Sexual Politics
The Haldane Society was founded in 1930. It is an organisation which provides a forum for the discussion and analysis of law and the legal system, both nationally and internationally, from a socialist perspective. It is independent of any political party. Its membership consists of individuals who are lawyers, academics or students and legal workers, and it also has trade union and labour movement affiliates.

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As a member of the Society, you will receive 3 free copies of Socialist Lawyer each year. You will be informed of the Society's public meetings which are open to all members. You will also have access to one or more of the sub-committees which meet regularly. Through those sub-committees you will have the chance to participate in and organise international delegations. Join the Haldane Society now!

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Haldane Society Sub-Committees

At the heart of the work of the Haldane Society lie the various sub-committees, which cover a broad range of issues and whose work includes campaigning as well as disseminating information and stimulating discussion on the particular area. All members of the Society are encouraged to join one or more of the committees or to form new ones. We would in particular like to revive the Housing Sub-Committee and would welcome suggestions. Below are listed details of the different committees, including the relevant contact person.

Crime - Members are welcome to join the committee's mailing list for details of future work & events. Convenor: Debbie Tryple, c/o 20-21 Tolles Court, London EC4A 1LB, tel: 0181985 2871
International - Meetings, with an invited speaker, are on the second Tuesday of each month at 2 Field Court, Gray's Inn, London WC1 at 7pm. Convenor: Bill Bowring, tel: 0171405 6114
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Contributions are very welcome, if you are interested in writing articles or reviews and would like to discuss your contribution further, please contact Mark Henderson, tel: 0171 388 2550 or 0171 404 1313

S O C I A L I S T L A W Y E R
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A CAREER IN PUBLISHING
Socialist lawyer is looking for volunteers to join the Editorial Collective and take part in all aspects of commissioning, writing, advertising, disubribion, and graphics. Amateur photographers or profession-
als who work for free are particularly welcome. If you are interested, please write to the Editorial Collective, Socialist Lawyer at the Holdon office (address on the back page).

STOP PRESS - BASS GAVE IN
After banning SM clubs and community groups from all their premises three weeks ago (see Editorial, p8) at the In-
igation of the Metropolitan Police, BASS lifted the ban and apologised to the SM community as Socialist Lawyer wept to pass, it was a result of a massive campaign both in the SM community and Bisexual com-
munities. BASS were reported
ly trying to kill the ban but provided and the prospect of their drinks reception at the London Gay Bisexual and Transgender Pride this sum-
ner, with excess of six fig-
ers, being disrupted by
direct action groups. BASS issued a statement say-
ing that "BASS lawyers are pre-
pared to enter into discussion with any groups or clubs, whether they are SM or lesbian in orientation or not, that wish to use their premises. We will also investigate ways of sup-
porting safer sex education within the SM community, alongside our many existing fundraising events for gay-rol-
ated charities."
Rob Grover of the Counterclock on Spinor campa-
paign said it was "a good example of commercial and pressure groups working together towards developing a strong SM community spirit."
Gummi, the clubs the police vi-
sited, and SM Guys and Sadies Muisie, who were also thrown out when the ban took effect said that they were not retur-
ing to BASS properties.

WAR ON PREJUDICE
War on Want, along with the National Lesbian and Gay Committee of Britain's biggest cap-
sid by requests for assistance in a new campaign, "War on Prejudice" to support lesbians and gay rights in the devel-
orping world.

War on Want Director, Margaret Lynch, said: "War on Want's decision to launch the War on Prejudice was prompt-
ed by requests for assistance to organisations in South Africa and the Philippines. We were quite shocked to discov-
er that no other UK SM org anisation funds lesbian and gay projects abroad.

War on Want announced that they will not do with a cam-
paign against world poverty!" We believe in a human right to development - and that means more than just having food on your table. It also means a right to live free of oppression, discrimination and poverty. To live with digni-
ty and to be allowed to play a full role in your society's develop-
ment. Without this, the phrase "human rights" is an empty thing to it."
Chris Smith MP, launching the campaign, said that "in many places around the world lesbians and gay men daily face unimaginable hardships. In many countries, homosexu-
ality remains a criminal offence, often punishable by lengthy prison sentences. For me, this campaign represents an important development in understanding our responsibili-
ties as lesbians and gay men. Increasingly, I believe, we are winning the battle for lesbians and gay human rights in the West. It has been a long and difficult struggle and we still have a long way to go, but we have made fundamental advances. Our struggle for the recognition of our human rights has made it possible for tens of thousands of people to live their lives as lesbians and gay men and contribute to society. The War on Prejudice campaign can play a decisive role to assist this process in countries where social and political rights may still means a long way off."" Contact: War on Want, former Bricklayer's House, 37, 30 Great Gildford Street, London SE1 0ES

GREAT BRITISH GENEROSITY
THE GOVERNMENT'S REASSURANCE FOR ASYLUM SEEKERS
In an interview for Asian Times and Caribbean Times, the Social Security Minister, Alan Smith, has claimed that no genuine refugees will starve while awaiting the result of their appeal because of the generosity of their own refugee communitys in the UK and the gen-
erosity of the Great British public through organisations like Amnesty and the Refugee Council.

But told Mark Henderson: "We do still do feel that the withdrawal of benefits will be a barrier to its appeal. By that stage the vast majority of people seeking asylum are known to their community and make contact with their com-
munity and we would expect them to be supported in these circumstances."

When asked about those refugees who cannot turn to refugee communities in the UK, he said that there was no evidence of asylum seekers who travelled quite properly by others who don't believe the benefit system is the be all and all. I don't see the exercise as possible. We all know what the real situation is and that is that there are a variety of different groups who look after the welfare of religious and others and you provide as people have always done, support that is not the responsibility of the state."

When asked about these asy-
lum seekers who claim incom-
monly because of a change in cir-
cumstances in their country of origin he said: "That will be des-
gnated by the Home Office. I think the term is 'spurious' - there will have been a domestic upheaval that will have changed their situation."

What would be the criteria? "Well, I don't know. That's a matter for the Home Office. I think that part of the Bill is currently going through the House. I just don't think that that criteria has yet been made out. It is not in fact part of the current Bill."

What about people claiming incompetence because their personal circumstances have changed in their country of origin? the minister of the Home Office, Alan Smith, said "I believe the minister of the Home Office, Alan Smith, said "I believe..."
THE HALDANE SOCIETY

EDITORIAL

Last month three gay SM clubs, one of them with a major health education role, were barred by BASS, one Britain's biggest breweries. The bar was at the instigation of the Metropolitan Police after it had raided one of the clubs. It was the latest blow in an on-going war by the British state against sexual minorities, highlighted in recent years by high-profile conflicts with the SM community and the imprisonment of gay men for consenting SM sex as a result of the police's Operation Spanner. The Spanner defendants are awaiting their hearing before the European Court of Human Rights but it will be too late for one of the imprisoned men, Colin Laskey, who died of a heart attack last year. Straight SM clubs and magazines are also under attack. Some groups cannot keep mailings lists in this country through fear of them falling into police hands. Apart from Colin Laskey, the state has claimed other lives through the suicide of those it harasses.

Discrimination against sexual minorities represents the last respectable prejudice for the British establishment. Whereas other prejudices are now pursued in (relatively) code, homophobia is paraded and enshrined in law in the Section 28, which prevents local authorities portraying same sex relationships as normal. Homophobic murders go often unmarked by the media. Young people from sexual minorities face particular problems, because they are nearly always brought up isolated from their communities. Surveys have repeatedly shown disproportionately high suicide rates amongst lesbian, gay and bisexual teenagers.

However, the right wing press has in the last month attacked attempts to prevent children growing up bigoted as "gay lessons for 5 year olds" and campaigned against schemes to place gay teenagers with gay foster parents.

Our own profession is no different. Solicitors this year elected President of the Law Society a man who attempted to amend the sexual orientation clause in its equal opportunities policy to include a "conscientious objector" proviso - i.e., it's okay to dismiss gays if you really, really don't like them. After a year long battle to avoid including sexual orientation at all in their equal opportunities policy, the Inns of Court have now included a "justifiability" defense for direct discrimination against lesbians, gay men, and bisexuals.

