

NC 0021038 2



National College of Art and Design
Faculty of Fine Art, Department of Sculpture

The Homosexual Law Reformation in Northern Ireland

By David. J. Bell

Submitted to the Faculty of
History of Art and Design and Complementary Studies

in Candidacy for the

Degree in Fine Art (Sculpture) 1996

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Introduction

Northern Ireland became world famous during the 1970s as a battle front. During this time another political and religious confrontation was escalating. A confrontation that seems to have been spurned from the main arena of Northern Ireland's history, and subdued due to issues concerned with the unresolved conflict in the province.

Complaints about discrimination in Northern Ireland were older than the state itself and I would suggest they deserve to be accounted for in their own right. But one such complaint has not been observed at close quarters, there has been a date, no written compilation on the homosexual law reformation in Northern Ireland. The Northern Ireland Gay Rights Association's President Mr. P.A. Mog Lochlainn and the librarians at every major library in Belfast and Dublin including the Linen Hall Library in Belfast, where most of the resource materials have been collected, have helped me a great deal in my research and have expressed great interest in finding a written compilation on the matter. But like myself they have not.

Therefore within this thesis, I would like to discuss the political changes, and the religious change of the churches, regarding the reformation of the Homosexual Law Reform Bill. This has resulted in a tolerance shift towards homosexuality, in one of the most staunch, politically and religiously fervent sections of the Northern Irish community.

In the opening chapter I will discuss the introduction of the organised gay Committee and their reason for confronting the British Government regarding the reformation of homosexual law in Northern Ireland. I will be taking into account the developments of the introductory influence of the Churches in Ulster regarding the reformation. I will also be following the political involvement in relation to the developments of the Committee.

The second chapter will deal with how the public debate on homosexuality was introduced and how the Church was subsequently introduced to the arena. Especially the Free Presbyterian Church in Ulster and its fundamentalist congenite involvement with homosexuality.

Throughout chapter three I will be following the development of the legal action taken by the gay community to bring the British Government to the European Court of Human Rights regarding the Sex Discrimination Law in Northern Ireland. I will also comment on the political support the committee received during the campaign.

The anti - homosexual law reformation campaign developed by the Democratic Unionist Party, influenced by the Free Presbyterian Church of Ulster, is the Subject of the fourth chapter.

To conclude I will discuss the effect the opposition to homosexual law reform had on the gay population in Ulster, and the decline of the political and religious opposition. I will also follow the conclusion of the Strasbourg case, to reform the homosexual laws in Northern Ireland.

Chapter 1 : The Northern Ireland Gay Rights Association and the British Government.

In 1974 the committee of Homosexual Law Reform was set up, when Westminster refused to apply the Sex Discrimination Act to Northern Ireland. The 1967 Homosexual Law Reform Bill in England and Wales decreased the age of consenting homosexuals from 21 years of age to 18. Homosexuals in Northern Ireland wanted the same legislation and were resentful about that fact. After a host of carefully argued letters to the Northern Ireland Office, the homosexual minority could get neither a meeting, a statement nor even a reply to their complaint life imprisonment for an act legal in England and Wales. Anger at this offensive inertia built up because members of the reform group had been held for long hours by the police for questioning about their homosexuality and the retention of the committee 's files.

During the following year, 1975, a published gay news magazine appeared, this was the beginning of the Northern Ireland Gay Rights Association (N.I.G.R.A.), and the magazine was the N.I.G.R.A. News.

In December of the same year in an article published in N.I.G.R.A. News, the Gay Liberation Society requested an advertising meeting with Ulster Television, the Gay Liberation Society received the following letter:

In reply to your letter on homosexual advertising, I have to inform you that such a family medium as television could not carry advertisements that would give offence to a significant body of viewers.

As you will appreciate the advertisements appear without warning and are repeated, therefore there is greater viewer sensitivity to advertisement and they could really cause offence.

I am sure you will appreciate the facts of this situation and why, after full consideration the company is unable to accept your advertising.¹

The Northern Ireland gay population of around 70,000, represented by their gay leaders had confronted the television medium and lost, and then took the matter up with the Independent Broadcasting Association to try to have its decision reversed but again that failed. Ironically a year later U.T.V. screened a programme that involved the key members of the Gay Rights Association.

Then in 1976 N.I.G.R.A. opened a telephone befriending service. It was successful and on the first day the lines jammed. It was a much needed and welcomed addition to the gay infrastructure. Meanwhile the question of law reform loomed over the heads of the 1974 committee, although 1976 was a significant year on the debate of consent. In an editorial by a local newspaper it was suggested that the idea of lowering the age for consenting homosexuals or heterosexuals should be a subject for the Church to comment on and stated that the "Church's virtual silence had been noticed"² and that it sought the opinion of

the Churches in Ulster. Also at this time the Secretary of State, Mr. Rees, in a letter to an English MP, remarked that there was no public demand for Law reform but if there was, the matter would be reconsidered. The Homosexual Law Reform Committee of whom Mr. Jeff Dudgeon, a form student of the Queens University Belfast, was the chairperson and former secretary of the Gay Liberation Society, suggested that over the months they had provided Mr. Rees with a record of the past and continuing demands by various politicians, newspapers, individuals and groups for homosexual law reform. They also commented that they would have to include statements of opposition, but since the committee was set up they had not received any. Indeed in a public broadcast it was stated that it seemed the question of homosexuality was now accepted in Northern Ireland. The homosexual Law Reform then kept the ball rolling by saying that if the Stormont civil servants who presumably advice Mr. Rees on this matter have not the courtesy to discuss the Committee's complaint. 'The last legal action was to go to the European Court of Human Rights at Strasbourg'.³

The Committee then held discussions with barrister Mr. Kevin Boyle who draughted the Northern Ireland schedule to the draft Campaign for Homosexual Equality Bill. In his opinion "the laws in Northern Ireland contravene a number of points in the European Convention for the Protection of Human Rights"⁴, and he believed that they gay group had a very good fighting case against the British Government. The Committee then went on to engage a solicitor to brief Mr. Boyle to apply on its behalf to the Human Rights for a ruling that the laws contravene the convention. They also proposed to ask the court for a direction or request to the British Government to introduce legislation to bring the law into line with the convention. The challenge was made on a number of grounds which the Committee contested. One was that they were within the same Kingdom (that is, Northern Ireland and England - both within the United Kingdom) two sets of laws, one giving a life sentence for an act permissible in England.

At this time the Jeromy Thorpe M.P, gay scandal was evident, and the British Prime Minister's intervention in the Liberal Party Affair sage. He was reported as saying that "Mr. Thorpe's personal (and thereby his political) crisis was provoked by the involvement of South African spies and with these unsavoury activities, no one could dispute that Mr. Thorpe's personal life was his own business and that to sensationalise it was unacceptable in a free democratic society"⁵.

Yet in Northern Ireland these spirited defences of individual rights and liberties concerning homosexuality did not exist, there was no question of the Christian majority permitting free choice according to conscience. Imprisonment for up to life was Ulster combination to the great debate on human rights. Discrimination of any kind is deplorable even where those discriminated against have freely chosen their particular course, politics or religion. When prejudgment is extended to include sanctions against those with inherently different characteristics such as race, culture, sex or sexuality, all areas in which freedom of choice is precluded, then I would suggest a monstrous and shameful situation

exists which calls for immediate rectification , and that was what the Ulster gay was asking for.

