

From Drowning to Celebration

It is a great privilege to be here, in Adelaide, delivering an oration in honour of a truly great Australian. It is particularly significant because South Australia, has, as they say, punched above its weight in helping create in Australia a more tolerant, diverse and culturally rich society: in addition to Dunstan one recalls that this state was the first to have had both an Aboriginal and a woman as Governor, that it is the home both of the Adelaide Festival and at different times of cultural giants such as Robert Helpman, Robyn Archer and more recently J M Coetzee, and of leading federal politicians such as Neal Blewett, Robert Hill, Alexander Downer, Natasha Scott-Despoja and Mick Young.

It is a particular honor and opportunity to be speaking with Justice Michael Kirby in the audience, and some of my comments will undoubtedly raise a response from Michael. I know that earlier this year he delivered the Lowitja O'Donoghue Oration for the Foundation, which is an important reminder of the breadth of the interests and achievements of Don Dunstan. Michael and I first met in the crucible of student politics in the 1960s, and even then, as he has recently reminded me, I was likely to be wearing a scruffy duffle coat while he was already dressed, as befitted a rising lawyer, in conventional suit and tie.

When I was a young man Don Dunstan was already famous as a remarkable figure, who was first premier of South Australia briefly between 1967 and 1968, and then again for nine years in the 1970s. As a young man he represented to many of us the possibilities of major change in Australia, and along with Gough Whitlam, seemed a harbinger of dramatic social change which would drag Australia into what we, in the impatience of youth, believed to be a better and more tolerant future.

It is difficult for younger people to recognise the impact of Dunstan. As Attorney General, and then most significantly as Premier for ten years, he represented a new generation of Labor leaders, who helped lay the cornerstones for a more cosmopolitan, tolerant and culturally adventurous country. In post war Australia no state premier had a greater impact on the development of progressive politics, and his period in office was one when South Australia seemed an inspiration to the rest of the nation.

Don Dunstan is also a significant figure in the evolution towards acceptance of sexual diversity, and it should be noted that the Dunstan Foundation in recent times has promoted the work of Indie Wishart in fighting homophobic bullying in schools, and of the historian Dino Hodge. Dino has clearly established Dunstan was also deeply concerned with questions of equality for people irrespective of their sexuality, and one of a small number of South Australian politicians from both political parties who are responsible for this state leading the way in decriminalisation of homosexuality.

I am aware that Dino's research recently prompted the local newspaper to ask, in glaring headlines, whether funding research into Dunstan's "private life" is money well spent. Of course the Murdoch press spends far more than this one small grant to explore all sorts of "private lives", but the real point here is that not to ignore Dunstan's complex sexuality, and how it affected his career, is to deny an important element of significant political history.

The historian Barbara Baird noted that at the memorial service following his death: "Dunstan's commitment to the gay and lesbian and HIV/AIDS community politics among the 'causes' to which he was dedicated was another erasure." One of Dunstan's last public acts was to hold an evening for the first gay and lesbian FEAST event at the restaurant he ran with his partner, Steven Cheng. Recently there has been some acknowledgement of Dunstan's bisexuality, although I think the term is too simplistic to capture the reality of Dunstan's emotional and sexual livesⁱ. The best general discussion of Dunstan's sexuality comes from former federal minister Neal Blewett, who has pointed to the dislike generated by his "sexual ambiguity, highlighted by a sartorial flamboyance unusual among politicians of his time" [Kerryn Goldsworthy, in her recent book on Adelaide, also points to the shock caused by Dunstan's famous appearance in pink shorts.] As Blewett writes: "Much of the personal calumny... vicious character assassinations and gutter-level smear campaigns circulating through Adelaide during his years in power thrived on this questioning of his sexual identity."ⁱⁱ I shall return to how we might learn from Dunstan's life to better understand the mysteries of sexual behaviour, identity and desires at the end of this lecture.

In reading the standard works of Australian history, and their references to Dunstan, I am reminded of similar erasures when the African American novelist James Baldwin died, and his sexuality was either obfuscated or ignored. Don Dunstan was a significant figure in changing attitudes towards homosexuality in Australia, and he deserves to be acknowledged for this. We also, in acknowledging it, need recall he comes from an era when attitudes towards sexuality were very different, and it is dangerous to interpret historical events

through contemporary eyes. We cannot know how Don Dunstan, had he been born say thirty years later, would have understood and managed his sexuality and public identity.

