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Queer citizenship in 1990s Britain

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ABSTRACT

This article argues that the 1990s was a distinctive period in the British queer experience. A perceived rise in violent homophobic attacks marks the decade out, as does the activist culture which emerged to counter it. The article argues that ideas of citizenship became an important vehicle for queer activists, especially when challenging legal inequalities such as the age of sexual consent for gay men. Queer citizenship campaigns highlighted the state of legislated inequality for queer Britons which was seen to be worsening during the 1990s. This article examines two main examples of such campaigns, grassroots direct-action movements and legal test cases, arguing that queer citizenship was an increasingly useful concept for queer activists and campaigners.

KEYWORDS

Age of consent; test case; activism; LGBTQ; queerbashing

Introduction

It was, according to police, ‘an extraordinarily severe beating, of a merciless and savage nature’. Michael Boothe, a 48-year-old actor and a gay man, had spent the evening of 30 April 1990 eating dinner with friends in Hanwell in the London Borough of Ealing before wandering into Elthorne Park. Perhaps he was just walking home. Most people, including the police, believed he was en route to go cottaging in the nearby public lavatories, or perhaps cruising for sex in the park. Whatever Boothe’s plans were that night, they were interrupted when a group of six men accosted him, kicking Boothe ‘relentlessly for several minutes’ until he was nearly unconscious. Boothe remained conscious long enough to tell the first responders the number of his attackers and the nature of their crime: they had targeted him because he was gay. Despite making it to New Ealing Hospital, Michael Boothe died as a result of the injuries his attackers inflicted upon him.¹

This article begins with the brutal queerbashing of Michael Boothe not because it was an extraordinary event. Quite the opposite. Michael Boothe’s murder points to a key continuity which ran throughout the lived experiences of queer people in the UK during the 1990s: fear of physical attack and murder due to their sexuality. Only a few weeks into the decade, 61-year-old gay man William Dalziel died from severe head injuries after he was attacked and beaten unconscious as he walked home near Acton, West London.² Two months later, a large black bag was found floating in the River Cam near Ely. When it was removed, the remains of Ian Erskine, a gay research officer at the Bank of England who had

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been missing from London since December 1989, were discovered.³ In Brixton, Black gay men were confronting violent attacks which were fuelled by both homophobia and racism.⁴ Reflecting on the period, the gay activist Keith Alcorn recalled that 'It was only a matter of time before there was an eruption of outrage in early 1990 ... the sport of "queerbashing" was on the increase, with gay men and lesbians on the receiving end of verbal, political and physical attacks almost daily'.⁵

Such attacks had been perpetrated against queer people for decades in Britain, but were widely perceived to have increased in the late-1980s and 1990s. Exact incidence rates are hard to provide: the Home Office time series recording hate crimes (including crimes targeting people because of their sexual orientation or gender identity) began in 2012, meaning there are no official statistics to draw on for the earlier period.⁶ Anti-homophobic violence organisations were thin on the ground in the 1990s; those which did exist, such as GALOP were less focused on collating and analysing anti-queer hate crime data than they were to become by the 2020s.⁷

Criminological data may not exist recording a rise in queerbashing, but it is significant that so many queer people (especially gay men) recall such an increase in their memories of the 1990s. Several historical developments explain the increase in anti-gay violence. The HIV/AIDS epidemic had led to a rise in popular homophobia, whilst the emergence of 'gaybourhoods' centring on roads such as Old Compton Street in London or Canal Street in Manchester inadvertently provided would-be queerbashers with easily accessible targets.⁸ Fear of physical violence was a consistent thread throughout the 1990s for queer people in Britain. In 1995, 64-year-old gay man Terry Sweet was beaten and stabbed to death in a homophobic attack carried out by three teenagers in Plymouth's Central Park.⁹ Shortly afterwards, homophobic graffiti appeared at the site of the murder. 'No queer's [sic.] here your [sic.] banned or face death' was daubed in large white spray-painted letters, next to a further graffitied plea (or, perhaps, offer) to 'kill the faggots'.¹⁰ Such sentiment was persistent, especially in far-right and fascist circles, as David Copeland's bombing of Soho gay pub the Admiral Duncan in 1999 demonstrates.¹¹ The prevalence and persistence of anti-gay violence in 1990s Britain is significant. Not only is it a powerful antidote to a teleological history of queer activism in this period (as I will suggest in closing this article). It is also key to understanding the context and development of the politics of queer citizenship, distinctive to the 1990s.

If a 'holiday from history' is how the 1990s has been popularly characterised, the experiences of lesbian, gay, bisexual, transgender and queer (LGBTQ) people during that decade present a markedly different account, and suggest the urgency with which historians should reject this depiction.¹² To be sure, the 1970s and 1980s had been dramatic periods: the hedonism and liberation politics of the 1970s followed by the traumatic hysteria of the HIV/AIDS epidemic in the 1980s mark each decade out for particular attention in queer history. Yet the 1990s saw a significant merger of these two strands of queer experience. Numbers of deaths from AIDS-related conditions continued to rise, and did so drastically during the 1990s (from 610 by 1988 to 12,105 by the mid-1990s).¹³ As cases of HIV and deaths from AIDS-related illnesses escalated, new activist organisations with ideological and personal roots in the liberationist politics of the Gay Liberation Front of the 1970s emerged in Britain. This can be seen most clearly in the AIDS Coalition to Unleash Power (ACT UP). Founded in 1989 in London and active in the first half of the 1990s, ACT UP

campaigned for resources for people living with HIV/AIDS and against the stigma they faced.¹⁴ This article, however, moves away from HIV/AIDS activism to look at the broader queer campaigns which placed citizenship claims (and demands) at the heart of their political organising. Many of these activists cut their political teeth in ACT UP, but it was the spate of queerbashing, and in particular the murder of Michael Boothe with which this article began, which spurred many people into the queer activism of the 1990s.

This article argues that the 1990s was a distinct and distinctive decade in British queer history—and the historical experiences of gay men in particular—for two main reasons. First, the demands and claims which activists were making during the 1990s were more centrally anchored in ideas of citizenship and equality than they had been previously. Second, these demands found new arenas in which to be heard and assessed during the final decade of the twentieth century as activists and lawyers took their cases to supranational European courts.