A point that was put across by N.I.G.R.A.'s Kevin Merit in the fortnight magazine was that "a democracy could be best judged by its treatment of a minority, Northern Ireland had already made great strides along the road to freedom and he wondered if barbaric Anti Gays laws were in sight"⁶, he was not alone in thoughts. This was what was needed, enough public interest, if enough people would speak out for the basic human rights of loving whom they wish the opposition could be crushed. But if most gays remained silent the case would be lost, for the lack of public interest was the weapon of the moral guardians.

Then in May 1976, 'four members of N.I.G.R.A. met with officials of the Northern Ireland office to discuss the homosexual law reform in Northern Ireland'⁷. During the meeting, which lasted one and a half hour, the N.I.G.R.A. members put their arguments and proposal forward for and immediate change in the law. Mr. Rees private secretary listened attentively and assured the members that their views would be expressed to the Secretary of State. The officials refused to comment on the Secretary of State's intention on the matter, but it was understood that Mr. Rees was kept fully informed with the situation in Northern Ireland . In another editorial, this time in the Belfast Telegraph of the 19th of May 1976, it was suggested that even in a permissive Britain, the 1959 Wolfenden Committee 's recommendation on prostitution took two years to enact, but the legalisation of homosexual acts by two consenting adults in private did not reach the statute books until 1969, as a result of pressure by MP's. There as in Northern Ireland the fear was opening that the law might involve the corruption of minors, a consideration that requires strict safeguards. But this reservation did not invalidate the injustice done to the mass of homosexuals estimated at five per cent of the population, by a law that says what they do in private is the State's business. British public opinion was ready for a change in 1969 and Northern Ireland had been catching up ever since.

At the same time the Archbishop of Dublin, Dr. Buchanan, recommended a change in the General Synod of the Church of Ireland. A specialist committee of the Presbyterian Church came to the same conclusion and the Roman Catholic Church had accepted homosexuality as a biological act, though it did not condone the acts. These changes along with the Ulster society becoming more compassionate gave homosexuality a better understanding. There was more suffering in this community than to add it by threatening people for what sexual orientation they had.

Though public opinion in general was thought to be hostile towards homosexuals in Ulster, members of the gay groups in Belfast put this down to ignorance. Jeff Dudgeon suggested that "the main basis of antagonism was lack of knowledge. Men in particular, had seen homosexuality as a reduction in maleness yet men as a rule did not shriek about lesbians, and he continued to say that many were indifferent towards them. But in general those whose morals were based on the Biblical attitudes were the most hostile"⁸.

Over the last twenty years the Church's in Ulster have changed their attitudes towards homosexuality. In the seventies the three main groups, Church of Ireland, Presbyterian and Roman Catholic, had shown an understanding, unheard of a decade before.

At the Church of Ireland General Synod in Dublin, May 1976, the Archbishop of Dublin Mr. Alan Buchanan, called for a review of the laws against homosexuality in Northern Ireland and the Republic. He was chairperson of the Role of the Church Committee and he revealed that "the Committee had examined this issue with the aid of expert medical opinion"⁹ and stated that the Committee showed both sympathy and concern, sympathy towards the homosexuals and concern that very sympathy should encourage or enlarge the number of homosexuals. He claimed, on behalf of the Committee, that none must feel himself an outcast or deserted by his Church, and suggested that there was "a general uneasiness among the Committee and the Board of Social Responsibility about the laws against homosexuality, which the Committee felt needed re-examination"¹⁰.

The Presbyterian Churches Assembly Committee on a National and International Problems had studied homosexuality. A member of that Committee, Dr. Brian Mc Connell, made a statement after studying the Wolfenden Report. In his statement, Dr. Connel stated :

A clear distinction must be drawn between those who have homosexual instincts or tendencies but successfully control them and those who express them in ways harmful to other people. There is no doubt that many homosexuals suffer intense loneliness, anxiety and shame, and in some cases homosexuals have been cruelly persecuted. I feel that Christians have not always shown the concern and compassion for such people which they ought. Too often they have reacted with fear and horror rather than with understanding and care.¹¹

The Committee recommended that homosexual acts committed by consenting adults in private should not be regarded as criminal offences.

The Roman Catholic Churches, Mr. Jim Cantwen, information officer of the Irish Catholic Church, claimed the Church distinguished between those who are homosexual because of some innate instinct and those whose condition was a passing one, or at least not incurable. Mr. Cantwen stated :

The Church is compassionate towards the homosexual, it does not condemn them. A recent Vatican body urged that they be treated pastorally with understanding and assistance, in the hope of overcoming their personal difficulties and their ability to fit in to society.¹²

Meanwhile the first hurdle, in the case against the British Government was met, as in whether the court will admit the case as a prima facie example of violation of human rights. The lawyer's advice was also based around one individual, Jeffrey Dudgeon, rather than the 1974 Committee itself, and if that hurdle was crossed, the British Government would be asked to file a reply. An important prerequisite of any case at Strasbourg was that all domestic remedies were exhausted, and the appendices to the complaints illustrated that despite a long and detailed campaign the legislator and Government had totally ignored the 1974 Committee, and at the twilight of its days the policing of Ulster's anti-homosexual law was being viciously enforced. The initiative for resolving these problems seemed to lie with Mr. Rees.

There was a tragi-comic aspect to the situation, in which the civilian death rate from sectarian assassinations were running higher than ever, and the time taken up with reading confiscated files and personal diaries of male adults to decide whom to question next about his life was massive. As one of Belfast's harassed homosexuals stated at the time :

You would think that Mr. Rees would encourage it wouldn't you?. It is almost the only form of non-sectarian activity left.¹³

Mr. Rees then said that he was considering the possibility of a revision of the law in Northern Ireland governing homosexual relationships - a vague but hopeful commitment - the Northern Ireland Office then amended that slightly by saying that the reform of the laws relating to homosexuality was currently under consideration. The Secretary of State hoped to announce his decision shortly. What was looming over the Ulster Gays was the questions how long will the delay be? Also how long Northern Ireland gay's must go on being harassed?

In July of the same year, 1976, it was announced that a nameless Northern Ireland peer was to support the campaign for homosexual law reform in the Province. A spokesman for the Northern Ireland Gay Rights Association claimed that they had spoken to him and that he had given them verbal assurance of his help. It was believed that the peer was approached by N.I.G.R.A., and then by Lord Beaumont of Whitley, himself a rigorous campaigner for homosexual Law Reform in Northern Ireland. He advised the gay group they must find a local peer to support him in the House of Lords.

Another significant development was the acceptance by a local newspaper, the 'Belfast Telegraph, who during the previous three years, had exercised a complete embargo on any article mentioning homosexuality'¹⁴, and had now come out very strong, in favour of homosexual Law Reform .

But just as things seemed to be coming together two Ulster MP's came out strongly against the moves to extend the 1967 Sexual offences act in

Northern Ireland. The Reverend Ian R.K. Paisley MP, stated in a letter to N.I.G.R.A. of the 22 June 1976 :

My guideline is the Holy Scriptures and I note that homosexuality is condemned forthrightly and beyond question. In the circumstances I would not be supporting any move which would legalise something which is against the Holy Writ.¹⁵

The Reverend Ian R.K. Paisley MP then turned down a suggested meeting to discuss the matter. Paisley's colleague, Reverend Robert Bradford MP, explained in an earlier letter to N.I.G.R.A. that he could not support any movement which would seek to change the homosexual law in Northern Ireland, indeed it would have been his objective to have the law in England altered so that the overt practice of homosexual activity would be illegal throughout the whole of the United Kingdom. He commented that he would not pursue this with a superior or vindictive spirit, but simply because he believed homosexual behaviour to be an unnatural and unhelpful activity which, he suggests, had destroyed the personalities of a considerable amount of people in the past. While these two MP's would most actively oppose legislation of homosexual relations between consenting male adults, it was felt that most Ulster MP's would abstain if the matter were put to vote.

