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## 5 **LGB Teachers and the (Com)Promised Conditions of Legislative Change**

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12

### 13 **Abstract**

14 The personal/professional boundary poses particular difficulties for LGB teachers because of  
15 the pervasive presumption of heterosexuality. Furthermore, the teaching profession’s concern  
16 with the care of children combines with reductive ideas about sexuality and gender identity to  
17 pose specific vulnerabilities for LGB teachers. In many contexts worldwide, legislative  
18 structures such as Civil Partnership and Marriage Equality are being introduced and this is  
19 changing the terms of recognition for LGB teachers. At the same time, deficiencies and  
20 ambiguities persist in employment legislation, often through religious exemptions that pose  
21 specific threats to LGB teachers. For many LGB teachers who enter into a legal structure such  
22 as marriage, these legislative gaps suddenly become more threatening. This paper makes a new  
23 and timely contribution by capturing how, across a seven year time period in Ireland, LGB  
24 teachers have experienced three legislative moments — ‘Civil Partnership’, ‘Marriage  
25 Equality’ and the amendment of religious exemption 37.1 of the Employment Equality Act.  
26 Building from an analysis of three qualitative studies (2012, 2015 and 2018), this paper attends  
27 to some of the compromised conditions of legislative change and argues for closer attention to  
28 the micro-political texture of gender and sexuality in education contexts.

29

1

## 2 **Introduction**

3 For over 25 years, research with LGB<sup>i</sup> educators has provided rich insight into how the  
4 architecture of gender and sexuality at school is lived and configured. All teachers negotiate  
5 personal/professional dynamics at school but the heteronormative<sup>ii</sup> character of these  
6 boundaries causes particular difficulties for LGB teachers (Neary, 2017a; Gray, 2013; Neary,  
7 2013; Rudoe, 2010). Furthermore, teachers' role in the care of children and young people  
8 mingles with reductive ideas about sexuality, gender identity and childhood innocence, posing  
9 specific vulnerabilities for LGB teachers (Ferfolja, 2009; Robinson, 2013; Lee, 2019; Neary et  
10 al., 2019). In many contexts worldwide, legislative structures such as Civil Partnership and  
11 Marriage Equality are being introduced and these entities are changing the terms of recognition  
12 for LGB teachers. At the same time, deficiencies and ambiguities persist in employment  
13 protection legislation, often in the form of religious exemptions that pose specific threats to  
14 LGB teachers. For many LGB teachers who are planning or entering into a legal structure such  
15 as Civil Partnership or marriage, these gaps in protective employment legislation suddenly  
16 become more threatening.

17 Ireland is a majority Catholic country with a uniquely intertwined relationship between  
18 church and state. For instance, the Catholic Church continues to hold a prominent position in  
19 Irish education with 91% of primary schools and 52% of second-levels schools under religious  
20 patronage. In recent years, the power of the Catholic Church has waned in certain ways. A  
21 process of patronage divestment is slow but is underway and there is a new and growing sector  
22 of multi-denominational schools. Furthermore, despite considerable opposition from the  
23 Catholic Church, there have been some significant legislative changes for LGB people in  
24 Ireland in recent years. In 2011, the Civil Partnership and Certain Rights and Obligations of  
25 Cohabitants Act (heretofore Civil Partnership) introduced a legislative structure that provided  
26 same-sex couples with many of the rights afforded heterosexual couples through marriage. In  
27 2015, the 'Marriage Equality' Act was passed by a constitutional referendum, extending  
28 marriage to same-sex couples. Another important legislative change came later that year.  
29 Section 37.1 of the Employment Equality Act 1998/2004 protected schools from unfair  
30 dismissal or recruitment litigation in cases where the purpose was to maintain the religious  
31 ethos of an institution under religious patronage. Given the powerful position of the Catholic  
32 Church in schooling in Ireland, this religious exemption had wide-reaching effects. It was also  
33 viewed as having a particular impact for LGB teachers whose lives and identities were seen as

1 contrary to Catholic teachings and organisations such as the Irish National Teachers'  
2 Organisation (INTO) LGBT teachers' group had been fighting for the deletion of Section 37.1  
3 since 2004. Following many years of campaigning, Section 37.1 was amended in 2015.

4         These three legislative moments — Civil Partnership, Marriage Equality and the  
5 amendment of Section 37.1 — are intimately connected by their specific impact on the  
6 visibility of LGB teachers in schools. Following Kitching's (2018) provocation to relate  
7 differently to Ireland's postsecular neoliberal assemblage and attend closely to the micro-  
8 political in the everyday of schools, this paper inquires into how LGB teachers are  
9 understanding and negotiating the changes in recognition and protection brought about by these  
10 three legislative moments. As many LGB teachers and activists internationally advocate for  
11 and live with the impacts of changes in legislation related to relationship recognition and  
12 employment protection, this paper brings new, timely insight of international significance into  
13 how LGB teachers are grappling with the texture and impact of such legislative changes in  
14 their everyday lives.

15

## 16 **The Ambivalences of Navigating School Life and the Promise of Legislative Change**

17 A key concern amongst LGB teachers across the globe concerns the politics of visibility; how  
18 to be 'authentic' about their identities at school whilst carefully watching the heteronormative  
19 personal/professional divide and negotiating discourses of childhood innocence (Gray, 2013;  
20 Neary, 2013; Ford, 2017; Neary, 2017a; Ferfolja, 2008; Mizzi, 2015; Harris and Jones, 2014).  
21 In managing this, LGB teachers adopt a spectrum of approaches in disclosing or 'coming out'  
22 at school and their everyday negotiations are a messy mix of transgressing boundaries and  
23 reproducing normativity (Neary, 2017a; Neary et al., 2016; Ferfolja, 2008; Brockenborough,  
24 2012). Such ambivalences play out in LGB teachers' attempts to maintain professional  
25 legitimacy (Ferfolja, 2014; Rudoe, 2010; Neary, 2017a; Neary, 2017b) and successfully  
26 negotiate relationships while being a role model for students (Neary, 2017b; Hooker, 2019;  
27 Russell, 2010; Hardie, 2012; Connell, 2015; Ferfolja, 2007a; Wells, 2017; Neary, 2013;  
28 Khayatt, 1997; Mayo, 2014).

