Myers, *Historical Dictionary*, 191. See also Havelock Ellis, "Studies in the Psychology of Sex," (Philadelphia: F.A. Davis Company, 1921); Magnus Hirschfeld, *The Homosexuality of Men and Women*, trans. Michael A. Lombardi-Nash (New York: Prometheus Books, 2000).

It should be noted that there is an intricate and important relationship between acts and identity (indeed, effort is made herein to be specific about those two components when appropriate); however, analysis of that relationship is not within the scope of this research.<sup>8</sup> The term “gay” is employed for the second section, demonstrating the shift in terminology in the later decades of the twentieth century, and a general disapproval of the word “homosexual” in most contexts.<sup>9</sup> There is also a spill-over here into what are potentially the experiences of bisexual, pansexual or sapiosexual men. With a focus on policies of exclusion, it is understood that, for the most part, legislation affected these groups on the grounds of their same-sex attraction, and as such the experiences of these groups are implicitly included under the previously mentioned terminology. The contemporary collective term “LGBTIQ+” is only employed here as it specifically applies to the broader sexually diverse community to which gay men belong. This choice of terminology solely represents a workable solution for the research at hand, and makes no recommendation that either “gay” or “homosexual” are suitable blanket terms for the diverse groups included within the LGBTIQ+ community.

The two time periods (1880 to 1914, and 1980 to the present) have been chosen with the understanding that they represent two extremes of socio-political positionality of homosexuality (as will be illustrated herein), and as such, facilitate a distillation of what is a broad and complex century of development around this issue, into a manageable, comparison-focussed study such as this. With an initial focus on Australia at the turn of the twentieth century, this project begins by examining the law with regard to homosexual acts, exploring discourses of homophobia in the writings of medical professionals, and seeking out early movements towards inclusion. Secondly, with a shift of focus to the turn of the twenty-first century, I will identify the contributions of various social inclusion movements to the process of decriminalisation across the states, and the movement towards marriage equality.

In Australia at the turn of the twentieth century, homosexual acts were against the law and often punished harshly. In the United Kingdom in 1895, the trials of Oscar Wilde and his death just five years later loomed internationally as a spectre of consequence for any who would dare follow in his path toward ‘the love that dare not speak its name’.<sup>10</sup> Indeed, in Australia at the time, Wilde’s name itself became a common epithet for a homosexual man.<sup>11</sup> While there were some important changes in the structure of the law in this period (namely those resulting

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<sup>8</sup> For further analysis of this point see David M. Halperin, *One Hundred Years of Homosexuality: And Other Essays on Greek Love* (New York: Routledge, 1990); Robert Padgug, "Sexual Matters: Rethinking Sexuality in History," in *Hidden from History: Reclaiming the Gay and Lesbian Past*, ed. Martin B. Duberman, Martha Vicinus, and George Chauncey (1991), 59; Eve Kosofsky Sedgwick, *Epistemology of the Closet* (Berkeley, Calif: University of California Press, 2008), 82-83, 86.

<sup>9</sup> "Glaad Media Reference Guide," 2016, <https://www.glaad.org/reference/offensive>; Myers, *Historical Dictionary*, 191; Jeremy W. Peters, "The Decline and Fall of the 'H' Word," *New York Times* (New York), 23rd March 2014, ST.

<sup>10</sup> Lucy McDiarmid, "Oscar Wilde's Speech from the Dock," *Textual practice* 15, no. 3 (2001): 453; Douglas O. Linder, Ahley H. Robins, and Sean L. Sellars, "Oscar Wilde's Terminal Illness: Reappraisal after a Century," *Lancet* 356, no. 9244 (2000): 1841.