Homophobia is not the preserve of the right. It exists across the political spectrum and in the labour movement. All the major trade unions now have equal opportunities policies dealing with homophobia, but union equality officers say they have to work three times as hard as they do for women and black people, and the massive gains made by sexual minorities in the labour movement since 1979 show not how far we have reached, but how desperately far back we started. In 1979 you would have been hard-pressed to find a dozen Labour MPs who did not support legally enforced prejudice in the shape of the discriminate- 
age of consent laws. In 1861, the vast majority of society supported the discrimination against lesbians, gay men and the, "respectable prejudice" defence for homophobia in the House of Commons after the age of consent vote, it symboled a new collective and the falling of the Damascus wall, the ones that cannot or refuse to assimilate, the ones the bigots hate the most. However, on the left there are those who are still willing to speak the coded and sometimes openly offensive language of homophobia, in the belief that their prejudice will be toler- ated like no other. "Ordinary people don't want to know," they say - presumably "ordinary people" like them, rather than the ordinary sexual minorities.

Socialists should make no compromise with bigotry or those who practise it. An attack on one of us is an attack on us all.

By Mark Henderson on behalf of the Executive Committee

LESBIAN AND GAY RIGHTS ARE HUMAN RIGHTS

Last year at Pride, Stonewall supporters, and several MP and local mayors, marched under a banner proclaiming that "Lesbian and Gay Rights are Human Rights". I want to ask here why it took us so long to say so, and then look at what the slogan really means for lesbians and gays and the wider movement for human rights.

Conventionally the birth of the modern lesbian and gay movement is traced to the Stonewall riot in New York in 1969, when a combination of gays, dykes and drag queens fought back against yet another police raid and sparked a new movement for liberation amongst lesbians and gay men. The Pride celebrations which are now held all over the world commemorate these events.

The importance that we ascribe to this moment in no way diminishes earlier homophile movements. In this country the Homosexual Reform Society, under the leadership of Anthony Grey, waged an enormous struggle to get the Sexual Offences Act 1867 passed, which decriminalised consenting homosexual acts, in private, between men over 21. But the language and discourses in which they could frame their fight for justice were a far cry from the claims for fundamental human rights which characterise the modern gay movement.

In 1967 it was precisely the non-human characteristics of homosexualities, their difference from other men that justified reform. Leo Abse, a prominent campaigner for reform said: "It was only by insisting that compassion was needed by a totally separate group, quite unlike the absolutely normal mates of the Commons that I could allergy the anxiety and resist- ance that otherwise would have been provoked."

The debates on law reform were characterised by a high moral rhetoric which now often seem apologetic and patronising. Homosexuals were a class apart from humanity, to be pitied rather than respected. The rationale for reform in the Wolfenden Report itself turned primarily on two distinctions, that between private behaviour and public policy and criminal law and Christian morality. Thus in a famous passage they said "Unless a deliber-

By Angelo Mason
Gay gene theories put lesbian and gay sexuality back in a box marked 'Different/ bad/ sick'. They fail to place gay sexuality and bisexuality as part and parcel of human sexuality.

In 1987, Wolfenden, after much heart searching, justified an inquiring mind. The idea of homosexuality might still set young men 'apart from the rest of society'. Today, our claims for human rights put us firmly within society.

But how easily do such claims really fit with the principles upon which human rights are based? I expect that many learned treatises will soon be written on this subject, but pragmatically it is helpful to look at the denial of civil rights and discrimination against lesbians and gay men in our legal system. The age of consent still remains unequal. Unequal gay sex is still criminalised. Lesbians and gay men are not protected against discrimination at work or in the provision of goods and services. Lesbians and gay partnerships are not recognised and rights to have or to care for children are still contested in the courts. Section 28 of the Local Government Act 1988 prohibits the intentional promotion of homosexuality and the treatment of homosexual relationships as pretend family relationships.

Within this picture of multiple discrimination it is possible to discern an increasing concern with the status of homosexuality as against the commission of homosexual acts. This trend can be seen very clearly in the case of the ban on lesbians and gays in the military. The military authorities seek to proscribe the status or condition of homosexuality rather than homosexual acts. In fact homosexual acts by servicemen caused to be a criminal offence following the passing of the Criminal Justice and Public Order Act in 1994. Yet there is an absolute and blanket ban on homosexuality in the armed forces. Thus men and women who have admitted to homosexual fantasies, but who have never had homosexual relationships have been routinely discharged from the services. The 'Don't ask, don't tell' policy in the United States military which prescribes any admission of homosexuality reflects this trend. Admitting membership of a social group is presumed to imply unlawful conduct. The social status or condition of homosexuality has become the determinant of the legal status of lesbians and gay men.

The parallels are on status in Clause 28 are clear. The irony is that at the same time our civil legislation still fails to recognise lesbians and gay men as a social group who suffer discrimination precisely because they are members of a social group. These issues have recently been canvassed in an interesting paper by the American legal scholar Angela Mason. The paper draws attention to the application of a Romanian sentence. He claimed asylum on the basis of a genuine fear of persecution because of his homosexuality. The issue here is whether homosexuals form a social group under the Refugee Convention. In their determination they considered an early Tribunal decision in 1991 in Golchin v. I.C.E. It was held that homosexuals should have some historical element in a 'social group' which determines membership of that group. This generation is not, in our view, for association to arise by way of inclination. Nor, can a social group be created merely by identifying the distinctive of a set.

The search for an immutable quality which would define homosexuality has directly inspired some of the research on the 'gay gene'. If we can find a genetic characteristic which identifies homosexuals and distinguishes them from heterosexuals, measures for human rights will finally rest on firm foundations. Simon LeVay, who has mapped the sexual identity of the monkey, has said of his research. "It's one more nail in the coffin of critics who argue that homosexuality is choice and thus immoral' .

He carried out autopsies on 66 males who were known to have been homosexual, 16 presumed to heterosexual and 6 heterossexual women. His hypothesis was that because the anterior hypothalamus is larger in men than women it is likely that it plays a role in 'masculine' sex behaviour. He found that the male heterosexual brains were larger, but not significantly so. The homosexual brains were available. Putting aside the interesting sub text on sex and the fact that the gay men had all died from AIDS, this research, at the very least, leaves a lot of unanswered questions. Were the neuro anatomical differences the result or the cause of different lifestyles? What correlation is there between size and frequency of sexual activity rather than sexual orientation? How does one explain the gay brains that were as big as the straight brains?

Research carried out by Dean Hamer of the National Cancer Institute in Bethesda, Maryland has raised the possibility of finding a 'gay gene'. Hamer and his colleagues published research two years ago suggesting that gay men are likely to share more genetic markers than can be explained by chance alone in the X chromosome region. They found in their sample that gay men had more homosexual relatives on their mother's side of the family than their father's side. As a man's X chromosomes come from his mother the research suggests that the homosexual gene is passed by mothers to their sons. In October 1994 he published further research which studied 33 pairs of brothers, both of whom were gay. Eight of these pairs also had heterosexual brothers. His findings were that two thirds of gay brothers had the same genetic markers. Although he also looked at a similar group of pairs of lesbian siblings, he found no links to the X chromosome region.

Again questions will be raised about this research. The samplings are small and there are gays without the 'gene', it doesn't explain lesbianism, but, perhaps the more fundamental question is "Does it matter?"

In my view, although it would be wrong to ignore the biological component in our sexual make up, 'gay gene' theories are as likely to be used against us as for us. Our 'queer genes' are a bit 'little bit queer' doesn't make homophobia a little bit 'obsolet'. And the research that researchers themselves warn us of the danger of genetic engineering, a point which our moral opponents were quick to seize on.