Don Dunstan was born in 1926, and therefore came of age in a very different world to that which Michael Kirby and I, now semi-retired, inhabited, let alone the generations who have come after us. Dunstan was elected to state Parliament at the age of 27, at a time when anti-homosexual hysteria—sometimes overlapping with exaggerated fear of Communism—was the dominant view, and the police forces of most states regularly entrapped and effectively blackmailed homosexual men. This was the period Barry Humphries dismissed in an offhand comment that: “Pooftahs were happily confined to the small hermetic world of ballet and window dressing”ⁱⁱⁱ, and one of the pioneering films of the new Australian wave, *The Adventures of Barry McKenzie* [1972] was unthinkingly, but nastily, homophobic.

1972 was a key year in the evolution of gay rights in Australia, in part because of events here in South Australia. An Adelaide University lecturer, George Duncan, was drowned at a cruising spot on the Torrens River, most likely by police officers^{iv}. That murder, which received considerable media coverage, was a crucial moment for hastening the beginnings of a serious push to decriminalise homosexual behaviour. “Not since the 1830s enquiry into the effects of transportation on convicted persons” write the historian Jill Roe at the time, “Has there been such smouldering concern about homosexuality.”^v Three months after Duncan’s drowning I attended a large public meeting at this University where Adelaide gay liberation was established, and there was an extraordinary burst of energy that made Adelaide an important centre of gay activism for some years.

The year after Duncan’s death former Liberal Prime Minister John Gorton and Labor Minister Moss Cass, introduced a successful resolution supporting decriminalisation in the House of Representatives, which would help bring law reform in the Australian Capital Territory. The first serious move to decriminalise male homosexuality came at roughly the same time in South Australia when then backbench Liberal, Murray Hill, whose son is with us tonight, introduced a private members bill, supported by the Labor Party. By contemporary standards the bill was very restrictive, and became more so when the Upper House limited the bill so as to make consensual acts in private between two men over 21 a defense against conviction. By the end of that year homosexual acts were, if not exactly legal, not exactly illegal either. [Dunstan describes these events in his memoirs, but without revealing anything of his own personal involvement in the issue^{vi}.]

Looking back from the present the restrictions on law reform seem slightly ludicrous: not even the most conservative politicians today would argue that private consensual sex should be subject to criminal law. But despite the recommendations of the Wolfenden Committee in Britain in 1957, even discussion of decriminalising homosexual behaviour came slowly to Australia. In 1975, after several years of cross party discussion, South Australia became the first Australian jurisdiction to actually decriminalise homosexual behavior^{vii}. Today the Duncan drowning seems to have been largely forgotten, and inspired nothing more creative than a radio documentary—and a small memorial plaque at the riverside, although I know there were several events earlier this year on the Adelaide campus to mark the anniversary of his death.

The period when Duncan was drowned, and brave parliamentarians such as Murray Hill and Peter Duncan here in South Australia led moves for decriminalisation, was one in which homosexuality was generally regarded as an illness, a perversion or a deviance. Today those attitudes seem remarkably outdated, although research shows us that a significant minority of Australians—more likely to be male and less well educated—still share them. But four decades later public debates around homosexuality are very different. Indeed most states and territories have abolished all criminal sanctions against homosexual behaviour, and included discrimination on grounds of sexuality within the ambit of anti-discrimination legislation, while the argument for recognising same-sex marriage has become the yardstick for official recognition of homosexual equality.

Recently a young man made the following comment on a FaceBook page: “I personally thank the people who have paved the way for me as a gay man to have never had to struggle with my sexuality within society. I think that we should be glad to be just a piece of the puzzle that makes up society. I don't think of myself as a different entity from the world. We are just people who love the same sex and to the most part I think anyone with a brain is good with that. Lets not focus on our differences but celebrate that we are basically all the same. The days where we had to fight are over. Its only ignorant people that don't get it. Celebrate being included not focusing on our differences.”