<sup>11</sup> Gary Osmond, "'Pink Tea and Sissy Boys': Digitized Fragments of Male Homosexuality, Non-Heteronormativity and Homophobia in the Australian Sporting Press, 1845-1954," *International Journal of the History of Sport* 32, no. 13 (2015): 1582.

from the 1901 federation), laws regarding sexual contact between men remained relatively consistent across the states.<sup>12</sup> Each state explicitly categorised sexual acts between men as criminal offences and harshly punished them.<sup>13</sup> Yorick Smaal notes that in this period, the Queensland courts alone dealt with around 116 cases of prosecution under charges of homosexuality.<sup>14</sup> In late nineteenth-century Brisbane, for example, going home with a male companion could readily result in a man finding himself before the court on charges of sodomy.<sup>15</sup> In Sydney, a well-documented case occurring during the First World War involved three (presumed) homosexual couples sharing a house who had come to the attention of their neighbours.<sup>16</sup> By police accounts, it was ‘a house filled entirely with sexual perverts, who were, in every other respect, living normally and honestly’.<sup>17</sup> Despite the private nature of these people’s lives, charges were pursued.<sup>18</sup> Other cases came to the attention of the authorities due to their public nature. Indeed, Smaal refers to at least four cases in Queensland during this period where homosexual encounters in public toilets led to prosecution.<sup>19</sup> It bears remembering that most men at this time had no access to private space and so any sexual transgressions would be conspicuous and vulnerable.<sup>20</sup> These sources explicitly illustrate that men in Australia between 1880–1914 who were found to have engaged in homosexual acts (or sometimes just suspected of engaging in such acts) in public or private spaces were subject to criminal punishment. Further, the legislative acts that facilitated this criminal punishment constitute unambiguous policies of exclusion.

Among Australian medical professionals, there appears to have been a widespread unwillingness to discuss the concept of homosexuality, and a sense of disgust when it was encountered.<sup>21</sup> Indeed, while there was a developing professional interest in theorising on homosexuality in Europe at this time, it seems that it did not spread to Australia.<sup>22</sup> Silence (or absence of discourse) can be a challenge to evidence; however, by the tone of their very brief treatments of the subject, some texts do provide evidentiary support here. In 1884, Dr John Springthorpe wrote of ‘the bestialities of Sodom ... [and] the nameless infamies of Rome’, and in *The Generative Organs*, Dr George Beany referred obliquely to homosexual acts (although he did not name them with any such specificity and seems more willing to attach the possibility

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<sup>12</sup> Graham Carbery, *Towards Homosexual Equality in Australian Criminal Law*, 2nd (rev) ed. (Parkville, Victoria: Australian Lesbian & Gay Archives, Inc, 2014), 2; Clive Moore and Bryan Jamison, "Queensland's Criminal Justice System and Homosexuality, 1860–1954," *Queensland Review* 14, no. 2 (2007): 4.

<sup>13</sup> *Ibid.* 3.

<sup>14</sup> Yorick Smaal, "Coding Desire: The Emergence of a Homosexual Subculture in Queensland, 1890–1914," *Queensland Review* 14, no. 2 (2007): 14.

<sup>15</sup> *Ibid.* 20-21.

<sup>16</sup> Gary Wotherspoon, *Gay Sydney: A History* (Sydney: UNSW Press, 2016), 6-8.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> Smaal, "Coding Desire," 17.

<sup>20</sup> *Ibid.* 15.

<sup>21</sup> Lisa Featherstone, "Even More Hidden from History? Male Homosexuality and Medicine in Turn-of-the-Century Australia," in *Out Here: Gay and Lesbian Perspectives 4*, ed. Yorick Smaal and Graham Willett (Melbourne: Monash University Publishing, 2011), 128-129.

<sup>22</sup> *Ibid.* 108-109.

to women than men) as 'evils of such gravity'.<sup>23</sup> Lisa Featherstone argues that general lack of knowledge about homosexuality, along with the recency of the early colonial experience (wherein there was an assumption that sodomy was rife) resulted in an anxiety and an unwillingness to address the subject at this time.<sup>24</sup> Moreover, it would appear that the two aforementioned sources are in fact the only reliable medical sources that record even the vaguest allusion to homosexuality from this period in Australia. Featherstone mentions one other, but the footnotes indicate that the institutionalised Dr Farmer 'was declared insane after cutting open a number of quite healthy patients', so the trustworthiness of the source is perhaps compromised.<sup>25</sup> This silence on behalf of medical professionals served to effectively erase the possibility of both the homosexual act and the homosexual from the discourse and thus from society.<sup>26</sup> Further, doctors at this time were often called to speak in court against men prosecuted for homosexual acts, so the medical profession's evasiveness and negative attitudes toward homosexuality worked in tandem with the policies of exclusion, and could have direct punitive implications for men in this position.<sup>27</sup>