Specifically, the article examines the citizenship campaigns and claims made by queer activists in the 1990s. This was the decade in which a nascent queer theory was evident in some scholarship, but activists—some of them scholars in their own right—were more taken with the idea of queer ‘as identity’ than queer ‘as method’.¹⁵ I look in particular at campaigning around the age of sexual consent and, as such, the article’s case studies chiefly concern gay men. To be sure, the ways in which lesbians, gay men, bisexuals and transgender people interacted with and understood their place within ‘the state’ (be it jurisdictionally, nationally or supranationally) and ideas of citizenship were heterogenous. As Martha Robinson Rhodes has shown, bisexuality and ‘multiple-gender-attraction’ was key to creating a ‘more expansive understanding of political citizenship’ in some queer activist groups in the 1970s.¹⁶ The ‘legal logs’ of London Lesbian and Gay Switchboard, which recorded law-related concerns of callers, reveal that in the early 1990s the legal concerns of lesbians and gay men varied greatly (bisexuals and trans people were not explicitly recorded).¹⁷ Lesbian callers were largely concerned with issues relating to family law, with many of their legal calls to Switchboard concerning child custody and/or access to divorce from husbands.¹⁸ Gay men, by contrast, called more often about sexual offences. Queries varied from questions about the age of consent or Section 28 of the Local Government Act 1988 (which forbade the ‘promotion of homosexuality’ by local authorities) to requests for legal representation after being arrested for sexual or public order offences. As this brief sketch alone makes clear, queer experiences of the law and relational subjectivities to the state varied greatly across gender and sexual identity. Whilst I suggest that the 1990s witnessed a newly developing politics of queer citizenship, further work is required to more fully historicise notions of queer citizenship beyond gay male experiences.

To make its arguments, this article covers four main areas. First, it reviews the distinctive scholarship of the 1990s which identified and theorised particularly queer forms of ‘sexual citizenship’ in Britain. This work both studied and informed the activist groups which emerged during the decade, groups which the article discusses before analysing the demands they made on the category of ‘citizenship’. Finally, I look to the changing legal avenues and outcomes which mark out queer citizenship campaigns during the 1990s. In arguing that the 1990s were a distinctive period for LGBTQ activism in which the category of the ‘queer citizen’ became a useable

political idea, I do not seek to suggest that the decade was a period defined by transformative change. Important and long-lasting continuities defined the 1990s for many LGBTQ people, not least the quantity and scale of violence faced by LGBTQ Britons.

In this article I use the notion of 'queer citizenship' to capture the distinctive claims made on the category of citizenship by LGBTQ activists in the 1990s. As will become clear, some activists deliberately marshalled ideas of both 'queer' and 'citizenship' into a political discourse which demanded equal treatment under British law, with the group OutRage! being chief amongst them. Not all the historical actors discussed here used or even sympathised with the new political language of 'queer'. However, it is possible to capture this broad spectrum through the analytical scope which 'queer citizenship' provides. Not only does it highlight the ways in which citizenship faltered and fluctuated along the fault lines of sexuality, it also points to the ways in which activists sought to rethink those political categories from the queer margins.

Sexual citizenship

The concept of citizenship was an animating one for many historical actors throughout the 1990s. As Colm Murphy shows in this special issue, the 'constitutional turn' which the British left took during the decade prompted enthusiasm among many leading figures in the Labour Party for 'a new contract between citizen and the state' in the words of Tony Blair.¹⁹ As the European Union expanded and Britain became more enmeshed within it during the 1990s, notions of citizenship and citizens' rights beyond the nation state became increasingly pervasive.²⁰ Questions about citizenship persisted from queer Britons throughout the 1990s, particularly from gay men who, throughout the decade, were subjected to a higher age of sexual consent than heterosexuals.²¹ As citizenship became a more used and expansive idea in the 1990s, this article examines how queer activists understood and utilised this conceptual framework.

Citizenship is an expansive concept. As Matthew Grant has shown, citizenship has animated much modern British historiography, informing debates about the welfare state, popular politics, migration, race, consumerism and the law.²² Undulating between legal specificity and theoretical ephemerality, citizenship requires some definitional focus. After all, as Grant reminds us, 'What historians mean by citizenship varies widely'.²³ This article focuses on the aspects of citizenship pertaining to consent and speech, which Nancy Fraser identifies as key elements of Habermasian citizenship theory.²⁴ 'As Habermas understands it', wrote Fraser, 'the citizen is centrally a participant in political debate and public opinion formation. This means that citizenship, in his view, depends crucially on the capacities for consent and speech, the ability to participate on a par with others in dialogue'.²⁵

This article draws particularly on the notion that consent and speech are key factors in active citizenship and demands thereof. It does so by addressing the ways in which activists were able to contest their lack of citizenship, which often centred on a lack of ability to consent 'on a par' with their heterosexual counterparts, especially when it came to the age of sexual consent. Where ability to consent was denied, speech—speaking out—became an activist tool of resistance to inequality. Being attentive to the ways in which activist groups imagined their own queer citizenship from the margins and the ways they

drew on a political language of citizenship to make their demands places these efforts in dialogue with the parliamentary and appellant efforts for queer legal equality in this decade.

Citizenship was not a major aspect of activist political thinking during the 1970s and 1980s, especially in comparison to the 1990s or to interwar political discourse.²⁶ Writing on the eve of the 1990s, Stuart Hall and David Held noted that ‘citizenship has been largely absent from political discussion and debate for more than two decades’.²⁷ Hall and Held correctly sensed a renewed interest in citizenship as part of ‘the changing face of politics in the 1990s’, and noted ‘a diversity of arenas in which citizenship is being claimed’ by a growing patchwork of activists motivated by identity politics such as feminists and Black activists.²⁸

So pertinent were the politics of citizenship in the 1990s that the decade saw remarkably increased interest in the concept from scholars. At the end of the decade, the sociologist Diane Richardson identified a new wave of scholarship conceptualising ‘sexual citizenship’ as part of this wider turn to citizenship.²⁹ Contributions from leading queer scholars, influenced by the activist campaigns on which this article focuses, loomed large in this corpus. Jeffrey Weeks argued in 1998 that the ‘sexual citizen’ was a new and distinctive political phenomenon, made possible by the ‘new primacy given to sexual subjectivity in the contemporary world’.³⁰ For Weeks, the sexual citizen made claims in the private sphere relating to pleasure and self-determination as well as ‘public’ demands for ‘rights, justice and recognition’. Ken Plummer similarly identified ‘intimate citizenship’ as centring on ‘the control (or not) over one’s body, feelings, relationships: access (or not) to representations, relationships, public spaces, etc: and socially grounded choices (or not) about identities [and] gender experiences’.³¹

This article addresses queer citizenship campaigns which were fought by Weeks’ sexual citizens along the lines of Plummer’s intimate citizenship. It focuses on the claims activists made on the ‘right’ to self-determination in the ‘private sphere’, claims which demanded a public assertion of their sexual equality, such as the right to consent to sex at the same age as heterosexual Britons. As I will show, the process of claiming citizens’ rights or making demands for legal equality was not unique to the 1990s in modern British history. What was particular, at least, was the *multiplicity* of rights-based claims which queer activists made over the course of the decade.