I think his comments are somewhat naïve, but it is inconceivable that they could have been made even twenty years ago. So, yes, we do have much to celebrate, even if we also have much to reflect upon.

I want to ask two questions: Why have there been such huge changes in attitudes towards homosexuality?—and what does this tell us about Australia? Second, why are these changes demonstrably not occurring in most parts of the world?

The very real changes in attitudes towards sexuality are a reflection of how Australia itself has changed, of the ways in which new concepts of human rights have replaced older concepts of morality based on religious teaching, and of the agency of the gay and lesbian movement whose fortieth anniversary we are celebrating. The 1970s saw the birth and re-energising of a set of social movements whose impact is still felt today, of which the women's and the environmental are probably the most significant. The first significant gay and lesbian organisation in Australia dates back to 1970, the year Dunstan resumed the premiership, when John Ware and Christabel Poll launched the Campaign Against Moral Persecution [CAMP] in Sydney, the first major homosexual rights group in the country. The name was, of course, a deliberate reference to how we then termed ourselves, in a world that a writer for the 'progressive' magazine *The Nation* had described, after his daring foray into two Sydney 'camp cabarets', as: "enchanted caverns for a humdrum group of camp men and women seared by the leering intolerance of weekday society."^{viii} Very quickly groups sprung up in all the mainland capital cities, and a small but energetic movement started publicly challenging the dominant ways in which homosexuality was then understood, criminalised and regarded as deviant, sick and sinful.

In some ways we have come to think of sexual and gender diversity as another aspect of multiculturalism. Many years ago I reflected that most Australians would be less threatened by the presence of a lesbian bar down the street than a mosque, and this is far truer today. Indeed the changes that leaders like Dunstan fought for in opposing the White Australia Policy are not unconnected to greater acceptance of diversity that goes beyond race and ethnicity. Equally the huge changes in how we think of gender, and what is acceptable behaviour for women and men, has in turn opened up possibilities to imagine lives that go beyond the stereotype of the heterosexual nuclear family.

I often illustrate how sexual mores have changed by reference to the British Royal Family, which some of you—Michael for example—also regard as ours. When Dunstan was already a Parliamentarian, Princess Margaret was forced to repudiate marrying a divorced man. Since then three of the Queen's four children have divorced, and the current heir to the throne is married to a woman with whom he obviously had an affair during his previous

marriage. Beside the House of Windsor, *Modern Family* is relatively tame. More seriously, the collapse of older values about sex, and the insistence that it should be confined to monogamous heterosexual marriage—however often this precept was actually not followed—also allowed for questions to be asked about the insistence that homosexuality was necessarily bad, perverted or sick.

Nor has it been possible to retain the belief that homosexuality was necessarily sinful, a term that has resonance for fewer and fewer people. Until recently it was assumed that sexual mores should be governed by something that religious leaders defined as moral absolutes, although I have never understood why these same leaders, who are so prone to be upset by consensual pleasure, see no moral dimension to widespread human suffering. We do not know enough about the ways in which prejudiced and ignorant attitudes towards sexuality may be conveyed through religious-based schools, which enjoy certain immunities from official anti-discrimination provisions.

But religious leaders aside, over the past few decades developments in the general understanding and discourse of human rights have expanded to include recognition of the right to sexual freedom and expression. In 1991 Amnesty International adopted a policy affirming that persecuting or discriminating against people on the basis of their sexuality is a violation of their basic human rights, and various international organisations now include sexual and reproductive rights within their framework for advocacy. In 1996 post-apartheid South Africa became the first country to protect ‘sexual orientation’ in its Bill of Rights, and over the past decade the language of sexual rights and citizenship has been adopted in a number of arenas, including discourses around health and international development. Some countries have seen unexpected achievements for gay rights, such as Nepal, where a small gay movement has managed to achieve very considerable shifts in official attitudes and legislation. In 2006 a meeting of the International Commission of Jurists and others in Indonesia drafted the ‘Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity’,^{ix} which is the most serious

attempt yet to establish universal norms around these decriminalisation of same-sex acts between consenting adults.^x

Australia played a major role in the development of international protection for sexual rights through the United Nations system, largely due to the bravery of two young Tasmanian activists, Rodney Croome and Nick Toonen. Despite years of political activism in Tasmania, the last state to retain criminal sanctions against consensual adult homosexual acts, several attempts to change the law were blocked by an obdurate [and unrepresentative] Upper House and a small group of activists succeeded in bringing the issue onto the public arena.