Nearing the end of 1976, Merlyn Rees, the Secretary of State for Northern Ireland, admitted in the House of Parliament 'the law relating to homosexuals in Great Britain was right and that the existing law in Northern Ireland was wrong'¹⁶. He had been asked by the Ulster Unionist Reverend Robert Bradford, who was murdered at a constituency advice centre in 1981, if it was not possible that in the case of homosexuality, Britain could take the lead from the legislation that exists in Northern Ireland? Mr. Rees claimed that this was not the case. The subject had been raised by Clement Freud (Liberal MP for the Isle of Ely) who asked what proposal there were for reforming the Northern Ireland gay law.. Mr. Rees explained that he invited views, including those of the Standing Advisory Commission on Human Rights. Mr. Freud continued by asking what was to be done in the meantime to make the life of homosexuals in Northern Ireland no more uncomfortable than it is in the rest of the country. This was a matter of the Director of Public Prosecution and the Chief Constable was Mr. Rees's reply; he concluded by saying :

I maintain a distance because I in no sense, ought to interfere in those matters.¹⁷

Shortly afterwards Mr. Rees was replaced by Mr. Roy Mason as the Secretary of State, the overall tenor of the discussion suggested that moves at law reform would continue, and the Ulster Gay hoped it would be a matter of time before the law was changed.

On the appointment of Mr. Mason as Secretary of State the N.I.G.R.A. representatives sought an urgent meeting with the new secretary, in a bid to persuade him to launch a programme of homosexual law reform. Mr. Rees was accused of moral cowardice for criticising the Ulster gay laws in Westminster, yet not making any moves to reform them during his term of office.

At the end of 1976 the Spotlight BBC TV programme, looked at the world of Ulster's 70,000 gays, it was broadcast at peak viewing time and was regarded as a great success by many gays. The Reverend Robert Bradford, the south Belfast MP was interviewed on the programme, and told how he saw life in Northern Ireland threatened by change in the law. He then explained further his views on homosexuality and religion. This came in a letter to N.I.G.R.A. member Mr. John Little.

In his letter to constituent, Reverend Bradford argued that the programme was produced in the light of counting requests for a change in the law and to have homosexuality viewed as a natural relationship between consenting adults. He went on to say that he 'was asked to state his views as a politician who was totally opposed to the rights of homosexuals to practice openly, who is opposed to regarding this deviant and obnoxious practice as natural, and therefore who is opposed to a change in the law relating to Northern Ireland' ¹⁸. In the television interview which lasted twenty minutes he stated clearly at conclusion that, "nothing but the conversion experience afforded by God would be of help to homosexuals, not a change in the law, nor more sympathy, rather that this state of mind" ¹⁸ as he called it, 'had to be recognised as a danger to the well-being of mankind and therefore could not be facilitated in law' ¹⁸. He then continued to say because of the fact that he was the only person speaking against tolerating homosexuals, as if they were natural, explained why the programme appeared to be a propaganda exercise.

He agreed entirely that it was a great pity that any churchman should ignore what the Word of God, as he sees it, which clearly states about this evil. Reverend Bradford then quoted a passage from the Bible regurgitating as Saint Paul, one must be ready to speak in season and out of season, whether the majority agree or not, hence Reverend Bradford's involvement that this practice is wrong in sight of God and no amount of change in the laws of man would change that fact. He concluded that he has not seen the programme as he was at Westminster, but he did hear that a Church of Ireland Clergyman spoke in support of tolerance for open practice of homosexuality and supported the change in the law, hence his earlier comment about any Churchman ignoring God's Word on the subject.

This in turn gave the N.I.G.R.A. members an idea of what they were up to against, the political and religious fervency of Reverend Robert Bradford, but moreover Reverend Ian R.K. Paisley MP with his position as leader of the Democratic Unionist party (D.U.P.) and the Moderator of the Free Presbyterian Church of Ulster.

Meanwhile the Northern Ireland Council on Religion and Homosexuality had been liaising with some of the main churches in Ulster and had organised introductory talks about, homosexuality and moral theological study, to try and straighten out any religious misunderstanding on what the Bible actually said concerning homosexuality.

Chapter 1. References

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 - ¹¹ Ibid
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 - ¹⁵ N.I.G.R.A. News, July/August 1976
 - ¹⁶ Gay News, October 1976.
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Chapter 2 : Homosexuality and the Free Presbyterian Church of Ulster

It seems that at this time the Churches in Ulster were coming to the same agreement, the Church of Ireland stated that there was a feeling of uneasiness among its Church and that the Board of Social Responsibility felt that the laws against homosexuality in Northern Ireland needed re-examination. The Presbyterian Churches Assembly Committee on National and International Problems studied the problem of the morality aspect of homosexuality and suggested that too often they had rejected with fear and horror rather than with understanding and care. The Committee recommended that homosexual acts, committed by consenting adults in private should not be treated as a criminal offence. The Roman Catholic Church stated it was compassionate towards the homosexual and that it does not condemn them, and that homosexuals should be treated pastorally, with understanding and assistance.

The public debate about homosexual behaviour was a consequence of some notable trials of well known people in the mid fifties, fully reported in the press. There was also evidence that people known to be homosexual were particularly susceptible to blackmail, and if they held sensitive positions in the armed forces or the government services, they might be a potential risk to national security. During this time, a campaign was launched to reform the most infamous British law against homosexuality, the so called Labouchere amendment, which was passed in 1885 by a high minded British Protestant reformer called Henry Labouchere. The Press's interest was also stimulated by the repressive policies of a Tory Home Secretary, Sir David Maxwell-Fyfe, who believed that homosexuality could be crushed. Maxwell-Fyfe enjoyed the support of the Metropolitan Police, a powerful trinity of moralists by religious fervour as near to Paisley as any three men could get. These trials and suspicions alerted public opinion, but not all the anxiety was directed to those who broke the law or might betray secrets; other feared there would be unjustified persecution of people who were of homosexual orientation but in all respects decent citizens.

The Churches were drawn into the public debate not only because of their tradition of hostility to homosexual practices, but due to an awareness among Christians of a clash of loyalties between old and new truth about sexuality which moved them to share in the public debate about morality of homosexual behaviour. They were pushed somewhat reluctantly into it because the Church was asked to consider a change in the law.

In 1954 a Committee which was referred to as 'The great and good' was formed under the chairmanship of a university vice-chancellor and former public schoolmaster, Sir John Wolfenden. His remit was to investigate prostitution as well as homosexuality, and, keen to spare the blushes of his female typist in the Home Office, Sir John always used the euphemism 'Huntley and Palmers' (the name of a biscuit manufacturer) instead of homosexuality and prostitution when referring to the subjects being investigated by the Committee. This displayed a skill in language games that characterised the British mandarin. Wolfenden interviewed other members of the British establishment and came up with a

report that recommended the liberalisation of the existing law. Wolfenden's most significant proposal was the decriminalisation of homosexual sex between men and women above twenty-one if conducted in complete privacy. The presence of a third party, even accidentally, rendered the act public and therefore liable to prosecution.