29         There are several factors that have a significant impact on what is possible for LGB  
30 teachers in schools. Principals and colleagues who are proactive and open in fostering queer-  
31 positive schools make life much easier for LGB teachers (Ferfolja and Hopkins, 2013). Strong,  
32 explicit and carefully constructed policy that avoids victimising narratives is also suggested to

1 be transformative for LGB teachers (Ferfolja and Stavrou, 2015). But some have taken care to  
2 point out the limits of policy, illustrating how even in protective policy contexts, LGB issues  
3 are still being addressed in problematic, reactive ways that often have reductive effects, further  
4 entrenching inequalities (Gray et al. 2016; Meyer and Keenan 2018). In this vein, much  
5 research has underlined the need to attend to how equality policy is enacted, alongside a  
6 comprehensive evaluation of school staff education needs (Rudoe, 2018; Ferfolja and Stavrou,  
7 2015) and adequate attention to the workings of school culture (Neary, 2013).

8 Another significant theme factor is the impact of legislation and this paper seeks to  
9 enter the conversation specifically along these lines. In various contexts, deficiencies in  
10 equality legislation has posed problems for LGB teachers and non-permanent teachers are  
11 particularly vulnerable (Neary, 2013). In the UK, Section 28 of the 1988 Local Government  
12 Act stated that a local authority should not ‘intentionally promote homosexuality’ or ‘promote  
13 the teaching in any maintained school of the acceptability of homosexuality as a pretended  
14 family relationship’. Even though there were no prosecutions under Section 28 and it was  
15 repealed sixteen years ago, the legacy of this Act has been deeply internalised by LGB teachers  
16 (Edwards, Brown & Smith, 2016; Lee, 2019). In the US, Eckes & McCarthy (2008) point out  
17 that recent cases show that it is less likely for a LGB teacher to be dismissed for identifying as  
18 LGB. However, court decisions often sustain the threat of litigation, pointing to the need for  
19 the removal of disclaimers in court decisions that often create ambiguities and undermine anti-  
20 discrimination and equality legislation.

21 Religious exemptions in equality law have particularly negative impacts and some LGB  
22 teachers have been dismissed on the grounds of religious ethos (See for example Callaghan,  
23 2015). Callaghan (2015) argues that through religious exemptions, heteronormativity is  
24 maintained and a kind of ‘holy homophobia’ is facilitated. In Ireland, where there is such  
25 intertwining between church and state in education, religious exemptions take on a particularly  
26 stark hue. Like Section 28 in the UK, Section 37.1 was never used in court in Ireland, but it  
27 acted as a ‘chill factor’ for LGB teachers (Fahie, 2016; Gowran, 2004). In several jurisdictions,  
28 the legislative reach of religious ethos is such that it (re)produces LGB teachers’ feelings of  
29 insecurity, shame, guilt and unease (Neary, 2017a; Fahie, 2016; Fahie, 2017; Jones et al., 2014;  
30 Ferfolja, 2005). But many LGB teachers are themselves religious and/or have embodied  
31 memories of religious teachings and so, their navigations are an ambivalent mix of delight in  
32 the shared belonging and meaning that religion brings and lived experiences of hurt and  
33 exclusion as a result of religious teachings (Neary, 2017a; Neary, 2018). Such complexities

1 underline how turning to secularism to solve legislative problems caused by religious ethos for  
2 LGBT+ people in schools has problematic and limiting effects (Rasmussen 2015).

3           There are diverging perspectives on the impact of equality legislation on LGB teachers’  
4 lives. There is some evidence that when anti-discrimination legislative protection *is* introduced,  
5 LGB teachers experience a climate of support following ‘coming out’ and some describe new  
6 feelings of safety and security, noting how their school leaders lean on anti-discrimination  
7 legislation to foster inclusive schools (Ferfolja, 2009). But reliance on legislation as a  
8 mechanism for improving the lives of LGB teachers has been treated with scepticism (Khayatt,  
9 1997; Ferfolja, 2005). Some note that enacting protective legislation does not ensure that LGB  
10 teachers are more likely to disclose or feel secure on a daily basis (Connell, 2015; Lee, 2019)  
11 and does little to combat covert or subtle workings of heteronormativity or homophobia  
12 (Ferfolja, 2005; Ferfolja, 2009).

13

#### 14 **Theorising the Com(Promised) Conditions of Legislative Change**

15 Building from these diverging perspectives about the impacts of legislative change upon the  
16 lives of LGB teachers, I now turn to explicate some theoretical tools for thinking about how  
17 legislative recognition and protection is experienced by LGB teachers. The work of Berlant on  
18 ‘attachment’ (2011; 2006) and Ahmed (2006) on ‘orientation’ together form the conceptual  
19 undergirding of this paper. For Berlant (2011, p. 23), attachments are ‘clusters of promises we  
20 want someone or something to make to us and make possible for us’. In this vein, we can see  
21 how legislative structures promise to act as ‘life-building modalities’ (Sedgwick in Berlant,  
22 2006, p.23), providing recognition and protection for LGB teachers. As Ahmed (2006) notes  
23 in her phenomenological reflections on the concept of orientation, life gets directed through  
24 such attachments to the ‘good life’, requiring that we must return the debt of its life by taking  
25 on the direction promised as a social good’ (Ahmed, 2006, p.554). Ahmed (2006, p.559) uses  
26 the example of the family home, laden with its heterosexual expectation:

27           Everywhere I turn, even in the failure of memory, reminds me how the family home  
28 objects on display that measure sociality in terms of the heterosexual gift...Such  
29 objects do not simply record or transmit a life; they demand a return. Not only do they  
30 demand a return, but there is also a demand that we return to them, by embracing such  
31 objects as embodiments of our own histories, as the gift of our own lives.

1 Characterising such objects of attachment as *promises* facilitates engagement with their  
2 incoherences and enigmas; how some attachments are good for us and others are not (Berlant,  
3 2011). Berlant (2011) explains how attachments are always optimistic and that optimism in its  
4 affective form draws us back to particular objects even when they are potentially damaging.  
5 Berlant (2011, p.24) calls this a ‘cruel optimism’ — ‘a relation of attachment to compromised  
6 conditions of possibility whose realization is discovered to be impossible, sheer fantasy, or too  
7 possible, and toxic’.

