

A photograph of two women smiling and posing for a photo at what appears to be a pride parade. The woman on the left is wearing a purple strapless top and a rainbow-colored headwrap. The woman on the right is wearing a white top with a large rainbow-colored panel and a matching rainbow headwrap. They are both wearing jewelry, including necklaces and earrings. The background is slightly blurred, showing a street scene with buildings and other people.

urgency required

gay and lesbian rights
are human rights

Edited by Ireen Dubel and André Hielkema

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Urgency Required

Gay and Lesbian Rights are Human Rights

Ireen Dubel and André Hielkema, editors

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Contents

Urgency Required. Gay and Lesbian Rights are Human Rights

Introduction - Ireen Dubel and André Hielkema	1
Foreword - Chris Carter	7

Part I The Netherlands then and now

Urgency and Strategy: Homosexual Men and Women in the First Half of the Twentieth Century - Bert Boelaars	10
Act Naturally - That's Crazy Enough - Judith Schuyf	22
Homosexuality as Touchstone. Islam, Christianity and Humanism Compared - Rob Tielman	31
'For Me Both Sides are a Struggle'. Living a Double Life - Linda Terpstra and Mariette Hermans	38

Part 2 Concepts

Of all Times, in all Cultures: Robert Aldrich's <i>Gay Life and Culture: A World History</i> - Leontine Bijleveld	44
Homophobia - Leontine Bijleveld	49
Lesbian Identity and Sexual Rights in the South: an Exploration - Saskia Wieringa	53
The Emancipation of Transgenders - Thomas Wormgoor	63
Queering Politics, Desexualizing the Mind - Robert J. Davidson	70
The World Minimized, The Homosexual Maximised? - Gert Hekma	80

Part 3 Africa

Behind the Mask - Bart Luirink	87
Simon Tseko Nkoli - Ireen Dubel	94
Queer Jihad. A View from South Africa - Scott Kugle	100
Self-portrait - Chan Mubanga	105
How to be a 'Real' Gay - Gert Hekma	109
Tommy Boys, Lesbian Men and Ancestral Wives. Female Same-Sex Practices in Africa - Gertrude Fester	113
Black Bull, Ancestors and Me. My Life as a Lesbian Sangoma - Boshadi Semenya	118
Self-portrait - Victor Juliet Mukasa	122
Homosexuality in Cameroon. Identity and Persecution - Peter Geschiere	126
Urgent Goals of LGBTI Liberation - David Kuria	132

Part 4 Asia

Challenging the Anti Sodomy Law in India: Story of a Continuing Struggle - Arvind Narrain	136
Self-portrait. Being Queer in India - Pramada Menon	150
Bishkek, Kyrgyzstan, 8 April 2008. Police Raid of Hivos Partner Labrys - Ireen Dubel	152
Following the Rainbow. MSM, HIV and Social Justice in South Asia - Shivananda Khan	155
Self-portrait. Struggling for Equality and Fairness for LGBTIQ People in Indonesia - Dédé Oetomo	165
Saying the 'L' Word - Maggie Tiojakin	169
The Struggle of the Tongzhi. Homosexuality in China and the Position of Chinese 'Comrades' - Ties van de Werff	172
The Voice of a Lesbian from Hong Kong - Franco Yuen Ki LAI	181
Saving Gays from Iran: The Iranian Queer Railroad (IRQR) - André Hielkema	185
What is it to be a Palestinian Lesbian? - Rauda Morcos	191

Part 5 Latin America

Recovering the Lost Memories of Bravery: Latin American Non-Normative Sexualities in the 21st Century - Alejandra Sardá-Chandiramani	194
'A Common Agenda Requires an Authentic and Open Mind' - Monique Doppert	204
Gender Identity and Extreme Poverty - Marcelo Ernesto Ferreyra	207
Self-portrait - Hazel Fonseca Navarro	213
Self-portrait - Jorge Bracamonte Alláin	215
Non-Heterosexual Parenthood in Latin America - Juan Marco Vaggione	218

Part 6 Strategies

Hivos and Gay Liberation. How Does It Work? - Monique Doppert	223
International Challenges for Education Regarding Sexual Diversity - Peter Dankmeijer	229
The Montreal Declaration of Human LGBT Rights - Joke Swiebel	235
The Yogyakarta Principles - Boris Dittrich	241
LGBT Rights in the Workplace: The UK Experience - Peter Purton	249
United by Love, Exiled by Law. Immigration and Same Sex Couples - Martha McDevitt-Pugh	256
'The Greenwood' in <i>Maurice</i> and <i>Brokeback Mountain</i> . The Sorrowful Farewell of a Hope-giving Metaphor - André Hielkema	264
EU Support for LGBT People in Neighbouring Countries: Is It (good) Enough? - Maxim Anmeghichean and Aija Salo	273
The Tyranny of the Majority. Gays in Poland - Wendelmoet Boersema	280
Self-portrait - Radenka Grubacic	284
'Equality is a Moral Imperative'. LGBT Equality under Obama - Martha McDevitt-Pugh	287

Introduction

This book was conceived in response to the 2008 celebration of the sixtieth anniversary of the Universal Declaration of Human Rights. Despite this Declaration, which was adopted in 1948, sexual minorities around the world are routinely subjected to flagrant human rights violations (particularly by governments) that range from subtle discrimination to imprisonment, torture, the death penalty and murder. There are still countries where gays and lesbians are not considered human and human rights are not, therefore, considered applicable. In this book the problem is summarized in these words: 'Homophobia appears to be the last accepted prejudice, where racism is rejected, anti-Semitism is condemned and hatred of women has lost its legitimacy.'

Why the slogan 'Gay and lesbian rights are human rights'? Amnesty International provides the answer: 'Sexual orientation and gender identity touch the innermost affairs of the heart, the deepest desires of the spirit and the most intimate physical expressions', Amnesty has noted. Sexual orientation and gender identity are part of the essence of one's being, concerning one's right to physical and mental integrity and the right to self-realization. These rights imply that individuals themselves determine their sexual orientation and gender identity and express them - based on equality with others - free of fear and with no risk of discrimination and suppression. Sexual orientation and gender identity form a fundamental aspect of the being, of the individual. That is what human rights are all about.

Terminology

This book speaks not only about gays and lesbians, but also about 'LGBT persons' - the acronym for 'Lesbian, Gay, Bisexual and Transgender'. (1) This has become the accepted international acronym used within social movements of lesbians, gays, bisexuals, transvestites, transsexuals and all other transgender individuals. Halfway through the nineties, the broad gay movement joined forces with bisexuals and by 2000 included the transgender movement as well. This collaboration has led to successes, including consensus at the European Union (EU) that LGBT rights are human rights and must be guaranteed. This recognition expressed itself in a variety of legislation, including anti-discrimination laws, the right to change gender, revoked transvestite prohibitions, equal rights in the area of labour, healthcare and housing and, in some countries, legal marriage for same-sex couples.

We also refer to 'LGBTIQ persons', adding categories of 'Intersex' and 'Queer'. 'Intersex' means people with gender characteristics of both sexes, who include themselves in the LGBT movement. The term 'queer' needs some elaboration. 'Queer' is used as an umbrella term to cover all lesbians, gays, bisexuals, transsexuals, transgender-persons, intersexuals, asexuals, autosexuals and all other non-heterosexuals or non-mainstream heterosexuals, either due to their anatomy, their sexual orientation or their gender identity. In that sense, the term 'queer' is really a synonym for everything that could be included in the broad acronym 'LGBT'.

However, 'queer' also has a more political meaning. Some LGBT activists call themselves 'queer' to indicate that they reject traditional identities - such as gay, lesbian, bisexual and

2 heterosexual, since these are based on a categorizing resulting from the dominant hetero-normative culture. From the *queer-point-of-view*, such categorization does not leave any room for the fluidity and ambiguity of sexuality. Will a gay man never fall in love with a woman? Perhaps not, but can it be ruled out? And vice versa, of course. With that, queer protagonists let go of sexual boundaries, labels and identities, but a new identity is developed, the one of the queer who views it all that way.

With that, 'queerness' is at the same time an *LGBT statement* against hetero-normativeness, fitting into the collective acronym 'LGBTIQ persons', and also a denial and rejection of LGBT identities (as 'fixed' orientations of people). From this perspective, 'queer' is not a synonym for the term 'LGBT', because the word 'queer' creates distance from certain strategies of the LGBT movement (the fixed 'other' identity, the theory of the third gender, etc.) and because alliance is sought with heterosexuals who also consider sexuality as fluid and cannot find themselves within a fixed sexual identity.

Most of the articles in this book use the terms 'lesbian' and 'gay' sparingly. These terms indicate a love for the same sex as though it concerns a fixed identity. However, the people being discussed often demonstrate a varied range of behaviour and identity, so it is not accurate to assign to them labels that do not cover all aspects of their sexuality. Are you a lesbian if you also have sex with men or don't have sex at all? Are you gay if you do not call yourself gay, but had sex exclusively with men during a certain period of your life? Perhaps it is better not to speak of identities but of same sex relationships and sexual orientation, although these terms also have their limitations. The terms 'lesbian' and 'gay' only fit with the women and men that identify themselves as such.

Two Steps

It is commonly known that the Netherlands was the first country to recognize marriage among same-sex couples in 2001. Belgium, Spain, Canada, South Africa, Norway and Sweden followed, as did the American states of Massachusetts, Connecticut, Iowa, Vermont and Maine. It is only in these countries and states that gays and lesbians have virtually the same rights as heterosexuals.

Recognizing marriage is - albeit not without problems - an important reference point for gay and lesbian liberation. Even in the countries and states that recognize same-sex marriage, not all goals have been reached. With the current legislation in these countries, adopting children sometimes remains difficult. Recently in the Netherlands, the question arose if it would be better to explicitly state in article 1 of the constitution that discrimination based on sexual orientation is prohibited. Another problem that has to be resolved is that in the Netherlands, civil officials are allowed to refuse to marry same-sex couples by citing conflict with their conscience, while it would be considered objectionable if they would do the same with couples of a different religion, race or ethnic background.

The fact is that the human rights of LGBT persons in the rest of the world are not necessarily that much worse than in the above-mentioned countries and states. In a number of countries where marriage has not been made available to same-sex couples, they can enter a cohabitation agreement (registered partnership/civil union), which often entails rights that

are comparable to those of married hetero couples. In any case, sex among persons of the same sex is no longer criminalized in those countries. There, the struggle focuses on equal treatment.

On the other hand there are countries where same-sex relationships are prohibited and punishable. In some eighty nations worldwide, gays, and often lesbians as well, are considered criminals. In countries such as Bangladesh, the Maldives, Singapore and Uganda, people can be imprisoned for years or even for life if it is discovered that they have a relationship with a person of the same sex. In countries such as Iran, Yemen, Mauritania, Saudi Arabia, Sudan and the United Arab Emirates they can be sentenced to death for their sexual orientation. Images that emerged in 2005 of the hanging of young gay men in Iran speak for themselves. Such images create a sense of urgency in the gay and lesbian struggle - even sixty years after the Universal Declaration of Human Rights.

In countries such as Pakistan and Kenya, the gay and lesbian liberation struggle focuses firstly on decriminalizing same-sex relationships. Equal treatment can only be the next step. So the struggle entails two steps: decriminalization and, when that has been accomplished, equal treatment.

The Yogyakarta Principles

A leap forward was made with the establishment of the *Yogyakarta Principles*. At the end of 2006, a group of internationally renowned experts in the area of human rights gathered in the Indonesian city of Yogyakarta to speak about sexuality, gender and human rights. They discussed all international treaties that touched on human rights and shaped these human rights towards people belonging to sexual minorities. The result was a document titled: 'The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity'.

The primary premise of this document is that gay and lesbian rights are human rights. The explanation contains 29 principles in the area of human rights that (also) apply to LGBT individuals, which countries must obey because these principles have been laid down in older, general, internationally accepted human rights treaties. It is not only the individual states that signed the treaties that have the responsibility to maintain and protect human rights for LGBT persons. Non-governmental organisations, intergovernmental organisations, the United Nations (UN), the media and others can also play a role. The Yogyakarta Principles state that effective protection of human rights is a responsibility of all people.

The first three principles of the Yogyakarta Principles include the universality of human rights and the non-discrimination principle. Consequently, laws that criminalize gays and lesbians contravene the right to protection against discrimination. Principles four through eleven deal with the rights to personal safety, privacy and protection against violence and torture, as well as access to the legal system and indemnity against arbitrary imprisonment. This includes arbitrary arrests in gay bars where those arrested are held for long periods and abused without charge, as occurs in some African countries and elsewhere.

Economic, social and cultural rights are dealt with in principles twelve through eighteen, including the right to protection against discrimination in the workplace, in housing, education,

healthcare and social security. This means that medical procedures desired by transsexuals are not to be refused. Such principles would prevent situations such as that of two nineteen year old boys from the Romanian city of Timisoara who were imprisoned in 1992-1993 due to their sexual relationship and who were subsequently not allowed to return to school or find a job because of their sexual orientation. (One of them committed suicide in 1995 and the other found asylum abroad.) (2)

Principles nineteen through 21 organize freedom of speech and freedom of assembly and association. These rights dictate that governments cannot prohibit peaceful assemblies of LGBT groups struggling against their criminalization and for equal treatment. The police are not allowed to intimidate these groups but must protect them against homophobic extremists and/or nationalists.

Principles 22 and 23 focus on people seeking asylum outside of their country due to prosecution as a result of their sexual orientation or gender identity. According to the guidelines of the United Nations High Commission for Refugees, refugee status must be provided to them. (3)

Principles 24 through 26 stipulate that everybody must be allowed to participate in the social life of their community and may not be excluded from that based on sexual orientation or gender identity. The rights of the human rights defenders are covered in principle 27. Defending and promoting human rights, including those of LGBT persons, is recognized as a right, and states are required to guarantee the safety of human rights defenders. The special representative of the United Nations Secretary-General in this field has stated that the safety of human rights defenders of LGBT persons is poor, and that the concerned governments neglect the situation. Finally, principles 28 and 29 include holding those who have violated human rights responsible. They must be held accountable and be punished and those whose rights have been violated must obtain redress.

The Yogyakarta Principles illustrate how broad the LGBT human rights are. The Netherlands has adopted them as a starting point for its gay human rights policy and encourages their international acceptance. The aim is the abolition of penalization for consensual sex between people of the same sex, the end of government discrimination of LGBT people, as well as their social acceptance. In countries where LGBT human rights are violated, the Netherlands lodges protests against these actions. In addition, the Netherlands supports civil society organisations that promote LGBT rights as human rights including at the international level. (4)

Urgency is Required

The starting point for the creation of this book has been the recognition that urgency is required in the LGBT struggle for equal rights and equal treatment. We open with a number of articles that address the urgency in the Dutch context from a historical perspective. In the Netherlands, discrimination between gays and heterosexuals was concretely anchored in the penal code between 1911 and 1971. Article 248bis stated that adult sex among persons of the same sex was punishable under the age of 21, whilst this age limit for heterosexuals was sixteen. Lord Jacob Anton Schorer, founder of and driving force behind the first Dutch gay

movement, personifies the battle against this discrimination and criminalization before World War II. The process of decriminalization of gays and lesbians was subsequently followed by the struggle for equal treatment. An important strategy of the gay and lesbian movement (5) of those days was seeking out and cooperating with allies. The first part of this book also describes a new urgent problem in this country: the fact that homosexuality is unacceptable for many people with an Islamic religious and cultural background. This has led to targeted molestations of gays in Amsterdam, and it also means that many LGBT persons from this circle are afraid to come out of the closet and lead a difficult-to-maintain double life.

The next part of the book discusses concepts and key questions such as 'What is gay?' 'What is homophobia?' 'What is a lesbian identity?' 'What is transgender and what are transsexuals?' 'What are the implications of the queer theory?' What does globalization mean for LGBT persons and their rights? After this, the book focuses on LGBT experiences and movements in Africa, Asia and Latin America.

Part three discusses Africa. There, a visible gay and lesbian movement opens up, the youngest in the world and one that needs a lot of support, as illustrated by the articles about Cameroon and Kenya. At the same time, South Africa was the first country in the world to prohibit discrimination based on sexual sex, gender and sexual orientation in its constitution. Amongst others, Simon Tseko Nkoli, gay, fighter against apartheid and against suppression of gays, understood that discrimination against blacks is no different from discrimination against LGBT persons. The two forms of discrimination were strongly linked to one another. Whether that equal treatment really exists in the social realities of today's South Africa is, of course, an entirely different question. In any case, there are positive initiatives: the website called Behind the Mask, which attracts and brings together numerous LGBT visitors, and the Muslims in South Africa who seek an interpretation of the Koran that allows sexual diversity.

In part four and five of the book attention is paid to developments in Asia and Latin America. In Latin America the gay and lesbian struggle has moved from decriminalization to equal treatment; even the right to adopt children is a current topic there.

Part six discusses strategies for furthering gay and lesbian rights and equality. First, strategies in development cooperation, particularly those of Hivos, the Humanist Institute for Cooperation with Developing Countries, and in education. Subsequently, the strategies of the actual formulation of gay and lesbian rights in the Declaration of Montreal and in the above-mentioned Yogyakarta Principles are discussed. For the strategy of gay and lesbian liberation, it is also important what trade unions can do and have done for LGBT persons. In the United States, Christian fundamentalism and neo-conservatism pose a big problem. On the one hand, same-sex couples can enter a marriage in the states of Massachusetts, Connecticut, Iowa, Vermont and Maine. On the other, in the state of Utah the gay movie 'Brokeback Mountain' could not be freely screened. Then there is Eastern Europe: these countries have reached a point of no return, even though some people, in Poland and Lithuania for example, really would like to return. The European Union requires Eastern European countries that have joined the EU to conform to the decision that LGBT rights are human rights.

Throughout this book you will find a number of self-portraits of LGBT persons. They are mostly gay and lesbian activists in the global South and East whose organisations are supported by Hivos. These self-portraits illustrate that LGBT persons are also organizing them-

6 selves strongly in the global South and East. Both the self-portraits and the articles show that the struggle is beginning to move, and that concrete progress in Latin America and India has been made.

The greater parts of the illustrations in this book are related to the themes 'Gay pride', 'Visibility' and 'South Africa'. Chris Carter, former minister of education of New Zealand and openly gay, was so kind to provide a Foreword by discussing aspects of his life as a gay and a politician.

Ireen Dubel and André Hielkema

Notes

- (1) A few times in this book 'LBT persons' or 'GBT persons' are mentioned. Where the 'G' is omitted, the text does not apply to gays and where the 'L' is omitted the text does not apply to lesbians. There are more variations that are self-explanatory.
- (2) The story of these two boys can be found in: Scott Long, 'Two Novembers. Movements, Rights, and the Yogyakarta Principles', in: Human Rights Watch, Human Rights Watch World Report 2008 - <http://hrw.org/wr2k8/>
- (3) The Dutch Asylum Policy with regard to LGBT refugees does raise some questions. See, for example: <http://www.jokeswiebel.nl/publicaties.php>.
- (4) See for an example the opening speech of the Dutch minister of Foreign Affairs M. Verhagen during the seminar about human rights and sexual orientation on 25 April 2008 in The Hague, on <http://www.minbuza.nl/nl/actueel/speeches,2008/04/Opening-seminar-mensenrechten-en-seksuele-geaardhe.html>.
- (5) Part of the movement is COC Nederland, a Dutch organisation for LGBT men and women. COC originally stood for Cultuur en Ontspanningscentrum (Center for Culture and Leisure), which was intended as a 'cover' name for its real purpose. Founded in 1946, it is the oldest LGBT organisation in the world. On 7 December 1946, the 'Shakespeareclub' was founded in Amsterdam. The founders were a number of gay men who were active with Levensrecht (Right To Live). This magazine was founded a few months before the German invasion in 1940, and re-appeared after the war. The Shakespeareclub was renamed in 1949 to 'Cultuur- en Ontspanningscentrum' (C.O.C.). The goals of the C.O.C. were twofold: they wanted to contribute to social emancipation, and also wanted to offer culture and recreation for gay men and lesbian women.

Foreword

Chris Carter

As a teenager with a growing awareness of my sexual orientation, I had almost no positive gay role models with which to identify. The almost total absence of gay people in New Zealand public life meant that young men and women like me were made only too aware that homosexuals were regarded as sick and perverted, with no place in mainstream society.

While New Zealanders have a reputation for fair-mindedness and tolerance, as a young man I learned to hide my feelings and opinions and learned what it was like to suffer ridicule and contempt because I was gay.

But being an outsider also gave me an understanding of social injustice and discrimination in all its forms, a perspective that has served me well as a Minister in a Labour-led government. I have used my position to work for a better New Zealand whenever and wherever I can, to campaign for a country where different communities live together with some core values in common.

I became interested in running for Parliament during one of the biggest human rights campaigns New Zealand has ever seen, the Homosexual Law Reform campaign. Until the bill finally passed into law in 1986, gay men could still be prosecuted for consenting homosexual acts and were classed as criminals under New Zealand law.

The campaign to have homosexuality decriminalised saw thousands of gay people and their supporters taking to the streets to fight not just for decriminalization but for an end to discrimination on the grounds of sexual orientation. Fundamentalist Christians and conservative groups organised fierce opposition and Members of Parliament came under huge pressure to either support or oppose it. Despite this, the Bill eventually passed although the second part of it, outlawing discrimination against gay, lesbian and transgender people, was defeated. It wasn't until 1993 that discrimination on the grounds of sexual orientation finally became illegal under New Zealand law.

During the Homosexual Law Reform campaign, I became active in the Labour Party. It seemed to me the party, with its values of equality, fairness and inclusiveness, was the best vehicle for achieving equal rights for all gay men, lesbians and transgender people. When I was first elected as a Member of the New Zealand Parliament in 1993, I made the decision to carry on being open about my sexuality so that young people coming to terms with being gay would see that their sexual orientation needn't stop them from achieving anything they wanted to.

I was New Zealand's first openly gay MP and first openly gay Cabinet Minister and that has been a challenge for some people in Parliament. My Labour Party colleagues have been very supportive but some on the conservative end of the political spectrum, particularly those with strong links to fundamentalist Christian groups, have used my sexuality to attack me. Like most politicians I've developed a fairly thick skin. If just one young gay man or lesbian

8 feels better about themselves knowing that being gay needn't stop them from achieving at the highest level, then it is worth it.

There have been many milestones along the path to reducing discrimination against gay people in New Zealand. We cannot be discriminated against in the workplace and we have the same property rights as de facto heterosexual couples and married couples. Same-sex couples also have the same immigration rights as heterosexual couples.

But one of the biggest political achievements for gay people in my time as a Member of Parliament has been the passing of the Civil Union Bill in 2004.

Again, the bill was strongly opposed by conservative groups in New Zealand including christian groups and right-wing politicians. Some of the protest against the bill was so strident it had the opposite effect to that intended - some of my colleagues in Parliament actually pledged to vote for the bill when they saw the hatred displayed by its opponents.

Eventually the bill did pass and it was a day of great celebration. It removed a major injustice, which was that every person in New Zealand had the right to have their relationship recognised in law - everyone except gay couples.

Visibility - © iStock / Christopher O Driscoll, 2007



One of the opportunities I have had in my role as a Member of Parliament has been to forge links with gay and lesbian elected politicians internationally. I have met Members of Parliament, senators, mayors and city councillors from around the world including Australia, the United Kingdom, United States, the Netherlands, Canada, Europe, Norway and South Africa. British Cabinet Ministers Angela Eagle and Ben Bradshaw and the Mayor of Berlin, Klaus Wowereit have become real friends. These friendships have fostered a dialogue between our country and others, and a sense of having an international gay community that provides support and encouragement to those of us who hold political office.

I was lucky that I met my partner Peter 34 years ago when I was only 20 and he was 17. We have been together ever since. He is a New Zealander of Dutch descent and I have spent time with his family in Holland that I have valued very much. Peter has been a great support to me both personally and professionally, working alongside me in the Labour Party. We have co-parented three children and we both value the place of family in our lives.

In my role as Minister for Ethnic Affairs, advocating for the different ethnic communities who have made New Zealand their home, I have met many, many people from different cultures. Never once has anyone showed anything less than respect for me as a man who also happens to be gay.

I am lucky to live in one of the most tolerant and politically enlightened countries in the world. I have been able to express my views and opinions without fear of reprisal, to hold a celebration acknowledging my relationship of 34 years with another man and I have been in a privileged position in my role as a Member of Parliament to fight injustice, discrimination and intolerance wherever they are found.

Chris Carter (MA) (1952) studied history. He is a New Zealand politician and was a member of Cabinet until the end of 2008. He served as Minister of Education, Minister Responsible for the Education Review Office and Minister of Ethnic Affairs. Before entering politics, Carter was a teacher and a poultry farmer. His partner is Peter Kaiser, a headmaster, and they have been together for over thirty years. On February 10, 2007, Carter and Kaiser were wed in the first civil union for a Cabinet Minister and / or Member of Parliament since civil unions in New Zealand were introduced after legislation was passed in December 2004. He was notable for being the first openly gay man ever appointed as a New Zealand Cabinet minister. He has been a strong advocate of gay equality for some time, and has continued this role since entering Parliament in 1993.

Urgency and Strategy: Homosexual Men and Women in the First Half of the Twentieth Century (I)

Bert Boelaars

A hundred years ago, openness about sexuality was unthinkable anywhere in the world, especially when it came to homosexuality. This word has been in use since 1869. The Austrian/Hungarian writer Károly Mária Benkert (1824-1882), who wrote under the pseudonym, K.M. Kertbeny, deserves, as far as is known, credit for being the first person to use the psychiatric term *homosexual*. This was how the phenomenon was *invented, discovered or established*, some say. To others, the introduction of the new term only gave an objective scientific name to an *actual biological variation* that had always existed, but it allowed the gay liberation struggle to get off the ground. The following describes how the struggle for the emancipation of gays, initiated by Jacob Anton Schorer during the inter-bellum period in the Netherlands, took off with the term 'homosexuality' (in those days also called 'uranism') and the theory of the third gender as a weapon.

An Unspeakable Sin

For centuries, society used the term *sodomy* for what would later be called homosexuality, although in the Old Testament, where the collective term originated, it was used for sexual behaviours condemned by society, including sex with animals and anal sex between men and women. These so-regarded pestiferous acts were a capital offence. It was assumed that, in principle, everybody could fall into these sinful activities due to temptation or 'contamination'. (2)

The introduction of the word *homosexual* in the second half of the nineteenth century stimulated interest in the humanity behind the behaviour. The gay man became a person, a 'sick' *person* in the eyes of many physicians, but still someone with a personal sexual form of being that just had to be accepted as a natural tendency; an inborn or acquired condition bestowed on a minority of men and women. No free choice. Those who didn't have this sexual 'weakness' within them would certainly not choose this behaviour simply for personal pleasure. In retrospect, the scientific establishment of a same sex sexual orientation via the introduction of a neutral term, can be considered the first necessary step in the slow process of acquiring recognition. The term has gradually gained acceptance, first in medical and legal circles, next in politics and the media, and finally in colloquial language.

In the Netherlands, the word *homosexual* did not surface until 1872. (3) Prior to this, legislation spoke about *crimen nefandum*, a crime so horrific that speaking about it was prohibited. Sexual acts, particularly between men, came at a price. The paradox attached to speaking and

writing about love for persons of the same sex, is that, by abandoning silence about homosexuality with the establishment of terms for that love, resistance against it would increase, both from religious circles as well as conservative political circles, and on the other hand, a homosexual reply could be formed. This is how it could happen that, in spite of scientific publications giving an objective view on homosexuality, Minister of Justice Robert Regout (1863-1913) was able to significantly sharpen legislation against homosexual acts in 1911. Although anal sex amongst men had not been prohibited since Napoleon (1811), the House of Commons adopted the proposal of the Catholic politician to punish sexual relations amongst minors and adults of the same sex with a maximum prison sentence of four years. This deeply religious politician detested all sex that was not geared to reproduction, but he seemed most fearful of the enticement of sexually mature boys by grown men.

However, through giving a label to this concealed sin a counter movement was born. In particular, the *Nederlandsch Wetenschappelijk Humanitair Komitee* (NWHK- *Dutch Scientific Humanitarian Committee*) founded by the lawyer and open homosexual, Jacob Anton Schorer (1866-1957), made a stand right from the beginning against this unethical law, which also involved age discrimination. The legal restriction on heterosexual contacts remained sixteen years of age while for homosexuals it became 21.

Legal historian Theo van der Meer recently published Schorer's biography under the title *Jonkheer mr. Jacob Anton Schorer (1866-1957) Een biografie van homoseksualiteit*. (4) The historian Warmerdam has pointed out that Schorer was convinced that homosexuality is natural. (5) In those days that was daring. It was not until 1971, when *Article 248 bis* was removed from the penal code, that homosexuality slowly became legitimised. (6) In the sixty years before this, it caused enormous damage: scandals, suicides, dismissals and injured reputations. (7) The police filed homosexuals in two card systems: the 'criminals' who *had* violated 248 bis and the ones who *might* violate the article. (8)

The Paradox of Censorship

Around 1900, homosexuality was not a well-known phenomenon in Europe. The word itself barely existed. Controversial processes, including the 1895 one involving Irish author Oscar Wilde (1854–1900), probably created an unwitting breakthrough. According to his friend Bosie, Wilde defended his 'love that dare not speak its name' dashingly in the court of London. (9) An unprecedented public scandal was the result. The up-and-coming tabloid industry wrote about it in a long-winded but veiled and mysterious manner that set readers thinking. Such is the ambiguity of censorship: that which cannot be named is still named in some way, shape or form. This is inevitable and it has given social discussion about homosexuality an enormous boost. For the first time homosexuals experienced recognition. (10) Their process of realisation could begin. Wilde unwittingly acted as the first homosexual role model; there was finally somebody who was publicly homosexual and not afraid. In addition, the witch hunt against German industrialist Friedrich Krupp, who was pilloried because of his homosexuality in 1902 and committed suicide at age 48, as well as the Eulenburg scandal at the German court in 1907 and 1908, contributed to the general awareness of homosexuality due to the paradox of censorship. (11)

Magnus Hirschfeld

Around 1900, Germany was considered revolutionary in the area of social change. The first feminist wave unfolded there, nudism was in vogue, youths sought new freedoms and homosexuals began their struggle for social acceptance by organising themselves. (12) Sexologist Magnus Hirschfeld (1868-1935) was one of their most important advocates. In 1897 this physician, a socialist of Jewish origin, founded the first social movement for gay rights in the world, the *Wissenschaftlich-humanitäre Komitee* (WhK), composed mainly of academics. One of his first actions was to petition against the legal ban on sexual relations between men. International eminences such as Thomas Mann, Albert Einstein, Emile Zola and Leo Tolstoy supported the appeal. (13)

Hirschfeld propagated the concept that male and female role behaviour is displayed by both men and women. His revolutionary theory provided a new term: *the third sex*, a designation for homosexuals, in those days also called *uranists*, who were placed approximately in the middle of the male-female continuum. (14) The German lawyer Karl Heinrich Ulrichs (1825-1895) was the first to push this theory in 1860 when the term homosexuality had just been developed. He saw the existence of a third sex as completely natural and therefore a legitimate fact and, consistent with that view, paved the way for the possibility of *marriage between people of the same sex*. (15) Ulrichs created the term 'uranist', derived from Greek mythology in which Venus Urania was considered the goddess of boy love. Derivatives are *urning*, *uranist*, *urningin*, *urninde* and *uranism*. (16) Hirschfeld took Ulrich's line of thinking and developed it further.

In Germany though, a counter movement arose, mainly among homosexual men who emphasised their manliness and did not acknowledge the female characteristics that Hirschfeld intended for them. To them, this was more about *gender role* than *gender characteristics*. They also cast off the idea of a psychiatric illness. They did not view themselves as Mother Nature's stepchildren, 'a pitiful third sex'. On the contrary, friendship amongst men was glorified and placed within the context of heroic historical examples: Achilles and Patroclus from Homer's *Iliad* and David and Jonathan of biblical fame. Van der Meer has pointed out that, in those days, whatever the concept of homosexuality being evoked within publications, the currently-emphasized *sexual* desire, which, in essence, distinguishes heterosexuality from homosexuality, was always relegated to the background. Back then, it appears, the 'uranists' found their extraordinary *sensitivity* essential, in combination with recognisable physical deviations. That was how they viewed it. Hirschfeld emphasized the biological determination of this condition. Based on that, his admirer Schorer quickly raised the human rights issue, which is, of course, a fundamental dimension within the scope of modern humanism.

The term 'third sex' fitted in with the less negatively-charged indicators for homosexuality that began to take root around the turn of the century. Instead of the ethically charged 'sodomy', new terms including *uranism*, *konträre Sexualempfindung*, *mann-männliche Liebe* and *sapphisch* were put forward. References to Urania, Lesbos, Sappho and later Orpheus fitted in a tradition in which classical antiquity was almost the only source that could be used for positively charged terms for homosexuality. (17)



Gay Pride 2009, Canal Parade of Amsterdam, the Netherlands - © Flickr / E.Webers

Scandals

Scandals involving homosexuality also occurred in The Netherlands. In 1936 - Article 248 bis was crucial during this 'ethical scandal of The Hague' - the most senior civil servant in the area of Finance, Jewish treasurer-general Leopold A. Ries, was arrested on grounds of violating Article 248 bis of the Penal Code. The top civil servant in the field of Justice suffered the same fate. Although the accusations appeared to be false, both lost their jobs because they appeared to be homosexual; again a devastating consequence of the blackmail-provoking stipulation. (19)

Schorer pointed out in his *annual report* of 1936 of the NHWK: 'So the ominous Article 248 bis of the Penal Code asserts its pestiferous influence, even where it was not violated.' It can be regarded as a small miracle that Schorer himself was kept out of harm's way, when, in 1923, he took in a sixteen year old German foster son, Helmuth Imhoff, up until his marriage. The two shared the only bedroom in Schorer's apartment in The Hague. According to biographer Theo van der Meer, it is unlikely that they had sexual relations. As far as age was concerned, Schorer would have deemed it acceptable since he laid the age limit for sexual relations at sixteen, believing that youths were then sexually mature enough to sensibly go on a sensual exploration. (20)

Debate in Generic Science

In the years prior to World War II, generic science made a distinction between 'innate' homosexuality and 'acquired' homosexuality. 'True' homosexuality was innate, an innocent and harmless biological aberration. This concept was in line with the scientific debate about the origin of same-sex orientation, which had kept biologists, physicians and psychiatrists busy since the second half of the nineteenth century. The discovery of all possible diversities in the areas of love and sexuality with other people and cultures that the western world became aware of, intrigued many scientists. (21) But the gay liberation movement would remain occupied with the two different views that mainly characterised the debate.

Psychiatrists like Richard Freiherr von Krafft-Ebing (22) (1840-1902), Sigmund Freud (1856-1939) and Henry Havelock Ellis (1859-1939) in particular, viewed social and/or psychological factors as the origin of the 'sick' or perverted preference for persons of the same gender. It was the lowest people could sink after they had lost all control over their bodies. Further, these doctors were of the opinion that homosexuality could often be recognized on the basis of physical characteristics: men often made a feminine impression, including having wide hips and high-pitched voices; lesbians on the other hand were recognisable from their small waists, broad shoulders and a heavy voices. (23) Psychotherapy, and in the view of other colleagues, castration, might cure this sometimes 'innate', but also 'learned' and thus 'acquired', 'narcissistic' and 'anti-social' *developmental disorder*. After all, sexuality was meant for reproduction, which was the point of view of the medical community in those days. That suited matrimony, in which man and woman had distinct roles.

Physicians and biologists like Ulrichs and Hirschfeld and the Dutchmen Aletrino and Von Römer, considered homosexuality, which was mainly studied in men, exclusively as an 'innate' characteristic of a person and the result of coincidental causes. (24) An erotic freak of nature that not only concerned actual homosexual behaviour, but also - and this was a new orientation - sexual preference. (25) Ulrichs had created the term 'the third sex', which Hirschfeld worked into 'sexual intermediate forms' based on criteria such as genital organs, other physical characteristics, sexual orientation and ethical character, and could vary endlessly. In this context, since the persons concerned were affected by fate, homosexuality could no longer be considered a criminal act. Nevertheless, Hirschfeld initially kept viewing homosexuals as unfortunate freaks of nature and he supported physician Eugen Steinach who tried to cure uranists of their inclinations by transplanting testicles. (26) Later he abandoned this point of view and passionately pleaded for understanding and acceptance.

Schorer: the First Dutch Gay Movement

As Van der Meer convincingly establishes in his book, Schorer is the first Dutch gay movement. The pleas of Schorer and his NWHK were often rejected because these would worship men-love as superior and as a result, damage acceptance. (27) This position ran parallel with the official position of the Social-Democratic Labour Party (SDAP), forerunner to the present Labour Party (PvdA). The socialists were especially concerned that youths could be unfairly seduced by the propaganda of the NWHK, since that was established as a reaction to Article 248 bis of the Dutch Penal Code. Schorer and his comrades thought young ho-

homosexuals from the age of sixteen should have the rights to sexual contact as their heterosexual peers. This revealed the ambivalence and pettiness of Dutch progressives vis-à-vis the NWHK. The distinguished Schorer initially founded this first Dutch gay organisation in the form of the *Nederlandsche Afdeeling van het Wetenschappelijk Humanitair Comité* (Dutch Division of the Scientific Humanitarian Committee), affiliated with Magnus Hirschfeld's parent movement, founded in Germany in 1897. But contrary to Doctor Hirschfeld, who wanted to study homosexuality mainly as a biological phenomenon, the lawyer Schorer was more interested in the human rights aspect, the ability to be who you are without damaging the self-determination of others. These two got acquainted in 1903. After an affair with a fourteen-year old boy, where no criminal offences were established, the then 37-year old Schorer resigned as substitute magistrate, lawyer and public prosecutor in Middelburg, and moved to Berlin to study sexology with his mentor Hirschfeld and join the management of his WhK. He tried to support himself by taking on a position as a representative of an insurance company. (28) A year later Schorer made his mark for the first time by reporting his experiences in Germany in the renowned Dutch legal magazine, *Themis*, attacking the ignorance prevailing in the Netherlands. After the death of his father in 1910 he returned to The Hague, where he lived off his considerable inheritance. (29) There, on the second floor of the Laan van Meerdervoort 491 (later changed to 539), he immediately issued a fierce plea against the bigotry and intolerance of churches, which were threatening to ethical legislation. (30) Schorer's argument was that in a constitutional state, no difference should be made between homosexuality and heterosexuality, 'since both are the natural consequence of the exact same feelings'. The brochure *Tweeërlei Maat* which he published at the beginning of 1911 failed to prevent the acceptance of Article 248 bis by the parliament (with fifty against 34 votes). In reaction, he and his allies established the Dutch arm of the WhK, adopting the slogan of the German *Komitee: per scientiam ad justitiam* - through science to justice. (31) 'It felt like a duty,' he later said of his impassioned initiative, 'to which I might not, could not and did not have to withdraw.' (32) The objectives of the organisation were 'to fight the prejudices in public opinion concerning sexual deviations', promote 'a better understanding of homosexuality (...) in order to obtain fair and humane treatment of the uranists' and 'abolishment of the unequal criminal treatment of homosexuals and heterosexuals and of criminal interference in case of activities between sexually mature persons with mutual consent'. (33) The chosen strategy was the publication of 'scientific' writings, the first being the booklet *Wat iedereen behoort te weten omtrent Uranisme* (*What everyone should know about Uranism*), published in 1897 in Germany, which attained a circulation of 15,000 copies. The NWHK also financially supported Hirschfeld's lectures in Amsterdam and The Hague just before the outbreak of World War I. In 1916, it published a brochure addressed to homosexuals themselves: *Open brief aan hen die anders zijn dan anderen, door één hunner* (*Open letter to those who are different, from one of them*). This text was written by J.H. (Henri) François (1884-1948), who published more 'gay-novels' under the pseudonym Charley van Heezen: *Anders* (1918) (*Different*) and *Het Masker* (1922) (*The Mask*). When the second book was published Schorer had already renamed his organisation *Nederlandsch Wetenschappelijk Humanitair Comité* (NWHK - *Dutch Scientific Humanitarian Committee*). After World War I, the atmosphere in the Netherlands had become very anti-German so that this seemed more sensible. (34) Nevertheless, the initiator of the Dutch gay movement was in an optimistic state of mind. 'The perspectives are positive, but there is surely more required before we are where we want to be and should be.' (35)

At the height of its existence, the NWHK had three hundred contributors, men as well as women. (36) Employees of the Komitee were the aforementioned François, who signed the annual report under a pseudonym, the physicians Arnold Aletrino and Lucien von Römer, M.J.J. Exler and journalist, Albert-Jan Luikinga (ps. Commutator). (37)

An effort was made to establish a regional division. The 28-year old pressman, Wim Roos founded the Rotterdam district division in 1919 in continuation of his Conversation Club H.S., started one year before. (38) Because of resistance by the police the NWHK quickly abandoned the idea of regional divisions. (39) Moreover, Roos had, without success, tried to get an article published in the progressive weekly magazine *De Nieuwe Amsterdammer* (*The New Amsterdammer*) in which he denounced the recent policy of some cafes in The Hague that refused to serve homosexual clients. 'With what right (...) does one demand from homosexuals that they completely hide their feelings, while heterosexual visitors are allowed (...), to overtly express their heterosexual feelings?' According to Van der Meer, Roos (deceased in 1956) thus unintentionally formulated the first anti-discrimination principle in the Netherlands. (40)

Urgency

Although Dutch government legislation with regard to homosexuality had become negative after 1911, the Netherlands contrasted sharply with neighbouring countries such as Germany and the United Kingdom, where homosexuality between mature men was prohibited. Prohibition wasn't imposed in the Netherlands until 1940. (41) In Belgium, apart from the war years, homosexuality was legally permitted from the age of fourteen up until 1965. (42)

Since the introduction of the French *Code Penale* in 1811, Dutch criminal law has been strongly based on the Napoleonic code. Separation of church and state, a result of the French revolution, formed its basis. People's sex lives belonged in the private sphere. The only punishable acts were public violation of chastity (such as exhibitionism and fornication in public), abuse of authority-relations, acts of violence and sexual acts with juveniles (persons under the age of sixteen, but after the rise of the confessional parties since 1911, under the age of 21 if it concerned persons of the same sex). (43) Nevertheless, homosexuals could generally count on little sympathy. Prejudices flourished and the police were permanently prepared to collar these 'anti-socials' and sexual 'miscreants' where possible. Besides, homosexuality and paedophilia often got confused. At the beginning of the twentieth century the gay subculture was limited to circles of friends (where one could only become a member after introduction) and some cafes in the four big cities (Amsterdam, The Hague, Rotterdam and Utrecht).

Resistance

From 1937 the Catholic *Actie voor God* (*Action for God*) fanatically confronted Schorer's NWHK. His *Annual Report* of 1935 - after twelve years of silence he dared to publish books again in 1933 and, just as before, he circulated them on a large scale and to students as well - awoke the rage of the Catholic Students' Corps, St. Augustine's in Leiden. The 'brief van de mietjesclub' ('Letter of the Sissy Club') (44) was denounced as 'wicked propaganda!' (45) This was the title of a brochure in the framework of the Action written by Father L. Bender, who compared

gays to thieves, who were not accepted either. The homosexual act was a moral evil, a sin. However, the priest did make a distinction that persisted for years between inclination (cannot be convicted) and act (actually wrong). After all, inclination was innate, he thought. One could not help that. But the act was a choice. With free will, people could control their behaviour, Bender argued. 'Humans are certainly entitled to love, that is to a proper, orderly love, which is between a man and woman that are brought together by marriage and therefore direct the love-life to the actual purpose of the sex-life, namely the production and upbringing of children. Such a love is in accordance with human dignity. (...) But homosexual love has nothing to do with such human love. That is reckless passion and furious drift, contrary to the laws of God and nature and thus contrary to human dignity.' (46) Schorer, who called himself an otherwise 'devout christian' (47), replied fiercely in his next *Annual Report*, around the year 1937. He called the text a regression to the middle ages and rejected the orthodox spiritualists' desire to impose their dogma on everybody. The protestant magazine, *De Getuige (the Witness)*, also liked to undermine Schorer's pleas. Editor Van Munster stated in May 1938, 'the deviants deserve sympathy', but that it was incomprehensible that the NWHK did not reject homosexuality, nor that it declared its compassion for it. 'But it establishes the existence of such a thing and demands that one should not punish the most repulsive intercourse of human beings, belonging to the same sex. (...) Therefore it is needed that a stand is made with great seriousness against the wicked purpose of the committee, because of which the sin of Sodom is strongly encouraged.' The anti-revolutionary (protestant) election paper, *Nederland Waakzaam (The Netherlands on Guard)* added even more. It spoke of 'horrible propaganda' and called for legally tackling the NWHK. In his next *Annual Report*, Schorer responded by explicitly referring to the distinguished love between the biblical figures David and Jonathan, both of the male gender. Catholic combativeness reached its peak in 1939 when the *Roomsche-Katholiek artsencongres (Roman Catholic Congress of Physicians)*, dedicated themselves exclusively to male homosexuality. Participants wanted a strong counter-plea against the wicked propaganda of the NWHK: 'animalising homosexual fornication', a threat to youth. The medical superintendent of the Sint Willibrordusstichting in Heiloo - a mental hospital where many castrations were conducted - spoke out fiercely against Schorer, 'who blows wind in the canvasses of growing ethical degeneration'. (48) Various speakers emphasised the ancient adage that sex exclusively serves reproduction. Anything deviating from that was a perversion of god's natural hierarchy. 'Morality demands of homosexuals to abstain and we have seen that most are capable. The demand is hard. But morality provides for some even harder consequences (...)' (49) As a cure, the participating doctors studied long-term psychotherapy and castration in order to 'remove the aberrant sexual behaviour like a tumour'. (50) In 1938 the state indeed legalised castration and not just as an answer to homosexuality. Exhibitionism, rape and violation of girls under the age of sixteen were reasons for removal of the testicles. *For homosexuals, it was the beginning of an unheard-of black page in Dutch medical history that would last another thirty years and reached its depth after World War II, during the 1950's and 1960's.* (51) In general, the people within 'left' circles were no less narrow-minded about homosexuality than those in the christian ranks. The socialist daily *De Nieuwe Tijd (The New Time)* referred to homosexuals as 'an ill part of humankind' after libertine writer Jacob Israël de Haan (1881-1924) published his gay-erotic novel *Pijpelijntjes* in 1904. He was fired from the SDAP (socialist) newspaper *Het Volk (The People)*, which ran along the same anti-gay lines as *De Nieuwe Tijd*. (52)

Conclusion

Initially, many people in The Netherlands underestimated the threat posed by national socialism, including Schorer. He was shocked when he heard that all gay bars in Berlin had been closed, that Hirschfeld had moved abroad, his institute emptied in 1933, his books burned and the stock of Adolph Brand's publishing company seized. 'Something like that would be unimaginable here,' he observed, 'because anti-Semitism would not play a role.' (53) But others did not trust the situation, and Schorer figured he'd better be safe than sorry. He dissolved his NWHK and burned his archives, including the extensive address file. (54) He was assisted by two friends, Henri François and Han Stijkel (1911-1943) who led a large resistance group during the war, in which other homosexuals participated. (55) With that, the first period of gay activism in the Netherlands came (temporarily) to an ignominious end. An estimated thousands of brochures, annual reports and other forms of pleas for equal treatment of homosexuals, were sent to the national press, politicians, lawyers, physicians, tutors and students, so that the topic was no longer concealed, at least not amongst the elite. According to Van der Meer, Schorer offered many people life-saving support. He carried out his daring mission with persistent thoroughness, under his own name and mainly on his own account. Much to his disappointment, hardly any support came from kindred spirits. (56) The emphasis he put on an immaculate life and his aversion to indecency must be understood as perhaps the only feasible strategic choice in a society that had a strong aversion to homosexuality. His unique library, comprising about two thousand books, was seized in 1940 and probably carried off to Germany. (57) That collection was never returned. Schorer himself was evacuated from The Hague in 1943 and was left alone due to his age of 74. (58) He moved to Harderwijk with his unwed sister, Adolphine, and stayed there until his quiet death in 1957. Luckily, because of Van der Meer, he has finally been recognised as a hero in a time of urgency.

Bert Boelaars (MA) is a sociologist and journalist. He recently published the biography of former chairman of the COC and designer Benno Premsele (1920-1997). In this biography the emphasis lies on the role that World War II and Premsele's hiding played in his post war activities, particularly in the gay movement. Previously, Boelaars wrote an introduction to humanism, De Kostbare Mens (The Valuable Person) (Arbeiderspers, 1997), and a partial biography of Gerard Reve, Koninklijke Jaren - de Weerter periode van Gerard Reve (Royal Years, the Weerter Period of Gerard Reve) (L.J. Veen, 2002). He was editor of the program 'Het Roze Rijk' ('The Pink Nation') which was broadcast by National Public Radio and anchor man of the internet spin-off, RozeRijk.nl.

Notes

- (1) This article is based on studies that formed the foundation of the biography *Benno Premsele (1920-1997), voorvechter van homo-emancipatie (Benno Premsele (1920-1997), Advocate of Gay Liberation)* a publication of Thoth in Bussum, which was recently completed under the auspices of the Dutch Humanist Archive.
- (2) See further: Theo van der Meer, *Sodoms zaad in Nederland. Het ontstaan van homoseksualiteit in de vroegmoderne tijd (Sodom's Seed in the Netherlands - The Onset of Homosexuality in Early Modern Days)*, Nijmegen, 1995.

- (3) Theo van der Meer, *Jonkheer mr. Jacob Anton Schorer (1866-1957) Een biografie van homoseksualiteit (Lord Jacob Anton Schorer (1866-1957) A Biography of Homosexuality)*, Amsterdam, 2007, p. 20.
- (4) Theo van der Meer, *Jonkheer mr. Jacob Anton Schorer (1866-1957) Een biografie van homoseksualiteit (Lord Jacob Anton Schorer (1866-1957) A Biography of Homosexuality)*, Amsterdam, 2007.
- (5) Hans Warmerdam, 'Geen volksbeweging voor homoseksuelen' ('No Movement of the People for Homosexuality'), in: *Update*, May 2007, p. 10.
- (6) According to *Criminal Statistics*, almost five thousand men and fifty women have been summoned to appear in court during the sixty years of penalisation based on Article 248 bis. Source: Judith Schuyf, *Een stilzwijgende samenzwering (A Silent Conspiracy)*, Utrecht, 1994, p. 117.
- (7) Pieter Koenders & Hans Warmerdam, *Cultuur en ontspanning. Het COC 1946-1966*, Utrecht, 1987, p. 37 (*Culture and Recreation. The COC 1946-1966*).
- (8) Idem, p. 55.
- (9) See further: Florence Tamagne, 'Van sodomiet tot homoseksueel, 1870-1914', ('From Sodomite to Homosexual, 1870-1914'), in: Robert Aldrich ed., *Van alle tijden, in alle culturen - Wereldgeschiedenis van de homoseksualiteit (Gay Life and Culture: A World History)*, Amsterdam, 2006.
- (10) In England there was an exclusive group of decadent gay men who wore a green carnation as an identifying mark. Robert Hichens wrote about this in his scandalous novel, *The Green Carnation*. Law in the United Kingdom prohibited homosexuality since 1883.
- (11) See Gert Hekma, *Homoseksualiteit in Nederland van 1730 tot de moderne tijd, (Homosexuality in the Netherlands from 1730 to Modern Times)*, Amsterdam, 2004, p. 87, and Klaus Müller & Judith Schuyf (eds.), *Het begint met nee zeggen; biografieën rond verzet en homoseksualiteit 1940-1945 (It begins with Saying No; Biographies about Resistance and Homosexuality 1940-1945)*, Amsterdam, 2006, p. 37. Prins Philipp Fürst zu Eulenburg und Hertefeld (1847-1921) was controversial as advisor to Emperor Wilhelm II. His nature and that of other notables, including count Kuno von Moltke (1847-1923) made the press in a sensational manner. This led to vicious public attacks and notorious lawsuits.
- (12) Klaus Müller, *Doodgeslagen, doodgezwegen (Beaten to death, Kept Quiet)*, Amsterdam, 2005, p. 13.
- (13) Florence Tamagne, 'Van sodomiet tot homoseksueel, 1870-1914'. ('From Sodomite to Homosexual, 1870-1914').
- (14) Manfred Herzer, 'Was hat uns Magnus Hirschfeld, die Mutter der Schwulenbewegung, heute noch zu sagen?', in: *Capri*, number 33, December 2002, p. 31-39.
- (15) Klaus Müller, *Doodgeslagen, doodgezwegen (Beaten to death, Kept Quiet)*, p. 13.
- (16) Gert Hekma, in: *Homo-encyclopedie van Nederland (Gay Encyclopaedia of the Netherlands)*, Amsterdam, 2005, p. 86.
- (17) Rob Tielman, *Homoseksualiteit in Nederland (Homosexuality in the Netherlands)*, Amsterdam, 1982, p. 17 en p. 22.
- (18) Paul Sniijders, *De Legenden van de Roze Lust, het Haagse Zedenschandaal van 1920 (The legends of Pink Lust, The Hague sex scandal of 1920)* on Internet: louiscouperus.nl/index.

- htm?url=/Artikelen/Snijders.htm, 3 December 2006. According to Van der Meer it was the largest sex scandal in the Netherlands of the twentieth century, involving 34 convictions. See: Theo van der Meer, *Jonkheer mr. Jacob Anton Schorer*, p. 226.
- (19) Leo Ries' (1893-1962) honour has posthumously been somewhat restored when a residential care home in Amsterdam named a wing of seven flats meant for the homosexual elderly after the fallen official in 1990. Minister of Health, Els Borst said at the opening that the government wanted to rehabilitate Ries.
- (20) Theo van der Meer, *Jonkheer mr. Jacob Anton Schorer*, p. 324. It is certainly poignant that it later appeared that this foster son joined the NSDAP (Dutch fascist political party) in 1933 and joined the national board of the *Hitler Youth* in the Netherlands.
- (21) Robert Aldrich (ed.), *Van alle tijden, in alle culturen - Wereldgeschiedenis van de homoseksualiteit, (Gay Life and Culture: A World History)*, Amsterdam, 2006.
- (22) See also: Harry Oosterhuis, *Stepchildren of nature. Krafft-Ebing, Psychiatry and the Making of Sexual Identity*, Chicago, 2000.
- (23) Klaus Müller & Judith Schuyf (eds.), *Het begint met nee zeggen; biografieën rond verzet en homoseksualiteit 1940-1945 (It Starts with Saying No; Biographies about Resistance and Homosexuality 1940 -1945)*, p. 18.
- (24) Judith Schuyf, *Een stilzwijgende samenzwering (A Silent Conspiracy)*, p. 44-58 and p. 377-378.
- (25) Rob Tielman, *Homoseksualiteit in Nederland (Homosexuality in the Netherlands)*, p. 22.
- (26) Albrecht Diem, 'Homo, jood, socialist' ('Gay, Jew and socialist'), in: *Homologie*, nr. 3, 1993, p. 50.
- (27) Idem.
- (28) Theo van der Meer, *Jonkheer mr. Jacob Anton Schorer*, p. 123.
- (29) Theo van der Meer, *Jonkheer mr. Jacob Anton Schorer*.
- (30) Jhr. mr. J.A. Schorer, *Tweeërlei Maat (Double standards)*, Den Haag, 1911.
- (31) Pieter Koenders, 'Vervolgingsijver in een "stamverwant" buurland', in: Klaus Müller, *Doodgeslagen, doodgezegen (Beaten to death, Kept Quiet)*, p. 169.
- (32) Theo van der Meer, *Jonkheer mr. Jacob Anton Schorer*, p. 195.
- (33) *Jaarboek NWHK*, 1920, p. 1.
- (34) Pieter Koenders & Hans Warmerdam, *Cultuur en ontspanning. Het COC 1946-1966 Culture and Recreation. The COC 1946-1966*, p. 37-39.
- (35) Theo van der Meer, *Jonkheer mr. Jacob Anton Schorer*, p. 205.
- (36) Judith Schuyf, *Een stilzwijgende samenzwering (A Silent Conspiracy)*, p. 301.
- (37) Maurice van Lieshout, 'Op zoek naar de bibliotheek van Lucien von Römer', in: *De Boekenwereld (The World of Books)*, September 1993, p. 3.
- (38) Theo van der Meer, *Jonkheer mr. Jacob Anton Schorer*, p. 211.
- (39) According to Rob Tielman in *Homo-encyclopedie van Nederland (Gay Encyclopaedia of the Netherlands)*, Amsterdam, 2005, p. 269.
- (40) Theo van der Meer, *Jonkheer mr. Jacob Anton Schorer*, p. 207.
- (41) Rob Tielman, *Homoseksualiteit in Nederland (Homosexuality in the Netherlands)*, p. 77.
- (42) After the separation of the Netherlands in 1830, the legal code in Belgium that was introduced by the French remained intact. In 1965 a law similar to the Dutch Article 248 bis was introduced and remained in force for twenty years.
- (43) Judith Schuyf, *Een stilzwijgende samenzwering (A Silent Conspiracy)*, p. 102-103.

- (44) Idem, p. 173.
- (45) Rob Tielman, *Homoseksualiteit in Nederland (Homosexuality in the Netherlands)*, p. 81-82.
- (46) L. Bender, *Verderfelijke propaganda (Pernicious Propaganda)*, brochure from 1936, p. 15.
- (47) Theo van der Meer, *Jonkheer mr. Jacob Anton Schorer*, p. 64. After the war, Schorer was a follower of the principles of the American *Christian Science* church.
- (48) This paragraph and the two previous ones are derived from Martien Sleutjes, *Veranderingen in het konfessionele denken over 'homoseksualiteit' 1935-1976 (Changes in religious thought about 'homosexuality' 1935-1976)*, VU Amsterdam, 1980).
- (49) Derived from the report of the congress that was published in 1941. This quote comes from the Foreword, p. 67 (Author: Barnhoorn).
- (50) Pieter Koenders, *Tussen christelijk réveil en seksuele revolutie (Between christian revival and sexual revolution)*, Amsterdam, 1996, p. 279-282.
- (51) Pieter Koenders, *Tussen christelijk réveil en seksuele revolutie (Between christian revival and sexual revolution)*, p. 261. Just recently it became known how 'voluntary' the choice was when gays that were arrested based on Article 248 bis received the 'offer' from the justice department: either go to prison (with all associated social consequences), or voluntarily have their male organs removed.
- (52) *Biografisch Woordenboek van het Socialisme en de Arbeidersbeweging in Nederland (Biographic Dictionary of Socialism and the workers' movement in the Netherlands)*, on the website of the International Institute for Social History: iisg.nl/bwsa/bios/haan.html.
- (53) Rob Tielman, *Homoseksualiteit in Nederland (Homosexuality in the Netherlands)*, p. 83; quote derived from correspondence between Schorer and Jaap van Leeuwen. When the leaders of the SA, including the homosexual Ernst Röhm, were murdered Schorer became convinced that the Nazis had become a serious threat to the Netherlands. Source: Pieter Koenders & Hans Warmerdam, *Cultuur en ontspanning (Culture and Recreation)*, p. 43.
- (54) Pieter Koenders, 'Vervolgingsijver in een "stamverwant" buurland', in: Klaus Müller, *Doodgeslagen, doodgezwegen (Beaten to death, Kept Quiet)*, p. 172.
- (55) Idem. Koenders reports with regard to Stijkel that he was captured in 1941 due to betrayal and was executed two years later in Berlin. 'After the war Stijkel was buried with military honours in The Hague, however his homosexual orientation has always been ignored, as happened to other resistance fighters.' Now, a secondary school has been named after him in The Hague, and a road in the Noordoostpolder (Northeast Polder).
- (56) Theo van der Meer, *Jonkheer mr. Jacob Anton Schorer*, p. 183-184.
- (57) Judith Schuyf, *Levenslang, Tiemon Hofman, vervolgd homoseksueel en avonturier (Tiemon Hofman, prosecuted gay man and adventurer)*, Amsterdam, 2003, p. 46.
- (58) Pieter Koenders, 'Vervolgingsijver in een "stamverwant" buurland', in: Klaus Müller, *Doodgeslagen, doodgezwegen (Beaten to Death, Kept Quiet)*, p. 172.

Act Naturally - That's Crazy Enough

Judith Schuyf

'The understanding and the acceptance that I could muster for those who were 'different' and who called themselves homophiles gave way (in the last five years, JS) to the recognition that I also was able to have homophile feelings, moreover, that I had always experienced them, but had learnt to give them another name, and to merit them with less importance than my feelings for men.'

Maria van Oosten, *All women are lesbians...* (Report, Hilversum, 1978)

Thirty years ago it was still very normal to call homosexuality 'homophilia'. It concerned a group of people you had to have 'understanding' and 'acceptance' of. But, as the above quotation indicates, homosexuality changed during that thirty-year period, from something that only concerned 'other people' to something that can actually exist in everybody.

The 1970s formed perhaps the most crucial decade in the recent history of sexual diversity in the Netherlands. At the start of the 70s (1971) a two-decade struggle was rewarded with the abolishment of what had been seen as the most discriminating definition of the Dutch penal law system: article 248bis of the Penal Code.

This forbade same-sex sexual contact between persons over 21 years old with persons between sixteen and 21 years old. With the abolishment of this article, heterosexuals and homosexuals would henceforth be treated equally in the eyes of the law. In 1973 the special interest group COC finally received royal assent. This had been held back for years by the government because the COC had published personal ads from married persons who were looking for same-sex contacts and this was seen as debauchery. The urgency duly disappears at the beginning of the 70s with regard to the legal discrimination of homosexuals.

In 1980 it seemed that there were no more issues lurking with regard to homosexuality. Soon however, it appeared that this was not so: in June 1982 the Pink Saturday demonstration in Amersfoort dissolved into a riot.

The police were present but just looked on. Everyone was shocked. And in 1982 there was talk for the first time about a secret illness, an illness that primarily seemed to attack gay men and was therefore initially called GRID (Gay Related Immune Deficiency). All of a sudden there were two strong, new urgent challenges.

In this essay I'll be looking into the differences and similarities in themes and strategies that have been propelled into the forefront through the gay and lesbian movement (1) of the past three to four decades. As I was an active participant during most of this period, the historical thread is, above all, my own narrative of the past. How subjective such a history is, is demonstrated by the website of the *Gay Krant*, a popular Dutch gay newspaper. On its website a historical overview of the past 25 years (i.e. since the *Gay Krant* started) of gay developments

in the Netherlands can be found. Despite the fact that I myself have been an extremely active lesbian activist during this period, I was not only not represented in the overview, but none of the developments that I myself find of crucial importance received attention.

Continuity and Renewal

The gay movement in the Netherlands maintained a great measure of continuity between 1911 and 1971. (2) Over the whole of that period there were just three chairmen (Schorer, Engelschman and Premsele) and although during the following decades members of the board of the COC often disagreed with each other, in the period after 1971 one could also distinguish a continuous trend in the strategy of the gay movement. In a previous article, André Krouwel and I referred to that as the 'politics of accommodation': the Dutch gay movement joined the current model of Dutch politics - first in the denominational segregation model, and later in the politics of consensus, or 'polderen'. (3)

Relationship with Society

The gay movement of the 1950s and 60s had, albeit reluctantly, sought contact with society. For this the COC operated the 'key-figure model', meaning that careful contact was laid down with influential figures in the (denominationally segregated) social streams. When, at the end of the 1960s the '60s generation' came to power, in addition to more openness about homosexuality, a stronger direct influence developed within existing social streams such as humanist associations and political parties. The gay movement became more interested in politics (4) and remained so in subsequent decades. The first steps in the abolishment of judicial subordination can be seen as the most concrete result of closer relations between the COC - at that moment still more or less the only representation of Dutch gays and lesbians, jokingly called the 'homosexual mother-church' - and society at large, such as via the magazine *Dialog*.

1971 was also an important year. The COC changed its name from Dutch Society of Homophiles COC to Dutch Society for the Integration of Homosexuality COC. This change in direction - thus indicating that the doors to society were set open and there was no longer a strict separation between heterosexuality and homosexuality - was sparked off by a group of 'young pups' in the COC, left-wing students under the leadership of Joke Swiebel and Rob Tielman under the name 'Nieuw Lila' ('New Lavender'). Nieuw Lila was a play on words from Nieuw Links (New left), the renewal movement within the Dutch Labour Party (PvdA), to which both were connected. They paved the way for the new politics in their brochure, *Afscheid van een moederbinding* (*Farewell to a Mother Fixation*).

In that same year (1971) male hegemony/dominance within the gay movement was disturbed by the establishment of two lesbian groups, 'Paarse september' ('Purple September') - again a reference to politics, albeit in this case a reference with a darker tint, Zwarte September (Black September) - one of the first terrorist organisations - and 'Group 7152', in essence a contact-based group named after the box number under which they announced themselves in the magazine *Vrij Nederland*.

True enough, direct discrimination of gays was outlawed at the start of the 1970s, but the rights of gays as a whole were still not legally anchored other than through international conventions such as the UN Convention on Civil and Political Rights (CCPR).

The twenty years following 1970 were devoted to obtaining lawful protection against discrimination. That those rights were not won was demonstrated by the long history tied up with the design of the *Wet Gelijke Behandeling* (Equal Treatment Act).