At this point, this contemporary researcher comes to wonder if there is any evidence of efforts towards social inclusion for homosexual men in this period in Australia. Shaun Wilson argues that early campaigns for policies of inclusion as we understand them today began with the workers' rights and first-wave feminism movements.<sup>28</sup> While the feminist movement would later have close associations with the gay liberation movement, at the turn of the twentieth century it was very much focussed on the heterosexual family.<sup>29</sup> Indeed, feminism at this time was generally linked with the moral reform movement which (among other important aims) sought to impose restrictions on male sexuality outside of heterosexual marriage.<sup>30</sup> A search for Australian organisations working for policies of inclusion at this time proved fruitless; however, there is evidence of some of the first pro-homosexual organisations in Europe and the United States. Earl Lind's Cercle Hermaphroditos in New York, although mostly focussed on transgender women, included homosexual men in its aim to abolish legal and social penalties for sexual deviation.<sup>31</sup> Other organisations include The Wissenschaftlich-Humanitäres Komitee in Berlin, The Order of Chaeronea and the British Society for the Study of Sex Psychology in England.<sup>32</sup> Australia was lagging behind the United States and Europe at

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<sup>23</sup> James George Beaney, *The Generative System and Its Functions in Health and Disease*, 2nd ed. (Melbourne: F. F. Balliere, 1875), 382; John William Springthorpe, "On the Psychological Aspect of the Sexual Appetite," *The Australasian Medical Gazette* 4 (1884): 10.

<sup>24</sup> *Ibid.* 128-131.

<sup>25</sup> Featherstone, "Even More Hidden from History?," 144.

<sup>26</sup> *Ibid.* 137.

<sup>27</sup> *Ibid.* 109.

<sup>28</sup> Stuart Macintyre, "1880–1914," in *Sociology: Antipodean Perspectives*, ed. Peter Beilharz and Trevor Hogan (South Melbourne: Oxford University Press, 2012), 217; Martha Rampton, "Four Waves of Feminism," *Pacific Magazine* 42, no. 2 (2008): pars. 3-4; Wilson, "Policies of Inclusion," 515.

<sup>29</sup> Macintyre, "1880–1914," 217.

<sup>30</sup> *Ibid.*; Eamonn Carrabine et al., *Criminology: A Sociological Introduction* (London: Routledge, 2014), 207.

<sup>31</sup> *Out History*, Jonathon Ned Katz, "Earl Lind: The Cercle Hermaphroditos, C. 1895."

<https://outhistory.org/exhibits/show/earl-lind/related/cercle-hermaphroditos>.

<sup>32</sup> Myers, *Historical Dictionary*, 28.

this time, seemingly with no visible organisations beginning to work for policies of inclusion for gay men. As Featherstone noted, this may have been due to the recency of the early colonial convict experience (and the discourse of sodomy that surrounded it) leading to a greater anxiety on this subject.<sup>33</sup> It may also be attributable to a lack of intellectual infrastructure that, in some other countries at the time, permitted the academic romanticism of historical homosexuality.<sup>34</sup>

Despite the evidence of exclusion presented to this point, it would be naïve to assume that the homosexual experience was a homogenously bleak one. Unfortunately, there is a paucity of research examining male homosexuals' lived experiences of this period in Australian history.<sup>35</sup> What we do know, is that this is not a simple story of the powerful prevailing over the persecuted; indeed, homosexual men in this period experienced policies of exclusion in vastly different ways, sometimes depending on class or ethnicity, sometimes geography, and sometimes just luck.<sup>36</sup> We know that a subculture was most definitely emerging in major Australian cities, and that a diverse group of men negotiated their lives alongside hostile legislation: developing community, culture and their own kinds of families.<sup>37</sup> Next, our attention turns to the period from 1980 to the present. This second time frame is one of rapid social transformation from prominent policies of exclusion to those of inclusion. As such, it warrants greater focus on these moments of legislative change and the processes that facilitated them.

