Conscience, Consumerism and Sexual Citizenship

Dr Stella Coyle
Keele University School of Law
11 December 2017
THE FOUR HORSESMEN OF HOMOPHOBIA

- **War**: language of religious conscience
- **Famine**: spending cuts and ideology of austerity
- **Pestilence**: resurgence of old tropes – HIV vaccine
- **Death**: limits on sexual citizenship = social death
two of the same is beautiful
Lilian Ladele, Registrar
Refused to conduct same-sex civil partnership ceremonies.

Gary McFarlane, Relate Counsellor
Refused to offer sex therapy to same-sex couples.

Hazelmary Bull, Hotel Proprietor
Refused a double bed to two men in a civil partnership.
ASHERS BAKERY
QUEER SPACE AND CITIZENSHIP

• Citizenship = ‘the right to access and use specific kinds of space within a given territory’ (Hubbard, 2001: 54)

• People may be excluded as citizens ‘by virtue of the boundaries between… spaces, which are sites for the exercise of power and construction of difference’ (Corboz, 2009: 17)

• Citizenship also involves an ‘ideal of the citizen’, ie the ‘good citizen’ (Seidman, 2004: 188)
“Heterosexuality is the normative form of human sexuality… the measure by which all other sexual orientations are judged.”

(Jung and Smith, 1993: 13-14)
SEXUAL CITIZENSHIP

- **Gareth Lee**: Asher’s ‘blatant refusal of service’ made him feel like a ‘second-class citizen’

- **McFarlane – Laws LJ**: ‘the precepts of any one religion… cannot… sound any louder in the general law than the precepts of any other. If they did, those out in the cold would be less than citizens…’

- **Bull – Lady Hale**: Anti-gay discrimination ‘an affront to their dignity as human beings’.
CLASS: AN ORGANISING PRINCIPLE

- Organising principles affect how power is exercised
- Organising principles = eg race, age, disability, gender... and class
- Being lower in social class = decreased likelihood of describing oneself as gay or being able to live in a ‘safe’ gay community (Barrett & Pollack, 2005)
- An unequal distribution of the gains of gay equality
Stychin: Equality law protects ‘our rights as consumers in a capitalist society’

Some people are more equal than others…
SOCIAL JUSTICE

Vaid: ‘homophobia arises from the nature and construction of the political, legal, economic, sexual, racial, and family systems within which we live. As long as the rights-oriented movement refuses to address these social institutions and cultural forces, we cannot eradicate homophobic prejudice’.
A MARKET OF RIGHTS

• Equality Act 2010 s 1(1): socio-economic equality duty
• Equality law – individual protection against discrimination
• Halley: ‘a market of rights, competitively asserted as against other market actors’
• Rights of individuals – individual service providers
• Individual conscience claims
THANK YOU FOR LISTENING

PLEASE DON'T ASK HARD QUESTIONS