In 1979 when the proposed design was presented, it led to immediate reactions which made it obvious that on the theme of equality, homosexuals and Christians stood fiercely on opposing sides of the fence. The contrast between conservative, predominantly religiously inspired people, and the supporters of a system wherein freedom and self-determination played an important role, was a second continual thread running between 1970 and today, even though the players and the lines of approach have changed in the course of time. The two current laws on which the protection of homosexuals in the Netherlands is based (i.e. the Constitution and the Equal Treatment Act (AWGB, 1994) have been open to criticism from the gay movement since their introduction because they are considered unsatisfactory. The AWGB could only be introduced (unhappily for homosexuals) with the sleight known as the 'single fact construction'. The single fact that somebody is gay or lesbian is not enough for the candidate to be rejected at a job interview.

This was particularly important as some religiously-based schools wanted the freedom not to employ homosexuals. It now seems that the exceptional position for special education is against European directives. The European Commission might start an infringement procedure against the Netherlands. In 1983, article 1 of the constitution was altered to include an anti-discrimination paragraph wherein homosexuality was only implicitly cited. The demand to add an explicit reference to sexual preference is still an urgent political issue.

The agenda of the Dutch gay movement followed a pattern similar to most other (gay) liberation movements. (5) Protection under the law and freedom from harassment stand high on the agendas of most gay liberation movements. Once this is achieved one generally finds an increasing diversification of the agenda, similar to what has taken place in the Netherlands. Within the gay movement, more and more factions appeared covering all manner of different aspects, from gay studies and the scholarly quarterly *Homologie* on the one hand, to the *Rode Flikkers* (Red Queers) and the Warm Lesbian Front on the other. The rise of all these groups from left and right create a dilemma for the COC: it can't steer a leftist course too quickly because it would then lose favour with the more conservative rank and file. The COC board must continually struggle to avoid a split within the organisation, with varying success. It initially turned against the tide in the gay community that was pleading for 'gay marriage' because the COC stood instead for 'diversity' within relationships (as opposed to the 'conventions' of marriage).

On the board of COC directors, humanistic values are strongly represented. The central value of the time is the possibility to give meaning and form to one's own existence. Attention is duly given to self-acceptance and self-help surrounding a homosexual's 'coming out' which is regarded as of the highest value. Homosexuality, as such, is not up for discussion.

On the feminist front, alongside the liberation theory of suppressed groups, the theory of

compulsory heterosexuality is further developed. (Lesbian) feminists are extremely critical about male dominance within the gay movement, although some men declare themselves feminists and like-minded about the way in which power and hierarchy are used within the movement.

Tielman's Thesis on Homosexuality in the Netherlands

In his 1982 thesis Tielman views the history of gays in the Netherlands as a history of progress. Gay liberation, integration and identity are the leading sub-paragraphs in the last chapter. He sees secularisation and economic changes as instrumental in the process of liberation: the existence of a welfare state administering good services with, as a consequence, the initiation of discussions challenging traditional values concerning reproduction, male/female gender roles, the development of science and technology, urbanisation, secularisation and consequent changes in public morals. (6)

There is a discussion on the manner in which homosexuality and society relate to each other. Radical gays and lesbian feminists strive above all for separatism, whereby they, in fact, turn away from society. The integration strategy strives towards giving homosexuality a more visible and recognisable position among heterosexuals. At the same time there is a strong current amongst gays who just want to be regarded as 'normal'.

In practice, 'normal' means: so integrated within heterosexual society that the potential social-critical content of homosexuality is rid of its sting. 'Identity' is a key word in this discussion. Identity is also a new concept during this period, along with concepts like coming-out and self-acceptance, as well as discussions about the role that sexual preference fulfils in one's total identity.

After Amersfoort

'Amersfoort' brought a shock wave to the gay community. In the end, however, the consequences are positive. A dialogue was started between the gay movement and the government about each other's expectations as well as within the gay movement itself. Increased awareness developed on its own position. 1980 saw the start of a new gay political agenda, an agenda that is still being used today. The agenda can be read in the first note on Homosexuality in Government Policy (the HiHo note) from 1983. Now that lawful discrimination has been lifted, various Departments (Ministries) can take power into their hands to focus on policies for the integration of homosexuality.

A novelty in the HiHo note was the summary per Department of demands and policy measures. At first, a large quantity of backlogs had to be tackled, such as the manner in which family law was organised, and the ending of acute discrimination, for example in the Civil Service (army, police, foreign service). But the demand for continued integration on the gays' own terms was tentatively being heard, whereby the foundations of heterosexual society came up for discussion; in vain, incidentally.



Visibility - © Flickr / RandomlyRoaming

The Gay Movement in 2009

Moving on to today. The highlight was 2001, when marriage was opened up to couples of the same sex. This change in the marriage laws has a piquant history, because in the first instance it wasn't the COC that demanded it, but an initiative of the *Gay Krant*, a commercial magazine for (mostly) gay men. The board of the COC, all 'old hands' of the 1970s, continued to believe that the struggle for individualisation was much more important than the introduction of what in their eyes was an outdated institution: marriage. That went hand in glove with the experiences of many women who saw marriage as synonymous with patriarchal suppression. However, under pressure from public opinion and the lobby from a part of the gay grassroots supporters, the COC made an about-turn and put themselves behind the demand for the opening up of marriage to couples of the same sex.

The change in the marriage law seemed to have an unexpected consequence. While there is still a substantial part of the Dutch nation who reject the whole principle of so-called 'gay marriage' (at the time of writing the percentage varies around twenty percent), the other eighty percent of the population believe that gay liberation is now complete. The hetero majority has returned, relieved, to 'business as usual'.

In the summer of 2007, the Dutch government wrote a new gay policy note, a new version in the continual progression of notes and reactions to notes that had resulted from the HiHo note. For the Round Table conference that the coordinating Minister organised afterwards at a dinner in a prestigious The Hague hotel, representatives from 52 organisations were invited. The policy view can be seen as a good gauge of the urgency of the LGBT movement in 2007/8. The titles of the consecutive chapters show which issues are of importance: visibility, safety, education, sport, multicultural society, work and welfare. At the last moment another chapter on international co-operation was added. Each chapter begins with a short introduction describing the current situation, and highlighting the areas where it would appear from research that there is a shortfall within society. This is followed by a number of concrete policies and action points that the government should pick up on.

The changing summary is clearly visible in the introduction to the work, which was made clear after the publication of the official Netherlands Social and Cultural Planning Office's report *Gewoon Doen (Act Naturally)* in 2006: 'Slowly came the realisation that even though equal rights have more or less been established in the law, it doesn't go to say that society as a whole has taken these laws to their heart.' The urgency of the gay movement in the Netherlands in 2009 is characterised by the development of a strategy to bring anti-discrimination legislation to what politicians and community leaders call the 'capillaries of society'. The question of how successful this strategy can be depends mainly on the degree to which the gay movement succeeds in finding answers to the following issues:

Significance of the Gay Identity

The difficult definition question surrounding LGBTIQ is not just a linguistic acrobatic act. The gay movement in the Netherlands still makes a conscious choice to maintain sexual preference as the central focus of its existence. The consequence of this is that a large group of people remains shut out, heterosexuals in the first place. The COC has always had a lot of difficulty in clarifying what the organisation means for bisexuals and transgenders. In addition, since the 1960s, paedophiles have been excluded, this having also to do with the fear of not wanting to be associated with a socially unacceptable group of people.

A more post-modern (queer) approach where identities are unstable or ambiguous, and where one could demonstrate today as an animal activist, tomorrow as a radical bisexual and the day after tomorrow as a smart academic, has never struck a chord in the Netherlands, the country where one always wants to know whom one is dealing with. 'Queer' (7) - that disruptive and happy movement - was never a success in the Netherlands. Even amongst those for whom sexual preference is a central element of their personality there is a difference of opinion about the consequences of such a choice. It seems that homosexuality forms an unsatisfactory basis for such a truly broad movement. Amsterdam professor of sociology Jan Willem Duyvendak made a distinction in the 1990s between longing and belonging. He studied four differing positions of people, some of whom wanted to organise themselves as a group and some who didn't want to be part of such a group. Out of the four positions only the 'belonging' supporters are still politically active.

With the disappearance of both the left wing and the 'great stories', the ideology that bound the gay movement has also gone. Without that ideology the 1970s analyses failed to become common property. The terms 'heteronormativity' and 'compulsory heterosexuality' are now at most 'modern homo-negativity'. It is because of the weakness of the Dutch gay movement that it has never succeeded in becoming a truly inclusive movement where well-educated men can find a place alongside women, bisexuals, transgenders, minorities, handicapped and others. Where a strong social agenda existed in the 1980s and the gay movement linked itself to other minority groups, it would now seem that any future partnerships would be for more tactical than ideological reasons.

Act Naturally: Where Acceptance within Society is Lacking

Acceptance in society is still not complete. The much-discussed report by the Netherlands Social and Cultural Planning Office (SCP-survey) that appeared in 2006 under the title *Gewoon Doen (Act Naturally)*, a title with a double meaning, shows especially where the rub is: you are allowed to be gay as long as you don't practice it, at least not visibly. And the more visible homosexuality is - for example when two men are seen kissing each other - the more society becomes defensive: 42% reject it.

In particular, many of the gay men interviewed seem to have largely digested the incentive not to appear 'poofy'. That came out of interviews in *Gewoon Doen*, and also from interviews that have appeared in the press in connection with talking about an increase in anti-gay violence. This fuels the urgency to make homosexuality visible within the 'capillaries of society'.

There is an additional argument at the administrative level. Societal acceptance must, above all, be fulfilled at both a meso and micro level. For too long, the LGBT movement has looked towards the government as primarily responsible for taking LGBT friendly measures. The government itself has already been busy for several years making the local government levels and social organisations responsible. Generally, local government is not waiting for this. The change in marriage laws has led to the image that there is no longer any difference between homosexuals and heterosexuals. At the same time, the denominational segregation in the Netherlands (That really does still exist!) ensures a political culture wherein sovereignty is still, for the most part, kept within its own circle.

The LGBT Movement and the Question of Religion and Philosophy of Life

The gay movement in the seventies was primarily a secular movement. The unexpected return of religion in the social debate at the turn of the century will have astonished and agitated many. Several subjects have been left lifeless on the battlefield. First of all, there is the difficult relationship between legal fundamental rights and exceptions claimed by religious organisations and persons to the Equal Treatment Act (*Wet Gelijke Behandeling*). For example there is the issue of the officials who refuse to marry same-sex couples. This demonstrates how complicated it is. Supporters of the complete separation of church and state will insist that all civil servants must execute the law. To paraphrase the position of the European Commission in these cases: 'Fundamental rights are not a menu.' Proponents of freedom of

conscience indicate that as long as you can marry in every municipality, you should not try asking someone to execute a marriage who obviously does not want to. The central point is that religion seems to enjoy preferential treatment and therefore the separation between church and state is insufficiently maintained. In addition to this (as also re-confirmed by the SCP-survey), the degree to which one sees oneself as being religiously tied defines a negative attitude toward homosexuality. It was the arrival of Islam in particular that refuelled the discussion on the influence of religion. However, the gay movement must be aware not to be wrongfully misused in a discussion that is not about homosexuality but about integration. The homophobia of groups of Moroccan and Turkish youngsters, as widely displayed in the media, has been used by both the religious right and secular left to claim every new case of aggression towards gays as an example of failing integration. At the same time, research has shown that - overall in the Netherlands - there are more native Dutch gay bashers than bashers from immigrant communities. In the larger cities, immigrant youth are active participants in street culture, which is often very homophobic with its values of masculinity. The question (and the figures of the last youth monitor from 2007 in Rotterdam show for example that native boys display increasing homophobia) is why, specifically, boys in these cities have ended up in a situation where it is cool to act extremely homophobic; and then, how to use this knowledge strategically. The government's refusal to force schools to discuss homosexuality in education is definitely not a step in the right direction. The government has, more or less, forced the gay movement to deal with providing community care for LGBTs from immigrant communities who often face extreme rejection within their own. The integration of immigrant gays within the gay movement however, is not going smoothly, for the same reasons as discussed above. This is not only urgent, but possibly the biggest challenge for the gay movement.

Unwillingness to Face the Truth

Lastly, the gay movement has always flinched from facing certain socially sensitive issues around homosexuality. This includes, amongst other things, so-called morality issues - like age of consent and visits to gay public sex environments ('cottages and tea rooms'). The movement has for a long time distanced itself from both these issues due to fear of social rejection. When the age of consent returned to sixteen, the gay movement did not protest; nor when gay bookshop Vrolijk and producers of erotic material had problems due to new legislation that penalises the use of photographs of people who look under eighteen. Vulnerable groups like illegal asylum seekers cannot generally count on the support of the gay movement. There is a lack of knowledge about this group. Moreover, there are few indications that an international policy is being developed with regard to the role of the Netherlands within 'Fort Europe'.

Difficulty still arises concerning negative news about homosexuality. An example: at the end of last century, when an extensive study on mental health in the Netherlands was published (the so-called NEMESIS research by the Trimbos Institute) the whole movement collectively took offence to the Utrecht researcher, Theo Sandfort, who demonstrated that the mental health of gays and lesbians in the Netherlands was worse than that of the population in general. I remember at least one heated evening of discussion, the gist of which was not to air one's dirty linen in public. If we really want to fight stereotype and exaggerated image forming, the least we should do is ensure that the diversity of LGBTIQs is brought outside to air.

Finally

In the past forty years a lot has been achieved. We moved from a society in which it was practically taboo to speak about homosexuality, to a society in which politicians at national and local level can be openly gay or lesbian without this hindering their functioning (This even applies to the 'Viceroy' of the Netherlands, Herman Tjeenk Willink, Vice-Chairman of the *Raad van State*). Those who now read the 'Recommendation on the legal suppression of homosexual discrimination', the famous 'Roze Nota' (Pink Policy Note) of 1981 issued by the Ministry of CRM (culture, recreation and social work), seem to be looking back a century when reviewing the pleas to come to social acceptance for a ban on legal discrimination. It is rather a matter of continuity than of major changes these last forty years. Not only are the players much the same, but the political strategy is still focussing on lobbying key figures within the (national) political establishment. But it is disconcerting to see, when comparing notes from the eighties and nineties with those from today, that there is also a lot that the gay movement has NOT achieved. If, for example, a note from the eighties had been submitted in place of a recent policy, it is possible that not everyone would have noticed it immediately. The legal fight has been fought, but a real embedding and anchoring of homosexuality as a lifestyle is still high on the agenda. In that sense, old analyses on heteronormativity are as valid today as they were thirty years ago. LGBTIQs nowadays can participate more than in the past, but only if they behave normally. 'Just behave normally, that's crazy enough!'. Herein lies - just as thirty or forty years ago - the urgency for gay liberation.

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Notes

- (1) To my way of thinking there has never been a good term for this movement in the Netherlands because in contrast to the English term 'gay' the Dutch terminology is gender-related, and so if you wish to be as general as possible, one must use a whole string of words as a description (gay/lesbian/bisexual/transgender/trans-sexual/inter-sex/queer).
- (2) Tielman, R.A.P., *Homoseksualiteit in Nederland (Homosexuality in the Netherlands)*, Mepel, Boom, 1982, p. 285.
- (3) Schuyf, J. & A.P.M. Krouwel, 'Dutch Gay and Lesbian Movements: The politics of Accommodation', in: Adam, B., Duyvendak, J.W. & Krouwel, A. (eds.), *The Global Emergence of Gay and Lesbian Politics. National Imprints of a Worldwide Movement*, Philadelphia, Temple University Press, 1999, p. 158-183.
- (4) Tielman, 1982, p. 212.
- (5) Adam, Duyvendak & Krouwel, 1999.
- (6) Tielman, 1982, p. 275.
- (7) See R.J. Davidson's article in this book, as well as his references to the French philosopher Foucault.

Homosexuality as Touchstone Islam, Christianity and Humanism Compared

Rob Tielman

In the past forty years I've been intensively busy with the liberation of gays and lesbians. As a humanist, I often ran into resistance from christian circles. Nevertheless, there's been much improvement. Can these experiences be useful in dealing with hostility towards homosexuality in the Netherlands, which has become increasingly visible in muslim circles?

Paradox as Paradigm

In the current discussion about islam in the Netherlands, hostility towards homosexuality among muslims is often used as a touchstone to gauge whether or not muslims can effectively be full citizens in our democratic constitutional state. In this discussion, concepts such as islam and homosexuality seem completely unambiguous, but they are not. The purpose of this article is to investigate what these concepts stand for and examine whether the seemingly persistent contradiction between gay liberation and islamic liberation in the Netherlands is really a contradiction at all. Or, to use my own phrase, *paradox as paradigm* (Tielman, 1987). I will discuss eight paradoxes.

Homosexuality as a Social Construction

As Chairman of the Dutch National Network of Public Education, I've met many principals in the last twenty years who assured me there were no homosexuals at their schools. My answer was that there was apparently a big problem at their school, as one in twenty teachers and students felt so unsafe they did not dare to be open about their sexual preferences. This is the first paradox. Anyone who claims he or she does not know any homosexuals apparently associates with a lot of gays and lesbians who are still in the closet.

As advisor to the World Health Organisation in the first fifteen years of AIDS work, I've travelled to several countries where people were assured by their government that AIDS could not occur in their country because homosexuality did not exist there. During my visits to those countries, not a day passed in which I did not find an underground gay network. These trips helped me to put together an overview showing the number of countries in which social and judicial discrimination against gays and lesbians creates a genuine threat to public health (Tielman, 1991, 1993). All over the world, because of the social suppression of homosexuality, men are married to women while secretly engaging in unprotected sex with other

men. As they don't usually identify themselves as homosexual or bisexual, AIDS education directed at gay men passes them by - with all the associated health risks. This is the second paradox. Cultures that make a taboo of homosexuality in order to prevent it exacerbate the threat to the health and happiness of more people than homosexuals.

While writing my thesis on the history of the liberation of homosexuals in the Netherlands, I discovered how important language was in explaining hostility towards homosexuality (Tielman, 1982). Up until well into the nineteenth century there just weren't any words for homosexuality that were not intended as an immediate judgement ('sodomy' for example). It was only because of the gay liberation movements in the twentieth century that neutral (such as same-sex or homosexual) and positive (gay) terms were accepted, and homosexuality became open to public discussion. In Arabic, neutral or positive words do not (yet) exist for homosexuality; the words currently used arouse immediate associations with anal rape and child abuse. This is the third paradox. Much of the resistance against homosexuality is caused by something totally different from what we mean by homosexuality, and that confusion of tongues cannot be solved by not talking about it, but only by creating new words that are unambiguous to all.

Same-sex relationships between men and between women have occurred in all times and cultures (Aldrich, 2006). But the words and forms used for it vary greatly. The gay identities known in contemporary Netherlands did not exist when the Torah, Bible or Koran were written, and are primarily social constructions of the twentieth century. The word homosexuality is not even a century and a half old. Words don't have an isolated purpose, but gain substance by the meaning we provide. Consequently, a party claiming to stand for freedom can, in practice, encourage the suppression of dissenters. Who can forget how undemocratic the German Democratic Republic was? This brings us to the fourth paradox. Those who use certain words without criticism must be suspect because there is a substantial risk that this use of words conceals an opposing reality.

Take for example the phrase, 'gay marriage'. It frequently occurs in gay-hostile cultures that gay men marry lesbian women just to satisfy social hetero pressure while (with mutual consent) maintaining gay sexual relationships or contacts in secret. You could correctly call this a 'gay marriage'. However, the confined marriage that is extended for pairs of the same sex may not be called a 'gay marriage' because the state doesn't examine whether or not the couple that gets married is gay (that is not of the state's concern anyway) but only if there are two people who want to enter a marriage. So two hetero men and two hetero women could also enter into a so called 'gay marriage' and the state may not and cannot deny it. Where does the idea of human self-determination versus community compulsion, provided by either gods or states, come from?

Humanism as Ideological Self-determination

Humanists base their creed on the assumption that people can and will give meaning and shape to their existence themselves as long as this does not affect the right of self-determination of others (Tielman, 1987). This notion does not come out of the blue, but is rather the result of a long social struggle (Gasenbeek & Derkx, 2006). Because human self-determination - as opposed to whether or not a higher power exists - is central to the

humanist movement, this movement is pre-eminently valid in encouraging preconditions for a dialogue between dissenters (Tielman, 2003). This dialogue can investigate words and their meanings, help to avoid linguistic confusion and nurture a new common language in which the different purposes and meanings are better understood. This brings me to the fifth paradox. In cultures where humanists and human rights play an important role, conditions are most advantageous for peaceful co-existence among people who practice different religions. A secular state can be the best guarantee for a diversity of religions. This also explains the important role humanists played in the realisation of the Universal Declaration of Human Rights, up to and including the fight for equal treatment of gays (Aldrich & Wotherspoon, 2001; Boelaars, 2008).

As chairman of the Dutch Humanist League (1977-1987) and of the International Humanist and Ethical Union (1986-1998), I have frequently engaged in such dialogues, from the Vatican to the Soviet Union, and this experience made me realise the current discussion in the Netherlands about homosexuality and islam contains more linguistic and terminological confusion than dialogue. Humanists could and should seek improvement in this matter.

Christianity and Homosexuality

In the first half of the seventies, I was General Secretary of the 'Nederlandse Vereniging tot Integratie van Homoseksualiteit COC' (*Dutch Union for Integration of Homosexuality COC*). In 1971, after sixty years of struggle, the criminalization of homosexual contacts between adult men with men in the age group 16 to 21 was finally abolished. (Article 248, Dutch Penal Code). Two years later, after 27 years, the COC obtained legal recognition. Gays could no longer be barred from entry into the civil service. However, these triumphs in the struggle for equal treatment were met by stiff resistance from christians. In the fifties, Catholic activists tried to have all homosexuals placed under a restriction order and confined to mental hospitals where - even in the sixties - they were castrated (Tielman, 1982).

In that climate of hostility towards homosexuality it would be tempting for me, as a humanist, to challenge churches and religions. But as a humanist, I had to respect the right of self-determination of others. However, what could not be accepted is the phenomenon that some religious people, invoking reference to a higher power, lay down the law for others. Fortunately, many religious people thought the same way. Important examples in the struggle for equal treatment were father Van Kilsdonk and the protestant ministers Brussaard and Klamer. Together with Klamer, I attended many meetings with christians who were gay-hostile in that period and learned a lot about the misuse of allegedly anti-gay texts in the bible.

Take, for example, the destruction of Sodom. That was commonly cited as a punishment of god for homosexuality. But after further study of the biblical texts it appears to be a punishment for violation of the visitor's rights. Similar interpretation of texts can be debated endlessly. But, according to Klamer, the essence of the case contained three things:

- I. In the bible nothing can be forbidden that didn't exist at that time: watching television, driving a car, etc. Centuries ago, everyone was supposed to be heterosexual, to marry and have children. In that context homosexual contacts were, by definition, extramarital and thus disapproved. Things like homosexual identities did not exist, let alone

- marriages between people of the same sex based on such identities. These could not be disapproved of on the grounds of biblical texts. Certainly, they can be tested against other ideas in the bible such as love of one's fellow man. Didn't David love Jonathan more than he loved a woman?
2. Those who think the bible has to be interpreted literally from cover to cover cannot live up to that expectation in practice because there are many commandments and interdictions in the bible that are no longer adhered to by those same christians (the prohibition on eating pork) or even being punishable (stoning wicked people). One can only require adherence to such commandments from oneself, but certainly not require it from others, particularly when these are in violation of the law ('Give unto Caesar what is Caesar's').
 3. In the end, god is the almighty judge that assesses who goes to heaven or not and he who presumes to sit on his throne commits a form of arrogant and blasphemous behaviour. 'Pride will come before the fall' and 'Let he who is without sin cast the first stone'.

These rules of thumb enunciated by Klamer lead to the sixth paradox. Those who presume to prescribe the law to others through holy books usually act in violation of these same holy books themselves. By not resisting religious persons as enemies but searching for key figures in religious circles that were willing to act as allies in the struggle for universal equal treatment (including for gays and lesbians), the basis of the gay movement was broadened substantially. This does not alter the fact that it was not until 1986 that homosexuals were recognised as victims of persecution during the Second World War (Schuyf, 2003). And it was not until 2001 that civil marriage in the Netherlands (as first country in the world) was made accessible to couples of the same sex (Keuzenkamp & Bos, 2007). If it took Dutch society such a long time to accept equal treatment of gays and lesbians and if large parts of the world have not yet come this far, is it then so hard to understand that this is not accepted immediately by people from gay-hostile cultures?

Islam and Homosexuality

From my own personal observation as well as that of others, I know that sex between boys/men and girls/women does occur on a large scale in islamic cultures (Blankevoort, 2007). At the same time there is great shame in talking about it; among populations from places like Morocco 'coming out' is almost unconceivable (Taia, 2007). One should place oneself in the shoes of someone who knows what is going on, is possibly involved in it himself but would never speak of it and is then confronted with a culture such as the Netherlands where everything is open, in the streets and in the media. No wonder hostility towards homosexuality occurs mostly in (sub) cultures that have most to hide. And that brings me to the seventh paradox. Hostility towards homosexuality is greatest in people and (sub) cultures that are largely confronted with homosexual behaviour that is not a matter of mutual consent (involving rape, for example) and is in every case unspeakable.

Does this mean that we have to just leave it at that? Not at all! Human rights are human

rights and have to be defended at all times. But it does provide an answer to the question of where hostility towards homosexuality comes from (being furtive and secret, often being unwanted and violently imposed, and unexpressed in neutral or positive language and possibilities for identification). And it helps in finding strategies to come to improvements; not to provoke, but to draw clear boundaries (no violence), inform about the own gay history in which many positive examples can be provided of same-sex expressions at that time, and make the issues debatable with the help of key figures and allies. A classic misunderstanding of many people in or from developing countries is that the practice of same-sex relations was imported from the colonial West, while it was actually gay-hostile colonial penal legislation that stigmatised existing accepted same-sex relations (Aldrich, 2003).

In addition, the negative attitude of adolescents from gay-hostile cultures is promoted by the convoluted manner with which it is dealt at many schools. With an open and honest approach towards homosexuality in education, curiosity will win over hostility towards homosexuality, but most heterosexual Dutch teachers do not dare to engage in conversations about homosexuality with students, rendering these teachers and school directors accessories to increasing hostility towards gays in education (Van Maaren, 2004).

On the other hand, it is conceivable that many gays and lesbians are feeling threatened by this increasing hostility towards homosexuality and associated anti-gay violence. Earlier episodes of homosexual persecution, during and after World War II, took place not so long ago in time (Müller, 2005; Müller & Schuyf, 2006). In particular, older gays and lesbians in the Netherlands remember their heavy struggle for equal treatment. Their reluctance to re-engage in that struggle all over again with regard to islam is understandable. Nonetheless, it would not be right to present the homosexual and muslim liberation movements as two phenomena exclusive of each other. Liberation interpreted as the increasing ability to give meaning and shape to your own existence makes it possible that both parties can indeed exist at the same time as long as both respect the other's right to exist. Unfortunately, the demand of respect isn't always accompanied by respect for dissenters.

Therefore, the mutual creation of an image is of importance. Anyone who believes that all gays want to dance naked on boats in the canals of Amsterdam and that all muslims want to beat up gays needs to be better informed. Fortunately, this education is already improving (Brugmans, 2002; Nahas, 2007). But there is still a lot of work needed to clarify the idea that in talking about islam and homosexuality, these terms are often abducted by those at the extreme ends of the spectrum and there is a lot more diversity than the apparent univocal notions lead one to assume. My eighth paradox therefore suggests that, although it is labelled as islamic, hostility towards homosexuality is often not islamic at all; in reality it could include cultural traditions that might have a western colonial background. In the past nine years, the dialogues about islam and homosexuality that were organised by the Dutch Humanist League and the COC have taught me that the Klamer's rules of thumb are very useful as a guide in looking beyond the existing linguistic confusion. The word homosexuality does not exist in the koran: daily, its rules of behaviour are interpreted and re-interpreted. The example of female circumcision makes it clear the koran is frequently misused to legitimise cultural traditions that descend from other sources. Muslim cultures contain a great deal of cultural diversity that gets neglected in the generalizing talk of 'the' islam.

Homosexuality as Touchstone

Homosexuality can serve as a touchstone worth examining if the human right to self-determination is respected. The history of the gay liberation movement can serve as a model to better understand the liberation of the muslim Dutchman. The perspective of common liberation movements is more rewarding than the image that the liberation of the one should automatically mean discrimination against the other. This last image, in particular, is caused by a negative view of freedom: freedom interpreted as the absence of compulsion. This leads to the freedom of the stronger and the lack of freedom of the weaker and thus to a struggle for power with more losers than winners. Those who take a positive view of freedom know that freedom is not about the absence of rules, but about the presence of such rules that include respecting the right to self-determination for everybody, hence that of the weaker. Tolerance then, is not meekness, but the active contesting of every violation of the right of self-determination. This does not require 'soft talk' or mutual denunciation based on false stereotypes about the supposed enemy. It requires maximum alertness where human rights are threatened. Knowledge of comparable developments in the past can be of tremendous value.

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‘For Me Both Sides are a Struggle’ Living a Double Life

Linda Terpstra and Mariette Hermans

Gunar (26) lives with her family in a city in the west of the Netherlands. She’s a security guard working night shifts. That gives her the freedom to see her girlfriend, a woman you wouldn’t initially think was her type. She has four sisters and two brothers. Her parents divorced after an unhappy marriage caused by her father’s violence, drug addiction and adultery. Her grandparents, aunts, uncles and cousins all live in the same city. She lives with one of her sisters and has no contact with her mother. One of her other sisters knows about her relationship but she prefers to keep her preference for women secret from the rest of the family.

‘My grandfather was the first to emigrate from Turkey to the Netherlands for work. He is my mother’s father. Later my mother came over and finally my father. They were still very young, fifteen years old. My parents met in Turkey. Well, not “met” exactly. My father thought my mother was beautiful and asked for her hand in marriage. My grandfather was very keen, but my mother said later on that she didn’t actually want to marry my father. That was how it worked in the past, if your father said “I’ve got a nice young man lined up for you”. It wasn’t what you would call a successful marriage; my parents were always arguing. They’re divorced now. My father has a girlfriend in Turkey and now he lives there too. He comes back every two months to see his children and then he goes again. My mother still lives in the same place. There are seven children.

My father adored my mother. But he was also aggressive. He was a drug addict. And he had lots of affairs. Once my mother caught him in bed with another woman. After that they got divorced. They would often split up and then the whole family would rally together. Everyone would say “Stay together for the children’s sake, you have seven”. Then they would get back together again and it would be ok for a month or so. There were times when I only saw my father once a month and if he was home he’d get into a fight with my mother. I’m pleased my mother is rid of him now.’

‘My father would like to marry his new girlfriend, but that’s not allowed in Turkish law. He’s 53 and they’ve just had two children. He’s off drugs now. You can get a heavy prison sentence in Turkey for using drugs. You can even be punished for smoking a joint, and my father had been on heroin. He’s put on weight and is less aggressive. Maybe that’s also got something to do with age. When he was with my mother he did all the things he couldn’t stop himself from doing. Now he’s with another woman whom he admires. She’s much younger, 31. They moved in together as soon as they met.

Financially my father is doing ok. He has his own business together with my brother and a business partner. He has houses in Turkey, which he rents out. I wasn’t brought up by my

father. Sometimes I wouldn't see him for two months because he was always chasing women. He's really like a stranger to me. I can't even recall when his birthday is. He doesn't know when our birthdays are either. My mother brought us up. She wasn't very strict. She'd say "I can't make you wear a headscarf". She couldn't make us fast either. My mother didn't have much of a life when she was young, she had to work really hard, so that's why she lets us have a life. All in good measure, as she would say.

She was a caring mother - it isn't easy having five girls in a Turkish community. She was really happy with the mobile phone. She could always reach us. Not that she didn't trust us, but there are so many weirdos around. We were allowed to go out as long as we had our phone with us. Lots of friends would say "I wish I had your mum". But I'm not as free as the Dutch. I don't think my mother would accept it, for example, if I drank alcohol. She knows my sisters have boyfriends, but she wouldn't accept it if they brought them home. She says "I'm not stupid, of course you have boyfriends, but don't keep swapping around". And everyone knows my brother of course, so he gets to hear everything.

I haven't been in contact with my mother for two years. That's because of my father. My mother thinks I've sided with him; so I've been kicked out along with one of my sisters. I live with her. She's been back in contact with our mother for a year, but I'm not.'

Holding Out

'I'm really quite religious. When we were young we had to sit on our father's lap and read something from the Koran. If we made a mistake my father would get very angry. When I was ten I could read the Koran, which in those days was incredibly young. That was thanks to my father. But I also had a genuine interest in it. When I was a teenager we had a female imam who talked a lot about our religion. Every Saturday and Sunday I would go and visit her with my two cousins and we would ask her things. We went because we wanted to, not because my mother made us go. It was nice.

I'm attracted to women. I've had a relationship with a Dutch woman for one and a half years now. When I was eleven or twelve I noticed that I never fantasised about men, just about women. I had a nice female teacher at school, but at that age you're too busy playing with friends outside. By the time you're fifteen or sixteen you know for sure, but you try to deny it to yourself. You know the problems you'll come up against so you try to ignore it and look for distractions amongst your friends. Eventually, you can't ignore it any more. You have to give in to it: that's just how it is, end of story, I can't do anything about it.

I've got a cousin who has been in love with me for a few years now and would like to marry me. I've considered it, but I thought it wouldn't be fair to him. In the end I'd end up getting divorced anyway. And I'm his cousin. But some friends from my circle are already married and already have children. They keep asking me "When are you going to get married? You're already 26". Those questions stifle me. I think, oh my God, how long can I go on like this? So I say, I haven't met my prince on the white horse yet. How long can I hold out? It makes me scared every year I get older. If you're eighteen or nineteen you can say you're studying. But I've finished school now and I'm working. It gets more and more difficult the older I get.'

Nightmare

'My aunt found out earlier this year. It was really strange. She was at my place, maybe half a year ago. She's forty, my mother's sister. She said to me: "I've noticed that you never talk about men. Do you prefer women?" I said "Yes, that's right. I like women. I have a girlfriend. I won't tell you where she lives, but I'm very happy with her". She thought I was joking. Our conversation lasted about half an hour. She asked if she could take me to see an imam. I said "It doesn't work like that. If I said to you, go and sleep with a woman, you couldn't. Well, I can't do it with a man. Even if there was a one percent chance that I could go out with a man I would, but I just know that I can't. Yes ok, talking to a boy is maybe nice, but nothing more than that. Male friends, yes, but nothing more than that. I've never fancied a boy.

She's someone who lives by the morals and standards of Turkish culture. She was quite shocked, but I had expected worse because I know what she's like. I told her that it isn't easy for me either. Then she said: "Günar, if your mother ever hears about this, don't tell her that I already knew." I found that quite bad, but ok. I thought, let it go. It did take a weight off my shoulders because she was the first person who knew about it. That was the first and last time we spoke about it. She never asks, "How's it going with your girlfriend?"

For a while after that things didn't go so well with my relationship. I discovered that my girlfriend had been sleeping around with someone else. So then I told my youngest sister. I've got four sisters aged 27, 25, 23 and the youngest is 21. She picked up on it because she could see that I was upset. We were in the car and I said: "I've got something to tell you; I feel that my heart is broken." She asked: "So why did you and your boyfriend split up then?" I said "It wasn't a boy, it was a girl". "Oh, ok," she said. She took it really well. I hadn't expected that and that's why I told her everything. She said, "I can always talk about my boyfriend at home or to my other sisters, but you can't. That must be really difficult". That was really nice.

I have the feeling that my other sister knows as well. I was doing a work placement and on Friday she picked me up in the car because the public transport connections weren't good. I'd always thought if I told anyone it would be her first. She's a year younger than me. We always shared the same room, had the same friends, we went everywhere together. Then she said "I had a dream last night. No it wasn't a dream; it was a nightmare. In my dream I saw that you fancied women". I thought, oh my God, I can't ever tell you. I had a talk with her once on the phone. She said: "I know what's on your mind, but I'm waiting till you tell me yourself." I was afraid to probe further, but I'm sure she knows. I live with my second youngest sister. She has no clue. If I say I'm out of town she never interrogates me.'

Party Animal

'My girlfriend lives somewhere else. I met her in a pub in Rotterdam through some friends. It's not my first relationship. I had one girlfriend at school, and another on holiday. But it is my longest relationship. Before this I had a relationship for a year and eight months and this one's already lasted 21 months.

I'm with her three days a week. No one asks where I am. That's because of my work. I start at 4.30 pm and don't get back home till the next day. I don't live with my mother and I have no contact with her. My girlfriend doesn't come over to my place. But when my sister went on

holiday she stayed for four days. That was a really nice few days, together with my youngest sister. They know each other.

If you'd said, you'll fall for her, I would've said "Never!" She was drunk and asked if I would take her home. I took her home and she asked if I wanted to play a game of draughts. It was then that I saw another side to her that I'd never seen before. Initially I hadn't even wanted to talk to her but in the end I was crazy about her. You can't hold back love.

In terms of character we don't really suit each other. She's a real party animal. She loves drinking and going out. She's 24 and grew up in a pub. Her parents owned the pub so drinking and going out is quite normal to her. I've often had fights with her about it. I don't like it that she drinks so much. If she starts drinking she just can't stop. That's why she's cheated on me. She's easy - she'll just give out her phone number to someone on the street and say, oh you can sleep over at my place if you like. It's the second time I've found out that she's cheated on me. She doesn't have the guts to tell me herself. I've forgiven her again, but this really is the last time. She's going to change her phone number and not going to go out for six weeks. She's kept it up for two weeks - well, we'll see.

For me both sides are a struggle. I think it's because I can't tell anyone about my relationship and that I'm easily satisfied with the love I'm getting. It's because she makes me so happy that I've forgiven her twice. I know if I ever finish with her I'll be able to laugh about it all. I'll think "Oh to think that I accepted all this!" It sounds strange, but her love gives me a lot of energy. In the beginning I didn't even look at other women, but since I've heard about her playing around I've started looking around me with open eyes.'

Hetero Pill

'I lead a double life. What makes it even more difficult for me is that my family - my aunts and uncles - are very fond of me. Everyone thinks of me as Gunar, the good girl who respects her elders. That makes it even more difficult to tell anyone. They have an idealized picture of me. My uncle likes me so much he wants me to marry his son. Then I think to myself, if only you knew! Their image of me would be shattered. That thought maddens me; if they find out, I'll suddenly be the wicked Gunar. I'm going to keep it from them for as long as I possibly can. My motto is let sleeping dogs lie. Sooner or later they'll discover the truth, but I can't think about that just now otherwise I feel panicky. I've got such a large family and so many of them live here. Aunts, uncles, brother. If I were to begin my story in the morning I would still be telling it to everyone the next day. No, emotionally I just don't think I can do it.

Subconsciously, I feel that I'm trying to flee from my life. They know everything about me, except for my sexual preferences. For years I've had to live with that secret. I'm scared that if I tell it everything will come out and I won't ever get through it. Really, I'm running away from my problems. Some weight has come off my shoulders since my sister knows about it. I'm just happy that one person knows at least. I can always phone her, can always talk to her about my girlfriend. That gives me a good feeling.

If I was to tell my family they'd send me to an imam straight away. I know what he would say: "Gunar, you know what it says in our belief. Two women are not meant to be together." My mother often goes to the imam for me. The funny thing is that last year an aunt of mine was with her and said "your daughter will never marry a man". I heard that from my other sister.

But if I told my mother that I like women I'd have to phone 112 because she'd have a heart attack. She'd buy me a ticket and take me straight back to Turkey. And she'd visit every single imam imploring him help her daughter.

If I knew it'd help I'd do it. I wish there was a pill you could take to make you hetero. Then I wouldn't have so much on my mind, wouldn't have had the burden I've carried on my shoulders for so long. Despite everything, I'm happy with my life, but sometimes I think if I wasn't attracted to women I wouldn't have a care in the world.

I'd also have to phone 112 if my father found out. I'm his favourite child. Homosexuality just isn't discussed. No one in my family would want to have a homosexual child. If you get married, you get married to a man. You must have children, live happily ever after. I think there are women around who only get married to a man because they are afraid of their family's reactions. Surely that's sacrificing their happiness? I saw a television programme once where a Turkish boy said "I'm gay". He also said "If there's an imam out there who can help me get rid of my homosexual feelings, then come and help me now. I haven't chosen this path. I was born on it. No one can help me". And he's right. It's just how it is.'

Running away

'At one point it really bothered me. I went to my family doctor and said: "I'm attracted to women and not to men." I was referred to a psychologist. He said: "I've seen several people of Turkish origin." But I think you have to be muslim to understand just how difficult it is for me. It's not just me who would get swamped by uproar, but also my family, and I want to avoid that. I'm not just thinking about myself, but also about my family. The psychologist was a decent bloke. In the beginning he didn't believe that I was genuinely interested in women. He listened and nodded and that was that. In the end I stopped going because I wasn't getting anywhere. He referred me to a bisexual Turkish woman in Amsterdam. I saw her twice.

I've met a Turkish lesbian once via a chat website. Just to talk to. She was much further than me. Her parents knew and they thought: you're possessed by the devil; go to Turkey and after three months you'll be normal again. She had a brother and he was ok about it. She was younger than me, about twenty. She was much more open about it than me.

My family's honour is very important. That's another reason why I can't tell anyone. A Turkish family thinks "what will other people say?" I know my father wouldn't kill me. In Almelo there was a Turkish girl who went out with an Iraqi boy. Her father found out and shot her. My father said at the time "how awful that you can kill your own daughter just because she had feelings for an Iraqi".

If I was sure that they would disown me because I liked women, I'd be dancing. I'd be happy. I'd rather they said "you don't have a father or mother any more", rather than all the uproar. Harping on like: Are you really sure? How is it possible? Are you ill?

The only family member I'm scared of is one of my brothers. He's great, but I just don't know how he'd take this. He once said: "If you run away, never forget that I'll come and find you. I have my honour and pride too. I'm not just a brother but also a friend." Just imagine if I told people, they would say to him: "Hey, your sister fancies women." It's not tolerated in the Turkish community. He'd be ashamed. A boy's honour is always linked to his sister. Supposing I ran off, they'd say "Oh, A.'s sister has run off." News travels fast.

I won't run away. I know my brother would look for me. It would cause my family a lot of pain. People would say so and so's daughter has run off. They'd talk about it for weeks and my family would be shamed. My parent's divorce was gossip for months, even though everyone knew that my parents' marriage was bad. If I were to run away and leave nothing behind they'd say that I'd eloped with a boy. People always come up with some story. I've often thought: I'll leave a note saying, "don't look for me, I'm not coming back." But then I'd live in fear every day, always on the lookout. I'd rather have this double life than that.'

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Mariette Hermans (MA) is a freelance journalist. In 1996 she graduated in General Literature at Utrecht University, specialising in Women's Studies. Together with Mirjam Hemker she published Lesbische Seks / Lesbian Sex. A practical handbook (Schorer, 2003), with Monique Doppert Haat en Liefde / Hate and Love. Homosexuality in multi-cultural Netherlands (Ten Have, 2006) and with Rita Buiting Roze ouders / Pink Parents (Ploegsma, 2008). Since October 2004 she has been editor of Maatwerk, a professional paper for social workers. She also writes for non-profit organisations on the subject of gender, ethnicity and sexuality.

Of all Times, in all Cultures (I): Robert Aldrich's *Gay Life and Culture: A World History*

Leontine Bijleveld

Even just to admire the 250 or so beautiful illustrations, Robert Aldrich's *Gay Life and Culture: A World History*, is worth examining. The red boots on the cover, a detail from Rudolf Schlichter's painting, 'Women's Pub' of 1925, subtly demonstrates that 'gay' is a loose term that covers a range of meanings. Women and men all over the world have always felt attracted to members of the same sex emotionally and/or physically, but in the course of history there has always been a huge variety in these attractions, not just in the terminology used for them, but also in social and cultural contexts.

In his introduction, Aldrich offers a variety of sketches of that behaviour. He examines the different terms for homosexual behaviour. (Though he doesn't note that the term *lesbian* was used as far back as the tenth century, connecting the history of the poet Sappho with sexual relations between women, as explained by Laura Gowing later in chapter six.) He suggests that, on the one hand, a sort of sexual globalization has taken place and the modern world enjoys an open sexual culture with a large number of different outlets for sexuality between members of the same sex, both in their behaviour and in their identity. He points to a lively, positive and open homosexual and lesbian culture in most of the larger cities of Europe, America, Australia and Asia.

In some other countries, however, many men and women choose to live their non-mainstream lifestyle less publicly, and there are also cultures, such as in the Middle-East and North Africa, where no institutionalised public life exists for gays and lesbians. Women and men who harbour homosexual feelings do not flaunt them in public or assume a homosexual identity. Meanwhile, there are places where sexual acts with members of the same sex make up part of centuries-old initiation rites.

Despite sexual globalization, therefore, we cannot ignore geographic, cultural and historical differences. A study of the history of same-sex relationships and examination of other cultures can serve to provide a context for our ideas about sexual attitudes and behaviour, and teach us to look differently at dominant sexual standards and values. Aldrich demonstrates this through his description of developments in Australia, including within aboriginal cultures, where lots of proof of oral and anal practices between men as well as indications of sexual acts between women has been found. It is, in the words of a present-day Aboriginal lesbian activist 'not a white man's disease' - 'it is probably the only thing we didn't catch off the white man'.

For his round trip through the homosexual world in time and space, Aldrich, a professor

of European History at the University of Sydney, procured the participation of thirteen scientists from eight different countries - France, Germany, Italy, the Netherlands, Canada, Australia, New Zealand and the US. The result is therefore not just an excellent combination of generalised and specialised knowledge, but draws on information contained in recent publications in languages other than English. Judging from the literature list and the notes that attend each chapter, we can gather just how broad and diverse the research of (mainly) western academics has been, certainly in the last decade.

The next five chapters discuss same-sex intimacy, chiefly in Europe, in the centuries leading up to the invention of the word 'homosexuality'. Charles Hupperts, lecturer at the University of Amsterdam, examines the classical Greek and Roman world. Bernd-Ulrich Hergemöller, Hamburg's professor of Middle Ages History, explains how, in that period, homo-erotic male friendships between bishops, abbots and scholars coexisted with a misogynist culture, while simultaneously christian theologians were developing a 'scientific' march against 'unnatural' sexual acts which culminated in the persecution of sodomites when the Inquisition was established in 1233. Hergemöller dates the first public execution fifteen years earlier than Byrne Fone did in his book *Homophobia, a history* (discussed elsewhere in this publication). In 1277, he points out, Rudolf I of Habsburg ordered a certain 'gentleman from Haspisperch' to be burnt 'because of the sodomitic crime' in Basel.

There are two chapters dedicated to the early-modern era. Under the title, 'Early Modern Europe, 1400-1700', Helmut Puff of the University of Michigan discusses the persecution of men who were accused of male-male sexual activity and other 'unnatural' sex behaviours in Renaissance Europe. The persecution of sodomites varied in intensity according to the times and the country, but seems to have been rare in Orthodox Russia. At the same time, (male) homo-social cultures flourished, not only in humanistic Italy, but also, for example, within the more privileged classes of France and Sweden. 'Lesbians and Their Like in Early Modern Europe, 1500-1800' is the title of Laura Gowing's (King's College, London) inspiring article. Drawing on both recent and older research (from the 1980s and 90s), she demonstrates that there are actually no grounds for the traditional assumption that sexual relations between women were unimaginable before 1900. She talks about the 'rediscovery' of the clitoris by European anatomists in the sixteenth century and about tribalism, hermaphrodites (people with the attributes of both sexes), dildos, women in men's clothes and romantic friendships between women. She demonstrates that pre-modern lawmakers were substantially inclined to agree that women could also fall under the definition of being involved in sodomy, which was branded a capital crime though relatively few cases of the punishment are known to have been applied. The most well-known cases involved women who went through life as men and sometimes even married women. Given the relatively limited social and physical freedom of movement for women, lesbian intimacy would have been practised far more often behind closed doors than sex between men. The notion that lesbianism was the 'impossible love', the 'silent sin', still existed at the end of the eighteenth century till it was superseded by the newer notion that women were by nature pure and asexual.

In Canadian professor Michael Sibalis' chapter on the pre-modern period entitled 'Male homosexuality in the time of the Enlightenment and the Revolution, 1680-1850', he examines

three important developments. The first is that in the big cities of western Europe, homosexual subcultures existed outside the privileged classes about which information has survived. Police sources provide the most information, including information about their persecution. Sibalis cites two dates for the last executions in Germany, 1726 in Hamburg and 1762 in Württemberg. The most obvious characterisation of the subculture might be the 'shameless effeminacy of some'. The second development was that eighteenth century Enlightenment intellectuals cited homosexuals in secular terms as opposed to religious terms. Sodomy went against nature, perhaps, but was caused by social and psychological influences. So they could condemn both sodomy and its repression. Social and moral improvements would be the best remedy, they maintained. That led eventually to the third important development: reforms in the penal law in a number of countries on the European continent, leading to the decriminalising of sodomy. At the end of his article, Sibalis establishes a link between increased visibility and the growing (medical and psychiatric) interest in homosexuality.

Brett Genny Beemyn, University of Massachusetts, takes the analysis across the Atlantic, to differing cultures and nearly three centuries in North, Meso and South America. Beemyn is one of the few male contributors who demonstrates an eye for diverse gender relationships as well as the literature of female researchers. He delves into 'cross gender roles' in indigenous cultures - women-men (2) and men-women that are regarded as genders in themselves. Sexual relationships within male and female societies are well documented and very readable, similar to the romantic friendships of women and their true companions as celebrated by such artists as Thoreau and Whitman.

Florence Tamagne (University of Lille) looks at a number of European countries (mainly England, France and Germany) in the period 1870-1940/5 in 'The Homosexual Age, 1870-1940'. Her article is another demonstration that it is possible to write about female as well as male same-sex experiences. She explains how developing medical insights gained a broader audience via literature (think, for example, of Proust and Radclyffe Hall), but at the turn of the century the public at large became aware of homosexuality in the context of countless scandals. Increased visibility, also in art, led to stronger measures against 'corruption' and tightening of the penal law (Germany, England) although attempts to criminalize lesbianism failed in these countries. Social control from family and church was thought to be pressure enough to keep female sexuality in check, Tamagne explains. But she notes as well that the fear that changes in the law would open up information to women about sexual practices they were thought to know nothing about could also have played a role.

The chapter on the post war period by Domenico Rizzo (researcher in late modern history and gender at the University of Naples) is as good as gender-blind. He cites the Danish organisation, Forbundet 1948, as the first post-war gay organisation (while the Dutch Shakespeare club, predecessor to the COC, dates from 1946) and he actually ascribes the motto 'the personal is political' to the gay movement without any reference to the feminist movement. The fact that the women's movement was important for the perception of lesbians is also barely referenced in Leila Rupp's 'Loving Women in the Modern World'. This professor of women studies from Santa Barbara (California) describes various patterns in women's relationships with each other in different parts of the world as from the beginning of the

nineteenth century - i.e. before, during and after the 'discovery', naming and announcement of lesbian identity. That Rupp draws from 'cases' here and there that have already been discussed in other chapters was not disturbing since she aired original and exciting interpretations.

Most new information for relative insiders is in the three chapters about other cultures, in which Lee Wallace, from the University of Auckland, demonstrates that she is uniquely qualified to give attention to women as well as men and other genders. Without minimising the importance of other geographical locations, she concentrates on descriptions of sexual encounters in America, Africa and Oceania made by Europeans (colonists and ethnographers / anthropologists), spanning more or less five centuries. The sometimes gruesome punishments for sexual deviance that were imposed by colonial authorities in all the parts of the American continent is depicted graphically and vividly in the 1590 colour engraving that accompanies the chapter. It shows how conqueror Vasco Nuñez de Balboa lets his hunting dogs loose on young men who, dressed in women's clothes, were deemed guilty of 'the most abominable and unnatural lechery' in the area around present day Panama (1513).

The Venetian art historian, Vincenzo Patanè, has researched male same-sex relations in the Islamic societies of North Africa and the Middle East. His contribution to the book includes interpretations of the Koran and literature with homo-erotic undertones (going back to the eighteenth century), an analysis of sex tourism, which started there late in the nineteenth century, and the current situation. The sexual division in society there is based on strongly masculine and hierarchical lines, its most important distinction being between the male man and its opposite - everything that is not (women, boys, slaves, concubines, servants, transvestites, hermaphrodites and even non-believers in the faith). The distinction active-passive is, in other words, authoritative, and not between 'gays' and 'straights'.

A similar distinction between 'active' and 'passive' seems to have played a role in various Asian societies, or so it seems from Adrian Carton's (Sydney's Macquarie University) piece about Asian cultures (China, Japan, India), at least insofar as it discusses initiation and boy prostitution. In different periods in Chinese history there was a strong association between theatre (the exclusive domain of men) and same-sex relations. The actors who played women's roles had a subservient status. Women were subservient to men in most Chinese societies anyway. Carton thinks that the fact that all sexuality was closely guarded is the explanation for female love being kept out of his sight, apart from in some beautiful illustrations. It wouldn't surprise me if in the next few years much more information about women's same-sex experiences in Asian countries becomes available, following on the inaugural lecture of Saskia Wieringa on *The Admonishment of Vegetarian Great Aunt. Reflections on Sexual and Gender Multiplicity and Culture* at the inauguration of the chair Gender and Women's Same-Sex Relations Cross-culturally at the University of Amsterdam in April 2007. (See more on the Professor Wieringa's research elsewhere in this publication.)

In the last chapter of Aldrich's book, Gert Hekma (University of Amsterdam) offers a picture of the changes in homosexuality since the 1980s due to the influence of AIDS, globalization, discussion of sexual identities and new political opposition. This is an almost impossible task, which may explain the fact that Hekma uses a minimum of 95 percent of his argument

for describing the vicissitudes of men. And not forgetting young boys, Hekma was complimented by Times reviewer Richard Davenport-Hines: '(Hekma)... intelligently contextualizes the prevalent western hysteria about sexual abuse of children.'

The AIDS disaster also had a positive side, according to Hekma. One of those is the closer collaboration between gays and lesbians. From a Dutch point of view, that seems an understatement, since lesbians were crucial to the organisation of buddy-solidarity, but have got very little attention for the ways in which AIDS has hit women.

Almost at the same time as the English language original (and with almost an identical version) the Dutch edition of Aldrich's book was published in 2006. Both its title and contents seems a little less subtle and lays more stress on male homosexuality than the English original. In order to make it possible for the illustrations to appear on the same pages in both the English and Dutch versions, some parts of the original text have been edited out of the Dutch version, which is a real pity. For me that is reason enough to prefer the English version, but reading at least one is a must.

Leontine Bijleveld (MA) is a freelance expert on women's rights. Her studies at Utrecht University included the history of women and (homo)sexuality. For years she has been active in the women's rights movement both in the Netherlands and internationally, focussing on reproductive and sexual rights, economic independence and equal treatment. She has worked for fifteen years at the Women's Department of the Netherlands Trade Union Confederation FNV. She is a board member of the Association of Woman and Law, Clara Wichmann, and of the Gay Monument Foundation. In 1992 she was granted the Joke Smit Award, the Dutch State award for achievements in women's equality.

Notes

- (1) This is a review of: Aldrich, Robert (ed.) (2006), *Gay Life and Culture. A World History*, London, Thames & Hudson, 384 pages.
- (2) Biological males who assumed the role culturally defined as female.

Homophobia (I)

Leontine Bijleveld

Homophobia is a phenomenon that the reader of this publication will keep encountering. Byrne Fone, US pioneer in the field of Gay Studies, has devoted an extensive book to this theme in 2000 entitled *Homophobia: a History*. This book begins its historical overview with the theory that few social groups escape the consequences of prejudice. Homophobia is the last accepted prejudice, at least in modern western society, where racism has been rejected, anti-Semitism condemned and women-hatred has lost its legitimacy.

Fone's opening proposition immediately throws up some limitations in his study that are particularly relevant to this publication. He must not be criticised for omitting the fact that since 9/11 social groups other than gays and lesbians have suffered seriously from intolerance and violence in the US since his book was published in 2000. However he can be criticised for the fact that he limits his studies only to sections of western society.

The term homophobia was only used for the first time at the end of the 1960s. Fone admits that, in that sense, the use of the term in a historical overview from around 600 BC till the end of the 1990s is fairly anachronistic. In the absence of a better term, he uses it to clarify the whole complexity from antipathy against homosexuality and homosexuals (as a term nearly a century older than homophobia), to sodomy-hatred, aversion to 'gentlemen's' love', disapproval of same-sex relations, disgust at effeminates and other like issues. Mentioning only 'male' examples here is no coincidence. Fone suggests that, until recently, lesbians were as good as invisible throughout history. He maintains that he did his utmost best to find examples of historic prejudice against lesbians, but he barely succeeded. Fone reasons that preconceived opinions of lesbians versus preconceived opinions of gays differ as much as sexism against men vis-a-vis sexism against women, so this would require a whole different book on the subject of female homophobia.

This doesn't cut any ice. I think Fone just didn't look that deeply into researching lesbian issues and, for practical reasons such as time and scope, limited himself to male issues. Suzanne Pharr's *Homophobia: A weapon of Sexism* appeared at the end of 1988 (re-published in 1997). That the root of homophobia lies in sexism is what James Baldwin argued in 1949, as summarised at the beginning of chapter 21 (p. 395). But Fone doesn't do anything with Baldwin's analysis. His book is, in fact, more descriptive than analytical or explanatory.

Fone's *Homophobia* chronologically documents the hostile stance of western culture against same-sex practises, love and relations between men, starting in ancient Greece and ending with an epilogue focused on modern times, although restricted to the US. A lot has already been written on the history of homosexuality, but the history of homophobia has had much less systematic attention, he states. He claims to sketch the social, religious, legal, political, moral and philosophical dimensions of homophobia through the ages.

But such a broad range could not be completely covered in the book. Sometimes he seems

to lose the focus on homophobia - for example in the chapter entitled *'Modern Ethics'*, where the works of John Addington Symonds, Edward Carpenter and Havelock Ellis are discussed at length. It is apparent from the 38 pages of notes that the author has based his work on an enormous number of historical studies into subjects that include pederasty, sodomy and homosexuality in different western countries. Unfortunately, there is no literature list, so it is not immediately apparent that Fone refers only to English language publications. This is perhaps understandable for an American researcher, but it is a pity. *Tabu Homosexualität. Die Geschichte eines Vorurteils*, by Gisela Bleibtreu-Ehrenberg (1978) is one of the first general studies on the history of homosexual repression in relation to homophobia and this is an example of a non-English language publication that is not mentioned in Fone's book. In her book Bleibtreu gives a lot of attention to the correlation in certain eras and certain countries between homo-hunts and witch hunts and this is completely missing in Fone's work.

The starting point of the book is ancient Greece, depicted mostly as a society in which relations and sex between men, or men and adolescent boys, were associated with the highest moral values. Fone shows, however, that there were already traces of homophobia, for example, in a more negative attitude to men who remained exclusively the passive partner and who thus were deemed to behave in an 'effeminate' manner. He points to a connection with the subservient position of women. The ancient Greeks viewed paedophilia with just as much disgust 'as we do today' - the only reference to paedophilia in his book. Homosexual behaviour was also accepted in Roman times, within conventional sexual and social borders. Only since the spread of christianity did homosexuality come to be considered a greater problem.

I found *'Inventing Sodom'* (part two) one of the most interesting and current sections of the book. It convincingly argues that, in the centuries around the time of christ, the Old Testament story of Sodom and Gomorra became gradually interpreted as a biblical condemnation of homosexual practises. Interpretation of other parts of the Old Testament that came to be taken as anti-gay, are also cleverly reconstructed. It is often pointed out that the Old Testament contains at least as many terrible pronouncements on women as the koran. Some things have been positively corrected, in particular the gospel according to Paul. It is noteworthy that the three most explicitly negative references to male same sex activity are all to be found in chapters ascribed to Paul. This was embedded in the condemnation of sexual pleasure, because Paul believed, along with other christian writers, ascetics and Jewish scribes, that sex was only intended for procreation. Paul was also the first to write negatively about women who, in a sexual sense, exchanged the natural for the unnatural. According to Fone, this can be interpreted initially as a condemnation of sexually active women (whether or not engaged in same-sex activities) as women were expected to be passive sexual partners. In the fourth century the definitive stamp 'condemnation of sex between women' was put on the interpretation of Paul's words.

The next chapters of the book give a detailed description of the developments and shifts in attitudes towards homophobia by christians. How and why the initial tolerance of same-sex practices in Jewish society or Judaism turned into intolerance and condemnation, at least in the Jewish orthodox faith, remains a closed topic for discussion, however. Regarding christianity, Fone shows not only the developments and shifts of attitudes in the Roman Catholic

and Byzantine churches, but also in the Protestant church. Catholics and Protestants have been strongly divided on almost all topics of christian doctrine, but in their animosity toward sodomy they have been remarkably unanimous. However, this never stopped them from accusing each other of heresy and sodomy. Fone's book, *Homophobia*, documents in detail the introduction of legal penalisation and prosecution for homosexual actions (whether or not restricted to men), the shift from church to state (and back), from sin to illness and crime (and back again) in several western countries. A constant factor seems to be that homosexual practices were mostly assumed to take place between those on the 'enemy side' - i.e. heathens, heretics or people of different beliefs (muslims, jews, protestants, catholics, etc.) and those of a differing political class or other socio-economic background. Sometimes they are described as antagonists, sometimes as sodomites, homosexuals etc., and occasionally are even accused of causing natural disasters. Numerous historical examples from various western countries are cited. Insulting police officers by calling them gay falls into the same category, in fact. In 2007, some police officers in the Netherlands reported experiencing this and the public prosecutor along with some judges declared it a punishable offence. This shows that homophobia has not fully disappeared from the minds of the public, although, of course, pyres and gallows fall into a different category of homophobia.

Visibility - © Flickr / RandomlyRoaming



We have the dubious honour in the Low Countries of having registered the first public execution in the area: in 1292 John de Wettre of Ghent was burnt on the pyre. Not long afterwards the Order of the Templars was eradicated with Papal approval (beginning of the fourteenth century): the Templars, captured by the French king, confessed the most terrible sins after torture, mostly involving sodomy. They would then be executed and their possessions handed over to the French king. In recent times the Templars have been rehabilitated by the Vatican and, in fact, been cleared of their deadly sins. Dutch newspapers write about 'alleged sodomy'.

Fone notes that the inquisition of the fifteenth, sixteenth and seventeenth centuries - especially in Spain - prosecuted both heretics (among them muslims and jews) and sodomites. This was due, he explained to the relative tolerance that was obtained in regard to same-sex practices when southern parts of Spain were still politically or culturally influenced by muslims. This brings up the question of when muslims and islamic exegetists turned from tolerance to intolerance regarding homosexual practices. Unfortunately the author doesn't bring this up even though it is a very specific and important paradox in islam.

The fact that Byrne Fone had to limit himself is legitimate and understandable and doesn't detract from the significance of the book. However, it is incomprehensible that *Homophobia* doesn't mention at all the prosecution of homosexuals by the Nazis. It seems unthinkable that the author could not find any English publication on this topic. The fact that the last chapters, and indeed almost everything he has written on the twentieth century, are based in the New World is no excuse.

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Notes

- (1) This is a review of: Fone, Byrne (2000), *Homophobia: a History*. New York, Picador / Henry Holt & Company, New York, 421 p.

Lesbian Identity and Sexual Rights in the South: an Exploration

Saskia Wieringa

Lesbian women, or women in same-sex relations as I commonly call them, are among the most abjected people in the South. Their histories are frequently denied them, under the pretext that lesbianism is a western invention. Their citizenship is at times virtually suspended, as in cases where it is said that homosexuality is un-African. Their sexuality is variously classified as unnatural, sick (so psychiatric treatment is prescribed) or deviant. Yet women's same-sex relations have existed in many places of this world, as far as we know, and there are many ways in which present-day women live their relations with other women. In this article I will give an historic example of a community of women in same-sex relations before discussing various forms of present-day communities.

First a note on terminology. The female-bodied persons that are the topic of discussion here display such a broad range of behaviours and identities that it is difficult to find a label that encompasses all those aspects. What concept can do justice to the fluid, complex, contingent population that is the topic of this article? The boundaries of this group are constantly shifting, as they are being defined and redefined in constant processes of in-and exclusion, both by the heterosexual normative majority as by the marginalised non-normative female-bodied persons themselves. The term Women Having Sex with Women, WSW, is coming in vogue now, following the commonly used term MSM, Men having Sex with Men. This term gained popularity in the wake of the HIV/AIDS pandemic, where it became important to investigate sexual networks. However, this debate mostly passed women by, as they were considered to be, and considered themselves as being at less risk. But what to do with women who identify as lesbian but have sex with men or who don't have sex at all? Or with women who are in a same-sex relation but deny that their loving has a sexual aspect? I usually use the term women's same-sex relation, but that may exclude those who are in a heterosexual relation and have occasional sex with a woman partner and who may consider the latter relationship as being more important. Another critical issue is what is considered 'sex'. Often the term is exclusively reserved for penile penetration. It is clear that women have a wide range of other techniques at their disposal. (1) Here I will use both terms, WSW and women in same-sex relations, interchangeably, aware of their limitations. I will use the term 'lesbian' only for women who identify themselves as such.

