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Section 28 and its impact on the LGBTQ+ community

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Prohlašuji, že jsem bakalářskou práci zpracoval samostatně a použil jen prameny uvedené v seznamu literatury. Souhlasím, aby tato práce byla uložena na Univerzitě Palackého v Olomouci v knihovně Pedagogické fakulty a zpřístupněna ke studijním účelům.

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## **Poděkování**

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## Abstract

The thesis focuses on Section 28, issued in 1988 in the United Kingdom and its influence on the LGBTQ+ community through investigation of literature, newspaper articles, and internet articles. The thesis consists of a theoretical part that defines the section's development and course in the British parliament and society. Later, the thesis describes how the section influenced everyday life, education, and politics in British society. The last part of the thesis analysis is research from 2019 with the author's commentary with respective views on the mentioned literature.

**Keywords:** LGBTQ+, Section 28, Great Britain, research analysis, 1988

## Abstrakt

Bakalářská práce se zabývá Sekcí 28 vydanou 1988 ve Velké Británii a jejím vlivem na LGBTQ+ komunitu pomocí rozboru literatury, novinových a internetových článků. Bakalářská práce obsahuje teoretickou část, ve které je objasněn vývoj i průběh sekce v rámci britského parlamentu a společnosti. Později se práce věnuje tomu, jak sekce ovlivnila každodenní život, vzdělávání a politiku tehdejší britské společnosti. Poslední kapitola práce se zabývá analýzou výzkumu z roku 2019 s vlastními komentáři autora.

**Klíčová slova:** LGBTQ+, Sekce 28, Velká Británie, analýza výzkumu, 1988

## 1. Introduction

The year 1967 marks a significant step toward the positive progress of the LGBTQ + community as the Sexual Offences Act passed decriminalising homosexual acts. However, a few years later, a clause was introduced mainly targeting the minority, marking another step backwards in the LGBTQ+ rights progress. In 1968, a children's book depicting a homosexual pair living together and raising a daughter was found in one of the Labour party-run libraries, starting an intense controversy that resulted in the implementation of Section 28. This thesis mainly focuses on the impact that Section 28 (known as Clause 28) caused on the LGBTQ+ community. In the 21<sup>st</sup> century, many European countries, including The United Kingdom, implemented a law supporting marriage equality. However, twenty years ago, the clause was still active in England and Wales, marking a significant step toward marriage equality in just a few years from then to now.

I chose such topic to show an insight into how the section influenced even daily life in the UK. There is also a rising movement in the UK called the "TERF" movement, which discriminates against transgender people. Once again, such a movement could evolve into something similar to the section. On March 28 the government of Florida introduced a new act known as the "don't say gay" act, which similarly to the clause prohibits any instruction about sexual orientation or gender identity between kindergarten and third grade as well as bans school districts to avoid LGBT topics "when not age-appropriate or developmentally appropriate for students."

This project aims to investigate the impact of the clause through the analysis of data, literature, articles, and newspapers. The objective is to spread awareness about the act that discriminated against the LGBTQ+ minority in the UK, showing the doubt and fear it spread for almost 20 years. The main goal was to determine if section 28 negatively influenced the LGBTQ+ minority and society. I also focused on which areas other than the school system of the UK, the section influenced, and to what degree. Lastly, I focused on whether the section had a positive influence. I studied answers to such questions through close analysis and examination of books, articles, and documents from the year 1986 up until now and analysed research focusing on this particular topic. Seeing how the state of Florida decided to limit education with the new act, it is essential to know how the law can hinder the familiarization with minorities' different gender identities and promote heteronormativity. The cure to end discrimination against minorities and end homophobia is education.

## 2. Definitions

### 2.1. The term LGBTQ+

The term "LGBTQ+" is an umbrella term spreading through mass media in the 21<sup>st</sup> century, originating in the United States, the common use is to describe individuals who do not identify themselves as cisgender or straight or within the binary system of gender. LGBTQ+ acronym is short for lesbian, gay, bisexual, transgender, and queer people with the representation of identities that do not fit in the spectrum of the gender binary or heterosexual identities. "Queer" is another umbrella term depicting people who identify themselves as non-straight or whose gender has a non-heteronormative meaning. Such an acronym transformed over multiple decades and finally was set to have universal meaning (Strübel-Scheiner, 2011, p. 12). "LGBTQ+" term nowadays includes various sexualities and gender identities rather than describing a homosexual individual, the term was historically used to identify individuals who participated in same-sex sexual behaviour (Asakura, Craig; 1989; p. 32).

### 2.2. Section 28 (Clause 28)

Section 28 was an act supporting the mistreatment such as discrimination of the LGBTQ+ community in the United Kingdom, its origins are rooted within the Conservative Party which introduced such legislation. Section 28 (also known as Clause 28) touched upon many aspects and areas of living in the UK, mostly education and the quality of life of the citizens. Unfriendly behaviour towards the LGBTQ+ minority was present and with the support of the Conservative Party and the clause, it was apparent that the minority was threatened more. Many political parties, such as Labour Party, tried to boycott the clause with several amendments, however, these tries were met with defeat in the House of Commons. Lord Willis, a prominent supporter of the clause, helped fight the possible ban of this clause and succeeded which meant the Labour Party was defeated once again (McGhee, 2003, p. 1).

The clause implemented a series of laws in June 1988 in the United Kingdom. The series of laws set a goal to prohibit the "promotion of homosexuality" by local authorities, for example, teachers. With this homophobia was a frequently used tool to attack the minority. The bill was ratified on 24 May and the law explicitly said that a local authority "shall not intentionally promote homosexuality or publish material to promote 'homosexuality'" or "promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship". The law was formed during Conservative Party's influence, since 1988, with Margaret Thatcher as the head and was in effect until 2000 in Scotland, later in 2003 the law



was successfully repealed in England and Wales (Durham, 1989, p. 25). The clause implicitly prohibited educating and talking about the minority and “gayness” to children unless the meaning of the conversation was that being gay kills you, based on HIV/AIDS pandemic which was present. Such conversation further stigmatized gay people as something deadly and depicted gay individuals as sick and dying at young age. This put many young teenagers through depression and many had to think about how they come across as being gay was something prohibited and would get them killed (National Library of Scotland, 1980, p. 1 – 3).

### 3. Historical background

Table 1. A table depicting relevant events concerning Section 28 (Sanders, 2020, p. 6)

Date	Event
1983	A children book entitled <i>Jenny Lives with Eric &amp; Martin</i> was discovered in a Labour-run school library, reported by Daily Mail. This book was about a girl, Jenny living with her dad and his gay partner.
1986	Debates and dissents sparked in favour of passing Section 28 shaking up British society.
1986	<i>An act to refrain local authorities from promoting homosexuality</i> was introduced by Lords Halsbury in Private Member's Bill.
7 December 1987	An amendment to the Local Government Bill 1988 was re-introduced by conservative MP, David Wilshire, containing a similar proposal to the Private Member's Bill. This amendment was established as Section 28.
23 May 1988	Major protests took place, conveyed by lesbians including abseiling into Parliament and a famous invasion inside the BBC's Six O'clock News.
24 May 1988	Section 28 officially passed and became a law.
7 February 2000	Section 28 underwent the first try to be repealed, however, was defeated by a House of Lords, with the help of Baroness Young and her campaign.
21 June 2000	The repeal of the clause was successful in Scotland.
24 July 2000	The repeal was once again defeated in the House of Lords. The Local Government Act 2000 returned with a new law to the House of Lords. This amendment consisted of adjustments mostly in the Learning And Skills Act 2000, however, the repeal was again defeated within the House of Lords.
September 2003	The Labour Party implemented legislation to repeal Section 28 as a part of the Local Government Act 2003. The legislation became successful in the House of Lords and received Royal Assent on 18 September.
18 November 2003	The repeal succeeded and passed in Wales and England.
2005	Michael Howard stated that: "That problem does not exist now. Nobody is fussed about those issues anymore. It is not an issue, so the law should not be around in the statute book. The clause was brought in to deal with what was seen to be a specific problem at the time." Saying this, he shed light on how problematic it would be to keep the clause until 2005
February 2006	The conservative party Chairman Francis Maude stated: "The policy was wrong and a mistake." This statement is coming from a chairperson of the conservative party whom some people perceived at the time as trying to appeal to people.

Thatcher's political party, the conservative party, stood negative towards the minority and with their agenda and law reforms, it piqued the media's interest and public anxiety over the political programme of the party. (Epstein, Johnson; 1998; p. 20 – 22). Up until the Sexual Offences Act

1967, which indicated a change within the society of the United Kingdom, homosexuality was illegal, however, with the introduction of Section 28 it was forbidden to discuss homosexuality openly despite being legal. During the years 1950 and 1967 conversations about decriminalising homosexuality began, this concerned mainly men over 21 years. This sparked the introduction of the Sexual Offences Act of 1967 (Epstein, Johnson; 1998; p. 23 – 26).

“The spread of AIDS had brought widespread fear in society as this was mainly directed towards the minority, including gays, lesbians, and bisexuals. Some believed that sexual orientation played a great factor in the disease’s spread, creating negative sentiments towards the LGBTQ+ community.” (Sanders, 2020, p. 1). With such an outlook public supported the already existing problem of homophobia, stigma and existing policies of the clause (Epstein, 1993, p. 280).

The conversation about a possible ban on the promotion of homosexuality sparked when in 1983 a book entitled *Jenny Lives with Eric and Martin* piqued interest of the Daily Mail, a prominent paper in the UK. The book depicting homosexual love and the upbringing of a young girl Jenny was found in a school library managed by Labour Party, such a book started the conversation about the possible ban. The book caused a fuss in the British society as it explicitly depicted a homosexual family raising a child. Despite the turmoil of the book, British society was facing a greater upcoming controversy in 1986 which was the possible passing of Section 28 (Sanders, 2020, p. 1).