The Wolfenden report was published in 1957, but its recommendations did not become law until 1967. Even then, further safeguards were added, and the legislation of 1967 included quite considerable Home Office input which removed a number of loopholes in the existing legislation, so making it easier to prosecute a large number of homosexual offences. Despite the rhetoric, the 1967 act was only palliative. Change came not from Westminster but from across the ocean. The fuse was lit in New York, not London: the gay explosion of the 1970's had its roots in America, as did Paisley's Protestant Fundamentalist belief.

The Church of England had been asked to submit evidence to the Wolfenden Committee, and did so through its Moral Welfare Committee. Arguing in favour of a change in the law on the grounds that sexual offenders were more likely to be helped by medical and psychological treatment than by prison. The cautious approval of the Moral Welfare Committee was not at first clear that if the Church of England would officially support the Wolfenden Committee's Proposal. That it would was made plain by the Archbishop of Canterbury in a House of Lords debate in 1965, when he stated that "homosexual acts were wrong"¹, but the plea of the Wolfenden Report has cogency in that not all sins are properly given the status of crimes. The Archbishop's carefully worded opinion was based on the important distinction in a moral philosophy between crime and sin. It reassured the government that they could implement the new law without the protest from the established Church, and in fact the other major churches expressed the same view.

The Churches approval of the change in the law was in reality one siege among many that could close partnership between Church and State morality, this could not longer be sustained in the pattern that had been appropriate for a nation whose citizens were for the most part Christian. England, like most other developed countries in the world, had been influenced by the philosophy of the Enlightenment from the eighteenth century onwards, and had become pluralist and secular. There is no doubt that the vast majority of the population still gave some kind of assent to the existence of God, but it was not an active discipleship, and the Church could no longer expect the Government to base all its legislation on specifically Christian principle. In any case, in the sixties and seventies it was obvious that the Churches were uncertain among themselves about many moral issues. It soon became clear that the problem of homosexuality was to become a test of the wider dispute between those who had traditional views and the liberals.

This wider dispute between traditional and liberal views was where Paisley stood, he was a traditional old style preacher who shared the views of fundamentalism. The Free Presbyterian Church in Ulster had become strongly fundamentalist in character. Over the years Ian Paisley's identification with the

American Fundamentalists and his personal empathy with some of the movements foremost preachers, had become increasingly evident. One significant indication of Paisley's close association with fundamentalists occurred during the World Congress of Fundamentalists held in Edinburgh in June 1976. The congress published a statement on beliefs and Ian Paisley was one of five religious leaders who sat on the Committee in the 'Definition of Fundamentalism', as it was called, which drew up a fifteen point statement released to the international press.

Apart from the fellowship which the Ulster Free Presbyterians and those American Fundamentalists preachers shared with each other, Reverend Ian R.K. Paisley's Church sold fundamentalist literature and displayed a growing interest in Developing the kind of educational institutions which fundamentalists churches had founded in America.

The fact that the Doctrines of the Free Presbyterian Church have become strongly fundamentalised in character, is strikingly confirmed by the use of 'an appeal' at the close of revivalists services when the Free Presbyterian Minister, following a well established and familiar fundamentalist religious practice, calls on sinners to 'decide' for Christ. The Presbyterian Calvinists (the non Free Presbyterian Church) insist that God is sovereign, and that a man lacks the ability to 'decide' for Christ, because he is not 'free' but damaged by sin, and in this belief that salvation is from God is often associated with the doctrine of predestination. But the difference between fundamental Presbyterianism and Calvinist Presbyterianism extend beyond the theological issue of the way to salvation to other crucial areas of doctrine. For example Presbyterian fundamentalists hold to the infallibility of the Bible while some Presbyterian treasure their Calvinist heritage like the eminent theologian Karl Barth or professor Torrance of the Church of Scotland, who rejected the infallibility of the Bible while still regarding the Scriptures as the principle source of authority, this is an illogical position, Presbyterian fundamentalists claim. More importantly, Calvinist's theology is necessarily linked to John Calvin's 'Institute of the Christian Religion'², which is a system of theology; fundamentalism lacks such a coherent body of doctrine and to some extent must be regarded as more pragmatic in its theological formulations. This departure of Paisley's Free Presbyterian Church from the Calvinist theology of Presbyterianism provoked former associates of Ian Paisley, like Reverend Jack Glass of Glasgow, and Reverend George Hutton of Larne, into criticism of Paisley's growing enthusiasm for a form of Protestant Christianity which was less rigorous in its theology, and which tended to measure spiritual blessing in the material terms of large congregations and expanding Church income.

Although the theological distinctions between Protestants who are Calvinist and Protestants who are fundamentalists may appear somewhat esoteric to those who have a secular outlook, the significance of this subtle theological debate took on a new importance in 1980 with the emergence of a highly politicised variant of fundamentalism in the United States in the form of fundamentalist groups sought to influence the outcome of the Presidential election that year as part of a wider campaign to reverse the liberalising

tendencies associated with the permissive society. It is apparent that Ian Paisley's close conformity to the pattern of American Fundamentalism has given rise to some noteworthy similarities of style between the political activism of movements like the Moral Majority and the much smaller local Fundamentalist influenced in Northern Ireland, the D.U.P.

Mr. Jerry Farewell, the leading figure in the Moral Majority movement, has written a brief foreword to a conservative American political handbook, the *New Right : We are ready to Lead*. Farewell wrote:

Too many of our top government officials, including judges in high places, legislators, bureaucrats, and politicians have cared more about getting a vote than about courageously standing for what is right and good for America. Considering that the stability of any group whether is be a family or a nation, rises an falls upon leadership, it is no wonder that we find America depraved, decadent and demoralised today.³

Although Jerry Farewell is more like the Christian Church throughout the world, especially with regard to its unity, than Dr. Paisley, in his willingness to co-operate with like minded-Jews and Roman Catholics associated with this moral crusade, it is worth reflecting that in this similar situation Ian Paisley welcomed any Roman Catholic support for his up and coming campaign on homosexual law reform. A broad similarity of aims and emphasis exists between politised fundamentalists in the United States and in Ian Paisley's Party. This is expressed in the commitment of both movements to a patriotic idealism. A distrust of the Government, the perception that their liberties are threatened by the outside forces , and a determination to resist those changes in society which reflects a liberalisation in moral attitudes and retain religious tradition.

The flavour of the Fundamentalists, D.U.P.'s antagonism towards repeal of the anti- homosexual laws I would suggest, was based on the fact that fundamentalism is based on a particular kind of religious tradition. It uses the form rather than the reality, of Biblical authority to provide a shield for this tradition. Is uses the powerful hold of this religion on the soul that supplies the dynamic zeal and the cohesive force of the fundamentalist movement and that forges the bonds that makes it difficult for fundamentalists to change their theological position. Theological positions that have a very strong emphasis on the inerrancy of the Bible and have a strong hostility to modern theology and to its methods , results and implications of modern critical study of the Bible. This leads them to an assurance that those who do not share their religious viewpoints are not really true Christians. As the fundamentalist depends upon the Bible as being infallible and inert the idea of having an open mind towards homosexuality, would , at least in Paisley's case , would not have been virtuous, as marked by his personal intensity of feeling during the homosexual law reformation. James Barr, in his commentary on fundamentalism suggested that :

Some of them might have accepted the 'liberals' were more open minded, but they would have said that an open mind was not so great a virtue and that acceptance of the Word of God was a much greater virtue than any amount of open mindedness.⁴

Barr goes on to mention that fundamentalism does not base itself firmly on the bible and it seems to hold itself free to look for its sources of authority.