8 Berlant (2011, p.228) goes on to point out that, as such attachments orient us towards  
9 the normative, political optimism can split us off from the ways things actually *are*. In this  
10 vein, in *Normal Life*, Spade (2011) provides a compelling argument for a critical transgender  
11 politics that demands more than legal recognition and inclusion, illustrating how such promises  
12 fail to deliver transformative change. Reflective of the teaching profession population and the  
13 field of research with LGBTQI teachers, nobody in the studies upon which this paper draws  
14 identified as trans and so, this paper does not build an argument from the everyday experiences  
15 of trans teachers. However, grounded by the work of Berlant and Ahmed, Spade’s (2011) work  
16 is vividly instructive in thinking about the orientation to the promise of legislative structures.  
17 Spade (2011, p. 119) points out the tensions between a trans politics that seeks out visibility  
18 and endorsement by officials and institutions and a politics that ‘seeks to build justice for trans  
19 people by challenging these same officials and institutions for the ways they endanger and  
20 harm trans people’. The most vulnerable trans communities reveal the need for abolishing  
21 prisons, police, borders and transforming healthcare, housing and education but such calls do  
22 not fit within the neoliberal, individual rights based model of advocacy that has been the  
23 cornerstone of lesbian and gay organizing (Spade, 2011, p.120). We can see then how such  
24 institutions are cruel, optimistic attachments with magnetizing promises of equal opportunity  
25 and inclusion but they are simultaneously damaging (Berlant, 2011, p.48). They fail to offer  
26 ‘respite from the brutalities of poverty and criminalization, but also threaten to reduce our  
27 struggle to another justification for and site of expansion of the structures that produce the very  
28 conditions that shorten our lives (Spade, 2011, 137).

29

## 30 **Methodology**

31 The illustrative data drawn upon in this paper have arisen from three separate studies conducted  
32 since 2012 in Ireland. Study A was conducted in 2012 with 15 LGB teachers entering into a

1 Civil Partnership and six activists involved in Civil Partnership and Marriage Equality  
2 campaigns. It was guided by the research question ‘How are primary and second-level teachers  
3 negotiating personal and professional identities in their school contexts while planning/entering  
4 into a Civil Partnership in Ireland?’ (Neary, 2017a). There were several strands of data  
5 collection/analysis. First, I conducted semi-structured interviews with activists and teachers  
6 using artefacts to elicit detail. Then, teachers completed diary entries across a six-week period.  
7 Following this, I wrote analytical narratives (3000-4000 words) of teacher interviews and  
8 diaries and shared these with them before conducting final follow-up interviews.

9 Study B was conducted at the time of the Marriage Equality Referendum in 2015  
10 (Neary et al., 2017). It was guided by the research question ‘What are the perspectives and  
11 experiences of primary school leaders, teachers and parents on preventing homophobia and  
12 transphobia as well as educating about gender and sexuality identity’? One-to-one semi-  
13 structured interviews took place with 6 school leaders and 12 teachers and 6 focus groups were  
14 conducted with a total of 28 parents. One principal and two teachers in this research identified  
15 as LGB and several teachers’ accounts referenced colleagues who were LGB and ‘out’ to  
16 varying degrees at school. This study captured how school communities were processing what  
17 Marriage Equality might mean for children and schools (Neary et al., 2019).

18 Study C is an analysis of LGB teachers’ stories and testimonies in the mainstream Irish  
19 media since 2012. This timeframe was chosen to reflect the three legislative moments that are  
20 the focus of this paper. These accounts ranged from LGB teachers who contributed to various  
21 media outlets anonymously, to those who were publicly visible through their advocacy work  
22 in the LGBT teachers’ union groups. A total of seventeen teachers’ voices were collated and  
23 all identified as LGB. The analysis of these voices was guided by the question ‘How are LGBT  
24 teachers negotiating their personal and professional identities in their everyday school  
25 contexts?’

26 In total, 78 people’s voices contributed to these studies, 35 of whom identified as LGB.  
27 Each study was rooted in queer, post-structural philosophy and was conducted using qualitative  
28 methods of data collection and analysis. Each study yielded a theme related to LGB teachers  
29 and legislative recognition/protection and this theme emerged following thematic vertical and  
30 horizontal analyses of LGB teachers’ perspectives. Then, guided by the question, ‘How do  
31 LGB teachers talk about the promise and impact of legislative recognition and protection in  
32 their everyday lives?’, I collated the illustrative data related to this theme in each study and  
33 conducted a horizontal meta-analysis across the three studies. Of course, the shape and thus,

1 status, of each of these studies is different and these studies were not connected to one another.  
2 However, aligning with the idea that ‘data’ must be reimagined and not thought as ‘brute data  
3 waiting to be coded, labelled with other brute words’ (St Pierre & Jackson, 2014, p.715), the  
4 three studies capture a rich snapshot of LGB teachers’ lives at points in time when the promise  
5 and impact of legislative structures was emergent and unfolding.

6

### 7 **(Com)Promises of Legislation 1: Civil Partnership and Marriage Equality**

8 Across the three studies, there was a strong sense of optimism about the promise of legislative  
9 structures like Civil Partnership and Marriage Equality in making a difference in the everyday.  
10 For example one Deputy Principal (Catholic Primary, Study B) said: ‘[Marriage Equality] has  
11 been a huge thing that is really gonna make people feel a lot more accepted and a lot more  
12 equal’. LGB teachers were grateful for this new legal protection and recognition both  
13 personally and professionally: This ‘made a huge difference’ (Darina, Teacher, Catholic  
14 Primary, Study A) and brought a ‘sureness of foot’ in teaching about gender and sexuality and  
15 tackling homophobia at school (Conor, Teacher, Community Second-level, Study A).

16 Many were grateful for how Civil Partnership opened up opportunities for their  
17 colleagues to explicitly affirm their identities and words such as ‘lucky’, ‘blessed’, ‘grateful’  
18 and ‘gracious’ dominated the teachers’ descriptions of their feelings about their colleagues’  
19 reactions to news of them entering into a Civil Partnership. Many expressed a deep sense of  
20 gratefulness and loyalty to their colleagues for their support and some saw it as their  
21 responsibility to ‘honour’ their colleagues’ positive and supportive reactions by participating  
22 in celebratory rituals that had previously only been afforded to heterosexual teachers: ‘If you  
23 stay silent you don’t kind of give them the opportunity to express your joy’ (Bev, Teacher,  
24 Catholic Second-level, Study A).