### 3.1. Legislation

During the height of the conversation about introducing the clause, British society accused several left-wing parties of “homosexual propaganda” targeting children and young individuals. Their opposition, right-winged party, Conservative Party believed that the clause may prevent and completely stop this, believing in policies carried by Section 28. The conservative party’s ideal was to improve education for children by banning the promotion of homosexuality in schools (Sanders, 2020, p. 1)

However, before Section 28 became what it was, a prominent politician Lord Halsbury introduced a bill carrying the name “An act to refrain local authorities from promoting homosexuality”. As much as this act was favoured by Conservative Party, at that time, the conservative party decided the act is too obvious and unsafe to introduce yet. However, the act was successfully passed in the House of Lords. Jill Knight, a Conservative MP, and popular representative in the Conservative party, found this act favourable and decided to support it.

Lord Halsbury's bill made a great impact on British society as well as the House of Lords, both perceiving the clause as positive. The act, however, did not become a law until 1987, mainly due to general elections happening that year, being more important than the act. Naturally, the bill did not succeed and the new government of Margaret Thatcher, winning the general elections, shifted the course of LGBTQ+ rights in the United Kingdom in upcoming years (Sanders, 2020, p. 1 – 2).

Later in 1988, the Thatcher government's MP, David Wilshire, introduced several changes in the Local Government Bill. These changes revolved mostly around the introduction of Section 28 as an amendment to the Local Government Bill. Naturally, Wilshire's bill was heavily inspired by Lord Halsbury's bill. Wilshire's bill, however, contained several changes making it less risky to earn the trust and favour of the Minister of Local Government. As the first act, Lord Halsbury's act was already popular, the success of the new bill was set in stone and ended up accepted and supported by Michael Howard, then Minister of Local Government (Sanders, 2020, p. 2).

### 3.2. The chaos amongst the educational unions of the UK

The clause established chaos mostly to the teachers, as it was not specified whether the new law related to schools and teachers or local authorities only. Teachers were concerned as the clause did not explicitly refer to them or their teaching concerning the LGBTQ+ movement. The National Union of Teachers expressed the following: "While Section 28 relates to local authorities and not to schools, many teachers believed, albeit wrongly, that it imposes constraints regarding the advice and counselling they give to pupils. Therefore, professional judgment is influenced by the perceived prospect of prosecution" (Sanders, 2020, p. 2 – 3)

The Department for Education and Science shared their piece of mind concerning the newly introduced clause: "Section 28 does not affect the activities of school governors, nor of teachers... It will not prevent the objective discussion of homosexuality in the classroom, nor the counselling of pupils concerned about their sexuality" (Sanders, 2020, p. 3).

Despite the clear vision of several educational unions in the UK, the supporters believed the opposite. On several occasions, the supporters of the clause clearly stated: "The National Union of Teachers and the Department for Education and Science were highly mistaken and the clause should impact education" (Sanders, 2020, p. 3).

The clause objectively gained the support of many in the United Kingdom, however in the bigger picture it was seen as rather redundant. This was because sex education in the UK was supervised by the Secretary of State for Education in England and Wales. The supervision was set in the Learning and Skills Act 2000 and Education Act 1996. Despite the general view many supporters perceived the clause as a symbolic issue and defended it in their particular causes until the repeal. The peak of the necessity of the clause started right before its repeal as the supporters felt threatened (Sanders, 2020, p. 3 – 4).

#### 4. The impact on daily life

The clause majorly focused on the ban on the promotion of homosexuality mainly concerning school and education, however it greatly impacted the daily life of many families, relationships and the upbringing of children. The problem of the clause was rooted in its perception of gay families being represented as impossible, stating: “Local authorities, and schools, in particular, should not promote homosexuality and the acceptability of homosexuality as a pretended family relationship” (McGhee, 2003, p. 1 – 2).

Other than that, the law changed the possibility of support services for families, mostly gay families as the ability to access social and adoption services were limited since the law forbade so. The influence of the clause made many lives of non-traditional families difficult. Such is an exemplary story about a mother wanting to get a restraining order from her husband. This particular mother was a victim of domestic violence and went to court for help with intention of keeping her husband away. She proceeded to state in the court that she is lesbian and quickly realised the court is rigged in the favour of Section 28. She depicted her story and situation and despite this, the court shifted its focus from domestic violence to her being lesbian. The court then accused her of feminising her son and declined her request. Based on her experience, she shared: “These were standard accusations in court against lesbian mothers, fuelling the anti-man myth concerning lesbians” (McGhee, 2003, p. 1). Domestic violence was no longer an issue in the eyes of the court and justified the actions of her husband. The woman was also banned to meet her lover under serious consequences (McGhee, 2003, p. 2 – 3).

The newly implemented law targeted non-traditional families, such as gay families, the most as the law referred to them as “pretended family relationships.” “Many lesbian mothers experience difficulty in obtaining the custody of their children in the face of the bias in the legal system; now, since the advent of the clause, there are indications that judges are becoming even more hostile in their attitudes” (Sanders; Spraggs, 1989, p. 33). When it comes to gay parents, the majority of them lived their life not openly, hiding their sexuality, as the legal system could take their children away. Other parents worried that their children might get bullied and fall a victim to their classmates or friends, getting dismissed by teachers based on their upbringing, that being having a gay parent. This was supported by the censorship implemented by the state, as at that time there was a lack of LGBTQ+ individuals presented positively in the media (Sanders; Spraggs, 1989, p. 32 – 33).

When it comes to political parties in the UK during such times, their actions were conventional and lacking in the effort of repealing the clause. Such attitude resulted in poor well-being of the young individuals as self-expression of sexuality was not encouraged, even looked down on. Institutions, such as Advisory Centre for Education, did not partake in the initial fight against the clause, which resulted in easier targeting of the minority in schools and education. Despite their initial lack of action, the Advisory Centre for Education joined later fight against Section 28 in 1988 concerning the Education Bill (Sanders; Spraggs, 1989, p. 33 – 34).

The introduction of Section 28 concerned cultural services as well, for example, libraries, museums and theatres were all obligated to follow the new law. There were many instances of campaigns opposing the clause, one of the prominent ones suggested that the clause might potentially be harmful to education in the sense of banning renaissance artists such as Michelangelo or Leonardo Da Vinci, as their arts were sexually ambiguous. The problematic introduction of the clause affected many writers with expectations of censorship would they “promote homosexuality” in their books. Based on that, many books represented heterosexuality as something positive and a somewhat low percentage of writers dared to depict homosexuality in a positive aspect. Public-run libraries forced themselves to remove books issuing LGBTQ+ topics from shelves. The increasing pressure towards libraries marked the first steps towards censorship, mostly because books with topics such as those stated before were meant to be “out of sight” for everyone, but mostly children. Such actions meant that such literature that was supposed to support the minority was no longer available easily, making younger individuals feel insecure, isolated and confused about their identity and sexuality (McGhee, 2003, p. 1).

#### 4.1. The naturalisation of family

Implementing the new law made the society of the United Kingdom split between the supporters of the clause and the anti-clause campaigners. The anti-clause movement focused on already existing problems with goals set to empower women and equalise traditional gender positions as well as equality in wages. One of the most important causes of the anti-clause supporters would be to eliminate the persistent heterosexism in official institutions. Such a problem was supported by the clause, hence why most of the anti-clause supporters aimed to repeal the clause. “Such campaigns are often critical of the rigid boundaries of masculinity/femininity, men/women/non-binary identities, and homosexuals/heterosexuals. As broad as this seems, the campaigns did make a shift in critical theories. Theoretical agenda has moved from analysing

inequalities and power relations between relatively given or fixed categories towards questioning the categories themselves” (Epstein; Johnson, 1998, p. 30 – 32).

The clause-supporting campaigns started forming around the year 1998 with a goal to naturalise family, meaning to restore the idea of the base model of a family – the heterosexual standard of a woman living with a man. “Most obviously, traditionalist campaigning, where it gains power, can change the legal and legislative term of struggles to its advantage” (Epstein; Johnson, 1998, p. 30 – 32). These campaigns have gained the power to adjust legislative and legal terms as they desire. The campaign of the traditional family bore power with its ideals leading to less representation of the minority. Such campaigns were mostly formed during 1967 since the introduction of the Sexual Offences Act. “Many authors argued, e.g., Franklin, Lury and Stacey (1991), that the family form that the movements were pushing is somewhat idealised and perhaps short-lived” (Epstein; Johnson, 1998, p. 36 – 38).

Another factor playing important role in such campaigns was gender. The radical campaigns presented gender with ideals rooted in the nineteenth century. With this, such campaigns strove to set a new meaning of marriage as a “legalised family” with the support of the clause. With the introduction of the clause, women’s roles evolved from a household sphere into a career due to Section 28’s influence which hindered ambitions and job opportunities for women (Epstein; Johnson, 1998, p. 36 – 42).

#### 4.2. Sexuality, the HIV pandemic, and homophobia

Between the years 1980 and 1990, both academics and popular media explored the topic of sexuality due to the spreading pandemic of HIV/AIDS. This is mostly based on the fact of a BBC broadcasting programmes focused on heterosexual audiences. The exploration of sexuality reached every media including publications about gender studies with topics concerning society and culture. The interest in such topic was the result of the USA acknowledging sexuality as an important part of political life, this was based on the successful movement of the LGBTQ+ community in the USA. However, the reach in the United Kingdom was limited. In the United Kingdom, this had limited success, mostly due to Thatcher’s re-elected government whose campaign set up moral panic. The moral panic succeeded by the passing of the new law – Section 28 (Epstein, 2000, p. 274 – 275).