State of the Art

Although most women in the South who are in same-sex relations live in societies that marginalise and abject them, it is important to realize that in certain historical and cultural

constructs women were (and still are) able to carve out a niche in which their relationships with other women were accepted to a more or lesser degree. In general these women did / do not identify as lesbian; in some cases we don't know whether their relationships were actually sexual. This by the way may tell more about the inhibitions and sloppiness of their researchers, who never bothered to ask the relevant questions. (Wieringa, 2005c) Only in the case of the traditional butch-femme communities some of them engage in struggles for sexual rights. Examples of institutionalised women's relationships are the Chinese sisterhoods, the African women marriages, the Bugis *calalai* and their women partners. (Wieringa, 2007a) Other situations in which female-bodied persons could enter into relations with women is that of those North American native tribes who recognize the existence of two-spirit people (Lang, 1999; Roscoe, 1998), the Surinamese creole *mati* relationships analysed by Wekker (2006) or the Japanese *onabe*. (Wieringa, 2007b) Anthropology has long been haunted by what Blackwood and I called 'Sapphic Shadows', the silence on women's same-sex relations, the colonial and post-colonial misrepresentations of the core elements of those relations, the denial of the erotic. (Blackwood & Wieringa, 1999a) Especially after World War II it was simply 'not done' for an anthropologist to study the topic. (2) I will here give two examples of the cultural dimensions of these communities, the anti-marriage sisterhoods in China and the women marriages in Africa.

Gay and Lesbian Pride Parade, Johannesburg, 1999 - © Joanne Bloch



From around the middle of the nineteenth century so-called 'Orchid Societies' existed in the Pearl River Delta of Guangdong (formerly spelled as Canton), a province in Southern China. Women who joined these anti-marriage associations were mostly silk workers. They vowed never to marry a man and engaged in sworn sisterhood relations with other sisters. Though the sources are not always clear, the women engaged in emotional, erotic and / or sexual bonds. Due to their income they could afford to live independent lives. In cases where, at a very young age, they had been promised in marriage to a man, they might even contribute to the households of their former fiancées, even when these men would have married other women. (3) The ceremonies in which they pledged loyalty to each other knew several elements that also took place in heterosexual marriages, such as the hairdressing ceremony. The vow of spinsterhood ensured that a sister's soul would be worshipped after her death and would not come back as a Hungry Ghost to bother the family of her birth. (4)

If a sister was forced to keep the promise made on her behalf when she was still a child, to marry a man, she would only be accepted back in the spinsterhood if she had not consumed anything and returned within three days. Or the other sisters might sew her into a suit. If she came back with her suit intact she was again accepted in their midst. (Topley cited in Raymond, 1986) They lived in pairs (as sworn sisters) or groups in spinsters' houses or in Taoist vegetarian halls or monasteries. Buddhism was an important inspiration, particularly the veneration of the androgynous deity Guan Yin. (Topley, 1975; Chafetz & Dworkin, 1986) This bodhisattva is a female manifestation of the male god Avalokiteshvara. The depression of the 1920s affected the silk industry severely and many sisters went off to the cities to become domestic servants. (Honig, 1985; Sankar, 1986) Up until the beginning of the 1980s I saw some of them, the black-and white *amahs*, in Singapore. (Wieringa, 1987) After the Maoist victory the sisterhoods were branded as 'feudal remnants'. Many sisters ended up in the Chinese diaspora, and fled to Malaysia, Singapore, Hong Kong and Taiwan. (Sankar, 1986; Topley, 1975)

What allowed these women to choose a life on their own, in patriarchal China? First industrialization gave them the opportunity to earn an income. Secondly, Buddhism stimulated heterosexual chastity and purity. Also, the monasteries offered sisters a religious and political career as well as economic independence. Religion also offered a justification for sexual relationships among the women. It was sometimes said that if one had found one's true love, the partners would continue to search for each other after their deaths. In case both of them were reincarnated as women, their love would still thrive. (Raymond, 1986) Thirdly there was a tradition of women having their own cultural traditions, for instance in poetry and music. Unmarried girls would also sleep together and be educated in girls' houses. (Topley, 1975; Sankar, 1986) Then, several commentators noted that the Taiping rebellion in which many women had taken the side of the rebels, had left a legacy of strong, militant womanhood. (Croll, 1978; Raymond, 1986) (5) Some of these elements are still relevant today. Another striking phenomenon is the fluidity of their relations, from emotional bonding to strongly erotic love. In this case however the erotic was clearly incorporated within the range of emotional expressions.

African Women Marriages

African (former) presidents like Moi (Kenya), Nujoma (Namibia) and Mugabe (Zimbabwe) are known for their homophobic statements and their accusations that homosexuality is a recent western import. (Morgan & Wieringa, 2005) Historical and anthropological data however indicate that it was homophobia that was introduced by the western colonial powers into those African societies in which particular forms of women's or men's same-sex behaviours or relations were practised in more or less institutionalised ways. Apart from female husbands formally wedding their wives, other forms of women's same-sex practices and relations have been documented, such as initiation rites, girls' erotic play such as the elongation of the labia, mummy-baby relationships at school and other bond friendships. (6) For instance young women who pledged to become each other's *oumapanga* among the Damara or Ovaherero of present day Namibia might engage in sexual relations. Their elders approved of these friendships also when it concerned daughters of chiefs. The anthropologists who described the institution however were shocked and named these relations 'perverse' (Karsch Haack, 1911, p. 472) or a 'terrible vice' (ibid, p. 475-476). Though it was also noted that these women (who would also be married heterosexually), 'would help each other until death', surely a laudable intention.

Formal, institutionalised women marriages have been documented for over forty of Africa's 200 societies, all of them patrilineal. (Tietmeyer, 1985) (7) In what I call the 'dependent' women marriages a woman married another woman on behalf of some male who didn't have offspring, for instance her own husband, or her deceased son. The children of these marriages would belong to the lineage of that male. In the 'independent' women marriages a woman desired to have male offspring of her own who would honour her as their ancestor. This usually concerned rich and / or powerful women, such as traders or healers. The only way to ensure that they could establish a compound of their own in which they would be honoured as its founder, was to live on through being the (social) father of sons. They would decide who would be the genitor of those children (a genitor might get a present for his services or he might keep a more informal link with his offspring). Women marriages thus contracted were fully institutionalised. (Wieringa, 2005c; see also Herskovits, 1937) A female husband would pay the customary bride price for her wife or wives (polygyny was possible). The female husband would be honoured and served by her wife as any male husband in that society would. The few accounts of the dynamics of such relations however indicate that those relations were more egalitarian than heterosexual marriages.

Women marriages are in decline. Modern inheritance laws, based as they are on European laws, generally do not recognise the claims of the children to the wealth of their female fathers. In South Africa however, Zulu women healers, *sangomas*, are still known to marry so-called ancestral wives (Nkabinde & Morgan, 2005) and the practice doesn't seem to be on the decline. The rationale is that their dominant ancestor is a male who requires a wife to please him. If the *sangoma* is a woman herself she then marries a wife as her dominant ancestor demands. In the rich description Nkabinde and Morgan (2005) provide of such female-bodied *sangomas* in same-sex relations the sexual attraction of the *sangoma* herself to her ancestral wife is more prominent than the religious rationale of the relationship might suggest.

I cannot do justice here to the complexities of African women marriages, apart from men-

tioning two more issues. In several African societies spiritual strength (for instance in fertility rituals) may be associated with the combination of female and male elements: fertility idols with both male and female genitals, women possessed by male spirits or the reverse. That is, there are instances when the binary split between the sexes is not upheld. Secondly women's economic and physical power is assessed positively. Among the Fon for instance (in present day Benin) women marriages were widely known, while their women armies brought many victories to their kings. (Herskovits, 1937; Blackwood & Wieringa, 1999b) Interestingly the *mati* relationships that Wekker describes for Suriname are characterized by similar patterns. (Wekker, 2006)

Traditionally African women's same-sex relations are accommodated within a heterosexual marriage model. Major identity markers may be social status, wealth, spiritual power, rather than the sex of one's partner. Traditional women's same-sex relations may thus give rise to interesting discussions on the conceptualization of sex and gender, of sexual agency and identity, and of gender and sexual multiplicity. 'Independent' women marriages could exist in a situation in which the female husbands were independently wealthy, in societies in which gender was determined by who one married (being a contributor of bride price entitled one to the status of husband) and by a spiritual system that could incorporate gender multiplicity, provided the appropriate rituals were performed.

Modern-day Marginalised Women in Same Sex Relations

I will now turn to modern-day more marginalised women in same-sex relations. It is clear that the distinction between these two groups (institutionalised versus marginalised) is a tenuous one, with the modern butch-femme (b/f) communities straddling the divide. These groups have survived the silence and invisibility into which they were forced by societies characterized by hetero-normative patterns of relations. In order to be accepted by the wider society the partners in a butch-femme relationship patterned their relationship also after this model. Ironically the rise of modern middle class rights-based lesbian groups shatters the silence behind which the partners in a more traditional butch-fem community could hide and exposes the same-sex sexuality of their relation. This may lead to ostracism and violence. Willingly or unwillingly they are drawn into the orbit of the rights-based groups. A similar development occurred in the late 1960s and early 1970s in the West, where the 'old lesbians' as the b/f groups were called, were replaced by younger more militant lesbians fighting for sexual rights. (Wieringa, 1999)

The present-day situation as far as women in same-sex relations in the global South is concerned is complex. There are multiple forms in which women live their desires, divided by class, religion, ethnicity, legal system, political culture and gender regime. The present-day discourses on women in same-sex relations are rather inadequate to capture this wide variety of practices, desires and identities.

Just to give an idea of the diversity of lifestyles of women in same-sex relations, I will list some of the categories I have come in contact with in Jakarta: upper class chique women who quietly live their own lives, and meet in networks of friends; lonely isolated women, heterosexually married or not, who don't dare to speak their desires; married women who have done their duty towards their husbands and now follow their own desires, dating a

butch woman; sex workers who have women lovers; internet-savvy young lesbian activists who have set up websites and are actively fighting for women's and sexual rights; lower class butch women with their wives; single women of all classes who have women lovers but don't identify as lesbian; factory workers living in dormitories during the week with their women lovers, and who go back to their male husbands in the weekends or on holidays; women in the drugs scene who have both male and female lovers, on and on.

This list, inadequate though it is, is important, as it indicates that only the younger middle class lesbian activists are more or less out and visible. Secondly it is clear that there is much isolation and silence surrounding many of these women, and that many of them are only known to their close friends. Their social and sexual contacts take place in small circles, that sometimes overlap. This means that these women may be overlooked by researchers and activists. Unlike their male counterparts women in same-sex relations don't engage in cruising in parks or in public toilets, they don't even go much to bars to my knowledge, as these are expensive and therefore inaccessible to most women, and if they go they may be invisible even there.

Among the better researched same-sex communities are urban women living in b/f relations. In various Asian and African countries (such as Thailand, Taiwan, Hong Kong, Indonesia, Uganda, South Africa and Namibia) self-styled b/f communities exist. The butch partners, variously called Tommy Boys (Uganda, see Nagadya & Morgan, 2005), lesbian men (Namibia, see Khaxas & Wieringa, 2005), Toms (Thailand, see Sinnott, 2007), TB (Hongkong, see Lai, 2007), or in Indonesia Tomboi (Blackwood, 1999) or nowadays butchy (Wieringa, 2005a), to different degrees assume the dress codes, behavior, occupations and other paraphernalia of men in their societies. The femme partners, called Dees (from lady) in Thailand, or TBG (Tomboy's Girl) in Hong Kong, or just 'wives' (*isteri*) in Indonesia to all outward appearances assume the female role that is accepted in their societies. Sometimes also indigenous terminology is used, such as *sentul* and *kantil* in Indonesia.

The masculine partners demonstrate different degrees of masculinity. Some reject femininity altogether and feel they are men trapped in women's bodies, or that they have male souls in women's bodies. In such cases the use of the term 'female-bodied' is more appropriate than 'women'. However stereotypically gendered the outward appearance of such couples may be, the research mentioned above indicates much more complexity in their gendered subjectivities. In Indonesia now some of them proudly call themselves '*feminist butches*'.

The urban b/f cultures have different fates under the impact of globalization. In Lima for instance they are being marginalised both by hetero-normative society and by feminist lesbians; in Indonesia too they live a liminal existence, though middle class rights-based lesbian groups have incorporated segments of the b/f culture. This only became possible after a careful process in which the lesbian groups had to give up the arrogance of their politically correct feminist stance ('we are fighting patriarchy while you are following a hetero-normative pattern'). The b/f partners accepted the feminist position of the middle class lesbians and held extensive discussions about the need for feminism also within b/f relations.

Whether it is due to the colonial legacy of homophobia or to what I called elsewhere 'post-colonial amnesia' (Wieringa, 2005b), women's same-sex communities are under pressure. The relative tolerance for transgender relations that used to exist in large parts of south east Asia and in Africa has given way to more overt forms of intolerance. In societies in which transgender relations used to be accepted, colonial power holders introduced the

homophobia by which Europe was characterized at the time. Post-colonial leaders, who have denounced so many aspects of racism and prejudice imposed by their former colonial masters have on the whole accepted their heterosexist biases. The nostalgia with which post-colonial leaders re-invented certain aspects of their past never included tolerance for transgender relations.

In Indonesia women in same-sex relations for a long time have been able to hide to a certain extent behind the layers of public silence on sexuality. In other countries such as Uganda even that is not possible. Silence both hides and protects but it also invisibilizes and isolates. The modern sexual rights campaigns can therefore have diverse effects. Through the use of internet middle class younger lesbians are discovering themselves and the wider lesbian world around them. They find support for their campaigns on the web and can use it for their internal discussions. It breaks their isolation. The web has thus become an important medium for consciousness raising and advocacy. However there are also large groups of women who don't want to be outed as having a sexual relationship with another woman. The increased visibility of the younger lesbian activists may also make the sexual aspects of women who prefer to go through their lives as 'just friends' visible. This may endanger them. However disturbing this is, it seems an inevitable consequence of a struggle that cannot be avoided.

Conclusion

The internet-savvy middle class, educated young lesbians are the most visible women having same-sex relations. In many countries they are setting up websites or email lists. They are busy raising the consciousness of their constituents, they are conducting advocacy programmes, often in cooperation with other human or sexual rights groups and sometimes they are engaged in research. The international human, women's and sexual rights instruments that have been developed in the wake of the major UN conferences of the 1990s (for instance the 1995 Fourth Women's World Conference in Beijing) and that have more recently been expanded into for instance the Yogyakarta Principles of 2006 are major tools for their struggles. They are faced with multiple constraints, but if they are able to forge alliances with other human and women's rights groups their struggles may lead to the granting of sexual rights to LGBT people in general in the long run. In the short run however their activities may lead to increased lesbophobia. Simply because they alert people to the possibility of women having sex with each other, they may inadvertently 'out' women who so far could hide the nature of their relationship. Historical research that breaks through the amnesia with which present day post-colonial leaders try to ignore past transgender and same-sex practices may also lead to greater tolerance.

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Notes

- (1) See the discussion on female friendships by for instance Faderman (1980). In the two anthologies Evelyn Blackwood and I published, (1999 *Female Desires*, 2007 *Women's Sexualities and Masculinities in Asia*, with Abha Bhaiya) there are also some examples of this phenomenon.
- (2) See *Sapphic Shadows* (Blackwood and Wieringa 1999) for an account how the anthropologists Evans-Pritchard and Van Lier decided only to publish their findings on women's same-sex relations after their retirement.
- (3) In Japan Kannon (who entered the country as the female Guan Yin, is presented as an androgynous figure, but nowadays is usually venerated as a male god (Wieringa, 2007).
- (4) See Tsukiyama (1991) for an intimate, well-researched literary account of the lives of these 'women of the silk.
- (5) See Sang (2003) for a study on the making of the Chinese lesbian identity from the early twentieth century onwards.
- (6) See Wieringa (2005c) for a short overview of the major forms women's same-sex relations took in Africa.
- (7) African societies are characterized by a great variety of kinship patterns, including matrilinearity and bilinearity.

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The Emancipation of Transgenders

Thomas Wormgoor

In the gay emancipation Statement released in November 2007 by the Dutch Department of Education, Culture and Science, attention has been paid to transgenders for the first time in history. COC Nederland deserves credit for this. The COC involved transgender organisations in preparing the joint advice concerning homosexual emancipation that was presented to the government after its first hundred days in office. The COC also set out to represent the interests of transgenders. (About the COC see Note 5 in the Introduction.)

The Netherlands has known national transgender organisations for over 25 years, so one might wonder why it took till 2007 before transgenders became part of a government emancipation Statement and why the COC's involvement was necessary to achieve this. One can also ask what emancipation entails, in the context of deviant gender identity, and if the emancipation effort of homosexuals and transgenders fit within one organisation.

Facts and Terms

The term *transgender* has only recently come into use in the Netherlands. On the one hand it is used as a collective term for all forms of deviant gender identities. On the other hand, the term is used to indicate a third category next to transvestites and transsexuals; that is, people who are not compatible with their physical gender, but who do not feel transvestite or transsexual either. In this article I use the term transgender in the first meaning. If different I will state that specifically.

Transsexuals are those who usually from a very young age feel a gender identity other than their physical birth gender. Since the 1960's, it has been possible to undergo gender reassignment surgery in the Netherlands. Currently, there are two acknowledged gender centres, the Medical Centre of the Vrije Universiteit in Amsterdam and the University Medical Centre in Groningen. Both centres are allowed to diagnose transsexuality and treat patients with hormones and gender reassignment surgery. Although transsexuals often look for alternative treatments abroad, there are fairly accurate figures of treated transsexuals in the Netherlands; currently there are approximately 4,000: two-thirds women born in a male body and one-third men born in a female body.

Transvestites feel a strong urge to dress and present themselves as a person of the opposite sex. Traditionally, we speak about men who dress as women. The degree to which this urge is felt and the meaning it has in life is individual. In this article I will speak about those transvestites who have a gender identity problem. There are no accurate figures available about transvestites in the Netherlands. It may be assumed that this group is significantly larger than transsexuals.

About the third group, *transgenders in the specific meaning*, even less is known. There are peo-

ple who do not feel one hundred percent man or one hundred percent woman. The way in which they express their gender identity differs and so does the way in which they express their non-gender perception in language. Some feel they are between sexes, some feel they are in a completely different category for which no term has been created yet and some feel they are a combination of both sexes. Sometimes the term 'queer' is used. The term 'queer' can also be considered a political statement. The criticism of the hetero standard and the binary gender model is enlarged to result in denouncing every identity standard. Radical queers see a common basis in all forms of discrimination. This is categorising people and then including or excluding them. They detect gay, lesbian, bisexual, and transsexual phobias, and are against sexism and genderism. Also against racism, unjustified violence, age discrimination and economic injustice. (1)

At this moment we know little about these groups. The question is if we can clearly distinguish between them. This applies to all classifications of transgenders. We see that people switch from one 'group' to another 'group' during the course of their life. Is this a result of increasing self-recognition, increasing pressure due to suffering, or an actual changing gender-identity? And what is the role of social acceptance in realising one form of expression as opposed to the other?

The *Transgender Netwerk Nederland* started as a national cooperative body. Initiatives to take on themes or projects can come from any of the participants. Although the network has been a foundation since the end of 2008, it is still in the formative stage. There is a distinction between members and affiliate members. The network forms a good representation of the various gender groups. All participants have their own rank and file and differ in history, objectives and manifestation. The participants agree that it is important and valuable to join forces. Actively involved organizations are:

- Landelijke Kontaktgroep Travestie & Transseksualiteit (*National Contact Group Transvestitism & Transsexuality*)
- Queer collectief De Noodles (*Queer Collective - The Noodles*)
- Transvisie, centrum voor genderdiversiteit (*Transvisie, centre for gender diversity*)
- Stichting T-Image (*T-Image Foundation*)
- Transman.nl (*webportal Transman.nl*)

Transgenders in the Gay Emancipation Statement

The gay emancipation Statement of November 2007 states in its introduction that homosexuals, also means transgenders. (2) Transgenders are specifically mentioned on page 24 and a definition of the term is given. It also states that the government realises it knows little about the demands and needs of this group. For this reason the department of Education, Culture and Science will contribute to the Transgender Netwerk Nederland for the purpose of clarifying the demands of transgenders and disseminating knowledge regarding transgenders to relevant professionals.

Lack of knowledge about transgenders in the Statement is illustrated by the definition that was chosen. This definition includes intersexuals. This is incorrect. Intersexuality is a physical disorder that has bodily consequences. Many disorders are considered intersexual. At birth, it is not always clear to which sex an intersexual person belongs. If a 'wrong' decision

is made, someone can develop a gender identity problem, but intersexuality is not a gender identity disorder.

The Emancipation of Transgenders

Emancipation objectives are in order wherever a lack of justice and equality is experienced. It is conceivable that a group of people is discriminated against without this group realising it. Thus, there will be no emancipation movement within this group. In order for an emancipation movement to develop there must be discrimination as well as an awareness that this discrimination is unjustified. In other words, there must be both objective and subjective components. In my opinion, transgender emancipation will develop along the same lines as gay emancipation. As long as the majority of people experiences the deviant identity as a personal fate, often accompanied with strong feelings of guilt and shame, there is no space for an emancipation movement. They look for their own way to combat oppression. Contact with people with similar problems is usually appreciated, but takes place in seclusion. Perhaps, theoretically, visibility to the outside world is considered ideal, but nobody wants to 'sacrifice' his or her privacy for this purpose. The individual that expresses his or her identity has to consider ambivalent feelings from their own circles. In the 1970's, mothers would tell their gay sons: 'As long as you do not become like Albert Mol...' (3), unfortunately, another example was usually not available. Although admitting to homosexuality is still some undertaking, and fear and shame is still present, there will be very few people (4) who do not know what homosexuality is in the Netherlands. There are, for example, many openly gay and appreciated celebrities on television.

I think that, until recently, the subjective condition for an emancipation movement for transgenders was not yet met: being transgender was experienced as a personal fate, their own burden. The thought of expressing their inner feelings was often accompanied with fear and shame. Initially, Kelly van der Veer was a role model for many young transgenders. During her status as a celebrity, she developed in a certain direction, turning from role model to anti model. There is a high probability that mothers tell their sons who want to be a girl: 'As long as you don't get as cheap as Kelly...' (5)

But significant changes are taking place. There is now far more respectful and positive attention to young children that are strongly gender dysphoric. Parents are opening up to the idea that their child may be gender dysphoric, where in the old days the reaction would have been one of incomprehension, rejection and oppression. Young children can go to the Medical Centre of the Vrije Universiteit in Amsterdam for diagnosis and treatment. Recently, medical journals have paid attention to different groups of transgenders. Also, transsexuals without problems who are accepted in their 'new' gender, choose more and more to express themselves as transsexuals in order to achieve more openness and acceptance.

The T-Image Foundation organises a transgender film festival in the Balie in Amsterdam every two years. Queer collective 'de Noodles' organises an annual wreath-laying at the Homomonument in Amsterdam on May 4th to remember those who died as a result of their gender expression. The National Kontaktgroep Travestie en Transseksualiteit organised an open day for policy makers, health care professionals, family and anyone who was interested for the first time on March 1, 2008. On 11 November, 2007 a festival took place in Amsterdam

for transgenders and all their loved ones which was visited by approximately 500 people. (6) This festival also sparked positive reports in the media.

This is just a selection of the initiatives and developments which indicate that the self-awareness of transgenders is increasing significantly. In all fairness, the COC was necessary to make the connection with the emancipation mandate of the government. But luckily there was a Transgender Netwerk Nederland ready to take the baton.

Transgender Emancipation versus Gay Emancipation

In spite of the assumption of a similar emancipation history it is also important to reflect on the actual similarities and differences between the social situation of transgenders and homosexuals. This will be of substantial importance in determining how the gay and transgender movements ought to relate in the future. Is the similarity of the objectives such that one LGBT movement would be the most logical? Or is the situation of transgenders so different that there is a threat of specific objectives getting lost within a larger movement?

The debate on this subject is just getting started in the Netherlands. In this, I limit myself to an overview of the relevant similarities and differences and a careful conclusion.

Similarities:

- In the case of homosexuality and transsexuality/gender dysphoria, it is in fact all about identity, expressing an identity that is not self-evident. In both cases it is a question of introspection, feelings of 'being different' during childhood, a point of coming out and often initial denial. Homosexuals as well as transgenders, acting from a state of denial, can get married and have children. Coming out can be accompanied by feelings of guilt and shame. In some circles the taboo on being different is bigger than in others. Generally speaking, the admission of being gay in the Netherlands is accepted more lightly than being transsexual/gender dysphoric.
- The emancipation Statement mentions a policy objective of stimulating social acceptance of homosexuality. Signals that are mentioned are incidents of violence against homosexuals. Unfortunately, in this aspect there is also a clear similarity between homosexuality and transsexuality/gender dysphoria to report. Transgenders are attacked in the street, provoked in their immediate area, called names and stared at. Many become isolated and also lose contact with family and loved ones. Although transsexuality is rarely mentioned as a reason for dismissal, many transgenders have problems finding or keeping a job.

Differences:

- Unlike homosexuals, transgenders often need a medical procedure to enable them to fully express their identities.
- Transsexuality has, in spite of the term, nothing to do with sexuality. Homosexuality occurs amongst transsexuals, but the majority is heterosexual.
- The identity of a transsexual is usually the 'new' gender; those who went from man to woman are women and those who went from woman to man are men. Most transsexuals do not identify themselves as transsexual and prefer to keep their transsexual

past to themselves.

- In contrast to homosexuals, transgenders need legal stipulations to confirm their identity. The possibility of officially changing sex is of huge importance for transgenders
- Although statements about figures have a speculative character, at this point we can safely say that the number of transgenders in the Netherlands is many times smaller than the number of gays, lesbians and bisexuals. The chance of running into a transgender in the immediate family, social circle or career, is very small.

Conclusion

It is fortunate that the debate about 'together' or 'apart' is taking place. My personal opinion is this is the time where transgenders themselves have to come forward with their own agenda and their experiences. In what context this may happen is of lesser importance. There is no place for a rigorous choice between together and apart. In the instance of advocating room for identity expression, it is essential to join forces and to always speak of homosexuality as well as transsexuality with regard to the awareness of personal identities that deviate from the standard. The same applies where it concerns matters such as safety in the street and the struggle against discrimination in the workplace. However, the specific transgender themes can best be introduced and advocated by transgender organisations.

The Present Agenda of Transgender Netwerk Nederland

Improve the social position of transgenders

There are a number of concrete points of improvement that do not have to wait for the results of study:

- Amendment of the Civil Code on the issue of the requirements of an official sex change. These requirements are linked to going through a certain medical procedure which others who also live or want to live as if belonging to the 'other' gender are excluded. In addition, these medical procedures take so long that those who intend to go through the entire procedure are forced to live for years with documents that do not correspond with reality. In this respect the Netherlands is slower to take action than a couple of other EU countries.
- Health care expenses. With the implementation of the new health insurance law, 'mental suffering' as ground for compensation for plastic surgery procedures has been abolished. For transsexuals a few specific principles have been formulated, but in reality these appear to turn out negative, particularly for the man/woman transsexuals. Although some health care insurers do compensate the costs, the pain is mainly in the following points:
 - Exclusion of placing breasts prosthesis (indicated for approx. 2/3 of the man/woman transgenders).
 - No compensation for adjustments of anything that is not a specific gender characteristic. This includes problems with compensation for laser treatments (beard removal as well removal of hair before the surgery), reduction of the Adam's apple, facial adjustments and surgery on the vocal cords.

There is a clear need to transfer knowledge about gender identity in all its forms and consequences to first and second line health care workers. That does not change the fact that general institutions and health care workers in the first line will only incidentally be confronted with gender identity questions. In due time, the network has aspirations to establish one or more category centres in the Netherlands that will provide assistance in case of gender identity questions in the broadest sense. It will be accessible to transgenders, people in their environment and as a possible advisor on health care work and education. Knowledge centres that offer real help.

With regard to improvement of help to transgenders we pursue four objectives:

- Increasing knowledge with regard to gender identity of first and second line health care workers and in education, by creating and distributing appropriate material. We think of a combination of a special website and a direct approach to these professionals and by collaborating with education, training programmes, specialist journals, etc.
- Quantitative and narrative description of the (effect of) activities that are accomplished by the participating network organizations on behalf of transgenders and their environment. Currently most work is done by volunteers, so it is still not visible (enough) to the government and to professional organisations. The description has to result in advice on how to expand this work, using present experience, knowledge, effort, involvement and infrastructure. This advice is intended for cooperating organisations, including the government, to enable them to make collaborative efforts as effective as possible. We assume there is great social benefit to gain with a relatively small financial effort. The description does not have to have a scientific character but must be convincing. The form can be creative or journalistic.
- Based on our own experiences and the work that we have done for years, we already have a fairly good idea about the situation of transgenders in the Netherlands. It is not coincidental that all participants state that there has to be more and better psycho/social offerings for transgenders (and their environment). The time has come to transfer our impressions to well-founded knowledge about the situation and needs of transgenders. In the scope of this project we would like to initiate a solid study in cooperation with the gender teams (Amsterdam and Groningen), the GGZ (mental health care organisations) and private gender therapists. In order to prevent repetition of work there will first be an investigation to find out if there are any studies with the same objective being launched.
- From our own experience we know that within the group of transgenders, other vulnerable groups can be distinguished. For example, there are contacts with transgenders with a mental handicap and transgenders from ethnic cultures that are (still) less tolerant with regard to deviant gender expression. Of a different nature and from my own observation, a clear bottleneck is created by questions from and about children that are raised in a family where one of the parents is, or appears to be, transgender. These groups require extra attention and consultation with partners in the field who have insight on the specific group or have experience with a similar situation. This extra effort has to be included as a component in the three above-mentioned objectives.

For network development we will pursue the following objectives:

- Further establishment of the network. A clear meeting structure, a long-term view and a legal body that is accommodating. It is conceivable that the mutual objectives are, in principle, achieved through the network. The objectives can be summarized as follows:
 - Increase visibility and knowledge about gender identities and expression forms. Approach to health care and education sectors with regard to their signalling function.
 - Collective advocacy (legislation, patient interests, struggle against discrimination at the work place and in public areas).
 - Empowerment of Dutch transgenders.
- Increase accessibility of different organisations by positioning the network as a central source of information. A website and a publicity campaign are to be developed for this purpose. Where necessary, the participating organisations will be assisted to increase their own visibility.

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Notes

- (1) From www.n00dles.nl/genderwiki.
- (2) Interdepartmental Workgroup Government Policy and Homosexuality (IWOH) (2007), *Gewoon homo zijn. Lesbisch en homo-emancipatiebeleid 2008-2011*, (*Just being Gay; Lesbian and Gay Emancipation Policy 2008-2011*), Den Haag. See also: www.minoocw.nl/onderwijs.
- (3) One of the first openly gay men in show business. This actor was mainly cast in very effeminate male gay roles. His best role was, however, being himself on TV.
- (4) This is less applicable to some immigrant groups in the Netherlands and some religious communities.
- (5) Kelly participated in the 'Big Brother' show on Dutch TV. During the show it became clear that she was a transsexual woman. Because of her gorgeous looks and spontaneous behaviour she became a role model, especially for young transsexual women. Later she became involved in too many TV-shows and people started to denounce her as being vulgar and commercial.
- (6) Transfusion Festival. See also: www.transfusionfestival.nl.

Queering Politics, Desexualizing the Mind

Robert J. Davidson

'For Europe, for ourselves, and for humanity, comrades, we must turn over a new leaf, we must work out new concepts, and try to set afoot a new [human].'

Frantz Fanon (1963, p. 316)

'The problem is not to discover in oneself the truth of one's sex but rather to use, from now on, one's sexuality to achieve a multiplicity of types of relations.'

Michel Foucault (1996, p. 204)

This article addresses the identity politics that serve as a base for collective action for many groups active in fighting for LGBT rights and looks at queer theory and queer politics as an alternative to identity based politics. Queer theory is discussed through the work of several prominent queer theorists, as well as in comparison with post-colonial theories. Some suggestions are then made for undertaking a queer politics.

'Queer' does not imply one thing or have one meaning; indeed the radical potential of 'queer' theory and politics lies in the refusal to be limited and defined as one thing. This article will present an interpretation of queer theory that views LGBT identity politics as problematic. The formation of identity based on sexual desire will be analysed in relation to identity politics. Queer theory will be used to demonstrate why the conception of sexual identity and its use as a base for collective action is problematic. Queer theory will also be compared with the critiques proposed by post-colonial theorists that address how knowledge and categorization operate. Suggestions will then be made for a queer politics that can promote ways of thinking and ways of engaging in political action that could effect shifts away from hetero-normative conceptions of sexuality.

Identity Politics

Since the 1960s social movement groups pursuing politics based on a LGBT identity have made many gains, such as the decriminalization of sodomy, anti-discrimination legislation, and increased visibility of LGBT issues. Contemporary social movement theory, however, is re-examining identity as a base for collective action by asking how identity is produced (Melucci,

1996) and how identity politics can be constraining (Blumenfeld, 1999). This prompts an inquiry into how sexual identities have been produced and what the effects have been.

The Birth of Sexual Identities

After the Enlightenment in the West, christian conceptions of sexuality were integrated into 'secular' societies through scientific fields, specifically psychiatry. Michel Foucault argues that in the christian tradition, 'A twofold evolution tended to make the flesh into the root of all evil, shifting the most important moment of transgression from the act itself to the stirrings - so difficult to perceive and formulate - of desire' (1978, p. 19-20). Psychiatry as a social science later replaced the church as the creator of social rules and norms and has a regulating effect on society by using desire to produce knowledge about, and categories of, individuals.

Karl Maria Kertbeny first used the term 'homosexual' to describe one who desires to have sex with someone of the same sex (Kennedy, 1997). Karl Heinrich Ulrichs and Magnus Hirschfeld further theorized 'the homosexual'. Previously, one could only speak of certain acts as either natural or unnatural (Epstein, 1994). After this production one spoke of individuals instead of acts. The production of the category of 'the homosexual' also produced its opposite, 'the heterosexual'.

Despite the good intentions of these early psychiatrists, who lobbied for the decriminalization of sodomy based on the category 'homosexual', 'the homosexual' increasingly became someone to be disciplined and encouraged to become heterosexual. Disciplining homosexuality was enacted through various 'treatments' such as psychoanalysis, hypnosis, and electric shock therapy.

Foucault's concept of power / knowledge can shed light on the abjection and disciplining of homosexuality. Foucault argues that power is inextricably linked with the production of certain forms of knowledge (Foucault, 1980). The ability to regulate 'the homosexual' first required the production of that category. That production is, however, a concept or a myth. This concept of sexual identity is a result of the fixation in the West on sexuality as the secret to one's being. Additionally, 'the homosexual' was created through the lens of heterosexuality. Heterosexuality was the dominant way of being human, and markers of difference, of homosexuality, were sought in mind and body.

Binary Logic and 'The Homosexual' as Other

By splitting sexuality along hetero / homo lines psychiatry reduced all the potentialities of sexuality into two rigid and distinct categories, thus producing a binary. Judith Butler has examined the function of the binary in relation to gender, writing that, 'One is one's gender to the extent that one is not the other gender, a formulation that presupposes and enforces the restriction of gender within that binary pair' (1990, p. 22). If 'male' is dependent upon 'female', these categories are relational and cannot exist independently from one another; the construction of the One requires the construction of the Other. The same goes for 'heterosexual' and 'homosexual', as the production of one category produces and reinforces the Other.

The process of Otherization (of homosexuality) creates a group that is separate and distinct from the One (heterosexuality). Through Otherization heterosexuality is naturalized and shielded with saliency while the Other, homosexuality, is stigmatized. Steven Epstein has theorized that, 'Because homosexual *practices* are widespread but socially threatening, a special, stigmatized category of *individuals* is created so as to keep the rest of society pure' (1994, p. 191). Within this structure the fluidity of sexuality is negated in favour of a conceptual framework that conceptualizes individuals who engage in same-sex sex acts as inherently different from those who engage in heterosexual acts. A study by Günter Schmidt found that over the last thirty years, as the homosexual identity has become increasingly pronounced in Germany same-sex sexual activity among youth has decreased (Schmidt, 2000). The purifying mechanism of the Otherization process appears to be working to stabilize heterosexuality.

Identity-based Politics and its Limits

Identity politics uses one identity, in this case sexual identity, as a point of cohesion for collective action. Sexual identity for political purposes has been conceptualized as an essential component of the self, based upon desire rather than sexual activity. Much of the work of 'gay rights' groups has attempted to gain the rights of the One for the Other by making claims to heterosexual normalcy and respectability for homosexuals. These claims to normalcy and respectability, however, have excluded sex and those who identify with sex from the homosexual community (Warner, 1999). Those who have sex with youths, engage in S/M, go to the baths, or stray too far from the gender behaviour linked to their sex determination (e.g. flaming queens and bull dykes), have been demonized and excluded by much of the LGBT political movement.

Michael Warner has documented how the rise of a desexualized 'LGBT politics' has coincided with governmental attacks on sexual spaces, such as bathhouses, cruising areas, and porno theatres. This has been particularly prominent in New York, as the sex clubs and porno theatres were zoned out of Times Square to dangerous parts of the city in an attempt to put them out of business (Warner, 1999). A failure to embrace sex within LGBT politics and attempts to gain access to the respectability attached to heterosexual normality have left sexual spaces open to attack and resulted in a decrease of the physical spaces available for sexual contact and exploration. These spaces for sexual exploration have been forced into the virtual world of the internet and other media.

These problems result from the attempts of LGBT politics to mimic heterosexual norms and values. Within this model, in-group purification and exclusion will occur, while the non-heterosexual remains the Other. Homi Bhabha cautions against this 'mimicry of man', as these movements are an attempt by the Other to live up to the values of the One (Bhabha, 1994). This will ultimately be unsuccessful, as these identity constructions function within the values and norms dictated by the One and are built upon devaluing the Other.

Promoting the Other only reinforces the distinction between the One and Other and further concretizes conceptions of the One and the Other as separate and distinct groups. The establishment of identity was not effected immediately after its production by psychiatry. Foucault describes a process in which, 'Homosexuality began to speak on its own behalf, to demand that its legitimacy or "naturalness" be acknowledged, often in the same vocabulary,

using the same categories by which it was medically disqualified' (1978, p. 101). The impact is that individuals have embraced the very conceptual tools meant to effect their regulation and disciplining instead of rejecting these modes of thinking.

Sex as the secret of the self, the institutionalized authority of psychiatry, and sexual binaries are particularly western phenomena. Cultures throughout the globe have unique socio-sexual categorization systems and ways of conceptualizing sexuality and its importance. International LGBT political groups have often attempted to export LGBT identities as liberating. Joseph Massad has argued that western promotion of homosexual identities in Arabic countries has led to a hetero-sexualization, as most people will choose to claim heterosexuality when forced to make a choice between labelling themselves as heterosexual or homosexual (Massad, 2007). The colonial mind set of exporting LGBT identities has often led to more problems than solutions because of the Otherization effected through LGBT politics (Woodcock, 2004).

Queer Theory

Queer theory and queer politics have embraced the term 'queer' in an attempt to effect 'an act of linguistic reclamation' (Epstein, 1994, p. 195) and reclaim difference from the sexual norm as positive. Queer theorists have attempted to disrupt the ways sexual knowledge and identity have been produced by emphasizing sexuality as broad and changing, removing desire as the key to explaining the self, and focussing on differences within the sexual identities that have been produced. Some tenets of queer theory are engagement with normalization mechanisms, reflection upon the heterosexual norm, emphasizing difference, and conceptualizing sexuality as fluid. Queer theory is not concerned with explaining who a person is based upon sexual identity but is instead focussed on creating and emphasizing the possibilities for exploring what people *can do*.

Engagement with Normalizing Mechanisms

One aspect of normalization consists of reducing complicated concepts to seemingly simple binaries. Sasha Roseneil argues that, 'Queer theory identifies the homo / heterosexual binary as a central organizing principle of modern society and culture and takes this binary as its key problematic and political target' (2000, 2.1). Queer theory promotes recognizing that the heterosexual / homosexual binary distinction requires such a watering down that the categories are rendered meaningless. Chet Meeks expounds, 'This does not mean that "homosexual" is meaningless but rather that its internal *incoherence* loads it with more meanings, more differences, than the identity itself can ever capture, articulate, or represent' (2001, p. 331). Meeks' critique speaks to the diverse sexual interests and practices within the category 'homosexual', such as S/M, public sex, pederasty, etc.

The distinction between public and private is another problematic binary division for many queer theorists. Meeks has charged that, 'To the extent that a strong division between private and public remains, it counts as a symbolic axis of domination that... helps to maintain a view that sexual relations are private and natural and therefore outside the realm of public,

political considerations' (2001, p. 332). Heterosexuality is public and salient. Explicit sex and homosexuality are private. For example, one comes out of the closet as homosexual, but people do not come out as heterosexual. Homosexuality is the abject category, and heterosexuality is the subject category. Warner challenges the public / private distinction by arguing that the shame of public sex and norms of privacy force sex into the private domain practically (restricting public sex) and politically (making sex absent from political debate) (Warner, 1999; Berland & Warner, 1999).

Reflecting on the Centre; or What is this Thing Called 'Heterosexuality'?

A re-evaluation of the 'centre' is another common element of contemporary queer theory. Arlene Stein and Ken Plummer argue that the most problematic impact of binarities is the focus on the 'Other' without an evaluation of the centre. They charge that identity-based politics, 'Rely on conceptual dualisms that reinforce the notion of minority as "other" and create binary oppositions which leave the "centre" intact' (1994, p. 182).

If homosexuality is a theoretical concept that is based on reduction and simplification, heterosexuality must be as well, according to binary logic. Warner claims, 'Even fairly conventional heterosexual married couples often find that they enjoy anal play, sex toys, sex in public places, S/M, etcetera, and these practices expose them to shame, moralism, and even prosecution in some cases' (1999, p. 37). According to Warner's theorization of heterosexuality many heterosexuals fall outside of the 'penis-in-vagina' norm. The two concepts homosexual and heterosexual were demonstrated to be inadequate based upon Kinsey's studies that showed sexuality to be much more fluid and changing than these two categories would allow (Kinsey, 1948). The impact is that the concept of heterosexuality, like homosexuality, is an abstraction from most people's lived experience. When this heterosexual 'centre' is analysed it is exposed as a myth. The myth of hetero-normativity, however, continues.

This analysis of heterosexuality begins to clarify the impacts of the sexual categories produced by psychiatry. The concepts produced and 'verified' by psychiatry are merely concepts that are abstracted from the lived experience of many individuals, yet these myths have structured the way sexuality is conceptualized by many individuals and societies and enabled a process of Otherization that has naturalized the category 'heterosexual'.

Difference and Anti-Assimilation

The reflection back toward the 'centre' reveals the centre as an empty construct in the same way that analysis of the 'Other' leads to the breakdown of the 'Other' as a standard and fixed category. This has led queer theorists to advocate a politics that embraces difference and rejects assimilation, as there is in effect nothing to be assimilated into. As Nancy Fraser notes, 'The transformative aim is not to solidify a gay identity but to deconstruct human identity; it is, rather, to sustain a sexual field of multiple, debinarized, fluid, ever-shifting differences' (1997, p. 24). The goal is therefore to deconstruct what identity means and how it operates in relation to sexuality.



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Desexualization of the Mind

Queer *theory* can be read as promoting a re-conceptualization of sexuality away from the categories produced by psychiatry. This approach can be compared with Frantz Fanon's concept of the decolonization of the mind. Fanon, like many queer theorists, approached social relations and concepts as constructed elements instead of 'natural' products and was concerned with how those constructions occur and can be altered.

Fanon engaged with colonialism on two levels: the physical and the psychological (Fanon, 1963, 1967). Fanon observed that colonialism functions by imposing its own logic and rationality on the colonized people, and this abstract production enables concrete exploitation and creates submission. Fanon argued that overcoming colonialism requires two steps. The first step is a galvanization around the 'Otherized' identity, which for Fanon, was either Blackness or a national identity. Through the cohesion of this identity Fanon theorized that the colonized can throw out the colonizers, but he found the resulting *negritude* movements lacking, in that they maintained the modes of thinking imposed by colonialism.

Thus, the next and most important step for Fanon entails a rejection of the modes of think-

ing and the very logic imposed by the colonizing body. This step occurs within the minds of those who have experienced colonization. As a psychiatrist, Fanon studied the mental impacts of concepts, ways of thinking, and systems of rationale. This led him to propose that overcoming colonization requires overcoming the ways in which the colonized have been trained to think, which Fanon calls 'the decolonization of the mind'. This 'decolonization of the mind' would be a new conceptualization of the self, which for Fanon would be a new humanism.

'Decolonization of the mind' within the context of new humanism can have interesting implications if compared with queer movements for sexual liberation. Psychiatry can be likened to a body that has, in a way, colonized the minds of individuals by producing a certain logic regarding the association with desire and the self; sex and sexuality; and the division of people into binary categories. Indeed, Timothy Mitchell has argued that to colonize is to impose meanings (Mitchell, 1988). Identity politics can be seen as the galvanization around the oppressed, or colonized, identity in an attempt to throw off the colonizers and create a space for self-determination. As noted previously identity politics has perpetuated binaries and failed to change dominant sexual structures. It is therefore necessary to take the next and most important step, which can be called 'the desexualization of the mind', which would entail a rejection of the entire sexual logic that has been produced through psychiatry. Through this desexualization of the mind it may be possible for individuals to break down binaries to embrace exploration and curiosity and free themselves from the ways in which they have been conditioned to conceptualize themselves and their sexuality. This desexualization is not intended solely for those previously cast into the 'homosexual' camp but has the potential to enable all individuals to deconstruct the ways they have internalized a sexual identity.

The concept of the desexualization of the mind is not to be confused with the critique that identity politics excludes sexual practices. The desexualization of the mind, rather, refers to doing away with the ways of thinking, promoted through psychiatry, that conceptualize sexuality in hetero-normative ways; it is a rejection of sexual concepts in order to explore the possibilities for sexual practices. This highly personal project must be linked to common pursuits for socio-sexual transformation, however, in order to be most effective.

From Queer Theory to Queer Politics

Western LGBT politics has been demonstrated as problematic for future advancements. Identity politics has sought integration within binary sexual constructs and has resulted in a failed 'mimicry of man'. LGBT identities should not be exported, and should also be abandoned within the West. Queer politics does not seek to integrate into dominant cultures but seeks to transform the structures that define, regulate, and discipline sexuality. How can action occur, however, if identity is no longer the base of collective action?

Iris Marion Young proposes a shift away from identity towards viewing series as potential bases for collective action. Young draws on the work of Jean-Paul Sartre to conceptualize a series as, 'A social collective whose members are unified passively by the objects around which their actions are oriented or by the objectified results of the material effects of the actions of others' (1994, p. 724). The concept of the series allows for any number of personal identities to be included within a particular political project. Additionally, the series is goal

specific, which enables series to form political collectives specific to particular areas and objectives. Young conceptualizes the series through a group of people waiting for a bus. The group waiting for the bus is made up of individuals going various places and with various interests. If their bus is continually late or absent, however, they will begin to share a common grievance and may group together in different ways to address the problem. Collective action based on series removes the focus on identity and enables many different individuals to join forces, which can enable more cohesion than bifurcated identity politics. Increasing potentials for cohesion and the size of the collective can increase its efficacy as a bloc.

The hetero-norm remains the standard, and much needs to be done in order to promote queer and sexual liberation. How hetero-normativity needs to be addressed, however, is dependant upon the particular times and spaces of action, but some general avenues for action can be derived from queer theories.

The public / private divide must be addressed. In cases where heterosexuality is the salient norm, groups would do well to expose it as such and create a space for debate and political engagement. Sex education in schools could be an area to pursue this strategy. In many places sex education is based on biology, heterosexuality, procreation, and STI prevention. Debates about shifting the base of sex education towards pleasure, exploration, and forms of bonding outside of the nuclear family model could create vast changes through coming generations.

The public / private divide can also be engaged in relation to public sex. The space for sexual exploration has recently come under attack in many places, and these spaces need to be defended. Space, private (commercial) and public (non-commercial), enables people to put experimentation and curiosity into practice. Public sexual space is particularly important in places where people live in the home with the family or extended family, as there is most often no space for queer sexual exploration within the familial home. In these situations, a homosexual identity would prove meaningless without public space for sexual exploration. Some of the queer groups of the past can contribute to the structures and strategies of future political activism. The late 1980s saw the formation of several explicitly queer groups in the USA, such as Queer Nation, Outrage, and ActUp. These groups emphasized direct action and sought to build affinities with other oppressed groups. Common tactics included play and performance mixed with an in-your-face message (e.g. a kiss-in, or the staging of a mass death in order to raise awareness of HIV/AIDS), as the cultural was engaged as a site of political engagement. The tactics of these groups could serve as loose models for new, creative forms of action.

Conclusion

The queer approach presented promotes an understanding of how sexual identity functions as a method of disciplining and regulation and demonstrates how politics based on identity perpetuate the lacking 'mimicry of man'. A shift away from politics based on sexual identity is therefore necessary. In the push for a 'new humanism', Fanon proposed a revolutionary

reconceptualization of the colonized self. Toward the same aim, perhaps queer theories and politics can effect a revolutionary reconceptualization of the sexualized self. By de-emphasizing sexual identity, desexualizing the mind, and focussing on series as bases for collective action, queer politics might be able to do the work identity-based politics has not been able to do.

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The World Minimized, The Homosexual Maximised?

Gert Hekma

In a global world, the homosexual community is faced with various conflicting tendencies. The most important of these are the emergence of homosexual life and movement in all corners of the globe, and the growing activities of puritan organisations that embitter the life of sexual minorities. An important question concerning homosexual rights is, who are these gays that claim their place under the sun and what rights are they fighting for? I will discuss these four themes of movement and anti-movement, of identities and rights.

Globalization of the Homosexual Movement

The homosexual rights movement that started in 1897 in Germany has spread around the world, slowly at first, but rapidly in the last decade. Up until 1970 these types of organisations only existed in western countries, excluding Spain or Portugal. With the sexual revolution they spread to Latin America, South Africa and South East Asia. Since 1990 such movements sprang up in the countries of Eastern Europe, throughout Asia, and there were even some brave initiatives in black Africa and the Arabic world. In communist China there are no formal organisations, but homosexual initiatives rustle on the Internet, around karaoke clubs and on sports fields. In India the queer movement is booming. In Nepal, politicians debate whether the rights of gays, lesbians and transgender persons must be anchored in the constitution, as in South Africa but this time including transgender people. The *International Lesbian and Gay Association* (ILGA), the *International Gay Lesbian Youth Organisation* (IGLYO) and the *International Gay and Lesbian Human Rights Commission* (IGLHRC) promote the international concerns of the gay movement. A small group of countries (the Scandinavian countries, the Netherlands and Canada) and NGOs such as Hivos and Mama Cash in the Netherlands also support gay and lesbian initiatives.

It is not only the gay and lesbian movement, but the entire homosexual community that is flourishing. Gay bars and nightclubs can be found in all corners of the world, from Tokyo, Shanghai and Surabaya to Havana and Paramaribo. Even in environments that do not favour gays, places can be found where gays and lesbians gather. Internet, media and films show homosexuality in many forms, and many young people discover that they are gay or lesbian via these reports and images that are produced in a world that is completely different from their own. All this attention stirs not just gays and lesbians but also their adversaries. The Canadian-Indian movie *Fire*, for example, about the love between two women in India has led to disturbances between police and Hindu nationalists who are opposed to homosexuality. Gays and lesbians ensured they stayed out of view.

Counter Forces

Opposing the gay and lesbian movement is a much more powerful lobby of religious organisations, nationalist parties, states and NGOs, which have adopted positions opposed to sexual human rights. Indeed, there was a powerful bond between former US president, George W. Bush and the 'axis of evil' in the sexual politics area. Christian and Islamic politicians are both opposed to sexual rights for gays, lesbians, sex workers, transgender persons, unwed women and children. Bush, Pope Benedict and Bin Laden created a devil's pact against sexual freedoms, even against erotic frankness, where non-governmental and intergovernmental organisations play an equally pernicious role. Some countries, including the US, use development aid for sexual politics, to fight sex education, abortion and the use of condoms. For UN organisations, children's rights mean protection against sex rather than preparation for sex, and you are a child until you are eighteen. As a result of that policy, youths that make choices other than heterosexual ones are left completely out in the cold. Organisations such as ECPAT and Terre des Hommes, which say they want to protect children, focus vigorously on young sex workers, who often make more money with less effort and risk prostituting themselves than they would working on a farm, in a factory or re-stocking shelves in a supermarket. They prefer to denounce gay prostitution and to exaggerate the number of minors who are (gay) sex workers. These organisations, with the UN in the lead, are strongly orientated to women, marriage and family, and so far offer no recognition whatsoever to gender and sexual diversity. On most levels, sexual citizenship (Hekma, 2004) is no match for the religious citizenship. There is no UN treaty that has included gay rights. Sexual freedom is not guaranteed anywhere, while freedom of religion, even if it is used against others, belongs to the mantra of international rights. Taiwanese researcher Josephine Ho (2008) warns against the broad puritan lobby that is supported by some countries, mostly out of opportunism, to avoid difficult sexual questions.

Diversity of Homosexual Forms of Expression

The third question is what homosexuality is all about. In the West the image people have of gays and lesbians is one of adults that have an almost exclusive preference for their own sex and form a minority. Many people think that that sexual preference is innate; it is nature, according to many gays and lesbians themselves. Persons with such a preference would have no special gender identity. Most heterosexual people feel differently. The most common idea about gay men remains that they are faggots, not real men, while lesbian women are viewed as masculine and sporty. In the past, although many gays and lesbians were eager to find a 'normal' identity, most people accepted the idea that gay men were sissies that did not fancy each other, but fell for real men, machos, soldiers, sailors and construction workers, on stage guaranteed heterosexual, but not off stage. The same was true for lesbians. They were butches who did it with femmes, real women. Sexual desire was all about the existence of differences between man and woman, masculine and feminine, young and old and rich and poor that would attract each other. At that time sex between equals was almost inconceivable. These days the tables have been turned and unequal relations have become taboo.

It is exactly these old-fashioned forms of gay relationships that are still considered standard everywhere in the world; butches with femmes, ladies with gents (see the article regarding the Graeme Reid's thesis in this publication). The faggots of the Arabic and the Turkish world (zemels and ibnes) do it with 'normal' men - who never view themselves as gay but do engage in gay sex. This kind of gay and lesbian love is generally practiced in Asia, the Middle East, Africa and Latin America. Only in the West is the homosexual model of two men, no longer faggots, who have an equal relationship, the norm. This model is gaining ground in other countries, but is still far from common. Many men have same-sex contacts in addition to their heterosexual relations. This can be with transgender persons in prostitution or with other men in parks and other places. This is called MSM (Men who have Sex with Men), a term that implies they do not adopt a homosexual identity.

Although many homosexual men and (fewer) homosexual women embrace this western model, it is also criticised. In his book, *Desiring Arabs* (2007), Joseph Massad accuses the 'gay-international', such as the International Lesbian and Gay Association (ILGA) and the International Gay and Lesbian Human Rights Commission (IGLHRC), of forcing their model of homosexuality and homosexual experience on the rest of the world, his most important issue being that all men and women that are involved in gay sex will have to ask themselves whether they are homosexual or heterosexual. Most will make a heterosexual choice and, as a result, will abandon homosexual sex, and homosexual liberation will not move forward because gays will be viewed just as negatively as faggots were previously. LGBT persons remain second-class citizens. There is no reason to assume that it is any different in the Arabic world than it is in the West, where nowadays, fewer people actively participate in gay life, but those who do participate more intensively. Exclusive heterosexuality has become the norm, while 'situational' homosexuality is losing favour, particularly amongst youths that are developing their sexual preferences.

Massad's criticism is important, but there are two questions that are not sufficiently addressed. First, the western gay model is propagated via media, NGOs, church and science and by anti-gays such as Robert Mugabe. The gay-international has limited influence. The emergence of the gay model might not be an unavoidable process, but for now it does set the tone worldwide, in spite of the homosexual movement. Secondly, there is the question of how appealing it is to be a faggot or a sissy in the current political constellation. Women in South Africa are protected by the constitution, but in most countries, faggots, transgender persons and bull dykes are scum who face insults and violence on a daily basis and turn to these themselves at times out of defence. In my opinion Massad glorifies gay life of the past too much. His criticism does raise the question of what conditions are required for universal sexual freedom to flourish. In the West, the space for sexual diversity remains limited, but it is doubtful whether it is much larger in the Middle East. There is a great deal to be negotiated within the current culture of doing it and keeping it a secret. Heterosexuality might not yet be the norm, but the reproductive marriage is. It is a matter of out of the pan and into the fire, and in both cases it leaves little room for undisturbed gay life.

Few people who display homosexual behaviour identify themselves as homosexual. There are local variations everywhere, such as transgender persons, people who do not view them-

selves as typical male or female. On the male side, there are the *Warias* in Indonesia, *Kathoeyes* in Thailand, *Hijras* and *Kotis* in India, *Travestis* in Brazil and dozens of names in American-Indian cultures. In the West we are familiar with drag queens, transvestites and transsexuals. On the female side there are the butches, lady boys, lesbian men and tomboys. The sexual partners of these transgender persons are completely invisible and have no names like the 'hetero' men that have sex with faggots and sissies or the femmes that go out with butches.

Another category are sexual acts engaged in by youths, with each other and with adults, that probably occur just as often as those of adults of the same sex, particularly when observing an age limit of eighteen years old. Such contacts are still common in India and Latin America, and were common in ancient Greece, Japan, China, amongst Melanesians and Moluccans, and in various African tribes. Until recently in Europe, little distinction was drawn between homosexual and paedophile contacts. Celebrities such as Oscar Wilde and André Gide operated more on the paedophile side of today's age limit than the homosexual side. People from this large group will seldom identify themselves as gay or lesbian; the youths because of their age and the adults because of the demonization of 'paedophile' contacts. The gay-international distances itself vigorously from this group of gay relations. In the early nineties, pressured by the US, the ILGA banned all organisations that pleaded for sexual rights of youths and paedophiles. Instead of fighting for homosexual rights, including those of the youngest participants in gay life and combatting abuse, the ILGA went along with the denial of such rights for youths that often can and want to make their own erotic choices.

There is tremendous variety in the forms in which people have homosexual contacts and define their gender positions. The western gay model might be moving forward in the rest of the world, but for now there are many other ways to experience same-sex sex as well.

Sexual Rights

The fourth point involves rights for which the homosexual movement pleads. In the US, same-sex marriage and admission to the army are high on the agenda. In Europe, visibility and sex education have become central themes, as has discrimination in the streets, schools, sports, at the work place and with housing. In many countries resistance against legalised discrimination is the most important point. In some, gay sex is still punishable by death. These are islamic countries such as Iran, Yemen, Sudan and Saudi Arabia. In former English colonies including India, Malaysia and Zimbabwe, prison sentences apply. The legal practice differs by country. In some states the law is just a dead letter, but Saudi Arabia and Iran still execute men that have been accused of 'liwat' (what is called sodomy in the West) on a regular basis.

Apart from equal rights, for which the homosexual movement generally fights, there are two more general points that are important to mention with respect to developing countries. First, gays and lesbians generally do not have any private space for sexual expression; no bedrooms, homes, or even bars where they can meet each other unhindered. As a result, gay men in particular use public areas such as parks, urinals, deserted alleys, porches and train

wagons for their sexual contacts. Even in the West the gay movement hesitates to fight for the right to public sex. In developing countries it is of bitter necessity because there are no other places. To me it seems an important theme for the international movement, not just for gays but also for sex workers and youths. Transgender persons that used to perform 'women's' work are more often banned from these jobs since women are now allowed to do these public jobs (cleaning, hair and body care, hospitality, entertainment, ritual tasks). As a last resort, they make money from street prostitution.

The second point concerns the sexual rights of youths. In spite of a worldwide movement to keep youths in a state of tutelage with regard to sexuality, youths remain sexually active everywhere, and there is no way to stop it. In the old days this did not always create a problem, or little attention was paid to it. Elsewhere it was strictly forbidden, particularly for girls whose virginity had to be 'protected'. In some cultures, such as India, child marriages were common practice. The prophet Mohammed married Aisja, a six-year-old girl, and when she was nine they started to cohabit. Homosexual practices were sometimes part of the initiation of boys in the man's world. Papuans thought that a boy could not become a man without taking sperm either orally or anally. With the Sudanese Azande and the Ottomans, adolescents performed all 'women's tasks', including those of a sexual nature, for men during war expeditions. It was no different with the mineworkers in South Africa. In his book *Travesti*, Don Kulick describes how eight-year-old boys hit on men and enjoyed it, ten years younger than the UN allows.

The efforts of the UN, states and NGOs in the area of child protection 'in actuality both reinforces heterosexual monogamy and debunks cultural diversity as inherently confusing and thus harmful for children'. (Ho, 2008, pg. 2) Children are protected by parents or schools and are raised to be reproductive heterosexual and monogamous adults. In such a system there is no place for gays or lesbians or for youths that feel like having (gay) sex. Instead of describing children's rights as protection against sex, it would be better to emphasise their right to sex education and self-determination. The pretence that children are autonomous sexual creatures only from the age of eighteen does not do justice to reality nor to their rights as sexual beings. For non-heterosexual children it means that they are exposed to the force of hetero norms that are not theirs and that can cause them lifelong harm. The same is true for children who do not fit into the typical male-female-image, such as the transgenders and intersexuals, sluts, girls who do not behave in a feminine way and boys who do not behave in a masculine manner.

The battle for the right to public sexual space and for lower age-restrictions on sexual activity among youths is about essential controversial themes. The most serious forms of discrimination with regard to sexuality and gender take place during the period of puberty. When youths do not behave in accordance with hetero-norms, they go through rough times. It is the period of final disciplining that is often accompanied by invectives to ridicule 'deviant' behaviour, and it is often youths who do this to each other. The 'misfits' are scolded by the other students, parents, teachers and other authorities with insults like faggot, sissy, slut or son of a whore, and are forced to keep straight, which they often do not want or cannot. Sometimes it involves violence (honour crimes in extreme cases), often it happens with the

necessary force and pressure where an appeal is made to religious and cultural 'traditions', or sometimes 'nature', that grab bag of occasional arguments that are never used against marriage, but always against sexual diversity, which is much more natural than marriage.

Conclusion

For now, the dominance of the western gay and lesbian model only applies in the western world and is controversial even there. There are plenty of men and women still completely in the closet who maintain distance from gay and lesbian worlds and identities. Moreover, there are 'queers' who believe that most people are capable of making a homosexual choice but do not because of hetero norms. Also, the local versions of what it means to be homosexual, lesbian or gay will always remain, failing to conform to the 'global gay' model. There are boundary conflicts between gays and lesbians that are often overlooked, and transgender persons that are almost always overlooked. People who only occasionally move in gay circles certainly cannot count on any recognition.

An important problem of the gay model is that it has led to stagnation and arrogance, and a sense of moral superiority of the West as opposed to the rest of the world. Many gays and lesbians in the West strongly believe in their sexual identity, are convinced that it is better here than it is there, and do not resist the hetero norms because they have become anchored within themselves. The rage that got the gays and lesbians going during the sexual revolution has died down. The western movement has achieved many successes, more in the EU than in the US, but they are relatively weak because the hetero norm has not been dampened; on the contrary, it has been reinforced. The western gay and lesbian movement looks worn down and seems to stagnate in the rigid machinery of institutions. In many countries the homosexual movement has become detached from the problems that gays and lesbians are faced with in daily life. The Dutch COC, for example, is dependent on government funding and hardly represents the interests of local LGBT people any more.

In developing countries these problems take a different shape. On the one hand there is great pressure from various organisations and foreign governments via aid programmes to implement western norms in the areas of gender, sexuality and relationships. In many places a strong belief in a strict gender and sexual dichotomy is drummed into peoples' heads if it did not already exist locally. The duty to 'protect' 'innocent' youths against every form of non-heterosexual contact or sex before marriage constitutes a serious threat to their sexual civil rights. Many countries know marriage coercion that, as a result of western influence, is changed into a hetero-norm that leaves no room for sexual diversity or public forms of sex. Sexual morals become more limited and restricted in a world that prides itself on freedom and diversity. Unfortunately, the anti-sexual movement is much stronger than the pro-sexual movement and it has more support from governments, religious organisations and NGO's.

There is no global movement that defends and promotes sexual civil rights against all puritan institutions, but one can distinguish a little bit of hope here and there. The internet offers extensive opportunities for meeting, activism and acquiring knowledge in the area of homo-

sexuality. In many places outside the West, the movement is more vital and more involved in the needs and desires of gays, lesbians, MSM and transgender persons. There, institutionalisation has just started and no political goals have yet been determined, so the future is more open than in the West. The energy, curiosity and drive in those countries might lead to different, more interesting results than in the West. We have already seen the example of South Africa. Ten years after apartheid, gays and lesbians serve in the army, may marry, and their rights have been secured in the constitution, while in the US these objectives, after fifty years of gay activism, still remain dreams of the future.

At the same time, gay and lesbian practices are not as consolidated as in the western world with its fixed identities. In Asian countries interesting ways have been created to integrate gays and lesbians into the family. There are lively street, sports and disco cultures for men and women with homosexual preferences that are not marked by the wariness and arrogance of the people of the West. The 'gay-international' still has a long way to go, but its chances might be better in non-western than in western countries, and in the 'new' countries (with regard to the movements) they might be more open to innovative themes such as diversity in the area of sex and gender, public gay expressions and sexual civil rights of youths. It is possible that the new 'sex/gay capitals' are no longer in the West, but in the South or in the East, in Cape Town, Bangkok, Mumbai, Manila, Shanghai or Surabaya. Queer people there are more innovative and curious.