Eventually they decided on an innovative strategy, which was to appeal to the United Nations Human Rights Committee, possible only because the federal Labor government had signed the protocol which allowed citizens to follow this route once all domestic avenues had been exhausted. Nick Toonen would eventually become the victorious plaintiff in what was a ground breaking case in international law, and one that continues to be a benchmark for international attempts to overturn laws prohibiting consensual homosexual activity. In 1994, in the case *Toonen vs. Australia*, the Human Rights Committee held that the references to "sex" in Articles 2, paragraph 1, (non-discrimination) and 26 (equality before the law) of the ICCPR should be taken to include sexual orientation. With this case, the Human Rights Committee created a precedent within the UN human rights system, although it has not extended it universally.

Six months after the UN Commission decision [April 1994] the Federal government invoked its external affairs powers to prevent: "arbitrary interference" with any consenting sexual act between people aged over 18, but the Tasmanian government remained obdurate. At this point Nick and Rodney, along with several others, sought to test the law by demanding they be prosecuted for unlawful intercourse, but the DPP refused to do so. Three years later the Tasmanian Parliament finally decriminalised homosexual behaviour, and

Tasmania has become a leader in support of gay and lesbian rights, with the state Premier, Lara Giddings, introducing legislation to recognise same sex marriage in 2012.

By and large there have been huge steps towards acceptance of sexual diversity in Australia over the past forty years. But this does not mean that real areas of discrimination and prejudice do not remain, often sanctified in the name of religion and often within immigrant communities coming from countries where homosexuality remains unacceptable. Had Senator Cory Bernadi made the sort of comments he made in the recent same sex marriage debate about any ethnic group one wonders whether he could have retained his position on the Liberal ticket

But attacking people for their sexuality remains acceptable in ways that no other slurs would be regarded, and here the worst offenders are religious leaders. Recently I overheard a young man telling a friend that: “My parents were told either they throw me out of the house [for being gay] or they no longer come to church.” That such sentiments can be held by people who profess a religion based on “love” seems macabre—and sinister. But such stories are replicated over and over again in almost every organised religion: whether it is Hindus, Catholics, Muslims, Mormons or orthodox Jews. The official position of the Catholic Church is that homosexual acts are 'acts of grave depravity' that are 'intrinsically disordered' and “contrary to the natural law,”

The clash between the religious and the secular view of society is now being played out in an apparently endless debate about same-sex marriage, which clearly fascinates very many more people than any sensible assessment of what is at stake can explain. I personally have doubts about the importance of marriage, and I retain an old fashioned feminist view that is suspicious of either the state or the church regulating our personal relationships. Moreover it is also the case that in Australia---unlike, say, the United States—legislation grants de fact homosexual couples virtually all the rights of married couples. But it is clear

that for many younger lesbians and gay men the idea of marriage equality is a very significant one, and something they see as crucial to full acceptance of sexual diversity.

At a federal level it appears that our political leaders hold more conservative views on this issue than does the population at large, and neither the current nor likely next federal Parliament seem likely to change the Marriage Act, even if the Liberals relent and follow Labor in allowing their parliamentarians a conscience vote. One wishes they might listen to British Conservative Prime Minister Cameron who has said that he supports gay marriage precisely because he is a conservative. That said, I have no doubt that same sex marriages will in time become accepted, as they are in increasing numbers of other western countries,

But if in Australia, and other western countries, there has been huge progress in acceptance of sexual diversity, this is not a universal picture. Indeed there is increasing evidence of growing polarisation around sexual rights, with western countries pushing for greater acceptance while many Islamic, African and other governments are responding by what the American anthropologist Tom Boellstorff has termed “political homophobia”. By this he means that a certain sort of heterosexual masculinity, reinforced often by religious precepts becomes something to be upheld and enforced by the state as part of a certain ethos of national identity and resistance to what is seen as the decadence of western societies, which are both admired and scorned. Similar views have been expressed by the current President of Egypt, Mohamed Morsi, who studies in the United States and has expressed admiration for American technical savvy and dislike for its sexual permissiveness. These views may seem predictable in Islamic countries—in the case of Indonesia fundamentalist Islam is in the minority but politically influential—but similar attitudes are widely expressed in parts of the world influenced by Christianity, whether it be the Russian Orthodox Church

or the variety of Protestant evangelical churches in much of Africa, the Caribbean and Papua New Guinea.