As was mentioned the HIV/AIDS pandemic was a prominent factor in the research between the years of 1980 to 1990. The present moral panic that sparked thatcher’s government created many debates concerning topics like the LGBTQ+ movements (Epstein, 1993, p. 275 – 276).



“The years 1980 to 1990 were focused mainly on sexual behaviour with key agendas attentive to the HIV pandemic. First, the more prominent agenda was concentrated on the “moral majority” by popular media with an emphasis on "normal" family life and abstinence as a solution for sexual ills” (Epstein, 2000, p. 276). Against this stood a plan to bring important topics like the minority in academic writings, these mainly provided answers to questions about gender, identity and sexuality. This suggests a possible development of gender and sexuality studies in the UK (Epstein, 2000, p. 276 – 277).

The HIV/AIDS pandemic was quickly spreading and soon in the United Kingdom was known as the “gay plague”, referring to the pandemic as such started the first homophobic ideas and actions towards the minority (e.g. Redman, 1991). Despite the label of “gay plague” the general view changed once the pandemic started to affect the white, western heterosexual majority, neither the local authorities nor the government tried to implement education targeted towards LGBTQ+ individuals. Not being concerned with the minority, the state instead targeted the majority by broadcasting several commercials with charming, white westerners stating that HIV is the result of their “holiday romance”, these commercials then ended with a closing statement that such individual is heterosexual and HIV positive. Despite the lack of interest of the United Kingdom in the minority, such commercials brought to light the importance of prevention of sexual illnesses and due to the fact that these commercials were targeted to heterosexuals – the majority, many people helped fund research on sexuality and sexual behaviour of Economic And Social Research Council (Epstein, 1993, p. 276).

#### 4.3. The moral panic and normalisation

1970, the age of consent controversy in the UK, marked a year of “normalisation” of homosexuality, this helped with the visibility of the minority in the public view. In the upcoming years up until the 1990s, the opinion and attitude surveys showed that the general public is accepting of homosexuality. This occurred in the popular media – press newspapers, tabloids and magazines, these featured several “normalisation-themed” stories. For instance, the magazine OK! featured famous lesbians in their two editions (Wise, 2000, p. 1).

The publishing of “normalisation” stories featuring the LGBTQ+ community was at its height, however, none of these captured much attention of the public at their release. This changed drastically in October 1999, mostly due to a controversial statement by Dame Elizabeth Butler-Sloss, which was the President of the High Court Family Division. She openly stated that lesbian women and gay men should be allowed to adopt children in their care, and further

explained that this would be possible only in particular conditions. This was perceived as a significant step forward for the LGBTQ+ community, its acceptance and growth (Wise, 2000, p. 2). However, her statement was not recognised positively by the public as she faced criticism from family campaigners, stating that her statement and actions were favouring political correctness instead of the welfare of British children. A spokesperson for the family campaign called Family Focus criticised her for being “politically correct to boost her chances of a peerage” (Wise, 2000, p. 2 – 3). Further, the spokesperson stated that a child should be brought up in the standard family. Not only that but Dame Butler-Sloss was disregarded by Ann Widdicombe, shadow home affairs spokesperson. Widdicombe stated that children that are up for adoption should only be adopted by the traditional family consisting of a man and a woman and if the children were to be brought up by a homosexual family, their right to the best start in life would be taken away (Wise, 2000, p. 4).

The repeal favouring campaigns were gaining ground after the statement of Butler-Sloss, this marked the importance of equality in the United Kingdom. However, against such campaigns stood a spokesperson for the group Family Focus, Dr Adrian Rogers, who mentioned in his debate on the topic of the repeal Section 28 the following: “The movement to grant equality and normalise homosexuality, of which this ruling is a part, is a crazy and dangerous move for society. The next thing will be the repeal of clause 28 on the promotion of homosexuality in schools, and then in about three years, we will see a law which forbids any criticism of homosexuality” (Wise, 2000, p. 2). The Scottish newspaper Daily Record reacted to Rogers’ criticism by publishing a report on possible repeal of Section 28, this report was based on the intention of parliament wanting to repeal the clause. The debates and battles in the public over the possible repeal for the second time have begun. Activists in favour of keeping the clause started forming groups and alliances with the idea of supporting the family standards, such alliances acted with the support of Brian Souter, an influential businessman. Souter agreed with millions of his money to be used in support of campaigns trying to prevent the repeal, later on, Souter privately financed public ballots and opinion polls in Scotland. While Scotland was on the verge of repealing the clause, England’s anti-clause groups were still. Meanwhile, mainly in England, opposition groups and policy positions were still composing (Wise, 2000, p. 2 – 3).

## 5. The impact on education during the influence of Section 28

The Labour party was known to support homosexuality, and even the Labour environment spokesperson, John Cunningham, expressed his support of homosexuality. “However, he also expressed his reservations about the second part of the clause, which banned authorities more specifically from “promoting the teaching... of the acceptability of homosexuality,” fearing that this would hinder teachers and school counsellors in their pastoral function” (Sanders; Spraggs, 1989, p. 14). Cunningham kept to his intention to amend the clause might the government not properly He followed with the inclination to amend the clause if the government failed to direct this issue (Sanders; Spraggs, 1989, p. 13 – 14).

Despite the United Kingdom society’s attentiveness in sexuality and the studies of gender, “none of these books about sexuality and education engages with the current debates in the social sciences around identity and community” (Epstein, 2006, p. 277). Several publications exemplify that orthodox science debates do not mention sexuality regarding education (Epstein, 2006, p. 276 – 277). However, gender identities form in school, and school is the key to a successful upbringing. For children, homosexuality is first mentioned in schools, with the new law – section 28, the hindrance of educating the general public about the minority was not possible. Based on Walkerdine’s (1981) analysis it was proved that children are brought up with presumed heteronormativity from nursery school on (Epstein, 2006, p. 277 – 278). “Furthermore, there are penalties attached to failure of doing so as the possible stigmatisation of very young boys for being “poofs” or “sissies” is still present” (Epstein, 2006, p. 277), children then are exposed to practising heterosexuality up until the late years of secondary school, that is because the pupils are sexually active or aware of sexuality (Epstein, 2006, p. 276 - 277).

The school’s curriculum in the United Kingdom does not address this issue much, the sex education is mostly concerned about sex, sexually transmitted diseases and conception prevention. The schooling system does not address the possibility of problematic heterosexuality either, Walkerdine’s (1993) research shows children can develop predatory behaviour from nursery school on. Schools in the United Kingdom are however oblivious to this research and do not take precautions concerning the possible dangerous heterosexual behaviour. Many children come across sexual abuse in some form, based on the research of Kelly et al., 1991 it was found that “Many lack confidence in themselves and their relationships and doubt their heterosexuality” (Epstein, 2006, p. 278). Sexuality, even nowadays, is great as

sexuality is an important matter for growing up children, yet it has not been implemented in school curriculums. During the clause's influence, the research on sexuality was hindered and for teachers, it was troublesome to pinpoint what education including sexuality is (Epstein, 2006, p. 276 – 278).

When it comes to sexuality and education, most of its parts were focused on the majority – the heterosexuals. Sears' (1992) research explores the reason for education being mainly tailored to heterosexuals and the reason behind the lack of inclusion of the topics such as homosexuality. Sears stated the following: "...the fear of homosexuality and the reluctance to include this topic in the school curriculum are due, in part, to the social threat that same-sex relations pose to a male-dominated culture. Blurring gender roles and challenging sexual norms rock the very foundation of a society rooted in male privilege and misogynistic attitudes" (Sears, 1992, p. 139). Sears points out that sexuality education should question "categorical thinking" and testify the fluidity of sexual identities. This was mainly targeted towards the ban of the "promotion of homosexuality", the promotion and representation itself do not challenge the presumable heterosexual thinking in education, but rather it "reaffirms a sexual caste structure in which the vast majority are heterosexual people a minority are homosexually oriented." (Sears, 1992, p. 150). Epstein (1993) finds this theory agreeable but questions the implementation of the theory into practice saying: "Since lesbian and gay images are virtually absent from the school curriculum, any positive mention seems better than none. It seems a bit premature to start deconstructing the categories like lesbian and gay before being acknowledged within the school context, and invisibility remains a major problem for young lesbians and gays" (Epstein, 1993, p. 281).

The National Council for Civil Liberties (NCCL), one of the campaigners for the clause repeal, authorised legitimate advice, which formed the foundation of guidelines concerning the clause. Such advice expressed the lack of definition of "promote homosexuality" stated in Section 28. The NCCL feared the word "promote" could be interpreted by Courts past the schooling system and far broader. This being the primary concern of the NCCL, "It also expressed fears that the clause would lead to a witch-hunt of lesbian and gay teachers, aggravate the difficulties experienced by lesbian and gay pupils, damage the confidence of children of lesbian mothers and detract from the right of all school pupils to receive full information" (Sanders; Spraggs, 1989, p. 19). The Library Association backed up such advice stating that the ban is too ambiguous, mostly when it comes to the part of "promote" which in legal terms is to make available. The National Council for Voluntary Organisations (NCVO) expressed their

reservations on the ban as well, stating that gay and lesbian counsellors running organisations would lose their recognition. The Family Planning Association perceived the new law as a hurdle in sex education. Such approaches were favoured by the Bishop of Manchester who stated during the second reading of the Local Government Bill, which the clause was part of, that by supporting the prejudice it is obvious the government has no idea what their actions could cause (Sanders; Spraggs, 1989, p. 18 – 20).