More importantly gay gene theories put lesbian and gay sexuality back in a box marked 'DifferentlyAbnormal'. They fail to place gay sexuality and bisexuality as part and parcel of human sexuality as such. They narrow our understanding of the human condition and our concept of human rights. If we can come back to the determination in the Romanian refugee case, the implications of these differing understandings of sexuality can be worked out. This Tribunal differed from the view of the European Commission and rejected the decision of the United States Board of Immigration Appeals in Matter of Acosta, 1986, in that the decision the Board said, "the other grounds of persecution..."
FUNDAMENTALISM, RACISM, AND VIOLENCE AGAINST WOMEN THE SOUTHALL BLACK SISTERS EXPERIENCE

by Hanana Siddiqui

The issue of domestic violence is one that has no boundaries. It cuts across class, race, religion, nationality. It exists all over the world. Although there is commonality of experience among women from different classes, races and so forth, we must also recognize some of the differences in order to meet the special needs of particular groups. We are not talking about a homogenous society where all women’s needs are the same. There are differences and there is a lot of inequality. There is racism within the feminist movement and the women’s movement has not always been able to take into account the needs of ethnic minority or Black women. It is important that we begin to do that if we want to achieve equality and freedom for all women and not just a few.

Southall Black Sisters is an autonomous, secular organisation. We do not organise along religious lines. We have women from all racial and cultural backgrounds coming to us. Secularism is important for us. There is increasing pressure to define ourselves along religious lines. We believe this marginalises people and creates exclusive, segregated identities based on reactionary notions of religion. We do not see ourselves as a separatist organisation - we make alliances. When we established ourselves we felt therefore that we had to take on issues concerning Black women who were not being taken on by men within our own community or by outside society. The two main issues we felt we had to fight were racism and sexual discrimination.

We are based in Southall in West London, as our name suggests, and the majority of women who come to us are therefore South Asian. We find that these Asian communities are as male-dominated as any other community. It is not in their interests to take up issues which affect women within the family and home. The community is very happy to take up issues around race, but not issues which affect women.

Violence and Family Honour

Since the arrival of immigrants have been around domestic violence. They have centred around very tragic cases of women who have been killed, either women who have killed themselves, having been driven to suicide, or women who have been murdered by their violent husbands. One of the first campaigns was around a local woman in Southall. She hung herself after years of violence. We picketed the husband’s house and we demonstrated through Southall. The campaign was led by Asian women who had gone through domestic violence themselves. Some of them were frightened and had left the area because they were facing violence. But they came to the demonstration and put resolve around their heads so they could not be identified. The idea for that campaign was something we borrowed from the Indian women’s movement. What happens in India when a woman has been killed or severely injured is that local women surrounding the perpetrator’s house and try to shame him within the community. We were trying to do the same thing - shame the perpetrator. It was not the issue that she had killed herself - for us she had been murdered because she had been driven to kill herself. We were trying to look at some of the religious and cultural traditions that existed in our community. At that time domestic violence in Asian communities was a taboo subject. We one talked about it, women had not organised around it. We wanted to exposure it.

We tried to address very traditional concepts like family honour, for instance, where women are seen as the upholders of the honour of their families. If they say that their husbands or speak up against violence, then they are seen to have shame that honor. Women are stigmatised and stigmatised. This can be very distasteful as a totally male-dominated community as they are thrown out of these communities without family support. This notion of honour often prevents women from leaving violent situations. We wanted to expose that and turn the concept of honour on its head. We wanted to say that it was not shameful inrish for a woman to leave her family and her husband due to violence. It is more dishonourable for a husband or a partner or his family to perpetrate violence against her and therefore the community and society should condemn the perpetrator rather than the women who are subject to their violence. This campaign has had a major impact. Since then there has been a growth of the Asian women’s movement in Britain. They have established more Asian women’s refuges, young Asian women’s hostels, and special centres where women can get help.

Reactions to the Community

When we tried to deal with the question of domestic violence in Asian communities, obviously the men were very hostile. There was a backlash from the right wing. We were accused of being home wreckers and of destroying families. We were also labelled as a Westernised force, something alien to Asian culture. They perpetuated the myth that Black women challenge domestic violence and demand their rights because they have been corrupted by western values. What people do not recognise is that Asian women in India and elsewhere have been campaigning for years around domestic violence and for the liberation of women. Sexual liberation is not just a western concept but is a basic human right which women have demanded in both Western and Eastern societies.

The right-wing attacks were predictable. What was interesting was that we had opposition on the left which largely came from sections of the anti-racist movement. They were saying to us that the most important struggle for the minority community in the country is the anti-racist struggle. So if we start talking about problems in our own communities, people will see us as barbaric, backwards - it will fuel a racist backlash again. What was important for us, however, was to continue to fight for the rights of all and not just for a section of society.

The other widely held view with which we have experienced problems is the notion of multi-culturalism, the view that those from the dominant, majority culture have no right to intervene in or criticise minority cultures. To do so is being intolerant or even racist. This view assumes that minority communities are homogenous entities with no internal power dynamics. It therefore ignores the fact that communities, who represent the views of the minority community to outside society, do not represent the interests of those with less power and conflicting interests, such as women in these communities. Community leaders who tend to represent the most conservative, religious and patriarchal forces do not therefore want outside assistance for women within the community. As a result we often find that outside welfare agencies and policy makers refuse to help women either because they feel the community solves its own problems or because it would be wrong to criticise minority cultural and religious practices and norms. Women from minority communities are therefore made invisible.

Racism, the Police and Immigration

For Black women, when we talk about matters to deal with domestic violence, we also have to consider the issue of racism. For instance, when discussing the police’s response to domestic violence we also have to talk about the policing of Black communities. Some Black women are reluctant to go to the police for help because so many Black men get harrassed by the police, and Black communities get the brunt of police harassment and racist immigration policy.

Immigration is another issue. Many black and migrant women who come to us do not have a secure immigration status in Britain. They often come into the country as a bride or fiancée where their status is completely dependant on their husband, at least for a year. In Britain the police require an unregistered spouse, married to a British citizen, to remain in the country for at least 12 months before obtaining permanent settlement rights. If she leaves that relationship, she is liable to deportation back to her country of origin. Many women are frightened to go back because they come from cultures where they know if they go back as a divorced or separated woman, they will experience stigmatisation and ostracism. Women also experience discrimination and are left destitute, open to economic and sexual exploitation.

Whilst in the UK they are safe, like many other immigrants with an insecure status, unable to make a claim for benefits. These women do not even have the legal and welfare rights available to other British women in Britain. They cannot claim public housing or major social security benefits. They even have problems getting into refuges/shelters because many of these organisations depend on social security benefits for rental income to survive. Therefore battered women with immigration problems have nowhere to go. They face a very stark choice: they either have to stay in a relationship and face violence and even death, or they leave the relationship and face deportation and destitution.

We know there is a high rate of suicide, especially among Asian women. There is a high rate of domestic homicide generally, where violent men kill their partners both in majority and minority communities. We are condemning these women to a life of
For Black women, when we talk about initiatives to deal with domestic violence, we also have to consider the issue of racism. When discussing the police’s response to domestic violence we also have to talk about the policing of Black communities.

with immigration problems although they state that they want to establish anti-violence policies more effectively. It is certainly an issue on which we want far more support from the woman’s movement. One of the things the woman’s movement has to realize is that their own racism may prevent them from doing so. We were pleased to hear at the Fourth UN World Conference on Women in Beijing in September 1995 about how migrant woman in the United States of America successfully obtained the help of the welsher woman’s movements to reform immigration laws to help battered women. We have just launched (March 1996) a national campaign to abolish the ‘one year’ rule which has led the number of Black women’s groups. We are hoping that it will receive widespread support from the antiracist and women’s movements, although both are faced with the challenge as the campaign brings to the issues of race and gender.

Moral backlash
We have made some gains since Southern Black Sisters was first set up. Some of them, like the case of Kraitz Aikahukwa, have attracted much publicity and support, but we still have huge challenge before us. One is the whole problem of domestic violence, employment and the culture in the welfare state which has made it more difficult to keep it. A moral backlash has also emerged. Recently we have witnessed Government ministers and Members of Parliament from the left and right talking about the disintegration of the family and the need to return to traditional family values. Some people have argued that single mothers, especially those who are unmarried, should be denied state benefits and housing and encouraged to return to, or stay within, a traditional family set up where the male partner is the breadwinner. If this fails, then man should be forced to support their families rather than the welfare state. This view fails to recognize that single mothers often act in a very responsible manner by refusing to submit to violence or abuse by leaving a violent partner or by refusing to continue with an unhealthy relationship. There is a backlash against feminism as well, which has been blamed for single parenthood and for encouraging women to get divorced and separated.

