**The road to decriminalisation of homosexuality in Northern Ireland: Gay liberation at Queen’s in the 1970s**

QUB Prism LGBT Group talk by Jeffrey Dudgeon

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*It was the best of times; it was the worst of times*

This today is the long view - from living history.

It is hard for those who have lived through a particular experience to see it as history but we must realise for those younger, that is what it is. The past to them is, indeed, a foreign country.

Working backwards over fifty years, I can however say not much is different now from then, – then being the early 1970s.

Key differences are that the numbers of LGB & T people have grown enormously from the 100 or so at the Royal Avenue bar in Belfast. Public affection, way beyond acceptance, is colossal, as can be seen from the Marriage Referendum in the south and the near universal enthusiasm from youth and many political parties for equal marriage in Northern Ireland.

Today is particularly not so alien to those who lived through the last five decades, as we were the first generation of gays who fought, and in some large part succeeded in facing down self-oppression.

The issues were starker, like criminalisation, also we were isolated but we had a newly developed self-confidence, a strength in solidarity - and we enjoyed ourselves. We were also able to be angry and it was that anger, channelled thorough organisations and campaigns which was the source of our vigour.

The context was seven years on from the highly restrictive 1967 Sexual Offences Act decriminalising male homosexual acts in private between adults over age 21 in England and Wales.

Four years from Stonewall in 1969, which in turn was enabled by the sexual revolution of the 1960s, the black civil rights movement in America and feminism’s resurgence.

And the height of the Troubles in Northern Ireland - 500 dead in 1972. 100 killed in one month July.

I am quoted in a recent newspaper interview headline saying – ‘We feared the paramilitaries but in the event they went for each other’. Which is not to say there were not gay casualties but for the most part they were not from anti-gay attacks, although these happened. There were a series of murders of gay men where the Portsmouth defence produced minimal sentences on conviction. Violence was commonplace and socially permitted in extreme forms where gays were concerned.

The photograph used in the poster advertising this talk is of a group taken at a GLS meeting at 4 University Street in about 1975. Four of the ten are in this room. Two others are still living in Belfast and two live now in England. One, Bill Wilson, has sadly died and one I know nothing about.

The older you get, the more history you consume and your back view gets longer and longer. My gay sensibility dates back to 1960 which amazingly is nearly sixty years ago.

It is worth remembering that in law books and in parliamentary debates, homosexual behaviour used to be referred to by the Latin formula “peccatum illud horribile” – ‘that horrible crime’ “inter Christianos non nominandum” ‘not to be named among Christians’. Men in early Victorian times when convicted of sodomy were hanged in public, something enthusiastically applauded by crowds.

My generation acted on our anger usefully but we were building on foundations made in earlier times urbanisation, the churn of the 2nd World War particularly in the US, through criminal trials like that of Lord Montagu of Beaulieu, and the publishing of homosexually-involved literature.

As a teenager, reading James Baldwin ‘Giovanni’s Room’ and John Rechy’s ‘City of Night’ with its huge cast of American characters, I was trained, eager and willing but had nowhere to go. Social fears stymied me, as it had previous generations.

I broke out when I was nineteen to a tiny gay scene in Belfast but it was the comradeship forged in organisations half a dozen years later that provided me with my people and my home.

The Ireland of Wilde and Casement was closer to the surface than most realised (and Casement and his diaries were to take over my spare time and more, for some twenty years, but only from 1998).

From 1974 in the Belfast Gay Liberation Society (GLS), based at Queen’s University, emerged the Northern Ireland Gay Rights Association (whose name evoked NICRA’s) and Cara-Friend, and many attempts at law reform, through Stormont and Westminster, then via a court challenge in Europe.

Brian Gilmore, who is in the room, predated me and was present at the earliest days of GLS from around 1972 where the predominant figure was Andy Hinds from Derry later and still a distinguished theatre director.

Support from the Students Union was total and we were assisted by USI/NUS and President Nuala Bradley. A small society’s grant was made available and amazingly we were given the use of a large and semi derelict building for nearly a decade at 4 University Street. We installed there the Cara Friend help line and office and used it as our GLS meeting room. (The University had rather a large portfolio of property and not much to do with it. It was also the days before health and safety, and a time of lawlessness in many minor aspects.)

Discos in the McMordie Hall were the only dance in town and increasingly popular every other Saturday. We were the bouncers and door keepers. There were some memorable events including one outreach disco when politicians and other supportive people were invited.

NIGRA was formed in 1975. The John Hewitt poem *As You like it* framed our efforts to get support from the mainstream and political parties. This was entirely lacking and memorialised by Hewitt’s words from which I will quote.

**Extract from poem *As You like It* by Hewitt**

We had our splits and personality clashes. But we enjoyed ourselves mightily and did many gay things like falling in love and having sex.

On behalf of NIGRA, I won what was an historic case at the European Court of Human Rights at Strasbourg. It forced the decriminalisation of homosexuality in Northern Ireland. My case was the first, positive gay result at the Strasbourg Court. It was a precedent, and the necessary, initial step for others to come, including Ireland and Cyprus and the former Soviet states.

Until my case, gay men were subject to a penalty of up to life imprisonment in Northern Ireland for acts that were legal in the rest of the UK. Two Irishmen, one famous, Oscar Wilde, and another infamous, Edward de Cobain, the MP for East Belfast where I was born, were early, prominent victims of the new 1885 gross indecency law. That law was still in force in Belfast a hundred years later.