One of the most invested organisations in Section 28 was the Arts Council. The council stated on several occasions that based on the clauses' interpretation it is forbidden for the teachers to mention homosexual relationships/acts in education to provide literary, artistic and scientific educational objectives. Against mentioned concerns of the Arts Council was introduced Falkland amendment allowing homosexuality to be mentioned in such instances, to be used in the educational matter. However, the Falkland amendment was heavily criticised by Tories, who revolted against the clause should not be deleted and the Falkland amendment being the first step (Sanders; Spraggs, 1989, p. 19 – 21).

In spite of many ways of the possible definition of “promoting homosexuality”, the ban mostly targeted the encouragement of students to acquaint the gay/lesbian way of living or to sexually experiment with individuals of the same sex, however “it is generally agreed that there is nothing in Section 28 to stop teachers from discussing homosexuality with pupils in the classroom objectively and honestly or counsel individual pupils in a pastoral context.” (Sanders; Spraggs, 1989, p. 28). Other than that, the teachers were not limited when it comes to stopping and preventing name-calling between pupils as Section 28 had nothing to say about this. However many teachers felt unsure about their position in the school setting, majority of them felt uncomfortable, especially the teachers whose sexuality was known by the pupils. Before homosexuality was legalised, the majority of LGBTQ+ teachers were discharged. Based on such a fact, the position of a homosexual teacher was weakened, this however was also dependent and based on the school's headteacher. Once again, Section 28 had nothing to say about discharging openly gay and lesbian teachers (Sanders; Spraggs, 1989, p. 28 – 29).

1988 marked the peak of the public interest in the clause, many speculations began to circulate, such as the funding of LGBTQ+ groups would stop, these were funded by local authorities, that censorship would be implemented in upcoming publications, libraries would be under strict watch, plays and films containing homosexual material would be dismissed and any mention about homosexuality in school background would be unacceptable and many more. In practice,

the situation was less dramatic, however still serious nevertheless. As stated previously, Section 28 contained lawful indications that are to be perceived as tricky when talking about education, this was mostly based on the many interpretations of the clause. Based on such facts and the height of public attentiveness, teachers dreaded bringing up the topic of homosexuality in the positive when in the classroom. Many teachers feared the possibility of being brought to court for the negligence of law. This meant the topic was not discussed in classrooms and was often dodged by the teachers (Sanders; Spraggs, 1989, p. 29 – 30).

The underlying issue is in little to no acknowledgement of teachers and the public when it comes to the damage the clause caused, the activism of the LGBTQ+ community in education is still present up to this day with a goal of better understanding the issues of this community in the classroom. Sanders and Spraggs (1989) depict the situation as following: “It is common for such efforts to be smeared as dragging into schools matters which, at best, belong outside” (Sanders; Spraggs, 1989, p. 29 – 30). The failure of the school system to address this issue resulted in topics of homosexuality and LGBTQ+ minority being present in form of jokes among the pupils and insults. The problem is when young pupils are called names and are confused about this, when the teacher fails to address the topic of the minority, the confusion of the pupil tends to turn into fear and self-isolation (Sanders; Spraggs, 1989, p. 29 – 30).

Since the year 1988, many educational groups put together a programme to talk about topics such as homosexuality in classrooms, however, doing so is “only a drop in the ocean of what needs to be done to raise the awareness of educators and provide appropriate materials” (Sanders; Spraggs, 1989, p. 30). Sanders and Spraggs (1989) follow with an explanation of these programmes opening up a discussion on the spectrum of sexuality and love. The public believed the real reason behind such programmes was to internalise the LGBTQ+ lifestyle. However, the programme consisted of providing a safe space for individuals identifying as LGBTQ+ through writing or speaking, often to depict and offer a different point of view to the classroom. Such points of view were mostly to describe the fight against presumed heteronormativity in media and schools (Sanders; Spraggs, 1989, p. 30 – 31).

Teachers that identify within the LGBTQ+ spectrum are vital for bringing up such topics in their classroom, as their story shows the pupils what it meant to live a life of a person outside heteronormativity, together with their career experience makes them a great fit to share their stories. Despite this, a small amount of teachers mention their sexuality to their classes, however, it is important for the teachers to be present and freely be themselves as they fight the

preconceived notions of “social casualties”. “To teach children to understand themselves and others better is not to teach them to be lesbian or gay. It is to start to put an end to fear; the intense fear of gay people which plainly torments so many heterosexuals; the fear of insult and attack which is the reality of life for many lesbians and gays particularly” (Sanders; Spragg, 1989, p. 31). This is a possibility to show pupils that the LGBTQ+ community should be respected and not mocked (Sanders; Spragg, 1989, p. 31).

## 6. The repeal of section 28

The first thoughts about the repeal of Section 28 began forming in 1999 in Labour Government. A year later, the Labour Government tried to repeal the clause, this repeal was part of the newly implement Local Government 2000 and found itself popular among the public, however, was unsuccessful. The House of Lords did not vote in the favour of the repeal due to the campaign of a prominent figure in the House of Lords – Baroness Young whose campaign to keep the clause was popular (Sanders, 2020, p. 3).

As the years progressed ever since the introduction of the clause, the opposition was gaining ground and support. One of the most prominent campaigns, “Stop the Clause Campaign Education Group” set up several achievements like connecting people who are against the clause, collecting support from teachers, parents and school staff, with one of its goals being to shine a light on the negative and unwanted impact on the education of pupils. The ultimate goal of this campaign was to repeal the law and based on this it became the most prominent campaign opposing the clause in 2000 (Sanders; Spragg, 1989, p. 31).

A popular Labour party favouring British media – The Guardian published a report concerning Section 28’s impact on equality with the following: “In reality, the undefined image of the term ‘promotion’ will open the door to continuous legal challenges to any work by the local authorities to adopt non-discriminatory policies, support counselling, and advisory services or counter misinformation towards homosexual women and men. Clause 28 will prevent any council from responding to the needs of its lesbian and gay men in council employment and the delivery of services if it becomes law. We believe the clause attacks equality of opportunity for homosexuals; its implications threaten us all” (Travis, 1988, p. 2).

After the unsuccessful passing of The Local Government Act 2000, the Labour Government decided to carry out several changes in their Act hoping to earn the favour of the House of Lords, this meant the second try of repeal. The Learning and Skills Act 2000 – the second Act containing the repeal of the clause initiated by the Labour Government failed once again as the House of Lords failed to recognise the importance of the repeal. England and Wales were under Section 28’s influence until the year 2003 when the Local Government Act 2003 containing the repeal of Section 28 introduced by the Labour Government was successful based on the votes of MPs. The Local Government Act 2003 was passed in the House of Lords with the award of Royal Assent on 18 September 2003 (Sanders, 2020, p. 3 – 4).



However, the battle with Section 28 in Scotland was shorter, as the Scottish Parliament was actively looking to repeal the clause. However, A Scottish millionaire Brian Scouter took it upon himself to fight the repeal leading a campaign called “Keep the Clause” which he privately funded. As mentioned in previous chapters, he funded several attitude surveys and postal ballots which relatively gained a high number in favour of keeping the clause, around 86%. Souter’s votes showed the public’s interest in keeping the clause, nevertheless, the clause was repealed as a part of Ethical Standards in Public Life, etc. Act 2000. The Act was successful with 99 to 17 votes and repealed the clause in June 2000 (Sanders, 2020, p. 3 – 4).

## 7. The opposition against the repeal of Section 28

The opposition to the repeal was forming groups and alliances with campaigns supporting Section 28. Such campaigns believed in traditional family and morals, often being unapologetic with their regard to the minority and their welfare. Wise compares the state of affairs to the age of consent contention saying: “With the expressions of hatred and contempt expressed during it for lesbian and gay people, turned out to be a rehearsal for the furore that was to come over attempts to repeal Section 28 of the 1988 Local Government Act” (Wise, 2000, p. 3).

“Backlashes” occur when taken-for-granted privileges are being questioned and are or might be removed. “Moral panics” can of course occur in their own right, but in the case of the campaigns against the repeal of Section 28, a moral panic became the means or method of underpinning and organising “backlash”. The particular privilege at stake concern “the family” and the right of only heterosexual people to call themselves “family”, together with the special social as well as the legal status of heterosexual marriage.” (Wise, 2000, p. 2). Alliances campaigning to keep the clause mostly consisted of groups supporting traditional family values and religion (see next paragraph), these were highly proactive in the fight against the repeal, even if their approach to the issue was divided. These groups used biblical references as the argument to keep the clause. Furthermore, such alliances were supported by rich businessmen who supported the right-winged Conservative Party (Wise, 2000, p. 2).

In England and Wales, the African and Caribbean Evangelical Association, The Christian Action Research and Education, and The Muslim Council of Britain, the groups within the Roman Catholic Church were the dominant supporters of the movement to keep the clause. Despite all of these groups being religiously involved, their opinions and approaches differed on the repeal of the clause, mostly in the question of possible laws for the LGBTQ+ minority, while the mentioned Conservative Party supported the keep the clause campaigns stayed rigid in its opinion. The most prominent supporter of keeping the clause was the influential Baroness Young, whose campaign succeeded twice in keeping the clause, due to her connection to mentioned religious groups (Sanders, 2020, p. 4).

In Scotland, the most influential figure was not a religious group or alliance, nor a politically involved figure. As mentioned in previous chapters, it was Brian Scouter – a Scottish millionaire financing campaigns to keep the clause. His most influential and controversial argument was that the clause keeps children safe from “predatory homosexuals” and prevents indoctrination of young individuals, Sander comments on his statement with: “Various other

arguments were also used in support of Section 28 which are summarised as follows,” (Sanders, 2020, p. 3 – 4). for example, “the claim that promotion of homosexuality in schools undermines marriage, ....” (Sanders, 2020, p. 3 – 4). However, such a statement did not avert the possible debates concerning homosexuality and topics within the LGBTQ+ community (Sanders, 2020, p. 4).