By the turn of the twenty-first century, on the heels of the sexual liberation and civil rights activism of the 1960s and 1970s, there were huge movements toward abolishing exclusionary policies that affected minority groups such as gay men.<sup>38</sup> This represents a marked difference to the experiences of the men of the earlier period, who appeared to have no organisational support to improve their position. Reforms for social inclusion require 'critical input from social actors and their advocacy networks', and these contemporary actors and networks comprised a wide variety of the community. Indeed, in the last forty years in Australia, a diverse range of individuals and organisations have been integral in advocacy for inclusionary policies aimed at improving the lives of gay men. The Gay Rights Lobby was established in New South Wales in 1980 with a specific focus on homosexual law reform.<sup>39</sup> The Sydney Gay and Lesbian Mardi Gras slowly developed from its radical activist roots of 1978 to become a huge tourist attraction (first broadcast nationally on ABC TV in 1994), subsequently offering significant support to the marriage equality campaign from 2010

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<sup>33</sup> Featherstone, "Even More Hidden from History?," 142.

<sup>34</sup> Smaal, "Coding Desire," 14-15.

<sup>35</sup> Ibid. 13.

<sup>36</sup> Ibid. 15, 22-25; Clive Moore, *Sunshine and Rainbows: The Development of Gay and Lesbian Culture in Queensland* (St Lucia, Qld.: University of Queensland Press, 2001), 53-59.

<sup>37</sup> Smaal, "Coding Desire," 13-16, 20; Wotherspoon, *Gay Sydney*, 4-8.

<sup>38</sup> Guy Rundle, "The Eighties and Beyond," in *Sociology: Antipodean Perspectives*, ed. Peter Beilharz and Trevor Hogan (South Melbourne: Oxford University Press, 2012), 243, 245; Wilson, "Policies of Inclusion," 513.

<sup>39</sup> Wotherspoon, *Gay Sydney*, 233.

onwards.<sup>40</sup> The kind of broad visibility provided by such an event has always been an integral part of the gay liberation movement.<sup>41</sup> Early in the 1990s, Australia's branch of the American organisation ACT-UP gained visibility in its attempts to drive education, treatment options and access to medication for people living with HIV and AIDS.<sup>42</sup> An individual of note in the ongoing campaign for policies of inclusion during this period was South Australian politician, Don Dunstan. Dunstan made high profile appearances in support of law reform as early as 1981 (when he frankly named Australians' homophobic prejudices on ABC's *Four Corners*) and continued to support various organisations as the states worked for Law reform throughout the 1990s.<sup>43</sup> In the early 2000s, the Australian Marriage Equality group (AME) was established to campaign for reform of the Marriage Act.<sup>44</sup> Other groups such as GetUp! and Australians for Equality, as well as individuals like Rodney Croome, Penny Wong, and Magda Szubanski also made significant contributions to this cause.<sup>45</sup>

It is important to acknowledge that these represent only a fraction of the many organisations and individuals that were active during this period and working towards legal reforms that would benefit gay men. The work of these groups has at times been at odds with each other, and with factions of the gay community. Indeed, these organisations do not necessarily represent political or personal homogeneity in the gay community or the wider LGBTIQ+ community.<sup>46</sup> Further, it is not the intention here to imply a story of chronological progression toward social enlightenment with regard to homosexuality; indeed, in their examination of homosexual citizenship in Victoria, Leigh Boucher and Robert Reynolds repeatedly warn against the risk of such "Whiggish" narratives.<sup>47</sup> The aim is to illustrate the rich complexity of the movements toward inclusion, not formulate a conclusive, homogenous account of experiences and outcomes. In the subsequent sections, our focus turns to the two major policy reforms during this period that affected gay men: the decriminalisation of homosexual acts, and the reformation of the Marriage Act.

The state-by-state movement towards the decriminalisation of homosexual acts in Australia was staggered over two decades.<sup>48</sup> The first state to abolish such legislation was South Australia in 1975 followed by most other states through the 1980s, and then Queensland in 1990.<sup>49</sup> Tasmania was the last state to change its laws, and in this case there was a much

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<sup>40</sup> Ibid. 240; Alex Greenwich and Shirleen Robson, *Yes Yes Yes: Australia's Journey to Marriage Equality*, Kindle ed. (Sydney: NewSouth Publishing, 2018), loc. 825.

<sup>41</sup> Stephen Capsuto, *Alternate Channels: The Uncensored Story of Gay and Lesbian Images on Radio and Television* (New York: Ballantine Books, 2000), 60; Myers, *Historical Dictionary*, 115.