In 1967, after a campaign led by Leo Abse MP and initiated in the House of Commons in the 1950s, particularly by the Ulster Unionist MP for North Belfast, Harford Montgomery Hyde, the law was reformed. Hyde is a hero of mine and I have written a booklet on him available here today.

Northern Ireland in the 1970s was just waking up to a culture of human rights. Kevin Boyle who became my first barrister, had been involved in the Ireland v. UK case, decided in 1978. It ascribed, not torture, but inhuman and degrading treatment to certain British military actions in Northern Ireland. Also until the mid-1960s, UK individuals could not file cases at Strasbourg, only states. Just a handful were therefore taken before me.

I and 25 others had been arrested in 1976 in an attempt to destroy the first campaigning LGBT organisations in Northern Ireland - Cara-Friend and NIGRA. Every committee member of our two fledgling groups, women excepted (and it was nothing to do with Queen Victoria that women were excepted from the law) was taken in by a zealous police force intent on stamping out what they rightly saw as a conspiracy. The local Director of Public Prosecutions finally ordered that I and five others were to be charged with adult consensual relationships.

A Freedom of Information request I made much later to the Northern Ireland Office revealed that it was only by a sliver of luck that I was not brought to court, along with my Canadian boyfriend from Prince Edward Island. Our letters were to be used as evidence. A note on my file said: “The DPP (NI) decides to prosecute, but the relevant papers were retrieved from the out-tray at the last moment.”

The Attorney General in London, unusually, had vetoed a Northern Ireland prosecution. These raids, none the less, gave our Strasbourg case invaluable traction.

The landmark judgment opened up the concept of gay rights as human rights. Until then we were a community at the edge of the law. In many European countries, barely tolerated; outlaws in others. Now we were no longer criminals, but humans with rights. A good start, having been unmentionable.

In the UK, we went from criminalisation to legal equality, in a remarkably short span of time.

Returning to my case, I won on Article 8 of the Convention, “Everyone has the right to respect for his private and family life, his home and his correspondence.” But we knew we were going to win on that Article, the penalty of life in prison was just so extreme. Being a radical, I pushed to open up the Article 14 discrimination aspect which obliged, unfortunately, a change of lawyers and the briefing of Lord Gifford as lead barrister; and gay advocates.

The Court hearing which I attended, silently, in April 1981 was unusually held before a full panel of 19 judges. In October, judgement was given. The Court held by 15 votes to 4 that the UK was in breach of Article 8. They stated the “restriction imposed on Mr. Dudgeon under Northern Ireland law, by reason of its breadth and absolute character, is, quite apart from the severity of the possible penalties provided for, disproportionate to the aims sought to be achieved.”

The judgements carry several minority opinions on either side of that ‘mittel-Europ’ consensus, one which is secular and progressive, but not radical. They remain interesting. The dissenting Irish opinion by Judge Brian Walsh reads well as a defence of traditional values. He was earlier a Supreme Court judge in Dublin, finding against David Norris and repeating his decision in David’s later Strasbourg case. Indeed in 1988 he scraped home by only eight votes to six, the minority suggesting he was not a victim, as he had not been prosecuted.

But by 14 votes to 5, they decided in my case that it was not necessary to examine it under Article 14, stating there was no useful legal purpose in determining whether I had, in addition, suffered discrimination for reasons of gender and residence as I had already won my case on grounds of the violation of my private life.

We fought hard but lost. So it was a step too far for 1981. Understandable perhaps, but I was right to be radical and try to break new ground. Others, to come, were to achieve in that department. We took the case and won it because we were angry. Coming from an angry part of the world helped.

But victory came at a price. The UK objected to every item of my costs and managed to get Strasbourg to reduce them by a third, on a technicality - to £3,000 for a seven year case. Hardly a large amount, but they were determined to take me down a peg. Damages for my arrest and the breach were not awarded.

My case was just the fifteenth in Europe where a violation was found, only the thirty-fifth judged by the Court, and the fifth of any sort won against the UK. There have been some fifty successful gay-related judgments since, most against the UK, on the age of consent and gays in the military for example, not to mention David Norris’s follow-on case in Ireland. These victories include adoption, residency and gender reassignment.

The UK had cynically maintained that horrendous law up to 1981 knowing it would be overturned at the European Court. And it still avoid reforms like equal marriage, relying on the local courts or ultimately Strasbourg to do the needful.

But Strasbourg has not ruled that equal marriage is a human right only that at least civil partnership is.

The internal disputes of the time were not unlike those depicted in the Colin Murphy play on the marriage referendum *A Day in May* recently at the Lyric were between reformists and revolutionaries. There were a few conservatives in the broader community like Ernie and Jim who had good reason to be cautious. Ernie and Jim after serving their terms of prison and hospital confinement ran discos at the city’s only gay bar in the 1970s. They were the last imprisoned after a round-up in Bangor in 1967 where the teenagers were also convicted and locked up.

Radical lesbian feminism had yet to hit Belfast but the gender fluid radicals not to mention transsexuals were with us.

And so the 1970s ended. Much more needed to be done and was done in the same vein using my efforts and experience. These later law reforms included age of consent reduction, twice, sexual offences equalisation and the introduction of civil partnership. And most recently the gay pardons law change.

Ultimately I became a Belfast city councillor for the UUP but all three LGBT members in City Hall were defeated a fortnight ago!