

Breaking the Laws of the Garnet

Lesbian Physical Educators in Legal Discourse Since the 1800s

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A poststructural understanding of lesbian subjectivity, in this instance lesbian physical educators, necessitates an understanding of the various discourses that shape, and are shaped by, their social and historical construction. This paper outlines changes in legal discourses concerning homosexuality, lesbians and teachers.

Throughout the early 1800s the law regarded the lesbian as a *moral impossibility*. During the 1870s the lesbian as *criminal* emerged as sexual relations between women became possible in the minds of judges and in the discourse of late nineteenth century law. It was almost a century before the next significant change in legal discourses about homosexuality occurred, with the decriminalization of homosexuality in the 1960s and 1970s. The decriminalization of homosexuality constructed the legal position of the lesbian as *law abiding citizen*. By the 1980s antidiscrimination legislation had introduced the subject position of lesbian as protected government employee; during the 1990s however, conservative legal lobbies in the United States have attempted to repeal such legislation.

Even after the emergence of lesbian as a *law abiding citizen and protected government employee*, lesbians were still constructed as *morally suspect teachers*. The lesbian as morally suspect teacher relied upon three main legal themes: presenting a negative sexual role model; creating a disruptive influence within the school; and offending local community norms. Conservative educational lobbies sought to ban the promotion of homosexuality in curricula or by any teacher thereby constructing the lesbian as an *unacceptable lifestyle choice*. Teachers appear to remain 'out' of reach of current legal discourses about sexual orientation as most lesbian legal reform is attempting construct the lesbian as spouse and *parent*. The late 1980s into the mid 1990s has witnessed legal discourses of lesbian rights intersecting with professional discourses within physical education. It may be tentatively claimed that this has created the subject position of lesbian as professional *cause celebre*.