The first-ever repeal proposal happened in early 1999 and was supported by one of the Conservative Party’s members Shaun Woodward, the shadow cabinet minister, however, he was discharged from his position by William Hague. It is quite peculiar that Hague dismissed a minister quickly, he was known for favouring the age of consent reduction. The rest of the year 1999 was insignificant when it comes to Section 28 up until the beginning of the year 2000 (Wise, 2000, p. 5). During this time the prominent three major church leaders spoke out publicly against homosexuality to further support the idea of campaigning against the repeal of Section 28. The head of the Roman Catholic Church in Scotland, cardinal Thomas winning spoke out against the ideas of the repeal and illustrated homosexuality as a "perversion", with this he tried encouraging the public to take action against the repeal. His infamous speech was perceived badly by the public and caused a major controversy, he was labelled as a “raving bigot.” To his defence spoke publicly the first non-Catholic clergyman, the Anglican Bishop of Liverpool. He dismissed the public’s opinion and quickly proceeded with: “....there are moral differences and that straight is best, citing the extinction of the species, the design of genitals, and the transmission of disease in homosexual but not heterosexual activity.” (Wise, 2000, p. 6). Naturally, this is quite problematic, as he failed to address the possibility of sexual diseases being transmittable during heterosexual acts and gave the idea that heterosexuals are immune to such diseases. The last and the main point of his public appearance, the main point of his argument was that celibacy is the key of Christians and is acceptable no matter one’s sexuality. That being said, proves the church was mainly concerned about the institute of marriage and believed the clause is morally balancing out straight and gay relationships (Wise, 2000, p. 7).

On the same day, the head of the Church of England made a public appearance as well. George Carey did not mention the repeal at all, instead, he mentioned his worries for the institute of marriage being threatened by homosexual relationships. He stated that homosexual relationships should not be seen equally with heterosexual ones (Wise, 2000, p. 6 – 7).

## 8. The involvement of politics

When Section 28 was introduced by the Conservative Party, a new movement for gay rights in the United Kingdom was formed. This movement has led to forming support groups for the LGBTQ+ community such as Stonewall or Outrage! which advocated for the need for rights reform for the minority (Sanders, 2020, p. 3).

The mentioned supportive groups stood united in their actions and opinions concerning the clause, with a simple goal of repealing it, while the traditionalists and modernists were divided in their outlook. For instance: “In 1999 Conservative leader William Hague sacked frontbencher Shaun Woodward for refusing to support the party line that Section 28 should not be repealed, prompting pro-gay-rights Tories, such as Steve Norris, to speak out against the decision” (Sanders, 2020, p. 3). The following year, the prominent pro-gay rights supporter Ivan Massow decided to leave the Conservative party and joined Labour Party. This was due to the fact of the Conservative Party’s attitude concerning the clause (Sanders, 2020, p. 3).

Section 28 was brought to the court only once during its time of influence. This was in May 2000 when the Scottish Christian Institute sued Glasgow City council for supporting the funding of an AIDS support charity which the Scottish Christian Institute perceived as against the law. The Christian Institute explained that by funding the charity the Glasgow City Council was promoting homosexuality. The Christian Institute was unsuccessful and the case was closed in favour of the Glasgow City council (Sanders, 2020, p. 3).

In 1997 the new left winged Labour party, “New Labour”, was elected. The elected party promised the LGBTQ+ community the minority’s rights. This marked the beginning of high hopes for the minority and support groups as well. “During the many years of Labour being in opposition to a succession of Conservative governments, many of its policies on equality and social inclusion were developed from work which took place in Labour’s local government stronghold.” (Wise, 2000, p. 2). There are several instances of these local government parties being formed by activists from the gay and lesbian liberation movement in 1970. These advocates then moved to politics in the 1980s to fight for the equal rights of the LGBTQ+ community. With the victory of the new Labour Party, the LGBTQ+ community was involved in forming the New Labour, the first instance of this was the New Labour putting LGBTQ+ rights onto their political agenda and making the heterosexual Labourites sexual-politically aware (Wise, 2000, p. 2 – 3).

During the years 1999 and 2000, the UK implemented many alternations concerning the rights of the minority. The prominent charity “Equality 2000” gained popularity and was on a rise to success. “Equality 2000” was led by the gay and lesbian lobby group Stonewall, which targeted five sectors of discrimination, to bring better welfare to the LGBTQ+ community. The campaign’s main concept was equality in workspaces, love, parenting and schools. To a certain degree, the campaign was successful as the ban on gay and lesbians in armies was removed. Other than that the immigration process for same-sex partners was also changed (Wise, 2000, p. 3).

“...towards the end of 1999, a number of events took place and were drawn together in quick succession, and these occurred so quickly and were potentially so radical in their implications...” (Wise, 2000, p. 2). Such events caught the LGBTQ+ campaigns unready and sparked moral panic. These changes were perceived as “going too far” and seemed somewhat arranged. Wise says: “As I shall suggest, this latter aspect of the moral panic was orchestrated and presented in sections of the popular press ..... explicitly bringing together “under one banner” as it were major UK religious organisations and their leaders.” (Wise, 2000, p. 2).

The newly formed labour party implemented many new changes for the LGBTQ+ community, these were highly positive, such as cancelling the ban on gays and lesbians in military forces or the change of immigration law for homosexual couples. One of the most wanted changes was the reduction of the age of consent for homosexuals, however the act was defeated. (Wise, 2000, p. 2).

While the New Labour tried to make better living for the LGBTQ+ community, its opposition divided the House of Lords and House of Commons with Baroness Young, a conservative MP, posing as a catalyst of the battles between the houses. Young was quick to accuse both of the houses from not carrying out their responsibility which was to “protect” individuals from committing unwanted life choice that they might regret later. This created the conversation about the age of consent; heterosexual individuals were considered adults at the age of 16, while homosexual men were not. Further, the debate revolved around homosexuality being a “choice” and “lifestyle”, about the safety and mistreatment of children. “Even many of those who have been involved in opposing the lowering of the age of consent to sexual activity have repeatedly stated their tolerance and support for lesbians and gay men who made choices as “adults,” and the underlying issue hinges on when an adult becomes an adult and what rights or otherwise

“non-adults” have and how and in what ways they should be protected, by whom and from whom” (Wise, 2000, p. 2 – 3).

## 9. The present and the outcome

The clause affected not only the minority when it comes to the schooling system but also the position of LGBTQ+ teachers across the United Kingdom. The largest and most prominent teacher's union, The Eastern Conference of the National Union of Teachers held voting to sort out LGBTQ+ rights and the votes were almost unanimous, this meant the minority got full support and any pestering or homophobia was perceived as a transgression against the union. The reason behind the union's decision and voting was that the clause controlled the attitude of people towards the union. (Sanders; Spriggs, 1989, p. 34).

One of the positive successes of implementing the clause was the explicit view of the general public of what prejudice against the LGBTQ+ community is. Unquestionably, many recognised the discrimination and unfairness while others struggled to recognise the injustice displayed towards the LGBTQ+ community the clause caused. Another success of the fights against the clause was that the campaigns made a connection within different groups of the LGBTQ+ community. Despite the United Kingdom being successful in the fight against the clause and homophobia, discrimination and mistreatment of the minority is still worldwide present. (Sanders; Spriggs, 1989, p. 34 – 35).

Scotland made precautions between the years 2018 and 2019, these made Scotland's schools implement topics concerning the LGBTQ+ community in the classrooms. Legally such precautions were rooted in the national curriculum of Scotland marking a great step against discrimination against LGBTQ+ individuals. "Despite the fact that teachers have been legally permitted to talk about same-sex relationships in schools since 2001, research by Stonewall Scotland in 2017 found that two in five LGBT young people said they had never been taught anything about LGBT issues, and just one in five said they had been taught about safe sex in a same-sex relationship. Meanwhile, the LGBT Youth Scotland research in 2018 found that 92% of LGBT young people had been bullied in education" (Logan, 2020, p. 1). This proves that the clauses legacy left a great impact on British society as "homophobia in schools was not only normalised, it was mandated" (Logan, 2020, p. 1).

While the clause was repealed and ended, the importance of equality and honest education is still present. It is imperative to spread real and true information concerning the minority and to examine the functioning of the local authorities in the United Kingdom as a precaution. Educational systems worldwide should prioritise teaching recognition of the LGBTQ+ community and their lifestyles, as this is essential to decriminalise homosexuality worldwide.

On the other hand, teachers should be required to provide for all the needs of the LGBTQ+ individuals and support them and their families, this could make the pupils' educational welfare better. (Wise, 2000, p. 8).

British society trusts the political parties that such an act similar to the Section 28 would never repeat and while that is partially correct it is crucial to see how British media present transgender individuals from the year 2020. The main public discussion is transgender rights, which is vehemently opposed by the "TERF" (trans-exclusionary radical feminist) movement. Such discourse reached the awareness of many and is similar to the discourse on the gay and lesbian rights from 1980 to 1990. Transgender rights were discussed in the past as a part of laws regarding self-identification, however many British known individuals are opposing such laws, as they support the "TERF" movement. These individuals stated that transgender people threaten society and mostly children, this leads to public restrooms and dressing rooms being suddenly unsafe. Nowadays transgender people in the UK are seen as offending having an agenda to brainwash young individuals to inherit the transgender lifestyle. Similarly to this, homophobia spread through the 1980 and 1990 spreading misinformation and supporting discrimination identical to the transgender issue (Nicholls, 2021, p. 1 – 4).