Queer citizenship before the 1990s

The notion of queer legal inequality was not unique to the political and legal demands of activists in the 1990s. LGBTQ activists such as Anthony Grey and the Homosexual Law Reform Society, who lobbied from the late-1950s for the decriminalisation of male same-sex sex which occurred partially in 1967, did so in opposition to the legal inequality which existed for men who had sex with other men.³² Mid-century advocates for legal reform, however, did not draw on ideas of citizenship and equality as activists would in the 1990s. Instead, legal reform was largely couched in a philosophical adherence to Isiah Berlin’s concept of negative freedom: a belief that the state should not intervene in the private lives of individuals.³³ The notion of citizenship is tacitly understood here: the state was thought to have obligations to its citizens *as individuals*, but the queer citizen did not

loom large in the philosophical or political imaginary of mid-century LGBTQ activists and lobbyists.

Queer legal inequality was also a major factor motivating queer people into activism during the 1970s and 1980s. The Gay Liberation Front (GLF)'s 1971 *Manifesto* set out 'HOW We [lesbian and gay people] Are Oppressed', focusing on the family, school, the media, employment, physical violence and psychiatry (including self-oppression) alongside 'the law' as the key sites of homophobic oppression. Under 'the law', the GLF manifesto group explained the legal pitfalls which still befell gay men after the partial decriminalisation of homosexuality in 1967. 'If you live in Scotland or Ireland; if you are under 21, or over 21 but having sex with someone under 21; if you are in the armed forces or the merchant navy; if you have sex with more than one other person at the same time-and you are a gay male, you are breaking the law'.³⁴ In addition to this, the GLF anticipated the 'series of minor offences' which would become the crux of queer citizenship campaigns in the 1990s. 'Although "the act" is not illegal', explained the manifesto, 'asking someone to go to bed with you can be classed as "importuning for an immoral act", and kissing in public is classed as "public indecency"'.³⁵ Equal citizenship may not have been the exact call of the GLF, but their critiques of legal inequality and demands for equality highlight that ideas of citizenship and equality were evident in queer political thinking during the early 1970s. Demands for 'equal rights for homosexuals' extended beyond the fracturing of the GLF in 1973, and continued to occupy queer activists' politics throughout the decade.³⁶

The concept of the queer citizen (or at least, queers as citizens) emerged more clearly in the 1980s, not least from the anti-Section 28 movement. Section 28 of the Local Government Act 1988, passed during Conservative Prime Minister Margaret Thatcher's third administration, stated that a local authority could not 'intentionally promote homosexuality or publish material with the intention of promoting homosexuality', nor could they 'promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship'.³⁷ This was met with an unprecedented scale of queer resistance, including marches of tens of thousands of LGBTQ people in London and Manchester. Whilst aims to stop 'Clause 28' from passing into law ultimately failed, the movement against Section 28 was a watershed moment for British queer politics, sparking a new generation of activists who worked across Britain (as well as transnationally) as part of the largest display of queer political resistance to the state that the UK had ever seen.³⁸ Resistance to Section 28 at the end of the 1980s engendered questions of citizenship and legal (in)equality for queer activists and forged the necessary solidarity politics out of which campaigns for queer citizenship emerged.

Despite the impact of Section 28, Thatcher herself articulated an understanding of queer people as citizens. Responding to the accusations levelled against the government made by those who claimed that Section 28 was fundamentally discriminatory, Thatcher told the House of Commons that 'the government is against discrimination of any form'. Of more interest to this article, though, was how Thatcher qualified queer Britons' right to equal treatment. In the same address, she argued that 'as ratepayers and electors they [homosexuals] are entitled to receive council services on the same basis as everyone else'.³⁹ In this conception, LGBTQ people were entitled to the right to receive local government services due to their status as rate payer, even if the impact of legislation backed by her government served to prevent this from working in practice.⁴⁰

The 1990s, by contrast, saw LGBTQ activists thinking with the category of citizenship more directly. Groups like OutRage! did so by highlighting what it saw as the hypocrisy of the enduring unequal legal status of LGBTQ Britons during John Major's attempt to create a 'classless society'.⁴¹ The Major government also spoke more directly of citizenship; its 1991 'Citizen's Charter', whilst geared towards public service consumer rights rather than democratic ideals, points to the political currency which citizenship held in the 1990s.⁴² This new political discourse of classlessness and citizens' rights, which queer activists saw themselves as excluded from, provided them with a language to weaponise against the state. One OutRage! leaflet which was distributed at a 'dignified vigil to demonstrate our peaceful and determined opposition to legislated inequality' in 1995 declared the unequal age of consent to be 'a carefully considered insult to all lesbian or gay people, marking us as second class citizens in this so-called "Classless Society"'.⁴³ The political language of the 1990s, in addition to unequal sexual consent laws, provided queer activists with a lens through which to conceptualise and articulate their sense of inequality and injustice.

It was not just queer activists whose political language was shaped by citizenship and the language of rights in the 1990s. As Matthew Hilton *et al* have shown, non-governmental organisations such as Oxfam developed and embraced rights-based ideologies and approaches during the 1990s. For NGOs, this process was influenced by the work of the economist Amartya Sen and the purchase his ideas had found in supranational organisations such as the UN.⁴⁴ For queer activists, changing high-political dialogue which purported 'classlessness' alongside an uneven legal system which appeared to be increasingly punitive towards LGBT Britons cemented their rights-based politics of citizenship. But just as NGOs were influenced by the success of Sen's ideas at the UN, supranational organisations formed an important part of queer citizenship campaigns.

The origins of queer activism in the 1990s

Keith Alcorn had been right in predicting 'an eruption of outrage in early 1990'. What seemed to many queer Londoners and their allies at the start of the 1990s to be an unprecedented and alarming increase in violent attacks and murders of gay men did not go without challenge. GALOP, founded in 1982 as the Gay London Police Monitoring Group, began to pressure the police to act and conducted research into queerbashing attacks. These demands targeted a homophobic reticence within the Metropolitan Police to investigate violent crimes committed against gay men.⁴⁵ One group in particular was formed in response to anti-gay violence which attempted to mobilise the palpable sense of queer anger into political momentum and activism. This group was OutRage!.

OutRage! described itself as 'a broad-based group of lesbians and gay men committed to radical non-violent action to fight homophobia, discrimination and violence against lesbians and gay men'.⁴⁶ Fighting homophobia took a central place in the group's aims precisely because so many of its members were motivated into direct action after learning of Michael Boothe's murder in 1990. 'For me, the final straw was reading about the actor who was kicked to death', recalled OutRage! member Dave Hurlbert; 'I determined to do something even if it had to be a single-handed effort'.⁴⁷ Becoming involved with OutRage! meant that activists did not have to act alone in their campaigns against homophobic violence. The group staged a number of vigils in Boothe's memory, as well as protests designed to highlight the

homophobia it recognised in public figures' responses to the murder and the lack of police action on homophobic murders and assaults.