Religious fundamentalism poses another problem. It is on the rise on an international scale. This development was very noticeable at the Fourth UN World Conference on Women in Beijing held last year. The Vatican and Iran particularly were using the conference to promote their own agendas, which essentially worked against women’s human rights. At the non-Governmental Conference Muslim fundamentalists were particularly visible. Secularist, anti-fundamentalists did however make their presence felt, especially via the activities of women from Afghanistan and Iran. There are also several women courageous called for international support for their struggles against the fundamentalists, who have used murder, rape and torture to silence dissent in their countries. Fundamentalism is a very regressive movement and has a very strong appeal to women because it promises to give them identity and place in society and to give them control over their own lives. Women are given courage to call for international support for their struggles against the fundamentalists, who have used murder, rape and torture to silence dissent in their countries.

Fundamentalism is a very regressive movement and has a very strong appeal to women because it promises to give them identity and place in society and to give them control over their own lives. Where religion is used to achieve certain political ends. It does not allow for different interpretations and dissent. People are looking for solutions and fundamentalism provides simplistic solutions and a sense of certainty in a world of uncertainty. Clearly there is a vacuum and the left socialist movements have failed to provide the solutions to the world’s problems and solutions that are being instituted. The Government refuses to institute reforms to help battered women.

PRUDES WITH AN ATTITUDE? THE CASE AGAINST CENSORSHIP

Avedon Carol is the founder of Feminists against Censorship and the author of Nurses, Prudes and Fundamentalism. She feels that censorship and anti-pornography laws in which she asserts "anti-narcotic activism is not merely a useless device for eliminating sexism and violence but also a disaster for feminists, women in general, and society as a whole." Lisa Connelly talks to her about how the left can have sex without censorship and whether any form of legally sanctioned censorship can ever be acceptable.

Lisa: Does FAC define itself as a Socialist group?
Avedon: We have no official economic analysis but the majority of us see class as critical of capitalism.
Lisa: How would you like to see the present laws on censorship changed?
Avedon: We want the abolition of all the existing anti-pornography laws; the Obscene Publications Act, the Indecent/Display Act, and the Video Recordings Act.
Lisa: I am concerned that everyone asks; what about child pornography?
Avedon: There is no need for a specific law against child pornography in order to protect minors. Sexual material involving children is already criminalised and coercing children into producing pornography is assault. The people caught under the laws are not necessarily producing commercial pornography; you can be prosecuted at present for taking pictures of your own children in the bath, look at what almost happened to Julia Somerville. I know of an educator who was arrested simply for producing photos of his own child. A book which was widely used and highly respected in the Seventies as a sex education tool. In the course of the prosecution the pictures in this book were described as porn; one was simply of a naked child touching himself, one was of a prepubescent girl touching a prepubescent boy.
Lisa: Surely some men would use this material as a masturbation aid?
Avedon: Yes, but men who are turned on by children will find material where a clothing catalogue for example. The desire is not produced by the pictures, and censoring the material does not remove the desire.
Lisa: Is it feasible to be anti-censorship and against pornography?
Avedon: If any public movement with a degree of support critical of censorship is to win. Freedom of expression the State stresses on this in as an instruction to censor.
Lisa: Pornography is not only the issue for the Left in discussions of censorship, of course. What about groups producing racist material? there are laws, albeit seldom used, which prohibit this, but your position would seem to be that this is censorship and as such unacceptable?
Avedon: Nothing would be gained from banning groups like the BNP, when the police ban them, they are just moving to another location, but which is pursued. What is in the books is heard the BNP speak. Xenophobia is easy to tap.
Lisa: What, if anything, is the reason to censor sex hate groups?
Avedon: You have to be looking for a scapegoat before you will be pressured to choose immigrants. The problem with even that degree of protection is that it intensifies the class struggle that the class struggles resist the middle classes telling them what to think and feel. If you are living in Income Support at £45 per week and you like smoking and looking at pictures of naked women, how are you going to know what to think about even those pleasures for "your own good", and why should you differentiate between those instructions coming from the Left or the moral majority. Being told you can’t listen to the BNP seems like just more of the same.
Lisa: Surely there is a case for anti-racist laws even at the risk of encouraging censorship?
Avedon: Certainly there is a case for anti-racism laws, but we must realise that laws which protect racist speech are repressive and are seen as reconciling and demanding special treatment. Why, for example, do we need an anti-racism law when we already have laws against violence? If the police don’t implement the existing laws why would they become the vanguard of anti-racist laws?
Lisa: What about affirmative action?
Avedon: The economic and social reality of people lives right now means that affirmative action is effectively an equal shot at nothing. It is crazy to say to a working class kid that blacks are economically disadvantaged, or rather it sounds crazy to him; he is dealing with the same problems but can’t blame them on sexism or racism.
Lisa: Some of these arguments sound worryingly liberal. To return to pornography, for example, to dismiss porn laws as paternalistic is surely to deny the economic reality of women’s lives which ...
The majority of people I know are doing jobs they don't like because they effectively have no choice. To work as a waitress, for example, can be just as much of a violation as doing blow jobs for money, and usually not as well paid.

A prostitute or a porn model means the world has no respect for you, but many women who are "respected" are dealing daily with abusive relationships, physical or otherwise, which devalue their whole sense of self. For feminists to centre all their energies on anti-porn activism is analogous to taking a separatist position, it is a way of deflecting what to me is the real issue, the way in which we as a society have institutionalised sexuality and sex roles which are demeaning and then looking for a way of saying this comes in some way from outside us. Look at the anti-alcohol movement in the States in the Thirties; the argument there was that alcohol was the drug of choice and this woman into an object. To focus all your energies on prohibiting the ad is to deviate and prevent any deeper analysis of objectification.

Lisa: Do you see any simplistic 'porn causes rape' argument as a form of women blaming, a displacement of blame from the rapist to the image of the women which made him "lose control" - but surely he and porn to legitimise violent desires? Many rapists have said that porn caused them to view women as objects.

Avedon: Yes, but their motivation is questionable. Best the serial killer Ted Bundy did indeed claim that porn central to what he did, and is frequently quoted by anti-porn activists. However what is not mentioned is that he said this to a famous right wing anti-porn crusader, the Reverend Dobson, on the eve of his execution in an attempt to evade the death penalty, and the only literature approaching porn actually found in his house was children's magazines. We have to ask basic questions: why do we assume that seeing images of sexual activity is going to provoke violence? Is it not quite as incoherent to the material. Men who have that concept, that male violence to women is acceptable, may have it longer before they see any porn,

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from their parents, their peers - we live in a society where it is acceptable to say, for example, "if my woman has sex with another man I'll kill her", and that kind of attitude is acceptable to many people who are horrified by the existence of porn.

Lisa: Nevertheless, the causal connection between porn and violence has been accepted by the United States to facilitate the passing of the Pornography Victims Compensation Act, (an Act to allow victims of violence allegedly caused by pornography to sue the pornographers, promoted most famously by Catherine McKinnon and Andrea Dworkin after the Oklahoma City bombing which was passed in Minneapolis in 1983 was declared unconstitutional by the US Supreme Court) Yet many feminists who are broadly aligned with your position were and continue to be opposed to this kind of legislation.

Avedon: Yes, because it does not provide protection for rape victims but ammunition for the more extreme. Any law, which facilitates censorship can and will be used by the State to suppress feminist material or any other so-called subversive material. Many feminists in the States do not help women. To begin with you have to prove that you have been raped; it is effectively on trial again, with all the possible consequent trauma and not even the minimal protection provided by the anonymity provisions of the criminal trial. Then you have to form an alliance with the rapist to establish that porn motivated the rape - no doubt many rapists will eagerly, but again, what is their motivation? This law has been described as the "Rapists Exculpation Act", it removes the blame from the rapist and it does not exonerate the women, and it facilitates censorship both indirectly and directly by putting pornographers out of business.