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Behind the Mask

Bart Luirink

Since spring 2000, the Johannesburg-based website, *Behind the Mask* (BtM), has been providing information to people about developments surrounding homosexuality in Africa. Attracting tens of thousands of visitors each month, *The Mask* has built a network of hundreds of African partners and informants over the course of several years. Soon, French-speaking people will be able to participate as well.

The symbolism cannot be missed by anyone. *Behind the Mask* is based in the offices of the Women's Gaol, the former women's prison of Johannesburg. For much of the previous century, women who had broken apartheid laws were held here, where current employees of *Behind the Mask* produce an E-zine. This interactive gay organisation is both an expression of acquired freedom as well as enduring struggle.

The prison is now a museum, like the Old Fort situated next door where men were once held. Both complexes basically embrace the newly built Constitutional Court of South Africa, the highest court in the country, which instructed its parliament in December 2005 to enact legislation legalising same-sex marriage and implement the legislation within one year. New and old buildings there shelter the official Gender Commission, The Public Prosecutor and the Forum for the Empowerment of Women (FEW), a black lesbian organisation that originates from *Behind the Mask*, combining to form Constitution Hill, situated on the outskirts of the centre.

The solitary confinement department of the women's prison contains six cells where the lights never went off. Today these are exhibition rooms that tell the stories of the women once held there. Nolundi Ntamo was a regular; she was repeatedly arrested because she didn't carry a passbook (proof of identity). Yvonne Ntonto Mhlauli was arrested at the age of 22 because she held the hand of a white man. He got a warning; she disappeared under lock and key. Sibongile Tshabala had the audacity to brew traditional beer. Liliane Keagile was charged with terrorism and was tortured several times. Albertina Sisulu was arrested with two thousand other women because they had demonstrated against apartheid. In other exhibition rooms appear the names of comrades: Barbara Hogan, Lilian Ngoyi, Winnie Mandela, Fatima Meer and Helen Joseph.

Visitors to the BtM office often enquire how they managed to acquire office space on this holy ground. It's very tempting to wear a tired face and describe exasperation over endless meetings, dozens of e-mails and telephone calls, intensive lobbying and constant pressure on the authorities; to tell how it almost went wrong because christian fundamentalist homophobes caught wind of it and the new ANC leadership (African National Congress) which had voted for a gay-friendly constitution, turned out to be less brave in taking action.

The truth is that it was arranged within half an hour over a cup of coffee with one of the directors of the Johannesburg Development Agency, which was responsible for the devel-

opment of 'Con Hill' and the rebirth of the centre once marked by crime and blight. It is likely that there was a hidden agenda and the settlement of a LGBTI organisation on the hill fitted well. It exists in an atmosphere of normality among numerous receptionists, guards, construction workers, ushers and guides. Consequently, once there, one fancies oneself in the Promised Land.

This does not mean that it's now all paid down on the nail for gays and lesbians in South Africa. But the offices of BtM and FEW do indicate a deep transition to a constitutional state that started less than one and a half decades ago. In the old apartheid South Africa, homosexuality was a mortal sin and penalised. In the new South Africa, equality is law. How much this truth has become generally accepted for homo-activists dawned on me when I noted the disappointed reaction of a BtM spokesperson to the earlier mentioned historical decree of the Constitutional Court instructing parliament to legalise marriage between people of the same sex within twelve months. 'Now we have to wait another year,' she sighed.

Visibility - © Behind the Mask / Lesego Masike



South Africa's dark past seems far away. In October 1990 while I was visiting, the first Gay and Lesbian Pride March passed through the streets of Johannesburg, directed by Simon Nkoli and Beverly Ditsie. A few hundred young people, many with paper bags over their heads, exuded the optimism of the moment. In the years since then, the young gay movement increased the pressure. Its leaders took to talk shows on radio and television, and drank tea with Nelson Mandela. Using a long-kept-secret fund from more privileged, exclusively white gays and lesbians, a successful lobby was established for the different parties at the negotiation table. Their first success was a gay friendly clause in the transitional constitution. After the first democratic elections, this lobby took aim at parliament and senate, which led to the second success: in 1997, a constitution that explicitly guaranteed freedom of sexual orientation was almost unanimously voted in. It was a world first. LGBTI groups were established within the South African police, insurance companies and pension funds stopped discriminating, adoption by gay parents was allowed and finally, in December 2006, after another year of waiting, marriage between people of the same sex was legalised. Who still dares to pretend that in Africa everything always takes longer than elsewhere?

If I tell South African friends that it took forty years of discussion, and the absence of christian-democrats from government for the first time in centuries, for same-sex marriages to be legalised in the Netherlands, they look at me with astonishment. In South Africa the whole exercise didn't take more than ten years.

Meanwhile, neighbours took a completely different direction. The Zimbabwean president, Mugabe, opened the Harare book fair in 1995 with a hunt for gays in his country. In a speech he called them 'less than pigs and dogs'. The managers of the fair felt obliged to exclude the organisation, *Gays and Lesbians of Zimbabwe (GALZ)*, which had registered for a stand for the first time. That there were gays and lesbians in Zimbabwe could not have been news to the president. His predecessor, Canaan Banana, was himself an eager lover of same-sex intercourse. The Zimbabwean AIDS activist Lynde Francis told me in 1995 that that was a public secret. 'Banana had a football team and to be admitted to the team criteria other than good performance applied.' But when GALZ announced they wanted to present a booklet about homosexuality during the book fair, the silent tolerance vanished. Mugabe was happy to have a new scapegoat: the economy of the country was showing its first cracks.

This is the African split - Zimbabwe versus South Africa. Tradition and culture versus modernity. 'Don't tell, don't ask' versus visibility, coming out and identity. The same pattern manifests itself time after time. Organisations of gays and lesbians form and the rulers reject them. An activist allows an interview. 'It's strange to our culture,' a minister calls out. The activists announce an assembly. 'Hold your tongue,' declaims the bishop, 'it is a western import'. Zimbabwe, Namibia, Uganda, Ghana, Nigeria, Cameroon - it's the same story everywhere. During survey trips in spring 1998 for a book about the life of gays in the south of Africa, I constantly encountered the oscillation of action and reaction. But at the same time it became clear how far the genie was out of the bottle, and that reality in reactionary countries is often more complex than it seems from the outside. Gay activists in Zimbabwe were amongst the first who dared contradict the president and hence became trendsetters. Their organisation experienced a turbulent increase after president Mugabe's attack on gays in his country. Across the border in South Africa, a contrasting development was taking place. After all their successes, a substantial part of the gay movement ended up in crisis, and the leading Gay and Lesbian Equality Project fell prey to (financial) mismanagement.

A memory: It's Sunday afternoon in August 1998. The doorbell rings and Simon Nkoli, my neighbour, stands at my doorstep. 'I have all the South African participants of the Gay Games in my house. Can you come over and tell them something about Amsterdam?' Later, about fifty black boys and girls were listening breathlessly to a predictable explanation of canals, our wealth acquired from former colonies, the Reguliersdwaarsstraat, the night sauna and Vivelavie. I think it was on that Sunday that I realised what it could mean to be amongst peers for two weeks. To be part of the majority for fourteen days. And some weeks later the delegation set out for Amsterdam. No gay bar was skipped. During the debates the South Africans did most of the talking. For the first time, and for the last time, an almost entirely black delegation carried the new South African flag inside the stadium, to tumultuous applause. In 1993 Simon was told he was HIV-positive and announced he would witness the Gay Games of 1994 in San Francisco. Four years later he was in Amsterdam. Back in Johannesburg, he showed me pictures of the two weeks of celebration. Here and there stood a single Zimbabwean, a couple of Namibians and a Kenyan hidden between South Africans. 'In 2002 all African countries will be represented,' he enthused. 'We have to hold on to this moment!'

Simon died on 30 November 1998. His role in the struggle for equality of gays and lesbians is unequalled. Many publications about his life have materialized and Beverley Ditsie made a touching documentary, 'Simon and I'. A corner of Johannesburg's cosmopolitan Hillbrow area is officially named after him. Former South African Minister of Defence, Moshua Lekota, spoke at his funeral. In the eighties, together with Nkoli, he had been a member of a group of anti-apartheid fighters brought to trial on the charge of high treason. Behind prison walls, the men entered into furious discussions about homosexuality. Nkoli was confronted with prejudices and the fear of his comrades that the state would use this theme against the suspects. He won the debate, as Lekota reminisced during his funeral oration. 'During those days, an awareness grew that in the South Africa after apartheid, nobody should be excluded from equal rights. (...) When we sat down at the negotiation table it was self-evident that we would stand up for our homosexual comrades as well,' he said. In November 2006, during a parliamentary debate on same-sex marriage, Lekota called the resistance of other African leaders 'repulsive' and 'primitive'.

There is a discreet quarrel going on amongst historians about who or what influenced the ANC to choose a different direction from that of the rulers of many other post-colonial nations. Some assign a great deal of influence to the role of European anti-apartheid organisations, who put the issue on the agenda of the ANC. Others state that ANC legal experts such as Albie Sachs and Kader Asmal performed a key role. The British activist Peter Tatchell, who addressed the ANC leadership in an open letter in 1987, claims that the ANC's support for gay rights was especially due to his efforts. In his lectures about this matter not one black South African plays a role. Undoubtedly, all these factors have had an influence, but it's the contribution of black South Africans like Nkoli that turned the tide during the internal ANC debate. After all, they are the physical proof that homosexuality is not a western import, not 'un-African' and not contrary to culture or tradition.

This story is a long preamble to that of the office on the hill, on the outskirts of the Johannesburg centre, where about ten young South Africans refresh a website and maintain a sizable network of activists and friends in Africa every day. But it is a necessary introduction

to show that the *Mask* is taking root in recent South African history. An involved outsider, a Dutch journalist who was tired of being a correspondent, might have introduced the idea. The result is the expression of the desire of Africans to make themselves visible; to exchange experiences, tell stories, pose and use new technology for what you may call a liberation struggle. *Behind the Mask* has held on to the moment of which Nkoli spoke, and moulded it into a virtual variant of that delegation of fifty that entered the Amsterdam Arena in 1998. But above all, *Behind the Mask* is an African organisation. That might sound like a given but for a long time this was extraordinary within the South African landscape of LGBTI organisations that were mostly dominated by white South Africans in the nineties, and some even up to today. At assemblies and conferences I have repeatedly heard delegates of these organisations sing the praises of the necessity of ‘transformation’ after which a lamentation was started about the many pitfalls on the road to an organization with colour at all levels. One could wonder to what degree the doubts about the ability of black South Africans to set up and lead organisations is based on a fear for the loss of their own positions.

Originally, we had spoken about a newsletter. I come from a generation that filled a large part of the day with copying, stapling, stuffing, writing and stamping envelopes. Since 1999, I had had email and access to the Internet, but it didn’t occur to me that the development of a website would be an option. A good friend of mine pointed out that possibility enthusiastically. It’s not that difficult, he said. And much cheaper. The next day I awoke in cyberspace. Emmanuel d’Emilio, a Young Namibian journalism student who had lost his parents’ financial support because he was homosexual, offered the name: *Behind the Mask*. After months of pondering who could design a suitable logo, I realised that visual artist Clifford Charles lived around the corner. I had met him in The Netherlands as a guest of the Amsterdam Thami Mnyele Foundation, which runs a residence for African artists. Now very successful on the international art scene, Charles had made a trademark of androgynous masks. The assumption that it might not be possible to find a black homosexual Webmaster was rejected at a conference of the International Gay and Lesbian Association in Johannesburg in 1999. At one of the sessions I met Zanele Muholi, who described these discussions on her laptop and completed a summary before the end of the meeting. ‘What do you think?’ she asked as she put the laptop in front of me. Afterwards she told me she was taking classes in web-design. It took some time before she quit her job and became employed by *Behind the Mask*. She is a well-known photographer and filmmaker now, whose work is shown in New York, Amsterdam, Kaapstad and Toronto.

Of course, every once in a while there was a burglary and an editor-in-chief disappeared. This sounds more dramatic than it really was; there is a constant pursuit of talented black South Africans and the temptations of considerably higher salaries and more career opportunities are great. The AIDS pandemic has also had major consequences for the organisation. Some years ago, Npumi Njinge, a regular at *Behind the Mask*, passed away. This was reason to examine in the temporary BtM working group called ‘*Mpumi’s Friends*’, how it was possible that the AIDS education in South Africa was almost ‘de-homosexualised’, while gay-activists such as Nkoli and Zackie Achmat had taken the lead at the beginning of the nineties. And what to do about it? (I remember the often hilarious ‘condom droppings’ in Skyline, the black gay café near ‘Nkoli Corner’.) The pandemic often took up the leisure-time of BtM staff. ‘Are you free this weekend or do you have to go to a funeral?’ I sometimes heard them say to each other.

Supported by the unprecedented coaches Nell & Shapiro, *Behind the Mask* director Thuli Madi has translated the HIV/AIDS truth of this country into 'office policies' that includes access to a non-discriminatory medical insurance. Such realities influence the functioning of the organisation and postpone developmental speed once in a while.

In February 2007, *Behind the Mask* formulated its mission statement as follows: '*Behind the Mask* is working towards a continent where lesbian, gay, transgender and intersex people have a proud and celebratory voice and information on LGBTI issues is readily available to all. Throughout Africa, human rights of everyone are recognised as indivisible and are guaranteed.' It is a clear statement that leaves room for continuous discussion, careful consideration, strategic choices and recalibration of often more, occasionally less, successful projects. How do honest journalism, the necessity to critically follow the LGBTI organisations on the continent and engagement with the broader movement for equality relate to one another? How to build bridges between African environments of activists, NGO's and students and LGBTI persons in rural areas without access to Internet or email? How does *Behind the Mask* create optimal balance in its report? Not only news from Johannesburg, but also from other parts of South Africa. Not only from South Africa, but all regions of Africa. Not only English, but also French. Not only English and French, but also Portuguese. Not only European languages, but also African languages? Not only with relevant issues for men, but also for women. Not only 'LG', but also 'BTI'. Not only for their own community, but also for curious people from the straight world. Not only activist themes, but also coming out, health, religion. Not only a website, but also other (new) technology like radio, digital video and photography, iPod and SMS. Not only new technology, but also a broad approach, where old and new media are interrelated in a broader perspective in which each plays its part. In other words: a paper edition of *BtM* can't exist without a digital edition and vice versa. Both can't do without activities such as debate, a Club *BtM*, the development of networks, etc. And last: how can the organisation, which gets financial support from Hivos, Atlantic Philanthropies, NIZA Media fund and the Astreea Foundation, generate its own income and also appeal to the South African government?

But the discussions in the 'editorial room' or the boardroom of *Behind the Mask* aren't confined to matters of the specific role the organisation plays within a broader African LGBTI movement. Consequently, the employees of *The Link* call it the networking department of *BtM*, regularly receiving questions from European or American asylum lawyers searching for information that supports their clients' interests. The requests for asylum do not always appear legitimate, that is, as long as the tenets of western asylum policy are used as the principle. How are the employees of *BtM* dealing with such questions? From time to time, information reaches reporters about dubious LGBTI groups comprising fortune hunters who seek income in the gay struggle. What do you do with information about these 'gay by day, straight by night' activists?

Or a more recent question: after two black lesbians were murdered in 2007 in Soweto, there seems to be increasing 'hate crime', so why, in the freed South Africa are more gays and lesbians assaulted and murdered than in other, more homophobic countries of Africa? It has been well over ten years since South Africa realised equal rights for gays and lesbians and the Zimbabwean president started the witch hunt on them.

It is nine years since the establishment of *Behind the Mask*. What is notable is that homo-

phobe leaders rarely deny the existence of gays and lesbians in Africa any longer. Increased visibility has effectively undermined this 'argument'. But the new visibility, to which *Behind the Mask* has provided such a big contribution, places the activists in new dilemmas.

Website: www.mask.org.za

Dutchman Bart Luirink is living in Johannesburg, South Africa. He was initiator of Behind the Mask and since 2006 limits his involvement to membership of the Board of the organisation. His published works include Moffies, Gay Life in Southern Africa, which was published in both Dutch and English. Since 2004 he's been chief editor of ZAM, an independent opinion periodical about Africa in Dutch. With Madeleine Maurick he is working on a book about the struggle of gays in Africa, scheduled for publication in 2010.

Simon Tseko Nkoli (I)

Ireen Dubel

In 2007, the South African Gay and Lesbian Archives, *Gay and Lesbian Memory in Action* (GALA) celebrated its tenth anniversary. In a relatively short period of time, these archives have been able to assemble a unique collection focussed on the history of gays and lesbians in South Africa. Magazines, videos, newspaper clippings, minutes of action meetings, T-shirts, interviews, letters and photographs have all found their way to the archives. By making the collection accessible GALA wants to contribute to the actual realisation of the rights of LGBT persons as established in the South African constitution.

'23.04-85

Dear Roy

I am trying to get at least contact with you. But I can't really. I wish I can tell you how well I am, to know about your health. Good gracious Roy, I am not sure of my spelling. My language is so bad. But anyhow, I'll be glad to hear of you. I'll be very happy to know that you haven't gave up praying for us (detainees).

Roy, because of thinking of you every time, I'll try to face life - though sometime I think otherwise. I completed seven months today, thank God. Here I am, with Johnny [co-defendant] trying to bring me back to the normal world. I appreciate him so much that I'm becoming fond of him - pity he's not gay, isn't it?' (2)

To mark the occasion of the tenth anniversary, a new GALA publication was issued. The first booklet in a series on the LGBT history of South Africa focused on Simon Nkoli and the letters he wrote in prison. Those letters form one of the earliest and most important collections at GALA.

Simon is the best known and quite possibly the most beloved LGBT activist of South Africa. His main theme was the indivisibility of all human rights. As a student, he was involved in the uprising against the introduction of Afrikaans as a medium of instruction in black schools and took part in the demonstrations in Soweto in 1976. It was in the student's movement that he came out of the closet. Simon became a member of the gay organisation, Gay Association of South Africa (GASA), a primarily white, apolitical organisation. He founded a group and organised a place for the black minority membership to meet.



Simon Nkoli in the early 1980s - © Gala (Gay and Lesbian Memory in Action)

In 1984, along with 21 other anti-apartheid activists, he was arrested. Nine months later he was charged with treason, attempting to overthrow the state and possible cooperation with the African National Congress (ANC), then a banned liberation movement. These 'crimes' were punishable with the death penalty. It took four years before he was released on bail and six years before all the charges were withdrawn. Upon his acquittal in 1990, he observed: *'In South Africa I am oppressed because I am a black man, and I am oppressed because I am gay. So when I fight for my freedom I must fight against both oppressions.'* He therefore went on to found a new non-racial gay organisation called the Gay and Lesbian Organisation of the Witwatersrand (GLOW) which organised the first Gay and Lesbian Pride march in 1990. One of the first South Africans who were open about their HIV-positive status, he was very active within the AIDS movement in the last years of his life.

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AAN TO Roy i Alfred
115 A Doran Street
Belgravia
2094

HOOF VAN DIE GEVANGENIS
 1986-05-02-
 MODDERBEE
 HEAD OF THE PRISON

YOU OF STIPPELYNE VANAF 1 TOT 2—FOLD ON DOTTED LINES FROM 1 TO 2

NAAM EN ADRES VAN AFSENDER—SENDER'S NAME AND ADDRESS
Simon Nkolo HO 13/85
Modderbee Prison
Private Bag X 1045
Benoni 1560

INSLUITINGS WORD NIE TOEGELAAT NIE—ENCLOSURES ARE NOT PERMITTED

BEGIN HIER SKRYF—START WRITING HERE

Hellow you two! 18.04.86
 How are you, my love? I have nothing new to tell you. It is all the same old story that I am still living from one day to another, and I am still protected by mercy of God. Apart from Alfred's visit to me, I had not received a single letter from you. I am glad because this is the sign that

Letter from Simon Nkoli to his lover Roy Shepherd, sent from Modderbee Prison - © Gala (Gay and Lesbian Memory in Action)

In 1998, at the age of 41, Simon Tseko Nkoli passed away.

During the four years of his imprisonment, 1984 - 1987, Simon wrote many letters. He did so in the little time he had to spare between the tough preparations for his trial and attending the long hearings. He wrote letter after letter, sometimes more than one a day, and often for multiple days in a row. He wrote to friends, comrades, and later to people abroad who supported him. His letters to Roy Shepherd, his lover at the time he was arrested, form the core of the collection now held at GALA. *Till the time of Trial* contains a selection from hundreds of pages of these letters. The first letter, written seven months after his arrest, had to be smuggled out of the prison. The last letter he wrote shortly before being released on bail.

Simon's letters always begin with *My dearest Roy* or *Darling*, but his last letter begins with *My one and only Roy*. He also concluded the letters to Roy with passion: *your loving and only Simon or I am all yours, xxx Simon*. Not all of the letters were smuggled out of the prison. They also left through official channels, as illustrated in the booklet via an image of a letter with the red stamp of the prison authorities. In the letters he also refers to censorship by the prison authorities as his letters to Roy would often be too long and therefore too time-consuming to read: *'... Roy the prison authorities say that we are only allowed to write about 500-600 words in a letter because long letters cost the censor a long time to read. He was talking to our committee ... He quoted your letters to me as an example - and when the committee reported that to us, I was embarrassed, but to hear your name made me to blush a little. So honey try to write short letters, because in future they will not give me your letters ...'*

While reading, I was intrigued by the question of which letters were or were not scrutinised by the censor since, in his letters, Simon is very open about being gay. He writes about his frustration that the gay organisation GASA, of which he and Roy were members, does not want to have anything to do with him because his arrest did not have anything to do with him being gay: *'What are the gay related matters Gasa wanted me to be arrested for? Sodomy? Loitering? Public indecent, or what? I am absolutely mad to read about me being arrested on "irrelevant" issues to gay related matters.'* And so he conceives the plan to launch a new organisation after his release and he asks Roy for advice on a good name: *'What about Cosag (Congress of South African Gays) or Nadega (National Democratic Gays Association). Don't you think it's a charming idea?'*

The selection of letters provide a picture of Simon's political beliefs as well as of his deep personal needs, his humanity and sense of humour. He expresses his preference for romantic literature and pop music and his almost daily worries about his clothing, especially when he has to appear in court: *'My dear Roy, I was delighted to hear from you, though I was so disappointed that I did not receive all the clothes I needed ... Tomorrow I thought I will be wearing the light grey trousers and the yellow jacket that you bought for me, when we going to court - Jana [one of the lawyers] seems to like that jacket; every time she comes around she is asking me "Where is your yellow jacket?" ...'* His requests could not always be met and it frustrated him to be so dependent and powerless. The letters show his struggle with the trial and the challenges of life in prison, especially being gay in those circumstances.

Firstly, only a few of his co-defendants knew he was gay. He refers to it in his letters, but not often. *'I am trying this silly method to get this letter to you before they could censor it ... I am much more worried about you than I am about myself ... Roy darling it's not wise to be on your own for such*

a long time - especially when you feel down. I know how do you feel and I put myself in your situation. I do understand it. You are in a situation that many people are, especially in this trial of mine. But other people's conditions are much better than ours you and me - their wives can manage to come and see them when they have the chance ...' (3) And: '... Johnny's girlfriend came on friday as well, so I was the only one sitting there on the benches looking at other people talking to their friends, parents and lovers, wishing that I could have courage to interfere as they always do when my lover is around. I suppose they all don't recognize him because a gay relationship is not supposed to be real.' (4)

After some time he came out, which led to heated discussions within the group. Later, after his release, he explained the reason. The prison warders had discovered that one of the defendants was having a sexual relationship with a convicted prisoner. The other defendants were outraged and condemned homosexuality outright. Simon decided he had to come out. A number of his co-defendants were of the opinion that the state would use Simon's being gay to undermine the moral stance of the anti-apartheid movement that the group was accused of being a part of. There was even talk of a separate trial for Simon, but a few members of the group and the lawyers pleaded for one trial for all. In the end, his co-defendants accepted Simon's argument that discrimination based on sexual orientation was just as unacceptable as racism. He was able to convince them that gay and lesbian rights were part of human rights. His coming out has been of great importance for the development of LGBT rights in South Africa.

Nelson Mandela with LGBT activists Ian McKellen, Phumi Mtetwa and Simon Nkoli, on behalf of the no longer existing National Coalition for Gay and Lesbian Equality - © Gala (Gay and Lesbian Memory in Action)



This is a crucial turn.

Some of Simon's co-defendants would later become part of the upper echelon of the ANC and use their influence during negotiations on the new South-African constitution. Adopted in 1996, this constitution contains a paragraph in the Bill of Rights which explicitly prohibits discrimination based on sexual orientation. (5) With that South Africa became the first country with a constitution that recognised gay and lesbian rights as human rights.

Openness about Simon's HIV-positive status during his imprisonment was an even greater taboo. In his letters he is vague: '... My dear me! I have left your letter in the cell and now I am locked alone in a storeroom. How nice to be on my own at last Roy - Piece in my mind. I feel like asking the Prison Authorities to give me a single cell. I mean Peace not Piece. To live alone where nobody will ever think that I can spread Aids - to live alone where Aids will never come as part of our discussion.' (6) By breaking this taboo as well after his release, Simon has more than lived up to his role of pioneer for the urgency of gay liberation in South Africa, irrespective of colour.

Till the time of Trial has been published with care. In addition to the excerpts of Simon's letters to Roy, it contains photographs depicting Simon's life and an informative introduction to the political context that shaped the many-sided activism of Simon Tseko Nkoli. A new treasure has been added to GALA's publications in tune with its motto: 'Without queer history there is no queer pride.'

Ireen Dubel (MA) is Programme Manager Gender, Women & Development at Hivos. Since its foundation GALA has been supported by Hivos: <http://www.gala.wits.ac.za>

Notes

- (1) This article is a review of: Shaun de Waal & Karen Martin (eds.), *Till the time of Trial: The prison letters of Simon Nkoli*, GALA, Johannesburg, 2007. A pdf file of the publication can be requested from Anthony Manion: anthony.manion@wits.ac.za
- (2) Opening paragraph from the first letter written by Simon Nkoli during his imprisonment, *Till the time of Trial*, p. 13.
- (3) *Idem*, p. 16.
- (4) *Idem*, p. 32.
- (5) *The Constitution of the Republic of South Africa, 1996, Act 108 of 1996*, Pretoria, 1996, p. 7.
- (6) *Till the time of Trial*, p. 44.

Queer Jihad (I)

A View from South Africa

Scott Kugle

Muslims in Cape Town, South Africa, explore ways to be openly lesbian, gay, and transgendered and still be part of a muslim community. Advocacy groups there assert their place as interpreters of islam in a way that is open to diversity and engaged in a quest for justice.

Gay and *muslim*. Do those two words belong together? They belong together because they form the basic identity of actual people in muslim communities throughout the world. As one can imagine, such lives are a struggle - a queer jihad. 'Queer' is broader than the more technical term 'homosexual' and has been used in academic and advocacy discourse to denote lesbian, gay, and transgendered people who draw together into an alliance, each questioning patriarchal assumptions about what is normal, natural, and moral in human society. South Africa has a long-standing muslim minority community living under a new secular democracy. The South African constitution is decidedly progressive, and specifically protects citizens from discrimination based on sexual orientation and gender. The constitution was adopted in 1996, and by 1998 a group of muslims in Cape Town organised the first queer muslim support and advocacy organisation, Al-Fitra Foundation. This organisation has matured into The Inner Circle and has expanded to include branches in the major cities in South Africa. At their second annual islamic retreat in March 2005, I was privileged to meet thirty members of the organization and conduct interviews with some of them. Their stories place the legal and theological issues pertaining to queer communities in a much-needed depth of human experience.

The constitution of South Africa protects the right of citizens to practice their religion. It might appear that South African muslims who are gay, lesbian, or transgendered are empowered by their new constitution to assert their identity and rights. Yet most members of the muslim community interpret religious freedom as the right to regulate internal and community affairs according to islamic custom. For most queer muslims in Cape Town this has meant that when they 'come out' voluntarily or are 'outed' by force, they concomitantly leave their families and muslim community. They find little scope to play roles and live with dignity and honesty with their sexual orientation or gender identity within their religious community.

Muslim Youth Activism

Queer muslim activists are notably young (from 20-35) and have tended to clash with most of the elders of their communities and established institutions such as the muslim judicial counsel that speak for 'orthodoxy' in Cape Town. Many of them have endured censure,

abuse, and sometimes violence or its threat, often without recourse to protection from the state despite its progressive constitution.

Most pre-modern muslim religious authorities asserted that homosexual sex (whether between two men or between two women) is prohibited by islamic law. In the modern context, most go further to declare that homosexual orientation (as a personal understanding of one's self through emotional and psychological forces) is sinful and reprehensible.

Support groups like Al-Fitra Foundation and The Inner Circle contend that this condemnation is based more on patriarchal presuppositions than upon a clear reading of scriptural texts, especially the quran. They, along with feminist and pro-democracy activists, are contributing to an alternative vision of islam that is not based on patriarchal values.

This project is made even more urgent by two forces for social change that are pulling the muslim communities in South Africa in contrary directions: the AIDS pandemic, and the push for muslim personal law. The organisation, Positive Muslims, calls for an islamic 'theology of compassion' that refuses to stigmatize people, such as these suffering from HIV and AIDS, with conventional moralism (see the Positive Muslims website www.positivemuslims.org.za). Queer muslims join them in defining what an islamic theology of compassion might be, especially in regard to sexuality, sex education and health, and sexual ethics. They raise the possibility of islamic same-sex marriages (with great disagreement of whether this would be called *nikoh*), the islamic legal permissibility of 'civil partnerships' (for South African law treats homosexual and heterosexual partners with no distinction), and the risks of promiscuity. Such controversial topics are threatened by the push to have the South African state officially recognize muslim personal law, based upon the classical sharia governing family, marriage, divorce, and inheritance, as the defining feature of the islamic community. (2)

Queer muslim support groups function at many levels. While members of such activist groups may be small in number, this does not mean their impact is small. Even as they grapple with what a non-patriarchal islam might be like, activist muslims who are lesbian, gay, or transgendered are certain that it can exist. They faithfully assert that it will be a recovery of true islam, or at least a progressive islam and join a long tradition of liberation theology centred upon the koran which has been especially strong in post-apartheid South Africa.

Reinterpreting Religious texts

Muhsin Hendricks of the first Lesbian, Gay, Bisexual, Transgendered, Queer and Questioning Muslims (LGBTQ) support group in Cape Town in 1998 was one of the founders of Al-Fitra. The name Al-Fitra, an Arabic term meaning one's 'original and essential nature', points to the core philosophy of the group. Fitra is used in the koran to describe how god created all things, distinct in their individuality yet making up a harmonious whole. *So set your face toward the moral obligation in a true way, according to the original nature granted by God, upon which God fashioned people, for there is no changing the creation of God! That is the original and steadfast moral obligation, but most of the people do not understand.* (koran, surat al-rum 30:30) Traditional theologians read such a verse dogmatically, to assert that islam is the 'original and steadfast' religion, *al-din al-gayyim*, which uniquely conforms to the requirements of human nature that is the same for all people. However, LGBT muslims read it differently (though just as literally!) to assert that god creates each being with an original nature that cannot

be changed, and that the 'original and steadfast' religion is to return to god in harmony with one's inner nature. They hear the quran affirm this, even if living and worshipping in accord with their inner nature is in contradiction with the surrounding society, as *most of the people do not understand*.

Muhsin serves as spiritual advisor and organizer, saying, 'homosexuality is not just about sex. We have very spiritual people among us. I pray five times a day, read the koran, fast, and attend mosque regularly'. Along these lines the group employs certain organisational practices of the Muslim Youth Movement (MYM) founded in 1970. It organises lectures on sexuality and spirituality, weekly *halaqat* or small-group discussions, and *dhikr* sessions of meditative chanting (a sufi practice that is central to islamic practice among Cape Town's muslims). It also makes full use of the internet to provide spiritual and social counselling while protecting anonymity in an unprecedented manner.

Most LGBT muslims assert that their sexual orientation and gender identity are essential components of their personality: either an innate quality they were born with, or an unalterable character from childhood before rational cognition. Muhsin affirms that he was born with a same-sex sexual orientation, knew he was different from the age of five, though 'was sixteen before I realized they called it gay, and came out of the closet years later, at 21'. His story confirms a common pattern of a disturbing feeling of difference that sets one apart in childhood long before it can be recognised in concepts, articulated in language, or accepted in one's heart. For LGBT muslims like Muhsin, spiritual growth is a protest of stripping away the sense of having a 'false self' that is imposed by family, society, and religion, in order to free a 'true self' through which they can sincerely turn to god.

Coming out

Nur, a member of Al-Fitra, recollects the interval struggle and liberation that accompanied his decision to 'come out'. He recalls, 'I came out to my mother when I was 28, which for me was like a rebirth... I was born into my truth, whereas before I was living someone else's truth, their truth'. Nur's comment captures a paradox: his search for truth is driven by religious belief yet appears to be in conflict with conventional religious morality. He continues, explaining, 'I had in my 24-27 year period a great turmoil within myself, between my homosexuality versus me wanting to be god-fearing, or perceiving myself to be god-fearing... But before I could sit [my mother] down, I had to sit myself down! In front of the creator. Not for islam, not for my family, but for me. For my internal health.'

The quran rises above conventional islamic mores and speaks to the existential search for a path toward living sincerely according to one's own inner dispositions: *Say, 'O Lord, allow me to enter in sincerity and to leave with sincerity, and make me draw close to you with the authority of divine aid. And say, 'Truth has come and falsehood melts away - truly falsehood is insubstantial!'* We reveal with the koran that which provides healing and compassion to those who believe, but this only increases the oppressors in loss... Say, 'Each lives by his own disposition, thus your Lord knows who is guided along a right path. (koran, surat al-isra 17:80-84) This is exactly what Nur implied when he spoke of sitting himself down in front of the creator in sincere honesty. 'It's like looking in the mirror and coming clean - no lies. Truth. I only have one life... I always felt that if I should die or my mother should die, I would never forgive myself if I hadn't have told her, and come

clean with my creator and with her.'

While some keep this search for a true self hidden out of fear, others face the difficulty of a bewildered family and often hostile community. Muhsin relates that by age 28, 'it was very hard, but the conflict within me was so great that I had to tell them the truth'. Others come out at a much earlier age. Nafeesa, a transgendered person who was raised as a boy but now considers herself a woman, wears *hijab* to the mosque and prays in the women's section. She calls herself a typical coloured girl raised in the Cape Flats, but in the body of a boy. She was in denial until fourteen, accepted her sexual attraction to men at sixteen, and came out to her parents as 'gay' at eighteen, soon after which she began to wear women's clothes and changed her self-assessment to transgendered rather than simply gay. 'When I was eighteen and coming out my mother just didn't know how to handle it. She wanted to get me an arranged marriage. I said, "Hell no, darling! Over this dead body! I would rather kill myself". I'd rather lower my *iman* [faith] and kill myself than do something like that. I said, "you wouldn't like your daughter to be embarrassed, hurt, crushed every second night by her husband who behaves like a moffie [an effeminate gay man in Cape Town slang]... or catch her husband in her own wedding dress!"' Not everyone in the support organisation is as brash as Nafeesa or as bold as Muhsin; lesbian women, in particular, face hurdles asserting themselves as independent women above and beyond struggling for dignity with their sexual orientation.

Gay Muslim Outreach

Al-Fitra Foundation has merged with a separate organisation based in Johannesburg, Gay Muslim Outreach, which had been more social in orientation and less spiritual, and has emerged as The Inner Circle, with branches in Cape Town and Johannesburg, and with plans to open a branch in Durban. It joins an international network of queer muslim support organisations including Al-Fatiha in the USA, Salam Queer Community in Canada, Imaan in the UK, the Yoesuf Foundation in the Netherlands, and Helem in Lebanon. They focus on building confidence, creating support groups, raising consciousness, and encouraging *ijtihad* in the interpretation of religion and law. The Inner Circle believes that being a South African based organisation with a muslim constituency, it is uniquely placed to advance the international debate harnessed by South Africa when it became the first country to safeguard the freedom from discrimination based on sexual orientation in its Bill of Rights. Accordingly, The Inner Circle is an advocate for a minority within minorities along a three-dimensional plane-gay and muslim, while simultaneously offering the world the 'unique South African experience' (www.theinnercircle-za.org).

It is not certain whether lesbian, transgendered, and gay muslims can help create a more open and accepting atmosphere in Cape Town or wider South Africa. However, they will certainly create for themselves a social niche in which they can practice islam in ways that grant them dignity. Whether or not they are recognised by other muslims as equal partners in faith, they will highlight the need for muslim communities towards placing an ethical focus on sexuality.

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Note

- (1) This article was published earlier in: *ISIM Review*, 16, Fall 2005.
- (2) Abdulkader Tayob (1999), 'The Function of Islam in the South African Political Process: defining a community in a nation', in: A. Tayob & W. Weisse (eds.), *Religion and Politics in South Africa: from Apartheid to Democracy*, Waxmann Verlag, Münster / New York.

Self-portrait

Chan Mubanga

My name is Chan Mubanga, a [Trans*] man living in Zambia. Today, when I hear people talk of LGBT emancipation, I can actually see the light at the end of the tunnel. I can taste the sweet that coats the salty sweat of our struggle. Twenty years ago I would never have believed that today I would write out my life and share my experiences with the world.

I was ten years old when I became aware of my attraction to girls. At that time, the word Transgender was unknown and people were either Gay, Lesbian or Bisexual. But I already knew that I wasn't a lesbian because being a lesbian involved two women. My attraction to girls felt so natural, like it was meant to be that way. It never crossed my mind that there could be something wrong with my feelings, after all I was a boy and boys always fell for girls.

It was only when I began having periods that I realized that I wasn't like the other boys, that I was different from them. This revelation was devastating, stealing the glow from my spirit and literally crushing my hopes and dreams. Night after night I prayed to god to stop the periods, to stop these breasts that had begun to grow where my proud chest used to be. But when these changes carried on, I began asking myself - Who am I? What am I?

I come from a family of boys and I am the third and youngest. I started questioning everyone in the house why I was changing while my brothers still stayed the way they are. My mother laughed and tried to explain the biology of it all. I cried that night... felt cheated, lied to and I hated myself. Why did I have to be born a girl? The idea of having children sickened me. I now know that it was at that age that I made the decision never to get naked with anyone. If I ignored what was happening to my body, then it would go away. At age ten I psychologically transitioned to male, completely shutting off my physical being. For me, this shell did not belong to me, my soul had no home and I lived in it, not in harmony but without choice.

I had my first intimate relationship with a girl at age eleven, I remember so well how excited I felt at kissing and touching her. She did not mind not being able to touch me back and this suited me. I quickly became addicted to sex, it liberated me making me feel so close to being a man. Well into my teens I had to have many sexual partners, three or four at a time. I often found it ironic that sex helped me forget my ugly body.

At seventeen, my mother started to put pressure on me to straighten out my life though she did not directly tell me so. I could tell she wasn't pleased with how I kept on changing 'friends' and how every weekend there was a new girl sleeping over. I made a decision to try to sleep with a boy and see if I really was a girl. I think the hardest part was taking off my

106 clothes and letting him touch me. I remember crying through it all and I told myself it was not for me. Being with a man makes me feel gay and I know I am not a homosexual.

I come from a christian home, my mother was a church elder. She tried hard to make me attend church, to pray every night, to accept christ as my saviour. I did these things to please her but personally I was finding it difficult to pray to someone who had ignored my prayers and tears when they had mattered to me the most. I know god is perfect and we should not question him but how does he allow such things to happen to people. I was never given a chance to choose what sex to be born in but had this casing imposed on me. I am the one left to deal with this mess, so how can I say 'Thank you'?

Traditionally, our culture dictates that a woman is passive and the man active. People do not know how to deal with a biological female who lives as a man. I have often encountered resistance whenever I try to pursue my dreams, from family members to my partners. I am passionate about driving big trucks across borders, discovering far and remote places. I am an electrical engineer by profession but twice I was turned down because they thought that women are a distraction. I have been unemployed for over six years now and rely only on small private jobs to get by. I want my spirit to soar but this shell inhibits me, people in my life do not understand the burning energy inside of me. I could do anything to have the right body so that I am not limited by fear, fear of being raped and of being misunderstood.

Every single day of my life, I have had to explain my gender and sex to passers-by, every day I am verbally abused wherever I go because I seem like a man yet I am a woman. People do not understand how painful it is to be constantly reminded that there is something different and ugly about you. Every single day I am reminded to hate myself, sometimes I stay home and call it self therapy. I comfort myself, make promises to one day change my body and I feel better because I really cannot talk to anyone close to me about the anger and pain I have carried all my adult life. My girlfriend cannot begin to understand what I have been through and what I go through every time I am in public. She doesn't understand the desperation to want to feel comfortable with my body. She tries, I know but when you have a sore on your finger, nobody else can feel the pain. No one understands the disappointment of having to settle for less, for what is socially acceptable, for what my shell is allowed to do - to have to live within the limits of a woman's body in this society, when all that my male spirit wants is to be free. I miss walking bare-chested with the boys, I would give anything to experience that happiness again.

I keep my relationships a secret from my family and society because very few people understand transgenderism in Zambia. My affairs would be labelled as homosexual and though I could handle the discrimination, my partners prefer to remain closeted. The criminalization of same-sex love has made it impossible to educate people about sexual diversity and gender identity. It will take some time before people can differentiate gender identity from sexual orientation, to recognize that butch lesbians and trans men are totally different. It is easier for people to discriminate against trans people together with gays and lesbians but we are more exposed to violence because we are gender non-conforming and the only way to 'fix' us is by beating us or raping us. Identified gay men in Zambia are victims of extortion by

the police or their close friends. Lesbians are less visible and usually pass off as straight in public.

It is frightening that I may die carrying with me my disappointment, anger, emptiness and for that reason we have come together to form a support group called TranGend, Zambia. It is an initiative formed by female to male trans people who want to share their anger, to extract positivity out of the negative experiences of their lives. We listen to each other and where we can help, we do not delay. If I had had a group like this when I was younger, I probably would have handled my stress and rage better. I misuse alcohol to numb the pain and turn to sex for comfort, though I have turned more to alcohol these days. I see TranGend growing over time, offering a safe space for sharing, research and character building. Zambian trans need to feel a sense of belonging and worth, we need to know that there are others like us, and there are people who understand and accept us as we are without second thought.

Only when this initiative has a solid foundation, can we look to improve our social environment by community organizing and information dissemination and begin to influence policies. We seek to achieve legal reform, for our government to accept transgender people as individuals whose gender expression and/or gender identity differs from conventional expectations based on the physical sex they were born into. Our major challenges for now are ignorance about gender identity, colonial laws that criminalize homosexuality, gender inequality and traditionalist customs that forbid sex/sexuality education.

I would love to marry my partner as a heterosexual man, whether physically transitioned or not but recognized as a man and she as my wife. For now we cannot hold a ceremony in Zambia but I dream of a day that I can make this possible for us. A white wedding with a gown and suit, best men and bridesmaids. It would be lovely, I know, for my partner is very beautiful and a wonderful person. One day she will be my bride, then I won't die sad and lonely.

Note

- * I use trans tentatively because I have already transitioned in mind and spirit, totally rejecting my body.

Trapped!

*I'm tired of this body
that was imposed on me
never given a chance...
never offered a choice!
I come before you
fully dressed when we make love
covered by bandages*

when we go out!

*Love your body... they say
love yourself... they tell me*

*I cannot stand this casing!
that covers my true identity
and conceals the joy within...
I cannot feel my lover's breasts
against my aching chest!*

*My lover cannot touch me
cannot build me up
like I do her... Oh fucking hell!
Will I have to live
and die
in this cocoon; this shell
that deprives me
yet leaves me exposed
to pain and suffering!
to loneliness and hunger!
Love your body... they say
love yourself... you say to me*

*But your stares, your looks
remind me everyday
that something is wrong...
where do I go
I'm trapped
within myself and within
your constricting walls.*

Chan.
www.poetstreet.blogspot.com

How to be a 'Real' Gay (I)

Gert Hekma

South Africa has become the most modern country in the world with regard to gay rights. Not only do same-sex couples have the same rights as heterosexual couples, as in the Netherlands, Belgium or Spain, but homosexual rights have even been anchored in the constitution. Just like in the Netherlands, those equal rights have great symbolic meaning, however within social reality the hetero standard still continues and gays and lesbians remain second-class citizens.

In South Africa, which is so much more violent than any western country, gays and lesbians are victims of violence that is sometimes specifically directed at them. Still, the legal development is promising and offers an example for many other countries in the south. For example, Supreme Court Judge Edwin Cameron, who is gay and an AIDS activist himself, went to Nepal to explain to the local judges why and how homosexual rights became part of the South African constitution. He did this as a contribution to the discussion about a new Nepalese constitution.

Reid's book is about black 'gay' men in the province of Mpumalanga (between Johannesburg and Mozambique). In their profession as hairdressers they fulfil a central role in local society, especially for other gays for whom the hairdresser huts are the only homosexual meeting places in the area, and also for the men they have sex with and for women they give the nicest hair-dos. They organise beauty contests in which gay men in travestite clothing participate, which is very popular with the real ladies. It is an interesting question why hairdressers worldwide (and fashion designers) often fulfil a central role in gay society, from South Africa and the Netherlands to the Philippines.

Another interesting theme is the identity of black gays. Globally, there seems to be a development of faggots taking on a female role, being penetrated orally or anally during sexual relations, by either hetero or gay men who are no longer unmanly and enter sexual relationships with each other in which they are both 'top' and 'bottom'. This is the case in Johannesburg, but not in places in Mpumalanga such as Ermelo, Bethal, Badplaas, Amsterdam, Standerton or Nelspruit. There, the black gay hairdressers are still faggots who do not enter relationships with each other but with real men: the 'ladies' go for 'gents', usually single young men who will switch to women at some point. They cannot imagine that gays would be with gays. Those 'gents' do it with the 'ladies' for the money and the sexual gratification such relations offer. The ladies are very much aware that the gents are unreliable lads who will at some point leave them for a wife and a family. Nonetheless, some gents do have relations with women and 'ladies' simultaneously where the latter is often a source of income for the family.



Soweto Pride 2007 - © Behind the Mask

The ladies are the real gays and the gents the passers-by in the faggot world. It is a world of unstable relationships between sex partners, while the 'ladies' can develop strong friendships amongst each other, they can also be jealous of each other because of boyfriends. In this world of black 'ladies' the new constitution that politically anchored homosexual rights came as a source of enormous support. Some faggots were so inspired that they started to organise gatherings for gay men in addition to the beauty contests. There they discussed violence against gays, religion and homosexuality and 'how to be a real gay'. This last theme especially fascinated Reid; he had expected that in a globalizing world local faggots would embrace the modern manly model of the homosexual. However, in spite of their city connections, the black gay men held on to their identities as 'ladies' and the distinction between themselves and the 'gents'. As ladies, they are the 'real gays'. Of all men involved in gay trafficking there was only one who had doubts about the distinct roles of lady and gent, but all others had a permanent place in the system of gender (sex) and sexuality. Reid views this unfamiliarity with the 'modern gay' as a signal that it is not at all certain that in a global world all gays will share the same sexual identity. All manly types that trade their sex and do not maintain a permanent role behave like the gents and the ladies. I'll keep my fingers crossed that diversity means more than a choice between hetero, homo and bisexual, and that beyond those

categories thousands of other sexual categories can flourish.

From the perspective of the modern gay, the 'ladies' of Mpumalanga are not exactly modern. They view themselves very differently, and the same is true for other residents of the towns where they run their hairdressing businesses. To the local community a gay hairdresser is signal of modernity. He gives you the hair-do that is really in fashion. The 'ladies' that the city gays look down upon as dense appear to be very modern in the countryside. But the attribute of modernity has a negative side for black gays because Mugabe and other black leaders call out loud and clear that homosexuality is a modern, western imported product, that it is very un-African and un-Christian, and that it is not an inborn identity but a fashion trend. For the faggots it is difficult to manoeuvre between being modern and being traditional, between being homosexual and homosexuality as a temporary impulse, between African roots and European degeneration.

There are good arguments against such accusations. Naturally, it has been pointed out that un-Christian and African go together very well, because christianity itself is a product imported from the West, often forced with violence onto black cultures of Africa. The black gays themselves often belong to all kinds of christian groups and fulfil an important role in those groups, for example, as singers. They even have their own church in South Africa, the Hope and Unity Metropolitan Church. Against the argument that they are a western-import product, they can cite the example of the *Sangomas* - 'ladies' like themselves who were traditional priests and healers within the black cultures in South Africa. This tradition still exists and amongst the *Sangomas* are many faggots. So certain forms of homosexuality are very African, have nothing to do with temporary fashion, and indeed have a long history that the christian West would very much have liked to end. In addition to these *Sangomas*, since the end of the nineteenth century there has been a tradition of more paedosexual relations between mineworkers (*Xibonda*) who lived far from their villages and boys (*Tinkonkana*) they took from home to provide them with domestic and sexual services. Such relations cannot have been new to the African culture or else they could never have developed in the mining cultures, given the European disapproval of homosexuality. The Zulu have their own words for this, such as *iqenge* and *isikhesana* (gent and lady).

All these themes are discussed in a very lively manner in *How to be a 'Real' Gay*. Reid has woven together theory, method, research results and personal observations in an attractive way. Most studies show a distinction between introduction, problem, theory and method, the result of the study and finally, its conclusions. He has broken that very boring pattern. Throughout the book he discusses and tests theories. He does not put down the great story of the history of sexuality in South Africa in a dry way in broad terms, but embeds the most important events in a story, for example, of his visit to an assembly of Zulu leaders who discuss what they think of same-sex marriages. He weaves social context into the story by describing the route he takes to his visit to a *Sangoma*, or by painting a picture of the mess in which these hairdresser huts are located. Reid tells the great story of South Africa in a very *low-key* manner based on the small-town situation of the ladies. That makes the story much earthier, livelier and more convincing. Add his loose style of writing to that and the result is a very good and vivaciously written book.

Reid offers various suggestions for the development of homosexuality. On the one hand he points out the persistence of the ladies and gents pattern despite social and sexual changes. Before the arrival of the whites there were manly men who did it with unmanly men and boys

112 and that system is still intact. In the province it is difficult to find manly gays that enter equal relationships with one another and play interchangeable sexual roles. Secondly, according to Reid, globalization does not lead to a general dominance of the modern homosexual. The example of Mpumalanga shows that the diversity of ways of being homosexual and displaying homosexual behaviour does not disappear as a result of globalization. Reid even takes it one step further and claims that the system of lady and gent is better for the black faggots because this way they do not form a separate ghetto, but live integrated into their local situation: 'The very project of gay emancipation that asserts an identity based on difference and sexual object choice rather than gender may very well produce homophobia, by radically disrupting the sex/gender system which currently offers gays and their boyfriends the possibility of integration.' (p. 154)

Time will tell if globalization goes with variant forms of homosexuality. It seems to me that those forms are dynamic and develop themselves; they are not as rigid as Reid suggests. The gender system of lady and gent is already very different from that of the mineworkers who had sexual relationships with boys who did not necessarily develop into ladies. Reid himself makes a distinction between traditional and 'millennium' *Sangomas*, where the latter are a modernised version of the first forms. On the other hand, the 'modern gay' is less stable than some authors would have you believe. In the West, a 'queer' alternative developed and there are all kinds of subgroups that sometimes meet all the norms of the modern homo (leather men, 'bears', sport fetishists) and sometimes not at all (such as modern faggots with a sense for fashion who have not disappeared, or masochists that give up their manliness with passion). The picture becomes even more muddled if we move outside of the western world where a multitude of unmanly homosexual types exists and that, without doubt, is in full development, especially around transgender themes. The modern gay may have become the standard for general homosexuality; but his position is picked at from both inside and out. We can thank Reid for offering us a beautiful example of a group of faggots who are resistant to the idea of the modern gay and still continue to develop as ladies who want to become really gay!

Dr. Gert Hekma studied anthropology at the Free University of Amsterdam and has been teaching gay/lesbian studies at the University of Amsterdam since 1984. His published works include Homoseksualiteit, een medische reputatie (Homosexuality, a medical Reputation) (1987) and Goed verkeerd (Rightly Wrong) (1989), and he edited The Pursuit of Sodomy (1989); De roze rand van donker Amsterdam (The Pink Outskirts of Gloomy Amsterdam) (1992) and Sexual Cultures in Europe (1999). In 2004, he published Homoseksualiteit in Nederland van 1730 tot de moderne tijd (Homosexuality in the Netherlands, 1730 until the Modern Times).

Notes

- (1) This is a review of: Graeme Reid, *How to be a 'real' gay. Emerging gay spaces in small town South Africa*, Dissertation University of Amsterdam, 22 June 2007, 242 pages.

Tommy Boys, Lesbian Men and Ancestral Wives Female Same-Sex Practices in Africa (I)

Gertrude Fester

This book is indeed a very brave and important one even though the writing of it was no easy project. Many untold stories come to light for the first time. The editors quite rightly emphasise 'the general homophobia of (African) post-colonial governments... is compounded by the local patriarchal system in each country' (p. 11). Tapes of the interviews had to be destroyed because of fear about how they could be used thereafter. In some cases tapes were not used as many research participants refused to be recorded and those interviewed gave pseudonyms. The editors, anthropologists, Ruth Morgan and Saskia Wieringa, initiated the African Women's Life Story Project: Exploring Same-Sex Practices. This enabled them to 'train women activists from different African countries to do such research' (p. 11).

What is impressive were the preparation and briefing these researchers / writers underwent. In March 2003 the eight writers, Nancy Baraka (Kenya), Sophia Musa Mohamed (Tanzania), Marie Nagadya (Uganda), Madelene Isaacks and Elizabeth Khaxas (Namibia), Busi Kheswa and Nkunzi Nkabinde (South Africa) and Siza Khumalo (Swaziland) all underwent training. This included techniques in interviews, including being introduced to major interview techniques used in oral tradition and analysis thereof, participant observation and triangulation of various methodologies. Theoretical concepts underlying research on women's same-sex relations practices and relations were introduced and discussed including issues of identity, labeling, and the schism between sexual behaviours and identities. What was also a crucial input for the researchers / writers was the revelation and insight into the 'herstory' of traditional forms of same-sex relations in Africa; many of which had been curtailed, obliterated or branded 'evil' during colonialism and concomitant missionary work. Some participants shared that often same-sex relationships were recorded as 'immoral', 'satanic', 'barbaric' and 'alien' indicating the level of homophobic internalization. These processes, identifying researchers and their difficulties (hence the research from Botswana was limited and therefore could not be included) are the focuses of the first introductory chapter by the editors.

This book has numerous credits: I'm not sure whether the absolutely empowering process of incorporating a representative group of women researchers / writers is more laudable than the actual content: the diverse and colourful primary data contributing to the breaking down of the myths of the many African leaders' claim that same-sex relationships are 'un-African' and 'an import from the west'. This echoes the accusations within African national liberation

114 struggles when feminists were emphasizing women's liberation within the national struggles: feminism is an import! The irony of this does not go unfounded: socialism and Marxism were uncritically accepted into liberation discourses and not as 'imports from the west'. What is most revealing is the wealth of research into pre-colonial and indigenous forms of same-sex relationships in various parts of Africa, West, North-East, East and Southern Africa. Critiquing and coordinating various twentieth century research, Wieringa contends that women marriages have been recorded in about forty African societies (p. 298). Many African women themselves have not always had the opportunity to learn about these.

The book is divided into a general introduction by the anthropologist editors, both of whom have considerable experience of researching same-sex relationships internationally. The introduction is informative, giving highlights of the process of compiling the book as mentioned earlier. This is followed by chapters on the various countries; Kenya, Uganda, two chapters from Namibia on Ovambo and Damara women, two chapters from South Africa, butch-femme subculture and ancestral wives amongst same-sex *sangomas* (traditional healers / prophets inspired by ancestors) and Swaziland. These are chapters one to eight. The two final chapters by the editors focus on historical perspectives of African women's same-sex relations (Wieringa) and current same-sex practices and the challenges and aspirations of working towards becoming sexual citizens in their own countries (Morgan and Wieringa).

This book is a pioneering in many ways: African women activists themselves doing the research and writing of a subject seen as taboo. It follows in the tradition of the groundbreaking *Male Daughters, Female Husbands* by Ifi Amadiume (1987). (2) Too often the status of African women has been homogenised as passive, poor and without agency by 'well-meaning' western women as Ama Ata Aidoo laments (1998). (3) This book is a welcome addition to the growing corps of texts on the power, autonomy and agency of African women in spite of the prevailing patriarchy reinforced by culture and religion. Among the many major strengths of the book are the long direct quotes from the research participants - capturing some of the flavour of the language and characters - despite translation (interviews were done in the vernacular). The acute and rigorous scholarship of the two editors enhances the overall prestige of this book - a must for all interested in Africa and issues of sexualities.

Most of the case studies chapters are prefaced with autobiographical details of the researchers, followed by useful country profiles or analysis of the legal position of lesbians, gays, bisexual, transgendered and intersexed (LGBTI) persons, defining the penal code and prison sentences imposed, utterances by presidents or prominent people, which organisations exist and some social history and /or the impact of HIV/AIDS. This is followed by religious and cultural contexts - again highlighting how these reinforce heteronormativity. Bio data of research participants or interviewees (as they are called in the text) follow. Overview, early same-sex experiences, high school experiences (boarding school), current relationships and references to specific gender roles internalised are outlined. What the latter confirms is that there are no homogenous gay / lesbian women's identities or movements, but rather multi-faceted ones where diverse power roles are exemplified. Gender and sexuality are fluid and indeed a 'performance' as Judith Butler states. There are examples of a few unequal hierarchical roles: 'I call the shots... I am the one who decides on what we should buy or what we should not buy. I am always telling her what to wear.' (p. 37) Despite the above the other

partner states that they share rent and take turns doing shopping. She emphasizes 'This has brought us respect for each other.' (p. 37) For Ndapewa (Namibia), she and her partner are equal members in the relationship with no dominance (p. 111). Generally this impressive empirical work essentially challenges conventional gender roles and gendered hierarchies.

In Kenya, as in other countries, research participants are ambivalent about religion: 'Sometimes I feel like a sinner. Sometimes I feel like I am doing the right thing. As I told you earlier I feel confused.' (p. 38) In Swaziland, however, the research participants did not feel that religion had contributed to homophobia (p. 264).

Homophobia abounds in Tanzania and many LGBTI people are not living out their sexuality openly. This is despite a rich vocabulary in Swahili which their grandmothers knew: testament to many forms of same-sex relationships existing in the country. Words like *wasenge* and *mashoga* refer to gay men whereas *wasagaji* means lesbian. *Wapemba* is a general word for homosexual from the name *Pemba*, in Zanzibar as it was initially thought that homosexuality originated on the coast (p. 53).

Three Tanzanian women felt 'fully woman' as their 'committed love' was the most important sense of self (p. 59). The confident Haniefia shared her first sexual experience with her mother who insulted her and who later chased her away when she refused to marry a man. Most of them are only 'out' with other LGBTI people. Some hate men or think they're better than them (p. 58). Fortunately there is an organisation in Tanzania which can help and support them. For their future dreams they hope to have committed relationships whereas Asha wants a 'hot and horny dyke' (p. 62).

The Tanzanian women were very positive about this project and see the potential for promoting homosexual struggles: 'I hope this research will also help us to get support from other organisations in Tanzania, as they will see how our rights as women and as human beings are violated.' (p. 62)

In Uganda the use of the concept 'tommy boys' is frequently used and hence the title of the book: 'My last interviews are with tommy boys who use male pronouns as they see themselves as men.' (p. 66) Again there is the ambivalent relationship with the church - although he (the research participant) is christian 'he no longer goes to church because of the criticism and negativity around homosexuality'. The use of the male pronoun for the research participant again exemplifies the blurring of sexual identities. The book strongly exudes the message that the rigid and unitary sexual categories imposed on people are but gendered constructions.

Namibia and South Africa (SA) have very strong organisational support structures (The Rainbow Project and Sister Namibia and Behind the Mask and Forum for the Empowerment of Women (FEW)) and hence LGBTI persons are not as destitute as those in other African countries. The fact that South Africa has a progressive constitution and laws belies the prevalent aggressive and violent homophobia. 'One of the same-sex *sangoma* interviewees in rural SA refused to be tape-recorded at all... (nor did she want) Nkunzi (the interviewer to

116 take notes during the interviews' (p. 16). References to the South African exceptionalism not having a homophobic government are made. However, the reality contrasts starkly with the paper rights of the constitution. Incidences of 'corrective rape' especially of black lesbians seem to be on the increase. As a response to this, the 777 campaign has been launched to highlight the incidences of the murder of black lesbians in SA in February 2008 in Cape Town. This campaign is named after the date on which two black lesbians from Meadowlands in Soweto were murdered: 7 July 2007. This increasing 'curative rape' of lesbians is testified by Nkabinde (p. 232) although she emphasizes that same-sex *sangomas* are not raped 'as people are afraid of the *sangomas* because of the power they believe *sangomas* have' (p. 232).

In the penultimate chapter, Wieringa outlines women marriages and other same-sex practices. The wealth of historical data and the reflections thereon are major contributions to the meagre materials on these issues. She critically assesses previous research of academics such as Gay (1979) and Oboler (1980) and their myopia - they refused to acknowledge the existence of erotic sexual relationship between women. (4) Oboler, for example, observes that women were attracted to homosexual marriages as opposed to heterosexual marriages but she does not elaborate on why. Wieringa also leaves us with important questions. Using the primary data on Nama Damara women she asserts that women marriages may be culturally embedded. However 'Is it possible to trace any historical continuity between present-day women engaged in women's same-sex relations and those in earlier times? The references are few and scattered and none of them tell of women marriages.' (p. 288)

The final chapter on present-day same-sex practices in Africa includes conclusions from the African Women's Life Story Project. Through the acutely wrought empirical data of the previous chapters, the editors develop their theoretical insights on the range of gendered identities, same-sex relations and links to 'global queer'. They problematise the category of queer and raise the concerns about the tendency to essentialise and universalise 'western' categories to people living elsewhere. They contest the argument of 'the national imprints of a global movement' (p. 310) but rather stress the emergence of relationships from local contexts: 'We rather view the communities described here as relatively autonomous sub-cultures who are rooted in past practices, even though only the echoes of those practices remain.' (p. 310) This is a major theme emanating from this study: they acknowledged the impact and influences of indigenous cultures and practices.

According to the editors, the weakest aspect of the project is that of the photographic component (p. 14). Given the existing and violent homophobia this is not unexpected. However, the text is beautifully complemented by the photographs of visual artist Zanele Muholi, a Johannesburg-based lesbian activist and founder member of FEW (Forum for the Empowerment of Women).

In conclusion, the contribution of *Tommy Boys, Lesbian Husbands and Ancestral Wives* is special in that it exemplifies the unity between feminist activism and feminist academy. One of the many positive by-products of the African Women's Life Stories Project is the formation of the African Lesbian Alliance now renamed the Coalition of African Lesbians (CAL). (5) Eleven African countries are now represented in CAL. The entire process for the African research-

ers / writers too was a positive and empowering one. Many see this book as a contribution and intervention to their struggles for human dignity and rights as sexual citizens in their respective countries.

In consulting a South African black women's writers collective about the book two questions were raised: was it necessary to include the editors' names to the chapters written by the researcher / writers and why was a photograph of the collective group not featured as opposed to those of the editors only? A further question prompts me: When will a book of this nature be financed by African resources? The questions continue as the struggles for dignity and humanity for all continue.

Prof. dr. Gertrude Fester, has been involved in anti-apartheid politics for most of her life, with the specific focus on the articulation between women's and national liberation. She worked as a teacher and lecturer before entering formal politics in 1996, as an MP for the African National Congress. She currently is an independent writer and researcher, completing her PhD thesis, and is professor extraordinaire at the University of the Western Cape in Cape Town.

Notes

- (1) *Tommy boys, Lesbian Men and Ancestral Wives: Female Same-Sex Practices in Africa*, edited by Ruth Morgan and Saskia Wieringa (2005), published by Jacana Media, Johannesburg.
- (2) Amadiume, Ifi (1987), *Male Daughters, Female Husbands*, Zed Press Ltd., London and New Jersey.
- (3) Aidoo, Ama Ata (1998), 'The African Women Today', in: *Feminisms, Sisterhood and Power*, edited by Obioma Nnaemeka, Africa World Press, Trenton, NJ and Asmara, Eritrea.
- (4) Gay, Judith (1979), "'Mummies and Babies" and Friends and Lovers in Lesotho', in: *Cambridge Anthropology*, Vol. 5, no. 3, p. 32-62, and Oboler, Regina Smith (1980), 'Is the Female-husband a Man? Woman/Woman Marriage Among the Nandi of Kenya', in: *Ethnology*, Vol. 19, no. 1, p. 69-89.
- (5) The African Women's Life Stories Project was realized with financial support from Hivos. The Coalition of African Lesbians is being supported by Hivos as well.