<sup>42</sup> Wotherspoon, *Gay Sydney*, 235.

<sup>43</sup> Dino Hodge, "Social Justice for Homosexual Citizens: Assessing Don Dunstan's Advocacy Work 1979-1999," *Journal of the Historical Society of South Australia*, no. 40 (2012): 117, 121.

<sup>44</sup> Rachel Evans, "How We Won Marriage Equality," *Green left weekly*, no. 1203 (2018): 12-13; Greenwich and Robson, *Yes Yes Yes*, 256.

<sup>45</sup> Ibid. locs. 215-241, 595, 892, 913, 1091, 1210, 2066, 2857, 3422-3498.

<sup>46</sup> Ibid. locs. 231, 383, 406, 429, 454, 474.

<sup>47</sup> Leigh Boucher and Robert Reynolds, "Decriminalisation, Apology and Expungement: Sexual Citizenship and the Problem of Public Sex in Victoria," *Australian historical studies* 49, no. 4 (2018): 457, 459.

<sup>48</sup> Carbery, *Towards Homosexual Equality*, 2-4.

<sup>49</sup> Ibid. 8, 13, 16, 23, 34.

longer legal battle on the part of reformers to have the old exclusionary policy removed.<sup>50</sup> In their comprehensive discussion of homosexual law reform in Tasmania, Alexandra Purvis and Joseph Castellino note that in 1991, Australia acceded to the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).<sup>51</sup> This role provided a platform for Australians to communicate directly with the United Nations Human Rights Committee about any significant violations. The Tasmania Gay and Lesbian Rights Group (TGLRG) initiated communications to argue that Tasmania law violated the ICCPR, which resulted in the Australian federal government introducing legislation in 1994 that effectively overruled Tasmania's exclusionary law.<sup>52</sup> Finally, in 1997, Tasmania acquiesced and became the last Australian state to effectively decriminalise homosexual acts.<sup>53</sup> There is a risk here of implying a simple narrative of progression; on the contrary, the complex nature of these legislative changes must not be overlooked. Indeed, Boucher and Reynolds argue that 'Whiggish teleologies have obscured the degree to which law reform represented a specific reworking of the ways in which homosex was criminalised rather than wholesale decriminalisation'.<sup>54</sup>

In *Gay and Lesbian: Then and Now*, Robert Reynolds and Shirleene Robinson examine the experiences of two gay men of the Baby Boomers generation living through this period of change in New South Wales.<sup>55</sup> These men had first sexual experiences, first loves, broken hearts, friendships and experiences of gay community and culture on both sides of the law, but decriminalisation (not to question the significance of the legislation) did not warrant a mention in either of their lengthy life stories that traversed this period.<sup>56</sup> Conversely, Clive Moore claims that 'older members of the gay community still carry these draconian laws engraved on their souls as part of the torturous life-path they once had to walk down just to be themselves'.<sup>57</sup> Neither account defines the experience of the gay community, but both exemplify that these men comprise a diverse minority, whose ideas and experiences of progress and change are not homogenous. This process of change was at times slow and difficult, as is usually the case with attempts to reform legislative exclusion.<sup>58</sup> Nevertheless, it was generally regarded as inevitable. Certainly, the decriminalisation of homosexual acts was a vital first step toward anti-discrimination legislation and the recognition of same-sex relationships over the subsequent decades.

In the twenty-first century, marriage equality became the focus for much of the Western-world gay community, as well as the wider LGBTIQ+ community and their allies. Notably, Canada led the nations of the Commonwealth legalising same-sex marriage in 2005,

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<sup>50</sup> Ibid. 37.

<sup>51</sup> Alexandra Purvis and Joseph Castellino, "A History of Homosexual Law Reform in Tasmania," *University of Tasmania Law Review* 16, no. 1 (1997): 14.

<sup>52</sup> Ibid. 18.

<sup>53</sup> Ibid. 20.

<sup>54</sup> Boucher and Reynolds, "Decriminalisation," 459.

<sup>55</sup> Robert Reynolds and Shirleene Robinson, *Gay and Lesbian, Then and Now: Australian Stories from a Social Revolution* (Melbourne: Schwartz Publishing, 2016), 50-71.