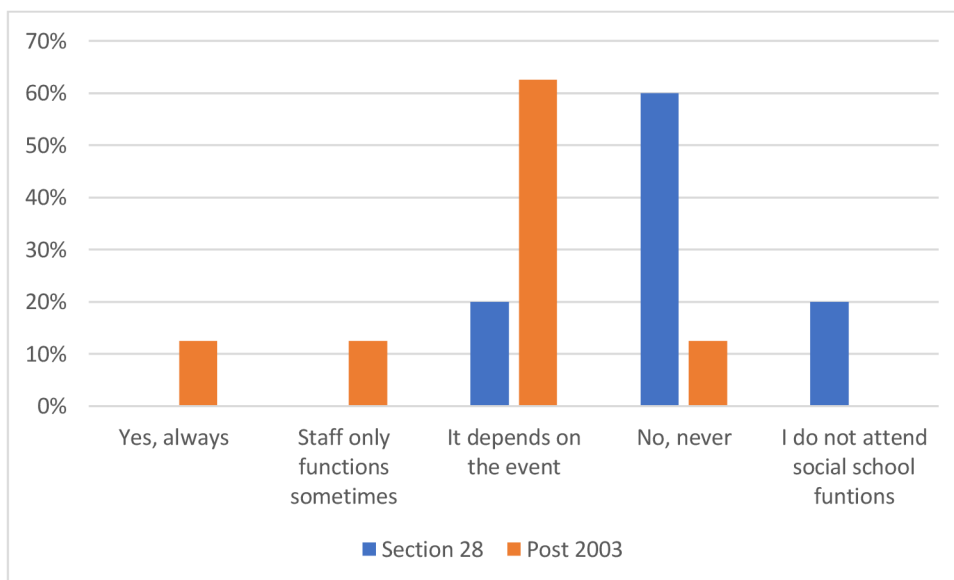


## 10. The research of modern days

In this chapter, I would like to focus on critical research by Catherine Lee conducted in 2019 concerned about the impact on LGBTQ+ teachers fifteen years after Section 28 was repealed.

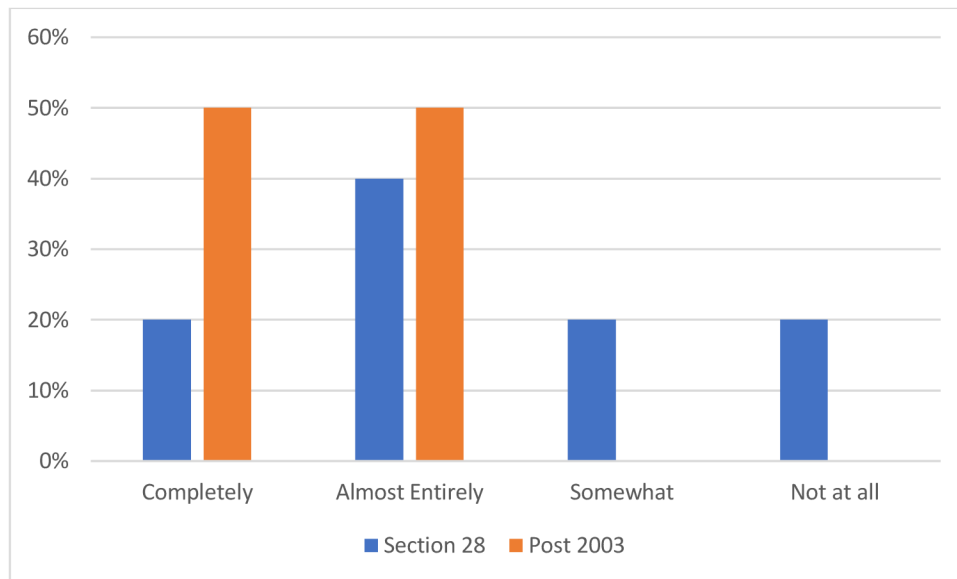
Lee gathered information from LGBTQ+ teachers with experiences in teaching during the influence of Section 28 and compared the responses with teachers who entered teaching right after the clause was repealed in 2003. She stated in her research that 46% of the respondents had been teaching between the years 1988 and 2003, referring to them in her study as “Section 28” the majority (54%) of teachers who entered the teaching career after 2003 are referred to as “Post 2003) (Lee, 2019. p. 8)

Figure 1. Does your partner accompany you to school social functions? (Lee, 2019, p. 8)



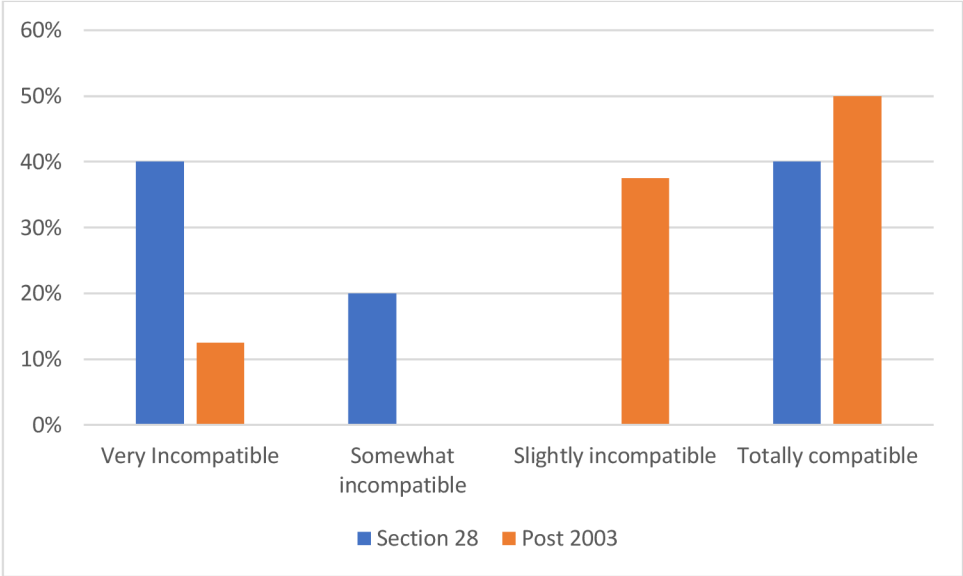
Based on research conducted by Lee, over 60% of post-section teachers visit school events with their partners, depending on what kind of event it is. Against this stand 20% of section 28 teachers. Less than 15% of Post 2003 never attends social school events with their partner, and around 60% of section 28 teachers never attend school gatherings with their partners. (Lee, 2019, p. 8). This shows us that during the influence of the clause, LGBTQ+ teachers may hide their personal life to gain privacy and keep themselves secure. However, over 60% of teachers after the year 2003 are hesitant to bring their partners to all social events the school is holding. This data may show us that the clause, despite being repealed a long time ago, had possibly implemented doubt, fear, and feeling of insecurity about teachers' sexual orientation/identity (see chapters 5 and 9).

Figure 2. To what extent do you feel you can be yourself in the classroom based on your sexual identity? (Lee, 2019, p. 9)



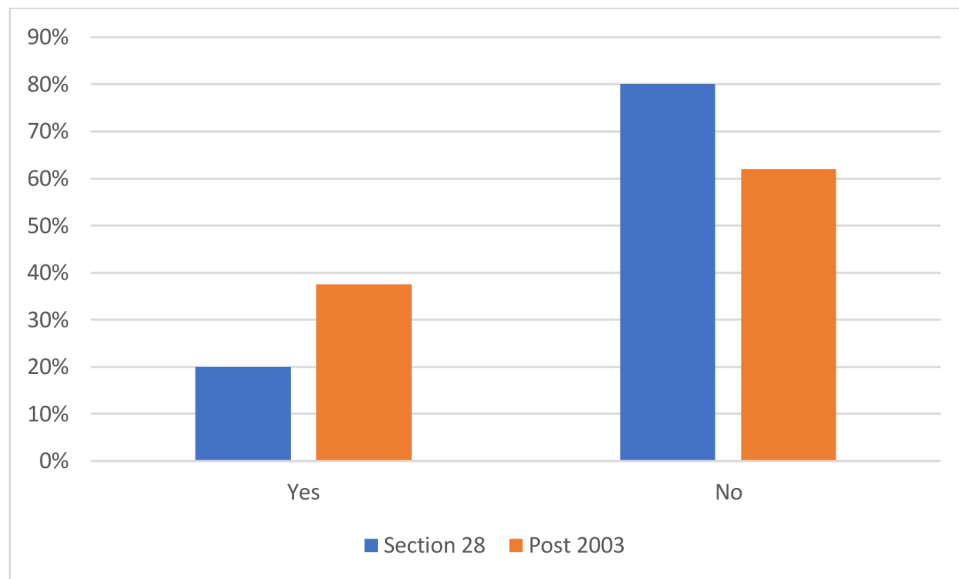
Only 20% of the section 28 teachers stated that they feel they can be fully themselves in the classroom; however, 50% of the post-2003 teachers think they can be themselves. 40% of section 28 teachers said they could be almost entirely themselves in the classroom, and against this, 50% of post-2003 teachers commented feeling almost wholly themselves in the school (Lee, 2019, p. 9). This shows us that after the repeal of the clause, teachers may feel better about being themselves in the classroom; on the other hand, during Section 28, most teachers felt the need to hide, even if being an LGBTQ+ teacher was not illegal. This might further prove the clause's unclarity regarding LGBTQ+ teachers and LGBTQ+ topics in the classroom (see chapter 5).