Black Bull, Ancestors and Me My Life as a Lesbian Sangoma (I)

Boshadi Semenya

In *Black Bull, Ancestors and Me My Life as a Lesbian Sangoma*, Nkunzi Zandile Nkabinde explores issues around sexual culture and sexual identity from the vantage points of an African cosmological framework and feminist epistemology. Female same-sexuality is identified as a site of struggle between the interests and African ways of knowing as embodied through traditional Zulu culture, and the peculiarities of modern life. She draws tight links between African spiritual ritual performances as manifested through spirit possession and female same-sex practices to frame her thesis for analysing and understanding female same-sexuality and culture. She attempts to uncover the struggles and dangers associated with freely articulating one's own same-sex orientation, particularly among African females in current-day South Africa. To do this, she locates us in the 1970s South African political and cultural history and places the struggle among same-sex oriented female sangomas to articulate their sexual selves openly alongside some radical elements of our past - anti-apartheid, civil rights and feminist movements - depicting the wide spectrum of sometimes threatening but historically important creative actions to achieve social change.

In this simply written autobiographical narrative, Nkunzi Zandile Nkabinde makes a commanding and impassioned contribution to the struggle for Africans to start to explain themselves in ways that must assert the African cosmological frame and break free from the chains of both colonialism and conservative traditionalism and their oppressive legacy. She asserts in this book, that a vibrant spiritual-religious culture as embodied through the practice of *iSangoma* (2) holds the power to stimulate and accommodate other types of sexual culture and creativity. Judged through the African cosmological lens and looking specifically at the practices of *iSangoma*, Nkunzi Zandile Nkabinde presents us here with a conceptual understanding of female same-sex practices in Africa so radical and potentially transgressive that it may startle some readers, even those who have been prepared for it after reading her chapter with Ruth Morgan on Ancestral wives in *Tommy Boys, Lesbian Men and Ancestral Wives. Female Same-Sex Practices in Africa*. (3)

At the beginning of the twenty-first century, it is perhaps difficult to shock readers with an idea that sounds as potentially radical as an African Lesbian. This is because most of the progressive radical concepts that have been dreamed of and implemented since the Enlightenment have gained some public acceptance. One would include here such diverse and groundbreaking concepts as the idea of feminism and human integrity for women and children, the advent of the labour and civic movement, the disassociation of reproduction from heterosexual activity, the desacralisation of 'whiteness' in western culture and reconstruction of the concept of 'Africanness' and/or 'blackness' to reinscribe dignity in African culture,

and the rise of the idea of same-sex orientation as a distinct and commendable identity.

119

Yet in fusing African cosmological framework with radical feminist epistemology, a position which Nkunzi Zandile Nkabinde clearly seems to privilege when examining South African life, African culture and female same-sexuality in Africa from the late twentieth century, we begin to see radical raptures emerging as she tries to articulate other constellations of identity and sexuality. By positioning herself as a lesbian sangoma, she is claiming a historical, cultural, political and even ideological set of experiences which I briefly touch on in this review. A quick reading of the title of the book evokes, at least for me, a set of problematic questions that point to pertinent theoretical and even epistemological issues worth reflecting upon. The first problem that some readers may identify is the tendency to qualify what is African (specifically here, the healing practices of *iSangoma*) by fitting it into some established dominant way of understanding, at least in this case, female same-sexuality. The qualification of the concept 'sangoma' with lesbian I find to be somewhat problematic and wonder whether there are not models within the prescribed practice of *ubungoma* (4) that can inform us to see things slightly differently and talk about these issues in a language that captures the essence of the practice. While one should acknowledge the difficulty of finding in African vocabulary a similar corollary for the English concept lesbian, we also need to resist reinforcing whatever is African as a difference needing to be qualified for it to be regarded as 'normal' and appropriate. It is at this point, perhaps, that we need to ask whether we can find a genealogy in being a sangoma that can help us understand and appreciate different constellations of sexual identities and forms of articulating ourselves that are still respectful of what remains sacred in the practice. Are we able then, if possible, to drop the conceptual framework of lesbian and still be able to explore these issues? Are we able to imagine African cosmology as a legitimate conceptual tool in its own right that can provide understanding and still be able to treat these issues in a way that does not return things to the past, but that can inform our current practices and understandings of who we are at this point in time? Is there space within this cosmological framework to articulate one's political agenda and interpret power relations of domination, struggle and emancipation without reinforcing certain epistemological superiority?

Regarding some of these concerns, Nkunzi Zandile Nkabinde draws our attention to the element of flexibility that is characteristic of the practice. This is perhaps where we notice the most important thesis of the book, when Nkunzi makes tight connections between forms of identity and spirit possession. Identity and sexuality, within the context of the practice of *iSangoma*, encompass many different ways of expressing, experiencing and appreciating self and the presence of the sacred. It is logical that the flexibility of the practice is accommodative of a crossing of boundaries (be they, cultural, religious, sexual, racial or gender based). Spirit possession in this religious sense constitutes the spiritual groundwork that can enable Africans to frame their distinct thoughts and feelings, while at the same time embodying their ideas of the sacred which bears endless potential that can be used to adapt to the changes of life. This assertion disrupts our ideas about what constitutes normative constellations of identity and sexuality; and what represents normality and pathology. In equating identity (in its various manifestations) with the processes of spirit possession in traditional healing practices of *iSangoma*, Nkunzi Zandile Nkabinde provides us with a useful tool for

120 interpreting some of the complexities in our relatedness with ourselves as individuals and within a collective of others.

The book does something else, as important, as well. Apart from the fact that you can easily manifest any number of identities while engaging directly with spiritual entities (both your direct bloodline and those alien to your blood ancestry) during spirit possession, we are also shown that this space is charged with the power to provide a sense of belonging; a sense of physical, emotional and psychological safety. The capacity within this prescribed practice to inscribe positivity to what happens during this creative process can allow us to transform the ways we choose to be present in the physical world that is respectful to our diversity and uniqueness and vanquish the shame, hatred and violence that we associate with differentness. However, one is also sharply aware of Nkunzi Zandile Nkabinde's lament of the 'invisibility' of female same-sex life and culture (not only within the healing practice of *iSangoma*) as constituting a significant loss, not just for same-sex oriented people, but for African culture in general whose effect turns us all into a drab and homogenous mass of identical citizens. This raises a couple of questions for us: how do we stretch this practice in new ways that can inform our modern struggles meaningfully? How does a Sangoma, health professional, academic in 2009 practice in a way that is relevant to current day issues? How do we as ordinary men and women, young and old, make life in current day South Africa in ways that acknowledge and embrace our interconnectedness? We find the key to these questions through the symbolism of the Constitution Hill and the work she does there provided in the chapter 'Doing Things Differently'. What Nkunzi Zandile Nkabinde does in this chapter forces us to look not only at the joys of liberation (political, sexual or otherwise), and/or the dire and debilitating effects that the shame of colonialism's apartheid projects had on our lives, but to see that the only way to fight constructively is take a middle path: a path that can return the dignity of a vision of flexibility, where creativity and innovation can instead be an expression of our liberation.

In the book, Nkunzi Zandile Nkabinde challenges us not to fear the awkward questions and to ask ourselves how can we teach younger same-sex oriented persons, male and female alike, to value themselves and their lives if they do not value their sexuality? Sexual liberation, she is claiming, will come when we are able to go beyond our biases and prejudices about what constitutes normative sexuality and acceptable standards for expressing ones sexual orientation. This, she asserts, can be gained from adopting some of the flexibility of the practice of *iSangoma*. An open expression of one's sexuality and same-sex orientation, is not a cause for hostile violation of the integrity of others, but the motivation to see potential in our diversity and uniqueness. This, Nkunzi proposes, is not only liberating but may be the only way out of this senseless tendency to respond to anything and everything that we regard as different to ourselves as deserving of punishment and annihilation. The practice of *iSangoma* thus provides us with possibilities for experimenting with various ways of expressing our various persuasions without shame. The celebratory and liberationist intentions that she draws from the healing practices of *iSangoma*, is that they possess the ability to create a public space of queer shamelessness, and to conquer the violence that has become the certainty of our South African life.

We needed this book! The insights are timely and can facilitate constructive dialogue around issues of indigenous knowledge, a topic which is currently at the axis of local and global debate. Our contextual histories, politics, spiritual and cultural considerations are respectfully interwoven together. We see this more powerfully in how Nkunzi starts off her first chapter with a poem which not only announces who she is to us, but also honours those that have come before her. As a fellow Sangoma, I know and understand that it is only proper and respectful to acknowledge her poem and work and hold these in a sacred space. The following poem is a representation of this acknowledgement:

Nathi sesidabuka nge njabulo
 (We also originate with joy)
Sithi abese kunjalo kakhulu, Khehla
 (We say, Lo! it is now well so, Old One)
Kakhulu kakhulu!
 (Very well so!)

Boshadi Semenya is a lecturer in the department of psychology at Unisa in Pretoria, South Africa. Before joining academia, she worked for a few years as a clinical psychologist at Weskoppies Hospital, a psychiatric institution in Pretoria, Gauteng. She is currently engaged in facilitating conversation around women's reproductive health issues particularly termination of pregnancy with nurse midwives in Gauteng, South Africa. She is also part of a research project undertaken by the Unisa Center for Applied Psychology in conjunction with Gay Umbrella as community partners. The research project aims at enhancing understanding of cultural and traditional issues in emerging LGBT communities in North-West Province in South Africa. She followed a calling to become a Sangoma and was initiated into this practice of African Traditional Healing by Baba Credo and Mama Virginia Mutwa in 2006.

Notes

- (1) This is a review article of: Nkunzi Zandile Nkabinde (2009), *Black Bull, Ancestors and Me My life as a Lesbian Sangoma*, Jacana Media, Johannesburg / Cape Town.
- (2) *iSangoma* is a Zulu term (in plural form) for traditional healers.
- (3) The title of the chapter is: "This has happened since ancient times... it's something you are born with': ancestral wives amongst same-sex sangomas in South Africa", p. 231-258, in: Ruth Morgan & Saskia Wieringa (2005), *Tommy Boys, Lesbian Men and Ancestral Wives. Female Same-Sex Practices in Africa*, Jacana Media, Johannesburg).
- (4) *Ubungoma* is used here to refer to the practice of traditional healing characterised by specific principles of what it is that makes us heal and how the process of healing unfolds. To all intents and purposes, sangomas are possessed by the ancestral spirits. Many *sangomas* throw bones and some will trance.

Self-portrait

Victor Juliet Mukasa

My name is Victor Juliet Mukasa, 32, a transgender lesbian from Uganda. I am a human rights defender and a banker by profession. I am currently working with the International Gay and Lesbian Human Rights Commission as research and policy associate for East, Central and Horn of Africa.

At the age of eleven, I started having love feelings for a good friend of mine in primary school. I started treating her in a very tender, caring and loving way. It was strange to both of us. She got so uncomfortable about it. I got confused too but could not stop those deep feelings. I got so uneasy and not at peace with the way I felt. It was because I knew it was bad according to the books that my mother bought me and the lessons from my biology teacher about adolescent girls.

At that stage, I was supposed to be getting these feelings for a boy. It was not right. I then decided to tell my mother about it. She was my friend and I told her anything. I told her about my feelings for my girlfriend and how I felt that it was wrong. My mother was calm about it but agreed with me that it was not okay but that it was a phase and that my feelings would change. Being from a dedicated catholic family, we solved a lot of problems through prayer. This was another problem and indeed we prayed about it over a period of time. I just kept missing this girl who was, by now, no longer my friend.

In 1989, I joined secondary school. In the first year at this school, I fell in love with another girl. We kissed whenever we got a chance and not more than that. However, other students soon found out and reported to the headmistress that my girlfriend and I were lesbians. This was the first time I heard the word 'lesbian'. To me she was my deep friend and lover. A name was finally attached to how I felt. It was in this school that I met other girls that felt the way I felt for my friend at the age of eleven.

My mother, who was my only support, passed away in 1990. Soon reports from school reached my family. My brothers and sisters started treating me like I was rubbish. They did not care about me anymore. Many stopped talking to me and chased me out of their homes. I moved from family to family for years. Suffered seriously but nothing could change about the way I felt. I went from church to church seeking healing. I only got emotionally, psychologically, physically and sexually abused by the men and women of god in the name of making me 'straight'.

After passing with flying colours at school, I was denied jobs that I qualified for. For those that I got, my workmates soon found out about my sexual orientation and gender identity and I was often fired. I became very poor and homeless, often begging, walking long distances because I could not afford bus fares, going without food for days and always sick.

In 2002, I got fed up of my situation. By this time I had identified other lesbians, gay men and transgender persons in the area where I lived and had made friends with many. I looked

around me and realised that all my suffering was a result of my sexual orientation and gender identity. I had never been in the closet about who I am from the start. Everywhere I went, somehow people found out about me. I was fed up of all the abuse and suffering and was ready to die for the truth. I decided that year that I was going to fight to change the situation for me and for all those that were like me. It was in this year that I started my political activism for LGBTI rights in Uganda. I was ready to die liberating myself and I preferred that to living a distressing life of being different. If my sexual orientation and gender identity were a choice, I would have chosen differently long ago but I could not.

It was in 2002 that I co-founded Freedom and Roam Uganda, an LGBTI women's organization. My political activism started here. Lobbying policy makers directly, creating awareness on LGBTI rights through the media and mobilizing other homosexuals and transgender people to join the struggle.

In 2004, I also co-founded Sexual Minorities Uganda (SMUG), the coalition of several LGBTI organizations, where I was chairperson up to October 2007. During my time at SMUG, I actively directed the movement, engaged in direct lobbying of policy makers and building alliances for the movement. A lot of things changed during this time. There was continuous public discourse in the media on LGBTI issues, improved perceptions about these issues, more coming out of LGBTI individuals and in general, growth of the movement. LGBTI people have expressed more determination and togetherness in their liberation process and in 2007 this has been exhibited in the August LET US LIVE IN PEACE media campaign and the ongoing LGBTI court case in which I and a Kenyan transgender took the government of Uganda to court for violation of our rights based on our sexual orientation and gender identity. (1)

It is very difficult for activists in Uganda to work towards change. In the areas where change has occurred so far, people have had to sacrifice their lives as they work in a hostile environment. Apart from the law that criminalizes homosexuality and homophobic government officials, religion and culture have played a huge role in frustrating the lives of LGBTI people. Culturally, there is no acceptance, with claims that homosexuality is un-African and a vice from the West. Religious leaders have waged war against homosexuality. Many LGBTI people have been abused in churches and excommunicated. A group of influential church leaders recently formed a network to fight homosexuality in society, the Interfaith Rainbow Coalition Against Homosexuality. This has increased rejection of homosexuals.

Despite all the above, the struggle continues. Ugandan homosexuals and transgender people have guts and this has played a big role in the struggle. They say, 'Enough is enough' and I add, 'No guts, no victory!!' ALLUTA CONTINUA!

The Law in Uganda

In 2008 the Ugandan government has announced a major offensive against gays and lesbians in the African country, saying it will prosecute anyone who comes out. Sex between two people of the same sex is a criminal offense - punishable by life imprisonment according to Cap. 106, Section 140 of the Penal Code - but Ethics and Integrity Minister, James Nsaba Buro, said the government is concerned about the number of gays and lesbians in the country.

124 Under the legislation being planned it would be illegal just to be gay. 'We want it to become law in that if someone is a homosexual or confesses to being a gay or lesbian, then he is a criminal,' Buturo has said. Anti-gay attacks are commonplace in Uganda but have increased since LGBT rights groups openly demand basic civil rights.

On October 14, 2009, a member of parliament tabled a private members bill before the Ugandan parliament titled the 'Anti-Homosexuality Bill'. The Bill is aimed at increasing, and expanding penalties for 'homosexual acts' and for all institutions (including NGOs, donors and private companies) who defend the rights of consenting adults who engage in sexual relations with people of the same sex. The Bill calls for Uganda to withdraw from all international treaties and conventions which support the rights of lesbians, gays and bisexuals. It introduces extradition arrangements for Ugandan citizens who perform 'homosexual acts' abroad, and includes legal penalties for people who fail to report alleged homosexual acts or individuals and institutions that promote homosexuality or same-sex marriage to the authorities. Any person alleged to be a homosexual is at risk of life imprisonment and, in some circumstances, the death penalty. The Bill whilst targeting the LGBT community, puts at risk the wider community of parents, teachers, landlords, medical doctors, civil society leaders, human rights activists, media houses, internet café's etc. who do not denounce or report on suspected 'homosexual acts'. In short, this bill targets everybody, and involves everybody: it can not be implemented without making every citizen spy on his or her neighbours. It asserts Extra Territorial jurisdiction. It would imply Uganda to withdraw from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Discrimination Against women, the Convention on the Rights of the Child, and the African Charter on Human and People's Rights.

In response to the tabling of this Bill, a civil society coalition on human rights and constitutional law has been formed to fight the enactment of the Bill based on the need to uphold Uganda's constitution and the fundamental rights of all.

This strategy of targeted repression by ruling parties / governments of the LGBT community is not unique for Uganda. Once more it is being used to divert attention from ongoing social problems and intensify repression in the run-up to the forthcoming elections.

Victor Juliet Mukasa is a prominent LGBTI Human Rights Defender. He is a TransLesbian working with the International Gay and Lesbian Human Rights Commission (IGLHRC) as Research and Policy Associate for East, Central and Horn of Africa. Victor is a founding member of Sexual Minorities Uganda (SMUG), served as SMUG's Chairperson from March 2004 to October 2007 and is now serving on the organizations Advisory Board. He was member of the board of pan-African and international LGBTI groups, which are supported by Hivos, for example, Behind the Mask, Coalition of African Lesbians and the International Lesbian and Gay Association.

- (1) This case was the first time LGBT's - Yvonne Oyoo and Victor Juliet Mukasa - took the police to court in Uganda. In an interview with the *New Internationalist* in 2007, Victor Mukasa said he decided to sue the government because he was tired of the harassment: 'I am suing because of the constant human rights violations that are committed against LGBT people by the government and the public of Uganda without anyone raising a hand,' he said. A day before Christmas 2008 a Ugandan judge has awarded the two LGBT's \$ 7,000, saying their rights were infringed when they were arrested on suspicion of being lesbians in 2005. Justice Stella Arach-Amoko awarded \$ 5,000 to Yvonne Oyoo, who had been a guest in Victor Mukasa's house when it was raided by the police. The payout was for 'arbitrary torture', as Yvonne Oyoo had been man-handled and sexually assaulted. About \$ 2,000 was awarded to Victor Mukasa, a leading Ugandan human rights activist, for damage to his house during the raid.

Homosexuality in Cameroon: Identity and Persecution

Peter Geschiere

What does it mean to come out of the closet in Cameroon? It is clear that it takes courage, particularly lately, as the law has always expressly prohibited homosexuality. (1) The police, generally feared because of their brutal extortion of money from people, are eager to react to accusations of 'improper' proposals. That provides more opportunity for blackmail of both foreigners or Cameroonian citizens. Moreover, in the last few years homosexuality has become, quite abruptly, a hot issue evoking great indignation throughout society. The result is a hunt for alleged 'homosexuals', not just by the police, but also by the population.

Scandalous Practices by Elite Figures

On January 24th 2006 *L'Anecdote*, one of the many destitute newspapers in Yaoundé (capital of Cameroon) published a list of fifty prominent homosexuals. The list contained notable names: a former first minister, some other ministers, renowned journalists and other well-known figures, mostly men but some women as well. The exact accusations were not quite clear. For each person, a small photograph was published, accompanied by a short text. A recurring theme was the alleged forcing of job applicants into homosexual acts ('... but soon the pants came down ...'). Apparently the idea was that the elite are corrupt to the core and take advantage of the willingness of unemployed youths to do anything for a job, including accepting a homosexual 'initiation'. The list hit as a bombshell. In a few hours the newspaper was sold out. Other newspapers copied parts of the list, adding more general articles about homosexuality throughout the centuries in various parts of the world, but also as a creeping threat to Cameroon society.

The article in *L'Anecdote* did not appear out of thin air. During a crowded press conference a few days later, Jean-Pierre Amougou Belinga, the editor-in-chief of the paper, referred to the christmas sermon delivered a month earlier by the archbishop of Yaoundé, monsignor Victor Tonye Bakot, in which the latter warned against homosexuality amongst the Cameroon elite, criticizing also the European Union and the Amsterdam Treaty 'of 1997' (actually 1999) that required member states to prohibit any form of discrimination based on sexual orientation. The archbishop insisted that this was contrary to the express teachings of the bible. His attack on the EU relates to a wider problem: increasing pressure by international human rights organizations to end the penalisation of homosexual acts is one of the reasons why homosexuality has become an increasingly hot issue in Cameroon and elsewhere in Africa.

In other respects, the archbishop's sermon may have arisen out of the particular context of Cameroon although there may be parallels with what is happening in other African countries). For some time the churches, primarily the Catholic Church, have been concerned

about the influence of secret societies from European origin, first the freemasons and later the rosicrucians, among high-placed Cameroonian politicians and civil servants. Paul Biya, president of Cameroon since 1982, is a practising Catholic and a typical product of Catholic schools. But since he rose to power he openly admits that he is deeply involved with the rosicrucians. 'Radio Trottoir' as it is popularly called in Cameroon, is a source of constant rumours about black masses and secret confrontations between factions of freemasons and rosicrucians within the elite due to their unscrupulous hunger for power and wealth. Such rumours are encouraged by more or less explicit allusions by the president and his close collaborators to occult sources of their power. But they probably forgot that, since their introduction during the colonial period, both freemasons and rosicrucians are popularly associated with homosexuality. With his christmas sermon and his attack against gay practices, the archbishop apparently wanted to denounce these shady backgrounds.

This relationship may explain also why the list of prominent gays in *L'Anecdote* prompted such keen indignation amongst broad layers of the population, whilst the elite did not seem to know how to defend themselves. Within the country, there is growing anger against Biya and his regime which, prior to 1990, was based on a one-party dictatorship. In spite of the wave of democratisation during the early 1990's, he succeeded in holding on to power due to massive electoral fraud. The rising economic crisis of the same years is placing terrible burdens on the population. Over the last few years the regime, with the consent of the World Bank, publishes very positive figures of economic growth. But all that is happening is the enrichment of a small elite group around the president. This is painfully clear in an ongoing building boom in the elite neighbourhoods of the big cities which contrasts poignantly with the impoverishment of the vast majority of the population. Indeed, it is with good reason that Cameroon has been at the top of the list of most corrupt countries in the world for years now. It is also consistently named as one of the most graphic examples of the 'criminalisation' of a post-colonial state. (2)

For years the regime has been the object of increasingly bitter mockery among the population. However, until now Biya and his helpers have been able to divide the opposition by taking advantage of ethnic divisions in such a way that it had no chance to present a clear alternative. This divide-and-rule tactic is complemented by the ever-present and increasingly brutal show of force by the police. Apparently, the unexpected accusations of immoral gay practices offered an ideal opening for the population to express their suppressed anger, all the more so since the elite did not seem to know how to defend themselves against this sudden wave of moral indignation. It was striking that *L'Anecdote* was not immediately banned. The editor-in-chief was even given the chance to substantiate his accusations at a press conference (though his allusions to concrete evidence remained utterly vague), and on January 31st 2006 the newspaper published a second list of another fifty prominent 'homosexuals.' Some people on the list sought publicity and denied these 'terrible' accusations most emphatically, but most of them just kept their heads low. Only a few of them filed a libel complaint with the Department of Justice, but, as is usual with the Cameroon Justice Department, these cases are still pending. Apparently, *L'Anecdote* had found a weak spot to hurt the regime.

The whole affair had concrete consequences in daily life. At several places in the country a true witchhunt followed. In Yaoundé itself a boy was lynched by his schoolmates because he allegedly made improper proposals to a friend. Elsewhere, boys were removed from school

because they were suspected of 'unnatural' practices. And the regime started its determined hunt for alleged homosexuals which goes on till today - young men being sent to jail for longer periods on very flimsy evidence. What is striking is that in the lively debates around this issue - for instance, through letters to the editor in various newspapers and in Internet chat rooms - there was hardly any room for putting the accusations into perspective. Only a few writers defended a 'more modern' approach by emphasizing that sexuality is a private affair and that there is no reason to portray homosexuality as immoral. The great majority expressed great moral outrage about the supposed occurrence of such practices.

For instance, one of the accused on the list of *L'Anecdote*, Ms. Rosine Nang, a well-known TV-journalist, felt she had to emphasise how shocked she was by such horrific accusations by stating that if these accusations were true (which of course was not the case) god had to punish her descendants up to the third generation. Almost all commentators appear to view homosexuality as unnatural and as a stigma from which Cameroon society should be spared.

Homosexuality: An Unknown Phenomenon?

The rapid explosion of this witchhunt was striking because until that time homosexuality had hardly been an important issue in Cameroon. In most local cultures the phenomenon had received little attention. Of course, it is difficult to generalise on this point because cultural variation is remarkably large in this country, even by African standards. So there are regional differences in attitudes towards homosexual patterns. In large parts of the South of the country, from where most of the elite group comes, homosexuality was seen as an abomination. Typical, for example, is that in the woodlands of South Cameroon homosexuality is associated with witchcraft, a very effective way to place same-gender sexuality outside of the order.

In this part of Cameroon - for instance amongst the Beti, the ethnic block that constitutes president Biya's mainstay - excited stories circulate among the people about nightly gatherings of witches that often go hand in hand with references to sexual escapades. The central motive of witches is cannibalism. At these gatherings they would present their accomplices with relatives to 'eat' them; in daily life the victim would fall ill and certainly die unless the *nganga* (healer) who can 'see' the witches, will 'fall upon them', and force them to break their spell. But that central motive of eating and cannibalism is often linked to unnatural forms of sexuality that would equally mark these nocturnal meetings: during such orgies men would do 'it' with men and 'even' women with women. The consequence is that insinuations concerning somebody's gay inclinations are immediately associated with occult practices, which no doubt facilitated the equation with a secret society such as the freemasons when this was introduced under colonial rule. The provocative *filles libres* in Yaoundé will still sneeringly ask a potential customer who rejects their advances, 'Tu es donc un franc-maçon?' ('Are you a "freemason"?').

In these societies travesty is also associated with the world of the occult. In practice, many *nganga* (healers) are *cross-dressers*; especially the healers who mark their healing sessions by ecstatic dancing expressly combine male and female attributes. But this does not mean necessarily that they indulge in gay practices.

One can conclude that in these societies homosexuality is present but in very secretive form, although there are regional differences. For example, in some parts of the north where since the eighteenth century Islam has begun to play an important role, there is more room for gay behaviour patterns in daily life, as is so often the case in Islamic regions (think of North Africa and Turkey). Naturally, this does not mean that there is room for openly expressing a gay identity. On the contrary, in North Cameroon the intensification of fundamentalist currents causes a sharp formal condemnation of homosexuality as conflicting with the Koran.

Homosexuality Increasingly Profiled

In spite of this general rejection, certain expressions of homosexuality manifest itself with more emphasis in Cameroon. There have been rumours for some time about gay acts in prisons and in the army, but those are often forms of rape. Nevertheless, that also makes homosexuality a subject of conversation, more so than in the old days. More notable is that in modern environments, for instance amongst students and in the big cities, some youths demonstrate behaviour that clearly deviates from traditional marked ideas about masculinity: hairstyles that are similar to those of women's, elegant ways of moving. There are also increasing rumours about certain meeting places for gays, which include bars and other gathering points. The police seem to take these rumours seriously. In June 2005 in Yaoundé, the police raided what they called a 'gay-bar', arresting eleven men. It is still in question whether there are bars in that city that can be regarded as 'gay-bars'. But, as far as can be ascertained, those arrested are still in custody.

As said before, pressure from international human rights organizations have the Cameroon authorities increasingly worried about homosexuality. Legal and religious authorities claim that this is a sin of the people in the western world that the latter try to export to other countries. Unfortunately, the effect of such foreign interventions is often contrary to their intent: they bring a tightening of police supervision, raids on gay meeting places (such as those mentioned before), and a general concern about homosexuality as some sort of creeping danger.

It is, moreover, important to emphasize that this is not special for Cameroon. Throughout Africa (as in other parts of the former 'Third World') homosexuality is quite suddenly becoming a hot issue. Early in 2008, there was a big stir in Senegal when a newspaper published pictures of a 'gay marriage' that had taken place on the outskirts of Dakar. The police arrested several young men while the couple concerned went into hiding and supposedly escaped to Mali. There they were almost lynched by an angry crowd. When they managed to get to Gambia, this country's President himself insisted publicly on their arrest. According to some sources - I rely here on conversations I had with Senegalese in Amsterdam - they managed to escape again and fled to Cape Town. A few months earlier, a similar episode took place in Morocco: pictures of a 'gay marriage' published in a newspaper, a forceful intervention by the police, arrest of several young men, and a furious debate in newspapers, on websites and in other media about this horrible abomination spread by the West, contaminating Moroccan society. In a recent article, the well-known American philosopher Judith Butler came to the challenging conclusion that 'the promiscuous gay' is becoming the pinnacle of modernity. She argues that to many people in Europe - including people who used to be quite homophobic

130 - acceptance of homosexuality has become the litmus test of being modern. The people who have to be tested on this are, of course, especially immigrants from various parts of Africa or Turkey. No wonder that this has quite dramatic consequences in the countries concerned.

Pressure on Europe

One of the consequences is an increasing influx of gays who ask for asylum in Europe on the grounds of persecution in their own country. I am involved in several cases in the Netherlands and the UK, but similar cases are increasingly being reported in all Western European countries (and also the US). The pattern is the same: refugees report on increasing risk of being arrested and tortured by the police, but also about more and more violent aggression against them in the society at large.

In all European countries the authorities try to put the dangers incurred by these asylum seekers in perspective in case they are forcibly returned to their country. For instance, the Netherlands official report of 2004 on Cameroon - the *landen report*, that on which the Immigration Service bases its refusals of asylum and that is sacrosanct when asylum cases are brought before the judge - states that in Cameroon homosexuality is not actively persecuted. (3) This was highly contestable even for earlier periods; for a long time now, the fearsome *gendarmes* have viewed accusations of gay advances in this country as a welcome opportunity to blackmail somebody. But with the recent turmoil in society and (apparently) amongst authorities as well about a supposedly hidden but omnipresent homosexuality, there are more and more examples of active police actions such as the one mentioned above. Yet, Dutch authorities persist in their refusal to accept homosexuality as a ground for asylum. In 2005, the former Dutch Minister of Integration, Rita Verdonk persisted in her plans to extradite Iranian gay asylum seekers on the ground that as long as gays kept a low profile in the country they would not be harmed. Their expulsion was only stopped at the last moment because of the shocking public execution of two young gay men in Iran.

A particular case attracted a lot of attention in 2007 in the Netherlands and the UK. The Dutch authorities decided to send a gay asylum seeker from Iran back to the UK since this was the country where he first asked for asylum. Dutch action groups protested that returning him to the UK meant he would be extradited to Iran. After much pressure a solution was reached when the Dutch State Secretary, Nebahat Albayrak claimed that the British authorities had promised her not to return the Iranian to his country; therefore he could be safely sent back to the UK. At present he still seems to be in Britain but his case is still not resolved.

Clearly European authorities are very worried that the widespread unrest about homosexuality - epitomized by gay marriage - will push many more gays to ask for asylum in the West. However, it is incorrect to evaluate a country's stance on the issue of homosexuality as if it exists in isolation. Clearly the growing turmoil about homosexuality in Africa and other continents is related to the emancipation of gays in the West and the importance this issue acquired in the context of Human Rights policies. Developments in Europe are particularly confusing in this sense: over the last decades the growing acceptance of homosexuality in ever wider circles - including among people who used to cherish quite homophobic utterances and practices - is clearly related to a growing concern about the ever more emphatic

presence of Islam within these societies. (4) Gays from African and notably Islamic countries risk victimization by this particularly complex and tense configuration. If Western governments take gay emancipation seriously and if politicians want to show that this is not just an opportunistic choice in the context of forceful 'integration' policies towards immigrants, it would be fair to pursue a more open policy for gay asylum seekers who have to flee their country because of frenzied outbursts of homophobia. These outbursts have many reasons but they are certainly also related to popular unease about a model of modernity so powerfully presented by the West. Gays from these countries should not become the victims of this.

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Notes

- (1) The text of the law, section 347a of the penal code of Cameroon, does not concern homosexuality as such, but 'sodomy', which supposedly includes all homosexual acts. But in practice, neither the police nor the authorities make such a distinction. In practice, 'homosexuality' is said to be prohibited by law. See also: Sabine Jansen, 'Op de vlucht voor homohaar - over discriminatie en discretie', in: *Nieuwsbrief Asiel- en Vluchtelingenrecht* ('On the run from Homophobia - About Discrimination and Discretion', in: *Newsletter Asylum and Refugee law*), vol. 3, June 2006, p. 124-146.
- (2) Cameroon plays a big role in the book *The Criminalization of the State in Africa*, written by Jan-François Bayart, Stephen Ellis and Béatrice Hibou, published by James Currey & Indiana University Press, Oxford, Bloomington & Indianapolis, 1999.
- (3) See also the article by Sabine Jansen, referred to in note 1. She writes about the official news releases of the Dutch Ministry of Foreign Affairs: 'Many official news releases use a strange distinction between homosexuality and homosexual acts. The official news release about Cameroon states: "In Cameroon homosexuality is not penalised. Homosexual acts are considered sodomy in Cameroon and are indeed penalised."'
- (4) See Judith Butler's text quoted above.

Urgent Goals of LGBTI Liberation

David Kuria

I am 35 years old and live in Kenya. (1) At a very young age, long before I became a sexual adult, I knew that I would not get married and this is what I told my family. Nobody took me seriously then, but they do now, because they realise that this is something I talked about long before I knew what marriage meant. When I was thirteen I went to a small seminary and later to a larger one, but left just before I became a priest. I worked for four years with a church-established NGO and later began my own business. Now that I have painted my profile I will address the urgent goals of the gay liberation movement and present my personal experiences as an illustration.

Discrimination

Before one can write about discrimination, a suitable context must be created through which the various forms of inequality and marginalisation can be rated at their true value. You should view sexual orientation as nothing more than a newcomer in an ancient social structure that depicts people as inferior based on a certain judgement by society. Before we can more deeply examine the marginalisation of the LGBTI community and the necessity of liberation, it will be helpful to look at other shameful types of discrimination in order to grasp the broader background.

Discrimination against women is probably the most conspicuous. People have become increasingly aware, particularly amongst the urban population, of the obvious forms of gender discrimination, such as girls who may not go to school, are denied particular foods such as meat, discrimination against pregnant women and domestic violence. Other forms of discrimination against women, such as the denial of rights of succession, entry to a country and capital, remain a problem, unfortunately.

Tribal and ethnic discrimination is just as endemic. Anthropologists have described this phenomenon in numerous books. However it is considered less acceptable to discriminate on grounds of ethnic origin, particularly amongst youths. Young people that have grown up in urban areas or attended multi-ethnic schools find it less threatening to mingle with people from differing ethnic backgrounds and generally find them acceptable.

Some consider sexual orientation the last undeveloped area for the application of human rights. In many parts of Africa - Kenya being a good example - people hear open statements concerning sexual orientation. It appears that the image of gays has scarcely changed with respect to the ancient perception that homosexuality was a colonial import. The *World Social Forum* in 2007 in Nairobi, a worldwide meeting of civil society organisations of all sorts and conditions was the first public event where LGBTI-people in Kenya came out facing the entire society. As a reaction the gays were heckled because they let themselves be lured into strange, foreign behaviour.



South African police taking part in the Gay and Lesbian Pride Parade in 1998 - © Gala (Gay and Lesbian Memory in Action)

When the mainstream media publishes information about gay issues it is always in a negative and damaging manner. The majority of people in society even consider it a curse to place gay subject matter in a neutral light. If someone speaks without insinuations and moral condemnation about homosexuality, he/she becomes stigmatized as a neo-colonial activist. That does not alter the fact that if you read how people today talk and write about gays, you notice an exact parallel with what people in the eighties said and wrote about the liberation of women. Back then, similar to the gays now, the advocates that pleaded for women's liberation were considered people that promoted a foreign agenda contrary to the deep-rooted values of the African culture because they undervalued the superior cultural and social order.

Although I personally have never found myself in a life threatening situation, I know men that most certainly have, just as many women in the eighties. Back then women knew that without economic liberation they would never be able to reach meaningful liberation. Therefore, they formed joint savings and credit groups and lent money to one another to start up a business. I recall women bringing money to my mother for safe keeping, otherwise they would face duress and threat of violence from their spouses and had to explain where the money came from. Unfortunately, especially in the countryside, domestic violence was still acceptable within marriage.

Perhaps most notable at the individual level is the process of undergoing traditional rituals that, as one might expect since that is what they are meant for, grant you access to acceptance in your own community. If, at a later stage your sexual orientation is revealed, that

134 access is denied because of that sexual orientation. Among the Kikuyu, all boys are circumcised at puberty as a transition ritual in which they receive an identity and are adopted into Kikuyu society. But when they reach the age of 25 or 30 they are expected to renew this social agreement by marrying. Since I did not get married, like so many other gays of my age and older, I have lost that social acceptance. On a personal level, there is a feeling of disappointment and anger toward society, because all the pain we have suffered in puberty was apparently completely useless. Circumcision is viewed in the cultural context. The value of it, as explained to us, is not limited to hetero conformity. In spite of the fact that it was assumed, how, as a little boy of that age, could one have a perception of marriage and anticipate it?

Religion

The African author Philip Mbithi referred to African men as 'notoriously religious'. Religious rites are traditionally entrenched in all activities, personal or communal, private or public, even to the extent that it is difficult to make a distinction between purely religious and secular. With such a foundation gays really feel excluded when religious leaders condemn their personal identity.

The continuing crisis in the Anglican church aggravates this desolation because the Africans, particularly the Kenyans, find themselves so fabulous morally speaking that they cannot help themselves, then take pity on those who 'lost their faith'. If you say that you are African and gay, you do not just appear to be completely on the wrong track, but it also looks like betrayal of the African opportunity at moral leadership, the only opportunity Africa has at some sort of leadership in the world.

Relations

An African only exists with the notion that he or she belongs to his or her society. Because of the traditional social context of poverty, life is shared and never lived individually. In that way, everything in society is socialised. Gays also feel the need to share their lives but they don't have a social structure in which to express that need. If I was not gay it would not be hard at all to fulfil that deep community need. However, being gay I am denied access to these social structures where this need is expressed. This primarily concerns marriage, but even more basic than that: the space to be myself, to recognize and accept who I am. These days, in the large cities of Kenya such as Nairobi and Mombasa, there are young gay couples. However, it is an unwritten rule to introduce each other as good friends that share a home. When you are in your early twenties the pressure to marry is not yet that great. When you are in your early thirties and you are living with another man then it is a completely different story. Perhaps people of my age and older just have to get used to the loneliness and learn to live with it, an exercise I am just starting to master.

Participation in Economic Life

In view of the widespread denial of homosexuality in Africa there are no specific identifiable rules or measures that discriminate against gays in employment situations. But as soon as an

individual said something about his or her different sexuality, employment is immediately ruled out. Legal review (of the dissolution of the employment agreement) and compensation are impossible. More fundamental, of course, is the psyche of the gay or lesbian who is denied the possibility to fulfil his or her life to its full potential. The forced isolated life means that a person is always worried about his or her sexuality remaining a secret and, in the long run, this necessity for secrecy requires that person to spend all his or her time and attention on it. As a result, gays perform extremely badly, both economically and socially, as individuals and as community members. For many that find it difficult to cope with the daily struggle of life, on top of the pressure that inevitably comes along with an isolated life, it is easy to give up; this explains the high addiction statistics and other forms of self neglect amongst them.

The Road Ahead

There is no doubt that the current situation may not and cannot continue. But it is the gays themselves who must take the lead in this struggle for self-liberation. Luckily, the struggle for women's liberation has shown that with persistent commitment both the traditionalists and the religious fractions can be put aside. The foundation of the 'Gay and Lesbian Coalition of Kenya' (GALCK) is an important first step on the road to this liberation. The courage to stand up and show society our presence is a necessary condition to claim rights for LGBTI-people. Fortunately, in Kenya there are many people in the general human rights movement who are willing to cooperate with GALCK to reach this objective. Partnership between the LGBTI-people in the cities and from the countryside is also important. Even the people who lead an 'open and proud' life in the city feel the necessity to hide behind a mask when they visit their home in the countryside. This indicates that there can be no freedom and acceptance when only some are free and accepted.

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Notes

- (1) According to the Kenyan Criminal Act, consensual sex between men that is against the order of nature is forbidden. The punishment can be as much as fourteen years of imprisonment. (The same law mentions sex with animals which is punished equally!) Also, efforts by men to seduce other men into sex that is against the natural order is considered criminal and can result in seven years imprisonment. Men who have 'gross indecency' with other men, either privately or in public areas or try to seduce them can get five years in prison.

Challenging the Anti Sodomy Law in India: Story of a Continuing Struggle

Arvind Narrain

The queer (1) struggle in India has had a complicated relationship with the law. Nothing exemplifies this complexity better than the vexed relationship with the anti-sodomy law in India, Sec 377 of the Indian Penal Code (IPC). Section 377 of the IPC came into force in 1860 as part of the criminal code which governs India even sixty years after independence. Sec 377 reads: 'Unnatural offenses: Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.' Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offense described in this section.

The question that the judiciary has struggled with since 1860 is to determine what exactly 'carnal intercourse against the order of nature' meant. Initially judicial interpretation limited the meaning of the phrase to anal sex (2), by 1935 it broadened to include oral sex (3) and the judgements in contemporary India have broadened it to also include thigh sex. (4)

If we are to search for a principle which holds together these various sex acts prohibited by Sec 377, it was laid down as early as 1935. The Court in *Khanu vs Emperor* (5) laid down that, 'the natural object of sexual intercourse is that there should be the possibility of conception of human beings, which in the case of *coitus per os* [oral intercourse] is impossible'. It then went on to define sexual intercourse as 'the temporary visitation of one organism by a member of the other organism, for certain clearly defined and limited objects. The primary objective of the visiting organism is to obtain euphoria by means of a detent of the nerves consequent on the sexual crisis. But there is no intercourse unless the visiting member is enveloped at least partially by the visited organism, for intercourse connotes reciprocity. Looking at the question in this way it would seem that [the] sin of Gomorrah is no less carnal intercourse than the sin of Sodom'. (6)

In defining what constituted 'carnal intercourse against the order of nature' in *Lohana Vasantlal Devchand v. The State* (7) the Court noted that 'the act of oral sex involves enveloping of [the] penis by the mouth, thus creating an alternative socially unacceptable activity, which is against the order of nature'.

This idea of sex without the possibility of conception was used by the judiciary over the last 149 years to characterize homosexuality as a 'perversion', 'despicable specimen of humanity', 'abhorrent crime', 'result of a perverse mind' and 'abhorred by civilized society'. What judicial interpretation did was to include both acts of consensual sex as well as acts of sexual assault under its catchall category of 'carnal intercourse against the order of nature'. It is also important to note that technically speaking, Sec 377 does not prohibit homosexuality or criminalize homosexuals as a class but targets instead sexual acts. However the fact that

these sexual acts are associated solely with only homosexuals has made homosexuals the only group vulnerable to prosecution under the law.

The judicial understanding of Sec 377 has never been impacted by the Indian Constitution. Since 1860, through over fifty years of the Indian Constitution, the judiciary continues to follow the colonial justices of the *Khanu* era in defining homosexuals as 'despicable specimens of humanity'. The right to equality, the right to dignity or the right to expression have never been seen fit to apply to lesbians, gays, bisexuals, hijras or others whose sexuality does not conform to the heterosexual norm.

Prosecution under Sec 377: A Case of Uncontrolled State Power

The judicial understanding of Sec 377 only legitimizes and reinforces state power to persecute and harass those of an alternative sexual orientation or gender identity. This enormous power in the hands of the state to enforce its vision of morality finds frightening expression in the form of arbitrary and brutal state action. I would just like to highlight two cases of how Sec 377 confers uncontrolled power on the state.

On 4 Jan, 2006, four men were arrested in Lucknow on the charge of having sex in a public park. (8) A national level Fact Finding Team visiting Lucknow found out that the First Information Report (FIR - on the basis of a FIR the police commences its investigation) was an outrageous concoction and that in fact what happened was that one person's phone number was got off a gay website, he was then beaten and tortured and forced to reveal the names of his other friends, and a FIR was registered against these four as well as thirteen others whose names he was forced to reveal. What is important to note about the case is that the police were confident that since these four were on the gay website, they were guilty of the offence of Sec 377. They unleashed a media blitz in which the sexuality of the four accused was repeatedly paraded as something to be mocked and scorned. Though the fact finding revealed that the most the four could be accused of was putting their profiles online, the police went ahead and concocted a fictitious case under Sec 377. The case illustrated the arbitrary powers in the hands of the state to periodically harass queer people in the confidence that this would never be regarded as a serious human rights issue. But what was interesting that this case resulted in protests across the country: in Delhi, Bangalore and Bombay. The queer community asserted that: 'The state response is in effect a clear attempt to terrorize the sexual minority population, clamp down on the very expression of anything outside heterosexuality and is fundamentally dissonant with any tolerant pretensions the government might have. It is unacceptable that in a context where gays, lesbians, bisexuals, kothis (9), hijras (10) and other sexual minorities are being increasingly vocal and articulate about rights, the UP [Uttar Pradesh] State is attempting to push UP back to the dark ages, wherein individual autonomy was a casualty of the authoritarian State.'

In another case from Bangalore, twelve hijras and kothis were arrested under Sec 377. The police filed a case in which it was alleged that they were engaged in unnatural sexual business that would affect citizens and tourists who visit Cubbon Park, and that the behaviour was embarrassing and disgusting. It was also alleged that those arrested were loitering with the intention to engage in unprotected, unnatural sex by standing in the shade of the trees and soliciting passers-by. It was also alleged that they committed unsafe, immoral sexual acts with

138 the purpose of earning money and that these acts may have led to the spread of diseases like AIDS, causing severe harm to the general public. (11)

Where the issue of the state unpredictably descending upon you in all its fury combined with the judicial abnegation of any constitutional responsibilities is frightening by itself, it is by no means the whole story of what Sec 377 means. Who grasped this truth very acutely is one of India's best known thinkers Amartya Sen (12), who in an open letter demanding the repeal of Sec 377 noted: 'It is sometimes argued that [...] Section 377 does not do as much harm as we, the protesters, tend to think. What has to be borne in mind is that whenever any behaviour is identified as a punishable crime, it gives the police and other law enforcement officers huge power to harass and victimize some people. The harm done by an unjust law like this can, therefore, be far larger than would be indicated by cases of actual prosecution.' (13)

Some clues as to what would be this 'far greater harm than actual prosecution' emerges from human rights documentation. The Peoples Union Of Civil Liberties-Karnataka (PUCL-K) Report documents the pattern of everyday violence faced by the hijra and kothi community at the hands of the police. To a community which makes its living by both sex work and begging, (particularly in South India) police violence is an everyday reality. This fate is shared with women in sex work who face a similar pattern of brutal violence by the state. To take just one example of this form of violence: Nasir, a 27 year old kothi, states: 'The Sampangiramanagar police filed a false case against me under a wrong name (Saleem) and my father's name as Abdul, and put me in the lock-up. When I protested against this confinement, they told me we cannot do anything with you, so just be here. I was made to be there until 11 p.m. and after approximately an hour, three policemen came to me and asked me whether I have a penis or not: "let us see". When I didn't listen to them, they started hitting me in order to make me take off my clothes. One policeman put a stick into my arsehole saying you are a 'khoja' (derogatory term used for kothi/hijra). And then one policeman forcibly inserted his penis in my mouth and the other in my arse, and so did the others, one by one, till they all came out and left me.' (14)

The Social Impact of Sec 377

Apart from the immediate threat of prosecution and violence, the insidious danger of Sec 377 lies in the fact that it permeates different social settings including the medical establishment, media, family, and the state. Thus it becomes a part of ordinary conversations and ultimately a part of the very social fabric in workplaces, families, hospitals and the popular press. This helps to create an environment where violence against queer people gains a semblance of legal acceptability. Section 377 expresses the deep societal repugnance towards queer people and provides the fig leaf of legitimacy for the harassment of queer people by families, friends, the medical establishment and other official institutions. (15)

To take an example: 'Sodomy is illegal in India', said Dr S. (16) This statement by a doctor indicates how law plays a role in legitimizing the treatment of homosexuality as a medical disorder by doctors. Thus a law such as Sec 377 has to be evaluated not merely in terms of the actual prosecutions but in terms of its impact in constructing mind-sets. This in turn has an effect on actions by authorities, from the medical profession to the National Human Rights Commission. This should be seriously studied to grasp how Sec 377 functions as a

cultural signifier for the 'unacceptability' of homosexuality. (17)

The social intolerance fostered by the legal regime of Sec 377, results in the unacceptable situation wherein lesbian couple after lesbian couple feels they have no option but to commit suicide when faced with the dire reality of the Indian norm of compulsory marriage. Deepa V.N. from Sahayatrika, a lesbian support group in Kerala, has documented the cases of 23 couples in the tiny state of Kerala who committed suicide rather than be forced into marriage. (18) Of course one also needs to understand that this form of extreme intolerance is also being combatted by the emergence of queer activism, but for many women from small towns without any access to the queer community it remains a lonely struggle to keep alive the revolt against compulsory heterosexuality.

The queer struggle against Sec 377 must necessarily speak to these really diverse experiences, from the gay man being arrested under Sec 377, to the hijra being tortured and abused by the police, to the lesbian who is forced by social intolerance and legal indifference to commit suicide. Sec 377 is a visible symbol of all that is wrong with compulsory heterosexuality and it is within this context that a queer critique has to be framed.

The Legal Challenge to Sec 377

At various points in time, activists have wondered whether Sec 377 is the be-all and the end-all of our struggle, and why it monopolizes all attention when it comes to queer issues. Equally complicated has been the concern over whether we should indeed challenge Sec 377 in court. Would the process of challenge re-focus attention on the law and bring a dead law to life? Would the courts be ever capable of taking this issue on board and delivering a positive judgment? Who should be defined as affected parties? Would the inclusion of lesbians as affected parties have a negative impact on the community? And what about F to M trans-genders? Does the filing of a legal challenge narrow the very scope of our understanding of a queer struggle by implicitly recognizing only a few identities? The questions were so many, they could lead to inaction.

This process of discussion, with many confusions and little clarity as to the course of action, received a focal point with the petition challenging Sec 377 that was filed unilaterally by the Lawyers Collective on behalf of the Naz Foundation before the Delhi High Court in 2001. The petition challenged the constitutional validity of Sec 377 and made an argument for Sec 377 to exclude the criminalization of same-sex acts between consenting adults in private. The petition asks (in technical terms) for the statute to be 'read down' to exclude the criminalization of same-sex acts between consenting adults in private so as to allow for the continued use of Sec 377 in cases of child sexual abuse. Child rights groups have pointed out that the failure to enact a comprehensive law on child sexual abuse has left children who are victims of abuse dependent upon the inadequate frame provided by Sec 377. Nonetheless taking on board the legitimate fears of child rights groups of a legal vacuum if Sec 377 is repealed without another law replacing it, the challenge to Sec 377 only asks that it be read down.

Initially, when a meeting was called by Lawyers Collective to discuss the petition, there was an undercurrent of disapproval from queer groups as they felt that there had been no consultation prior to the filing of the petition. However this disapproval gradually dissolved as

Lawyers Collective productively responded to the criticism by holding consultations with the wider community. What became evident was that the process of continuous discussion at every stage of the petition was precious and valuable. It was deeply educational both to the lawyers behind the petition as well as community members.

When the petition was presented and discussed, community members articulated a strong disagreement with challenging Sec 377 on the basis of the right to privacy, arguing that while it may be a legal strategy it did not reflect the normative claims of the community. The key argument posed by community members was that privacy, when viewed as the freedom to be themselves at home, free from state control, was a class bound concept. Not many other than some privileged Lesbian, Gay, Bisexual, Transgender (LGBT) members had the luxury of having homes and enjoying the right to privacy. In fact for most kothis, hijras and lower income gays and lesbians, private space was a privilege they did not have. If the court were to go ahead and decriminalize same-sex activity between adults in private, it would make no significant difference to their lives. This critique eventually fed back into the nature of the legal intervention, with the privacy argument being distinguished into zonal privacy and decisional privacy with Voices Against 377 making the argument that privacy was not a concept of space alone (i.e. I have a right to do what I want in my home) but rather a concept about autonomy of decision-making when it came to intimate decisions such as the decision about how and with whom to forge affectionate and relational ties. (19)

What was significant was that the meetings hosted by Lawyers Collective and Naz Foundation over the period of the next seven years contributed towards Sec 377 becoming a more politicized issue in the community. The key stages of the petition included the affidavit filed by the Union of India which indicated that the Government would stand by the law, the affidavit filed by the National AIDS Control Organization (NACO) (20) which in effect said that Sec 377 impedes HIV/AIDS efforts and the impleadment (21) by JACK (an organization which denies that HIV causes AIDS) and B.P. Singhal (a former BJP Member of Parliament, representing the opinion of the Hindu right wing that homosexuality was against Indian culture) (22) into the petition. This process of discussion fed back into the community, fuelling feelings of outrage and indignation, hope and despair and anger and fear, as each stage of the petition unleashed a torrent of emotions.

The periodic meetings were thus a way in which the activist community was kept deeply involved in developments and the community continued to respond to the changing scenario. What particularly tilted the balance was the introduction of B.P. Singhal's impleadment into the petition. Suddenly the scales seemed to have tilted, with Naz appearing increasingly isolated among the cacophony of voices opposing the petition. It seemed that a range of forces was coming together to protect what the community saw as a patently unjust law. In a meeting called by Lawyers Collective to discuss this development, it was proposed that some queer groups should also implead themselves within the petition so as to support the petitioner.

It was with the birth of this idea that Voices Against 377 (A Delhi based coalition of child rights, women's rights and LGBT groups) decided to implead themselves within the petition to support the petitioner. The key emphasis of Voices was the rights of LGBT persons while Naz, because of its status as an organization working on HIV/AIDS, would continue to emphasize how Sec 377 impeded HIV/AIDS interventions and hence the right to health of LGBT persons.

There were enormous delays spanning a sum total of seven years during which the case was initially dismissed by the Delhi High Court, appealed in the Supreme Court and finally sent back to the Delhi High Court. Initially, the Delhi High Court dismissed the petition just as it was gathering steam on the ground that the petitioner, Naz Foundation, was not affected by Sec 377 and hence had no 'locus standi' to challenge it. However when the dismissal was challenged before the Supreme Court, the Supreme Court sent the case back to the Delhi High Court to be heard expeditiously. Since the petition was filed by Naz Foundation in 2001 it has gathered greater support both in terms of public opinion and increasing support even within the sphere of the courtroom. It was in September of 2008 that, after a long wait, the matter was finally posted for final arguments before a Bench comprising Chief Justice Shah (23) and Justice Muralidhar (24) of the Delhi High Court.

Final Arguments before the Delhi High Court

By the time the matter was posted for final arguments in September 2008, seven years after the petition was initially filed, the key difference was that it had become far more a part of the issues which defined contemporary India. There was a real buzz both in terms of the media coverage and eager anticipation with respect to the final hearings. During the hearings the court was attended by community members who closely followed each twist in argument and each response by the judges. The proceedings were covered extensively and widely by the media, and the community was also kept updated with daily minutes of the hearings which were posted on online forums. (25)

The petitioner's core argument centred around the right to health and how Sec 377 impeded HIV/AIDS interventions. The arguments were substantiated by case studies particularly of Lucknow 2001 (26) when Sec 377 was used to target a HIV/AIDS intervention with the Men having sex with Men (MSM) community. So Sec 377, far from being justified by a compelling state interest, was actually an impediment to achieving the right to health of a particularly vulnerable section of the population.

The core argument of Voices Against 377 was that: 'Sec 377 is a law which impinges on the dignity of an individual, not in a nebulous sense, but affecting the core of the identity of a person... Sexual orientation and gender identity are part of the core of the identity of LGBT persons. You cannot take this away.' They argued that: 'Morality is insufficient reason [to retain the law] in a case like this where you are criminalizing a category and affecting a person in all aspects of their lives, from the time the person wakes up to the time they sleep.' Shyam Divan, the Counsel for Voices Against 377, argued that if the court did not declare its relief limiting the scope of section 377, it would cast a doubt on whether LGBT persons enjoyed 'full moral citizenship' of the country. He argued that, 'a moral argument cannot snuff out the right to life and personal liberty of LGBT persons'.

Astonishingly, the core argument of the Government of India was that if Sec 377 was read down to exclude consenting sex acts between adults in private, it would affect society's right to health of society. The legal counsel representing the Union of India, was the Additional Solicitor General, Mr P.P. Malhotra. He cited various studies to show that homosexuality caused a very serious health problem. Citing one study he said: 'The sexual activity enjoyed by homosexuals results in bacterial infections, and even cancer. There are activities like golden

showers, and insertion of objects into the rectum which cause oral and anal cancer. A study of homosexual practices shows 37% enjoyed sodomitical activities and 23% enjoyed water sports.' Referring to notions of decency and morality the Additional Solicitor General noted that: 'In our country it is immoral on the face of it. Society has a fundamental right to save itself from AIDS. This right is far greater than any right of the less than one percent who are in this programme. The health of society should be considered and it is the greatest health hazard for this country. If permitted it is bound to have an enormous impact on society as young people will then say that the High Court has permitted it.'

B.P. Singhal made a strong argument that Sec 377 was against Indian morality. In the words of his counsel, homosexuality was 'a perverted kind of sex': 'In the name of thrill, enjoyment and fun the young shall walk into the trap of homosexual addiction. The tragic aspect of this is that alcohol, drug and disease are the natural concomitants of homosexual activity.' He submitted that he 'was on morality, the joint family structure' and that 'we must not import evils from the west. We have traditional values and we must go by that. It would affect the institution of marriage and if women get doubt about what their husbands are doing, there will be a flood of cases of divorce.'

JACK's counsel submitted that there was 'no scientific evidence that HIV causes AIDS', that a 'change in this provision would mean that all marriage laws would have to be changed', and that 'under Sec 269 and 277 of the Indian Penal Code anyway any intentional spreading of an infectious disease would be an offence'. JACK's counsel then asserted that Naz did not come to Court with clean hands and was part of an international network which was using HIV to push an agenda.

Judicial Empathy: Listening to LGBT Voices

The Court in the post liberalization era has not been an hospitable space or indeed the last refuge of what the Supreme Court had characterized as the 'oppressed and the bewildered'. In fact the Court has been positively hostile to a whole range of applicants, from slum dwellers to all sections of organized labour. So it was with a great deal of trepidation that queer activists awaited the hearing. How would the judges indeed understand the complex issue of sexuality and rights? How indeed would we be able to persuade them that this was an issue of rights? Should we not have learnt from the experience of Public Interest Litigation in the 90's and stayed away from the court as any guarantor of rights? These were some of the thoughts circulating like a nervous eddy through the queer community.

The judicial response has generally been subject to analysis in terms of the reasoned argument and the decided case. By contrast little attention has been paid to the gamut of responses by judges on a day to day basis in Court. As Lawrence Liang notes: 'Witnessing the courts functioning on a day to day basis also allows you to uncover another secret archive, an archive of humiliation and power. It is said that seventy percent of our communication is non verbal and this must be true of legal communication as well. The secret archive that interests me consists not of well reasoned judgments or even the unreasonable admonishment of the courts, but the various symbolic signs and gestures that accompany them. An incomplete index of the archive includes the stare, the smirk, the haughty laugh, the raised eyebrow, the indifferent yawn, the disdainful smile and the patronizing nod amongst many others.' (27)

In this secret archive of what Liang correctly characterizes as ‘humiliation and power’, what emerged almost as a complete surprise was another index of responses, which can rightly be characterized as standing in for quality of judicial empathy. What came through the questions and comments of the judges was not an intention to humiliate, but instead a strong empathy for the suffering of LGBT persons.

C.J. Shah communicated this judicial empathy in ample measure and took judicial notice of the social discourse of homophobia by saying that we all know what kind of sneers and mockery this issue raises in society. To substantiate this point, he narrated the moving instance of a boy who was subject to jibes and sneers because of his sexuality and so was unable to do his exam. It was only after a judicial intervention that he was allowed to do his exam without harassment and in C.J. Shah’s words, ‘he thankfully passed’.

If one were to abstract three important moments in the Court room arguments spanning over eleven days, the first important moment was when the Counsel for Naz, Anand Grover, read the opinion of Albie Sachs in *National Coalition For Gay and Lesbian Equality v. Minister of Justice*. (28) This decision by the South African Constitutional Court ruled that the offence of sodomy violated the right to equality and dignity and struck it down. Justice Sachs’ passionately argued concurring opinion was in particular animated by the high ideals of the South African Constitution and exceeded the staid limits of conventional judicial prose in its ability to evoke empathy. It conveyed with an intensity and powerfulness the extent of injustice perpetrated by an anti-sodomy law. As justice Sachs powerfully noted: ‘In the case of gays, history and experience teach us that the scarring comes not from poverty or powerlessness, but from invisibility. It is the tainting of desire, it is the attribution of perversity and shame to spontaneous bodily affection, it is the prohibition of the expression of love, it is the denial of full moral citizenship in society because you are what you are, that impinges on the dignity and self-worth of a group.’ (29)

The judges were visibly moved by Sachs’ opinion and conferred among themselves. C.J. Shah wished the Additional Solicitor General (ASG) was in Court to listen to justice Sachs’ opinion. Almost subtly, you could sense that the burden had shifted from the Counsel to the judges. They now had to contend with the weighty presence of justice Sachs and the burden of history when they wrote their judgment. In case there were any doubts on this point, Voices Against 377 submitted an outline of submissions which argued that: ‘This case ranks with other great constitutional challenges that liberated people condemned by their race or gender to live lives as second class citizens, such as *Mabo v. Queensland* (30) (where the High Court of Australia declared that the aboriginal peoples of Australia had title to lands prior to colonization), *Brown v. Board of Education* (31) (where the United States Supreme Court held that segregated schools in the several states are unconstitutional in violation of the 14th Amendment) and *Loving v. Virginia* (32) (where the United States Supreme Court held that laws that prohibit marriage between blacks and whites were unconstitutional).’ (33)

The second important moment was when the judges zoned in on what they saw as the core argument for retaining Sec 377, public morality. They asked counsel for Voices Against 377 how he would respond to the public morality justification for retaining Sec 377? Shyam Divan’s response on behalf of Voices Against 377 was: ‘Any law or statutory provision that denies a person’s dignity and criminalizes his or her core identity violates Article 21 of the Constitution. Section 377 operates to criminalize, stigmatize, and treat as “unapprehended felons” homosexual males. The provision targets individuals whose orientation may have

formed before they attained majority. It criminalizes individuals upon attaining majority, for no fault of the person and only because he is being himself. Article 21 absolutely proscribes any law that denies an individual the core of his identity and it is submitted that no justification, not even an argument of “compelling State interest” can sanction a statute that destroys the dignity of an estimated 25 lakh (34) individuals.’ (35)

This argument that the state cannot plead, ‘compelling state interest’ when the core value of dignity is at stake, seemed to resonate deeply with the judges, with them repeatedly asking the ASG to respond to what they characterized as ‘a very strong argument on dignity’. The empathy demonstrated by the judges in the course of the hearings, their sensitivity not only to instances of brutal violence but equally to the more subtle language of discrimination made the Court proceedings for the brief moment of the hearings a magical space. LGBT persons who were so used to the sneers and jeers of society, suddenly felt that they were not only heard but also respected. The judges, just through the art of empathetic listening, restored dignity to a section of society on whom the Government seemed intent on pouring nothing but contempt and scorn.

The third important moment were the series of exchanges between the judges and the ASG and the counsel for B.P. Singhal and JACK. By contrast to the evident empathy with which the judges heard both Naz and Voices, the ASG as well as the counsels for JACK and B.P. Singhal were subject to questions which showed judicial impatience with the nature of arguments and hinted at the deep structure of their judicial sympathies. I will just highlight three such exchanges.

At one particularly funny moment, counsel for B.P. Singhal referred to *R. v. Brown* (36) which was a decision of the House of Lords in which they ruled that consensual sadomasochistic practices between adults were not entitled to protection on grounds of privacy. Counsel for B. P. Singhal read from this judgment to make the point that: ‘Homosexuals enjoy group sex and even enjoy committing violence. This is sexual perversity and ... criminal acts warranting prosecution were committed in the course of such perversity.’ He said that ‘it was disconcerting to see tendency of homosexuals to indulge in group sex’. C.J. Shah sharply interjected to ask if it was based on personal knowledge that Mr Sharma knows that homosexuals enjoy group sex?

When C.J. Shah asked how the ASG would respond to the Art 21 argument [right to life includes the right to live with dignity and cannot be snuffed out by any law], the ASG responded that: ‘This argument is being raised because there are many people of “that kind” in society... People are indulging in it, and they should be excused because they are consenting adults?’, he asked rhetorically. ‘There is no question of being excused,’ Chief Justice Shah remarked sharply and with finality: ‘The argument is that Article 21 is being violated.’

The ASG strenuously denied that the right to health was denied to LGBT persons. ‘It is wrong to say that access to health care is impeded as if a man goes to a doctor and asks for treatment he will be provided. Where is the fear? It is incorrect to say that the statute is arbitrary because one can’t get treatment.’ In the ASG’s opinion it was mere personal sensitivity which lay behind the challenge to Sec 377.