<sup>56</sup> Ibid.

<sup>57</sup> Moore, *Sunshine and Rainbows*, 193.

<sup>58</sup> Wilson, "Policies of Inclusion," 514.

with the United Kingdom and New Zealand following suit in 2013.<sup>59</sup> The United States Supreme Court ruled for nationwide marriage equality in 2015.<sup>60</sup> It took Australia a further two years, finally catching up with its Western contemporaries in 2017.<sup>61</sup>

Campaigning for marriage equality began in earnest in Australia in 2004, after the Howard Government controversially amended the Marriage Act to specifically exclude same sex partners.<sup>62</sup> The original 1961 Act did not contain a legal definition of marriage, although it did contain a seemingly compulsory statement to be made by the celebrant, describing marriage as ‘the union of a man and a woman to the exclusion of all others, voluntarily entered into for life’ (but it would appear that this did not constitute a legal definition).<sup>63</sup> The amendments installed by the Howard government in 2004 moved the 1961 celebrant’s description to the ‘Interpretations’ section of the Act (thereby instilling it as law), and added restrictions on overseas marriages that would prevent same-sex couples married overseas from having their marriages recognised in Australia.<sup>64</sup> Reynolds and Robinson contextualise the marriage equality campaign as a part of the ongoing movement for LGBTIQ+ community rights that had its origins in the 1960s and 1970s, but also recognise the significance of the AME’s formation in 2004 as new and focussed force towards achieving this goal.<sup>65</sup>

Alex Greenwich and Shirleene Robinson offer a comprehensive public history of the Australian marriage equality campaign in *Yes Yes Yes: Australia’s Journey to Marriage Equality*. The campaign was prolonged and complex, comprising several frustrated attempts to change legislation over a thirteen-year period, and driven by a combination of grassroots activists and political party members.<sup>66</sup> Working from within the Labor party, Rainbow Labor, and individuals like Penny Wong and Louise Pratt campaigned relentlessly to change the party position.<sup>67</sup> In 2011, when the ALP adopted marriage equality as part of their national platform, an important turning point was reached, with ALP politicians finally able to openly support the marriage equality movement.<sup>68</sup> Alongside the work going on in party rooms, grassroots activists worked to raise public awareness over the course of thirteen years, which was central to the success of this movement, and campaigned to convince the gay community that the battle was worth fighting and winning.<sup>69</sup> In 2016, AME grew exponentially as an organisation,

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<sup>59</sup> "Same-Sex Marriage around the World: How Many Countries Have Legalised It?," SBS News, 2019, accessed 12th February, 2021, <https://www.sbs.com.au/news/same-sex-marriage-around-the-world-how-many-countries-have-legalised-it>.

<sup>60</sup> "Forum: Perspectives on Marriage Equality and the Supreme Court," *Fordham Law Review* 84, no. 1 (2015): 1.

<sup>61</sup> Evans, "How We Won Marriage Equality," 12-13.

<sup>62</sup> *Ibid.* 12; Odette Mazel, "The Politics of Difference: Posting My 'Vote' on Marriage Equality," *Alternative law journal* 43, no. 1 (2018): 5; Greenwich and Robinson, *Yes Yes Yes*, loc. 203.

<sup>63</sup> *Marriage Act 1961*, sects. 46, 69 (Canberra: Australian Government, 1973).

<sup>64</sup> *Marriage Act 1961*, sect. 5 (Canberra: Australian Government, 2004); Greenwich and Robinson, *Yes Yes Yes*, locs. 191-216.

<sup>65</sup> Greenwich and Robinson, *Yes Yes Yes*, loc. 157.

<sup>66</sup> *Ibid.* locs. 50, 383, 690.

<sup>67</sup> *Ibid.* locs. 323, 771, 1066, 1086-1187.

<sup>68</sup> *Ibid.* loc. 1222.