Often homophobia is more direct and violent. Nowhere has this been more obvious than in Uganda, where in 2009 legislation was introduced that would have mandated a death sentence for repeated acts of sodomy. Under considerable international pressure this move was temporarily withdrawn, but the following year a prominent gay activist, David Kato, was killed in Uganda. Kato was murdered shortly after winning a lawsuit against a local magazine which had published his name and photograph identifying him as gay and calling for him to be executed. Even at his funeral the Christian preacher at the funeral preached against the gays and lesbians present, before activists ran to the pulpit and grabbed the microphone from him, forcing him to retreat from the pulpit to Kato's father's house. In Nigeria, where homosexual sex is already illegal, there are frequent calls to toughen up legal restrictions and punishments for any expression of homosexuality. In much of the Middle East the punishment for homosexual behavior remains draconian, with five countries [Mauritania; Saudi Arabia; Sudan; Iran and Yemen, as well as some regions of Nigeria and Somalia] proscribing the death penalty.

Boellstorff's analysis helps explain what is often seen as rising homophobia in many parts of the "developing" world, and links concerns around changing sexual and gender norms to larger socio-political factors. Homophobia might be explained as expressing individual psychological needs, which leads to it being understood as an individual psychological flaw that should be corrected (ironically a mirror image of the homophobe's view of homosexuality), but it might also be used to explain state actions and scapegoating.⁸

Because this Oration is in part sponsored by Oxfam let me suggest a few reflections on the relationship between sexuality and development. When I joined the Board of Oxfam Australia in 2006—I no longer am a Board member—I was struck by the deep concern for gender relevant policies and the equal disinterest in how these might relate to sexuality. It is of course correct that the economic inequity between women and men is one of the most basic dimensions of poverty, although it is also true that gender does not always override divisions of class, race and geography. Middle class women in Australia and the United

States clearly enjoy privileges unavailable to most men in the poor world, and even in some poor countries upper class women are far better off on all criteria than many men.

Nor is gender simply a matter of the distinction between women and men. We know that gender is in fact a complex continuum of both biological and emotional factors, and that some people struggle with the gulf they perceive between their assumed gender and how they feel themselves. Some societies have long recognised what are often referred to as third sexed people, and in many countries in our region there are terms to describe this—eg. *katheoy* in Thailand or *waria* in Indonesia. Some work has been done on the particular problems facing transgendered people in humanitarian crises, where they encounter reinforced ignorance and discrimination^{xi}, but I have never heard this discussed within the Australian development sector.

With a few exceptions the development sector does not see sexuality as relevant. Yet as I recall pointing out to Oxfam colleagues, when the anti-homosexual bills were being debated in Uganda, improving the livelihoods for women was not particularly important if they faced rape, beatings or even murder because they were—or were presumed to be—lesbian. That an organisation based on “rights” and a commitment to secularism has been so reluctant to take up questions of sexuality is surprising, although I would note some exceptions, such as Oxfam Ireland who have developed work on sexuality in their programs in East Africa. The current Oxfam International statement on “sexual and reproductive health and rights” makes one passing reference to the right “to choose their sexual partner or partners and sexual orientation”, but Oxfam in general is far more timid in expressing concern for sexual rights than either Secretary of State Clinton or Conservative PM David Cameron.

How we in the west best address massive discrimination and persecution in countries that claim cultural and religious rights to maintain their way of life is a difficult problem. When leaders such as Cameron and Clinton pronounce the need for protection against discrimination based on sexual orientation, and threaten to make this a condition of development assistance, the danger is that it just creates a backlash, allowing the most reactionary forces in the countries under attack to mobilise around anti-imperialist slogans. Support for “LGBT” rights from US Embassies, with flyers using American style rainbow flags, can quite understandably be seen as crude attempts to impose a particular set of moral understandings on other cultures.