25 But their gratefulness for state recognition and collegial support sat alongside accounts  
26 of discomfort. Several teachers noted that Civil Partnership resulted in the reproduction of  
27 heteronormative terms of intelligibility. For instance, Richard explained that ‘the women who  
28 were straight problematised the whole thing... ‘what are you going to wear? Who is the best  
29 man? Who is this ...’, you know, they read the whole thing as a straight wedding’ (Richard,  
30 Teacher, ETB Second-level, Study A). Many teachers made significant internal compromises  
31 and rode over such discomforts to comply with heteronormative rituals, and maintain the  
32 happiness of their colleagues. Their gratefulness for affirmation served to keep these teachers



1 on ‘the right path’, allowing heteronormativity to remain firmly intact (Neary, 2014; Ahmed  
2 2006).

3 This gift relation (Ahmed 2006) was echoed in the public discourses around the ME  
4 Referendum in 2015. In the weeks before the Referendum, the *Yes Equality* campaign  
5 commissioned visual materials with the caption: ‘Loving, Equal, Fair, Generous and Inclusive.  
6 There are many words to describe Ireland today: On May 22<sup>nd</sup> we only need one. YES’. This  
7 stage of the campaign signalled a move towards asking Irish people who were on a journey  
8 ‘towards greater acceptance of their lesbian and gay family members and friends’ to be ‘kind’,  
9 ‘generous’ and to ‘share’ marriage with the lesbian and gay people of Ireland, signalling that  
10 they belong’ (Marriage Equality, 2015). This narrative was echoed by those who publicly  
11 supported the campaign. For example, the following excerpt from an article entitled ‘Saying  
12 Yes to Kindness’ by Róisín Ingle (Ingle, 2015) pleads for kindness towards LGB people:

13 Most “Middle Irish”<sup>iii</sup> are kind. And on May 22nd, I believe “Middle  
14 Ireland” will be kind...I listen to friends who have canvassed on the doors of  
15 inner city Dublin. It’s the same story there. People like having the chance to be  
16 nice to other people. To do a good deed like extending the joy of a big day out  
17 to all....It will be my good deed of the decade.

18 Phrases such as ‘being extremely nice’ and ‘my good deed of the decade’ strategically corral  
19 every demographic into ‘extending the joy of a big day out to all’. In this vision, Middle Ireland  
20 is kind, tolerant and accepting of LGB people. But in such a vision, Middle Ireland is  
21 simultaneously constructed as heterosexual and as the powerful arbiter of sexual legitimacy.  
22 Following the Yes vote in the Referendum, the Yes Equality campaign also used a variety of  
23 media to thank the Irish people for voting in favour of the referendum. Adding to the  
24 aforementioned slogan ‘Loving, Equal, Fair, Generous and Inclusive. There are many words  
25 to describe Irish people: On Friday, one word was enough. YES! Today we need a few more:  
26 Thank you. Buíochas Ó Chroí’ [Thank you from the heart].

27 Such dynamics of kindness and gratefulness were also reflected in how schooling  
28 contexts were grappling with ME as it was emerging. One teacher talked optimistically about  
29 how Marriage Equality brought a new symbolism: ‘Ireland sent a message that the LGBT  
30 community are universally accepted’ (O’Rourke, 2015). However, an experience recounted by  
31 one primary school teacher invites further inquiry into the power dynamics of this acceptance:

1 During the week of the referendum, one of the teachers made a ‘Yes’ cake. Do you  
2 know, people bake all the time and she just made a cake and she wrote ‘yes’ on it in  
3 smarties on the top. And it was a really nice cake and I was in the staff room and I was  
4 cutting myself a slice, as was everyone else, and...the principal who came in and said  
5 “Oh, I see you got your cake”. And that really annoyed me, like straight away, I was  
6 just like “it's not my cake...it's for everyone”. And she insisted on continuing with  
7 her, what she thought was a joke “oh, no, no, it's *your* cake”. So, yea, I was very  
8 annoyed by that. I dunno, do you call that homophobic? I don't know...there's no word  
9 for it, homoaware maybe. That they say something to make you be aware of...your  
10 sexuality. (Daniel, Class Teacher, Multi-Denominational Primary, Study B).

11 The power dynamics described here by Daniel are subtle and they happen, as power so often  
12 does, through the affective sociability of humour (Ahmed, 2008). Ahmed (2006) helps us to  
13 think about how the celebratory cake can be read as a symbol of the gift of marriage; a gift for  
14 which Daniel, as a gay man, was expected to give thanks. Daniel's annoyed refusal of ME as  
15 *his* individual gift and his reference to how Marriage Equality is a public good and a collective,  
16 societal change instantly makes visible the ordinarily latent boundaries of heteronormativity at  
17 work in social spaces such as schools. It animates the ways in which these boundaries are subtly  
18 and often unconsciously protected and reproduced.

19 So, while ME was largely presumed to be a sign of sexual progress and Ireland was  
20 viewed as a beacon of equality that had ‘opened up now the gates for the rest of the world’  
21 (Catherine, Parent, Catholic Primary, Study B), Marriage Equality clearly contains limits for  
22 LGB teachers. Avril, a teacher in a primary school, further elaborated upon these limits:

23 I know it was a yes vote and I think that will be huge... [but] it's not the same as  
24 accepting people that are gay ...like that attitude that... ‘I don't want a gay teacher in  
25 case it turns my child gay’...that's a huge discrepancy (Avril, Teacher, Catholic  
26 Primary, Study B).

27 When read alongside one another, the accounts of Daniel and Avril are reminders of how quests  
28 for normalisation, legitimacy and ordinariness for LGBTQ people through legal structures such  
29 as Civil Partnership and marriage are individualising and fragile given how everyday life is so  
30 predicated on the presumption of heterosexuality (Neary, 2017a). Furthermore, the constant  
31 threat of illegitimacy is heightened in schooling contexts that are so fundamentally orientated

1 around and shielded by heteronormative logics of childhood innocence (Cavanagh, 2008;  
2 Robinson, 2013; Lee, 2019; Neary et al., 2019).