<sup>69</sup> *Ibid.* locs. 92, 273, 406.

partnering with sibling organisations such as Australians for Equality, GetUp and the National Union of Students in the final push towards the finish line.<sup>70</sup> When the postal vote finally did proceed in 2017, it was a difficult challenge for many in the gay community, with mental health service providers reporting marked increases in demand for assistance due to anxiety over the public campaign.<sup>71</sup> Magda Szubanski's appearance on ABC's *Q&A* in October 2017 exemplifies the fractious nature of the debate at the time, and the pain experienced by many as they faced the judgement of their nation.<sup>72</sup> By the time this campaign reached the 2017 plebiscite Australia was developing a discourse of synonymy between gay rights and human rights, and (as with decriminalisation in the previous decades) it seemed that marriage equality was a matter of "when" rather than "if".<sup>73</sup> Ultimately, the "Yes" vote prevailed, and the Marriage Act was amended in December 2017 to define marriage as 'the union of 2 people', without any specification of gender.<sup>74</sup>

While Robinson and Greenwich's monograph is, unquestionably, a valuable public history contribution, it also highlights some of the challenges in historicising events such as this, involving a diverse range of people gathered together under the banner of the LGBTIQ+ community. The authors are transparent about their aim 'to pay tribute to all the marriage equality supporters', and describe their personal, emotional investment in the campaign.<sup>75</sup> In their efforts to tell a positive story, the author's frame the 61.6% victory as 'an emphatic yes', 'tremendous and widespread support', and a 'resounding yes'.<sup>76</sup> This evaluation is supported with an Alan Joyce quote (CEO of QANTAS) from 2017 news.com.au article.<sup>77</sup> On closer examination, Joyce's statement that 'if this was a general election, it would be the biggest landslide in Australian electoral history', is based on some questionable analysis (comparing a two-option issue-based vote to a multi-option representative election).<sup>78</sup> If we compare the marriage equality results with a more similar political event such as the 1967 referendum to change the status of Indigenous Australians in the constitution, the 90.8% YES victory in the

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<sup>70</sup> *Ibid.* locs. 2058, 2843, 2856.

<sup>71</sup> Andrew Brown, "Our Fears Have Been Realised': Plebiscite Sees Spike in Calls to Counsellors " *Canberra Times* (Canberra), 26th August 2017, <https://www.canberratimes.com.au/story/6029010/our-fears-have-been-realised-plebiscite-sees-spike-in-calls-to-counsellors/>.

<sup>72</sup> Greenwich and Robinsinon, *Yes Yes Yes*, loc. 3480; *Q&A*, aired 23rd October 2017, on ABC Australia. <https://www.youtube.com/watch?v=xgcbZbI0AKk&t=747s>.

<sup>73</sup> "November 2016: Marriage Equality ", Relationships Australia, accessed 12th February, 2021, <https://www.relationships.org.au/what-we-do/research/online-survey/november-2016-marriage-equality>; Peter Furness, "The Truth About Australia's Marriage Equality Campaign," *Star Observer* (2019). <https://www.starobserver.com.au/opinion/the-truth-about-australias-marriage-equality-campaign/190967>; Baden Offord and Leon Cantrell, "Homosexual Rights as Human Rights in Indonesia and Australia," *Journal of Homosexuality* 40, no. 3-4 (2001): 245-246.

<sup>74</sup> *Marriage Amendment (Definition and Religious Freedoms) Act 2017*, sched. 1, part 1, 2A (Commonwealth of Australia, 2017).

<sup>75</sup> Greenwich and Robinsinon, *Yes Yes Yes*, loc. 138.

<sup>76</sup> *Ibid.* locs. 58, 115.

<sup>77</sup> Liz Burke, "Stunning Fact That Shows How Comprehensive the Yes Victory Was," *news.com.au* (2017). <https://www.news.com.au/lifestyle/relationships/marriage/stunning-fact-that-shows-how-comprehensive-the-yes-victory-was/news-story/6e9173fe9322faa2cfd99ed9c58880a>.