Figure 3. To what extent do you feel that your sexual identity and identity as a teacher are compatible? (Lee, 2019, p. 3)



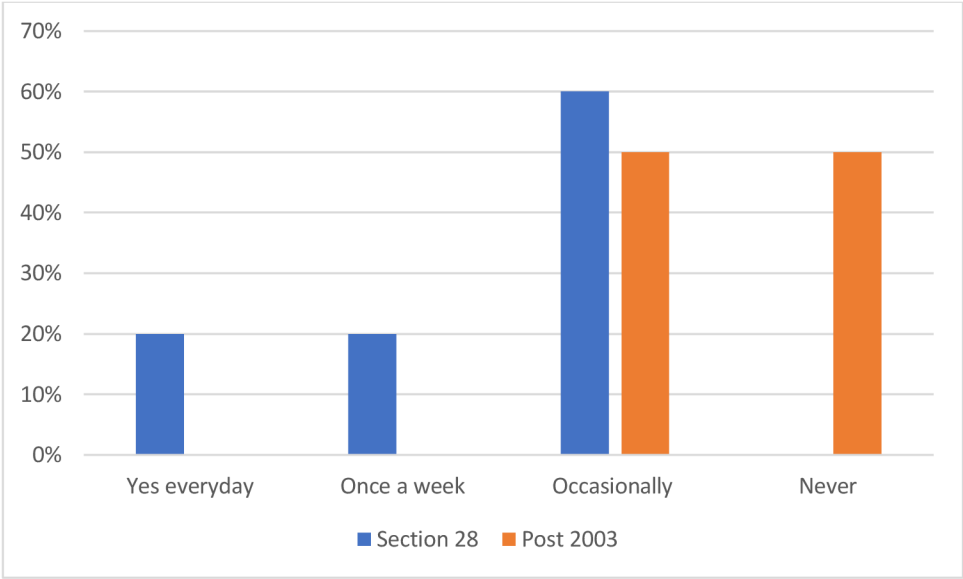
Interestingly enough, 40% of Section 28 teachers stated that their teacher identity and sexual identity are not compatible. On the other hand, another 40% said their identities are entirely compatible. The post-2003 teachers responded that they felt compatible (50%), and less than 40% said they felt slightly incompatible (Lee, 2019, p. 3). Edwards et al. (2014) stated: “When self-censorship occurs for LGBT+ teachers, heterosexuality is the only sexual identity represented to young people.” This is potentially problematic as Section 28 oppressed LGBTQ+ rights and heavily influenced the schooling system (chapters 4 and 5). Further narrowing the view on sexuality and identity and promoting heteronormativity and heterosexuality, the clause failed to recognise diversity in identities, gender, and sexuality. The clause was also influencing the conversation on alternative families negatively (chapter 4.1).

Figure 4. Have you ever experienced homophobia within the last five years of your teaching career? (Lee, 2019, p. 10)



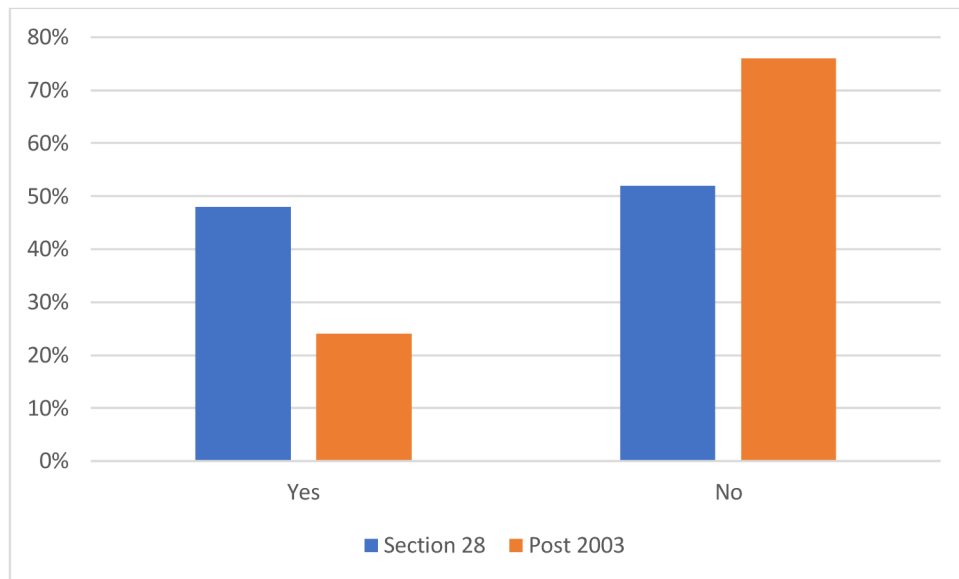
20% of the Section 28 teachers have said that within the last five years of their career, they did encounter homophobia, while 80% have stated that they have not. Regarding Post 2003 teachers, almost 40% have said they did experience homophobia, and over 60% have said they have not. (Lee, 2019, p. 10). This data shows us that teachers after the repeal of section 28 were more prone to homophobia. Such data could hint that the teachers were targeted after the repeal, showing us that the section's legacy is still present and helped spread homophobia as it targeted the minority (chapters 3, 4, and 5). Figure 4 is closely tied to figures 3 and 2. They might show us that Post 2003 teachers were prone to homophobia because they are more of themselves in classrooms and more open about their sexuality and identity, hence experiencing more homophobia. Their counterparts, Section 28 teachers, may not experience homophobia. During the clause, they tended to keep their privacy and career separated, not allowing themselves to be indeed who they are in their workplace.

Figure 5. Do you routinely hear homophobic language in your workplace? (Lee, 2019, p. 10)



To the data collected, 60% of Section 28 teachers mentioned that they occasionally encounter homophobic language in their workplace. In contrast, Post 2003, teachers stated that they either sometimes hear homophobic language (50%) or never (50%) (Lee, 2019, p.10). Section 28 teachers encountered homophobic language more often than the 2003 teachers. It is possible that Section 28 teachers felt no need to challenge homophobic language as they were not open about their identity in their workplace (see figure 2). However, the Post 2003 teachers may be more open about themselves, therefore feeling more comfortable stepping up into a conversation and stopping the homophobic language. This could also show that if a teacher is more open about their sexual identity to their pupils, homophobic language might less likely take place.

Figure 6. Have you ever accessed help for anxiety or depression linked to your sexual identity? (Lee, 2019, p. 11)



This figure shows that almost 50% of Section 28 teachers sought help linked to their sexual identity, and over 20% of Post 2003 teachers did. However, over 50% of both categories stated they have not (Lee, 2019, p. 11). Comparing the data of the teachers seeking help for anxiety or depression, it is evident that Section 28 teachers felt much more depressed or anxious about themselves. This could cause the teachers to burn out much faster as society constantly pushes them to be heteronormative individuals (see chapter 3). Systematic oppression could also lead to self-doubt and self-loathing as the teacher might not be the role model they wanted to be. Such a statement comes from a Post 2003 lesbian teacher: “I’m trying to manage lots of things on top of my job. I feel guilty half the time for not being a role model for the students struggling with their sexuality, but I also feel terrified when I think about the parent power at my school” (Lee, 2019, p.19). This gives us an insight into what it was like being a teacher, even Post 2003.

The legacy of Section 28 is still lingering as some teachers feel the need to hide their true selves from their colleagues and pupils. Despite its damage to the LGBTQ+ community and its negative impact, I commented on it throughout this thesis. From this research, the data collected states that Section 28 teachers were more closed regarding their sexual identity and workplace than Post 2003 teachers. Regarding the teacher's compatibility and sexual identity, the Section 28 teachers felt more incompatible than the 2003 teachers. Post-2003 teachers experienced homophobia in their workplace more than in Section 28. This presumably might be because 2003 teachers were more open about their sexual identity. Section 28 teachers encountered homophobic language in their work more often than Post 2003 teachers. When it comes to

anxiety and depression, almost half of the Section 28 respondents said they sought out help, understandably enough, as Section 28 was a law that implied homosexuality is wrong.

## 11. Conclusion

This thesis aimed to investigate the impact of section 28 in the United Kingdom through data, articles, newspapers, and research analysis. The first chapter focuses on definitions of terms needed to understand this thesis. The next chapter contains information about events leading up to Section 28 and its historical background, introducing the book that started the clause and the chaos that the clause brought towards educational unions within the UK—following that up with the impact on daily life where I investigate the involvement of mass media, the moral panic and the HIV/AIDS pandemic that played a vital part in promoting the clause. The next chapter focuses on the impact on education, how the section spread confusion and chaos among the UK teachers, and how negatively the clause influenced the curriculum—continuing with a chapter that analyses the repeal of Section 28, what led up to it and how it ended. The next chapter concerns the opposition against the repeal, showing who led the opposition and what groups the opposition consisted of. The following chapter focuses on the involvement of politics in the clause, showing what stance they took and how Tories favoured the clause. The next chapter investigates the outcome of the clause and how it impacted modern life. The last chapter, The research of modern days, focuses mainly on research conducted by Christina Lee (2019), where I comment on her findings with a respective view of the literature used to create this thesis.

During the data analysis, my main goal was to determine if the clause negatively influenced only the LGBTQ+ community. To my surprise, it affected every aspect of daily life, even the heterosexual majority. Lastly, I was also focused on finding out if the clause had any positive impact, and after my research was done, I could not find any. I believe the damage that the clause caused reached far beyond the LGBTQ+ community and education, as these were the main targets. The section negatively influenced daily life as it possibly could include a ban on world-known artists. The promotion of the section was done through propaganda, using fear as driving fuel to make the majority believe that being gay kills you, including many valid researched data that show us how the section turned the UK's society against itself, making its step backwards in education. The problem was underlying in the Tories' politics that made the section official, despite knowing the damage it would cause. The legacy of Section 28 is still present as teachers are scared to talk about the LGBTQ+ community and educate their pupils.

For further research, I would recommend looking into similar legislative like Section 28 in different countries as same-sex marriage is not recognised worldwide and some countries still



have active policies against the LGBTQ+ community. With the growing interest in Florida's "Don't say gay" act, I would recommend looking into this one particularly.