3 The material and symbolic changes brought about by Civil Partnership and Marriage  
4 Equality legislation were enabling and transformative for LGB teachers in their schooling  
5 contexts. But the gift relation brought to life here raises new questions about the terms of  
6 inclusion and progress on offer for LGB teachers and the kind of work that is demanded in  
7 return as the ‘gift of our own lives’ (Ahmed, 2006, p.559). So, optimistic attachments to such  
8 mechanisms of inclusion have potential in how they promise individual legitimacy and  
9 normalisation for some people but they also produce ‘compromised conditions of possibility’.  
10 They fall short of interrupting the rigid and sedimented nature of heteronormativity in schools.  
11 They also facilitate an extension of state power in governing individual bodies (Berlant, 2011)  
12 and, as Spade (2011) points out, this power bolsters the state in its reproduction of the pain of  
13 ‘others’ such as trans and non-binary people whose fight does not fit within and is actively  
14 damaged by such neoliberal models of advocacy (Berlant, 2011, p.27). Such relations also  
15 mediate and produce the nation-state in heteronormative, homonationalist terms. For instance,  
16 in the Vote No campaign in Ireland, heterosexual terms of Irishness were produced through a  
17 kind of ‘heteroactivism’ (Browne et al., 2018). At the same time, the Yes campaign produced  
18 a heterosexual nation-state through a homonationalist vision of inclusion wherein ‘the terms of  
19 homely belonging are framed by a desire for inclusion in what Jasbir Puar (2007, p.4) calls  
20 “heterosexual nationalist formations”’ (Gray, 2018, p. 11). Such modes of inclusion and  
21 progress optimistically orientate towards promoting ‘acceptance and tolerance’ of certain  
22 LGBTQI people (Puar, 2007) often at the expense of others.

23

#### 24 **(Com)Promises of Legislation 2: Amendment of Religious Exemption Section 37.1**

25 As aforementioned, Section 37.1 is a religious exemption clause in the Employment Equality  
26 Act 1998/2004 in Ireland that, in its original form, permitted schools to recruit and dismiss  
27 teachers on the grounds of religious ethos. Historically, this has been understood as particularly  
28 problematic for LGB teachers whose sexuality and/or gender identity might be deemed  
29 contrary to religious ethos, resulting in deep silences in schools (Fahie 2016; 2017). Study A  
30 reveals how LGB teachers were continually conscious of Section 37.1 and had feared for their  
31 employment because of it. Some had looked for other jobs and some had invested in back-up  
32 careers. Many were ‘trying to get away from a school that was governed by Section 37.1’ (Tom,

1 Teacher, Catholic Primary, Study A). As many LGB teachers began entering into Civil  
2 Partnerships between 2011 and 2015, they were acutely conscious that they were testing the  
3 reach of Section 37.1. For example, Elaine explained how she told only very close colleagues  
4 about her upcoming Civil Partnership because she was working in a Catholic school: ‘the  
5 reason I stay quiet is because I’m teaching in a Catholic environment, it’s a Catholic school  
6 and because homosexuality is seen as not right by the Roman Catholic Church’ (Elaine,  
7 Teacher, Catholic Second-level, Study A). This experience was mirrored following the  
8 enactment of Marriage Equality in 2015: ‘for a small sector of workers in Ireland, that kind of  
9 commitment [marriage] came at a high price. Marriage Equality was at odds with Article  
10 Section 37.1’ (O’Rourke, 2015). And there was thus a new wave of urgency in advocacy circles  
11 for Section 37.1 to be repealed.

12 Across the three studies, teachers and principals orientated optimistically towards the  
13 repeal of Section 37.1 and its promise to make life better for LGB teachers: ‘[Repealing]  
14 Section 37 (1) would bring security...It would give me some sense of security that I wouldn’t  
15 be unemployed because I said I was gay you know’ (Elaine, Teacher, Catholic Second-level,  
16 Study A). In this vein, many LGB teachers also oriented toward the promise of secularism as  
17 the solution: ‘all education should be state run...And it shouldn’t be in the care or the custody  
18 of any particular church group at all... It should all be in the secular arena’ (Richard, Teacher,  
19 ETB Second-level, Study A). Following several versions of the bill across a number of years,  
20 Section 37.1 was amended in December 2015. While it wasn’t deleted, the amendment was  
21 largely lauded as a victory and some LGB teachers responded publicly with relief about and  
22 gratefulness for this change.

23 Berlant (2011) invites us to track and inquire into our “objects of desire” as clusters of  
24 promises to which we become bound, attending closely to their enigmas and incoherences.  
25 Reading the deletion of Section 37.1 (and broadly, a turn towards secularism) as a cluster of  
26 promises to which LGB teachers were optimistically attached, I want to think through two ways  
27 in which this object of desire here not only appears to have failed to deliver what it promised  
28 but also may delay or even block the potential of more systemic change. First, I turn to examine  
29 the changes in the text of the amendment and secondly, I explore teachers’ reflections on life  
30 in school since the amendment of Section 37.1 in 2015.

1           The amendment of Section 37.1 now explicitly cross references nine equality grounds  
2 (including ‘sexual orientation’) on which discrimination is not permitted. It now also now  
3 includes the following text:

4           A religious organisation shall not be taken to discriminate against a person for the  
5 purposes of this Part or Part II by giving favourable treatment on the religion ground to  
6 an employee or a prospective employee where the religion or belief of the employee  
7 constitutes a justified occupational requirement.

8 This new text directly mirrors EU law and a recent case in Germany<sup>iv</sup> provides an illustration  
9 of the potential power of the insertion of ‘occupational requirement’. While the new text of  
10 Section 37.1 in Ireland explicitly states that people cannot be discriminated against on the basis  
11 of their sexual orientation, the heavy presence of ‘occupational requirement’ takes on a  
12 particular hue in a country where 96% of primary schools are under religious patronage and  
13 teachers are required to teach religion in a faith formation model – an approach to religious  
14 education that follows an ‘education into religion’ philosophy (Jackson 2009). Might  
15 ‘occupational requirement’ protect a religious patron who wishes to discontinue the  
16 employment of or choose not to recruit a heterosexual primary school teacher because they  
17 openly teach about LGBT identities or same-sex parented families in ways contrary to religious  
18 teachings? Might a gay teacher be similarly vulnerable, not because they identify as gay, but  
19 because they are involved in an LGBT advocacy organisation? Such questions alert to how the  
20 same ambiguities that surrounded Section 37.1 continue to linger for many teachers.  
21 Meanwhile, it is assumed, politically, that this issue is solved. This sentiment strongly echoes  
22 Berlant’s (2011, p.228) idea that we can ‘get numb with the consensual promise,  
23 and...misrecognise that promise as an achievement’.