Early protests targeted Harry Greenway, the Conservative MP for the Ealing constituency in which Boothe had been murdered. Greenway was 'reported as intimating that cottaging or cruising led to anti-gay violence', suggesting that Boothe's murder was a result of his own sexual behaviour.⁴⁸ Reports from witnesses suggest that, in fact, Boothe's assailants had been a 'waiting group' on the lookout for queer men to brutalise.⁴⁹ As such, Greenway became an early target of OutRage!'s theatrical public protests designed to shame or 'call out' the target, known as 'zaps'. This protest method was directly adopted from the radical HIV movement, in which many OutRage! activists had cut their political teeth.⁵⁰ On Friday 19 October 1990, for example, OutRage! activists gathered outside St Barnabas Church Hall in Ealing where Greenway was hosting his regular constituency surgery. Around thirty members of the group occupied the space outside the hall holding lit candles and torches as part of a candlelit vigil in Boothe's memory. The OutRage! internal report on the zap noted that 'A macabre sight met the MP when he emerged. Hundreds of candles flickered in the darkness accompanied only by the hissing of demonstrators'.⁵¹ One OutRage! activist 'accosted Greenaway [sic.] and asked him to condemn Michael Boothe's murder. He [Greenway] took refuge in the christian [sic.] line and said that he condemned all violence before driving off'.⁵²

Zaps such as these were designed to publicly affirm what Judith Butler has termed the 'grievability' of queer lives. They required activists to 'perform' their queer sexualities and gender identities as part of a public display of the emotional politics of grief and anger which queerbashing and the HIV/AIDS epidemic engendered.⁵³ Events such as the Greenway zap were regular features on the direct-action urban queer scene throughout the 1990s, and high-profile zaps often resulted in press attention.⁵⁴

OutRage! and queer citizenship campaigns

OutRage! is of interest to historians of the 1990s because its demands of the state across several campaigns made distinctive claims on the category of citizenship. These campaigns were rooted in opposition to the legal inequality of queer people and a belief that citizenship needed to be addressed and reimagined from the queer legal margins.

A makeshift 'certificate of citizenship (second class)' illustrates the group's understanding of the unequal place of LGBTQ people in Britain as citizens during the 1990s. Mimicking the language of a British passport, the document read:

Her Britannic Majesty's Secretary of State Requests and Requires in the Name of Her Majesty all those whom it may concern to afford the bearer such assistance, protection and respect as may be necessary for a happy and fulfilled life –

except in the following areas:

Age of Consent

Adoption

Housing

Inheritance and Succession Rights

Partnership Recognition

Employment

Health Education

Protection from Hate Crimes

Sexual Offences [sic].⁵⁵

It is unclear when this document was penned, but it neatly illustrates that activists such as OutRage! found utility in the language of citizenship and had identified equal citizenship, including safety from anti-gay violence, as a key demand during the 1990s. As this list suggests, consent figured prominently in OutRage!'s campaigns. As Joanna Bourke has argued, notions of 'who is allowed to engage in consensual sexual intercourse are fundamentally about the point at which a person becomes a full subject under the law'.⁵⁶ Throughout the 1990s, there was no parity in the age of consent between gay men and heterosexuals and therefore campaigns to change this, for gay men to become full sexual citizens, loomed large in the queer activist culture during the final decade of the twentieth century.

OutRage! campaigned to draw public attention to the inequality of queer citizenship in the 1990s and to raise the consciousness of LGBTQ people in Britain about their unequal legal status. This is most clearly seen in what we might think of as the group's 'clause politics', following the high-profile campaigns against Section 28.

Whether inspired by the activist energies which the anti-Section 28 movement had engendered or simply angered by ongoing legislative efforts to marginalise queer people in England and Wales, OutRage! embarked on a major campaign in 1991 which similarly centred on particular clauses of bills making their way through the Houses of Parliament. Saturday 16th September saw OutRage! host a 'mass demo' outside Embankment Tube Station in London demanding 'lesbian & gay rights now!'.⁵⁷ The demonstrators had gathered to protest Paragraph 16 of the Children's Act 1989 (Paragraph 16) and Clause 25 of the Criminal Justice Bill (Clause 25).

Paragraph 16 referred to the Department of Health's 1990 consultation paper 'Foster Placement (Guidance and Regulations)' which had argued that "equal rights" and "gay rights" policies have no place in fostering services'.⁵⁸ OutRage! directed their opposition directly to the Conservative Health Minister Virginia Bottomley, to whom 'We say: sexuality is irrelevant to parenting skills and the *welfare of the children* we care for!'.⁵⁹ This issue was particularly pertinent for lesbian mothers, many of whom had unsuccessfully fought custody battles with ex-husbands over their children during the 1970s.⁶⁰ Paragraph 16 was viewed as an explicit piece of 'legislated inequality', where queer foster carers were denied the opportunity to provide care for children due to their sexuality.

OutRage! objected to Clause 25 for similar reasons, namely that it threatened to further the legal double standard in sexual consent legislation by criminalising gay men. 'Alongside child abuse, incest and sexual assault' OutRage! pointed out, the government 'have included three types of consenting homosexual behaviour'. An OutRage! leaflet explained which sexual acts these were, accompanied with the beginnings of detailed research the group conducted during the early 1990s into unequal sexual consent legislation:

These 3 consenting acts which will become 'serious' sex crimes are:

Soliciting by a man=Cruising, flirting, winking, smiling, chatting up, exchanging phone numbers.

698 people convicted/cautioned in 1988.

Procuring homosexual acts=Helping two men have sex even if they are over 21; lending out a

spare room or introducing two men to each other in a pub.

368 people convicted/cautioned in 1988.

Indecency between men=Sex with 16–21 year old men, or any expression of gay affection outside the home: Not only Cottaging, but also kissing, hugging, holding hands, sex in lover's lanes.

1,496 people convicted/cautioned in 1988.⁶¹

OutRage!'s objection to Clause 25 was not simply that, if passed, it would increase the legislative inequality facing gay men in England and Wales (that they would be punished for sexual acts which were not criminalised for heterosexuals). They were equally angered that gay men appeared, as a result of such legislation, to be facing more punitive punishments than their heterosexual counterparts. These clauses, paragraphs and sections were not unimplemented or harmless bluffs, as Section 28 was (falsely) imagined by many to have been.⁶² Instead, OutRage! saw gay men as being charged with crimes which did not exist for heterosexual Britons, and sentenced more harshly than heterosexual 'sex criminals'. To OutRage!, there was no rule of law when it came to sexuality in 1990s Britain.