Lisa: At the end of a discussion about porn like this one, I keep coming back to the question: what about the woman's voice, the voices of the rape victims, the abused children, the incest survivors? Many women have written in graphic detail how their abusers actually used porn to facilitate and in some cases initiate the abuse; can we validly deny their experience in the face of that liberal concept 'free speech'?

Avedon: I don't deny it. I am sure these women are convinced that porn was instrumental in their abuse. But what of the thousands, if not millions, of women raped and abused before mass produced porn became widely available? Their husbands, fathers, abusers, did not have the materials but they had the desire. We should be analysing why men want to hurt women, not simplistically attributing it to pornography. Of course we should not silence women's voices, but surely that must include not censoring my voice? I believe it is a fundamental human right that I was free of any person telling me what to think and feel, telling me what I thought and what I was allowed to think and feel and censor - and I still am.

Lisa Connolly is a solicitor in Wilson & Co.
BEYOND EQUALITY

Outrage have just launched a new campaign to reduce the age of consent to 14 for everyone. Peter Tatchell sets out the new queer agenda.

On 21 February 1994, the vote to put the gay male age of consent to 16 in order to bring it in line with the heterosexual and lesbian ages of consent was lost by 307 votes to 280. MPs decided in favour of continuing discrimination, thereby reiterating the system of "sexual apartheid" which treats homosexuals as inferior second class citizens.

During the age of consent campaign some of us had doubts whether 16 was the appropriate age to aim for. Even if it was achieved, it would still leave thousands of young gay men under that age subject to criminal sanctions. The idea that the campaign for equality should conclude with penalising the young and vulnerable seemed neither fair nor right. Nevertheless, for the sake of unity we did not publicly express misgivings. Now however many lesbians and gay men are openly ques-

tioning the cautious conservatism of the age of consent campaign. While acknowledging that the achievement of a minimum age of 16 for both gay and straight sex would have been a valuable advance, there is a growing realisation that it would have also perpetuated the criminalisation of tens of thousands of teenagers, both homo and hetero, who had sex prior to their sixteenth birthday. This realisation is symptomatic of an emerging new queer agenda which has goals beyond equality and which challenges the way the lesbian and gay establishment so often seems willing to settle for equal rights in heterosexual terms.

The objective of the main gay lobbying organisation, Stonewall, is legal parity. Although achieving parity is important it also has limitations. Since the legal system has been devised by and for the straight majority, equal rights for lesbians and gay men inevitably involve equality within a framework determined by heterosexuals. We conform to their system. Without a wholesale renegotiation of sexual values and laws, heterosexual men and women will always define the basis on which homosexual sexuality is achieved.

A rigid equal rights agenda also colludes with the assimilationist assumptions that lesbian and gay men can best improve their lives by qualitatively blending in with mainstream straight society. This idea may have had great resonance in the Wolfenden era, but nowadays many of us have no desire to copy the flawed example of heterosexual-with-its-frequently-oppressive-middle-class-and-suburban-uprightness. There are many unique and liberating aspects of lesbian and gay culture which we value and want to keep.

For the modern queer generation, the route to lesbian and gay freedom is not via our adaptation to the heterosexual-dominated status quo, but through our transformation of it. The age of consent is a prime example of legislation requiring radical overhaul. Puritanical and repressive, it works against the well-being of young people, both gay and straight.

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The campaign for consent at 14 might be more realistic and fair, given that so many young people have sex from that age onwards. Empowering them to make their own free choices about sex, together with much fuller information, the least way to ensure they have happy, healthy sexual relations without unwanted pregnancies or HIV infection. The importance of ending the criminalisation of young people involved in consenting sex was recognised many years ago by both the National Council for Civil Liberties and the Howard League for Penal Reform. Together with the Bishop of Winchester, the Rt Reverend John Robinson, they proposed that the minimum legal age for sex should be lowered to 14, albeit with some qualifications.

Even fairly recently, policy makers in one government department floated the idea of reducing the age of consent to 13 as a way of removing legal obstacles to better sex education and contraceptive advice to young people. Needless to say, this idea was quickly denounced by Ministers who seemed more keen to appease their right-wing constituency associations than to promote the sexual welfare of vulnerable teenagers.

Another worthwhile reform would be to introduce a degree of flexibility into the age of consent. This would and the way the current law criminalises a person just over the minimum age who has sex with someone just under that age, even if there are only a few weeks difference in their birth dates. This flexibility could be achieved by a policy of not prosecuting consensual sex involving people under 14, providing there is no more than three years difference in their partner's ages. In other words, sex between a 15 year old and a 12 year old would not be prosecuted providing that there is mutual consent and neither party lodged a complaint. A system of flexibility in the age of consent already exists, to varying degrees, in Germany, Switzerland and Israel. Similar changes would remove the threat of legal sanctions from tens of thousands of teenagers engaged in victimless underage sex, benefiting both heterosexuals and homosexuals. That, paradoxically, is what the new queer agenda is all about; sexual emancipation for everyone.

Pater Tatchell is a member of the lesbian and gay direct action group Outrage! His recent books include Safar: The Guide to Gay Sex Safety (Freedom Editions £14.99), and We Don't Want to March Straight—Masculinity, Queers & the Military (Cassell £4.99).
DEFENDING IDENTITY
Gays, transsexuals and discrimination

When called upon to address issues of sex and gender, the law is a minefield of uncertainty, irrationality, anachronistic ideas and misconceptions. In general, our courts have singularly failed to keep up with societal change and - with specific reference to transsexuals - with developments in the medical profession's understanding of the condition correctly termed gender identity dysphoria. This is symptomatic of a legal system that is resistant to the development of a coherent, rights-based jurisprudence, consistent with and informed by international standards that has at its heart a strategy for ensuring that individuals are free from discrimination (inter alia) on the grounds of sex. What is left to prevail is prejudiced stereotypes and ignorance.

Transsexuals, legally entitled to the clinical treatment and corrective surgery to enable them to physically live in their true gender, are currently denied the attendant civil status and social rights to ensure the public recognition and protection of their personal identity. Unable to change their gender legally through correction of the birth certificates, transsexuals are excluded from the panoply of rights that are derived from this document; that is, the right to marry, to register their children, to apply for sex specific reserved jobs such as in the army and the police. Furthermore female transsexuals are sent to male prisons and vice versa. Overriding and undermining all of this, transsexuals are denied the legislative right to protection from discrimination in employment and in access to services which according to current legal thinking is reserved for heterosexuals only.

This was the message that rang loud and clear from the judgment of the Court of Appeal in R v Secretary of State for Defence ex parte Smith and Others, upholding the armed forces ban on homosexuals and lesbians as a rational policy and dismissing in a few short paragraphs the appellants' claim to protection from discrimination under the EC's Equality Directives (3 of 1975 and Directive 700/237/EEC).

The Master of the Rolls, Sir Thomas Bingham, giving the only reasoned judgment on this issue rejected the argument essentially on three grounds:
1. it was in the minds of the drafters of the Directive in 1975 to include sexual orientation within the meaning of sex, had it been the intention to regulate discrimination on this ground it could easily have been done.
2. it was a misuse of authority to rely upon a judicial interpretation of the Convention of Human Rights ( ECHR) and the Convention on the Rights of the Child ( CRC) to prohibit discrimination on the grounds of sex as including sexual identity.
3. the Commission's Code of Practice on sexual harassment whilst identifying the particular need for protection for gays and lesbians from this form of discrimination in the workplace, did not regulate employment policy in relation to sexual orientation.

Only a matter of weeks after the judgment in Smith, the Advocate General's opinion in the case of P v Cornwall County Council and Others on whether a person which is required that no account be taken of discriminatory factors, principally sex, race, language, or gender which are relevant to the issue of employment.

The Advocate General's view is that there is in like situations, individuals should be treated alike. According to the Advocate General sexual and/or sexual identity cannot be a reason for discrimination.

It is not within the scope of this paper to go into detail on the Advocate General's opinion, but merely to examine the court's statement of the law as it stands in the light of the Advocate General's opinion.

What is clear is that following the Advocate General's opinion in Smith, the law now requires the courts to avoid rationalizing any and all differences as being based on gender and cannot give the discrimination on grounds of sex which is an aspect of the principle of equality, a principle which requires that all discrimination must be treated alike.