24           Even if one puts aside this new emphasis on ‘occupational requirement’, there are  
25 limitations evident in the impact on the everyday lives of LGB teachers. For example, a gay  
26 teacher in a rural environment wrote an anonymous article in 2015 that stated: ‘Teaching is one  
27 of those professions where conversations around gay issues are still taboo. So, just because  
28 Section 37 is being amended, I wouldn’t be expecting an avalanche of LGBT teachers to  
29 suddenly start coming out’. This account points to the long-lasting effects of legislative  
30 illegitimacy and mirrors how LGB teachers in the UK who taught in schools during the Section  
31 28 era are now less likely to be out at school (Lee, 2019). And so, given the political compromises  
32 made around the amendment of Section 37.1 and the cultural realities of the majority of schools

1 in Ireland, it is unsurprising to see accounts from teachers outlining how little has changed four  
2 years on from the amendment:

3           The law is changed but there are still schools where you feel you cannot be yourself.  
4           I now have permanency, and this is the first time I've been openly out and  
5           comfortable being out as a gay woman...it's 2018, but you're constantly censoring  
6           yourself ...Do I show who I really am, or do I protect my job? Ireland's very small,  
7           if you're working in a Catholic school or a Church of Ireland, Presbyterian school  
8           and the principal doesn't take fancy to you being gay or whatever it is, they have a  
9           network that can be very difficult for you then to get in to other schools (McCarthy,  
10          Member of INTO LGBT Teachers' Group cited in Farrell, 2018).

11 The compromises made in amending the legislative text of Section 37.1, combined with the  
12 teachers' voices above, are an illustration of the inefficacy of such legislative frameworks for  
13 tackling the complexities of injustice (Spade 2011) and the deeply engrained heteronormative  
14 and cultural complexities of the teaching profession and school environments. Furthermore,  
15 attachments to the deletion of Section 37.1, and the promise of secularism more broadly,  
16 (re)produce assumptions about religious schools as conservative and multi-denominational  
17 schools as progressive and further accentuate a problematic divide between religion and  
18 sexuality, one that doesn't account for the religious attachments of LGB teachers or the messy  
19 workings of religion as part of the fabric of normativity and culture (Rasmussen 2015; Neary  
20 et al. 2018).

21

## 22 **Concluding Thoughts**

23 In many contexts, equality legislation is deemed to have a positive impact on LGB teachers'  
24 lives at school (Ferfolja, 2009; Ferfolja & Stavrou 2015). But a reliance on legislation has also  
25 been treated with caution and scepticism (Khayatt, 1997; Ferfolja, 2005; Ferfolja, 2009  
26 Connell, 2015; Lee, 2019). Ireland recent legislative changes might be presumed to have a  
27 positive knock-on effect for LGB teachers in schools and the accounts in this study reveal  
28 optimistic attachments to these changes. But Berlant (2011, p.52) notes how 'people's desires  
29 become mediated through attachments to modes of life to which they rarely remember  
30 consenting'. Irrespective of whether such modes of life 'actually threaten well-being or provide  
31 a seemingly neutral, reliable framework for enduring the world, or both', attachments to  
32 legislative change are still part of an ideological relation that requires interrogation (idem.).

1 And so, grounded by the work of Ahmed (2006) and Berlant (2011), this paper set about  
2 exploring how LGB teachers have negotiated three key legislative recognition and protection  
3 changes in the Irish context. Inquiring into these legislative changes as ‘clusters of promises’  
4 (Berlant 2001, p. 23) has facilitated inquiry into the textured impact of these changes in the  
5 everyday lives of LGB teachers.

6 The emotional labour of several teachers to suppress discomforts, and give thanks for  
7 the gift of Civil Partnership, signals the continuance of enduring power dynamics of  
8 heteronormativity. Furthermore, teachers’ negotiations of Civil Partnership, when read  
9 alongside Marriage Equality moments such as the one played out in Daniel’s ‘Yes’ cake story,  
10 are a powerful reminder of the very limited reach of legislative change in de-stabilising or  
11 disrupting the micro-political and deeply embedded dimensions of heteronormativity.  
12 Berlant (2011, p.126; 2013) has critiqued equality advocacy groups for their attachments to the  
13 institution of marriage as a normalising mechanism of social change for LGB people. She terms  
14 these attachments a ‘fantasy of normalcy’ a ‘stupid optimism’, explaining that  
15 ‘conventionality...is not the same as achieving security’. This was borne out quite explicitly  
16 for LGB teachers in Ireland because as they began to enter into Civil Partnerships or marriages,  
17 Section 37.1 became all the more threatening.

18 LGB teachers’ orientations to the promises of removing or amending Section 37.1 (and  
19 the broader promise of a secular education system in Ireland) were compromised and  
20 compromising too. While this legislative change proffered itself as a solution, LGB teachers  
21 reported that the pervasive and miry workings of religious ethos did not just magically  
22 disappear. This is unsurprising given how religion is so embedded in the fabric of normativity  
23 and internalized in the bodies of LGB teachers in Ireland (Neary et al 2018). Moreover, echoing  
24 the warnings of Eckes and McCarthy (2008), the eventual text of Section 37.1 enacted actually  
25 reproduces many of the same ambiguities for teachers in religious schools. This amendment  
26 was largely lauded as a victory and, of course, to some extent, the amendment of Section 37.1  
27 decreased the legislative power of religious ethos in schools. While what people perceive  
28 matters much more than the intricacies of the new legislative text, the political compromises  
29 made in this regard are symbolic; they remind of the continued powerful place of religious  
30 ethos in schools. The particularly damaging aspect of such compromises is how the political  
31 declaration that the issue is solved can actually provide a cover for the continued exclusionary  
32 workings of religious ethos. In this way, Berlant’s (2011) ‘cruel optimism’ has allowed us to

1 see how political optimism can serve to cover over the fine-grained cultural realities and micro-  
2 politics of schooling, declaring certain fights over when they haven't even really begun.

3 Staley (2018) reflects on how, in research about gender and sexuality diversity in  
4 education, we are so often invoked to direct, or point towards resolutions with the result that  
5 'master narratives', such as knowledge deficits in teachers and principals, are continuously  
6 repeated and crises and complexities foreclosed. I would argue that equality legislation and  
7 policy change together form another master narrative in educational research. Resisting the  
8 'invocational ending' that Staley (2018, p.301) talks about and aligning with her call to get  
9 'curious about the paradoxes and impossibilities that animate our work', I suggest that the merit  
10 of this paper is its attention to LGB teachers' fine-grained experiences of three legislative  
11 changes that at first glance might seem transparently progressive for LGB people. Their  
12 accounts to some extent echo Spade (2011) in drawing attention to the ways that legislative  
13 change through recognition and protection can be a blunt, unwieldy and ineffective instrument  
14 of change that can sometimes even block and even further stigmatise those who fall inside as  
15 well as outside of its remit . At the same time, and as I have argued in more detail elsewhere  
16 (Neary 2017a), these legislative changes provided a framework for new 'conditions of  
17 possibility' (Berlant 2011, p. 27). And so, ultimately, this paper provides an argument for  
18 staying with the messiness; for attending to the fine-grained texture of gender and sexuality  
19 diversity in education contexts and resisting singular or individualised 'solutions'.