To make this case, OutRage! activist Peter Tatchell conducted 'detailed research on official statistics' published by the Home Office relating to offences committed during 1989. This research was a form of white-collar activism in which OutRage! activists sought to position themselves as 'expert citizens' who, unlike other professionalising non-governmental organisations, remained firmly anchored in grass roots direct action.⁶³ Such research became part of OutRage!'s repertoire in their liaison with the press. They hoped the press would read such data as hard evidence of the British state's sexual double standard when it came to homosexuality. Tatchell's data showed that 3,065 men had been convicted of 'the predominantly consenting gay offences of buggery, soliciting, indecency and procuring' during 1989, figures which made up a third of all sexual offences in England and Wales.⁶⁴ These did not include the 500 men who were 'estimated to have been convicted ... under a ragbag of statutes such as bye-laws, public order legislation and common law which are not included in official statistics'.⁶⁵ Underscoring the legal double standard, *Socialist* magazine noted that 'No comparable heterosexual behaviour is a criminal offence' with the exception of sex-acts performed in public, and that '[e]ven then, heterosexual offenders are more likely to be let off with a warning or caution'.⁶⁶

The term 'predominantly consensual' in this report is an important reminder that non-consensual sex was difficult to disentangle from consensual acts of homosexual sex which were prosecuted under the existing and unequal age of consent legislation (i.e. males 16 and over who, if heterosexual, would not have faced prosecution).⁶⁷ Tatchell was aware of the uneasy entanglement between consensual and non-consensual sex within the figures, and was frequently at pains to stress that OutRage!'s quarrel was with convictions 'for consenting homosexual behaviour'.⁶⁸

Queer activists sought to highlight the sexual double standards which the British state displayed by prosecuting homosexuals for crimes which did not apply to heterosexuals. This formed part of a wider activist agenda which threatened to 'out' legislators who made public denouncements of homosexuality despite evidence (or rumour) of private same-sex attraction.⁶⁹ Indignation at legal, cultural, institutional or individual hypocrisy was heightened by a sense that the state sought to further criminalise queer sexuality at a time when heterosexual sexual culture was becoming more permissive. The 1990s saw

new cultures of heterosexual masculinity and femininity emerge alongside a cultural recognition of the rise of heterosexual dating, promiscuity and singleness.⁷⁰ Queer activists and commentators were acutely aware of these shifts in contrast with their own lived experiences. 'I have to watch heterosexuals kissing in the street and fucking in doorways all the time', the playwright Sue Frumin told *The Pink Paper* at a demonstration against Clause 25 and Paragraph 16 in 1991; 'If I hold a woman's hand in public, I'll get my head kicked in'.⁷¹

Tatchell emphasised the permissive double standard by pointing out that, of those men in his data sample who would not have been prosecuted 'if their partner had been a woman', between 40 and 50 men were imprisoned for up to five years.⁷² In addition to the research conducted by Tatchell, OutRage! mounted a series of demonstrations which aimed to highlight the injustice of the legal framework for queer people in Britain and to force the government to act. These campaigns included a demonstration outside Bow Street Police Station (chosen because it was the police station which housed Oscar Wilde after his arrest for gross indecency in 1895) at which a number of OutRage! members 'turned themselves into the police' as 'sex criminals'.⁷³

An OutRage! zap from 1991 further evidences the central demands of citizenship and legal equality to the group's politics. Two OutRage! activists were arrested at the State Opening of Parliament after they unfurled a banner which read 'gay law reform now' in Parliament Square. The reforms which were argued for included the equalisation of the age of consent specifically, and equal application of the law across hetero- and homosexual 'subjects' (especially sexual offences legislation) more broadly. In short, the zap demanded equality under the law and full legal rights as citizens for British queer people.

The zap itself was a failure. The banner was unveiled prematurely, giving the police early notice of the action and allowing them to arrest the activists long before the State Carriage carrying the Queen travelled past the demonstration.⁷⁴ What this action reveals, though, is that demands for citizenship rights were central to OutRage!'s agenda. These demands echoed those of campaigners seeking the decriminalisation of male homosexuality in the post-Second World War years, though OutRage! was more centrally focused on the rule of law and full legal equity, and couched their demands in a queer conceptualisation of citizenship.⁷⁵ Failure though it was, the zap neatly demonstrates the politics of queer citizenship in action: queer legal inequality was the complaint and the target of this political disquiet was the state.

The zap of the State Opening of Parliament, and especially the 'certificate of citizenship (second class)', further point to the fact that OutRage!'s politics of sexual citizenship were nationally bound. Individual members of OutRage! were well networked with queer activists across Europe and America, and several had been part of transnational movements against Section 28 and HIV/AIDS.⁷⁶ The group's campaigns for legal equality, however, drew on a language of sexual citizenship which saw the UK (if not specifically England and Wales) as its jurisdictional theatre. As Anna Maguire shows elsewhere in this special issue, a broader coalition of campaigners for the rights of refugees and asylum seekers in 1990s Britain was animated by a language of rights which made claims beyond national jurisdictions.⁷⁷ These included queer demands on British citizenship by refugees and their advocates. London Lesbian and Gay Switchboard took numerous calls in the early 1990s from people with concerns about their immigration status and resulting rights as citizens.⁷⁸ Queer activists including OutRage! protested the failure of asylum legislation

to recognise sexual orientation as a persecuted characteristic in the mid-1990s, and organisations dedicated to queer refugees and asylum seekers grew in the early twenty-first century.⁷⁹ Whilst the major focus of groups like OutRage! in the 1990s was on exposing legal inequalities between homo- and heterosexual people within a national jurisdictional framework, activists did look beyond the nation state in such matters, especially in seeking arbiters for their cases.