C.J. Shah’s knowledgeable and empathetic response was that ‘on the ground if a person had a sexually transmitted disease and was a MSM, he would be fearful of going to the doctor knowing that the sexual act he had done was punishable even up to life. He knows that the behaviour is criminalized and knows that he is liable to punishment. It remains a stigma as he

cannot tell the doctor that what he indulged in was an offence. Can you brush aside NACO's affidavit by saying that person is feeling shy about going to the doctor?'

Leaving aside the question of the eventual judgment, the question which interests us is what accounted for the judicial empathy for LGBT suffering? We can essay some possible reasons.

Firstly, it has often been noted that the difference between the *Bowers* judgement which retained the sodomy law in 1986 and the *Lawrence* judgment which struck down the sodomy law in 2003 in the United States was that in the *Lawrence* Court every judge knew somebody who was gay or lesbian where in the *Bowers* Court, not a single judge knew any gay or lesbian people. Both judges in this case knew J. Cameron (37) and J. Kirby (38), two openly gay judges who have spoken in India about LGBTI rights. These personal ties with fellow judges who were gay give a face and a name to homosexuality. What appears strange and distant is made familiar, and what might have evoked dislike and misunderstanding evokes empathy and understanding. Clearly the idea of exposing judges to LGBTI issues through discussions with such eminent fellow judges has had its benefits.

Secondly, much had changed since 2001 when the petition was originally filed. In the intervening period the range of activities on queer rights has brought queer issues center stage as never before. Sec 377 had moved from merely being a provision in the Indian Penal Code to becoming a metaphor for all that is wrong with our sexual universe. The open letter signed by eminent luminaries such as Vikram Seth and Amartya Sen, the pride parades in major Indian cities, the periodic media reporting of LGBT rights violation all signalled a changing India, an India to which the judiciary could not be blind. If Indian society was changing to encompass new understandings of rights, the judiciary could not be completely immune to this current.

Finally, regardless of how much we theorize to understand the powerful societal influences that were brought to bear upon the final arguments, there still needs to remain some space for the highly subjective and deeply personal. What was it in the very being of J. Shah and J. Muralidhar that accounted for their remarkable empathy? Where did that remarkably human quality of relating to human suffering come from?

That will continue to remain a mystery and we can do no more than hope that the quality of judging continues to be imbued with the spirit which makes judges listen to the voices of human suffering.

The Judgment in Naz Foundation v. Union of India and others

After a long wait of over seven months, the Delhi High Court finally delivered its judgment in *Naz Foundation versus Union of India*. The judgment was strongly grounded in an understanding of the importance and implications of the Constitutional protections and its equal applicability to LGBT persons. It took forward the understanding of dignity, privacy, non-discrimination and equality in Indian Constitutional Law, as it applied these concepts to LGBT persons. In many moving passages the judges showed a remarkable understanding of what it meant to be an LGBT person in India. As the judges famously concluded, 'In our view, Indian Constitutional law does not permit that statutory criminal law to be held captive by the popular misconceptions of who the LGBT's are. It cannot be forgotten that discrimina-

tion is antithesis of equality and that it is the recognition of equality which will foster the dignity of every individual.'

In terms of the implications of the judgment it is important to note that *Naz Foundation* unlike *Lawrence vs. Texas* does not explicitly limit the applicability of the judgment. *Naz Foundation* opens the door to future non-discrimination actions by LGBT persons who are discriminated against in the public sphere. This might well prove to be what makes *Naz Foundation* a decision of enduring significance.

However even beyond the strictly legal implications, the judgment has had a remarkable impact in provoking tears, initiating conversations and inciting opposition. Among the LGBT community, it was the recognition that finally the Indian State had recognized 'full moral citizenship' that led to tears, among a large section of the public the judgment led to animated conversations about who the LGBT were and among a section of conservative opinion it provoked shrill protest. (39) Either ways regardless of what the Supreme Court finally says, the *Naz* judgment provoked a very public debate and took the discussions of a judicial decision way beyond the confines of law journals and lawyers. As one commentator noted, it was Indian Constitutional law's *Roe vs Wade* moment. (40)

While the judgment is an important moment in Indian LGBT history precisely for the reasons outlined above, one of the important questions which needs to be addressed is the question of the territorial applicability of the judgment. Judicial interpretation suggests that if the constitutionality of a law is adjudicated by a High Court, then that interpretation holds for the entire country. (41) It goes against logic to say that citizens of Delhi enjoy one kind of rights with the citizens of Karnataka enjoying another series of rights, particularly when all are equal citizens under one Constitution.

The battle in the Supreme Court has already been joined with over seven parties which includes Baba Ramdev (a yoga teacher), Suresh Kaushal (an astrologer), the National Apostolic Churches of India, all filing appeals against the judgment. The Union of India does not seem to be completely opposed to the *Naz* judgment which has been described by the Law Minister as 'well reasoned, well documented and well argued'. However unless the Supreme Court overrules the Delhi High Court decision, the status quo will continue to remain in favour of the LGBT community with LGBT individuals continuing to be full citizens of India.

The government of India decided on September 17, 2009 that it will not oppose the Delhi High Court verdict on Section 377 of the Penal Code, which decriminalizes homosexuality by 'reading down' the section pertaining to same-sex relations between consenting adults in private. Indian activists are praising this decision as a symbol of tacit support for decriminalization in this landmark case.

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- (1) The word queer is used to connote a struggle against the norms of gender and sexuality. It 'encompasses a multiplicity of desires and identities, each and all of which question the naturalness, the rightness and the inevitability of heterosexuality'. G. Bhan et. al., *Because I have a voice*, Yoda Press, New Delhi, 2005, p. 3. This paper also uses the phrase LGBT to stand in for Lesbian, Gay, Bisexual and Transgender. The use of both phrases at different points in the article is also indicative of the way the wider struggle is conceptualized, i.e. queer, and the way once the Court is approached one is constrained to use language which locates the notion of queer politics in identities which one thinks the Court will be able to understand as rights bearing subjects, i.e. LGBT.
- (2) *Government vs Bapuji Bhatt*, 1884 Mys. L.R. 280.
- (3) *Khanu vs Emperor*, AIR 1925 Sind 286.
- (4) *Brother John Anthony vs State*, 1992 Cri L J 1352; *State of Kerala vs Govindan*, 1969 Cri L J 818.
- (5) AIR 1925 Sind 286.
- (6) *Idem*.
- (7) AIR 1968 Guj 252.
- (8) http://www.yawningbread.org/apdx_2006/imp-249.htm. Accessed on 17.01.09.
- (9) 'Kothi' is a term that is used across South Asia with local variations. Kothis often see themselves as having a non-English speaking, feminine homosexual identity, distinct from the 'gay/bisexual' identity which tends to be the expression of English-speaking homosexual/bisexual males. Kothis largely belong to the non-English-speaking lower middle class and feel their marginalization (due to lack of access to resources/ information/employment etc.) in terms of language, education, socio-economic status as well as sexuality. In other words, though a kothi can be described as a male homosexual who takes a feminine role in sex with other men, the kothi construct is not only a sexual/gender identity but also a socio-cultural one specific to the south Asian context. See PUCL-K, *Human Rights Violations Against the Transgender Community*, 2003.
- (10) As a community, they represent an existing Indian tradition which clearly contests heteronormativity. Hijras include men who go in for hormonal treatment, those who undergo sex-change operations and those who are born hermaphrodite. The hijra community has its own cultures and ways of living, including its own festivals and gods and goddesses. Hijras divide themselves into gharanas or houses and the strength of the hijra community lies in its close-knit relationships. See PUCL-K, *Human Rights Violations Against the Transgender Community*, 2003.
- (11) Crime No. 151/2006 filed by Ratnakar Shetty, Inspector Cubbon Park Police Station, Bangalore.
- (12) Amartya Sen is not just India's first Nobel Laureate in Economics but also plays an important role as a public intellectual in India by putting forth very important viewpoints on issues as diverse as the state of Indian democracy, public funding for education and health and the threat which the Hindu Right poses to the Indian Constitutional order.

- 148
- (13) <http://mrzine.monthlyreview.org/india160906.html>. Accessed on 17.01.09.
 - (14) Human Rights Violations Against the Transgender Community, PUCL-K, 2003 (second edition), p. 46.
 - (15) G. Bhan et. al., *Because I have a voice*, Yoda Press, New Delhi, 2005, p. 8.
 - (16) See: Vinay Chandran et. al., *It's not my job to tell you it's ok to be gay*, cf. Bhan et. al., *Because I have a voice*, Yoda Press, New Delhi, 2005, p. 59.
 - (17) Idem.
 - (18) See: Deepa V.N., *Queering Kerala*, cf. G. Bhan et. al., *Because I have a voice*, Yoda Press, New Delhi, 2005, p. 175-196.
 - (19) 'The provision under challenge, denies individuals the right to decide for themselves whether to engage in particular forms of consensual sexual activity. The fact that individuals define themselves in a significant way through their intimate sexual relationships with others suggests, in a society as diverse as ours, that there may be many "right" ways of conducting those relationships, and that much of the richness of a relationship will come from the freedom an individual has to choose the form and nature of these intensely personal bonds. Sec 377 seeks to control a personal relationship that is within the liberty of persons to choose without being punished as criminals.' Cf. Written arguments of Voices Against Sec 377 in *Naz Foundation and others v. Union of India* WP No. 7455/2001. Also See principle 6 of the Yogyakarta Principles on Sexual Orientation and Gender Identity which reads: 'The right to privacy ordinarily includes the choice to disclose or not to disclose information relating to one's sexual orientation or gender identity, as well as decisions and choices regarding both one's own body and consensual sexual and other relations with others.'
 - (20) National AIDS Control Organisation is a division of the Ministry of Health and Family Welfare that provides leadership to HIV/AIDS control programme in India through 35 HIV/AIDS Prevention and Control Societies. In 1992 India's first National AIDS Control Programme (1992-1999) was launched, and National AIDS Control Organisation (NACO) was constituted to implement the programme. See: <http://www.naonline.org/NACO>, Accessed on 19.01.09.
 - (21) Impleadment means undertaking legal action.
 - (22) The Bharatiya Janata Party (BJP) is one of the two major political parties in India today and was in government from 1998 to 2004. The party represents an opinion which can be characterized as Hindu right-wing with a strong focus and anti-minority perspective combined with a emphasis on a strong and by definition non-inclusive nation state.
 - (23) Henceforth referred to as (C.) J. Shah.
 - (24) Henceforth referred to as J. Muralidhar.
 - (25) All the subsequent quotations with respect to the proceedings from the Delhi High Court are taken from the transcript of the proceedings. The transcripts do provide a rough idea of the way the proceedings went before the Delhi High Court, however they are not a verbatim transcript of all that transpired before the Court. It is available at www.altlawforum.org
 - (26) See Human Rights Watch, *Epidemic of Abuse: Police Harassment of HIV/AIDS Outreach Workers in India*, July 2002, Vol. 14, No. 5 (C), p. 19. This Report was cited by the petitioners in their written arguments.

- (27) Lawrence Liang, *Devastating Looks: Smirks, Quirks and Judicial Authority*, <http://kafila.org/2007/05/04/devastating-looks-smirks-quirks-and-judicial-authority/>, Accessed on 10.01.09.
- (28) *National Coalition For Gay and Lesbian Equality v. Minister of Justice*, [1998] {12} PCLR 1517.
- (29) *Idem* at para 127.
- (30) (1992) 175 CLR 1.
- (31) 344 U.S. 1 (1952).
- (32) 388 U.S. 1 (1967).
- (33) See Outline of Arguments on behalf of Voices Against 377 para 12.4, submitted in *Naz Foundation vs. Union of India*, Writ Petition no 7455 of 2001.
- (34) A lakh refers to a denomination of 100,000.
- (35) *Idem* at para 9.2 and 9.3.
- (36) [1993] 2 All ER 75.
- (37) J. Cameron is at present a serving judge in the South African Constitutional Court.
- (38) J. Kirby was until recently a serving judge in the High Court of Australia. J. Kirby was the first openly gay judge in any Superior Court in the world.
- (39) See Arvind Narrain et. al., *The Right that dares to speak its name*, Alternative Law Forum, Bangalore, 2009. For an account of the range of responses in the aftermath of the judgment: <http://www.altlawforum.org/news/gender-and-sexuality/the-377-campaign/The%20right%20that%20Dares%20to%20Speak%20its%20Name.pdf>
- (40) *Idem*.
- (41) *Kusum Ingots and Alloys Ltd. v. Union of India*, (2004) 6 SCC 254.

Self-portrait

Being Queer in India

Pramada Menon

I have often asked myself what it must be like growing up queer in a country like India. I did not grow up queer, I grew up heterosexual and non-conforming. That was difficult in itself and yet I survived. When I was growing up there was little or no conversation around sexuality and definitely nothing about being lesbian, gay or queer. In college, my friends and I spent an inordinate number of hours talking about our boyfriends or whether it was important to be a virgin when we got married. Marriage seemed inevitable, that seemed to be the logical route to follow.

All of that went for a toss soon enough. Feminism happened to me and I knew that I wanted to live life on my own terms and my world view included myself, my friends, my home and there was almost no space for a love interest. Men were part of my life, but as partners who came and went and had very little staying power since what I saw was not what I wanted on a permanent basis. And then I fell in love with a woman.

The world did not turn upside down, nor was I overcome with shame or guilt. I just knew that I was happy and that there was nothing wrong with what I was feeling. It was easy for me on many counts. I was financially independent and lived on my own. My parents had grown with me and were willing to concede that I would always have a way of life that would not be quite theirs and yet they were willing to let me be. Most importantly, I lived in urban India and came from a privileged background where a lot of the issues that plague women were not part of my story. I had friends who were queer and I had read enough feminist literature to know that there was nothing wrong or deviant about my desires.

Coming out was not an issue for me. I do not think that everybody has to make a public statement about their life. People have to choose when they desire to come out of the closet and to whom. It's not important that everyone knows but one should not have to hide it either. I came out at work, to my friends and to my family and all of them were supportive. I think for my mother it was important that I should be happy, she did ask me whether the change was permanent and I did not have an answer to give since I am not sure of what permanence or forever is. I still come out at trainings, at meetings, at public events - but this coming out is more of a political statement now. I think it's important that queer people get counted in everything and since I have the ability to be out and not fear anything, I go ahead and speak my mind.

Identity is personal and I feel that it is not important to have to identify as lesbian, bisexual, trans or queer. One should be allowed to have whatever identity one chooses, since all these words label one in a particular way and never really capture what you really are. How does

it help to know whether I identify as lesbian or queer other than the fact that I can then be slotted into a box where certain characteristics can be ascribed to me? At the same time though, I do feel that identity is important in some ways; especially if one wants to create a supportive community where others can see themselves reflected and can find a safe space to be in. And, it is important to identify the community in some way so that violations can be documented, especially if it is a nascent community.

What is rather sad is that there are very few social spaces that queer women occupy. Sexuality is a taboo subject and to that if one adds queerness, then the spaces immediately close. Visually there is no affirmation through films or advertisements and all that is lauded are heterosexual, monogamous relationships that lead to marriage. The women's movement in India has been rather closeted about sexuality, and about queerness it has been silent. Relationships between women are a matter of conjecture rather than reality and most often one plays a guessing game. It's only now, in my generation, that there are more and more women who are out in the movement, paving the way for others and creating spaces for queerness to flourish.

If one wants to meet other queer women and create communities, one has to search a lot. There are a number of social spaces for men but for women it is extremely limited. The reasons for this are many - women are not financially independent, there are many restrictions on women going out alone, public transport systems are not safe and therefore it is a select number of women who are able to go to the parties that are organised. These are not advertised publicly, one has to know someone who will know someone who will inform you of a party or a get together.

It is a complicated world. So many questions to be answered: should one get married to one's partner; is legalizing marriage between same sex partners an issue worth fighting for; should organizations give same sex partners benefits, does one have to constantly argue against 'the homosexuality is unnatural' position, does one have to seek religious sanction, does one have to highlight tradition to show that queer relationships existed some hundreds of years ago, does one have to read about brutal violence against the queer community...?

Will we move into answers any time? I feel positive, I grew up with little or no reference to anything other than heterosexual marriage and now there is so much more information. So many more people are willing to live their lives with dignity at great cost to their personal safety. Times have changed and it can only get better.

Pramada Menon is a queer activist from New Delhi, India. She was co-founder of CREA, a women's human rights organisation. Until early 2008 she was the Program Director of CREA. Pramada has been working nationally and internationally as a trainer on issues relating to sexuality, sexual rights, gender, and violence against women.

Bishkek, Kyrgyzstan, 8 April 2008

Police Raid of Hivos Partner Labrys

Ireen Dubel

The Kyrgyz organisation of lesbians, gays, bisexuals and transgender persons, Labrys (established in April 2004), was visited by its two Dutch partners, Hivos and the COC within one week. This was a good reason to organise a festive meal prepared by the members of Labrys in the new community centre that Labrys rents in the city of Bishkek. The centre is located in a neighbourhood with a bad reputation. In the neglected apartment building live many poor Kyrgyz who have migrated from the rural areas. There is a lot of traffic on the street as it is a zone for sex workers. But for Labrys, it is progress: there's finally a permanent, private place where members meet each other, receive training and advice. It also offers a temporary shelter for young LGBT persons who have been thrown out of their homes by their families.

Police Raid of LGBT organisation Labrys in Kyrgyzstan - © Ireen Dubel



The festive meal on the eight of April was violently interrupted. A local police officer, accompanied by two militia officers and the owner of the apartment building, arrived with a vague story about nuisance and too much in-and-out visitor traffic. The neighbours had complained. Labrys' staff reacted professionally to prevent panic amongst the visitors. The two Hivos members of staff did not even notice what was going on until some ten minutes later.

It was the fourth time that this happened to Labrys. While a few staff and board members asked the police officer for some clarification, others were busy using their mobile phones to call their lawyers, befriended media and human rights organisations to inform them about the raid. For the staff of Labrys it was important to prevent people being taken to the police station since not all had brought along their identity cards. A number of them did not possess such a document at all and would therefore run into big trouble. They were carefully guided out of the building while the rest of the staff kept the police busy until reinforcements in the form of lawyers, media and representatives of human rights organisations were present. The police officer demanded an inspection of Labrys' documents: the organisational registration, the rental agreement and bank statements. Labrys was accused of running a brothel. Supported by the lawyers, Labrys insisted they were a legitimate organisation. The police officer also called in reinforcements as five other militia officers showed up. The leader of the new group had the most authority. He knew the law and saw to it that the affair did not get out of hand.

It took two hours before the police cleared off; no violence ensued. But the incident was clear evidence of how difficult it was for Labrys to offer a safe shelter to LGBT persons under these circumstances. An internal evaluation was immediately held in the form of a group discussion about the experience of the intimidations and what each member's reaction had been. Everybody was open about the fear and anger, and the memory of earlier violence when police officers had threatened the members with rape. In spite of the good outcome, Labrys recognised the importance of training its members how to deal with police violence and intimidation. A bizarre situation: having to train yourself to deal with the police. 'Homosexuality is no longer criminal in Kyrgyzstan, but we are not yet legal!' concluded Labrys staff member Anna.

Some weeks after the police raid, Labrys decided to search for alternative accommodation for its community centre as it did not want to continue to expose its members to harassment by the police and unfriendly neighbours. It took almost a year to find a new and safer place for both the office and the shelter. And since Labrys moved in, the owner of the new place already received complaints from the neighbours about the number of visitors dropping in.

In October 2008, Human Rights Watch issued a report on the violence that lesbian and bisexual women and transgender men face in Kyrgyzstan. Based on detailed interviews, the report *These Everyday Humiliations: Violence Against Lesbians, Bisexual Women, and Transgender Men in Kyrgyzstan*, tells of beatings, forced marriages, and physical and psychological abuse. The government refuses to provide protection or to confront the atmosphere of prejudice in which the attacks take place.

Representatives from Labrys attended the 42nd session of the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) in Geneva, October/No-

154 vember 2008. In its shadow report submitted for this session, Labrys presented data from a large needs-assessment research of LBT persons living in Bishkek. More than half the respondents stated that their families try to force them to change their sexual orientation or gender identity through persuasion, psychiatric treatment, violence, house arrest or forced marriages. In its concluding observations to the Kyrgyz state, the CEDAW Committee expressed concern about discrimination and harassment of women because of their sexuality. Labrys' attendance at the CEDAW Committee session has improved its status in Kyrgyzstan itself. Labrys is increasingly being invited to different events organised for and by women's organisations in Kyrgyzstan.

For more information about Labrys see: <http://kyrgyzlabrys.wordpress.com>.
The Human Rights Watch report is available at: <http://www.hrw.org/reports/2008/kyrgyzstan1008/>

Ireen Dubel (MA) is Programme Manager for Gender, Women & Development at Hivos and was present during the raid of Labrys with her colleague, Els Rijke.

Following the Rainbow MSM, HIV and Social Justice in South Asia (I)

Shivananda Khan

In the majority of the countries in the Asia-Pacific region, discomfort pervades the government, national AIDS program leadership and others, regarding the reality of male-to-male sex (MSM) including transgenders (TG) (2). This has led to a lack of HIV interventions for MSM which strategically focus on prevention, treatment, care and support. A 2006 survey of the coverage of HIV interventions in fifteen Asia-Pacific countries estimated that targeted prevention programs reached less than eight % of MSM (3), woefully short of the eighty % coverage that is projected as necessary for effective results. (4) Highly concentrated HIV epidemics among men who have sex with men (MSM) in urban areas of some countries are already well documented (e.g., HIV prevalence in Bangkok: 30.7% (5); Phnom Penh: 8.7% (6); Mumbai: 9.6% (7); Beijing: 5.8% (8)), yet the investment on HIV programming for MSM ranges from 0-4% of the total spending for HIV programming region-wide. (9)

A Crisis Recognised

The March 2008 report of the Independent Commission on AIDS in Asia, *Redefining AIDS in Asia: Crafting an Effective Response* (10), clearly confirmed that high risk behaviours during sex between men is one of the three major driving forces of HIV in Asia-Pacific, along with risk behaviours during sex work by females and injection drug use. Without an increase in effective, comprehensive and carefully targeted HIV interventions, the highest number of new infections will soon be among MSM. That number will increase dramatically until 2020, at which time nearly fifty % of all new infections in Asia will be among men who have sex with men, as is illustrated in the AIDS Commission Report (11), which highlights the gross under-investment and HIV service coverage for MSM.

This crisis is not only symptomatic of the level of denial, ignorance and social exclusion of MSM from the health and social sectors of any given country, or the lack of acknowledgment of the significant risks and vulnerabilities that many MSM face, it is also a reflection of a lack of knowledge and understanding of male-male sexualities in the region, along with a range of misunderstandings arising from the use of western terminologies, ideologies and constructions of sexualities.

Gendering Sexualities

South Asian countries tend to be very male dominated societies, where social and public spaces are primarily male 'owned'. Sociocultural and religious values involve phallo-centrism (12), socially compulsory marriage, significant levels of social policing of females and gender segregation, adulthood defined by social and religious obligations and duties, male honour and bonding, shame cultures rather than guilt-based frameworks arising from the judeo-christian histories of the West.

As homo-social and homo-affectualist (13) societies, sexual boundaries between males can often be easily crossed in appropriate spaces and become sexualised.

In the context of male-male sexualities and practices, the primary framework in South Asia is based on a gendering of male bodies and receptivity. That is, significant numbers of males perform gendered roles as feminised males that can be accessed by those deemed 'real men', who do not perceive their receptive sexual partners as men, but as 'not-men', whilst perceiving themselves as normative penetrating men.

These male-to-male sexual behaviours do not exist within a socio-sexual context of a heterosexual/homosexual oppositional binary and as exclusive categories. Rather, there appears to be an inclusive behaviour that involves a substantial level of males operating within a wide variety of categories and/or networks. These involve at times, gendered self-identities, a perceived 'body heat' leading to a perceived urgent need for semen discharge, ready and easy accessibility to male sexual partners, and the social contexts of gender segregation, social policing of females, delayed marriage, and concepts of masculinity and femininity.

Thus identities are framed by gender and sexual roles, where feminised MSM label themselves as *kothis* (India and Bangladesh), *metis* (Nepal) and *zenana* (Pakistan), while they label their masculine partners, *panthis*, *giryas*, or *tas*, depending which part of South Asia you come from. And these *panthis*, *giryas* and *tas* do not label themselves, other than as men.

In another pattern, more common it seems in Afghanistan and the North West Frontier Province of Pakistan (but also existing in other parts of South Asia, though less visibly), linked with the gendering of male-male sexualities, is based on age structures. That is, adolescent males who are 'beardless youths' (dancing boys or *bacha bareesh* in Afghanistan) and therefore 'not men', can be sexually accessed by older men.

This gendered framework of male-to-male sex is primarily among (but not limited to) low-income populations, where anal receptivity, poverty, low levels of literacy, and economic disempowerment act as drivers to the HIV epidemic. Other dynamics include males who access other males for discharge and/or desire to be penetrated, males who desire male to male sex so do not gender themselves and usually indulge in mutual sexual activity, 'giving and taking', friends having sex with friends for mutual pleasure, and males in all male institutions. Alongside these indigenous forms of labelling, gay-identified males, primarily among English speaking, middle and upper classes also exist with their own networks, mainly in urban areas. In terms of risk and vulnerability, where receptive anal sex has the highest risk of infection, multiple partners, refusal of penetrating partners to use condoms, low health-seeking behaviours, stigma and shame, add to fuel to the fire.

These networks of differing MSM contexts may at times overlap, where individuals may shift between different networks, but usually they are mutually exclusive. In other words there are complex dynamics and diffusion in relation to male-to-male sex. As an added

complexity, the issue of female sexual health is also highly pertinent among MSM in the region. Cultural tradition makes marriage socially compulsory. Many MSM, of whatever framework or gender identification/orientation, are married or going to be married, even those who self-identified as *kothis*. Many manly sex partners from the general male population would also be married or going to be married, and may well have other females as sexual partners. This means that the sexual transmission of HIV from males to males, and then on to females may be common.

Contemporary research on sexualities and genders have clearly shown that the bipolar categories, such as 'man' or 'woman' or 'heterosexual' or 'homosexual', are not useful to describe the range of identities, desires and practices (14) existing in South Asia. The terms 'gay' or 'homosexual' are too contextualised by a specific history, geography, language, and culture to have any significant usefulness in a different culture from their source. In this we should be talking about sexualities, genders, and at the least, homosexualities and heterosexualities, and about behavioural constructions. Where UNAIDS and others speak of behaviourally homosexual, we can also talk about behaviourally heterosexual in the South Asian context.

These very broad and diffuse patterns of male-to-male sex, some visible by those who know how to look and see, and some highly invisible and almost impossible to reach, means that we will never be able to get accurate size estimations, but must look at levels of risk and vulnerability. That is, we need to design strategies for interventions to reduce the risk of HIV infection that are defined by those who are most at risk and most vulnerable. In an environment of what can only be termed as genderphobia - the fear of the feminine (if not the female) - where anal receptivity, multiple partners, disempowerment, and very high levels of stigma and discrimination focused on femininity and sexual receptivity, we need to explore different ways of mobilising than what has been used in the West.

The problem is that for many HIV and MSM services providers, government and donors, the term MSM has become synonymous with 'homosexuals', of 'gay' men, and at the least, of kothi-identified males (while their masculine partners are usually invisible and thus not recognised), often signified within the context of discussions of 'vulnerable groups', or 'target groups', or 'at risk groups'. In other words MSM is often taken to mean a specific and exclusive 'sexual identity' in opposition to 'heterosexuality', where MSM form an exclusive and bounded group/community. Too often programmatic decisions are taken within this limited view of what is essentially a behavioural term, while agencies and individuals speak of an 'MSM' community.

Across South Asia, a region of some 1.5 billion people, there are small social groups and networks, rather than a sense of community affiliation among such MSM. These are friendship networks that often affiliate around a specific site, neighbourhood, or occupation. However, while it is believed that a key strategy towards building sustainable risk reduction around same-sex behaviours and vulnerability is to mobilise so-called communities to shift patterns of normative sexual practices from high risk to reduced risk, what do you do when there are no communities as such, but rather diverse and limited networks, and where these networks are formed by the receptive, feminised self-identified MSM?

MSM, Vulnerability and Stigma (15)

It needs to be recognised that the male being anally penetrated by another male is highly stigmatised, both by the penetrator, as well as general society (and often this stigma is internalised in a phallo-centric culture leading to a range of internal psychosexual conflicts and problems that also increases risk and vulnerability), and those who are perceived to be recipients of penetration are usually treated with contempt. In such cultures, the receptive partner is seen within a gender construct, and while biological male, is seen as a 'not-man', crossing gender boundaries and breaking social taboos. This attitude leads to a whole sub-population of MSM which is socially excluded and treated abusively. For the penetrating partner, he is performing his masculine function, and easily merges into the general male population. (16)

A *giryapanthi* or any man/male who is sexually penetrated, orally or anally, will make extensive efforts to hide his practice and/or desire, both from his friends as well as from *kothis/hijras* and others in their sexual networks to avoid such stigmatisation. However, it cannot be assumed that gendered sex roles are exclusively maintained at all times. It also needs to be recognised that a similar crossing of 'gendered' boundaries exists amongst *kothis*. It is also not unknown for some *kothi*-identified males to penetrate other males. But like the penetrated *giryapanthi*, this behaviour would also be kept secret from other *kothis*.

Such stigmatisation around feminisation produces a range of human rights abuses, blackmail, violence, and male-on-male rape by local men, thugs and local police. Not only does poverty, class and education levels stigmatise individuals, along with the fact of HIV infection, but also the specific gendered role and identity that some MSM identify with. They are doubly stigmatised because as biological males they are sexually penetrated - and thus not perceived as men. Their feminisation, their crossing of the gender roles and barriers accepted as social norms, reinforces the stigmatisation, leading to exclusion and denial of access to services and to the social compact. This often results in such males who are living with HIV/AIDS to be stigmatised by others who are also living with HIV/AIDS but whose routes of infection are deemed 'normal'.

Power inequality dynamics arising from South Asian constructions of masculinity, social attitudes towards feminised males and their sexual practices, sexual abuse, assault and rape, stigmatisation and poverty, discrimination and disempowerment, all configure the lives of most *kothis*. As a consequence they play a significant role in the emotional, sexual, physical and economic exploitation of feminised males, and give rise to a range of physical, psychological, and emotional problems, which further increase vulnerability and disempowerment. This disempowerment creates significant levels of suicidal impulses and self-damage, an expression of self-hatred and despair. And this of course leads to significant increases to risks of STI/HIV as well as impeding successful implementation of risk reduction strategies.

Many *kothis* not only face harassment, sexual violence and rape from law enforcement agents, but also from those whom they have called friends in schools and colleges, from those in positions of trust such as relatives, neighbourhood elders, elder friends, and teachers. Gang rape is not uncommon. And of course such forced sex is always unsafe and often results in serious physical injury such as a ruptured rectum, internal haemorrhage and so on.

One of the central issues that have arisen from Naz Foundation International (NFI) research and understanding is that often it is effeminacy and not the factual knowledge of male-to-

male sexual behaviour that leads to harassment and violence. That harassment and sexual violence results from the fact that many *kothis* do not live up to the expected normative standards of masculine behaviour. It is this belief that leads to the notion that those who are feminised can be exploited and abused, and that being feminised somehow weakens the person, a notion often harboured by the *kothis* themselves.

Accepted notions around effeminacy are therefore one of the major factors that lead to disempowerment and opens *zenanas/kothis/metis* to abuse and assault and to a refusal of service provision. The fact that *zenanas/kothis/metis* themselves have internalized these notions so strongly means that specific tools will need to be developed for *zenanas/kothis/metis* in order to empower them to start valuing their lives and enhancing their self-respect.

'I don't mind if my 'husband' beats me up. It only shows how manly and powerful he is.'

'When my parik beats me, I feel as helpless as a woman. Since I want to be a woman, it actually makes me feel good.'

In a study conducted in 2002 by NFI consultant Aditya Bondyopadhyay with Bandhu Social Welfare Society in Bangladesh (17), significant findings included:

- 33% reported assault of a sexual nature (18), or rape at the hands of friends, i.e. those the respondent knew and trusted, which was followed by the incidence of sexual assault or rape at the hands of *mastaan* (traditional terms for hoodlums or bullies) and the police.
- 48% of the respondents reported that they had been sexually assaulted or raped by policemen, and 65% reported that they had been sexually assaulted or raped by *mastaans*.
- 64% of the total respondents reported facing harassment of one kind or the other at the hands of the police.

Rape and sexual assault also results when *kothis* or male sex workers refuse to pay the extortion demands of 'hoodlums' or police. It may be noted that all the male sex workers in this study were self-identified *kothis*.

Reported gang rape by policemen was significant, where *kothis* were rounded up and taken either to police barracks or the police post and raped by groups of policemen. Such forced sex is always unsafe and often results in serious physical injury like ruptured rectum, internal haemorrhage etc. It is also generates risks for the police officers.

Other than sexual assault, rape, and gang rape, the other harassment that respondents reported facing at the hands of police range from extortion on threat of imprisonment, prolonged blackmail, beatings, restriction of movement in public places, and disclosure of sexual practices to *mastaans* and family, amongst others.

- 71% of the total respondents stated that they had faced some or other forms of harassment from *mastaans*. Other than rape, these included extortion (38%), beatings (45%), threats and blackmail (31%).
- 87% of the respondents stated that they had been subjected to sexual assault or rape simply because they were effeminate. This is, of course, an indication of the whole issue of feminised males and gender, which is dealt with hereafter, but is also indicative of the high percentage of MSM who suffer sexual assault and rape.
- 41% of those who had faced some form of harassment at the hands of the police say that the police guessed that they were MSM from their feminised behaviours while the figure was 55% for those who had faced harassment from *mastaans*.

Cases of victimization by family members were not uncommon. Of the 25 respondents whose near relatives were aware of their sexual behaviour, nineteen said that they had not accepted it. Their families had reacted negatively with beatings, forced marriage, disinheritance, throwing the person out of the house, taking them to doctors for curing them of homosexuality and so on.

- 48% of the respondents stated that fellow students or teachers had harassed them in school or college because they were effeminate. 55 out of the sixty respondents who said that they faced harassment by teachers or fellow students, also said their studies suffered due to this, and that they could have progressed more if such harassment had not taken place.

Such regular experiences along with the fact that these feminised males live in culture which constantly validates normative masculinity, creates internalized pain, shame and trauma along with deep sense of failure as men. This usually leads to self-blame, a lack of hope, and self-destructive behaviour.

- 33% of the respondents reported that they either thought of or tried to commit suicide at some point in their lives.

It is clear that legal, judicial, political and social advocacy is urgently needed, not only concerning those living with HIV, but also social justice and human rights for MSM. Advocacy will need to include challenges to the accepted notions of masculinity and femininity so that discrimination and stigmatization, social exclusion and marginalisation can be effectively challenged as they confront the daily lives of *zenanas/kothis/metis*.

A range of international and national agencies working in the field of HIV have recognized that, for effective and sustainable strategies to prevent the spread of HIV and to control emergent epidemics in a range of localities, countries and regions, MSM should be seen as a vulnerable 'group' or 'population', and their sexual health concerns need to be addressed in ways that enable 'community-based' responses. Papers, documents, and policies have all been written about empowerment, creating an enabling environment, community-based strategies that may lead to risk reduction, along with the tools to produce such a change. However, without addressing the day-to-day violations that confront so many MSM, vulnerability to HIV will remain high.

A paper prepared by Miriam Maluwa, Law and Human Rights Advisor to UNAIDS (19) argued that current international human rights treaties and conventions, along with those dealing with HIV/AIDS, created 'the human rights framework which gives access to existing procedural, institutional and other accountability and monitoring mechanisms which can be used to monitor and advance a rights based approach to HIV programs, including those addressing men who have sex with men'. However this author believes that there is an inherent weakness in this, in that the discourse is being taken to mean sexual orientation. While this of course is extremely important, it is inadequate in addressing many of the concerns highlighted above. Ignored, these are the human rights and sexual health concerns for the range of gender variant males amongst MSM that reflect stigma, discrimination and social exclusion, and the abuses that arise based on non-conformity to normative masculinity.

Community Development, Mobilising, and Emancipation

It is clear that a central way forward to address HIV risks and vulnerabilities of MSM is more than just handing out leaflets and condoms and telling people about HIV and their risks of infection. Globally, it has been seen that the most effective response to the threat of HIV is for communities to lead the response, through self-help actualising through empowered at-risk populations taking the responsibility of their own lives and well-being. But with the experience of most MSM in the region being bound with relatively small social and peer networks and friendship groups, organising peer-led responses requires substantive investment in building communities as an effective response to the impact on their lives needs a broader strategy.

So what makes a Community?

Being a part of a larger community means being affiliated to a shared consensus, of developing a sense of solidarity with others who share similar problems, hopes and aspirations, providing mutual aid and support mechanisms, strengthening and extending friendship networks, and increasing the range of socialising activities beyond the small group or network. It is a sharing of needs, ceremonies and rituals, being a part of something that brings people together. It is empowering internal leadership and skills development. It is encouraging self-help organising. It is creating a sense of self-worth and self-esteem, not only as an individual, but also as an emergent community.

Building a sense of community amongst the variety of MSM utilising existing gendered structures, around which community building and mobilising can develop, is critical if we are ever to have an effective strategy to reduce risk and vulnerability, to mobilise MSM to change their risky practices and develop new community sexual norms, and to use peer pressure as an effective tool to achieve this. That means identifying networks, mobilising these networks, building networks of networks, developing consensus, and using a range of developmental tools towards a shared vision of need and hope.

Naz Foundation International promotes a range of community building, development, and mobilising activities as a part of its mentoring and technical assistance programmes across the region. This includes developing an emergent community-based organisation (and usually these don't exist, but require external input and support initially), extensive networking, providing a range of services (beyond just addressing HIV and other sexually transmitted infections) that is wanted by a range of MSM in need.

At the same time, it is also critical to normalise same-sex behaviours and gender variance as expressed in South Asia (and elsewhere). That means addressing socio-cultural constructions of masculinity that disempowers femininity as a gender based experience. This also means mainstreaming the issues of same-sex behaviours and desires as a part of the larger human experience, of sex itself as including both reproductive necessity as well as recreational pleasure. Along with this, there is a need to be building social inclusion for MSM (and other so-called sexual minorities), rather than social exclusion. The debate on whether the

most effective approach to this is through the battle of identity rights or through sexual rights, while often acrimonious, points to a range of discourses that need to be reviewed and perhaps new arguments evolved, in the light of different histories, cultures and beliefs. This also includes how we fight for decriminalisation of sexual behaviours and practices that are based on consensuality.

This is an enormous challenge, one that not only impacts on South Asia, but has global implications. It requires a drastic revisioning of what makes us human, what pleasure means, what desire means, what sexuality(ies), masculinity (ies) and femininity(ies) mean. It is a part of that larger struggle than human beings are confronted with, planetary change, global warming, economic dislocations, the right be recognised as a human being.

The work of Naz Foundation International over the years in providing technical and institutional assistance to emergent MSM groups and networks to form their own organisations, should be seen as much as community development, as much as a response to the HIV epidemic. But as an outcome of this work amongst the MSM networks that we engage with, has been the development of new identities, re-imagining of old identities, a re-configuring of who we are, what we are, and how we define ourselves. It is a recognition of the polymorphous sexualities that are a part of the human experience, a recognition of the fluidity of personal identities themselves.

Along with this, has been the emerging work of building alliances amongst a diversity of agendas that share similar hopes and aspirations for a better life, a more meaningful life, a life of well-being. Beyond just the challenge of AIDS, natural allies such as the LGBT movement, the gender rights movement, a range of minorities' movements and social justice and equity movements, we can also include allies from those who fight for economic justice, for ecological freedom, for a healthy planet. All these elements form a larger picture of the evolution of a diverse human culture that is respectful of difference and that evaluates people not by who they are, but by what they do.

This is the larger emancipation we need to be engaged in - the liberation of human dignity and social justice, as much as the more localised one of ensuring that MSM are empowered to lead healthy, meaningful and significant lives.

Shivananda Khan OBE is the founder and chief executive of Naz Foundation International, an international development agency focused on HIV and sexual health needs of low-income males who have sex with males in Asia. Its primary mission is to provide technical, institutional, and wherever possible financial support to MSM groups, networks and organisations to assist them in developing their own self-help HIV prevention, care and support services. See: www.nfi.net

Notes

- (1) South Asia is made up of the countries of Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka.
- (2) 'Men who have sex with men' (or MSM) is an inclusive public health term used to define the sexual behaviours of males having sex with other males, and does not refer to an identifiable community or gender identification. Within this context it is under-

stood that the word ‘man’/‘men’ is socially constructed; as well, within the framework of male-to-male sex, there are a range of masculinities along with diverse sexual, gender and transgender identities, communities and networks.

- (3) *Men who have sex with men: the missing piece in national responses to AIDS in Asia and the Pacific*, Geneva, UNAIDS, 2007.
- (4) Executive Summary - *Redefining AIDS in Asia: Crafting an Effective Response*, Commission on AIDS in Asia. Oxford University Press, New Delhi, India, 2008, p. 4.
- (5) Pliplat, T., Kladsawas, K., Van Griensven, Wimonsate, W., *Results of the HIV surveillance among men who have sex with men (MSM) in Bangkok, Chiangmai and Phuket*, Proceeding for the Department of Disease Control Annual Conference, Ministry of Public Health, 11-13 February 2008, Bi-Tech Convention Centre (in Thai).
- (6) Neal, J.J., Morineau, G., Phalkun, M. et al., *HIV, sexually transmitted infections and related risk behaviour among Cambodian men who have sex with men*, Abstract presented at the 8th International Congress on AIDS in Asia and the Pacific, Colombo, Sri Lanka, August 19-23, 2007 [#1469].
- (7) Palwade, P., Jerajani, H., Ashok, R. K., Shinde, S., Vivek, A., International Conference on AIDS (15th : 2004 : Bangkok, Thailand). Int Conf AIDS. 2004 Jul 11-16;15: abstract no. C10822.
- (8) Ma X, Zhang Q, He X, et al., *Trends in prevalence of HIV, Syphilis, Hepatitis C, Hepatitis B and sexual risk behaviour among men who have sex with men: Results of 3 consecutive respondent-driven sampling surveys in Beijing, 2004 through 2006*. J Acquir Immune Defic Syndr 2007; 45, p. 581-587.
- (9) HIV expenditure on MSM programming in the Asia Pacific region. Constella Futures/ USAID (2006), available at www.healthpolicyinitiative.com.
- (10) *Redefining AIDS in Asia: Crafting an Effective Response*, the Independent Commission on AIDS in Asia, Oxford University Press, New Delhi, India, 2008.
- (11) Figure 2.16 in *Redefining AIDS in Asia: Crafting an Effective Response*, the Commission on AIDS in Asia, Oxford University Press, New Delhi, India, 2008, p. 57.
- (12) In Islam, Allah is male defined, while a key religious symbol in Hinduism is the *shiva lingam*.
- (13) In South Asian countries, gender segregation of social spaces is a strong form of social policing of gender relationships. Primary relations are between the same gender (homosexual). Homoaffectionalism in the sense that the term is used in this text means social acceptance of the public display of male-to-male or female-to-female affection. For example, it is common in Bangladesh to see two males holding hands or arms wrapped around each other as they walk. Often male friends will also share beds when sleeping, wrapping themselves around each other. See: *Hardman, Paul D., Homoaffectionalism*, GLB Publishers, 1993; also Khan: 1996, where he points out that the boundary between homoaffectionalism and homosexual behaviours is very ‘thin’ particularly in shared spaces and ‘under the blanket’.
- (14) Personal discussion with Dr. Carol Jenkins, Care Bangladesh, 1999.
- (15) See also NFI Briefing Paper No. 7: *Social Justice, human rights and MSM*, available on the NFI website (www.nfi.net)
- (16) This pattern of gender construction of male-male sexualities is not unique to South Asia. In fact this was the pattern in the West prior to the 1950s. See: *Chauncey, George, Gay New York - gender, urban culture and the making of the gay world, 1890-1940*, Basic Books, 1994.

- 164
- (17) See study report *Against the Odds, 2002, 2004*, http://www.nfi.net/downloads/knowledge_centre/NFI%20publications/Reports/2004_AgainsttheOdds.pdf
 - (18) The cultural understanding of rape involves the act of penetration. The law on rape in Bangladesh as it stands in the Bangladesh Penal Code also reinforces this belief. However many times a person is sexually assaulted in a way where he may receive grave psychological and/or physical injury, but it may not involve anal penetration. This fact was explained to the outreach staff in the workshops, and they were asked to include all grave assault of a sexual nature (as opposed to minor harassment of a sexual nature) that may not have resulted in actual penetration in the response to the questions on sexual assault.
 - (19) Presented at the special UNAIDS convened Inter-Agency meeting on Working with Men who have sex with men for HIV/AIDS Prevention and Care, first of November 2002.

Self-portrait

Struggling for Equality and Fairness for LGBTIQ People in Indonesia

Dédé Oetomo

As far back as I can remember I've always been attracted to other boys and young men. Until I reached puberty, I had thought it was nothing unusual. What sometimes bothered me, because of comments from my peers and older people, was the fact that I did not like sports or other physical activities, cried more than other boys, and often played with girls. At puberty I came across an article about homosexuality in a magazine my non-religious, petty bourgeois family subscribed to, and realized that my attraction had a name, homosexuality, and that it was not sanctioned the way attraction to the opposite gender was.

'My two daddy's' - Picture at the photo exhibition 'Spirit of the Rainbow: Love and the Family' by GAYa NUSANTARA, Surabaya, March 2008 - © Rr. Agustine



I kept this to myself until it became so disturbing that at twenty I came out to a close female friend in the teacher's training college we attended. By then I was already reading books on (male) sexuality, partly in search of an answer to my different sexuality. My friend introduced me to a psychologist she knew, and he sent me to be tested for possible anatomical and hormonal problems. The hormonal test had to be done in Jakarta, the capital city, about 800 km away from Surabaya, where I was living and studying. Since my savings was not sufficient, I decided to tell my parents and ask them for financial support. Their reaction was rational: they saw it as a problem that needed to be solved, and so I had the tests done, accompanied by my father. In Jakarta my psychologist also referred me to his professor of psychiatry, who - I learned later - told my father that there was nothing to be done, that I just had to learn to adjust to living in society as a homosexual.

My therapy sessions with the psychologist were more like an independent study course. He lent me books on sexuality, and even borrowed mine as well. From these books I gathered that homosexuality was just a sexual variation and nothing to be ashamed of. I went to see the psychologist less often and finally stopped. In the meantime I also learned about the gay movement and gay communities in the West, and during a five-year sojourn in the USA pursuing doctoral studies in linguistics at Cornell University, I came out to everyone I knew and joined the gay organisation on campus. I was also writing pieces about homosexuality in the Indonesian media and communicating with other gay men in Indonesia, culminating in the founding of Lambda Indonesia in March 1982, which lasted for four years. Since then I've been a sort of spokesperson for Indonesia's gay community, by which I've been able to facilitate the founding of other organisations, including my current one, GAYa NUSANTARA, in August 1987.

In addition to getting to know other gay men through the media, I was also introduced to various communities in the Archipelago by *waria* (male-to-female transgenders) and the gay men I corresponded with. After the proliferation of the Internet, it turned out to be a very good venue to meet new gay men, lesbians, transgenders, intersexed and other queer people. Being an activist, I'm also approached by people for counselling, introductions, and other activities.

As a novice activist, though by then I stopped practising religion, I realized I had to face resistance from culture and religion. I was helped by more senior, though less out, gay scholars who reminded me of indigenous forms of homosexuality in Indonesian cultures. In Indonesian society, which has a tendency of glorifying tradition, these prove to be a quite powerful argument for gay emancipation. I also read profusely, including about religion, to prepare myself for the increasingly frequent public debates I had to participate in as I became more known in the media.

Living as an out gay man in Indonesia is possible, as I've done for the past twenty-five years or so. Public display of affection between people of the same-sex is not uncommon in our society. I lived openly with my first partner for nineteen years, and again with another partner for two and a half years. At the moment I have a long-distance partner, Purba, with whom I may also live together in the future. While we cannot register our relationship legally in Indonesia, we also do not see the need for it now, although we also know that there's always Canada if we really need to get married.

If anything, I feel less safe in gay neighbourhoods in the West, since I know that queer bashing

is a fact of life. In Indonesia itself I did receive a death threat once in September 1999, when we were about to hold a national LGBT networking meeting in Solo, Central Java, and word got to the conservative islamist groups who did not want their city 'to be made a second Sodom'. While we had to cancel the meeting, we received expressions of support from many pro-democracy groups.

Theoretically, at least, LGBTIQ people, though not explicitly, are protected by the Constitution and other human rights legislation in Indonesia. The 2004-2009 National Human Rights Action Plan specifically mentions LGBT people as 'a special group whose rights are to be protected'. But implementation is very slow, and the daily fact is of course different, just as other human rights are still often violated by the State. *Waria*, together with female sex workers, are often rounded up by police from streets and parks, detained, forced to pay to be released and sometimes raped. Some lesbians and gay men still face discrimination on the job and in the neighbourhood when people find out or suspect their sexual orientation. The toughest challenge for LGBTIQ people in Indonesia comes from the family, which acts very much as a guardian of culture and (in most cases) religion. Hence work in this area in Indonesia should tackle both the human rights and legal issues and the cultural and religious issues, the latter through education.

'A happy family' - Picture at the photo exhibition *'Spirit of the Rainbow: Love and the Family'* by GAYa NUSANTARA, Surabaya, March 2008 - © Rr. Agustine



The International Lesbian and Gay Association (ILGA) provides the following information in a May 2008 report on state-sponsored homophobia in Indonesia: Same-sex relations are not prohibited according to the national Penal Code. The only provision to deal with such relations is article 292 which prohibits sexual acts between persons of the same sex, if committed with a person under the legal age.

Reuters states in a 26 August 2007 article that homosexuality in Indonesia is not a legal offence 'but remains taboo in a country where 85 percent of the 220 million people are muslim'. Several sources note that local governments have introduced sharia-inspired legislation that affects GLBT people. Some provinces in Indonesia have adopted traditional sharia law, which explicitly condemns homosexuals. Throughout 2006 and 2007 to the present there has been growing evidence that there is a sharp increase in support for sharia law and its expansion throughout the greater Indonesian archipelago, leaving gays in Indonesia extremely vulnerable to persecution justified by religious proscription of that identity. Such individuals are unable to seek protection for fear of their sexual orientation being revealed or exposed. The passage of this proposed law would effectively consign every gay to extortion and blackmail in addition to other forms of persecution.

After completing his Ph.D. in linguistics at Cornell University in the USA, dr. Dédé Oetomo returned to establish Indonesia's first gay outreach organisation, Lambda Indonesia in Surabaya, East Java, in 1982; and later the GAYa NUSANTARA Foundation in 1987 which is supported by Hivos. He is today the most publicly visible activist for gay/lesbian rights in Indonesia, being one of the first to openly discuss homosexuality and HIV/AIDS issues in the mass media. In 1999 and 2004, Oetomo ran for the national parliament, providing further opportunities to argue that gay and lesbian persons deserve full inclusion in Indonesian society. He received the annual Felipa de Souza Award from the International Gay and Lesbian Human Rights Commission in 1998 for his contribution to LGBT human rights in Indonesia. See: <http://www.gayanusantara.or.id>.

Saying the ‘L’ Word

Maggie Tiojakin

Lesbians seldom garner more than a passing mention in patriarchal, conformist Indonesian society. I find that some women are gradually coming out of the closet to acknowledge their sexuality.

It is almost 11 p.m. on Saturday night, and the massive, murky arena of a Central Jakarta discotheque is beginning to fill up with nameless faces. They spill in from the lighter and brighter outside world, where everyone belongs to a place, a job and an identity which does not always match their desires. Loud music blares in every direction, drowning out conversations and human connections. ‘Riva’, a 34-year-old entrepreneur, sits at a corner table. Her eyes search the crowd for the familiar figure of one of the club regulars. She came out as a lesbian at the age of 21 to a stunned reaction from her family. Dealing with men is exhausting, she says, ‘especially when they’re trying to get into your pants’.

Riva is unusual in Indonesia in openly acknowledging her sexuality. While there are known lesbian hangouts of discos and clubs in Jakarta and other major cities, and the Internet has allowed lesbians to develop their own discrete cyber community, traditional views of sexuality, the conformist nature of society and the shame associated with homosexuality still prevail. Gay men and transgenders get attention, even if it is often as the mincing laughing-stock, but lesbians still float under the sexual radar. There are several famous single women in the entertainment world who are rumoured to be lesbian but, just like their male counterparts, their marital status is conveniently explained away as their failure to find the right partner. Unacknowledged and often forced into a life of hiding, many lesbians have no choice but to subject themselves to society’s demands to marry and have a family.

‘The strong patriarchal culture that we live in has always had a tight grasp on women,’ writes RR. Augustine, the head of Ardhanary Institute, an organisation dedicated to the battle for equality for LBT (lesbians, bisexuals and transgenders), on Ardhanary’s website. ‘This kind of control makes women in our country feel helpless over their roles and positions in society, not to mention their sexuality.’ It has not been easy to include lesbian issues on the gender equal rights agenda, which has focussed on rights in the workplace, family and society. ‘Women who strive for equal rights between the sexes do not automatically embrace open-minded thinking,’ says Riva. ‘It’s not a package. Sexual orientation is a finicky topic. People are thrown off by it because they don’t understand what it entails.’ Indonesian society in general still considers homosexuality a deviant choice, one that contravenes societal and religious norms. Gay rights advocates counter that traditional views of sexuality are no justification for discrimination.

‘Sexual orientation is a god-given right for each person to define his or her sexuality,’ writes Augustine. ‘Whether they’re heterosexual, bisexual, homosexual or transgender - they should never be discriminated against because of their own choices.’ Many gay people balk at the use of the words ‘choice’ or ‘preference’, as if their sexuality was something they selected,

like a favourite colour or food. They say it is who they intrinsically are. 'Fanny', a student at a leading university in Bandung, says her attraction to women started when she was in junior high school. She realized that her feelings were 'not normal', but couldn't help them. 'How did I become this person who is so desperate for a girl's attention?' She pauses. 'Who knows?' She admits she isn't open about her sexuality for fear of the reaction from her family and friends. 'If there was a choice, I would choose to be "normal". I would fall in love with a guy, be a dutiful wife to him and raise his children - the whole works.' Every other weekend, Fanny drives to Jakarta and pays a visit to a regular club where she is able to take off her heterosexual mask and 'be a big lez'.

Riva explains that many closeted lesbians who fear rejection and stigmatisation from society often live in their own imaginary cocoon waiting for something or someone to rescue them. Is this how their lives are played out, as a form of hide and seek? 'Well, we don't really have that much to bargain with,' says Riva. 'At least, for now, people aren't going to change the way they feel about homosexuality. And, until that has changed, this is how it's going to continue to be played.' Although the disco is known as a lesbian hangout, they are few in number compared to the other patrons, gay men, transsexuals, sleazy men on the make and the female prostitutes they are in search of. So where are they? 'Where do you think?' Riva replies. 'At home, downloading lesbian sex videos to get off.' She smiles. 'I'm kidding. That's what I'd do.' What about relationships? 'We're here, but we're not,' Fanny says. 'It's like a secret society, but you have to know the secret doors to get in.' Living with secrets can no doubt be intoxicating. But a healthy, real relationship is not one to keep behind closed doors. Ardhanary Institute was established on that exact principle. According to Augustine, it does not matter if a relationship is between a man and a woman, two men or two women. She and others are committed to fighting for those who feel they are being persecuted or are subject to unjust treatment because of their sexual orientation. By establishing the institute, they hope to 'create a bridge between lesbian women and society at large'.

Although many lesbians remain closeted, there are also many others who feel empowered by their decision to come out. It is often a gradual, selective process, starting with telling trusted friends. 'Vina', who is in her mid-20s, says the issue of homosexuality is 'not a big deal' for many members of Indonesia's younger generation. 'I try to judge how open-minded they are, and tell those who I think will be OK with it,' says the interior designer of opening up to friends. Although she is not ready to tell her family - and does not know if she ever will be - she would not change who she is if given the chance. 'What is the point of lying to yourself. I just happen to like girls,' she says bluntly.

'Cecil' has been living on her own for the past two years after she came out to her husband (he now refuses to speak to her). Although the process has been difficult, she believes she has become a wiser, happier woman because of it. 'I know this is going to sound crazy,' she says, 'but if I hadn't been married, hadn't known the struggle it took to come to terms with who I am, I would be a regular lesbian with no insight into the ugliness imposed upon my life - excuse me, our lives.' Cecil says the issue she and other women face is not about who is the breadwinner in the family or who gets to wear the pants, but about 'understanding who you want to share your life with'.

Is it possible that Indonesia one day will give its consent to same-sex marriages? 'First, they have to know we exist,' replies Cecil. 'Signing papers is easy, getting the papers to bear our names is the difficult part.' 'And the stupid part is that we're fighting for something that

clearly is our right to claim,' says Riva. 'So we sleep with women - does that make us lesser compared to other women who sleep with men?' She grabs her beer bottle. 'I wish I could split people's heads open so I could see what's inside them. They keep thinking being a lesbian or a gay person is something that can be "cured", like malaria or something. All it takes is one shot into the bloodstream.'

It's now 2:45 a.m. - the room reeks of sweat, liquor and cigarette smoke. But the women still have a few hours left to swap stories. To be together. When daylight arrives, out in the real world, the same faces will put back on their masks. They will keep covered until they find their own way to show who they really are.

Maggie Tiojakin is a freelance writer who writes for The Jakarta Post Weekender, Sommerville News, Boston Globe, and a few other publications both local and foreign. Her short story collection, Homecoming and Other Stories, was published in 2006 by Mathe Publications. She is currently finishing her novel My America, My Dementia which will be published in 2009.

The Struggle of the Tongzhi Homosexuality in China and the Position of Chinese ‘Comrades’

Ties van de Werff

There are roughly forty million homosexuals in China today. In the past, they were regarded with relative tolerance. It was not until the twentieth century that same-sex relationships were considered taboo and condemned. With the advent of communism, homosexuality was made a criminal act, and gays and lesbians were actively prosecuted. Since the economic and political liberalization of the 80s and 90s, there is more room for cultural, social and artistic diversity in China. The Internet has brought a homosexual subculture with its own identity and advocates in China. In June 2009, the first Shanghai Gay Pride Festival took place. Although the event was described by China’s state-run newspaper as ‘a good showcase of the country’s social progress’, the festival still suffered from bureaucratic badgering by the local government. Despite the adversarial relationship of the Chinese authorities with these minority groups, and the numerous problems that homosexuals still experience on a daily basis, the position of the *Tongzhi* in China has indeed slowly improved. How has the liberation process developed over the past ten years? With what problems are Chinese homosexuals confronted? This article offers a short survey of the social position of gays and lesbians in China and their hopeful fight for liberation in the most populated country on earth. (1)

Homosexuality and the Emperor’s Clothes

Sociologists and historians who occupy themselves with homosexuality in China often emphasize its rich gay-erotic history, which dates back to the old Chinese dynasties. Well known is the story of Emperor Ai of the Han Dynasty and his friend Dong Xian. Emperor Ai, born in 27 BC as Liu Xin, ascended to the throne at the age of twenty. He quickly got involved in an intimate relationship with an attractive nineteen-year-old lad from the court, Dong Xian. Dong Xian was immediately promoted and the emperor even had a palace built for him. Emperor Ai became especially famous because of the following quotation from the biography of Xian from *The History of the Han Dynasty*: ‘Emperor Ai was sleeping in the daytime with Dong Xian stretched out across his sleeve. When the emperor wanted to get up, Dong Xian was still asleep. Because he did not want to disturb him, the emperor cut off his own sleeve and got up. His love and thoughtfulness went this far!’ (Hinsch, 1990, p. 53)

As a result of Ai’s act of affection, in old China, up until the time when China became a republic, homosexuality was often euphemistically described as the *passion of the cut sleeve* (Hinsch, 1990). (2) Emperor Ai is not the only Chinese emperor that had engaged in homosexual relationships. It is known that numerous emperors in the Shang Dynasty (sixteenth to eleventh

century BC) regularly engaged in sexual contact with members of the same sex. Historian Bret Hinsch has described the history of homosexuality in old China in his renowned work, *Passions of the Cut Sleeve* (1990). From the historical texts of the *Book of Documents* it appears that homosexuality was observed and tolerated, though it always concerned men. Much less is known about lesbian relationships. (3) The cultural tolerance towards this aspect of homosexuality is striking. Many studies (Chou, 2000; Hinsch, 1990, amongst others) emphasize that homosexuality in old China was not described as an identity or gender-specific difference, but rather as a *behaviour* or act. Men who had sex with men did not have deviant personalities, they simply shared a passion; the *passion of the cut sleeve*. Homosexuality was not considered unnatural or something that undermined heterosexuality, as in the West. In the cultural tradition of old China, sexuality is an integrated part of life itself (Chou, 2000). Extra-marital sexual relations, whether or not with people from the same sex, were quite common.

Cultural tolerance has a lot to do with Confucianism, the dominant philosophic tradition in China. Despite the fact that Confucianism is no longer very important in China these days - save for some countryside regions - as a cultural value, the old philosophic tradition has left its mark on the China of today. Confucian society maintained strict hierarchal roles. Respect for elders and the family are very important. The child, the son in particular, has the moral obligation to his parents to continue the bloodline. This means: get sons. Any sexual contacts that take place outside of the marriage were not that relevant as long as the social standard of getting married and having children was complied with (Cristini, 2007). Getting married and continuing the bloodline out of reverence for ancestors form the most important traditional values in China and, or so it seems, also plays an important role for Chinese gays today.

When sales travellers and missionaries visited China some centuries ago, they were shocked by the pervasive sodomy. Many men, particularly those from the higher social classes, had extra-marital relationships and it was no rare occurrence that young men prostituted themselves in order to climb the social ladder. After his visit to Beijing, the Jesuit Matteo Ricci stated: 'There are public streets full of boys got up like prostitutes. And there are people who buy these boys and teach them to play music, sing and dance. And then, gallantly dressed and made up with rouge like women these miserable men are initiated into this terrible vice.' (Hinsch, 1990, p. 2)

Commencing in the middle of the nineteenth century, Chinese intellectuals increasingly took over the ideas of visiting westerners, which resulted in the decrease of cultural tolerance towards homosexuality (Chou, 2000). At the beginning of the twentieth century, same-sex sex was considered unnatural in China as well.

In the decades that followed, homosexuality was increasingly viewed as socially aberrant, medicated and criminalized. In 1911, the last emperor retired and China was declared a republic. It was the onset of a period of great social turmoil during which warlords, the central government, Japanese occupying forces and the communists consecutively fought for power. In the end the republican government was overthrown by the communist party, and in 1949 Mao Zedong founded the People's Republic of China (PRC). During the communist period, deviating ideas and people, including homosexuals, were actively persecuted. In particular, during the Cultural Revolution between 1966 and 1976, men who met each other in parks were seized and accused of 'hooliganism', a label the communist party often used to punish various forms of 'deviation' and thus undesirable behaviour. Homosexuality was

considered an influence from the West and a relic from feudal times that needed resistance (Chou, 2000). Everything was in the service of the revolution, including sexuality: sex was just a means to produce new revolutionaries, and sex without a function was considered 'reactionary' (Cristini, 2007). So, during the Cultural Revolution, sexuality that deviated from this credo was largely taboo.

After the death of Mao Zedong in 1976, China's direction changed. Successor Deng Xiaoping abandoned the Cultural Revolution and started the Open Door Policy in 1979, after which the political, economic and social situation in China slowly started to improve. As a result of the 1980 Marriage Act, which allowed divorce if there was no longer any mutual affection, and mediation had failed, and the one-child-policy that prevented parents from having more than one child, the Chinese attitude towards relationships and sex changed (Yuankai, 2006). (4) Sexual freedom and 'recreational' sex increased. Because China had opened up towards the West, where since the sixties a gay subculture had come into existence, in the late eighties in a number of cities along the coast, western homosexual discourse was taken over, in particular in Taiwan and Hong Kong (Chou, 2000). (5) The further economic and political liberation of China in the nineties enabled more social and cultural diversity (Chou, 2000; Wei, 2007). Slowly, a homosexual subculture arose on the Chinese mainland.

The Internet and the Emergence of the *Tongzhi*

Li Yinhe, sociologist at the Chinese Academy of Social Science in Beijing, has been publishing studies and books about the gay and lesbian subculture in China on a regular basis since the nineties. Li Yinhe is one of the most well-known advocates for the rights of LGBT people. It was in her first study, *Their World*, which appeared in 1992, that the perception of Chinese gays and lesbians, their 'mental sufferings and gloomy meeting places', was for the first time exposed in a rather painful manner (Christini, 2007). Many gays met in parks, public toilets and bathhouses where they were constantly at risk of getting caught and seized by the police. Lesbians hardly had any opportunities to meet in public places. (6) Pressured by their family, many gays and lesbians above thirty indicated they were married: the Confucianism values were still pursued, in spite of all revolutions. In addition, communism has clearly left its mark on ethics: extra-marital sexual relationships, let alone homosexual relationships, were not tolerated as easily as they were during the time before the PRC (Cristini, 2007). The homosexuals in Li Yinhe's study did not talk to friends and family about their sexuality. Many did not know what to do with themselves; often, they had no notion of the existence of like-minded individuals. The Internet changed this.