In the end, though, I stand with such eminent South Africans as Archbishop Desmond Tutu and Justice Edwin Cameron, who insist that basic rights can never be trumped by appeals to culture, tradition and religion. To persecute, torture and rape on the basis of perceived sexual or gender dissidence is simply a crime against humanity, and one that our political leaders rarely are prepared to acknowledge. When the Commonwealth Heads of Government met in Perth last year a majority of the leaders were unwilling to support arguments put forward by the Eminent Persons Committee, of which Michael Kirby was a distinguished member, that considerations of both public health and human rights demanded an end to the criminalisation of private adult sexual acts across the Commonwealth, where a majority of countries have retained colonial era laws against sodomy. However I understand that these recommendations have now been endorsed by the Commonwealth Foreign Ministers who met last month in New York.

Let me suggest that there needs to be far closer collaboration between human rights organisations such as Amnesty and those development agencies, such as Oxfam, who work with a rights based approach. Let me further suggest that Australian foreign policy needs to take far more seriously the questions of supporting people who are persecuted, oppressed and in some cases killed because of their sexuality, and Australia has access to a number of international forums where it can raise these issues in ways that will further the legacy we are honouring tonight. There is evidence that hostility towards those perceived as homosexual is rising in Indonesia^{xii}, and the Malaysian government has promoted very crude and stereotypical anti-homosexual propaganda. Are these not issue that a country that talks about human rights should be taking up at all levels of diplomacy?

Sexuality is private and public at the same time. The specific pleasures and practices of an individual's sex life are rarely relevant to those other than his or her partners, and should be left to novelists and film makers. But how we understand and imagine our sexual identities, to whom we are attracted and whether we act on or repress those desires, is an integral part of who we are, and will inevitably impact upon how we behave in the world, and are legitimate questions for public debate.

It has become increasingly common to speak of LGBT people—lesbian; gay; bisexual; transgender—as if we are a self evident minority who should be recognised as such. This view of sexuality is expressed in popular shows like the luckily now defunct *Gay Eye for the Straight Guy*, and has entered popular language as a way of linking together everyone who is either homosexual or transgender. But Don Dunstan's own life, with his complex and deep relationships with both women and men, suggests a more radical way of understanding sexuality is both possible and necessary. None of us can be identified solely in terms of one part of our identity, but at the same time we cannot pretend that something as central as our sexual desires, identities and behaviours are irrelevant to who we are and how we act in the broader world. I hope the Dunstan Foundation will find ways of better incorporating all aspects of Don's legacy into their future work.

ⁱ See Ruth Starke: "The Renaissance Man" *Kill Your Darlings* 2012:9: 51-60

ⁱⁱ Neal Blewett: "Don Dunstan and the social democratic moment in Australian history" in Foster and Sendziuk, *Turning Points, Chapters in South Australian History*

ⁱⁱⁱ Barry Humphries: "A shudder of revulsion" *Time Magazine* Dec. 17 1990

^{iv} Tim Reeves: "The 1972 debate on male homosexuality in South Australia" in R. Aldrich [ed]: *Gay Perspectives* II Dept. of Economic History Sydney 1994

^v Jill Roe: "Coming up for air" *Nation* July 22 1972: 22

^{vi} Don Dunstan: *Felicia* Macmillan 1981: 201-2

^{vii} Dino Hodge: "The Okayness of gayness" in Y. Smaal & G. Willett: *Out Here: Gay & Lesbian Perspectives* VI op. cit: 37-55

^{viii} John Edwards: "Working class camp" *The Nation* [Sydney] July 25 1970

^{ix} <http://www.yogyakartaprinciples.org/> (accessed 20 May 2012)

^x UN News Centre (2010) *Universal decriminalization of homosexuality a human rights imperative – Ban, 10 December*. Available: <http://www.un.org/apps/news/story.asp?NewsID=37026> (accessed 20 May 2012)

^{xi} Kyle Knight & Richard Sollom: "Making disaster risk reduction and relief programmes LGBTI inclusive" *Humanitarian Exchange Magazine* #55 September 2012

^{xii} "Homophobia on the rise, survey says" **Jakarta Post** October 22 2012