Queer citizens and the law: domestic and supranational

The 1990s saw increasing activist uses of legal avenues through which to challenge laws that discriminated against LGBTQ people in Britain. This was particularly the case at the supranational level. As Anna Maguire shows in this special issue, the 1990s saw the expansion of ‘rights which existed and were granted beyond the nation state’.⁸⁰ Queer campaigners recognised this changing legal landscape, bringing several test cases to the European Court of Justice (ECJ), the constitutional court of the European Union which ensures EU law is applied evenly across its member states, and the European Court of Human Rights (ECtHR), the Council of Europe’s court of law ensuring that member states uphold the European Convention on Human Rights.⁸¹ The successes of these cases, whether they were enforced supranationally or settled by British legal bodies first, led some on the political right to view supranational courts as ‘leftist Trojan horses imposing “social justice” politics from above’.⁸²

In 1992, as debates about the Maastricht Treaty which founded the European Union took place across Europe, the ECJ and other supranational European institutions became more widely discussed by ‘ordinary Europeans’.⁸³ Despite this, European institutions did not factor into many people’s lived experiences of the 1990s. Political scientists James Gibson and Gregory Caldeira found that more than half of people surveyed in Great Britain and Northern Ireland could not name a single European Union institution in the first half of the 1990s, and only 11.6% of Britons ‘spontaneously mentioned’ the ECJ to researchers.⁸⁴ The UK was not the country in which the lowest ‘salience’ of EU institutions was found (only 8.3% of Italians spontaneously named the ECJ and 69.8% of Greeks could not name any EU institutions), but it was firmly near the bottom of the scale of European popular engagement with the EU.⁸⁵ Despite this, the European courts were identified as a potential arbiter by queer activists in Britain as early as 1983. It was in this year that Richard Desmond sued the UK government in the ECtHR, claiming that the unequal age of consent for gay men was a breach of universal human rights. Desmond was a politically active 16-year-old involved with the London Gay Teenage Group when he agreed to work with the Campaign for Homosexual Equality to bring a test case against the unequal age of consent.⁸⁶ This effort did not result in any legal changes, and European institutions did not figure prominently in LGBTQ rights campaigning until the late 1980s.

The 1990s, however, was a far more explicitly ‘European’ decade for queer activists. For example, gay men campaigning to reform sexual offence legislation to recognise men as potential victims of rape (instead of the lesser offence of sexual assault), saw the early signs of European integration as beneficial to their cause. Writing in 1990, the co-founder of the male rape charity Survivors, Richie McMullen, saw an ‘opportunity’ for the campaign ‘[a]s we move more fully into Europe in the 1990s’.⁸⁷ Ultimately, the law on male rape victims changed without recourse to supranational courts, but the fact that Europe

factored into queer legal activists' thinking at the start of the decade is indicative of the importance it would play in similar citizenship campaigns across the 1990s.⁸⁸

As this example suggests, queer activists tended to view European institutions as useful instruments of their equality agenda, but were content to resolve their legal disputes within the UK if possible. British familiarity with the European Union was generally low, and gay activists were more focused on achieving legal equality within the UK than on a transnational level (in part because Section 28 seemed to mark Britain out as the European jurisdiction with some of the most explicitly anti-gay legislation in the late 1980s and into the 1990s, maintaining British activists' attention 'at home' rather than overseas).⁸⁹

Compared to the 1980s, the 1990s proved a more successful decade for test cases brought to European courts as part of the push for equal queer citizenship. The most high-profile and impactful of these was brought by Euan Sutherland, who followed Desmond's example in challenging the unequal age of consent at European level. Born in 1977, Sutherland was 17 when he lodged his case against the state on 8 June 1994 with the help of campaigners at the lesbian and gay charity Stonewall. Stonewall had been founded in 1989 as part of the anti-Section 28 movement and by 1994 it had become a highly professional LGBT charity, distinct from the direct action politics of groups like OutRage!. Stonewall's legal campaign team saw Sutherland's as an ideal test case.⁹⁰ Specifically, they hoped that *Sutherland v. the United Kingdom* would prompt the ECtHR to declare that fixing the age of consent for sex between men at a different level than for heterosexual sex was a breach of European human rights law. Sutherland and his legal team (who were funded by Stonewall) argued that the unequal age of consent was a violation of his 'right to respect for private life', which Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms protected.

A similar rights-based logic grounded in individualism had been championed by the Conservative MP Edwina Currie. As the Criminal Justice and Public Order Bill was making its way through Parliament in 1994, Currie tabled an amendment to equalise the age of consent. News of Currie's amendment was much discussed in the gay press, and it was through reaching out to his MP (Labour's Tessa Jowell) and then to Stonewall to support Currie's motion that Sutherland came to the attention of age of consent campaigners.⁹¹ Currie considered it fundamentally unjust that the state should impose a double standard when it came to the age of consent, and her amendment aimed for parity. She grounded her case in respect for private life, the rule of law and small-state conservative ideology. As she put it herself, 'I am after not gay rights but equal rights for everyone'.⁹² 'As a lifelong Tory', Currie explained in a House of Commons debate,

I can only say that I believe that the state should be kept out of the personal lives of the men and women of this country. Everyone is entitled to his or her privacy. What my neighbours get up to in private is their business and not mine, and it is not for the state to interfere. If we are to have a nation at ease with itself and a nation at the heart of Europe, the unpleasant homophobic nature of current legislation must be changed—and the sooner, the better.⁹³

Currie's intervention speaks to the breadth of rights-based calls for an equal age of consent in Britain during this period, and the central role of Europe to them. These were demands being made by both left-wing queer activists and right-of-centre Conservative politicians, unified by a belief in the need for a queer rule of law. Europe

figured prominently in the pro-equal age of consent case across the political spectrum, but Currie's speech to Parliament hints at the different work which deployment of 'Europe' did across the political divide. For campaigners like Stonewall, Europe was a potential arbiter, a legal safety net. For the pro-gay right, especially Europhile Conservatives such as Currie, the European Union represented a form of progressive social policy (especially on same-sex legality) which was not represented in UK statutes.⁹⁴ Such politicians implicitly suggested that queer citizenship (in the form of legal equality) was necessary to facilitate the UK playing a leading role within the European Union.

Despite these efforts from within the governing Conservative Party, alongside mounting activist pressure, the age of consent never reached parity in the 1990s. Currie's legislative efforts were narrowly defeated, though MPs did agree to a follow-up amendment which reduced the age of consent for gay men from 21 to 18.⁹⁵ Debates over the age of consent provided Tony Blair, as Labour's Shadow Home Secretary, the opportunity to establish his own vision of queer citizenship. Blair's model aligned with Currie's. He strongly emphasised the right to 'equality' in matters of sexual consent, framing this as 'an issue not of age but equality'.⁹⁶

MPs may have been content with the piecemeal step towards legal parity made in 1994, but activists and supranational bodies were not. OutRage! and other queer activists awaiting the results outside the palace of Westminster were far from satisfied. Tensions were already high following the death of the HIV/AIDS and gay-rights activist Derek Jarman the night before the vote. When the results were declared, the crowd 'erupt[ed] in protest'.⁹⁷ When the European Commission on Human Rights reported on Sutherland's case in July 1997 ahead of its hearing in the ECtHR, it concluded that he had been 'a victim of a violation of Article 8 of the Convention'.⁹⁸ This report prompted the more sympathetic Labour government, which had been elected two months earlier, to begin the legislative process to introduce legal parity. As Shadow Ministers, Labour MPs with Home Office briefs (including Shadow Home Secretary Tony Blair) had strongly hinted that pursuing an equal age of consent would be Labour's policy in government. This was a significant shift from the beginning of the 1990s when Labour's Shadow Home Secretary Roy Hattersley had refused to support OutRage!'s demands to 'officially support the lowering of the age of consent for male homosexual relations to 16'.⁹⁹ It supports Colm Murphy's account elsewhere in this issue of the 'increasing resonance of democracy, citizenship, and human rights' to the politics of the 1990s, particularly those of the Labour Party and the left more widely.¹⁰⁰