This would seem to fit into Paisley's politics as he changed tactics during his campaign against homosexual law reformation, to suit the support he was receiving at the time.

In view of the Fundamentalist belief that the Bible is infallible, I will now look at a few of the Biblical passages of which the fundamentalists would suggest are the cornerstone of their belief.

Firstly I will start with the Old Testament, there are two extended passages which have traditionally been thought to show homosexual behaviour in bad light. The first, in Genesis 19, concerns the incident from which the term sodomy takes its origin. In his home in the city of Sodom, Lot was offering hospitality to two messengers of whom Abraham had already entertained by the oaks of Mamre. With intentions Lot immediately recognised as hostile, 'all the men of the city' (v4) surrounded the house and demanded the surrender of the two guests. Lot went out to talk to them and, when words failed, he offered his two virgin daughters instead of the men. When this did not satisfy the mob, we are told Lot himself would have suffered, but for the intervention of his heavenly visitors. Shortly after this the city fell due to the wrath of God.

The second account, in Judges 19, follows a very similar pattern. A traveller, arriving late in the evening at the city of Gibeon with his concubine and servant, is offered hospitality by an elderly resident. Hearing that a stranger was in town, the men of the city ('wicked men' - v22) demanded that the guest be brought out. His host refuses but, like Lot, offers them a substitute sacrifice - his own virgin daughter and his guests concubine. The offer is not well received but the concubine was raped and abused throughout the night. After this the city and its citizens were punished through military action, as punishment for its sins. And again the implication is that this sin was fundamentally one of intended homosexual assault.

In both passages this view involves taking the word **know** in completely different senses in the space of four verses (meaning 'to become acquainted' within Gen 19:5 and Jdg 19:22 but 'to have intercourse with' in Gen 19:8 and Jdg 19:25).

References to homosexual conduct in the New Testament are fewer than in the Old. Nearly all of the references come from Paul, but as a man steeped in

the Old Testament Scriptures, he is predictably condemnatory in his tone. In Romans 1, he describes women exchanging natural relations for unnatural ones. In the same way the men also abandoned natural relations with women and were inflamed with lust for one and other. Men committed indecent acts with other men, and received in themselves the due penalty for their perversions (vv26-27). In Corinthians 6:9 he is more brief; among the 'wicked' who will not inherit the Kingdom of God are 'homosexual offenders'. Then finally in Timothy 1:10, 'perverts' (the same word that is translated 'homosexual offender's in Corinthians 6:9) are listed among the 'law breakers and rebels' who stand under the condemnation of God's law.

It seems hard to escape the conclusion, from these passages, that homosexual behaviour (or even the threat of it) incurs God's judgement. This interpretation is the fundamentalists viewpoint.

Chapter 2. References.

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- ¹ Coleman, Peter., Gay Christians : A Moral Dilemma,1989, p8
² Calvin, J., Institute of the Christian religion, Philadelphia
³ Farewell, J., from Viaverie.R.A.,1980
⁴ Barr, J., Fundamentalism,1977, p 332

Chapter 3: Potential at the European Court of Human Rights.

In March 1977 it was announced in the N.I.G.R.A. News that the Strasbourg case had cantered over the first hurdle. The reporter, appointed by the European Commission of Human Rights to assess the strength and potential of the complaints, had found a case to answer. The British Government on the other hand had to file a reply by March, after pleading for a fortnight's extension.

The case by Jeff Dudgeon which was supported by N.I.G.R.A., alleges numerous infringement of the Charter to which Great Britain was a signatory. The primary allegation was one of regional discrimination. But there were several other infringements of the Charter, concerning freedom of association, expression and privacy had also to be judged. Even if the British Government promised to introduce the 1967 Act to Northern Ireland, the case would still proceed to get a judgement on the rights and wrongs of regional law difference. It is on the latter complaints that the judgement would have the greatest significance for gays in Great Britain and the Republic of Ireland. If found in the favour of the gay population, both the 1967 Act and the anti-gay laws in Dublin would be judged to be in breach of the European Convention of Human Rights. The whole law reform campaign got a massive boost towards its aim, having passed the first stage at Strasbourg. It was a victory in itself, as thousands of cases are filed every year and only a tiny fraction get as far as this.

By May 1977 the Northern Ireland Standing Advisory Committee on the Human Rights Report on Ulster's law on divorce and homosexuality was due to be published. Although the Commission's report was still confidential, it was known from information leaked to the Press, that the Report would recommend reform of the homosexual and divorce laws to bring them into line with Great Britain. The Commission's report would be given to the Secretary of State Mr. Roy Mason, for his decision on the next stage. The previous year he indicated that he would act swiftly on the Commission's report. However Northern Ireland's MP's were also there to press their views on the report. Most of them were expected to be even against divorce law reform, never mind homosexual law reform, which it was thought they would oppose. Clearly Mr. Mason would have to decide whether to follow the report's recommendations, contrary to the views of the few Ulster's MP's, and have the law reformed.

It was thought that Mr. Mason was likely to carry out the Commission's recommendations despite such opposition. Since draft legislation on homosexuality and divorce had probably already been prepared in advance of the Commission's report, it would remain for him to decide the timing and manner in which the homosexual laws were reformed. Of the two possibilities, a Government sponsored Bill and an Order in Council, the latter seemed to most likely method Mr. Mason would favour. This would be less time-consuming and MP's would be asked to oppose or vote for the Order as a whole without making any amendments to parts of it. Since most British MP's would favour gay law reform in Northern Ireland, they would easily out-vote local opposition.

By now at Strasbourg, the British Government was presented with a copy of the allegations against it and was asked of its observations. Its observations on the case were submitted to the Commission before the official deadline. It was understood that the Government's reply on a number of the allegations were not very strong. With his solicitor's help, Jeff Dudgeon, replied to the points raised by the Government and included further supporting evidence, including details of the police harassment of 22 homosexuals the previous year. It was expected that a full admissibility hearing on the case would be held some time in the summer and that if it was successful, as it was confidently expected, a full court hearing would be held at a later date.

A case brought by a man to the European Court two decades previous to this was unsuccessful. But at this time gay rights groups in the United States had successfully used Human Rights Courts in some states to actually make it illegal to discriminate in jobs and housing against homosexuals. At this time it was believed that the European Court of Human Rights was now more receptive to similar ideas about the rights of homosexuals than it was in the 1950s.

Then at last the Secretary of State, Mr. Roy Mason announced the Government's intention to reform Northern Ireland's laws on homosexuality to bring them into line with those in England and Wales. When passed, the legislation would mean that it would no longer be an offence for two males over 21 to have sexual relations with each other in private. 'This announcement came on July 19th 1977, the same day as the publication of the Northern Ireland Human Rights Commission's report, which recommended the reform of Ulster's law on homosexuality and divorce'¹. In this report, the Commission pointed out that most people do not regard it as satisfactory to retain the present differences in legislation in Northern Ireland and only a few people would be strongly opposed to changes to bring the law into line with that in England and Wales. However the Commission went on to say it did not consider there could be support for legislation which went further than the present law which operates in England and Wales. In particular any lowering of the age of consent would be a highly contentious issue in Northern Ireland. It added that it does not recommend that further amendments to the law on homosexuality would automatically apply in Northern Ireland and advised that it would be desirable to seek public opinion first.