20

21

## 22 **References**

23 Ahmed, S. (2008). Sociable happiness. *Emotion, Space and Society* 1, 10-14.

24 Ahmed, S. (2006). *Queer phenomenology: Orientations, objects, others*. London: Duke  
25 University Press.

26 Berlant, L. (2011). *Cruel optimism*. Durham, N.C: Duke University Press.

27 Berlant, L. (2006). Cruel Optimism. *Differences: A Journal of Feminist Cultural Studies*, 17(3),  
28 20-36.

29 Brockenbrough, E. (2012). Agency and abjection in the closet: The voices (and silences) of  
30 Black queer male teachers. *International Journal of Qualitative Studies in Education*, 25(6),  
31 741-765.



- 1 Browne, K, Nash, CJ, & Gorman-Murray, A. (2018). Geographies of heteroactivism: Resisting  
2 sexual rights in the reconstitution of Irish nationhood. *Transactions of the Institute of British*  
3 *Geographers*, 43(4), 526-539.
- 4 Callaghan, T.D. (2015). Doctrinal Disciplining of Queer Educators in Canadian Catholic  
5 Schools. *Canadian Journal of Educational Administration and Policy*, 173, 9-27.
- 6 Connell, C. (2015). *School's out: gay and lesbian teachers in the classroom*. Oakland,  
7 California: University of California Press.
- 8 Eckes, S.E, & McCarthy, M.M. (2008). GLBT teachers: The evolving legal protections.  
9 *American Educational Research Journal*, 45(3), 530-554.
- 10 Edwards, LL, Brown, D.H.K, & Smith, L. (2016). 'We are getting there slowly': lesbian  
11 teacher experiences in the post-Section 28 environment. *Sport, Education and Society*, 21(3),  
12 299-318.
- 13 Fahie, D. (2016). 'Spectacularly exposed and vulnerable'—how Irish equality legislation  
14 subverted the personal and professional security of lesbian, gay and bisexual teachers.  
15 *Sexualities*, 19(4), 393-411.
- 16 Fahie, D. (2017). Faith of our fathers—lesbian, gay and bisexual teachers' attitudes towards the  
17 teaching of religion in Irish denominational primary schools. *Irish Educational Studies*, 36(1),  
18 9-24.
- 19 Farrell, R. (2018) 'There are still schools where you feel you cannot be yourself' – LGBT  
20 teachers in Ireland on challenges they still face' [online], available at:  
21 [https://www.independent.ie/irish-news/education/there-are-still-schools-where-you-feel-you-](https://www.independent.ie/irish-news/education/there-are-still-schools-where-you-feel-you-cannot-be-yourself-lgbt-teachers-in-ireland-on-challenges-they-still-face-37048007.html)  
22 [cannot-be-yourself-lgbt-teachers-in-ireland-on-challenges-they-still-face-37048007.html](https://www.independent.ie/irish-news/education/there-are-still-schools-where-you-feel-you-cannot-be-yourself-lgbt-teachers-in-ireland-on-challenges-they-still-face-37048007.html)
- 23 Ferfolja, T. (2009). State of the Field Review: Stories So Far: An Overview of the Research on  
24 Lesbian Teachers. *Sexualities*, 12(3), 378-396.
- 25 Ferfolja, T. (2008). Discourses that Silence: Teachers and Anti-Lesbian Harassment.  
26 *Discourse: Studies in the Cultural Politics of Education*, 29(1), 107-119.
- 27 Ferfolja, T. (2007a). Teacher negotiations of sexual subjectivities. *Gender and Education*,  
28 19(5), 569-586.
- 29 Ferfolja, T. (2005). Institutional Silence: Experiences of Australian Lesbian Teachers Working  
30 in Catholic High Schools. *Journal of Gay & Lesbian Issues in Education*, 2(3), 51-66.

- 1 Ferfolja, T, & Hopkins, L. (2013). The complexities of workplace experience for lesbian and  
2 gay teachers. *Critical Studies in Education*, 54(3), 311-324.
- 3 Ferfolja, T, & Stavrou, E. (2015). Workplace experiences of Australian lesbian and gay  
4 teachers: Findings from a national survey. *Canadian Journal of Educational Administration  
5 and Policy*(173).
- 6 Ford, J.C. (2017). “Very simple. I just don't lie”: The role of honesty in Black lesbian K-12  
7 teachers' experiences in the US Southeast. *Journal of lesbian studies*, 21(4), 391-406.
- 8 Gowran, S. (2004). See no evil, speak no evil, hear no evil: The experiences of Lesbian and  
9 Gay Teachers in Irish schools. In J. Deegan, D. Devine & A. Lodge (Eds.), *Primary Voices:  
10 Equality, Diversity and Childhood in Irish Primary Schools* (pp. 37-55). Dublin Institute of  
11 Public Administration
- 12 Gray, B. (2018). Mobility, connectivity and non-resident citizenship: migrant social media  
13 campaigns in the Irish Marriage Equality referendum. *Sociology*,
- 14 Gray, E.M. (2013). Coming out as a lesbian, gay or bisexual teacher: negotiating private and  
15 professional worlds. *Sex Education*, 13(6), 702-714.
- 16 Gray, E.M, Harris, A, & Jones, T. (2016). Australian LGBTQ teachers, exclusionary spaces  
17 and points of interruption. *Sexualities*, 19(3), 286-303.
- 18 Hardie, A. (2012). Lesbian teachers and students: Issues and dilemmas of being ‘out’ in primary  
19 school. *Sex Education*, 12(3), 273-282.
- 20 Harris, A, & Jones, T. (2014). Trans teacher experiences and the failure of visibility *Queer  
21 teachers, identity and performativity* (pp. 11-28): Springer.
- 22 Hooker, S. (2019) Can LGBT educators form authentic relationships in their school  
23 communities? *Education, Citizenship and Social Justice*, 14(1), 82-98.
- 24 Ingle, R. (2015) Saying Yes to Kindness’, [online], available: [http://www.irishtimes.com/life-  
25 and-style/r%C3%B3is%C3%ADn-ingle-on-saying-yes-to-kindness-1.2191940](http://www.irishtimes.com/life-and-style/r%C3%B3is%C3%ADn-ingle-on-saying-yes-to-kindness-1.2191940)  
26 [accessed 10/5/2016].
- 27 Jones, T, Gray, E, & Harris, A. (2014). GLBTIQ teachers in Australian education policy:  
28 Protections, suspicions, and restrictions. *Sex Education*, 14(3), 338-353.
- 29 Khayatt, D. 1997. Sex and the teacher: Should we come out in class? *Harvard Educational  
30 Review*, 67(1), 126–43.