In 1994, China was connected to the Internet. In 1998, the first websites were launched that addressed gays and lesbians, such as gztz.org and gaychinese.net (Jiang, 2005). Discussion forums and chat rooms became very popular. They enabled gays and lesbians to contact each other anonymously from an Internet café or the safe environment of home. For many homosexuals, a new world opened up. In view of the isolated position many were in, it is not at all surprising that the online gay community grew rapidly. Now there are hundreds of gay websites, varying from informative sites to dating sites (Jiang, 2005). The number of Chinese on the Internet has grown to 298 million, which makes them the largest population of netizens. (7) It was not just the online gay community that grew; the gay community in the offline

world grew as well as a result of meetings organized through the Internet. Gays and lesbians meet at agreed places (such as karaoke bars and discotheques) and in cities such as Beijing and Shanghai the first gay bars arose (Jiang, 2005; Wei, 2007). Through the Internet, gays and lesbians could share their concerns and problems, which gave them a shared background in the homosexual community. Soon, a new name arose for the new identity: the *tongzhi*.

'Tongzhi' is the Chinese translation of the Soviet-communist word 'comrade'. Literally, the Chinese word means 'people with the same intent' (or 'spiritual goal') (Chou, 2000). The term 'tongzhi' was used for the first time by a gay activist at the first Lesbian and Gay Film Festival in Hong Kong in 1989. On the Internet, so-called 'tongzhi-literature' had been circulating since the mid-nineties: a genre that describes the problems and experiences of Chinese gays (Cristini, 2005). In addition to increasing self-awareness of many gays, the tongzhi literature has contributed to the emergence of the term 'tongzhi'. Nowadays, most homosexuals on the mainland of China call themselves 'tongzhi', regardless of social status, education level or marital status (Wei, 2007). The word has lost all of its communist connotations. Chou explains why it has been adopted so rapidly: 'The re-appropriation is widely accepted by the community for its positive cultural references, gender neutrality, de-sexualisation of the stigma of homosexuality, politics beyond the homo-hetero duality and use as an indigenous cultural identity for integrating the sexual into the social.' (Chou, 2000, p. 2) So Tongzhi is a modern Chinese, non-western name for those who focus on the *passions of the cut sleeve*.

In addition to tongzhi, lesbians in China are often called lala. But China is large and in other regions gays use other terms to indicate their identity. (8) In the province of Chengdu, for example, they often sarcastically call themselves *piao piao* (Wei, 2007). This term, which literally means 'wandering men', emphasizes the problematic public position of the Chinese gay. Not only does it refer to cruising gays in parks, it also implies a lack of roots or anchor: *piao piao* can never settle and wander around as 'rootless leaves' (Wei, 2007). Unlike tongzhi, *piao piao* does refer to the heterosexual status-quo: the heterosexual family in which the *piao piao* does not fit. In practice, the term tongzhi is the most commonly used collective term for homosexuals throughout China, although the use of the term 'gay' is also increasing. Wei (2007) indicates that by using these different identity labels an 'identity policy' is practised as well: one navigates between the labels in order to get maximum use out of their cultural and political implications. Furthermore, there are also others in China who prefer the same sex but who do not want to be confined by the label 'tongzhi', in their essential 'fixed nature'. They are inspired by the queer movement (*ku'er*), powered by philosophers like Michel Foucault and Judith Butler, as counterpart of the tongzhi discourse, a counter movement that is present in Taiwan in particular.

It has to be noted here that the current gay subculture in China is mostly an urban middle-class culture for people who can afford Internet, bar visits and their own apartment. Questions about current homosexual practices amongst migrants, labourers, farmers etc in China remain unanswered.

The Chinese Government and Public Awareness

The emergence of the term tongzhi indicates a shift from homosexuality as behaviour to homosexuality as identity. Simultaneously, with the emergence of an identity and a cautious

local subculture, there have also been some improvements in the social position of gays and lesbians. After a 1995 government study of AIDS and HIV, carried out amongst seven hundred gays, concluded that the gap between homosexuals and society should be bridged; the Chinese government could no longer ignore the position of gays and lesbians. In 1997, the controversial act that criminalized 'offensive behaviour' ('hooliganism'), which was used by the police to persecute gays in parks, was abolished. In 2001, homosexuality was removed as a mental disease from the Chinese *Classification and Diagnostic Criteria of Mental Disorders*, the charter of Chinese psychiatry. In addition to the sociologist Li Yinhe, other researchers also became interested in the tongzhi and various studies concerning sexuality and homosexuality were published. In spite of the decriminalization and medical de-classification of homosexuality, which can be considered milestones for the Chinese gay movement, the relationship between the Chinese government and homosexuality remains problematic.

China has a growing number of NGO's, organisations and websites that address the liberation and rights of LGBT people. Most of these focus on HIV/AIDS, because the government does take that problem seriously and sometimes finances information activities since gays form a growing group of HIV-infected people. Other organisations (such as Tongyu Lala) specifically fight for homosexual rights and promote 'gay marriage'. Although in recent years the government has given these organisations more room to develop activities, lower government clerks frequently frustrate or obstruct such activities, especially when events draw media attention. Human rights advocates, journalists or lawyers who are too critical risk being persecuted and abused. Chinese human rights organisations are also often bureaucratically badgered and pestered (Amnesty International, 2008). Although newspapers increasingly report on the tongzhi, cranking up a broad social debate is often not appreciated. (9) There are also no laws that condemn discrimination, so employees can be laid off if their employer suspects they are gay, which occurs quite frequently. The general rule is that everything that is controversial is controlled.

China has a policy of very strict censorship. Not only is there an army of 30,000 clerks constantly monitoring Chinese activities on the Internet, but the mainstream media is also strictly controlled. (10) Specifically, gay magazines, books and movies are often prohibited or strictly censored: images of men making love do not appear in books as a result of this strict censorship. Authors, film producers or organisers must register their activities beforehand with special registration and assessment committees. Nevertheless, China has a lively underground film culture, and since the nineties many films have appeared with the homosexuality theme, although these are often only shown in underground video stores and cinemas. (11) China's first Gay and Lesbian Film festival, which was organised in 2001 by a student organisation from Beijing was a success, in spite of the fact that the festival was cancelled after three days by the Chinese government because of widespread media attention. A second, larger film festival, organized in 2005 by the first self-declared gay film maker and film professor Cui Zi'en, was also prohibited at the last moment, the reason being that the festival did not meet security requirements (Rui, 2005). Although Chinese film makers receive prizes all over the world for their films, such as Ang Lee for his 2005 movie *Brokeback Mountain*, in China itself the films may not be shown publicly.

In a country as large as China, the social acceptance of gays differs per region and province. It is known that provinces such as Chengdu and Sichuan and large prosperous cities such as Beijing, Shanghai and Guangzhou are more tolerant than smaller towns in the country-

side. But in general, people who are sexually attracted to members of the same sex are heavily stigmatized, discriminated against and treated with violence. Blackmail by employers and government clerks also occurs. Open display of homosexuality in the streets is not recommended, including in Beijing and Shanghai. (12) There is a lot of hidden pain; many homosexuals do not dare to come out for fear of the reactions of their family, colleagues, fellow-students or neighbours. The social pressure to marry is also great. A study conducted by professor Zhang Beichuan, who teaches gay and lesbian studies, shows that ninety percent of homosexuals cave in to the pressure of parents and society to get married, a problem that since Li Yinhe's first publication in 1992, still persists today (Juan, 2007). According to Li Yinhe, an increasing number of Chinese do accept homosexuality, but at the same time they hope that homosexuals 'can change' or 'become normal' (*China Daily*, 2006). So many Chinese do not know exactly what homosexuality is, a reminder of the taboo on sexuality during the strict communist era. Because of economic growth and the accompanying consumerism, sex is widely present in the media nowadays. Although pre-marital sex has not been accepted by everyone, some even speak of a sexual revolution (Yuankai, 2007). Li Yinhe hopes that within twenty years China will be just as open about sex as western countries (Qiwen, 2005).

Ten Year Tongzhi: Hope on the Horizon

Karen, a 22-year old volunteer of Common Language (Tongyu Lala) in Beijing, said the following about her life in 2008: 'Most of my good friends know that I am lesbian, understand me and care about how I am doing with my girlfriend. [...] It's not that hard for young people I think. Age does matter, since the social background where we grew up in differs so greatly with the older generations.' (13)

In a society where the single individual did not really matter, the new consumerism leads to more diversity in daily life. Karen's generation, born in the eighties, is significantly more individualistic than the previous generations and experiments with 'lifestyles' just as youths in the West do. On university campuses there is a relatively tolerant culture and new initiatives are undertaken to increase knowledge about the tongzhi. In 2006, the first explicit homosexual student association 'The Rainbow Group' was founded at the Zhongshan University (public university) in the south of China. A year prior to that, the prestigious Fudan University in Shanghai started an elective gay studies course. The college room bulged with interested students.

The tolerance of the younger generation is very promising. Still, the biggest problem for the Chinese homosexual remains the traditional view of marriage and family. For many homosexuals, men in particular, this hinders their 'coming out' to the parents. As the 24-year old Will, volunteer at the online-organisation Aibai, says: 'I really want to tell my parents, because I want them to know the real me. It's very hard. I will let them know when I am financially solid and knowledgeable enough. They love me, so I am sure they will accept the true me but it will take some time. [...] I am learning with my work for Aibai to be more open about my sexuality and to be more visible.' (14)

An increasing number of sociologists and psychologists in China recognize this problem and the harm it can do to (young) gays. (15) Li Yinhe has been fighting for years for 'gay-marriage' in a government advisory committee. It is not surprising that this proposal has already been

denied three times; the traditional Chinese views concerning family cannot be changed easily. NGOs have arranged hotlines where gays and *lalas* can call with their problems. And a number of gays and lesbians bypass the marriage problem by marrying each other. (16)

Ten years after homosexuality was removed from criminal law, a lot has happened in China. Through the Internet, gay have found each other, which has resulted in more self-awareness and a growing gay movement. In large cities such as Shanghai and Beijing, a gay culture has come into existence and there are many organisations that actively fight for the rights of gays and lesbians. That is necessary: it is clear that the position of homosexuals in China is still problematic and that equal justice, the second step in the liberation fight, certainly has not yet been realized. Many rights enshrined in the Yogyakarta Principles are ignored in China and social acceptance is often not in order at all. Still, the rapid liberation process that took place in just ten years generates hope for the future. Youths such as Will and Karen, from organisations like Aibai and Tongyu Lala, seem to take the lead in this process of social change by fighting with fresh courage for more knowledge, acceptance and equality. They still have a long road ahead. As the father of the modern China, Sun Yat-sen, once wrote: 'Revolution has not yet prevailed. Tongzhi, keep up the good work!' (17)

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Notes

- (1) Since most Chinese texts are not available in English, I am compelled to limit myself to a few English summaries, keynotes, newspaper articles and English websites. Additionally, this article is based on several interviews I had through the Internet with some Chinese gays and lesbians that work for NGOs and gay organisations.
- (2) Another term that is often used is 'the bitten peach', which refers to the concubine Mizi Xia of emperor Ling (534 - 493 BC.), who gave a delicious peach to his master after he had taken a bite of it himself. In itself this was an offensive act, if it was not for the fact that the emperor considered the gesture extremely romantic (Hinsch, 1990).
- (3) For further information on this subject see Saskia Wieringa's article in: 'Lesbian Identity and Sexual Rights in the South; an exploration', which describes the Chinese Orchid communities of women that turned against marriage.
- (4) The one-child-policy has resulted in a large surplus of men in China. In 2020 there will be an estimated 300 million more men than women, according to demographic forecasts. So from a practical point of view it would not be such a bad idea for the Chinese government to promote homosexuality.
- (5) Both 'provinces' have a separate status and are relatively freer than the Chinese mainland: Taiwan is viewed as a renegade province by China and Hong Kong is a modern metropolis as a result of its past as a British colony.
- (6) The specific position of lesbians is not addressed too much in present (English) literature; it focuses mostly on gay men.
- (7) For comparison: 394 million Internet users come from Europe, and 251 million from the US; the total number of people on the Internet is roughly 1.6 billion. (Source: www.internetworldstats.com, retrieved June 2009).
- (8) These terms are used by homosexuals themselves to indicate their identity. Other terms that are used are: 'male trend' (*Nan feng*), 'allied brothers' (*Xianghuo xiongdi*), and the more formal 'homosexual' (*tongxinglian*). Chou (2000) and Wei (2007) give terms that are mostly used regionally and in which homosexuals do not always recognize themselves. In Beijing gays are also called 'rabbit' (*tuzi*), in Shanghai 'addicted' (*bjing*), and in Wuhan 'pie' or 'button' (*kouzi*), while 'glass' (*boli*) and 'people in the circle' (*quan li ren*) occur throughout all of China.
- (9) In July 2006 Radio Television Hong Kong (RTHK) broadcasted the program 'Hong Kong Connection - Gay Lovers'. The program addressed the position and the problems of Chinese gays. According to the Chinese Broadcasting Authority, the program was 'biased' and 'unilateral': the 'other' (heterosexual) side of the story had not been addressed enough. In May 2008 the Chinese Supreme Court decided that the Broadcasting Authority had to withdraw its decision (*China Daily Hong Kong Edition*, May 2008).

- 180
- (10) China blocks numerous websites: political sites, porn sites, sites from human rights organizations, and also critical weblogs and Wikipedia. The so-called *Great Firewall of China* is made possible by providers and by western companies such as Google and Yahoo. Recently, it became public that Chinese authorities have instructed Chinese computer manufacturers that all PC's sold in the country soon must come with specific pre-installed software to 'protect Chinese from harmful content' (July 2009).
 - (11) Such as the well-known *Dong Gong Xi Gong (East Palace, West Palace)* (1996) from Zhang Yuan, *Happy Together* (1997) from the Hong Kong director Wong Kar-wai, *Men and Woman* (1999) from Liu Bingjian, Kwan Kam-Pang's *Lan Yu* (2001), *Enter the Clowns* (2001) from Cui Zi'en, and Li Yu's *Fish and Elephant* (2001).
 - (12) As appears from the tourist information for homosexuals about Beijing on the popular online gay portal www.fridae.com.
 - (13) Karen works for Tongyu Lala (Common Language), a NGO that organizes all kinds of activities (e.g. on campuses) to provide information. Tongyu Lala promotes the rights of lala's and 'gay marriage'. See: www.tongyulala.org.
 - (14) Will works for Aibai, an online-organization that focuses on Chinese speaking homosexuals worldwide. See: www.aibai.com.
 - (15) A study conducted by Professor Zhang Beichuan proved that more than half of the 2,500 gays interviewed were victims of discrimination and suffered mental trauma after coming out about their sexual nature (Juan, 2007).
 - (16) The website 'Marriage for Asexuals' (www.wx920.com) for people who do not want to have sex or are unable to, receives heavy traffic from gays and lesbians. They look for a tongzhi of the other sex so they can get married and live up to the pressure of parents (*China Daily*, July 25th 2007).
 - (17) Sun Yat-sen (1866 - 1925), the founder of the Republic of China, was the first president after the last emperor retired in 1911. Although he referred to communist comrades in the cited phrase, his statement has become a popular reference to homosexual activists (Chou, 2000).

The Voice of a Lesbian from Hong Kong

Franco Yuen Ki LAI

Hong Kong is a metropolis with a population of seven million. After 100 years of British colonial government, it was handed over to China in 1997. It is now a special administrative region of China, managed under the slogan 'One Country Two Systems'. Since Britain and China signed the United Nations (UN) Treaty on Human Rights, human rights conditions in Hong Kong are monitored by the UN. The Hong Kong government was urged by the UN to prohibit discrimination based on sexual orientation in 1996, 2001 and 2005. (1) However, Hong Kong still does not have any law to this effect.

I was born in 1978. My working-class parents devoted themselves to building up a stable and warm family for my older sister and me. I hated dresses and long hair since I was young. My tomboy character seemed natural and was consistent with my athletic activities. However when I was not a child anymore, my masculine attributes (short hair above my ears, wearing men's tees and jeans) began to bother my parents, especially during gatherings with our relatives. My aunts and uncles always teased me, 'Oh, you're just like a boy! You should keep long hair'. I just responded, 'It's easier to keep short hair tidy since I play basketball'. Every time I cut my hair short, my parents always said, 'Why do you cut it so short? Keep it longer, please'. They still have the same comment even though I am now thirty years old.

The conventional wisdom of the gender binary interprets masculinity as superior to femininity; hence my masculine female body is sometimes interpreted positively as strong, active and easy-going. However, most of the time, my masculine appearance is perceived as deviant, since I am a woman. I fail the gender test in the women's bathroom most of the time. I still remember a very nasty woman grabbing my breasts in the women's bathroom of a karaoke lounge. She accused me of using the wrong bathroom. We did not stop quarrelling until the manager came. I was so angry and did not realize that I should report to the police that that nasty woman had touched my breasts.

Queer Students in Universities

I met a group of gays and lesbians at my university (the Chinese University of Hong Kong) when I was a freshman in 1997. A year later, I led the group and registered as the 'Tongzhi Culture Society' in the university. It was the first gay and lesbian student group recognized by a university in Hong Kong. *Tongzhi* is a Chinese term which literally means 'comrade'.

The registration process looked simple, but it was extremely difficult for us. Before registration, my group published a series of newsletters. We paid the printing costs and distributed the newsletters outside student cafeterias. One newsletter talked about anal sex and casual sex between gay men. At that time, I never thought that it would become an issue for registration.

After handling all registration documents, I was asked to attend a meeting held by student representatives. Before my turn, there was a discussion about the registration of a student group from the Accounting department. The president, who is also a student, asked members if there were any questions. There was silence. The president then asked members to vote 'yes' or 'no'. All agreed. The whole process just took sixty seconds. It was simple and fast, and I thought I could manage it even though it was only me attending the meeting. However, my turn was a disaster.

After the president asked members if there were any questions, many hands raised. They banned my registration and criticized the newsletter I published, calling it immoral. They claimed they really worried about what I would do if my group was to register. There were twenty student representatives, and they kept asking me moral questions. After the sixty-minute debate (not exactly a debate, just questions and critique), the president asked members to vote. Most members voted 'no'. I thought it was really unusual to decline a registration. The president then announced there would be a second round of discussion and voting. Finally, my group got slightly over half of the vote, and registered. Comparing the sixty-seconds of the Accounting student group and the sixty-minutes of my group, I could not deny that students at my university were very conservative.

After registration, we continued to publish the newsletter. One day, a committee member found a pile of handbills on the table where we usually put the newsletter. The handbill stated that they had destroyed twenty copies of the newsletter published by the Tongzhi Culture group, and they claimed they did it for the sake of the moral standard of the university. My group was astonished. We launched a series of activities to fight back, including a public forum at the university to which many journalists came.

Since many journalists reported the issue, my name appeared in newspapers. An old friend called me, 'Why'd you do that? Though you look masculine, you don't need to be with girls...' I explained, but she was still disappointed and disagreed with what I had done. She never called again.

In 1997, the Hong Kong government set up three discrimination ordinances: against sex discrimination, family status discrimination, and disability discrimination. Gay and lesbian support groups requested a sexual orientation discrimination ordinance, but they were rejected. In the same year, Hong Kong was handed over to China.

Conservative Pressure

In 2000, I had a relationship with a female policewoman. She had already come out to her family. I usually stayed overnight at her house on weekends. On New Year's Eve we went out to celebrate. Since the street was so crowded, we held hands tightly. Suddenly, she took her hand and ran away. I was confused. 'What happened?' I caught up to her, and she explained she had just seen her colleague on duty. She did not want her colleagues to know about her sexual orientation. She said most of them were very homophobic and sexist. She knew one of her colleagues, who was a masculine lesbian, was teased by male colleagues.

I had never thought that I would not be able to hold hands with my girlfriend. I used to think I was living in a liberal city though I could not get married to my lover. I had a relationship with this girlfriend. Suddenly, I recognized that I was back in the closet again.

After I graduated from the university, I had to find a job, but it was not easy. My masculine appearance became an obstacle in job interviews. A woman employer asked me directly why I kept a masculine appearance. A male employer said he would like to employ me, but I had to promise that I would wear women's clothes in the office.

The conservative pressure was not just taking place on a personal level. When the government launched a poll to study public attitudes towards non-heterosexual people in 2005, many Christian groups were nervous, afraid that the government was going to set up a sexual orientation discrimination ordinance. They launched a series of newspaper advertisements to propagate ideas about sexual promiscuity and a high AIDS infection rate among homosexuals. They also lobbied politicians, arguing that many social problems would be created if the sexual orientation discrimination ordinance was set up.

In 2006, Radio Television Hong Kong (RTHK), a government-owned radio and television broadcasting institute, broadcasted the 'Gay Lovers' program which interviewed a lesbian couple and a gay man. After the show, twenty complaints blaming the program for promoting homosexuality and same-sex marriage were lodged with the government. Later, the Broadcasting Authority (2) announced a decision that the program 'Gay Lovers' was biased towards homosexuality. The interviewed gay man then pursued a Judicial Review of the Broadcasting Authority's decision. Fortunately, the High Court judge ruled that the Broadcasting Authority's censure of an RTHK program on homosexuality was a restriction of freedom of speech. (3)

Though the case was won, it revealed the conservative atmosphere in Hong Kong. Gays and lesbians had to spend thousands of dollars and tons of energy to protect their voices and visibility. LGBT groups worried that this incident might lower the motivation of other broadcasting institutes to produce similar LGBT-related programs.

Despite conservative pressure, the LGBT community did not remain silent and instead comes out to celebrate gender and sexual diversity. In recent years, local gay and lesbian groups began to collaborate with regional and international LGBT groups. In 2005, the first march for the International Day Against Homophobia in Hong Kong (IDAHOHK) was proudly held by LGBT groups. It has become an annual event on the most crowded street in Hong Kong, involving over 500 participants.

Last, but not least, I do have a wish - I wish the sexual orientation discrimination ordinance would be set up in Hong Kong very soon. It is the basic legal protection we need in education, the workplace, and social life.

Franco Yuen Ki LAI is a lesbian from Hong Kong, China. She believes that sexuality is not just something private in bed but an important matter that reveals the power dynamics and cultures of our societies. It is also important for all of us to think about. She obtained her Master of Philosophy degree, majoring in Gender Studies/Anthropology at the Chinese University of Hong Kong in 2004. She is now studying Anthropology at Purdue University, USA.

Notes

- (1) Sources from the Amnesty International report: *The Human Rights of LGBT people* (March 2005).
- (2) The Broadcasting Authority is an independent statutory body established under the Broadcasting Authority Ordinance (Cap. 391) in 1987 for the regulation of the broadcasting industry in Hong Kong.
- (3) Source from *Ming Pao* (a Hong Kong Chinese newspaper), 9th May 2008, and *South China Morning Post* (a Hong Kong English newspaper), 10th May 2008.

Saving Gays from Iran: The Iranian Queer Railroad (IRQR) (I)

André Hielkema

Homosexuality is a capital crime in Iran. Recently the Iranian Queer Railroad (IRQR) was set up in response to this. It is a new organisation designed specifically to help the growing number of LGBT Iranians forced to leave their country because of the violently homophobic policies of the ayatollahs' theocracy. Gay activist, Arsham Parsi, founded this body dedicated exclusively to helping sexual dissidents flee persecution. He chose to call his agency the Iranian Queer Railroad (IRQR) after the Underground Railroad in the nineteenth century which was an informal network of routes and safe houses helping black slaves in America to escape to freedom in Canada. IRQR works together with other human rights organisations, consulates and offices of the UN High Commissioner for Refugees in transit countries like Turkey, Pakistan and India.

Iran's Culture of Homophobia

Few will forget Iranian President Mahmoud Ahmadinejad's response during an appearance at Columbia University on September 24, 2007, when asked about the persecution of homosexuals: 'In Iran, we don't have homosexuals like in your country. We don't have that in our country. In Iran, we do not have this phenomenon. I don't know who's told you that we have it.' Although Ahmadinejad skirted the question, in the Islamic Republic of Iran, homosexuality is punishable by death. Since the 1979 Islamic revolution, many executions have been reported, as well as countless cases of torture and abuse.

However, according to Arsham Parsi, this persecution goes beyond the government: 'It's not all about government, it's mostly about society and culture. Families will not accept homosexuals. The government may have the death penalty, but society is not educated about diversity, not about religion, or cultures. The government does not create a safe space for queers, and there can be honour killings.'

He provides a specific example to illustrate this point: 'In the city of Rasht in November 2005, an eighteen-year-old boy was set on fire by his father when he found out his son was gay. Outraged and saddened with the news of his son's homosexuality, the father first poured gasoline on his son and then on himself in order to save his family's honour. The boy died from severe burns. The father survived with burns on his hands and face. A father burned his son to death! It's killing just to save the family's honour, and the Ministry of Justice won't do anything.' Not only by the government, but also in the family, gay and lesbian rights in Iran are systematically violated. The state, society and family are often united in creating an atmosphere of uncertainty, fear and danger for Iranian queers.

Within the Middle East, Iran is distinguished by the overt severity of the penalties it imposes

on consensual, adult homosexual conduct. 'Sodomy' or *lavat* - consummated sexual activity between males, whether penetrative or not - is punishable by execution, regardless of whether the partner is passive or active. Article 111 of Iran's Penal Code states that, '*Lavat* is punishable by death so long as both the active and passive partners are mature, of sound mind, and have acted of free will'. According to Articles 121 and 122 of the Penal Code, *Tafkhiz* (the rubbing together of thighs or buttocks, or other forms of non-penetrative 'foreplay' between men) is punishable by one hundred lashes for each partner. Recidivism is punishable by death on the fourth conviction. Article 123 of the Penal Code further provides that, 'if two men who are not related by blood lie naked under the same cover without any necessity', each will receive 99 lashes. Iranian lesbians are not allowed to have an existence either. Many are forced by society and/or family to live a lie and marry a man. Women convicted of lesbian sex face flogging or, after conviction for a fourth time, the death penalty. When arrested, they are raped, whipped and tortured to death. If they are raped by strangers or acquaintances, they and their family members are often reluctant to file a formal complaint because being raped is itself a matter of shame and disgrace.

According to Iran's Penal Code, which is consistent with Islamic law, an accused person can be convicted of sodomy if he repeats a confession to the act four times. The practice of torture is prevalent in Iran, torturing prisoners to extract confessions is common. Forced confessions are openly accepted as evidence in criminal trials.

The death penalty for *lavat* is not merely a paper punishment in Iran: it is enforced.

Trials on moral charges in Iran are held in camera, and international outrage over the frequency of executions has led the government to exercise tight controls over press reporting of the death penalty. For these reasons, confirming the frequency of executions for *lavat* is effectively impossible.

Arsham Parsi (2)

Arsham Parsi was born in Shiraz, Iran, in 1980. As a gay Iranian, he felt alone until at the age of fifteen he discovered solace in the Internet and then he understood what it means to be gay. Parsi began volunteering for local queer (underground) gay organisations. At the age of 22, he began working for the Persian Gay and Lesbian Organisation (PGLO). In a country where being found out as gay can get you killed, homosexuals are in hiding, as are local advocacy efforts. Parsi's underground advocacy work in Iran included networking with doctors to get access to HIV testing as well as responding to emails from suicidal gay teenagers: 'We would get e-mails from people saying they were going to commit suicide because their families had found out they were gay. I would travel to their towns and speak with the families who were having problems and explain to them that we are not abnormal and I would show them articles. We get many letters about people wanting to kill themselves or being beaten and tortured.'

In 2004, Parsi was still living in Iran. The strict laws against homosexuality forced him to keep his work secret from friends and family. After four years of keeping his activist life a secret, Parsi's role as a queer advocate placed him in jeopardy: 'The police were going undercover on the Internet, pretending to be gay and arranging dates in chat rooms and then arresting the men who showed up. The people arrested said the police were after a man named

Arsham. I understood that the police was searching for me and that I would be arrested. I escaped to Turkey and one week later the police were in my home. I cannot return to Iran, even though my family is still there. Homosexuality is forbidden and if I went back I would be arrested at the airport or border and in a couple days they would kill me.'

In March 2005, he realized the police were looking for him so he fled to Turkey and registered as a refugee at the office of the United Nations High Commissioner for Refugees in Ankara, where he spent thirteen months and continued his work to publicize the plight of LGBT Iranians. He was eventually granted asylum as a sexual refugee by Canada. Many gay refugees fleeing Iran end up in countries such as Turkey, Pakistan, and India before the commissioner accepts their cases. This process can take years, and is often a traumatic experience. In 2006 Parsi moved to Toronto and changed the name of the PGLO to the Iranian Queer Organisation (IRQO). He became the executive director of the Iranian Queer Organisation (IRQO) and director of the organisation's online magazine, *Cheraq*.

In October 2008 Parsi started the Iranian Queer Railroad (IRQR) and is now working on Iranian queer asylum cases. Parsi travelled to Turkey in August 2008 to meet with Iranian LGBT refugees and plead their case with the office of the United Nations High Commissioner for Human Rights located there. The UNHCR must grant these queer exiles official refugee status before they can be accepted for asylum in gay-friendly countries. As the result of that trip, Parsi concluded that a new organisation dedicated exclusively to helping sexual dissidents flee persecution in Iran was necessary.

Parsi and his organisation are now in contact with 145 LGBT Iranian refugees currently in limbo and seeking permanent asylum - 85 in Turkey, which shares a lengthy border with Iran and where cultural and political homophobia is rampant, while the rest are scattered throughout Europe, including in the Netherlands, Sweden, Germany, Switzerland, and Norway. Some 22 are in the United Kingdom, which has been extremely reluctant to grant permanent asylum to gay Iranian refugees, and where in the last several years two Iranians have committed suicide after receiving deportation orders back to certain torture and possible death in Iran. There are many more queer refugees from Iran who haven't yet been in contact with the Iranian Queer Railroad and who also desperately need help.

One of the goals of the Iranian Queer Organisation was to increase the level of awareness about the Iranian queer situation and the horrible persecution that goes on daily in Iran, and to provide a steady stream of information about homosexuality and the transgendered via Internet into Iran. After several years of working with PGLO and IRQO, it was clear to Parsi he needed a new organisation with fresh blood and a structure dedicated solely to helping queer refugees, to help them flee Iran, to support them while they are still in transit countries like Turkey, to assist them in finding their way through the harrowing bureaucratic maze that faces them in order to gain asylum, and to help them get settled and cope with setting up a new life in gay-friendly countries.

Since being granted asylum in Canada, Parsi has been able to make a number of trips to Turkey to help gay refugees and has built a relationship with the UNHCR office there: 'I'm so happy I've been able to build a strong relationship with the UNHCR, who are now aware of the Iranian queer situation, and of our organisation, and on each of my trips I've been able to secure international refugee protection status for more and more Iranian LGBT refugees in

Turkey, which is the necessary first step to being granted asylum. After my last trip there in August 2008, we now have twenty more refugees who've been newly granted this status and are now awaiting flights to gay-friendly countries like Canada and Australia.'

Parsi was able to help a 29-year-old Iranian lesbian refugee: 'She had a terrible life in an abusive situation. Her family forced her to marry with one of their relatives, and her legal husband raped her every night, and she could do nothing about it because one of the first duties of women in the Islamic Republic of Iran is sexual delivery to their husbands. This girl went to a doctor after all the rapes, and the doctor told her, "You appear to have been raped by an animal, and you need urgent health care now". But her family ordered her to be patient and stay at her husband's home. She was severely beaten repeatedly by her husband and eventually escaped and went to a friend's house. But while she was there, her brothers came while she was out and told her friend they were going to kill her to save the family's honor because she left her husband and has suspicious connections with other women. That's when she fled Iran to Turkey, where she was put in touch with the Iranian Queer Railroad by one of our members in Iran. I told her, "Don't go back to Iran, we don't want to lose any more members of our queer family".'

Exile in Turkey and Arriving in the West (Canada)

Parsi's dedication to these refugees is fuelled by his own experience as an exile in Turkey: 'It was the hardest experience in my life. To suddenly find myself in an unexpected situation in a hostile country without money, with no personal safety or security for thirteen months wasn't easy. I cannot forget the day in Turkey when I was walking with Amir, another gay refugee who had been tortured and flogged in Iran. We were chased in the street by a homophobic crowd, who beat us hard and tried to kill us. Nobody helped. There were no police who came to our assistance and people were just standing around watching as we were beaten, simply for being gay refugees in their country. I'll never forget my refugee life in Turkey, and that's why I've decided to dedicate myself exclusively to making queer refugees' stay in Turkey as short as possible and to help them get to freedom in gay-friendly countries.'

'Two of our refugees in Turkey - one who is 28 and one who is 29 - who had rented a room together, were visited by the mother of the landlord who told them, "We just found out you are gay, and you have to leave because you are gay". Our two refugees, who didn't speak much Turkish, called the police, who instead of admonishing the landlord arrested our refugees. While in custody, one of them, who is diabetic, went into diabetic shock, but was not allowed by the police to take his insulin. The police insulted them and told them, "If you're not happy here, go back to Iran". Turkish police are very hostile to gay people in general and to gay Iranian refugees in particular. Beatings are very common. That's just another illustration of why it is so urgent to get these refugees out of Turkey to a safe country.'

'The most difficult part of living in Turkey is the waiting. Most of the refugees that come have to wait two to three years in a small apartment until they can be granted legal, international recognition of their status as refugees by UNHCR. In Turkey, India, or Pakistan, they cannot go out, because they are beaten. The police won't do anything for them. They have to stay at home, they don't know what they should do, and have no friends. It is extremely hard. Whenever they call the UNHCR or a western embassy, they tell them to wait. These places are not gay-friendly.'

Even after the wait in Turkey is over, the journey has just begun for many of these gay refugees. Inland refugee claims made at airports and border crossings are determined based on their eligibility according to an officer of Citizenship and Immigration Canada. During hearings of the Immigration and Refugee Board (IRB), an independent quasi-judicial tribunal that is responsible for applying to the Canadian federal Immigration and Refugee Protection Act and making decisions on matters related to immigration and refugees, gay refugees must prove that they are gay. Those who are unable to do so are deported back to their home countries. The one-person panel of the IRB must decide whether or not a person is homosexual. Many gay refugees, particularly those from Iran, have had to hide their sexuality for decades. Proving to someone that they are gay can pose an extreme challenge. Parsi: 'I have a case here in Toronto, where a queer man was interviewed by a judge. The judge told him, "You are muslim, and how can you be muslim and homosexual?" He denied him asylum, and wanted to deport him. To avoid being deported, he married another gay man.' With the burden of proof being laid upon gay refugees, many are unable to prove their sexual orientation and thus face deportation.

Personal Histories

Here are some statements left on the IRQO and IRQR websites from Iranian queers giving their personal histories. The stories were posted as part of their applications for assistance in finding asylum.

Ali, who is 30, escaped from Iran to Turkey in December 2007, where he is now awaiting resettlement: 'I was caught when I was having sex with a guy by his father, who was a member of the Islamic Revolutionary Guard. As a result, I lost my job and I and my family were threatened with death. I was arrested several times in Iran, the last time was in the summer of 2007 while I was on vacation in the north of Iran, and the Islamic Guard arrested me simply because I was wearing a T-shirt and jeans and had spiky hair. I don't feel safe even here in Turkey because the father of the guy I had sex with is in the Revolutionary Guard and has the ability to find me here and have me killed so he can cover up the scandal of his queer son. I didn't do anything, I'm just a gay man who was born in a country in which my existence was forbidden, just for being gay, just for having a special feeling which is not that of a majority of society. I love guys. It is my right to be free, but I have to live in exile for it. I need help.'

Hosseini, 22, escaped from Iran to Turkey in September 2006, where he has been languishing while awaiting official refugee status and the granting of asylum in a gay-friendly country: 'I am a musician and I used to perform at various celebrations, including weddings and parties. These gatherings were often raided, but usually the host would pay the authorities a bribe and that would end the matter. I am homosexual. I had my first relationship at age twelve with the son of a neighbour, it lasted two years. In September 2006 I was playing along with other musicians at a private gay party in a home. The party was raided and the police attacked us viciously. One person was beaten so badly that later I learned he had died from it. I was beaten for ten minutes and lost consciousness for about ten hours. I was later arrested while I was in hospital. Eventually my mother and a friend of mine came to the hospital, my friend was dressed in the uniform of a sergeant in the disciplinary forces, and pretended to relieve the soldier who was guarding my room. I put on a hospital worker's uniform and was able to escape. After I was smuggled into Turkey, my family's home was raided and my mother

190 and father arrested for three days on charges of helping me escape for being gay. My father was detained and tortured for a year and later died. I'm waiting to be granted refugee status by UNHCR and I need your help.'

Parsi's Iranian Queer Railroad was also involved with the case of Pegah Emambakhsh, who was granted refugee status in the UK. Emambakhsh arrived seeking protection there almost four years ago when religious authorities in Iran learned that she and her partner were lesbian. Her partner was later tortured and sentenced to death. The UK government dragged its heels in reviewing her application, doubting that Emambakhsh faced any credible danger at home, and eventually in 2007 put her on a plane to be deported back to Iran. While she was at the airport, Parsi was tipped off about the situation, and sent out a press release to the IRQR network asking people for help. Within about two hours, the British Home Office's fax machines were so inundated with messages that they changed their number, and with five minutes to go before the plane took off, she was taken off the flight.

André Hielkema (MA) is a historian and active both at the Dutch Humanist Alliance and the humanist Socrates Foundation.

Notes

- (1) This article is based on information on <http://www.arshamparsi.net/1814.html>, http://en.wikipedia.org/wiki/Arsham_Parsi and www.irqo.net.
- (2) In 2009, Parsi and the IRQO were honoured by the International Gay and Lesbian Human Rights Commission with its Felipa Award for pioneering gay activism.

What is it to be a Palestinian Lesbian?

Rauda Morcos

In 1993, I moved from Kofer Yassif (a Palestinian village inside Israel in the north of the Galilee) to Tel Aviv in order to study for the B.A. That was my first meeting with a lesbian or even the word itself; she was a Palestinian student too. The question was: who was I? How did I react and what did I think, back then? One thing was clear to me: that it was 'taboo and forbidden'! Since that moment my search began for my sexual, gender and national identity. Living in a world where your identity is known before you are even born and in most cases is given to you by the society you are raised in, this was something that challenged me and triggered the question: who am I? The answer was always inside me but the fear to accept it kept it far from me. I have never stopped thinking and dealing with the word 'lesbian' and what it means to me, and it didn't take long until I was searching for support groups for lesbians myself!

This was when I found Klaf - Feminist Lesbian Community in Israel. I called the first time in 1994 and the only question I asked was, do you know of any Arab lesbians? The answer was that I was the first Arab lesbian that reached or called them. I searched for that woman whom I met when I moved to Tel Aviv and I was told that she had left her studies and was probably forced to get married. This was how my activism started, from the personal perspective, and that was how all my identities met, and I wrote about that in my first article in Klaf's magazine in 1996, a small article called: 'What is it to be an Arab Lesbian?'

This article reached Ms. Haya Shalom - one of the co-founders of the Israeli lesbian movement - and through her it reached a group of lesbian women in Jordan. Haya and I visited the group in 1997. I am speechless when it comes to express my feelings after that meeting but one thing I wanted badly is to have such a group for Palestinian lesbians here!

But I knew I was like many women in the Palestinian society who were living our sexual identity in secret. For me it is clear that this is a result of:

1. The complexity of our status as a Palestinian minority in Israel that doesn't enjoy equal rights and faces brutal racism; and as a community lives under occupation in which the Israeli army violates the human rights and continues to build the apartheid wall that enforces the separation between Palestinians.
2. The fact that we as women carry unrecognized roles in a patriarchal society.
3. The society that rejects our right to express our sexuality.

These restrictions hinder women's expression of national, civil and gender rights and freedoms. Palestinian society like every other patriarchal society does not accept and often aggressively rejects any expression of 'otherness'. When women dare to identify themselves outside the borders of prescriptive traditional gender roles and identities, they face exclusion, or worse, violence against their property or their bodies. One strategy to reinforce

silence and subordination of women's sexuality is through sexual violence practiced against women. This is why Palestinian women have hardly ever organised themselves, did not dare to protest, or resisted the brutal oppression. The vicious cycle of oppression urged gay women to insist on creating a safe space to deal with women's sexuality, gender and lesbianism.

And this is how it all began. In 2002, the virtual forum for Palestinian gay women became the first safe space for gay women in the Palestinian community within the state of Israel and from the Palestinian Occupied Territories. In January 2003 we had our first meeting in my apartment, then in Tel Aviv, without knowing and planning what this meeting would bring to us. In August 2003 we decided to start organising our group as Aswat. From being a virtual forum, Aswat eventually became the voice and representative of Palestinian women. In September 2003, Aswat sought and was granted an organisational platform and support from Kayan - an Arab Feminist Organisation. Currently, Aswat functions as an independent project within Kayan, a registered non-profit organisation in Israel. From 2004 we started reaching out within the Palestinian Community through our education, outreach and information projects.

To understand the need for Aswat, it is important to know about the reality that created Aswat. While many of us have been active in feminist projects and others in peace and anti-occupation activities, none of us has had a 'community' that could support the anti-discrimination struggle that a 'minority within a minority within a minority' lives every day.

As Palestinian gay women living in a heterosexual and conservative society, we are taking the first steps out of the closet, firstly to ourselves. We are all taking an enormous risk. The world around us has proved to us that we still need to continue our struggle, against the growing homophobia and for recognition of our existence. Our mission is to make self-expression possible for gay Palestinian women. Through Aswat's programming, women are able to discuss gender and sexuality, define and redefine multiple forms of feminism, and address conflicts between national and gender identities, as Palestinians living inside the borders of Israel and in the Palestinian Occupied Territories. Aswat's group provides a safe space for Palestinian women who identify themselves as lesbian, bi-sexual, transsexual, transgender or intersex and queer. Through Aswat, women are able to break through their individual silence, engage in ongoing dialogues, and discuss issues that concern their daily reality. Moreover, in Aswat, we are able to educate ourselves and each other about women's rights, lesbianism and gender identity issues. Raising our awareness on such issues will enable us to raise issues in our community about the realities of lesbianism, thereby contributing to a greater understanding and tolerance in the Arab-Palestinian community.

Aswat strives to initiate social change in order to meet the needs of one of the most silenced and oppressed communities in Israel by reaching out to Palestinian and local communities in Israel and the occupied Palestinian territories. In addition, we network with other like-minded institutes, groups and individuals in order to combat the multilayered discrimination gay Palestinian women face and to promote women's rights and improve the status of all women in the Palestinian society.

Our power as women and as lesbians and as Palestinians is not in choosing one identity on

top of the other but insisting that there is a way to create a space for all. I am all of these identities - I am a lesbian and I am woman and I am a Palestinian and these three cannot be separated.

I would like to end with acknowledging each woman in Aswat because I know of all the courage that it has taken each one of them so that Aswat could be born, take a shape and begin to do its work in the world.

Finally, from identifying all the multilayered discourse between the national, sexual, gender struggles, I will keep on raising the awareness of the unbreakable connection between these three, to carry the message to the international LGBTQI community that our struggle as gays against oppression cannot be separated from our struggles for social justice and human rights for all.

It only needs courage to work for social change!

Rauda Morcos is co-founder and the former General Coordinator (2003-2008) of Aswat ('Voices'), the organisation of Palestinian Gay Women.

Recovering the Lost Memories of Bravery (1): Latin American Non-Normative Sexualities in the 21st Century

Alejandra Sardá-Chandiramani (2)

This article attempts the impossible: to provide an overview of the situation of 'LGBTI' individuals, communities and movements in Latin America at the turn of the 21st century's first decade. Why this attempt is impossible is a reason for pride and celebration: because the richness and variety of experiences and struggles, and the speed with which they change is such that capturing it in its entirety lies well beyond the capacities of any individual. So, this article's purpose can be more adequately stated as a humble attempt to convey some of the realities pertaining to the lives of those who live their sexual preferences, gender identities and gender expressions in non-normative ways in those parts of the world known as Latin America.

Terminology

'Latin America': the criteria to be used for this article will be more cultural than geographical. Thus, the Dominican Republic and Cuba will be considered as part of the region due to their cultural similarities with the countries extending from Mexico to the South of Chile and Argentina, while Guyana, Suriname, French Guiana and Belize will not be discussed, as culturally they belong more to the English-French-Dutch speaking Caribbean than to Latin America.

'LGBTI': The realities faced by each of the letters in this all-too-famous acronym are quite different and so they will be discussed separately. A few groups and individuals in the region use the term *transgénero* - the Spanish translation of *transgender* - to describe themselves, but that term is a recent addition to the rich history of non-conforming gender expressions and identities in the region. The most popular term is *travesti*, which is not a translation of transvestite: Latin American *travestis* live fully in their gender of choice mostly since early adolescence, have undergone cosmetic surgeries and take hormones regularly. Many *travestis* do not want to undergo genital surgery while others simply lack the resources to do it. The term *transsexuales* (transsexuals) is mostly applied by/to those who have undergone genital surgery or are embarked in the process of doing so. Practically all *travestis* have a feminine gender expression. Trans men call themselves *hombres trans*.

Introduction

Compared to other regions, Latin America seems to be experiencing a privileged time in terms of social, institutional and legal recognition for non-normative sexualities. Legal advances are happening everywhere in the region and - what is even more important - the presence of individuals and relationships (including families) embodying those alternative choices is very strong not only in the media and in cultural products (films, books, Internet spaces) but also in the streets of the big cities. The silence about the existence of same-sex desires and practices, and the identities built around them, has long been broken.

The region also has a large number of highly visible and active organisations, groups and networks. There is not a single country without groups organised around non-normative sexualities. The unique feature of Latin American organising in this area is their fruitful dialogue and engagement with other social actors, mostly women and feminist movements, but also youth, anti-globalization, ethnic-racial movements and the left.

But the opponents are powerful and they are far from defeated. The catholic church, joined in recent years by the christian evangelical churches and allied to right-wing conservative parties throughout the region, as well as the deep machismo ingrained in Latin American cultures pose permanent and serious challenges.

This article will start by briefly describing the political and social context in which the struggle for recognition of non-normative sexualities is taking place in Latin America, including references to the movements behind it. The next two sections will provide an overview of the achievements in terms of laws and policies, but also of cultural visibility. The last section will be devoted to the challenges facing gender expression, gender identity and sexual orientation movements in the region.

The Context

Some of the defining features of the Latin American political context at the beginning of the 21st century include:

- Formal democracy has been achieved throughout the region. The military coups that were quite common in the nineteenth and twentieth centuries are no longer a possibility. This change has turned concepts like 'democracy', 'participation' and 'human rights' into social values. Particularly in South America, there is a strong movement from formal to substantive (some would call it 'radical') democracy that means more direct involvement by the people in state mechanisms and concrete measures to address economic and social disparities. But the confrontation with the conservative sectors is fierce and even though progressive governments seem to prevail at least for the time being, it is impossible to say for how long that trend will remain. (3)
- Most of the legal and social achievements of the LGBTI movement have been won under centre-left governments. Everywhere in the region, activists have strong links to centre-left political parties and social movements supporting centre-left governments.

- 196
- The claims of the movement have also been mostly articulated through a human rights framework and language. Thus, the fate of the LGBTI movement is quite tied to the fate of the centre-left/progressive tendencies in the region, and it might suffer greatly if a conservative backlash ensues.
 - The influence of the USA, which used to be very strong is much weaker today, except in two countries that are considered strategic by the USA: Mexico and Colombia. Latin American countries are now looking for alliances in other regions of the world and, even though this could seem quite positive at first glance, that is not always the case.
 - An example might illustrate the relationship between the Latin American centre-left governments and the shifting world powers: the Brazilian government became the hero of the LGBTI (and other) movements when it rejected conditions imposed by the USA on funding from the Global Fund to Fight AIDS. Later on, while signing a commercial treaty with Egypt on behalf of Mercosur, Brazil negotiated the participation of ABGLT (Brazilian Association of Gays, Lesbians and Trans) in the Durban+10 Review, though with the condition demanded by Egypt that the organisation did not address topics related to sexual orientation. (4)
 - But the fact that Latin America is the region where wealth is most unequally distributed in the world can never be put aside. Latin American societies are deeply divided along class lines - and, like elsewhere, classes always have colours, that is, most of those who are economically disadvantaged are also Afro-Descendants or Indigenous Peoples. The urban/rural polarity is also very present. Some of the most bitter confrontations taking place today in Latin American societies are linked to race (as in Bolivia) and/or to class (like all the urban upheaval about 'security' and the 'threat' embodied by the dark-skinned urban poorer communities that need to be 'kept away').
 - Social and racial inequalities are also reflected in the LGBTI movement, whose leadership is mostly white, urban, middle/upper class and male. There are powerful and well organised *travesti* and trans networks and also quite a strong resistance on the part of lesbians to that hegemony but still most of the resources are managed by the privileged few. This also means that the legal achievements benefit mostly the LG middle-class, while *travestis* as well as Afro-Descendants/Indigenous and lower income gays and lesbians fill up the statistics related to extrajudicial killings, arbitrary arrests, lack of access to health care, work and education, etc. As street sex-workers, most *travestis* are also targets of middle-class campaigns for 'cleaner cities' and 'more security'.
 - The catholic church hierarchy has been historically linked to the economic and social elites in the region and it continues to be a very strong force against change. There have always been and there still are (liberation theology) dissidents inside the church, but they have far less power, and in many cases are silenced by the church itself. The impressive growth of USA-financed christian evangelical churches everywhere in the region has added another actor to the conservative camp. These churches mobilize millions of people and have also managed to penetrate the political system - they hold seats in Parliament, act as advisers to Presidents, etc. These two churches lead the attacks against any legal and social advancement for LGBTI people - and women's reproductive rights - in the region.
 - In most South American countries the catholic church has lost social appeal precisely because of its allegiance to right-wing governments. This has helped the LGBTI move-

ments enormously in their confrontation with the church. But, again, it must be noted that this might change if the overall context shifts more to the right. What has not changed, though, is the deep-seated fear of the church as a powerful social actor in the minds of political leaders. This explains why marriage and adoption are barriers that social recognition of same-sex couples will not breach. As a 'new' actor, the evangelical churches are much harder to counteract, and their strong appeal in large sectors of the population should never be underestimated.

Legal Advances and Struggles

At the Regional Level

In the Regional Preparatory Meeting to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance (Santiago, 2000), activists managed to include a reference to discrimination based on sexual orientation as one of those 'related forms'. Since then, advocacy in regional (and sub-regional) spaces has never stopped and it has been very successful, as illustrated by the passing of the resolution on 'Human Rights, Sexual Orientation and Gender Identity' by the Organisation of American States (OAS) in May 2008. (5) This resolution - the first on this topic by a regional human rights system outside Europe - is also unique because it establishes 'gender identity' as a protected category against discrimination, something for which trans activists and their allies have lobbied extensively as 'sexual orientation' on its own does not refer to the reasons why they are discriminated against. A distinctive feature of Latin American (and Caribbean) advocacy at the regional level is that it has been done by a large coalition of national and regional organisations without the patronage of international organisations. (6) Activists have also been successful in sub-regional spaces like Mercosur (7), where governments have committed to improving the situation of LGBT communities nationally but also to take a stand on this issue in international fora. Unfortunately, this latter promise has not always been fulfilled, as governments tend to prioritize their commercial interests linking them to some of the most homophobic members of the United Nations.

Discriminatory / Anti-discriminatory Laws

- In most Latin American countries non-procreative/same-sex consensual relationships were never illegal. The few countries that maintained such legislation (Chile, Ecuador) repealed it without problem in the early 90s. The exception to this rule is Nicaragua, which passed a 'sodomy' law in 1992 and repealed it only in 2007. Trans identities are still explicitly criminalised at the state level in countries like Argentina (where some provinces still criminalise 'those who wear clothes of the opposite sex') and indirectly through the many local and state-level ordinances against 'public scandal', 'moral outrage', 'indecent', etc. that are enforced by the police in a discriminatory fashion everywhere in the region.

- 198
- Strong resistance is presented by the religious right-wing forces (catholic and evangelical) to marriage and adoption rights for same-sex couples. Unfortunately, this has also affected initiatives related to non-discrimination as they are seen as the key that would open the door to marriage in the future. However, progress in terms of 'sexual orientation/preferences' has been made in countries like Ecuador (through the Constitution), Uruguay and Peru (through the Criminal Codes), Mexico and Venezuela (through comprehensive anti-discriminatory laws).
 - A historic achievement has been the recently sanctioned new Ecuadorean Constitution, the first in the world that forbids discrimination based on 'gender identity'. The Mexican Law to Prevent, Eradicate and Punish all Forms of Discrimination (2003) also includes discrimination based on 'physical appearance, dress, manners of speech, mannerisms'.
 - A strategy used by activists everywhere in the region has been to push for legal changes at the local and state level, where it is easier to overcome resistance by right-wing/religious forces. This strategy has been very successful and in a significant number of cities and provinces/states (mostly in Brazil, Argentina, Peru, Colombia and Mexico) discrimination based on sexual orientation has been prohibited. Some of the Peruvian cities include the category of 'dress' in their ordinances, to protect *travestis* as well.

Same-sex couples/Families

- Again, due to the fierce resistance of the right wing/religious forces, the only country where civil unions for same-sex couples exist at the national level is Uruguay, where the secular tradition has historically been the strongest in the region. (8) The new Ecuadorean Constitution opens up the possibility for such recognition, but it still needs to be regulated. At the local and state level, same-sex unions have been recognized in big cities of Argentina, Brazil and Mexico.
- It is worth noticing that most of the local and state regulations are still discriminatory, as couples need to prove that they have had a stable relationship for at least five years. This restriction affects bi-national couples in particular.
- Adoption and marriage seem to be boundaries that are not to be crossed - set by the religious right wing and obeyed by the states which do not dare to defy them. The new Ecuadorean Constitution explicitly leaves both possibilities out of consideration for same-sex couples. There have been a few positive judicial verdicts on individual adoption cases and there are many de-facto adoptions taking place everywhere in the region.
- Medically assisted reproduction is not regulated in the region, which is to the advantage of lesbian couples that - mostly in large cities of countries like Argentina, Brazil or Mexico - are able to access these services at private facilities. A lesbian couple recently went to court in Argentina to demand that their health insurance provider covers the cost of the procedure.

Gender Identity

Sex-reassignment surgeries are illegal in most countries. Where they are legal (like in Chile or Brazil), most of the services are provided by private clinics with little or no supervision by the state

(and unaffordable by most trans people). Nowhere in the region is there a national law that would make changing one's name and sex in ID papers a simple procedure, not even for those who have undergone genital surgery. It is usually done through a costly and lengthy judicial process, involving medical examinations that often become humiliating, and the final result is left to the deciding judge's criteria. Trans activists have been pushing for laws that allow name and sex change in ID papers without demanding genital surgery and/or sterilization, to ensure full respect for the reproductive rights of trans persons. (9)

A strategy that has been implemented very successfully by *travesti* and trans organisations in Argentina, Brazil, Colombia, Chile and Mexico, is to work directly with public hospitals to produce guidelines for care that would ensure non-discriminatory treatment. These guidelines usually prescribe the use of the *travesti*/trans person's social name instead of her/his legal one and have been very effective in increasing their access to health services. Similar agreements have been made with some educational institutions. In Argentina and Brazil there are also state-sponsored cooperatives where *travestis* can earn their living through means other than sex work/prostitution.

In Culture

Political organising around non-normative sexualities started in Latin America in the early seventies, went underground or ceased in countries affected by military dictatorships in the mid-late seventies and early-eighties, to resurface in the mid-eighties in full force. Nowadays, there are organisations and groups working on a wide variety of populations and issues related to non-normative sexualities in every single country in the region and not only in the main cities but also in smaller towns and even rural areas. It can be argued that one of the soundest achievements of the movement has been its high degree of cultural visibility. Gays and lesbians, and also *travestis* are seen, heard and talked about throughout the region, all year around, because of their activism but also because of the many initiatives that are using artistic expressions to break the barrier between 'mainstream' and 'queer'. The latter include cultural festivals, street performances and interventions.

It is also worth noticing here that Latin America is home to the 'largest Pride Parade in the world' (Sao Paulo, five million people in attendance in 2008) and one of the reasons why the Parade is so large is because the organisers have actively encouraged and sought participation by allies, including families of LGBT people as well as other social movements. Pride Parades - large and small - take place everywhere in the region, and not all of them happen in June, as some movements (like the Argentinean) have decided to hold them on dates that have national relevance. The Day Against Homophobia (May 17), the Lesbian Visibility Month in Brazil and the recently declared Day of Lesbian Rebelliousness (October 13) are also occasions for intense displays of visibility.

Many universities across the region have queer studies programs under various names and there is a sound corpus of fiction, poetry and non-fiction works by trans, lesbian, bisexual and gay writers, academics and activists.

As mentioned in the first section, an outstanding feature of the movement/s in Latin America are their strong links to other social movements. It all started with the feminist movements that, in countries like Argentina, Brazil, Mexico or Peru, took to the streets

in the seventies/eighties together with the gay and lesbian activists who were for the first time raising the issue of the 'right to free sexual orientation'. Many lesbians were also feminist activists, and many gay men found in feminist theory and practice the best tools to confront patriarchal societies. The dialogue with other social movements, including feminism, was not always easy and it is an ongoing process that can never be considered 'done'. However, from the initial difficulties and tensions it is possible to see remarkable changes today. Alliances are happening with indigenous (Ecuador, Bolivia) or afro-descendants (Brazil, Colombia) movements, and *travestis*, lesbians and gays who are also indigenous or afro-descendants are playing a leading role in that process. In Colombia, the Dominican Republic or Paraguay, lesbian groups/activists have been part of broad civil society processes to draft and lobby for anti-discriminatory laws and, in that process, they have forged strong alliances with other movements including those representing youth and persons with disabilities. In Costa Rica or Mexico LGT groups have been engaged in massive struggles against privatization of national resources, working with unions, progressive political groups and thousands of ordinary citizens. Centre-left and left-wing parties have a long tradition of offering a place in their electoral lists to gay, lesbian and *travesti* activists - some of whom have been elected city councillors and mayors of small towns or districts (particularly in Brazil and Colombia).

Gay Parade, São Gonçalo (Rio de Janeiro), 2006 - © Washington Castilhos, Grupo Liberdade LGBT São Gonçalo



And, last but not least, the number of young men and women who acknowledge their same-sex desires to their families, friends and colleagues is growing every day. Some call themselves 'gays' or 'lesbians', while others choose the label 'pansexual' to reflect the fluid nature of their desires, but what matters is that they feel entitled to do that and that the consequences are, in many cases, positive.

This visibility and sense of entitlement is also evident in the *travesti*, transsexual and transgender communities, including trans men who were practically invisible ten years ago and now are organising themselves and claiming their rights. Unlike their older counterparts, young *travestis* and transgenders now find a whole generation of activists who can provide them with invaluable advice and who have fought (and keep fighting) to open spaces for them as citizens. *Travesti* and trans activists in the region have mastered political organising in quite a few years. Their work on HIV/AIDS prevention - for which they still have to fight for space with some funders that insist on allocating resources to gay-male led organisations only - is a model of success that includes a woman with trans experience holding a government post in Brazil (10) and a sub-regional meeting of Health Ministers and trans leaders to discuss prevention strategies held in Lima in 2007.

Intersex people have also started to organise themselves and there are already groundbreaking experiences of work with health and law professionals to put an end to compulsive 'corrective' surgery on intersex children.

Challenges and Questions

In spite of the many positive developments, of which we have mentioned but a few here, some challenges remain, including the following:

- The situation in Central America (with the exception of Costa Rica) is harder than in South America and Mexico. The religious right is stronger, economic conditions are worse, progressive forces are weaker and the attacks against civil society are vicious. Activists are doing incredibly courageous and effective work, but the forces they are facing are considerable.
- Effective strategies to counteract the religious right-wing - and to prepare for the eventuality of its accessing to power in many countries in which there are progressive governments right now - need to be further developed and shared. The strong alliances between the non-normative sexualities' movements and other social movements that exist everywhere in the region will play a key role in this respect.
- The commonality in language among the Spanish-speaking countries has made the region somewhat insular, and this includes a not always fluid communication with the only non-Spanish speaking country in the region, Brazil. This insularity needs to be overcome, because Latin America has much to share with other regions in terms of lessons learnt, achievements and strategies. The positive side of this is that Latin American movements have always looked to themselves for solidarity and support, and not so much to 'international' organisations, which has allowed the region a great deal of autonomy in terms of setting their own agendas and building relationships (confrontational and coopera-

ative, in different moments and circumstances) with their institutions, which is one of the underlying factors explaining the legal achievements at the national and regional level.

- Funding is another big challenge. With some exceptions, most *travesti* and lesbian organisations across the region operate on non-existent to small budgets, and the large organisations are still mostly gay-male led. Government funding, which has been a long-standing feature of the Brazilian movement, is now also becoming available in other countries at national or city levels, raising a whole range of concerns about boundaries, autonomy, etc. A final concern is the landing in the region of some funders who do not respect the organising and political process of the region and impose specific modalities and agendas as a pre-condition for financial support.
- Overcoming gender identity, gender expression, racial-ethnic and economic disparities inside the movements (in terms of resources, access, agenda-setting, decision-making, etc.) that echo those operating in the broader society. This will be the best way to guarantee that legal and social achievements do not contribute to make the 'privileged but...' even more privileged, but contribute to a genuine radical democracy where gender, racial and economic hierarchies are dismantled.

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Notes

- (1) This expression (*recuperar la perdida memoria de la audacia*) comes from the discourse pronounced by one of Latin America's most renowned writers, Eduardo Galeano, during the inauguration of 'Diversity Square' in Montevideo, Uruguay.
- (2) The author wishes to thank Marcelo Ferreyra for his help in updating her information on legal advances and Radhika Chandiramani for her help with English proof-reading.
- (3) As this article was being written, in Brazil and in Chile the ruling centre-left governments lost mid-term elections, while in Argentina, Bolivia and Ecuador the conservative forces were embarked in prolonged and very militant efforts to boycott the ruling progressive parties at every level.
- (4) The UN conference against racism, racial discrimination, xenophobia and related forms of intolerance was held in Durban in 2000. As with all UN conferences, it is to be followed by two 'reviews' - five and ten years later - to assess governments' compliance with the commitments made at the original conference. Sexual orientation

as a form of discrimination was a contested topic in Durban but not at the regional pre-conference for the Americas, or during the ten years' review of the regional pre-conference (Brasilia, 2008) where not only was sexual orientation acknowledged but also gender identity. This negotiation between the Brazilian and the Egyptian government about what an NGO can and cannot address in the UN creates a very worrying precedent not only for the LGBTI movements but for civil society as a whole. And it sadly also marks the limits of the Latin American centre-left allegiance to non-discrimination as a value.

- (5) AG /RES-2435(XXXVIII-O/08).
- (6) The relationship within this coalition of partners is a relationship of equals where decisions are made by consensus, and national/regional organisations have the final say. It differs widely from the traditional model in which international organisations 'train' and 'bring' local/national/regional activists from the South to international, or even regional, spaces.
- (7) Mercosur started as a trade agreement between Argentina, Brazil, Paraguay and Uruguay, with Chile and Bolivia (and later, Venezuela) as associate members, and has been slowly but steadily evolving towards a sub-regional bloc with agreements in areas like human rights, culture and governance.
- (8) There are also law proposals being considered in Argentina, Chile, Costa Rica and Cuba.
- (9) There are law proposals being considered in Argentina, Brazil, Chile and Cuba.
- (10) Barbara Graner, who defines herself as 'a woman with transsexual experience' is the NGO Liaison for the National AIDS Program run by the Brazilian Federal government.

‘A Common Agenda Requires an Authentic and Open Mind’

Monique Doppert

The colours yellow and orange are dominating the city of Amsterdam. It is autumn when we meet Belissa Andía Perez, a sportive though elegantly dressed woman, with a relaxing sense of humour. We meet in De Balie - the centre for culture and politics - where the bi-annual Transgender Film festival takes place.

‘We should have a place like this in Lima. That would be great.’ Belissa feels at home in this centre. Belissa was born in 1953 in Atico, a small town in the south of Peru. Now she lives in Lima, Peru’s capital and largest city. With its more than nine million inhabitants and almost no high rise buildings the urbanisation of Lima is widespread.

Belissa’s family moved to Lima when Belissa was three years old. The capital offered more opportunities for work and education. The family - Belissa has one sister and three brothers - settled in San Miguel, a middle-class district. Belissa still visits Atico regularly. To spend her holidays but also to conserve the property she inherited from her grandparents: a small farm with some land.

Belissa was the second child of the family. Her parents were calm people, but very active. Her mother was always busy with the children and the household, too busy to fulfil Belissa’s need for affection. Her father was a worker for the Parliament and a political socialist activist for the Popular Action Party. He always left home at seven o’clock in the morning only to return home around ten at night.

During junior school Belissa experienced religious feelings for the first time. ‘This is very intense. It intervenes in everything you do and think. These religious feelings were added on the guilt I felt because of my desire for men. Already at a very young age I experienced this desire. I remember that the awareness of my sexual orientation and my gender identity occurred almost at the same time. It was a difficult, painful and sometimes violent process. The religious influence combined with my sexual orientation caused a paralysing sense of guilt. Therefore I kept silent and felt very isolated during my childhood.’

Belissa tried to reshape her attitude to the roman catholic religion. In her own words: ‘I tried to deconstruct myself.’ Belissa stopped trying 22 years ago when she realised a healthy relationship between her and the church was impossible.