Mr. Mason told MP's at Westminster that in the light of the Commission's report he would in due course publish for comment, draft proposal for legislation on divorce and homosexuality. Since Parliament's summer recess had already begun, the legislation was now expected to be debated by MP's before the end of the year. It was expected that the Government would probably then legislate on both divorce and homosexuality by Order Council, as is most Northern Ireland business since direct rule.

Predictable opposition to the law reform came from sections of the D.U.P.. Many Unionist MP's, such as Enoch Powell, Reverend Ian R.K. Paisley MP, Reverend Robert Bradford had recently voiced their opposition in the News of the World, July 17th 1977. Realising that Northern Ireland legislation would

be almost passed unanimously in the commons in a vote on an order in council, these MP's were urging the Government to proceed reform of the law by a Green Paper, so that the Public in Northern Ireland would have further opportunity to state their views. However it was expected that the Government would take the Human Rights Commission report as a fair assessment of Northern Ireland public opinion. As a result the proposed legislation was almost certainly expected to be introduced and passed in the autumn.

At the end of 1977 the Social Democratic and Labour Party(SDLP) voiced their support for homosexual law reform. At their conference in Newcastle, County Down delegates voted by a large majority for an extension of the 1967 Sexual Offences Act to Northern Ireland. The motion came from the Queen's University Branch, who expressed 'that the SDLP should show their concern for all minorities, including once which had sexual habits different from the norm'². Speaking on behalf of the Executive, Mr. Allan Maguinness reminded delegates that the SDLP had always been concerned with human and civil rights. He also pointed out that the present law reform was absurd, discriminatory, anachronistic and unenforceable. The debate was carried further by Mr. Ben Caraher, who added that "homosexuality was not a matter of morality, but a matter of law"². He said that to 'oppose the motion would to align the party with Reverend Ian R.K.Paisley's D.U.P'². The SDLP had to maintain its traditions of supporting Civil rights. The SDLP had become Northern Ireland's first major political party to come out in favour of homosexual law reform. Now that homosexuality had become a matter of great public discussion, other political parties were expected to make their views.

Ian Paisley's D.U.P. did just that, and launched its 'Save Ulster From Sodomy' Campaign.

Chapter 3. References

¹ Northern Ireland Gay Rights Association News, August 1977

² N.I.G.R.A. News. December, 1977

Chapter 4: The trouble with Pope and Popery, Ecumenists and Ecumenism, Modernists and Modernism

There was a considerable and vociferous opposition to homosexual law reform in Northern Ireland following Mr. Mason's announcement in July that he intended to implement the recommendations of the Standing Advisory Commission on Human Rights. By far the most forceful opposition to the proposed law changes came from Reverend Ian R.K. Paisley's D.U.P.. The D.U.P. launched its 'Save Ulster From Sodomy' Campaign with an advert in the Newsletter. The advert contained a petition, to be sent to the Secretary of State declaring an 'Unalterable opposition' to the implementation of the Commission's report. The advert also quoted Bible passages and called for donations for a province wide campaign to halt the drift towards destruction. It went on to say "that such action taken without proper consultation with the Northern Ireland people and without proper parliamentary procedures, not only constitutes a breach of constitutional rights but in such a matter of morals, and undermining the moral character of Ulster, and concluded by saying that sodomy was a sin and should be repented of"¹.

Ian Paisley was born in humble surroundings on the 6th of April 1926, in the ancient ecclesiastical capital of Ireland, the City of Armagh. His father Kyle, whose ancestors originally came from Scotland, was a Baptist preacher, and his mother, Isobel, was equally devout. Two older children shared the Paisley home, an elder brother Harold, and sister Margaret. The family enjoyed little in the way of material blessing, though they claimed rich spiritual heritage, which would have struck onlookers as puritanical in aspects. His family life was based on the Bible which was accepted reverently as God's revealed will to man.

After an entirely unremarkable scholastic career, Ian Paisley entered the Christian Ministry, his mind was full of enthusiasm for Protestantism and an "old style religion", which already seemed outmoded to clergy who had progressed through mainstream theology colleges to enter the established denominations. Paisley's heroes were not the renowned theologians of modern times; his heroes were pre-eminently the great preachers of the Protestant traditions. He feasted on the works of Mr. C.H. Spurgeon, but none was as high in esteem then Reverend W. P. Nicholson with his own style of religious fervour. At the ending of a sermon published by Paisley on the Centenary of Nicholson's birth, he relates to a story which explains why Paisley's confidence in the rightness of his cause made him almost impervious to criticism. Paisley states that W.P. Nicholson attended a morning service at which Paisley, then still only twenty, was the preacher. After Paisley had concluded his address Nicholson walked to the front of the Church and said :

I have one prayer I want to offer to this young man. I will pray that God will give him a tongue like an old cow. Go in, young man, to a butchers shop and ask to see a cow's tongue. You will find it is sharper than any file. God give you such a tongue. Make this church a

converting shop and make this preacher a disturber of Hell and the Devil!²

Reverend Ian Paisley later said of this incident : "I can remember his standing there an uttering those words. I believe God answered his prayer, for my tongue had caused great trouble to Popes and Popery, Ecumenists and Ecumenism, Modernists and Modernism"³.

Paisley had great trouble with all of these none more so than in the context of homosexuality as they do not conform to his traditional belief in the Bible. As for some fourteen centuries , with minor variations, the laws of Christian countries had conformed with the biblical precepts and punished those found guilty of homosexual behaviour or homosexual . Then the Wolfenden Committee recommended that it was not longer appropriate for the Criminal Law to be concerned with what consenting adults did in private, and a lot of other churches agreed.

One of Paisley's greatest troubles was the Pope and popery of the Catholic Church, which was one of many of these Churches that agreed. A study, 'New directions in Catholic thought'⁴, was prepared by a small group for the Catholic Theological Society in America. Commissioned in 1972 the Report was finally received by the Commission in October 1976, and published the next year. A foreword explains that the reception of the study implies neither approval nor disapproval by the Society, who wish to make the research it contained available to members of a wider public. The study was already in draft when a Vatican Declaration on Sexual Ethics was issued, and appears to have been revised in several places to take into account of it. Although concerned with sexual morality in general, a special section of the report considers homosexuality.

The Committee sets out a modernist understanding of homosexuality. Homosexuals were said to have the same rights as heterosexuals to love, intimacy and relationships, and Christian sexual morality does not require a dual standard. The rights and obligations are the same. Since homosexual friendships are not sustained and supported by society, they are tempted to promiscuity and therefore a pastor may recommend close stable friendships between homosexuals, not simply as a lesser of two evils but as a positive good. The Committee also turned to the principle of moral theology and suggests, where there is doubt, there is freedom. Since the complexities, ambiguities and uncertainties of homosexuality had only recently come to light, this principle, it recommended, be applied in administering absolution and giving communion to homosexuals. The same principle allows counsellors and confessors to leave homosexuals a freedom of conscience, and leads to the conclusion that a homosexual engaging in homosexual acts in good conscience has the same rights of conscience and the rights of sacraments as a married couple practising birth control in good conscience.