Efforts to achieve parity in the age of consent, namely the passage of the Sexual Offences (Amendment) Bill (1998) were stalled repeatedly by a socially conservative House of Lords. The Conservative peer Baroness Young twice defeated the bill before the Parliament Act was invoked in November 2000 to enact it.¹⁰¹ By 2001, gay men in the UK had the right to consent to sex at the same age as heterosexuals, a legal reality which allowed the ECtHR to 'strike out' Sutherland's case.¹⁰² With this legislative change achieved, New Labour continued to legislate on matters of sexual citizenship into the new millennium. Its 2001 manifesto, on which it was healthily re-elected, committed the party to 'removing discrimination on grounds of sexual orientation', which was seen in the removal of Section 28 from the English and Welsh statute books in 2003.¹⁰³

Conclusion

Years of campaigning, which significantly increased in the 1990s, had ensured that, on certain key legal issues (especially the age of sexual consent), there was more equality in how the law treated queer British citizens at the close of the 1990s than there had been at the start of the decade. This was also the case for groups beyond the gay male experience centred in this article. Trans campaigners, for example, made significant legal strides in attaining the right to employment without discrimination (also with recourse to supranational arbiters), a topic deserving of greater attention by historians of the 1990s.¹⁰⁴

The final decade of the twentieth century looms large in the individual and collective memories of many queer Britons, marking it out as a distinctive moment in British queer history. Whilst the moves towards equal queer citizenship discussed above accounts for some of the decade's prominence in such recollections, so too do enduring injustices. This article began with a murder in order to centre the fact that, despite the major shifts in queer citizenship and legal status, the 1990s was experienced by many queer Britons as a period defined by continuity rather than change. Threats of violence and murder were a mainstay of the queer lived experience for many despite (or perhaps, in part, due to) the rise of visible queer commercial venues and districts.¹⁰⁵ These fears and experiences must be factored into queer histories of the 1990s, especially when moves 'towards' equal citizenship present the danger of producing whiggish teleologies. After all, as feminist scholars have asked for decades, is it ever possible to be truly free and consenting citizens in the face of enduring threats of violence?

The account I have provided here has analysed the changing nature of queer citizenship in Britain during the final decade of the twentieth century. It has examined some of the activism which campaigned with a distinctive voice around issues of unequal citizenship, and pointed to the ways in which supranational European courts often facilitated legal changes in queer citizenship. This was not, however, a decade defined by change. Sexual consent did not reach parity during the 1990s, and as revellers ushered in the new millennium, campaigners remained concerned about the legal double standards which the state imposed on queer Britons. OutRage! and GALOP remained active into the twenty-first century.

The 1990s, though, were a distinctive period in British queer history. The decade's high politics, which boasted of classlessness, and the changing legal status of queer people (which was feared to be increasingly punitive) gave activists renewed purchase on the state's sexual double standards and timely discursive tools through which to campaign against them. These campaigns emerged from (and in some cases were consciously linked to) earlier queer activist cultures, but both the legal landscape and the ways in which queer activists engaged with it, do mark the 1990s out historically.

Notes

1. This account of Boothe's murder is pieced together from the following sources: Lucas, *OutRage!*, 13–14; Hobday, 'The murder of gay actor Michael Boothe'; 'Michael Boothe'.
2. Lucas, *OutRage!*, 13; "William Dalziel."
3. Lucas, *OutRage!*, 13; "Ian Murray Erskine."
4. Okundaye, *Revolutionary Acts*, 61–62.
5. Lucas, *OutRage!*, 13.
6. Official Statistics: Hate crime.

7. See, for example, Hubbard, *The Hate Crime Report 2021*.
8. Cook, "Archives of Feeling"; Cook and Oram, *Queer Beyond London*, 91.
9. Butler, "Taking pride in Plymouth's past," 154.
10. Cook and Oram, *Queer Beyond London*, 118.
11. Severs, "The 'obnoxious mobilised minority'", esp. 170–171.
12. "The 90s: A Holiday from History."
13. Cook, "Archives of Feeling," figures from 72.
14. Severs, *Radical Acts*, 26–51.
15. Watney, "Queer epistemology," 13.
16. Robinson Rhodes, Bisexuality," 141.
17. Legal Logs, Bishopsgate Institute Library (hereafter BIL): SB/5/3/4-6.
18. On the history of lesbian child custody, see Jennings, 'Lesbian Motherhood' and Gill Butler interviewed by Evelyn Pitman 11th November 2019, BIL: FAWTAR/11.
19. Murphy, "Towards a modern democracy?"
20. Maguire, "Freedom of Movement in Fortress Europe."
21. The age of sexual consent for gay men was set at 21 when male same-sex sex was partially decriminalised by the Sexual Offences Act 1967. It was lowered to 18 in 1994 and then to 16 – the age at which heterosexuals had been legally allowed to consent to sex since 1885 – in 2000. This article will discuss these changes.
22. Grant, "Historicizing Citizenship," 1188. Interestingly, sexuality is not mentioned in this list or Grant's article.
23. Ibid.
24. Fraser offers a useful distillation of his expansive and complex corpus on the subject. It is for this reason that I engage with Habermas via Fraser's critique of his work.
25. Fraser, *Fortunes of Feminism*, 36. Fraser goes on to critique of Habermas' conception of citizenship, arguing that he relies too heavily on forms of political and economic participation which are gendered as male.
26. McCarthy, *The British people and the League of Nations*, see for example 103–124.
27. Hall and Held, "Citizens and Citizenship," 173.
28. Ibid., 176. LGBT identity politics are not mentioned explicitly here, but are later in the chapter on 183.
29. Richardson, "Constructing sexual citizenship," 105–135. Richardson's article drew on age of consent issues and OutRage!.
30. Weeks, "The Sexual Citizen," 32.
31. Ken Plummer quoted in *ibid.*, 37. I have removed the original italics.
32. Weeks, *Coming Out*, 168–169.
33. Ibid., 171.
34. *Gay Liberation Front Manifesto*.
35. Ibid.
36. Gay Pride demo, 2nd November 1974. BIL: WORKMAN.
37. Local Government Act 1988, Part IV, Section 28.
38. See Cook and Oram, *Queer Beyond London*, 30–33 and *passim*; Brooke, *Sexual Politics*, 252; Leeworthy, *A Little Gay History of Wales*, 77; Severs, *Radical Acts*, 27–29.
39. Local Government Association leaflet 'supporting inclusive communities: lesbians, gay men and local democracy', BIL: SANDERS/321. I am grateful to Elizaveta Isaeva for bringing this source to my attention and sharing it with me during her own research.
40. For more on the impact of Section 28 see Baker, *Outrageous!*
41. In 1990, Major made a speech in which he argued that he wanted 'changes to produce across the whole of this country a genuinely classless society so people can rise to whatever level from whatever level they started'. See Haigron, "'Caring' John Major", 177–196 quote at n18. The notion of the 'classless society' has loomed large in the early historiographical assessments of the 1990s. See Turner, *Classless Society*.
42. Castellani, "The Citizen's Charter."