Only weeks after the judgment in Smith, the Advocate General's opinion drove a coach and horses through this reasoning, exposing the poverty of the UK's jurisprudence and the parochial nature of its judiciary.
SM - A WOMAN'S RIGHT TO CHOOSE

Deb Percy was one of the Liberty 5 who challenged the criminalisation of SM before the European Commission of Human Rights. Val Langmuir is an activist in Countdown on Spaner. Two women discuss sadomasochism as an expression of the right to do what we want with our bodies.

Operation Spanner was a police operation started by the Obscene Publications Squad (OPS) in 1987. It resulted in the imprisonment of several people for consensual sadomasochistic sex. It led to a president (Brown) in British law that has criminalised many sexual activities as well as body piercing or marking for erotic purposes.

Since the Spanner case there have been many incidents of police harassment of SM events. Eleven incidents were documented between October 1993 and November 1994. The police have not, however, used the Spanner precedent to effect these raids, but rather other laws such as the archaic Disorderly House statute. This makes unlawful a gathering at the same venue regularly (i.e. on two or more occasions) for purposes deemed immoral or indecent, although they might not by themselves be illegal. The law was written centuries ago to quell the upsurge in prostitution, but has now been used to target sadomasochists' clubs and even private parties, even where no offence has been caused to the general public. It is indeed a worrying state of affairs that such an archaic law can be used in the 1990s to attack people's civil liberties in the privacy of their own homes - indeed some of the defendants in Brown were convicted of this offence. In response to these raids, a campaign against the Disorderly House statute was launched in 1994. Needless to say police continue to waste public money on high profile operations against harmless get-togethers of sadomasochists, some of which are detailed here.

In April 1994 police entered the back room of the Minershaft, a gay club in Manchester. A number of men, some in fetish wear and some in their underwear, were arrested, handcuffed and taken to the police station where they were held for many hours and eventually released still in the same attire. The raid was justified on suspicion of "running a disorderly house", the men were arrested for allegedly having sex on the premises. In October 1994, following two incidents the previous month in which police were inquiring about possible infringements of licensing regulations, six officers burst into Club Whiplash in Putney at 2.03 a.m. (presumably to check the 2.30am drinking up time). Club goers were held for over an hour as police photographers took pictures of restraining equipment and two plain clothes officers spoke into distant machines recording activities said to have been observed during a period of surveillance. Goods as dangerous as painted wooden snoops and hairpins were seized from stalls on the premises. No one was arrested by any of the police, who had arrived in seven police vehicles and with two dogs. However, charges of "running a disorderly house" were brought against both the club promoter (charges subsequently dropped due to lack of evidence) and the owners of the premises.

In May 1993, police in Hyltonswaine, Yorkshire raided a private party on the grounds that they were looking for stolen goods. Upon entering the house and discovering that the men at the party were dressed in rubber and leather, they arrested a large number of men on "subjection of consent to commit acts of gross indecency". Leather shorts and clothes pegs found in a bedroom were classified as "inincriminating evidence".

In the wake of Spanner, HM Customs has mounted a campaign against the importation of foreign SM magazines including "Drummer", "Demonic" and "Secret"; an importer of the last has been prosecuted. In addition the OPS has targeted domestic SM magazines, including Cul de Sac. Run by a woman, a hobbyboit who made no significant profit, this was a mildly spanking magazine. Brought to court in 1990 the case was thrown out by the judge leaving the defendant with legal costs which legal aid would no longer meet. It is cases like this which demonstrate how the victims are in the law on SM.

When sadomasochists openly experiment with power differentials within agreed limits in S/M sex "scenes", we are not reproducing actual inequality but representing it in fantasy roleplay.

In fact research shows that men who rape have often been brought up in sexually repressive environments, are likely to have had limited access to pornography, and are more likely to have read the Bible!

control what people do with their own bodies. These effects have been felt by many people, men as well as women, especially before the partial decriminalisation in 1967. people suffering sexual, prostitutes; and women needing access to abortion. As sadomasochists the consequences we suffer are: a justified fear of being arrested; may be reluctant to seek medical help and advice when necessary, even on wholly unrelated matters e.g. for a cervical smear, if we have marks which could attract unwarranted attention; we have only limited access to safer sex information, advice and help; our social and support groups are limited in their scope, fearing prosecution; we have difficulties in mixing other sadomasochists for friendship and support or as partners; we may be vulnerable to malicious blackmail or sexual accusations; the latent possibility that our homes or events may be ransacked by officials, because our activities are criminalised we fall outside the protection of the law.

In the event of individuals coming into conflict with the law there are further consequences for their jobs, their families, stress and the implications of a possible criminal record. Stress, depression, family breakdown and unemployment certainly affected many of the Spanner defendants. Since the Spanner case there have been many incidents of police harassment of SM events. Eleven incidents were documented between October 1993 and November 1994. The police have not, however, used the Spanner precedent to effect these raids, but rather other laws such as the archaic Disorderly House statute. This makes unlawful a gathering at the same venue regularly (i.e. on two or more occasions) for purposes deemed immoral or indecent, although they might not by themselves be illegal. The law was written centuries ago to quell the upsurge in prostitution, but has now been used to target sadomasochists' clubs and even private parties, even where no offence has been caused to the general public. It is indeed a worrying state of affairs that such an archaic law can be used in the 1990s to attack people's civil liberties in the privacy of their own homes - indeed some of the defendants in Brown were convicted of this offence. In response to these raids, a campaign against the Disorderly House statute was launched in 1994. Needless to say police continue to waste public money on high profile operations against harmless get-togethers of sadomasochists, some of which are detailed here.

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In the event of individuals coming into conflict with the law
THE LIMITS OF CONSENT

Angus Hamilton, the Spanner defendants’ solicitor analyses the different reactions of the Law Commission and the European Commission of Human Rights to their imprisonment for consensual sex.

December 1996 saw two developments of major significance with respect to the campaigners’ declarable private consensual SM activities. First the European Commission of Human Rights produced its detailed report on the Strasbourg hearing in January which judged the UK unconstitutional under the European Convention of Human Rights (ECHR). Secondly the Law Commission, as the UK’s second and detailed consultation paper on the issue of consent in the Criminal Law. In November 1993, the Law Commission produced its first report on the issue of Consent and Offences Against the Person. What that report did, at least implicitly, was to emphasise the intellectu- al inconsistencies of the existing law and of the decisions in Brown (the Spanner case) and the wholly irrational and unjustifiable sense of exceptions (boxing, corporal punishment, surgery etc.) to the general principle confirmed by Brown that one cannot consent to being harmed above the level of a transitory or trifling injury. The first report highlighted the fact that lumping the various existing exceptions under the heading of consent was something of a misnomer since some of the exceptions have very little to do with the consent of the victim - for example, the corporal punish- ment of children. In the case of boxing too, although there may be a generalisation consent to injury would be extraordinary to main- tain that one man was consenting to the infliction of serious brain damage by the other. Arguably, SM is one of the few areas where all parties truly consent to precisely what is to occur.

The first consultation paper suggested a universal standard of harm where the consent of the injured party would be a defence regardless of the context in which the harm occurred. The Commission also tended that consensual be a defence to injury but not serious injury. This seemed to be a proposal which raised the relevant level of harm above that set in Brown and which if implemented ought to have decriminalised most SM activities. The precise implications were not clear however because of the problems of defining the meaning of injury and serious injury. The Commission also proposed an across the board age of consent of 16 for all harmful activities. During the course of a series of papers involving S/M, a first paper (September 1993 to June 1994) the Commission were inundated by representa- tives of the gay and straight SM communities - about the inade- quacies and implications of the proposals. In particular it was argued that the Commission’s failure to define its terms caused problems. The Commission were also taken to task over their use of legal language - referring to consensual SM as sex violence and submissive partners as victims. In its final consultation paper on Consent and the Law, published in December, the Commission reports on the out- come of the first consultation period and, gratifyingly, substan- tially and quite significantly, the proposals were dropped. The new paper looks at the far broader issue of consent in the criminal law as a whole rather than just its application to offences against the person.