## 12. Bibliography

ASAKURA, Kenta a Shelley L. CRAIG. “ It Gets Better ” ... but How? Exploring Resilience Development in the Accounts of LGBTQ Adults. *Journal of Human Behavior in the Social Environment* [online]. 2014, **24**(3), 253-266 [cit. 2021-11-19]. ISSN 1091-1359. Dostupné z: doi:10.1080/10911359.2013.808971

GIUGNI, Marco, Doug MCADAM a Charles TILLY. *How social movements matter*. Minneapolis, Minn: University of Minnesota Press, c1999. [cit. 2021-05-19]. ISBN 0816629153.

CARTLEDGE, Sue a Joanna RYAN. *Sex & love: new thoughts on old contradictions*. London: Women's Press, 1983. [cit. 2021-12-19]. ISBN 978-0704339132.

DURHAM, Martin. *Moral crusades: family and morality in the Thatcher years*. Washington Square, N.Y.: New York University Press, 1991. [cit. 2022-02-19]. ISBN 0814718418.

EDWARDS, Lisa L., David H. K. BROWN a Lauren SMITH. ‘We are getting there slowly’: lesbian teacher experiences in the post-Section 28 environments. *Sport, Education and Society* [online]. 2014, **21**(3), 299-318 [cit. 2022-01-05]. ISSN 1357-3322. Dostupné z: doi:10.1080/13573322.2014.935317

ESPTEIN, Debbie. Practising Heterosexuality. *Curriculum Studies* [online]. 2006, **1**(2), 275-286 [cit. 2021-02-20]. ISSN 0965-9757. Dostupné z: doi:10.1080/0965975930010207

EPSTEIN, Debbie a Richard JOHNSON. *Schooling sexualities*. Briston, PA, USA: Open University Press, 1998. [cit. 2022-03-25]. ISBN 0335195377.

FALUDI, Susan. *Backlash: the undeclared war against American women*. The 15th anniversary edition. New York: Three Rivers Press, 2006. [cit. 2022-03-15]. ISBN 0307345424.

FRANKLIN, Sarah, Celia LURY a Jackie STACEY. *Global Nature, Global Culture* [online]. 1 Oliver's Yard, 55 City Road, London EC1Y 1SP United Kingdom : SAGE Publications, 2000 [cit. 2022-02-17]. ISBN 9780761965992. Dostupné z: doi:10.4135/9781446219768

GIUGNI, Marco, Doug MCADAM a Charles TILLY. *How social movements matter*. Minneapolis, Minn: University of Minnesota Press, c1999. [cit. 2022-01-07]. ISBN 0-8166-2914-5.

JEFFERY-POULTER, Stephen. Peers, queers, and commons: the struggle for gay law reform from 1950 to the present. New York: Routledge, 1991. [cit. 2022-03-05]. ISBN 978-0415057608.

KELLY, L.; REGAN, S.; BURTON, L. Short summary of findings from an exploratory study of the prevalence of sexual abuse in a sample of 16–18 year olds. *Mimeograph. Polytechnic (now University) of North London*, 1991.

LEE, Catherine. Fifteen years on: the legacy of section 28 for LGBT+ teachers in English schools. *Sex Education* [online]. 2019, **19**(6), 675-690 [cit. 2021-12-04]. ISSN 1468-1811. Dostupné z: doi:10.1080/14681811.2019.1585800

LOGAN, Caitlin. Section 28: 20 years on from repeal, effects are still felt. *The National* [online]. Scotland, Glasgow, 2020 [cit. 2022-02-17]. Dostupné z: <https://www.thenational.scot/news/18238377.section-28-20-years-repeal-effects-still-felt/>

MCGHEE, Kelly A. C. The Destruction Caused by Clause 28. *Glasgow Women's Library* [online]. Scotland, Glasgow, 2003 [cit. 2022-01-05]. Dostupné z: <https://womenslibrary.org.uk/explore-the-library-and-archive/lgbtq-collections-online-resource/the-destruction-caused-by-clause-28/>

MORRIS, Nigel. The return of Section 28: Schools and academies practising homophobic policy that was outlawed under Tony Blair. *Independent* [online]. 2013 [cit. 2022-01-08]. Dostupné z: <https://www.independent.co.uk/news/uk/politics/the-return-of-section-28-schools-and-academies-practising-homophobic-policy-that-was-outlawed-under-tony-blair-8775249.html>

Working out under Section 28. *National Library of Scotland* [online]. 1980 [cit. 2022-01-10]. Dostupné z: <https://digital.nls.uk/1980s/society/section-28/>

NICHOLLS, Juan. Working out under Section 28. *Twentysix* [online]. 2021 [cit. 2022-01-10]. Dostupné z: <https://www.twentysixdigital.com/blog/growing-up-silence-short-history-section-28/>

REDMAN, Peter. Invasion of the monstrous others: Identity, genre and HIV. *Cultural Studies from Birmingham*, 1991, [cit. 2021-12-10].

SANDERS, Sue. *LGBTQ Plus History Month* [online]. In: 2020. s. 1-11 [cit. 2022-01-11]. Dostupné

z:<https://lgbtplushistorymonth.co.uk/wpcontent/uploads/2020/02/1384014531S28Background.pdf>

SANDERS, Sue a Gill SPRAGGS. *Section 28 and Education* [online]. In: 1989, 1 - 39 [cit. 2022-02-19]. Dostupné z: <http://www.schools-out.org.uk/wp-content/uploads/2013/11/Section-28-and-Education-Sue-Sanders-Gillian-Spragg-1989.pdf>

SEARS, James T. *Sexuality and the curriculum: the politics and practices of sexuality education*. New York: Teachers College Press, c1992. [cit. 2022-02-10]. ISBN 0807731528.

STRÜBEL-SCHEINER, Jessica. *Gender Performativity and Self-Perception: Drag as Masquerade*. *International Journal of Humanities and Social Science* [online]. 2011 [cit. 2022-03-09].

TRAVIS, Alan. *Lawyers support council funding of gay groups*. *The Guardian* [online]. 2011 [cit. 2022-04-09].

TRENCHARD, Lorraine a Hugh WARREN. *Something to tell you. The experiences and needs of young lesbians and gay men in London* [online]. 1984 [cit. 2022-04-05].

WAITES, Matthew. *Homosexuality and the New Right: The Legacy of the 1980s for New Delineations of Homophobia: Sociological Research* [online]. 2000, 5(1) [cit. 2022-02-24]. Dostupné z: doi: [doi.org/10.5153/sro.432](https://doi.org/10.5153/sro.432)

WALKERDINE, Valerie. *Sex, power and pedagogy: Screen education* [online]. Palgrave, London, 1981 [cit. 2022-02-15]. Dostupné z: doi:[https://doi.org/10.1007/978-1-349-22426-5\\_15](https://doi.org/10.1007/978-1-349-22426-5_15)

WISE, Sue. *“New Right” or “Backlash”? Section 28, Moral Panic and “Promoting Homosexuality”*: *Sociological Research* [online]. Palgrave, London, 2000, 5(1) [cit. 2022-01-08]. Dostupné z: doi:<https://doi.org/10.5153/sro.452>

## 13. Summary

Section 28, also known as Clause 28, was a bill prohibiting local authorities from promoting homosexuality; this clause was introduced in 1987. The problematic influence of Section 28 impacted many aspects of British society. The clause influenced the LGBTQ+ community and marked a step backwards in the minority's rights. The impact of the clause was so significant that it sparked moral panic throughout the United Kingdom. The media and press depicted homosexuality as a lethal illness and spread such propaganda. Teachers were often scared of even mentioning the LGBTQ+ community, meaning the minority's existence was almost wiped out, while the heterosexual majority was always mentioned in the best way possible. The politicians, especially the Labour party, took conventional thinking towards the clause. While teaching unions, parts of society, and teachers were displeased with the introduction of the clause, the repeal itself took place only a few years back in 2003 in the UK, 2000 in Scotland. My main goal was to determine if the clause negatively influenced only the LGBTQ+ community during the data analysis. To my surprise, it affected every aspect of daily life, even the heterosexual majority.

## Resumé

Sekce 28, taktéž známa jako klauzule 28, byla novela zákona zakazující jakoukoliv propagaci homosexuality místním úřadům v roce 1987. Sekce 28 byla zejména problematická, jelikož nepříznivě ovlivnila celou britskou společnost. Hlavním cílem Sekce 28 byla LGBTQ+ komunita, pro kterou tato novela znamenala velký krok zpět v rámci stejných práv pro minority v britské společnosti. Vliv Sekce 28 byl natolik velký, že v tehdejší britské společnosti způsobil takzvanou morální paniku. Státní média i noviny poukazovali na homosexualitu jako na smrtící nemoc a tak vytvořila propagandu, která ovlivnila mínění společnosti. Učitelé se často báli zmiňovat cokoli dobré o LGBTQ+ komunitě, to znamenalo, že znalost o této minoritě byla velmi malá, až mizivá, zatímco heterosexualita byla vždy propagována hojně a v dobrém. Politici, zejména Dělnická strana, přistupovali k Sekci 28 konvenčně, zatímco učitelské sbory, části společnosti a učitelé byli nespokojeni se zavedením Sekce 28. Tato novela byla odvolána roku 2003 ve Spojeném Království, v roce 2000 byla zrušena ve Skotsku. Hlavním cílem této práce bylo zjistit skrze analýzu dat, zda novela opravdu negativně ovlivnila LGBTQ+ komunitu. Překvapením mi bylo to, že novela ovlivnila nejen LGBTQ+ komunitu, ale taktéž každodenní život běžných heterosexuálů a to zejména negativně.



## 14. Annotation

Title of the Bachelor Thesis: Section 28 and its impact on the LGBTQ+ community

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Department: Institute of foreign languages

Field of study: English with a focus on education

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## Anotace

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