Therefore the Roman Catholic Church was permitting free choice according to conscience, which reflects back to what was said earlier when the

Prime Minister of Great Britain gave a spirited defence of Jeremy Thorpe in the context of that in sensationalising Thorpe's private life was totally unacceptable in a democratic society. There was no question of choice according to conscience in Northern Ireland

Another Church which also showed an acceptance of homosexual activity, was a church, which was well known within Paisley's constituency, the Methodist church. The Methodist Church debated between 1970 and 1979 the acceptance of homosexuality. They seemed to move towards liberalising the old traditions. The Division of Social Responsibility of faith and order Committee produced a report in 1979 for presentation to the Methodist Church Conference. It was a brief report, and only Section C deals with homosexuality. Earlier in the report, the Christian source of guidance in seeking an understanding of human sexuality are listed: 'these are said to be the Bible, reason, the traditional teaching of the Church, the personal and ecumenical experience of the modernist Christian, the understanding provided by the human sciences and what was called the spirit of age. Applied to homosexuality these sources of guidance lead the authors of the Report to the conclusions that bear some similarities to an earlier report produced by the Quaker's in 1963. Much study had taken place in between, and some views on sexuality and morality had become widely assimilated to the churches'⁵.

The report made its convictions plain and paralleled homosexual relationships with that of heterosexual relationships, and suggests that Christians affirm marriage because they believe that within it the creative, procreative and relational aspects of human sexuality can be expressed. Nevertheless Christians have never asserted that marriage, procreative or not, is the only way of life, celibacy for example has at times been valued more highly. It is recognised that marriages which have fulfilled their procreative character, have often failed in the quality of relationships which they ought to have created. It is because they set a high value on relationships within marriage that Christians ought also to argue that stable permanent relationships can be an appropriate way of expressing homosexual orientation.

This involves an acceptance of homosexual activities as not being intrinsically wrong. The quality of any homosexual relationship is thus to be assessed by the same basic criteria which have been applied to heterosexual relationships. For homosexual men and women, permanent relationships characterised by what could be called an appropriate and Christian way of expressing their sexuality. The report went on to explain "that this open acceptance of homosexuality would present problems at different levels in the life of Church, but it obviously removes the grounds for denying any person's membership of the Church or an office in it, solely because they have a particular sexual orientation"⁶. In Paisley's mind this would have been in line with a modernist theological viewpoint of which did not correlate with the fundamentalist thinking.

The report suggested that it was the essence of the Christian Gospel to stand by and care for those in need. The Christian recognises a common

humanity and a personal constraint to show concern for others. In the context of homosexuality and bisexuality, this would mean helping those in need to discover their basic sexual orientation and enabling them to come to terms with it. It also means encouraging and supporting those whose orientation is homosexual to form stable and lasting relationships, for men and women are made for relationships and their sexuality is involved in and fulfilled by these commitments. It is the quality of these relationships which matters, not the physical expression which they may take. Christians may need counsel and support families in which one member realises that his or her orientation is homosexual. Christians who discover and want to reveal themselves to be homosexual, may need special support if they are to come to terms with their sexuality and to retain their faith within the Church which has a long anti-homosexual tradition. One that for Paisley was an unalterable position.

Chapter 4. References

¹ N.I.G.R.A. News, December 1977

² Quoted in: Smyth Clifford., Ian Paisley: Voice of Protestant Ulster 1987, p 123

³ Ibid

⁴ Coleman, Peter., Gay Christians: A moral Dilemma. 1989, p 144

⁵ Ibid, p 149

⁶ Ibid, p 150

Conclusion

The emergence of organised opposition to homosexual law reform had obviously dismayed many gays, in particular those who had not followed the course of the reform campaign or those who were not over-interested in the political process. The fundamental Protestant Churches and their political counterparts, who were so strong in local government and who extended to large elements of the Presbyterian Church and the Official Unionist Party must have dismayed Protestant Gays. The Catholic Church, many of its more devout and conservative political followers, largely said nothing except for the Catholic councillors for Fermanagh, who were as it has been suggested, 'more interested in putting up early defences against abortion law reform'¹. Bishop Cathal Daly accused the Human Rights Commission of producing a third rate report and consulting no-one. It is obviously difficult to give the Catholic Churches viewpoints as it did not even reply to the invitation. Yet Bishop Cathal Daly had the cheek to fudge some excuse on television about being too busy on other matters. It seems that it was not the tradition of the Catholic Church to give its opinion to the Government Commissions enquiry, it only gives its opinion to the world. Such silence however gave the appearance of consent in areas without exclusively Catholic tradition.

So that was the opposition it would not grow and it would not prevent Reverend Ian R.K. Paisley trying to get thousands of signatures for his "Save Ulster From Sodomy" Campaign. This must have had an adverse effect on the Protestant gay population within Northern Ireland and especially within his constituency of South Antrim who were not particularly versed in law reformation or politics, and only saw the bare bones of the crisis. They gays that were not 'out' at this time are virtually impossible to contact. But, as suggested by Mr. P. A. Mog Lochlainn the existing President of the Northern Ireland Gay Rights Association, who himself was not 'out' at this time suggested that "this may have very well been the case"². On the notion of a religious divide between Catholic and Protestant gays in Northern Ireland, it has also been suggested by Mr. P. A. Mog Lochlainn that this was very limited. Gay protestant men from the Shannkill Road had boyfriends from Catholic areas and vice-versa. "Most gays in Northern Ireland were and still are more concerned with the shape of the bum in the jeans than the Union Jack tattoo on one's arm"³.

Paisley proceeded with his campaign and pushed to get the public's signature on opposition of the law reform. Time was marching on and the D.U.P. had not properly organised themselves. They were sure within themselves that they were going to stop the Gay Law Reform.

The Ulster Gays who were informed in the situation seen the 'Save Ulster from Sodomy' campaign at least as a joke and at most a petition of the D.U.P. that was being pedalled as a popularity poll between homosexuality and heterosexuality, and that most signatories were not aware that they were asking for the retention and implementation of a law which would lead to thousands of Ulster people being jailed.

Then in early 1978 Ulster's homosexual Law Reform 'Order In Council' was expected to be soon, it was suggested that homosexual law reform would be the subject of an Order In Council and was relayed in a statement by Lord Melchett and was also reiterated by the Minister of State, Mr. James Dunn, during a meeting with N.I.G.R.A. representatives. There had been considerable fears in the gay community that the issue was being ignored by the Government, while the proposed new divorce law had already been published. The reason for the delay was not known, but it was thought that the Government may have been awaiting the results of the D.U.P.'s petition campaign before embarking on what they might regard as a sensitive area.

Lord Melchett told liberal peer, Lord Beaumont in a written Common's reply that the homosexual Order In Council had been completed and would be published soon along with an explanatory document to help public discussion. This was then reconfirmed as the Government's intention when N.I.G.R.A.'s Kevin Merret and Brian Gilmore and Cara-friend's Doug Soby met Minister of State, James Dunn to discuss the delay. No indication was given, however, of when the Government's timing of the Order In Council could be expected. What was certain though was that it would be at least another five to six months before the proposed Order in Council, expected to be the same as the 1967 Sexual Offences Act, would become law. It was suspected that when the draught Order in Council was published, it would be likely to have the usual three months consultative period for the public to make known their views. Following this it was hoped that it would only be another month before the Proposal for a Draft Order In Council was published and perhaps another month before the Order was laid before the House of Commons for a simple 'yes' or 'no' vote. At this stage, however, the majority of MP's were expected to pass the Order both on the grounds of parity and also because of the large body of support for the reform, as indicated by the main Protestant Churches and the largely Catholic Social Democratic and Labour Party.