The Commission were also taken to task over their use of judgmental language - referring to consensual SM as sex violence and submissive partners as victims.

This means that the proposals address not just Spanner type issues but also, for example, whether a misrepresentation that consensual activity means "yes". As we demand the right to say yes to sexual activity and our bodies without our consent. "No" always means "no". But now it seems we also have to deliver a new message: that other aspects of the proposals recommend that consensual means "yes" - effectively turning an otherwise consensual sexual act into rape. The Commission emphatically means that no one should consent to being harmed above the level of a transitory or trifling injury. It is important for people to know precisely where they stand rather than for matters being left to constructive guess work. A serious disabling injury. It is suggested, should be one which causes serious distress and involves the loss of a.

The law was rights to place some limit on the degree of injury to which someone can consent but that the removal of these abuses was that the present law was restrictively. Condemnation of the principle enunciated in Brown comes from some surprising sources - the Crown Prosecution Service considered that the present law captures conduct not generally regard- ed as criminal. London Metropolitan Police have deplored the various circumstances to be simply inappropriately, ultimately futile and enjoyable little if any contemporary public support.

Rather disturbingly, the report commences with a declaration from the Commission that it has decided to adopt a pragmatist approach in making its new proposals - pragmatic weaving following the gain of contemporary majority attitudes within Parliament to questions of crim-
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Few media sources chose to report that Betts’ death had actually been caused by water intoxication and is in fact turning cannabis using prisoners into hard drug users who may need to feed their habit on release. Not sur-
prisingly the Prison Service has stated that there is no evi-
dence of prisoners switching to hard drugs to avoid detection. However it seems that the harsher line regime established by the 1994 Act may be balanced by procedures ensuring the cases will not come to court. A controversial set of ACPO guidelines has suggested that a single offense is enough even for possession of heroin. This may seem odd at odds with the Government’s war on drugs, but acknowledges that in practice police forces operate a policy which results in a facto
decriminalisation in many cases, and that the criminal justice system is simply unable to deal with the scale of the problem. It is suggested in the government report which has received its backing documented the alarming rise in child drug use, working as prostitutes to feed crack-cocaine habits. A cohesive support and welfare structure for young drug users is sadly lacking, where the police make the first contact has in the main been targeted at children who have a responsible adult able to put the social services wheel in motion, leaving those children most at risk without any assistance.

All the evidence points to a massive growth in the numbers of juvenile drug users. A survey by Exeter University’s schools health education unit found that drug taking among a group of 5,000 teenagers had risen dramatically since 1989, with the number of 15-16 year olds using cannabis trebling. The gener-
al view among those surveyed was that illegal drug use was less harmful than alcohol and tobacco. The Government’s response has been a mere £1 million in funding to forty pro-
jects to help drug addicted children.

There has been a recent spate of reports in the press con-
cerning the drug habits of school children – from 11 year olds with a whooly of £100,000 to schoolchildren who report being addicted. However other findings by the Dartmoor Board of Visitors made a mockery of the last reports and made findings which support one of the fears of the Scottish survey, namely that prisoners were using cocaine and heroin rather than other substances in order to avoid detection. These drugs are not by nature physically metabolised and usually undetectable in around three days, while cannabis can be detected for up to a month. This disturbing change (the assay is based on new techniques) is a threat to our health, rising with the open-mindedness of the media hype is indisputable that a new initiative on drugs education to prevent the use of the drugs. It is argued that the wrong step would be taken towards providing real-
istic information which accords with children’s already com-
prehension of the real dangers of drugs. In a number of cases, where the information is of affairs to implicitly endorse drug taking by sty-
ling any attempt as being within the ‘normal stage of life’.

A 1994 draft circular from the Department of Education recognised that "all pupils need accurate information on which to base their infor-
mation and consideration of the whole drug taking phenomenon. Unfor-
ately when the revised circular was published in May 2002, the Department accepted the criticism of the draft by the House of Commons, that this was not the right approach. Those in education are in a dilemma. They know what an effective programme of education necessitates, but risk polit-
ical condemnation if they provide realistic information. One
day the Department may decide to take a step forward and may therefore prevent a number of children from coming to harm. The main cause is government policy, which promotes an approach that is not in the best interests of the nation. The result is that the problems remain unad-
dressed and the local anxiety, which is the main cause of drug use, is ignored or simply not addressed.

In London the almost unrestricted use of cannabis had hitherto given rise to no great concern it was now described as being

“In the Grip of a Drug Craze; Where Women and Aliens Prey on Soldiers”. Thus the country’s first maj-
or "drugs peril" was born.

debate on drug use in the UK, and prevents informed eval-
uation of the problems involved. Concerned and informed bodies with extensive knowledge and practical experience are prevented from being heard. Calls for reform and new

It is also vital to highlight that the current situation and the prac-
tice of methods of dealing with drug offenders. The emotive and popular dichotomy between ‘brink and drugs’ was recognised as being pharmacologically unaccept-
able, and that "more exhortations to stamp out drug addiction
do not appear to be effective in the treatment of drug use. Effectively, the only way to address the drug problem is by a comprehensive approach to dealing with the problem that addresses the underlying causes and the individual needs of each patient. Therefore, it is important to acknowledge that drug addiction is a complex issue and that a multi-disciplinary approach is necessary to effectively address the problem.

However, the issue of drug addiction is a pressing and ongoing challenge that requires continued attention and resources. It is important to support individuals who are struggling with addiction through education, treatment, and support systems. By recognizing the complexity of drug addiction and the need for a multi-disciplinary approach, we can work towards addressing this issue and improving the quality of life for those affected by drug addiction.
Jennifer Harbury is a lawyer with a purpose. Her commitment to discovering how the Guatemalan State, through a known CIA asset, murdered a comandante of the URNG guerrilla force is strong. So strong that she will apparently stop at nothing to find the truth. The comandante in question was the Harvard-educated lawyer’s husband.

Harbury’s story is an astonishing one. Her first contact with the Guatemalan indigenous people was as an Ivy-league-educated lawyer taking testimony for political asylum cases. Her interest aroused, she subsequently spent time with the URNG forces researching a book. In turn this led her romance with and subse-
quent marriage to a Mayan peasant who became one of the URNG’s top leaders. The subsequent capture, torture, and murder of her husband – Efrain Bamaca Velasquez, whom Harbury refers to as her “nom de guerre ‘Everardo’” – and her relentless search for the truth is simply a rollercoaster tale. So much so that plans for a Hollywood movie are already well advanced.

Since the 1992 Grano de Maiz massacre, Russell wrote about the Harbury case in Socialist Lawyer. Last year the case has moved on substantially and Harbury has visited the UK to gain support for the campaign to apply pressure to end the vicious campaign of violence of the Guatemalan military to bring an end to the impunity that prevails in Guatemala, and to allow her to reclaim the body of her dead husband. While she was in the UK she met with members of the Haldane Society to discuss ways in which lawyers could help.

If one has been following Jennifer Harbury’s case for some time it is difficult to know where to start. It is a tale of lies, murder, CIA double dealing and incredible courage. It was in March 1992 that Harbury first heard that her husband had dis-appeared in combat after a firefight with Government troops. A body matching her description was said to have been found. Sometime later another URNG comandante escaped from one of the many secret military detention centres and reported that Bamaca was still alive. As Harbury puts it ‘He had seen Everardo brought in and saw him again at the end of July. He was strapped down to a bed with an undiscovered gas tank next to him and was hideously swollen from head to foot, with one arm and a leg all bashed up. He was just raving but they didn’t kill him, as he saw him again.’

Harbury’s efforts to discover the truth really began then. An autopsy reports and exhumation of the alleged grave found a body that was too young, too short and had completely different dental records. Her view is that the Guatemalan military had taken some poor innocent outsider and killed him, just to conceal that fact that they were torturing the still-alive Bamaca.

She badgered the authorities in Guatemala, she persisted in Washington DC, she went on hunger strike in front of the Presidential Palace in Guatemala City and then started a hunger strike in the White House. Then, on the twelfth day of her strike she was asked to go and see Congressman Robert Torricelli. It was Torricelli who revealed that her husband had been tortured and murdered by a Guatemalan military officer who happened to be the recipient of a lucrative retirer from the CIA. This information led to shock waves reverberating through both Washington DC and Central America. There have been a number of inquiries and reports and several CIA officers have been ‘recovered early’.