- 1 Kitching, K. (2017). A thousand tiny pluralities: children becoming-other than the  
2 requirements of postsecular neoliberal policy recognition. *Critical Studies in Education*, 1-16.
- 3 Lee, C. (2019). Fifteen years on: the legacy of section 28 for LGB teachers in English schools.  
4 *Sex Education*, 1-16.
- 5 Mayo, C. (2014). Conclusion: Extravagance and equity: Queer tensions in education *Queer*  
6 *teachers, identity and performativity* (pp. 90-96): Springer.
- 7 Meyer, E. J., & Keenan, H. (2018). Can policies help schools affirm gender diversity? A  
8 policy archaeology of transgender-inclusive policies in California schools. *Gender and*  
9 *Education*, 30(6), 736-753.
- 10 Mizzi, R. (2015). Sexualities on the move: A comparison of the work experiences of gay male  
11 educators teaching overseas. *Canadian Journal of Educational Administration and Policy*  
12 (173), 73-92.
- 13 Neary, A. (2013). Lesbian and Gay Teachers' Experiences of 'Coming Out' in Irish Schools.  
14 *British Journal of Sociology of Education*, 34(4), 583-602.
- 15 Neary, A. (2014). Teachers and civil partnership:(Re) producing legitimate subjectivities in the  
16 straight spaces of schools. In *Queer teachers, identity and performativity* (pp. 45-59). Palgrave  
17 Pivot, London.
- 18 Neary, A. (2016). Civil Partnership and Same-sex Marriage: LGBT-Q Political Pragmatism  
19 and the Normalization Imperative. *Sexualities*, 1-23.
- 20 Neary, A. (2017). *LGBT-Q Teachers, Civil Partnership and Same-sex Marriage: The*  
21 *Ambivalences of Legitimacy*. New York: Routledge.
- 22 Neary, A. (2017). Lesbian, gay and bisexual teachers' ambivalent relations with parents and  
23 students while entering into a civil partnership. *Irish Educational Studies*, 36(1), 57-72.
- 24 Neary, A., Gray, B., & O'Sullivan, M. (2016). A queer politics of emotion: reimagining  
25 sexualities and schooling. *Gender and Education*, 28(2), 250-265.
- 26 Neary, A., Gray, B., & O'Sullivan, M. (2018). Lesbian, Gay and Bisexual teachers'  
27 negotiations of civil partnership and schools: ambivalent attachments to religion and  
28 secularism. *Discourse: Studies in the Cultural Politics of Education*, 39(3), 434-447.
- 29 Neary, A. and Rasmussen, M.L. (2019) Marriage Equality Time: Entanglements of sexual  
30 progress and childhood innocence in Irish primary schools. *Sexualities*. Online First.

- 1 O'Rourke, B. (2015) 'Teachers Welcome Pivotal Changes to Legislation' [online], available  
2 at: [https://www.irishtimes.com/news/education/gay-teachers-welcome-pivotal-changes-to-](https://www.irishtimes.com/news/education/gay-teachers-welcome-pivotal-changes-to-legislation-1.2453581)  
3 [legislation-1.2453581](https://www.irishtimes.com/news/education/gay-teachers-welcome-pivotal-changes-to-legislation-1.2453581)
- 4 Puar, J.K. (2007). *Terrorist assemblages: Homonationalism in queer times*. Durham: Duke  
5 University Press.
- 6 Rasmussen, M.L. (2015). *Progressive Sexuality Education: The Conceits of Secularism*.  
7 London: Routledge.
- 8 Robinson, K.H. (2013). *Innocence, knowledge and the construction of childhood: The*  
9 *contradictory nature of sexuality and censorship in children's contemporary lives*: Routledge.
- 10 Rudoe, N. (2010). Lesbian teachers' identity, power and the public/private boundary. *Sex*  
11 *Education, 10*(1), 23-36.
- 12 Rudoe, N. (2018). Lesbian and gay teachers and sex/uality education policy enactment in  
13 schools. *Discourse: Studies in the Cultural Politics of Education, 39*(6), 926-940.
- 14 Russell, V.T. (2010). Queer Teachers' Ethical Dilemmas Regarding Queer Youth. *Teaching*  
15 *Education, 21*(2), 143-156.
- 16 Spade, D. (2011). Normal Life: Administrative Violence. *Critical Trans Politics, and the*  
17 *Limits of Law, 11*, 2011.
- 18 Staley, S. (2018). On getting stuck: Negotiating stuck places in and beyond gender and sexual  
19 diversity-focused educational research. *Harvard Educational Review, 88*(3), 287-307.
- 20 St Pierre, E.A., & Jackson, A.Y. (2014). Qualitative Data Analysis After Coding. *Qualitative*  
21 *Inquiry, 20*(6), 715-719.
- 22 Wells, K. (2017). Sexual minority teachers as activist-educators for social justice. *Journal of*  
23 *LGBT Youth, 14*(3), 266-295.

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<sup>i</sup> The acronym LGB is used mostly in this paper as this is the empirical research base. I refer to trans people more broadly in thinking critically about neoliberal advocacy. In some instances, I use the umbrella term LGBTQI.

<sup>ii</sup> Warner (1993) used the term 'heteronormativity' to denote how heterosexuality works pervasively as the ideal basis for all gender relations.

<sup>iii</sup> 'Middle-Ireland' is understood as referring to the ordinary Irish person. Arguably, this term could be read as white, middle and working class, Irish born citizens.

<sup>iv</sup> Case C-68/17, IR v. JQ, Sept. 11, 2018, cited in <https://www.loc.gov/law/foreign-news/article/european-union-european-court-of-justice-rules-on-religious-employment-discrimination/> ).