<sup>78</sup> *Ibid.*

1967 campaign brings a completely different perspective to any comparative analysis.<sup>79</sup> While Robinson and Greenwich's choice is understandable, it would be irresponsible to overlook their bias and questionable choice of evidence, to the degree that it risks obfuscating some of the diversity of opinion on this important issue. Equally, it would be misleading to historicise this campaign as one that had the support of a homogenised gay community. As with earlier movements towards decriminalisation, some individuals and organisations within the gay (and wider LGBTIQ+) community were not in favour of focusing energy and resources to fight for what they saw as an archaic ritual, when there were more pressing sources of discrimination to be dealt with.<sup>80</sup>

There is no question that marriage equality legislation represents a seismic change for the position of gay men in Australian community since the turn of the twentieth century. Indeed, marriage – a significant institution of power in our society – has been recreated in a way that directly reflects Wilson's definition of policies of inclusion, in order to 'better reflect the needs and the identities of the excluded'.<sup>81</sup> What needs to be preserved here is the complexity of the process, in order to 'grant these moments of transformation their historical possibilities'.<sup>82</sup> While the 'needs and identities' are, as demonstrated, by no means homogenous, there does seem to be sufficient evidence to indicate that the majority of gay men are in a position to benefit socially from such important policy change. Nevertheless, the diverse tapestry of human experience is also an important part of this history and should not be erased for the sake of a pleasant, celebratory story.

In comparing two turns of the century, this research has proven that the socio-political position of gay men in Australia is vastly changed, and that policies of inclusion (such as the decriminalisation of homosexual acts, and the Marriage Act amendments to include all citizens) now facilitate a considerably fuller participation in mainstream society for gay men.

This change is further demonstrated by the work of a strong network of support organisations dedicated to improving the position of diverse Australians, as well as prominent individuals supporting the cause. The turn-of-the-twentieth-century policies of exclusion, public discourses of homophobia, and a general unwillingness to name the issue are now (largely) a thing of the past. The focus on gay men in this research, while not explicitly excluding transgender men (indeed, some of the men mentioned here may well be transgender), has the potential of contributing to an erasure of their story. This is complicated terrain, and while there is no implication intended here that gay men are, by default, cis-gendered, it is understood that such an assumption is a risk to be considered. As such, there is a limitation here whereby a sub-group within gay men (that is, gay-identifying transgender men) may be

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<sup>79</sup> *National Library of Australia*, "The 1967 Referendum." <https://www.nla.gov.au/research-guides/the-1967-referendum>; Frank Brennan and Patricia Turner, *No Small Change: The Road to Recognition for Indigenous Australia* (St Lucia: University of Queensland Press, 2015), 20.

<sup>80</sup> Greenwich and Robinsion, *Yes Yes Yes*, locs. 81, 178, 383-395, 426-438, 449, 495, 506; Boucher and Reynolds, "Decriminalisation," 473.

<sup>81</sup> Wilson, "Policies of Inclusion," 513.

<sup>82</sup> Boucher and Reynolds, "Decriminalisation," 473.

excluded. Research focussed on how the move towards policies of inclusion has affected gay transgender men would be a useful addition to the scholarship in this field. Indeed, ongoing research by Noah Riseman and Geraldine Fela has begun to fill this gap.<sup>83</sup> The discussion here has revealed that, in the process of historicising events such as this, there is both risk of assuming a homogenous experience within the minority group, and of framing evidence in order to tell a strong and positive story of victory for an oppressed minority over its oppressors. In way of a solution, some exploration of the personal histories of gay men has been provided here, which quickly reveals a diversity of experience and opinion. Equally, it has been demonstrated that (particularly in the case of the marriage equality campaign), a comprehensive, multi-perspective history best serves the needs of a diverse community. While it is indeed pleasing to think that the “good guys” have won the battle, writing a biased “history of the victor” is just too easy. The war against gay-oppression is ongoing in many parts of the world, and a full and diverse consideration of the movement towards policies of inclusion in Australia is perhaps something useful we can offer to the armament of our global community.

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<sup>83</sup> "Transgender Australians: The History of an Identity," Australian Catholic University, accessed 22nd February, 2021, [https://rexr.acu.edu.au/framework/browse.php?projid=13691#br\\_proj\\_supervisors](https://rexr.acu.edu.au/framework/browse.php?projid=13691#br_proj_supervisors); Geraldine Fela, "Uncovering Trans and Gender-Diverse Lives in the Archives," *Star Observer* (Sydney), 12th November 2019, Features, <https://www.starobserver.com.au/features/uncovering-trans-and-gender-diverse-lives-in-the-archives/189608>; Noah Riseman, "Transgender Inclusion and Australia's Failed Sexuality Discrimination Bill," *The Australian journal of politics and history* 65, no. 2 (2019).

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