While getting over the grief of finally knowing that Bamaca was dead, Harbury stopped her own campaign to find out the full extent of the CIA involvement and discover the whereabouts of her husband’s remains. The pressure on the Guatemalan military increased only days after Torricelli’s revelations when a US Federal Judge, in a ground-breaking decision, ordered the former chief of the Guatemalan Army, Hector Gramejo Morales, to pay a total of $47 million to a US nun and a number of Guatemalan for their suffering as a result of human rights abuses in Guatemala at the time when he was head of the military.

On 26 February 1996 Jennifer Harbury held a press confer-
ence to explain the fact that she had received documents in response to her request filed under the Freedom of Information Act. Part of her statement is set out below.

“I have recently received a copy of a CIA report dated March 18, 1992 and sent to the White House Situation Room. The report, written within a week of my husband’s capture, announces that a comandante named Everardo has been captured alive and is being interrogated. The report also predicts that his capture may be kept secret, and that the army may even fellaiously announce his death in order to continue the interrogation. The Guatemalan army was famed

for submitting prisoners to the severest of tortures, and eventually to death. The CIA, despite the billeb language in its report, knew this well enough.

“...this document was shared with the White House and also with the Department of State, but no efforts were made to alert the United Nations or the International Red Cross that a prisoner of war was being secretly detained and was in dan-
ger of imminent torture and execution without a trial. The Geneva Conventions as well as basic International humani-
tarian law prohibit such secret detention, torture and execu-
tions of any prisoners under any circumstances. The CIA and US Army did not even know that Everardo was my husband. But they did know that he was a human being. Were they legally obligated to speak out? This I must reserve in the Inner Temple. But quite apart from the law, what about their moral obligations? Or have they no morals to guide themselves with?”

“More disturbing still is the suggestion that, far from pre-
venting Bamaca’s secret detention, torture and death, the CIA may even have benefited from it...”

The Guatemalan military is not too choosy about who its enemies are. The 100,000 plus lives that have been lost during the country’s 35-year civil war are testament to this. While peace negotiations are under way and a new President has taken office with the avowed intention of rejoicing in the Military, the country’s apparently worsening human rights record should give concern to all who value democracy, progress and life. It is for these reasons that we must applaud the efforts of people like Jennifer Harbury and the thousands of Guatemalans who, in the face of incredibe danger, simply will not give up.
THE SOCIALIST LABOUR PARTY - WHY NOW

On 1 May 1996 a new party of the left will be formed, Pat Sikorski and Brenda Nixon think it imperative to launch the party now and fight the next General Election on genuine socialist policies.

Some people may criticise the timing of the launch of the Socialist Labour Party in the period before the next general election. The approach of those who voted in the Hemsworth by-election thought differently. Hemsworth is an ordinary working-class community headed by a farming landlord and New Labour. As a protest against the most unpopular government in this century, a 38 per cent turnout in New Labour's second strongest constituency was hardly surprising. The by-election was a referendum on Blair and New Labour. The voters of Hemsworth seemed unimpressed by Tony Blair, whether in the regular shade or hunched up in the colours of Fawkes.

The coming general election is about getting rid of the Tories, and people were beginning to feel unimpressed by New Labour. They were beginning to vote for the candidates of the Socialist Labour Party. Some sort of new party has been under consideration since the miners' strike, the Greens have talked to Greens, far-left activists met and discussed, trade unions delayed environmentalists. Perhaps not surprisingly, it got nowhere.

The party has one united labour movement, with one trade union federation and one party. Unless the initiative for a new party comes from the heart of that movement, out of a political identity crisis of Labour and the unions just as much as it temporarily unites the active 'fingers' of the left. Important as they are, they could never win the leadership of the whole of society which parties have to do.

Socialist Labour comes from the most important fight led by the most militant section of the working class in the last 70 years. The miners' two battles united all that was best in society against all that was worst. More than any other tradition, the miners' leadership and Women Against Pit Closures have the capacity to reach into the heart of the labour and trade union movement and across the whole of the poor, beleaguered majority. This is why Socialist Labour could be formed. Scargill and others have put the talk into action, providing an alternative based on the all the best achievements of the struggle against capitalism, inside and outside the labour movement. New Labour is destroying the mass working class party in Britain. Socialist Labour aims to rebuild anew.

We won't suggest the SLP has everything already in place for a new mass party. However, it is worth pointing out the achievements so far. Firstly, two and a half weeks after coming into existence and with no constituency organisation, Socialist Labour got a very credible result in Hemsworth. Socialist Labour is going to be - and hundreds of applications already show - a party of workers and trade unionists, of unemployed and youth, of women and pensioners, of bore-and metier-related people, lesbians and gays and of antiracists, environmental and animal rights activists.

The SLP is constitutionally based on the unions - still the most important defence of all oppressed people. Finally the party has a more democratic constitution than any British left organisation has ever had. All voices will be heard in Socialist Labour, on an equal basis. Women, youth and black sections have built-in representation at every level. SLP members with party or public office are constitutionally obliged to support policy decided at the party conference. Understandably perhaps, most left groups and MPs have ignored Socialist Labour. We hope in time they will all be able to come with us. Meanwhile we are encouraged by the enthusiasm for the SLP from those already fighting the Tories outside Parliament, and by the recognition from new, left parties in Europe who have been quick to identify Socialist Labour as one of their own.

Patrick Sikorski is SLP national spokesperson and is also a member of the committee of the Socialist Labour Movement. To contact the SLP telephone 0161-634 9469.

"If people want to vote (and fight) for a real alternative to Tory policies, whether the government's or New Labour's version, then there will be Socialist Labour."

SLEEPING HEROES

by Keir Starmer

It is hard to imagine anyone more appropriate to challenge the 1994 Criminal Justice and Public Order Act than King Arthur. When, in the summer of 1985, the legendary king was arrested for encampment at Stonehenge, he was not dead but lying enchanted in a cave and ready to awake with his war band whenever his people had desperate need of him. Perfect timing, King Arthur.

The legendary King Arthur is of course associated with the worldwide myth of the sleeping hero, who is not dead but lying enchanted in a cave and ready to awake with his war band whenever his people have desperate need of him.

passory assembly, refused him bail and released him shortly thereafter. This legal error - or perhaps because of - 'swearing the oath on an unshathed Excalibur before giving evidence, King Arthur Pendragon persuaded the Salisbury Magistrates' Court to acquit him on the basis that a string of

Druids stretched out along a fence did not constitute an 'assembly' and that the 1994 Criminal Justice and Public Order Act should be interpreted with one eye on the Article 9 of the European Convention on Human Rights which protects freedom of religion. King Arthur, like Michael Howard O, Article 9 of the European Convention was not available to Dr. Margaret Jones and Richard Lloyd. They had found themselves before Salisbury Crown Court to appeal their convictions for trespassary assembly at Stonehenge arising from a demonstration on 1st June 1995 to mark the tenth anniversary of the 'Battle of the Beanfield'. They too had been standing on the verge of the A344 near the Holy Stone, but were not Druids. They were therefore forced to challenge the whole basis of the case against them. They had simply been part of peaceful, non-obstructive group of demonstrators. Why should they be criminalised because of the 1994 Act 7 Drawing on ancient case law involving a one-man protest against grouse-shooting in 1982, they argued that at the turn of the twentieth-century, peaceful and non-obstructive demonstrations on the highway should no longer be viewed as trespass on the highway. The Court agreed and allowed their appeal with costs. Common-sense 1, Michael Howard O.

The full extent of the fall-out from these two cases is not yet known. The DPP has lodged an appeal against the Jones and Lloyd decision to the Division Court. The stakes are high. If the DPP wins, otherwise peaceful protesters will be liable to conviction every time an order banning trespassary assemblies is in place. If, however, the DPP loses, a significant nail will have been driven into the coffin of the Criminal Justice and Public Order Act and King Arthur can return to his cave contented.

Keir Starmer is a barrister at Doughty Street Chambers.
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