Many gays reacted angrily to the seemingly endless delays in granting adult homosexual men an even modicum of basic human rights. Among them was N.I.G.R.A.'s President, Mr. Richard Kennedy who stated :

The persistent delay in publishing the Order In Council reforming the homosexual law is fast exposing the Mason administration as will talk and no action. The Human Rights Association assessed opinion for twelve months and found in favour of change. The Northern Ireland Office has since repeated the operation over six months all the same bodies have reissued the same opinion. Nothing has changed.

All this concerns the extension of the ten year old Sexual Offences Act to Ulster, an Act outdated in England since the advent of gay liberation. Yet it remains relevant here as the RUC tried to imprison local gay leaders last year and were only stopped by the intervention of the Attorney General.

It is amazing that the expected opposition from a minority of Christians to the miniature reform has forced the Northern Ireland Office into a needless and unconvincing display of secrecy and mystification about the date of publication. All this from an open administration pledge to open Government.

We request an end to this posturing and call for immediate publication and implementation of the legislation. There is absolutely no need to delay further for a third assessment of opinion as those who oppose change are self-evidently not interested investigating the detailed proposals. It would be double hypocritical to procrastinate again as the Government has plainly no intentions of ever considering our demand for the age of consent to be reduced to eighteen.⁴

Some gays expressed fears in that a general election may be announced before the Order In Council had been passed, for it was thought that should the Conservatives gain power they would not view , with favour, homosexual law reform in Northern Ireland .

Then the opposition, The D.U.P., announced the results of their province wide petition campaign to block homosexual law reform. A cavalcade of over thirty cars travelled to the Stormont Building to hand the Minister of State, what they claimed was 70,000 petitions opposing the current law reform moves.

Unfortunately for the protesters, the whole affair was totally overshadowed by media coverage following the La Mon restaurant bombing two days earlier. As this was the Stormont protest, which should have marked the height of the D.U.P.'s campaign, was instead rather an anti-climax and was virtually ignored by U.T.V., BBC and local radio and a large selection of the Press. Indications showed the D.U.P.'s petition campaign had received relatively little support other than their traditional supporters. This is strongly suggested because the D.U.P. had to change the face of their campaign to disguise the fact that they were the only political group opposed to the reforms. The original petition advertisement, which launched the D.U.P.'s campaign, which was entitled " Save Ulster From Sodomy" and shrouded in Biblical passages with lines like 'Sodomy is a sin and should be repented of.' Later they changed their tactics with a more modest petition advertisement in the Newsletter entitled 'The thin Edge of The Wedge.' This had much reduced religious fervour and contained the following more social arguments : Homosexuals would regard the proposed legalising of homosexuality as a starting point to both further and higher demands. Homosexual marriages, homosexuality for Ulster's Youth- tax concessions for homosexuals - recognition of homosexuals on the same basis as married couples, these are what Ulster people will have foisted on them if the 'Gay Rights Movement' have their wishes granted.

The D.U.P. was trying to put pressure on the Ulster people and it was evident that it was not working. So in a last attempt the D.U.P. finished the advertisement with :

Ulster must not embark upon this road, it is the road to moral destruction and those who walk thereon will suffer God's wrath.⁵

Yet the new petition advertisement claimed no obvious signs of its Free Presbyterian and D.U.P. links. This was presumably an attempt to gain new support by fooling other sections of the community into thinking the D.U.P. were not alone in opposing the reform. At the bottom of the Newsletter advertisement was the address to which one should return one's signature, none other than the address of the D.U.P.'s headquarters.

In mid 1978 the big question was what effect these 70,000 petition signatures would have had on the Order In Council? It was thought that they would be seen as representing the uninformed public opinion, which had been whipped up onto a state of religious fervour and paranoia by the campaign leaders. Chances are that the Government would see these voices of opposition for what they were and take more seriously the views of the Human Rights Commission, the Church of Ireland and the Methodist Church, who not only represent a larger section of the community, but had made serious attempts to study the situation for homosexuals in Northern Ireland .

It was then announced that Mr. Jeff Dudgeon had won part of his case, the Commission which had been considering his case had ruled admissible most of the many complaints that the existing laws against homosexuality in Northern Ireland breached, the two articles of the Human Rights Convention which protect privacy and forbid discrimination. It was suggested that the 'Commission would now study his case and give ruling within the next year'⁶.

In the Autumn of 1980 a victory was won, the Dudgeon case sped to a victorious conclusion and it was announced that the Assembly, by a large majority had the recommendation, accounting to the Bill of Gay Rights, which included : where homosexual acts between consenting adults in private, are liable to criminal prosecution, to abolish these laws and practices. To modify Article four of the Human Rights Convention by adding to it the notion of sexual preference to call on member Governments. To order the destruction of existing records on homosexuals with regard to employment, pay and job security, particularly in the public sector. To ask for the cessation of all compulsory medical action or research designed to alter the sexual orientation of adults and to ask prison and other public authorities to be vigilant against rape and violence against homosexuals in prisons. The first recommendation was a massive blow to the British Government and the gays in Northern Ireland stated :

We are legal - sort of.⁷

Unfortunately any more information on the Strasbourg hearing is for the moment impossible to obtain as the records have a thirty year ban on them , according the Secretary of N.I.G.R.A..

In 1981 the Secretary of State announced that the 1967 Sexual Offences Act would be extended to Northern Ireland. It is worth pointing out that although this was an occasion of rejoicing for the Northern Ireland gay community, in England and Wales 'The Act', when introduced meant an enormous increase in the number of arrests of gay men for alleged sexual offence because of the amount of clauses within it.

As for the D.U.P./Free Presbyterians, their campaign lessened dramatically. This was a massive blow to them and only small groups campaigned further.

The first Gay Pride disco that was held in Belfast in 1991 was protested by the D.U.P.. It was suggested by the media that there were around two hundred campaigners but another source disclosed a number much less than that. The same venue was protested in 1992 and this time an actual figure was recorded of D.U.P. campaigners of thirty four, and again 1993 the venue was once again protested. This time the number of D.U.P. campaigners was only eighteen, many of which were concerned for by the Gay Pride. The weather was very cold, and they suggested tea for the campaigners. The following years Gay Pride events did not see any D.U.P. protesters so we can assume that a tolerance shift towards homosexuality had been made within the members of the D.U.P.. Especially now that 'one of its members is a gay man'⁸.

Conclusion. References

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- ¹ N.I.G.R.A. News, December 1977
 - ² Interview: Belfast 25 January 1996
 - ³ Ibid
 - ⁴ N.I.G.R.A. News, March/April, 1978
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 - ⁷ N.I.G.R.A. News, Autumn, 1981
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Acknowledgements

Mr. Sean McGouran. Secretary of N.I.G.R.A

Mr P.A. Mog Loughlainn. President of N.I.G.R.A.

The Librarians of the Linen Hall Library

Miss Katleen Bonjean & Software Spectrum

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