43. AGE OF DISSENT leaflet (21st February 1995), BIL: LGBTM/7/5. This leaflet was disrupted at a demonstration vigil one year after Parliament had voted against equalising the age of homosexual sexual consent to 16 but lowering it from 21 to 18.
44. Hilton et al., *The Politics of Expertise*, 218.
45. BIL: GALOP.
46. OutRage! flyer, BIL: LGBTM/7/5.
47. Lucas, *OutRage!*, 14.
48. *Ibid.*, 27.
49. Hobday, "The murder of gay actor Michael Boothe."
50. Severs, *Radical Acts*, 31–32.
51. "REPORT ON ACTIONS OVER THE PAST WEEK", BIL: LGBTM/7/5.
52. *Ibid.*
53. Butler, *Frames of War*, see esp. 38–39. See also Gould, *Moving Politics*, 262.
54. Simon Norfolk interviewed by Shirley Read, 24th July 2003, British Library Sound Archive: C459/172/03, F13787, side A.
55. "CERTIFICATE OF CITIZENSHIP (SECOND CLASS)", BIL: LGBTM/7/5.
56. Bourke, *Rape*, 83.
57. 'GET UP! GET OUT! GET EVEN!' poster, Hall Carpenter Archives (hereafter HCA): TATCHELL/1992/9 (2). This file's name suggests that the demo was held in 1992, but the Saturday 16th February (the date given on the poster) fell in 1991 (in 1992 16th February fell on a Sunday).
58. Hicks, "Lesbian and gay foster care and adoption," 43.
59. "GET UP! GET OUT! GET EVEN!" poster, HCA: TATCHELL/1992/9 (2).
60. See Jennings, "Lesbian Motherhood," esp. 574–576.
61. See note 59 above.
62. Berridge, *AIDS in the UK*, 208; Filby, *God and Mrs Thatcher*, 214; Edgerton, *The Rise and Fall of the British Nation*, 510. For an example of Section 28's implementation, see letter from Steve Trivett to Anne Ross, 25 April 1989, East Sussex Record Office (hereafter ESRO): OUR/9/4, and Baker, *Outrageous*.
63. Hilton et al., *The Politics of Expertise*, 10.
64. "Victimless crime."
65. *Ibid.*
66. *Ibid.*
67. For more on the age of consent and its methodological challenges to the historian, see Adrian Bingham et al., "Historical child sexual abuse," 415.
68. Press release from Mr Peter Tatchell, 30th April 1991, HCA: TATCHELL/1992/9 (3). Emphasis in the original.
69. Whyte, 'OutRage!'.
70. Strimple, *Seeking Love in Modern Britain*, 101–104; Jackson and Tinkler, "Ladettes' and 'Modern Girls'."
71. "Out, proud and angry."
72. See note 64 above.
73. "are you a SEX criminal?" poster, BIL: LGBMT/7/5.
74. "'Secret' Queen zap misses by a mile'.
75. On post-war legal reformers see Weeks, *Coming Out*, 168–182.
76. See, for example: 'A Year of Lesbian & Gay Action Fighting Section 28' poster, ESRO: OUR/9/4; "Resisting the Clause!"
77. See note 20 above.
78. BIL: SWITCHBOARD 5/3/6.
79. Maguire, "Freedom of Movement in Fortress Europe"; Traies. *Free To Be Me*.
80. See note 20 above.
81. For a relevant politico-legal analysis, see Scherpe, "Legal Recognition of Same-Sex Couples in Europe." On early understandings of the ECJ's role in British legal and political structures, see Saunders, *Yes to Europe!*, 242–243.
82. See note 17 above.

83. Gibson and Caldeira, "Changes in the Legitimacy of the European Court of Justice," 64.
84. *Ibid.*, 73.
85. *Ibid.*
86. Johnson, *Going to Strasbourg*, 83–87. See also Richard Desmond interviewed by Wendy Rickard, October 1997, British Library: C743 F5972.
87. McMullen, *Male Rape*, 21. That 'opportunity' was identified as one 'to examine how other countries have come to recognise male rape'.
88. Severs, "Male rape."
89. To be sure, there was an active European queer rights movement in the early 1990s, and countries other than the UK were singled out as having particularly troubling anti-LGBT laws (notably Romania). See Tatchell, *Europe in the Pink*.
90. Johnson, *Going to Strasbourg*, 101–106.
91. *Ibid.*, 102.
92. HC Deb 21 February 1994 vol 238 cc78.
93. HC Deb 21 February 1994 vol 238 c75.
94. Currie was Chairman of the Conservative Group for Europe (now the Conservative European Forum) between 1994–1997.
95. Thane, *Divided Kingdom*, 413.
96. Waites, "Equality at Last?," 641.
97. Thane, *Divided Kingdom*, 413. See Lucas, *OutRage!*, 171–179.
98. Report of the European Commission of Human Rights, application No. 25186/94, Euan Sutherland against the United Kingdom.
99. Letter from Martin Herrington and Peter Tatchell to the Rt. Hon. Roy Hattersley MP, 30th September 1991, HCA: TATCHELL/1992/9(2). Herrington and Tatchell objected to Labour's position in offering a 'free vote' instead of whipping their MPs to vote for an equal age of consent.
100. See note 20 above.
101. Waites, "Equality at Last?," 639. Baroness Young repeatedly stalled legislation designed to increase legal rights to LGBTQ people in Britain in this period. See Baker, *Outrageous*, 244–245.
102. Judgment of the European Court of Human Rights (striking out) Case of Sutherland v. the United Kingdom, application no. 25186/94.
103. Waites, "Equality at Last?," 650; Baker, *Outrageous*, 228–274. Section 28 was repealed in Scotland in 2000.
104. See Playdon, *The Hidden Case of Ewan Forbes*, 256–273.
105. Pritchard, Morgan and Sedgley, "In search of lesbian space?"; Pritchard et al., "Reaching out to the gay tourist."

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