To Belissa her homosexuality - and also her transgenderism - was obvious. She had her first sexual experience at an early age with a boy from the neighbourhood. Her parents reacted violently against her friend. This made her feel guilty and confused. She did not understand the madness against everything linked to sex and pleasure. When she was between twelve and seventeen years old she experienced social pressure from her family, school and the neighbours. They looked upon her homosexual tendency as an adolescent phase. Nobody took it very serious. Belissa found it very difficult to express herself as a child because at

that age one still depends on one's father and mother. 'Growing older the pressure became stronger. One day my mother decided my hair was too long. Long hair was not very unusual because it was the time of the hippy movement. But after cutting my hair I looked even more feminine. So that was clearly not a solution. I was eighteen years old when I just told them - during dinner time - that I was homosexual. My mother was sad because the news was an eye opener to her. Later on she tried to accept it as a part of life. My brothers and sister cried and blamed me for our parents' suffering. But in the end they were fine with it. As long as my behaviour did not lead to scandalous facts. And that never happened.'

Belissa went to the University of Lima to study biology. A turning point in her life was the attack in the park by a group of fifty homophobic youngsters. They beat, stamped and kicked her with extreme violence. Luckily she was freed by two men passing by. This experience made her even more cautious. Belissa did not trust anybody anymore and became even more inwardly. 'I struggled to get over this nasty experience and to find a comfortable way of living for myself. I found my own strength and ways to overcome social pressure and those years of oppression. Looking back the experience in the park made me the person I am now: an activist with a focus on human rights.'

During her time at university Belissa became more and more political active in the leftist parties fighting for economical justice and the demands of the working-class. 'I struggled and searched but nobody did anything for my transgender demands.' She began to name herself Belissa when she was thirty years old. Unfortunately until now she has not yet succeeded in changing her legal name in her ID and passport.

After leaving university she earned little money working on small jobs. She was not attracted to noisy bars and discos. Therefore it took a while before she met other gays, lesbians and transgenders. Belissa was 35 years old when she made her first gay and lesbian friends. Around this age she also got to know other transgenders. 'Linking up with them meant finding new ways and new affections. Lima has changed a lot in the past twenty years but still many people live in the closet. There are places exclusively for gays, places where lesbians can meet and others for transgender people. There are some mixed discos but they only accept trans people once a week and it is not very popular yet.'

Meanwhile Belissa moved up in politics. In 2006 she appeared in the political arena as a candidate for the New Left Movement in the Peruvian Parliament. The political agenda of her party gave priority to sexual rights, anti-discrimination law and education. Especially discrimination is a common practice in the community, she explains. 'It was not possible for me to obtain a job apart from certain types of jobs; for instance hair styling, cooking or sewing.' Belissa did not win enough votes to become a Member of Parliament. But she got a lot of - mostly positive - media attention and her presentations were mentioned in newspapers, on television, and radio channels and on the Internet. Of course, now everybody knows she is a transgender.

Peru is a very religious country. Because of the dominant role of religion Belissa experienced the denial of pleasure and felt the rejection of the average Peruvians. She knows all about the hypocrisy of her own society. 'The church will defend the concept of family, marriage and fidelity in a way it intrudes every level of daily life in Peru. But we know of scandalous cases of pederasty that are kept hidden at all costs by high clergymen.'

To establish a real separation between state and church Belissa sees as the biggest challenge for the near future. 'The state subsidizes the catholic church. This interference reinforces the power that the churches have. Their influence is determining since they are strategically located in Peruvian policies.'

The religious holy days like for example christmas have lost their meaning for Belissa. She calls herself agnostic. 'These days have turned into other practices like joining family, close relatives and friends to celebrate the friendship. We have good dinner parties and exchange gifts. Christmas still is a nice moment to pay attention to feelings and loved ones.'

Belissa sees a big difference in the experience of discrimination or violence for gays, lesbians, bisexuals and for transgenders. 'It is completely different. Homosexuals can protect themselves against discrimination by not breaking down the masculine stereotype. Although they have to pay a high price for repressing their desire for another man, trans people can arouse a frontal rejection with their gender expression. Discrimination can lead to social exclusion and to serious difficulties in getting access to education, health and housing. For a transgender it is very difficult to find a proper job. In many cases this can lead to becoming a sex worker.'

Belissa is amongst others one of the founders of the Red Carnation Collective that participates in the Peruvian Network of LGBT organisations. 'I do not only participate in LGBT organisations as it is important to also build alliances with other civil society organisations. Discrimination against transgenders is a practice that occurs in the whole society and it also occurs within human rights', women's and sexual diversity organisations. Therefore we have to sensitise and present our common agenda, which requires an authentic open mind. Only in this way we can contribute to creating a culture of peace, justice and respect.'

Belissa lived near her parents after leaving university and established a good relation with them. She has a partner, already for more than 22 years. 'We have constructed a life together. He had a previous heterosexual relationship out of which he has a son and two daughters. Today all three have formed their own families. I have a good friendship with my sons in law and have also a fraternal friendship with my partner's former wife. We like to go to the movies together. We organise family meetings on Sundays at home, as well as trips and holidays. This is an exceptional situation that breaks the rules of a very discriminatory society.'

Belissa Andía Perez is active in the Trans secretariat of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), a worldwide network of national and local organisations and groups dedicated to achieving equal rights for lesbian, gay, bisexual, trans and intersex people everywhere.

Monique Doppert is programme officer ICT & Media at Hivos and freelance journalist.

Gender Identity and Extreme Poverty

Marcelo Ernesto Ferreyra

The close relationship between the identity and/or expression of gender in Latin America and the incidence of poverty is illustrative of the iron mechanisms of exclusion and marginalization. The many communities of transvestites in search of a marginal means of survival in the prostitution circuits of major urban centres are the most obvious result of these social processes. It is for these reasons that we seek to understand the relationship between extreme poverty and gender expression in Latin America by focussing on its transvestite community. (1)

In the Latin American context, transvestites are defined as people assigned the masculine gender by birth who express themselves in ways natural to femininity. They may or may not modify their body through hormonal and/or surgical procedures. For many transvestites, the transvestism constitutes an identity in itself. The emergence of transvestism as a gender, defined in its own terms, is related to the politicization of the transvestite experience of activist and academic transvestites of the region.

To be a transvestite with money is not an easy task; the reality for the majority of transvestites is a hard struggle to survive with limited resources in a society that does not recognize them and which creates innumerable obstacles to their personal development.

It is necessary to examine extreme poverty in the context of human rights, including freedom of gender expression. The Yogyakarta Principles, developed by a group of experts in human rights, contain principles on the application of international human rights law in relation to sexual orientation and gender identity that states are obliged to adhere to and implement. In particular, Principle 3, which is about the right of recognition as a person before the law, is also about freedom of expression and, ultimately, about the freedom of being. It is equally important to recognize the other principles. The right to education (Principle 16), the right to work (Principle 12), the right to adequate housing (Principle 15), the right to the enjoyment of the highest attainable standard of health (Principle 17) and especially, the right to life (Principle 4) are applicable in this sense. (2) The acts of discrimination against the transvestite community are the results of a system that does not recognize these rights.

The definition of extreme poverty includes notions of social inclusion/exclusion, equity and participation. Transvestites have been socially excluded from areas of work, education, medical services, legal protection, etc. These obstacles have deeply affected the transvestite community, in an even more serious way than the rest of the population. The promotion of equity, and equality, should expand opportunities for this disadvantaged group. Participation by transvestites in the political or institutional systems of their respective countries is small or almost non-existent, and their influence in the struggle for human rights is incipient. Transvestites are therefore particularly vulnerable to violence and maltreatment, without resources for protection. Above all, this becomes manifest in aggressive forces that try to make transvestites invisible, and that's why, for them, the struggle for visibility is also the struggle for survival.

The concept of extreme poverty covers issues such as scarcity of income, lack of human development, and social exclusion. Lack of human development refers to the possibility of living a life that could be valued as the freedom of 'being'. (3) Transvestites are particularly victim to this type of poverty. As access to possibilities of personal development is blocked, scarcity of income is the result.

The Right to Education

In Latin America, many transvestites assume their identity and begin to express it when they are very young. A survey by the *Asociación de Lucha por la Identidad Travesti-Transexual* (ALITT) in Argentina showed that more than half of the participants took up their transvestite identity between fourteen and eighteen years of age. For that reason these child and adolescent transvestites face many difficulties in their own homes with their families, and in school. Because of the aggression of other students or of the school authorities, many transvestites stop studying, either by choice or because they are denied direct entry to educational institutions. Of the transvestites who participated in the ALITT survey, 45 % dropped out of secondary school. Of all the groups surveyed, only 2.3 % completed college. (4)

In a survey recently carried out by the International Gay and Lesbian Human Rights Commission (IGLHRC), Silvia Martínez of Nicaragua declared, '... with regard to education, the majority of us had to leave it because we did not know where we fitted, what we were, why we were treated with humiliation by directors and teachers (women) who were the ones who imposed the "Machista Model" the most'. (5)

Martínez added that in schools there is too much discrimination against the transvestites. The failure of educational institutions to be inclusive for transvestites, gays and other 'invisible' people indicates a lack of respect for human rights, because it does not include these groups as part of society. Also, the 'Machista Model' refers to attitudes about gender in Latin American culture, which influences much of the reactions of relatives towards transvestites. When they assume their identity as transvestites their family sees this as a rejection of masculinity and their role as men in the family and society. Upon being open about their identities to their families many transvestites are thrown out of their parents' homes, and have to seek employment instead of studying.

The Right to Work

The lack of education makes it difficult to find employment, because without education there are few jobs available for a transvestite apart from prostitution or the hairdressing salon. There are no labour laws that promote equal opportunities for the transvestites. The majority of employers therefore discriminate when selecting personnel without facing any consequences.

Where it is possible to obtain work outside of prostitution, there is no protection against discrimination. In Quito, Ecuador, a transvestite called Carla explains that in her work in a business '... they hired us to work but they sent us to the back'. (6) The majority of transvestites realize that they make more money as prostitutes than in a job where they are stigmatized.

Rayza of Bolivia tells of her experience: 'As a trans it affects me a lot not to be able to get work as I travel from one place to another with the newspaper, never getting anything. Just because I was a trans, work was denied to me. I never thought I would work in the streets; that is why I tried to obtain a worthy and honest job but society propelled me into the night life where I got money more times than not... but that was not my vision. I had many other dreams but all my hopes were frustrated and I could not realize myself as a professional.' (7)

That frustration is common in the transvestite community, which has a great deal of potential but no options to realize it. A 2000 report in Argentina showed that 80% of the transvestites interviewed were working as prostitutes because of the lack of other opportunities. (8) The many consequences include lack of security and risk of infection with HIV and other sexually-transmitted diseases. 77.5 % of transvestites in Argentina who work as prostitutes said they would leave prostitution if they had other options. (9)

The attitudes of the state towards prostitution greatly affect transvestites who are prostitutes. In a prohibitionist system, prostitutes have to take many precautions to avoid being arrested. In the hands of the police, the prostitutes who are transvestites cannot protect themselves from violence or abuse, and have no access to legal services. The system applies sanctions to prostitutes but not (or not at a comparable level) to the people who solicit sexual services, and therefore oppression and punishment of transvestites continues. In a regulated system, the transvestites who work as prostitutes can do so in specified areas and so do not run the same risk of arrest.

The Right to Adequate Housing

Transvestites are not acceptable tenants for leases. They are openly excluded on the basis of their appearance, or because they lack the required documents. Transvestites working as prostitutes, who are the majority, have no documents indicating their expenses or those that suffice as proof of employment. In many countries there are more restrictions. For example, in Argentina tenants are required to have people who serve as guarantors for the rental cost. (10) The transvestites who have left the homes of their families do not know anybody who owns a house and can fulfil this role. The majority of transvestites in Argentina are therefore lodgers in hotels where they pay three times more than people who are not transvestites. (11) Those who request access to emergency shelters are rejected on the grounds that the other residents of the shelter feel 'uncomfortable'. As a result, there are many homeless transvestites in Latin America.

The Right to the Highest Attainable Standard of Health

In many cases, transvestites do not have access to adequate medical treatment. In health institutions they are harassed because of their appearance and are not guaranteed confidential information about their HIV status. Thus they don't seek medical attention when needed. In addition, the lack of options for sexual transformation surgeries leads them to expose themselves to life-threatening procedures.

The treatment they receive at public health facilities is highly discriminatory and aggressive both for themselves and for their families. They are bypassed from the very moment of their admission. Male nurses, female nurses, medical and non-medical personnel mock their gender identity, making insulting remarks even though their condition might be extremely delicate. If they ask for better care they are told that the doors of the hospital are open for them to leave. Angela Vanni, an Argentine lawyer who was representing a transvestite client who went to a hospital after being stabbed by her boyfriend, says 'the doctors gave her a bed but not medical care because of her looks; she died of her wounds'. (12) In Costa Rica in 2005, a transvestite was discriminated against when she tried to get treatment at the St John of God Hospital because of her appearance and for being a sex worker. Another problem is lack of respect for the names used by transvestites. (13) Silvia Martinez says that in Nicaragua doctors do not ask how you want to be referred to and use her male name instead of her stated name. (14) In this way, by calling them by the name they were given at birth in contradiction to their appearance, they are exposed to the mockery of other patients and doctors.

From the time they enter a hospital, transvestites know that they are exposed to systematic violence, neglect and malpractice. They therefore try to avoid hospitals preferring any remedy that does not expose them to humiliation, though in the long run this leads them to die alone in their homes. The report published by the Mothers of the Plaza de Mayo *The gesture of your own name 2006* reveals that: 'Seventy percent of the transvestite population does not attend hospitals and the average life of this population is 32 years.'

The lack of respect for confidentiality in the health institutions also generates problems. For the transvestites who work as prostitutes, the risk of contracting HIV is very high. However, when they go to health institutions to take the test for HIV/AIDS, in many cases there is no respect for their privacy. Only 72 % of transvestites in Argentina go for regular health checkups. (15)

Proper medical service is crucial after an act of violence. Many transvestites who need immediate medical care face refusal. In Honduras in 2004, a transvestite was arrested by the police for being a prostitute, was brutally beaten and was denied adequate medical care. (16)

The transvestites who modify their bodies need health care services for these operations to be safe. In Argentina, 81.3 % of transvestites in the ALITT survey modified their bodies. (17) In cases where there is no adequate care, the transvestites do these operations under conditions that can result in serious health problems and even death.

The Right to Life

The right to life refers to a life free from violence, abuse and maltreatment. Above all, transvestites have the right to be visible in society, and to participate in and contribute to state policy formulation processes that affect them. The socio-cultural forces that make transvestites invisible are a form of violence, in particular symbolic violence.

The ALITT survey in Argentina revealed that over 90% of transvestites interviewed had suffered some kind of violence. Of that percentage, 64.5% were victims of physical abuse. (18) In Costa Rica, and especially in the city of San José, there have been many cases of transvestites being killed. For example, at the beginning of 2003 the police in San José said that '... several

transvestites were attacked with gunfire in the streets ... by groups of transphobic youths, who were never identified'. (19)

The transvestites are victims of police brutality, or brutality from those who have the responsibility to protect them. A survey in Buenos Aires in 2000 revealed that 86% of the transvestites interviewed had suffered abuse by police. (20) Vanesa Ledesma was a transvestite and prostitute who was arrested in a violent manner, and later died in jail. (21)

Transphobia is a visible force in all the rights abuses that have been discussed above. The fear and hatred are united to ban access to education, work, housing, medical services, and finally to a full life. Tolerance is not an acceptable solution, if it is offered without respect and inclusion.

Conclusions

Lack of access to resources create negative dynamics and consequences for transvestites. Being confined to low-income employment, with no opportunities to participate in public policy formulation, transvestites are forced into poverty. Strategies are required to address this problem (the provision of services for a specified population, legislation, etc.). Transphobia also has its role. Attitudes and opinions regarding 'irregular' sexuality, identity, and above all unusual gender expression impede the struggles of the transvestite communities against poverty. In many respects, there is a need for education against transphobia. In addition, violence against transvestites is in many cases carried out by the authorities (police, etc.), who victimize transvestites informally. It is necessary to implement sensitization initiatives for public officials and measures of protection (hate crimes legislation, etc.).

It is necessary to examine three crucial aspects of social exclusion: relativity, the officials and dynamics. (22) Relativity refers to the experiences of transvestites who experience more exclusion than people who are just as poor but are not transvestites. In addition, officials such as house owners, employers, service deliverers, and the police are key elements in their exclusion. Finally the dynamics and characteristics of this exclusion have confined the transvestites in extreme poverty.

Transvestites are not included in the design and implementation of government strategies so the strategies developed do not cater for the needs and interests of this group. In particular, there is not enough involvement in ensuring access to secure medical facilities, policies regarding shelter, protection from violence and harassment in public places and services, and access to work.

Organisations working for the elimination of poverty must ensure that the voices of transvestites are heard and that they can represent themselves.

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212 *advancing the human rights of sexual minorities. His work at that organization resulted in the inclusion of sexual orientation as a protected category in the Buenos Aires City Constitution of 1996.*

Notes

- (1) Clarification: Any of the following terms used for naming identities should not be imposed from outside, but should respect how each person experiences it in each case.
- (2) 'Los Principios de Yogyakarta', 2007, http://www.yogyakartaprinciples.org/docs/File/Yogyakarta_Principles_ES.pdf
- (3) 'Informe del Experto Independiente en la Cuestión de los Derechos Humanos y la Extrema Pobreza' (2008).
- (4) Hiller, R., Moreno, A. & Mallimaci, A., *Cumbia, Coleteo y Lagrimas*, Asociación de lucha por la identidad Travesti-Transexual, Buenos Aires, 2007, p. 67.
- (5) Martinez, Sylvia, Interview with Joanna Hoffman, by e-mail, New York, 18 August 2008.
- (6) Zambrano, Margarita Camacho, *Diversidades Sexuales: Exclusión social y inserción laboral en Quito*, UASB Ecuador, 2007, p. 30.
- (7) Rayza, Interview with Joanna Hoffman, by e-mail, New York, 18 August 2008.
- (8) IGLHRC, 2001, 'The Rights of Transvestites in Argentina', http://www.iglhrc.org/files/iglhrc/reports/Argentina_trans.pdf
- (9) Hiller et al, 2007, p. 99.
- (10) IGLHRC, 2001, p. 9.
- (11) *Idem*.
- (12) IGLHRC, 2001.
- (13) Defensoría de los Habitantes, Informe Período 2005-2006, Exp. 19904-22-2005.
- (14) Martinez, 2008.
- (15) Hiller et al, 2007, p. 111.
- (16) Amnesty International, 'Honduras: Human Rights Violations Against LGBT (Update II)', AMR 37/001/2004, (Feb. 14, 2004), http://action.web.ca/home/lgbt/alerts.shtml?x=52759&AA_EX_Session=30c054b3d8d7a103ce52433cdef808e6.
- (17) Hiller et al, 2007, p. 111.
- (18) *Idem*, p. 123.
- (19) Immigration and Refugee Board Of Canada, CRI41373.E, 15 de Mayo de 2003.
- (20) IGLHRC, 2001.
- (21) *Idem*.
- (22) Atkinson, Tony. In 'Informe del Experto Independiente en la Cuestión de los Derechos Humanos y la Extrema Pobreza', 2008.

Self-portrait

Hazel Fonseca Navarro

When I discovered that I felt attracted to someone of the same sex I was about 25 years old. I really didn't feel uneasy or uncomfortable, I didn't question myself about what I was feeling, I simply felt good and as such I assimilated. I think that talking about one's sex life is a very personal decision because it has to do with something that is very private, regardless of one's sexual preferences. I personally have never had problems tackling the subject with my friends, parents, other family members or others. I have actually had to approach this subject publicly and because of that I have taken it on, one crux of working in my job environment is to ensure respect for sexual diversity and the rights of sexual minorities.

Evidently, many people with lesbian sexual preferences appear to be emotionally effected by rejection. I have not found myself in a similar situation, of needing emotional or any other type of support. In reality I have never needed support from anyone, evidently at the times that I have needed it I have always been able to count on the support and solidarity of friends and family.

Ever since I realized what my sexual preference was, I have been clear about what that meant, of course, and when I realized that I was lesbian, I accepted it for what it was, and began to educate myself regarding the concepts of homosexuality, bisexuality, transgender, intersex, or being queer, and I have done well at conceptualizing them. Identifying myself with the terms homosexual, lesbian bisexual, transgender, intersex or queer has not been anything new; I'm a lesbian. In the social realm I don't experience greater prejudices from being recognized as such, because my sexual preference is not what stands out in my social relationships, it is my qualities and defects that allow me to conduct myself socially. I don't go around making it public now either, but I am asked and I don't have a problem responding, no matter who is asking. I am a public woman. I don't restrict myself from visiting public places, where I generally run into other homosexuals, lesbians, bisexuals, transgender, intersex, queer persons, I don't hang out in closed circles, because I don't feel the need to do so.

On the other hand, speaking of the role that religion and / or traditions play with respect to my sexual preference in the social arena, in reality this has not affected me even though I was educated in religious schools, but this situation helped me to be more analytical and it made me more confident in my decisions. In my particular case it doesn't play any role, as I currently don't practice any religion. I maintain my religious commitments according to my reality.

The subject of discrimination or violence toward those who have sexual preferences other than that which is socially acceptable (heterosexual) is inevitable because it is seen as something unnatural. Also, in this patriarchal society, discrimination and violence is different for

214 everyone, because being homosexual is not the same as being lesbian or transgender; relations between homosexuals are more accepted than lesbian relations. On the other hand, I think that wanting to change the way other people think is somewhat complex, I simply don't try to be accepted, I am known for my qualities and defects, just like any human being. I belonged to an LGBTI organization, in which we aspired to generate change within the population, and in a way we were successful, the subject is currently approached with more freedom and less prejudices, there is more tolerance, it is approached in the media, something that was impossible years ago. We are contributing to the change of the vision that was held regarding sexuality. I now have a normal life with a partner, the difference between this and a heterosexual couple is one of legality, other than that I have no problem.

With my dreams regarding my lesbian condition, they are not bound to my sexual preference. My dream has nothing to do with my sexual choice, but with my feminist philosophy, that is not separate from my identity as a woman, my gender situation, my condition of being a woman of mixed race from an underdeveloped country where many social injustices exist, because my vision of life is not based on my sexual preference, it is based on my social condition. I have a social human and political vision, in which my sexual preference is not predominant, because my sexual preference is very minor in comparison to my philosophy of life.

Hazel Fonseca Navarro is Executive Director of Fundación Xochiquetzal. Xochiquetzal is a non-governmental organisation dedicated to promote sexual education, and to the prevention of HIV/AIDS. Xochiquetzal coordinates its activities with diverse organisations of civil society and government, which work with the issue of AIDS and human rights of minorities, and participates in several Latin American networks. It also participates actively in the Latin American feminist movement and in the movement of lesbian women. The target population is made up of persons living with HIV/AIDS, homosexuals, lesbians, prisoners, sexual workers and youth people. Xochiquetzal's focus on AIDS combines the public health point of view with ideological-cultural perspectives.

Self-portrait

Jorge Bracamonte Alláin

In the mid-seventies I attended the most popular public school in my neighbourhood in Lima. There, at the age of fourteen, between play and homework, my schoolmate and I discovered sexuality. My first experience happened unexpectedly, without forethought, in a very surprising and pleasant way. Nothing I had experienced in my life up to that point compared.

My first feelings of pain, and all the difficult questions, did not come until much later when I was attending university. I fell in love with a person of the same sex when I was eighteen. It was a relationship in which desire got mixed up with a world full of books, music, film, male and female friends and political ideologies. The courtyard of the university's Faculty of Language and Literature was our meeting point before we set off on the path of love. After that I was constantly bothered by feelings of guilt and questions that disturbed my conscience: why must I do this? Why do I feel different from the others? What happens if others find out? And what of my family? In those days, my strategy to resist my own fears and fantasies was to disguise my first love as friendship.

At the same time I discovered my first friends from the 'circle' on weekends, in clubs and discotheques, on the volleyball field and during furtive meetings. We were a small group of youths, radically committed to being different, when we first heard of the existence of the *Movimiento Homosexual de Lima* (MHOL), the first LGBT group established in Peru.

In the mid-eighties, political violence increased in Peru and the actions of *Sendero Luminoso* (S.L.) (1) shifted the war from the countryside to the city (Lima). This civil war divided the country. Left-wing politically-active university students got caught between two fires: the one of the state which regarded everybody with a college ID card suspect, and the one of the S.L. who viewed us as fierce enemies because of our choice for democratic change.

As if that were not enough, at the end of the decade we found out that for a long time both the Shining Path and the MRTA (2) had been selectively persecuting, torturing and eliminating homosexuals in the areas where they were in control. This is how we slowly became aware of the abominations of the war, which wiped out our dreams of justice and change.

At about the same time another disaster occurred: the AIDS epidemic. The first stories were going around about persons in our immediate environment who were infected with HIV. Fearfully, and after elaborate discussions, our entire group requested the help of MHOL to conduct the first HIV/AIDS tests. One of us was found to be HIV positive. Our reaction was very immature, as we did not know what to do. We were afraid of the possibility of 'contamination'. Our selfishness prevented us from thinking about our positive comrade. In subsequent years the cases multiplied and death spread amongst our friends and prospective partners.

At the beginning of the nineties, with a Bachelor's degree in my pocket, the prospect of unemployment, broken dreams of justice and an epidemic hanging like a dark cloud over my environment pushed me to emigrate and continue my education. Mexico has not only given

me a chance to get my master's degree followed by my doctorate, but also to take distance from my country and heal my wounds. Between the nights of Tepito, my comrade Omar, the *Collegio de México* (University of Mexico), the well-known *Plaza de Coyoacán*, the uprising of the *Zapatistas* (3) and the gay activism in Mexico, my views and a broken spirit started to heal.

My return to Peru at the end of 1999, took me back to the college classrooms, but this time as a teacher. Together with Mema Mannarelli, Ana Gúezmes and Willy Nugent, and with the support of Manuel Burga, we developed the Gender Studies programme of the National University of San Marcos. This programme introduced the theme of sexual diversity to the university, but not in accordance with the traditional, biomedical or psychological approaches. In 2001, on behalf of the university and in cooperation with MHOL, I organised an important seminar to foster debate on the problematic relationship between sexual diversity, human rights and citizenship.

My return coincided with the final fall of the Fujimori dictatorship. (4) During the citizen's demonstrations in the streets in 2000, I was also reunited with my old left-oriented comrades and young and old LGBT activists. It was a period of hope in which we all felt equal as citizens and advocates of democracy. Soon, I decided that I had to become politically active with regard to my being sexually different. I discovered that, compared to some ten years before, LGBT activism had enriched itself, which was made possible due to democratic changes. This was manifest in the form of new leadership, new agendas and groups. At the same time, new strategies were developed. These were complicated because they expressed renewed respect for politics and an orientation towards the government, but also to criticism and cultural protest. And naturally the Gay Pride demonstrations commenced.

We are faced with important problems and challenges at this point. We have to confront a poorly informed political and homophobic, transphobic and lesbophobic class that is unable to pass a single law that recognises and warrants the citizenship of LGBT persons. In Latin America, we are among the countries with the least progress with regard to politics and policy. We are also confronted with the public interference of the hierarchy of the catholic church, which resists any recognition of rights of LGBT persons. In 2005, for instance, the episcopal conference pressured the Peruvian state to remove mention of these persons in the National Plan for Human Rights.

The legal situation of these LGBT persons is extremely difficult. With regard to human rights, all vulnerable population groups in Peru can count on a specific normative framework for the protection and benefit of their rights, with the exception of LGBT-persons and communities. For years the Congress of the Republic has systematically resisted any form of recognition of the human rights of LGBT communities. In 2006, when the Penal Code was amended and extended to cope with specific forms of discrimination, the principle of sexual orientation was explicitly excluded. And recently, when the law for equal opportunities for women was approved, again the principle of sexual orientation was not included.

This is not all. In some cases, there are discriminating norms and/or norms that encourage violence. Amongst several native population groups in the Amazon community, regulations apply that penalise homosexual men and women. Some local governments have also enacted

regulations that restrict their freedom of movement in the historical centres of the towns in which they live.

It should be noted that there have been numerous situations where the LGBT movement did not pay enough attention, being diverted in the struggle between the pro-government political lobby and the lobby of cultural resistance. We have not been able to identify ourselves in the experience of LGBT persons, marked by a history of injustice and oppression and/or based on identity, age, region, culture, gender and/or class.

The apparent existence of a 'universal LGBT person' has made it difficult to develop answers to the problems of violence against lesbian women and the struggle for autonomy over their bodies, the shock effect of the HIV-epidemic for the GBT population, the exemplary punishments and hate crimes against transsexual persons and gays in regions where the state is hardly present, and the forms of extreme violence and vulnerability that transgender persons experience.

We therefore have to be on the alert for arrogance. Nothing in LGBT activism has any meaning or ethical basis if the LGBT movement loses its capacity for indignation and emphatic bonding with the experiences of LGBT persons for whom a respected and dignified life is not guaranteed. Our movement will only survive if it is continuously able to dream, to recognise itself in its diversity, its power to resist, the power to assimilate, and to optimistically look to the horizon of another possible world with justice, joy and passion for everybody.

Legal

According to the International Lesbian and Gay Association (ILGA), same-sex relationships are legally permitted in Peru and discrimination on the work floor based on sexual orientation is prohibited.

Dr. Jorge Bracamonte Allain is coordinator of the Programme for the Promotion and Protection of Human Rights of LGBT-persons at MHOL. He is the former chairman of the Movimiento Homosexual de Lima (MHOL). See: <http://www.mhol.org.pe>.

Notes

- (1) The Shining Path, a Maoist guerrilla movement in Peru.
- (2) Revolutionary movement Tupac Amaru, a rival guerrilla movement in Peru.
- (3) Revolutionary movement that strives for autonomy of the Indian population and resists the neo-liberal globalization.
- (4) Fujimori was president of Peru from 1990 till 2000.

Non-Heterosexual Parenthood in Latin America (I)

Juan Marco Vaggione

Adoption by LGBTQ persons or couples is one of the most controversial modern desires because the presence of minors instigates social prejudices and phobias with regard to sexual diversity. The discussion about adoption by LGBTQ persons or couples is a discussion about the legitimacy of humans as procreators, and simultaneously a criticism to the narrow concept of the family as exclusively heterosexual. Religious, scientific, moral and legal arguments are combined to prohibit the legitimacy of parenthood for non-heterosexual persons. As far as it is possible, the aversion is even greater than that against legal recognition of same-sex marriages. If same-sex couples face the dominant discourse and deepen the distinction between sexuality and reproduction, then fatherhood and motherhood of LGBTQ persons can make a connection between sexuality and reproduction from a *position of dissidence*. Persons and couples from whom it is assumed that sexuality is not reproductive, do reproduce. Adoption, artificial insemination, third parties, former relationships and so on are ways to make reproduction possible from an 'impossible' situation.

In the case of Latin America, the resistance against non-heterosexual parenthood becomes stronger because of the great historical and socio-political influence of the catholic church. The rights of LGBTQ persons, in particular the right to adoption, have become an obsession to the church that claims them as a new threat to the family. The catholic church - or actually its national and international hierarchy - insists that adoption of children by homosexuals is not only an immoral act and in violation with the Convention on the Rights of the Child, but also an act of violence against minors because 'the absence of the sexual bipolarity would obstruct the normal development of children that grow up in these engagements'. (2) The catholic church in Latin America has succeeded in making its definition of family predominant, and as a result there is no room for the pluralism necessary for the recognition of the rights of LGBTQ persons. On the one hand, the state based its legislation on catholic doctrine so that what is claimed by the church is ratified by law. The national family and the catholic family were presented as part of the same reality and any attempt to amend catholic principles was - and still is by various sectors - considered an attack against the state. On the other hand, the century-long influence of the catholic church on the population of Latin America has led to an ideological process in which the patriarchy and the hetero-normativity is proposed and experienced as natural and legitimate.

Nevertheless, Latin America has started its slow but inevitable path towards legitimacy and legality of the rights of LGBTQ persons. Along this path the issue regarding the right to adoption has arisen. Because of civil society, in particular because of feminist activism and the movement for sexual diversity, the debate concerning the forms of regulations of the

family has taken on a public character. The issue of non-heterosexual parenthood is starting to become a point of discussion in the region and the publication of the three books reviewed in this article is an expression of that. Against a society that, to a great degree, is still dominated by symbolic constructions in which fatherhood is mainly linked to heterosexuality, the publication of these books mean a process of visualization of non-heterosexual parenthood and its problems as well as the existing arguments to the benefit of the rights of LGBTQ persons to adoption. The three books have in common that they favour adoption by LGBTQ persons and that they use arguments from various disciplines in support of this. Two of them are a collection of articles, including other subjects as well. The third book is exclusively about the issue of adoption and homosexuality. All three were published in 2007, two in Brazil and one in Argentina, and combined they are the most systematic and complete attempt to understand the complexity of the connections between sexuality and parenthood in Latin America.

The two volumes with articles contain various analyses regarding non-heterosexual parenthood and adoption from various disciplines. The common starting point is breaking through the premise that reproduction is a monopoly exclusively reserved for heterosexuality. Various articles in *Conjugalidades, Parentalidades e Identidades Lésbicas, Gays e Travestis* aim to visualize the various forms of non-heterosexual parenthood, the way these identities are formed and the social pressure they are under. Florencia Herrera (3) gives some reflections on the situation of lesbian mothers in Chile and Spain, a reality in which 'the marginal identity of lesbian' is combined with 'the traditional identity of mother'. (p. 223) The author focuses on 'the other mother' in particular. In other words, the partner of the biological mother who lacks legal protection and is forced to find other informal strategies to justify her role as mother other than according to the biological definition. Another article of this book (4) discusses the social pressure that the prevailing family model (nuclear and heterosexual) bears on lesbian couples with children, which 'serves as a reference to them, mainly for their own family structure as homosexual parents'. (p. 297) The article of Fernanda Cardozo (5) shows a group that generally does not receive a lot of attention, both in research as in politics: the situation of transvestites. In particular she analyses different ways the transvestites of Florianópolis in Brazil shape relations, including the presence of children. This confirms that the relations are constructed in a flexible way, since 'being a mother, a father, a brother or an aunt are forms that are realised and which are negotiated by those who are themselves involved within that context'. (p. 244)

Two other articles in this book review the way the mass media, newspapers in particular, deal with non-heterosexual parenthood. The article of Elizabeth Zambrano (6) studies the dealings of homosexual parenthood as a social issue in the Brazilian newspaper, *Folha de San Pablo*, by means of an analysis of authors and articles. She confirms that the discussions focus on medical (psychological health) issues, legal issues (rights or not) and moral issues (in general, religious morality), that homosexuality is understood as 'something that is part of the essence of the individual' (p. 337-338), although the author also puts forward that the LGBTQ activists are, to an increasing degree, present in these discussions and bring a much broader (constructivist) view on sexuality. The article of Micaela Libson (7) studies the arguments in the letters that were sent in by the public and published in the Argentinean daily,

La Nación. In that section numerous readers have ventilated their opinion about homosexual parenthood and their resistance against this possibility is clear since it is considered 'not natural or normal'..., or it is assumed that this probably will cause psychological damage to the children..., or even that if it is accepted it is not so because of the couple's desire to become parents but because of the affective needs of the children. (p. 357)

The other collection of articles, *Homoparentalidades Nuevas Familias*, belongs to the category of theoretical works that aim to put forward new disciplinary views on the phenomenon of homosexual parenthood. The book that is compiled by Eva Rotenberg, although it is interdisciplinary, emphasises the psychological and psychoanalytical arguments that plead for parenthood of and adoption by LGBTQ persons. The psychology and psychoanalysis are strong disciplines for the essence of the debates regarding these subjects because they are considered legitimate and 'allowed' to identify the risks for children that grow up in 'non-heterosexual families'. Therefore, it is notable that the specialists of these disciplines revise the hetero-normative contents of their own theories. In her article, Mariam Alizade (8) insists that minors that grew up in non-heterosexual families question 'certain classical ideas of the psychoanalysis regarding the association with sexual differences in the structuring of the human psyche'. (p. 78) As a result, psychoanalysis now faces the challenge to comprehend a new symbolic order of the family, or as Pablo Ceccarelli (9) claims, 'using psychoanalysis for the sake of the argument that there is only one proper parenthood, based on the most common form of social organisation is similar to making suppositions of what is symbolic and that is at least perverted'. (p. 149) This way, the various articles in the book rephrase central concepts for these disciplines such as sexuality, sexual and gender identity, the desire to be a parent and relationships, from a positive position towards non-heterosexual parenthood.

Finally, the book *Homosexualidade e Adoção* contains, in addition to other aspects, an analysis of the judiciary as an important domain for the legalisation of non-heterosexual parenthood. The judges have become an important target for the claim of extension of sexual and reproductive rights in Latin America. Against the difficulty to create changes from the legislature stands the possibility of interpretations by different judges that can lead to adjustments in jurisprudence, which although a minority follows it, increases the legal room for adoption by LGBTQ persons. The author bases her argument empirically and the book contains numerous interviews with psychologists, social workers, ombudsmen and judges as well as an analysis of eight adoption processes in which the requesting party was homosexual, although seven of the analysed cases were from men. The author confirms that in the region of Rio de Janeiro in Brazil, the adoption processes by homosexuals were authorized, which suggests 'a complexity with regard to the connection between parenthood and sexual orientation' (p. 136). Still, it is important to note that the positive attitude of the judges does not necessarily mean a critical point of view towards hetero-normativity as the dominant system because the recognition of the rights of gays and lesbians goes hand in hand with a confirmation of certain social stereotypes and prejudices. In the analysed legal cases, for example, the right of homosexual men to adopt is recognised whereby the importance of the maternal features of these men is emphasized so it is easier to present 'a family without female presence'. (p. 200)

The publication of these three reviewed books is an indication of the progress in Latin

America concerning the non-heterosexual parenthood issue. The demand of LGBTQ persons to be recognised as procreators has become a more public point on the agenda in various Latin American countries, although currently, legal realisation is still minimal. What was once an invisible issue - minors raised by LGBTQ persons or couples - has now become a political, scientific and legal issue. The discussion about the right of LGBTQ persons to adoption, as it is substantiated in the three reviewed publications, is a discussion about the way the family is interpreted in today's society with a plea for more multi-form interpretations. Nonetheless, it is of importance to recognise that the risk that goes with these type of demands is that the family as an institution of social control is reinforced with an extension of its definition and with the addition of at least partial 'new' subjects - generally gays and lesbians - at the cost of reinforcing the exclusion of the rest, like transgender persons. Rights are an important producer of subjectivity and identity, and as a result much 'progress' with regard to sexual diversity goes with the price of institutionalising sexual constructions that are strongly reduced to their essence and that are at risk to reinforce hetero-normativity as the dominant ideology. The challenge is not enabling gay men and lesbian women to adopt by integrating them into the definition of the family, but to disintegrate the traditional family concept so it becomes conceivable for all varieties.

After word: In September 2009 Uruguay has become the first country in Latin America to legalize adoption for registered same-sex couples. This case may set the example for other countries in the region where same-sex couples have some legal rights such as Mexico, Argentina and Colombia.

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Notes

- (1) This is a review of the following three books: Grossi, Miriam, Anna Paula Uziel y Luiz Mello (eds.), *Conjugalidades, Parentalidades e Identidades Lésbicas, Gays e Travestis*, Editora Garamond, Rio de Janeiro, 2007, as well as: Rotenberg, Eva y Beatriz Agrest Wainer (eds.), *Homoparentalidades. Nuevas Familias*, Lugar Editorial, Buenos Aires, 2007, as well as: Anna Paula Uziel, *Homossexualidade e Adoção*, Editora Garamond, Rio de Janeiro, 2007.
- (2) 'Considerations with regard to the projects for legal recognition of the commitments between homosexual persons', prepared for the Congregation of the Faith of la Fe, 2003.
- (3) 'La otra mamá: Madre no biológicas en la pareja lésbica', in: *Conjugalidades, Parentalidades e Identidades Lésbicas, Gays e Travestis*.
- (4) 'Nao podemos falhar: a busca pela normalidade en Familias Homparentais', by Marcos Roberto Vieira Garcia, André Guimaraes Wolf, Eliane Vieira Oliveira, Janaína Tizeo Fernandes de Souza, Luana de Oliveira Gonçalves en Mariana de Oliveira, in: *Conjugalidades, Parentalidades e Identidades Lésbicas, Gays e Travestis*.
- (5) 'Performatividades de Género, Performatividades de parentesco: notas de un estudio com

travestis e suas famílias na cidade de Florianópolis/SC', in: *Conjugalidades, Parentalidades e Identidades Lésbicas, Gays e Travestis*.

- (6) 'Do privado ao público: A homoparentalidade na pauta de jornal Folha de São Paulo', in: *Conjugalidades, Parentalidades e Identidades Lésbicas, Gays e Travestis*.
- (7) 'Yo opino... Construcciones discursivas sobre la homoparentalidad', in: *Conjugalidades, Parentalidades e Identidades Lésbicas, Gays e Travestis*.
- (8) 'Homoparentalidades', in: *Homoparentalidades. Nuevas Familias*.
- (9) 'Configuraciones edípicas contemporáneas: reflexiones sobre las nuevas formas de paternidad', in: *Homoparentalidades. Nuevas Familias*.

Hivos and Gay Liberation

How Does It Work?

Monique Doppert

*My dearest Roy,
When I get out of prison I will remain a member of the Gay Association of South Africa and I will do everything in my power to improve communication between gays of all races (...). I will try to write you again soon.*

Simon (7 April 1986)

The South African anti-apartheid and gay activist, Simon Nkoli, wrote many letters from prison to his beloved Roy. He remained a member of GASA in spite of the fact that the gay organisation disassociated itself from his anti-apartheid cause because they considered it unrelated to homosexuality. Naturally, he had some misgivings about that, and after his release in 1988 Nkoli founded the Gay and Lesbian Organisation of the Witwatersrand (GLOW). GLOW openly joined forces with the anti-apartheid movement and became the public face at negotiations over gay rights in the constitution of the new South Africa. Nkoli was one of the first gay activists to meet Nelson Mandela in 1994.

Empty boat of Hivos in the Canal Parade, Gay Pride 2008, Amsterdam, the Netherlands - © Joost Tholens



Shortly after the release of Simon Nkoli, on the other side of the world at the Hivos office in The Hague, the theme of gay activism was also initiated, but from a very different, even more urgent angle, namely the incredibly fast-spreading disease, AIDS. As a humanist development organisation, Hivos was convinced at an early stage that the AIDS epidemic would have consequences for the broad objectives of poverty reduction and civil society building. In 1990, before there was any formalised policy, the first request for support was honoured, and more followed rapidly. Clearly the time was ripe to take action. Since then Hivos has supported organisations with money or facilities that enabled people in developing countries to stop the further spread of HIV/AIDS. The first AIDS project was support to 'Mexicanos contra el SIDA', a project that focussed exclusively on gays and men who engage in sex with other men. Since gays in developing countries often do not admit their identity, prevention, including information and training, remains important to them. This gives them an opportunity to organise themselves, often in a hostile environment. Other organisations do not focus on this, giving Hivos even more reason to do so.

On this rainy afternoon, Hivos staff members Ireen Dubel, Frans Mom, and Teyo van der Schoot were sitting around the table to reflect on the worldwide activities initiated in The Netherlands in support of lesbian and gay liberation.

Frans Mom: 'It might sound morbid, but the emergence of AIDS has acted as a catalyst for attention to the subject of LGBT rights and liberation in many countries in the South and also for Hivos itself. This has to do with the fact that it was mostly gay men and lesbian women that did all the pioneering work in the fight against HIV/AIDS. Not only in the western world, but also in the South, forces were mobilised early on from within the LGBT movement. Right from the start (1989), we did not approach AIDS exclusively as a medical or health issue; the disease has many common grounds with other development issues, including disrespect of human rights, discrimination, stigmatisation, gender inequality and subordination in many areas, such as health care, education and the economy. Being a humanist organisation, Hivos felt even more responsible, taking into consideration the taboos concerning sexuality and stigmatisation of the alleged 'risk groups', including gays and bisexuals in developing countries. Hivos considered the need to make sexuality the subject of discussion a requirement to actually tackle the AIDS problem and it became an added value for regular activities of Hivos, which as an organisation wants to contribute to a free, fair and sustainable world. Hivos recognized the potential of LGBT activists for breaking these taboos and their contribution to processes of emancipation on the tangent of AIDS and sexuality.'

In many developing countries gay men and lesbian women are stigmatised, discriminated against, and often forced to lead a double life. This is a violation of fundamental human rights. This is how the objective to promote the emancipation of gay men and lesbian women arose within existing human rights policy. And this meant the direct support of organisations of gays, lesbians, bisexuals and trans people for their rights and freedom, with or without specific activities concerning the AIDS issue. In 1999 this became formalised policy. 'The right to self-determination, the ability to make choices, the determination of how to deal with one's own sexuality and how to manifest it are of great importance. This conforms to humanist ideals. So to Hivos this link was only logical,' says Ireen Dubel.

Humanists believe in equal treatment of all people. Everybody must be able to organise his or her life based on his or her own choices, as long as it does not cause others to suffer. Within that context, homosexuality offers an opportunity to enjoy and provide each other with pleasure, just as does any other form of sexuality. Humanists see no difference between homosexuality and heterosexuality when it comes to rights and obligations of the concerned partners. The above-mentioned pioneering work in the fight against HIV/AIDS has definitely sped up the emancipation process of gay men and lesbian women in the south, and laid the foundation for the fight for equal treatment of, and respect for, other minority groups in society.

Hivos felt challenged to take up the issue of gay and lesbian emancipation. Until recently there were very few donor organisations that focussed specifically on support of LGBT activists and organisations. Hivos' choice was translated into policy and political and financial support for LGBT organisations. At the moment, Hivos supports approximately fifty organisations that are active in the area of LGBT rights and emancipation.

Because of their increased visibility, gay men are more often the target of restrictive legislation and penalisation than lesbian women. But when lesbian women do become visible, they also become victims of hate crimes by members of their family or their community. The invisibility of lesbian women also has an impact on the gay and women's movements. Ireen Dubel emphasizes: 'Within these movements there is a matter of gender inequality concerning their participation, decision-making, leadership, access to and control of resources.' Hivos wants to play a role in breaking the silence around women having a sexual relationship with other women and therefore supports the special Hivos chair that was realized in 2007, 'Gender and Women's Same-Sex Relations Cross-culturally' at the University of Amsterdam. Dr. Saskia Wieringa currently holds this chair.

An appealing example of visibility, participation and accessibility are the Gay Games that were held in 1998. For the first time in history, these games were not an exclusively white, western affair. Several hundred representatives of gay and lesbian organisations from the global South, Central Asia and Eastern Europe gathered with thousands of American, Canadian, Australian and European visitors in Amsterdam. During this summery week, gay men and women dominated the Amsterdam street scene. That was a unique experience for everybody present, visitors and residents alike. The Gay Games visitors could not only participate in the sports activities, they could also visit the human rights conference that Hivos organised in close cooperation with Amnesty International. Simon Nkoli participated in the human rights program of Amnesty/Hivos. It turned out to be Nkoli's last public appearance abroad. Subsequently, his health deteriorated and he passed away at the end of November of that same year.

The Gay Games ignited discussion within Hivos concerning the sense and nonsense of the support of LGBT-initiatives. At the lunch table in the basement of the Hivos office, arguments were slung back and forth. Is subsidising the Gay Games not mostly a fun and publicity issue? Those are not exactly priorities in the work of Hivos. The regional Hivos offices (San José, Bangalore and Harare) also expressed some criticism: it is only a very small group, there are not that many gays are there? Isn't it much more important to fight poverty and other inequalities than to organise a conference during the Gay Games? And then the ever-recurring question: Is homosexuality not mainly a western concept?



Training of young LGBT persons by the Adhanary Institute (supported by Hivos), Depok, August 2007 - © Rr.Agustine

Homosexuality is a known fact in all countries, in all cultures and in all social classes as Teyo van der Schoot explains. 'If we have to wait till poverty has disappeared from this earth it will be a long wait. Anyway, it is stating the obvious but homosexuality occurs in all layers of society, including amongst the poor.' The indicator of tolerance of a society is the way they handle homosexuality and abortion. 'Do not underestimate the importance of the exchange of international contacts and support,' Ireen Dubel adds. 'This is of particular importance for marginalised groups. These contacts can be well maintained via websites and mailing lists. Look, for example, at the success of the website Behind the Mask.' (See www.mask.org.za)

This non-profit media organisation publishes a website centred on gay and lesbian issues in Africa. It was launched in 2000 and has official NGO status (status of non-governmental organisation) since 2003. The mission of Behind the Mask is to gain public attention for LGBT-issues by means of journalistic contributions and activism. It plays an important role in the provision of well-documented information concerning homosexuality and gay and lesbian rights in Africa. For example, the situation concerning homosexuality has been clearly documented on a per-country basis. Considering the ever increasing number of daily visitors, the website seems to be working effectively.

Originally, before it became an independent organisation, Behind the Mask was a project of the Gay and Lesbian Archives of South Africa (GALA, 1997, see <http://www.gala.wits.ac.za>). This archive is part of the central historical archives of the University of Witwatersrand in

Johannesburg. GALA, now renamed Gay and Lesbian Memory in Action, archives material connected with the gay and lesbian history of South Africa. It strives to be a reliable source of information and hopes to serve as a catalyst for the production of other gay histories and personal stories that were kept secret in the past.

'The basis of our projects is to produce new archive material,' says director Ruth Morgan in its most recent annual report. The material is placed at the disposal of the LGBT community and the public to be used for cultural and educational purposes. The report mentions theatre, film and video productions, as well as a special city tour. The city council of Johannesburg has recognised this Queer Johannesburg Tour as an official city tour.

Another example is GALZ (Gays and Lesbians of Zimbabwe - see: www.galz.co.zw), an organisation that promotes the rights of sexual minorities, including gays, lesbians, bisexuals and transgender persons in Zimbabwe. Homosexuality is not just a sensitive issue in Zimbabwe, but also a major target of the current regime, both politically and morally. Local authorities have raided the GALZ office and seized programme material and literature. The authorities consider homosexuality strange, western, un-African, unnatural behaviour, and treat gays and lesbians as outcasts. Recently, at the celebration of his 83rd birthday, the head of state repeated his statement that gays and lesbians are less than pigs.

GALZ works as a strategic forum in which gays and lesbians can cooperate in AIDS programmes, and other activities, without having to fear retaliation from either their families or the authorities. GALZ offers professional advice to the target group, and provides information to the public by distributing books, flyers, and brochures, and arranging workshops and video displays. It also organises sports events, social evenings and weekend workshops and has succeeded in placing issues concerning sexuality on the public agenda. For now, it is the only organisation in Zimbabwe fighting for equal rights for gays and lesbians.

In spite of, and perhaps as a result of, the heated discussion over the Gay Games, since 1998 other international human rights organisations, including Amnesty International have also placed gay and lesbian rights on the agenda. This broader acceptance is, of course, an advantage. A drawback is the increase in competition for perpetually limited funds.

It is significant that Hivos' position regarding LGBT initiatives from the South remains unchanged. That means the first principles defined as policy in 1999 are of a firm and timeless character. Hivos' LGBT-fundamentals, based on the pillars of humanism and human rights, remain the same. For the coming years the focus lies on expanding the programme and raising funds, including coordination of donor support. According to Van der Schoot, Hivos' strong point is the bottom-up approach: the ability to listen well and cooperate with local organisations. 'As a result, for Hivos' staff members the gay angle is almost natural,' he says. 'Projects for and by gays and lesbians are simply part of the job. This natural organisational structure can be used as a unique selling point.'

Support for the international LGBT movement is also an important point. He adds: 'In addition to intensively working with gay and lesbian activists and their organisations, we also support an international network, ILGA (International Lesbian and Gay Association). You can criticise such an organisation that is further removed from daily reality, but maintaining networks and making connections is an important point in this quickly globalizing world. Therefore, it remains important to remain visible at all levels.'

Monique Doppert is Programme Officer ICT & Media at Hivos and a freelance journalist.

The following people were involved in the discussion:

Ireen Dubel, Programme Manager Gender, Women & Development at Hivos;

Frans Mom, External Advisor for the Hivos board of directors in the area of AIDS and LGBT- rights and former senior staff member of Hivos for AIDS & LGBT-rights;

Teyo van der Schoot, Programme Manager Human Rights & Democratisation at Hivos.

International Challenges for Education Regarding Sexual Diversity

Peter Dankmeijer

In 1998, Amnesty International and Hivos asked Empowerment Lifestyle Services to organise a workshop during the Gay Games focusing on education against homophobia. The most important recommendation of this workshop was to create a global exchange network. In 2003, Empowerment started a worldwide needs assessment concerning the possibilities of such a network. This article contains a number of important conclusions and a description of how the recently started Global Alliance for LGBT Education (GALE) responds to some of these formulated needs.

Results of the Needs Assessment

The needs assessment concerning education against homophobia was carried out through sixty interviews with activists and professionals from fifteen European countries, five Latin American ones, India, South Africa, Namibia and Australia. Four general conclusions emerged:

- Educational expertise develops parallel to organisational development of LGBT organisations.
- Objectives and strategies are viewed from a local perspective.
- Community is in the form of attention to hetero norms and sexual diversity.
- Local organisations often find it difficult to view universal aspects of education with regard to sexual diversity.

Education and Organisational Development

Regular educational organisations do not usually know much about sexual diversity or human rights education. Many (e.g. schools and teacher training institutes) do not feel it necessary to think about sexual diversity so it is up to LGBT grass roots organisations to make a first step towards education regarding sexual diversity. However, many of these grass roots organisations are in an early stage of their development so it is difficult for them to develop a project and raise funds, and they lack knowledge on which form of education is effective. We often see that grass roots organisations go through five stages of organisational development:

- (1) A basic organisation is established, often consisting of a relatively small group of activists who view their activism as a form of education.
- (2) Broader support develops in the form of sympathizers, members and volunteers, which gives

the organisation a better idea of what really occupies the LGBTs. The result is expanded information upon which educational efforts can be based.

- (3) Organisational capacity is built by developing a 'collective memory', building an internal democracy and organising informal services by volunteers (theme meetings and discussion groups). The collective memory enables (internally focussed) education and training to be organised without having to repeatedly reinvent the wheel.
- (4) The internal organisation is professionalized through raising funds, appointing one or more professionals, implementing projects and offering short-term services (like small education projects, advocacy and consultancy, pilot projects for shelter for specific groups). At this stage professional instructors may be hired.
- (5) Professionalization increases via long-term alliances with regular organisations and structured external services (e.g. education, HIV prevention, buddy work, shelter and counselling). Structural cooperation with educational organisations becomes possible.

To new organisations, it is usually not clear that they are in a development process. Sometimes, starting organisations can raise a project subsidy from international funders, but often they cannot (yet) live up to the professional expectations of international donors.

Objectives and Strategies from a Local Perspective

In order to educate effectively it is essential to be clear about the final objectives. It is not enough to just say 'eliminate prejudices from the world' or 'fight discrimination'. What exactly are we talking about? Which notions are prejudices? What behaviour is considered discrimination? Are negative emotions and attitudes also discrimination? Is 'tolerance' a good intention or a demeaning attitude? When it comes to education about sexual diversity, little thought has been put into such concrete objectives. As a result, little is known about which type of education and training really works.

This lack of focus was affirmed by the needs assessment GALE undertook. Throughout the world, activists and instructors assume that the objective 'fight homophobia' is self-evident. But after more in-depth questioning it appears that, underneath this self-evident concept, a range of implicit but varying notions is hidden. For example, there are different ideas about the meaning of the terms 'homosexuality' or 'sexual diversity'. The nature of suppression and exclusion also differs, as well as the perception of what a better society would look like. All these different views lead to varying ideas on why education is necessary and what it should look like.

Ideas in the West

In Europe and North America people are divided into heterosexuals on one side and 'minorities' such as lesbians, gays, bisexuals and transgender persons (LGBT) on the other. In the European view, your sexual preference or your sex life are relatively important aspects of your life. In addition to your gender role, your emotions and your sexual orientation are important determining factors of your social identity. That categorisation, also called the

'identity strategy', is the central focus in the fight against discrimination in the western world. In this view, it is held that the majority of heterosexuals suppress other groups (minorities). LGBT persons are viewed as a coherent cultural minority. Therefore, the objective of western education and training is to stimulate acceptance for non-heterosexual identities. I formulate this in a general way here, but in the daily reality of the local gay and lesbian movements, the driving force of gay men is much bigger than those of lesbian women, bisexuals and transgender persons. Therefore, the emphasis in education lies more in the fight against homophobia in particular than fighting hetero norms in a broader sense.

Ideas in Latin America

From the perspective of Latin Americans, it is much less relevant to speak about sexual preference in the context of identity. There are two concepts that are more important: *machismo* and sexuality. In many Latin American countries, the role patterns played between 'macho' men and feminine women are magnified. Men and women 'test' who is in power by playing a game of attraction and rejection. Sometimes the 'game' is more of a 'battle' than a game. Indeed, these days women are not always the weakest party. In this 'game' with gender roles it can be dangerous to show non-heterosexual or atypical gender role behaviour. Feminine men and masculine women risk running into strong resistance.

Erotic challenge is an important form of communication and a way to receive both power and pleasure. Although the context is very hetero-normative and sexuality itself is taboo, paradoxically enough there appears to be a lot of room for erotic behaviour that is not heterosexual or that is limited to typical gender roles. For example, 'travesti' prostitutes (men that use female hormones and silicone but do not have or want a sex change operation) are quite common and it is certainly not self-evident that the (macho) customer is always the penetrating party. Some of the people interviewed call these ambiguous forms of sexuality and gender roles 'fluid sexualities'.

In Latin America it would therefore make sense if sexual diversity education would focus on awareness of these fluid personalities and contribute to dealing with it in a more relaxed manner. Of course, in the Latin American context 'the battle between the sexes' has to be taken into account by, for example, nuancing machismo attitudes.

Ideas in South and South East Asia

In Asia, many countries have ancient cultures and traditions that are not 'fluid' at all. On the contrary, social relationships are often dictated in detailed ways. Here it is very important to show respect for people with a higher status and to prevent shame. India, with its caste system, is the most extreme example.

The traditional social systems are usually organised in a hetero-normative manner. People with same-sex attraction or people who feel that their bodies do not represent their true gender seem to have only two choices. They can either convert to a special social class or caste in which homosexual or transgender behaviour is more or less accepted

or they can deny their feelings. In most Asian countries there are groups of transsexuals (for lack of a better umbrella label, I use this rather western concept) that have a traditional way of living. The best-known example is the *Hijras* in India. These are men that have themselves castrated and consider themselves women. Traditionally, they are tasked with singing and giving blessings at weddings and births, but in these modern times not enough money can be made by doing that. As a result, the *Hijras* often have to make a living by prostitution or mild forms of extortion (like singing in a screeching voice in front of a store until they are paid to leave, or threatening to curse somebody if they don't pay for a blessing). The *Hijras* and similar groups in other countries fall within the lowest ranks of society.

Traditionally, sexuality is not taboo in Asia, although there are rules and limitations with regard to social hierarchy. Conservative Asian governments that claim to strive for a 'return to the original Asian culture', often adopt British colonial taboos with regard to sexuality. Outdated anti-sodomy laws are then used to further marginalise already disenfranchised people or to get rid of political enemies.

In Asia, there is hardly any education with regard to sexual diversity. Very few people claim a 'homosexual' identity, although a high percentage of men have sex with each other. Culturally sensitive education about sexual diversity in this region could link into the pervasive value placed on mutual respect and solving local dilemmas regarding sexuality (traditional openness/ colonial taboos).

An example of such education can be found in Bangalore. There, a high school has sex education lessons which focus on respect and human rights. In these lessons, education regarding abstinence before marriage and respect for different ways of living (the *Hijras*, amongst others) go hand in hand. Although the abstinence message is probably quite ineffective in view of current sexual behaviour patterns of young people in Bangalore, this programme is an example of how sexual diversity can be integrated in a culturally sensitive way in India.

Varying Priorities

In addition to these notions concerning the content of education, LGBT organisations also have different priorities for education. In most countries, education concerning sexual diversity in schools does not have the highest priority because access of LGBT grassroots organisations to schools and youths is too difficult.

Many governments, schools and parents are still under the impression that education about LGBT persons means promoting same-sex behaviour and paedophilia. As a result, many LGBT organisations prefer to integrate their education and first focus on the media, the police or healthcare services.

Still, in a range of countries in the global South there is some access to schools, but attention to LGBT issues is usually integrated into broader AIDS education, broader sex education and citizenship education.

Although the history, backgrounds and accents of LGBT organisations vary, there are possibilities for a common perspective and cooperation. Most LGBT organisations now realise that the concepts 'gay' and 'lesbian' have their limitations. There have been attempts to think more inclusively.

In some countries they do this by adopting the concept 'sexual minorities', but others object to that. The downside is that it implies a position of victimisation and raises the false impression that people who call themselves heterosexual do not have homosexual contacts. This is particularly a problem in parts of the world where high percentages of the male population also have same-sex contacts.

The most inclusive concept is 'sexual diversity'. It implies the recognition of a continuum of feelings and identities and integrates heterosexual behaviour. The downside is that the concept is somewhat vague; to many people it might not be clear what the term refers to. If the use of the term 'sexual diversity' is taken up in education, then often the focus will be on sexualities, relationships and citizenship in a broader sense. Although this is a great opportunity for LGBT-mainstreaming, some LGBT grassroots organisations fear that such a broad focus will limit the attention given to specific LGBT issues in such a way that it won't be possible to effectively fight discrimination against and exclusion of LGBT citizens.

This discussion about adequate terminology and the consequences for education will probably continue for quite some time. Still, it becomes increasingly clear that the various LGBT movements have two common objectives: fighting dysfunctional norms that presume all citizens are heterosexual, and promoting a responsible freedom and respect for sexual diversity. The implementation of these objectives must always be culture specific.

The Global Alliance for LGBT Education

The new network that was established based on the needs assessment is called the Global Alliance for LGBT Education (GALE). It was formally established in 2006 and takes the form of a professional association that cooperates through a virtual platform (an interactive website: www.lgbt-education.info), launched on October 4, 2007.

Any volunteer or professional who works or intends to work in the area of education or training that includes LGBT issues can become a member by registering through the website. Membership costs are measured in 'edus' per year. The 'edu' is a virtual currency that can only be used within GALE. One can earn edus by writing, editing or translating articles or by being an active member in one of the work groups of the alliance. The virtual currency allows people that do not have a lot of real currency to participate in the alliance.

This website is a knowledge platform for education workers with English, French and Spanish sections and discussion forums in even more languages. The public has access to basic information and can read summarised articles. Members have access to the full articles and can add comments to them, participate in development groups or cooperate in strategic groups that prepare for local or international projects.

GALE works in accordance with the principle 'Think global, act local'. While development groups think mainly about the best approach to particular challenges - such as teacher

234 training, approaching the media or fighting fundamentalism, strategic groups focus on the concrete implementation of projects, find the right people, raise the necessary funds, implement and evaluate them. In both kinds of groups, members try to reach each other on common objectives and on implementation with cultural sensitivity. Hopefully, the alliance will become a useful instrument for volunteers and professionals involved in education about sexual diversity.

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The Montreal Declaration of Human LGBT Rights

Joke Swiebel

Sports and human rights - are they related in any way? When this question is asked many people will immediately think of the Olympics in Beijing in 2008. Did those Olympics help to improve human rights conditions in China? Did they bring more openness and could human rights organisations apply more immediate pressure? There is a different manner in which sports and human rights can be related. A special sporting event can be organised to put a particular aspect of human rights in the spotlight. The Gay Games (to be organised in 2010 in Cologne for the eighth time since 1982) fits into that tradition, as does the Outgames of Montreal, held in 2006. (1)

First World Outgames

In the summer of 2006, the first global Outgames took place at the Olympic stadium in Montreal. It was a sports and culture celebration where lesbian women, gay men, bisexuals and transgender persons showed what they were worth. More than 10,000 people actively participated in the contests, more than 800 gathered for the cultural parts of the programme and the international conference on LGBT Human Rights attracted 1,500 participants. The entire city was turned upside down.

The main goal of the conference was to put LGBT rights on the agenda as an issue of human rights, and demand explicit attention of international institutions. Both the United Nations and European Union reacted positively to this challenge. Louise Arbour, High Commissioner for Human Rights of the UN and Vladimir Spidla, European Commissioner for Employment, Social Affairs and Equal Opportunities made quite an impression with their keynote speeches. The Organisation for Security and Co-operation in Europe (OSCE) spoke out as well. (2)

The conference was finalised with the endorsement of the *Declaration of Montreal*.

This document attempts - perhaps for the first time ever - to provide a brief sketch of the demands of the international gay movement. Some core points of the document were ceremonially presented by tennis idol Martina Navratilova and swimming champion Mark Tewksbury during the opening of the Outgames. In its entirety, the text constitutes a lobbying document that explains the problems in general terms and suggests which direction should be taken to find solutions. It is broad enough so that it can be used anywhere and without legal quibbling of the kind that usually leads to a Utopian fairway.

Montreal Declaration (3)

The Montreal Declaration covers the five main themes of the conference. The *first theme, essential rights*, covers three issues: a) protection against violence, from state officials or third parties (from the death penalty to hate crimes and forced marriages); b) freedom of expression, association and assembly; and c) freedom of (consensual) same-sex (adult) sexual activities, which are still prohibited in dozens of countries. Many contributions in this publication illustrate that these are indeed basic rights. When these basic rights are not safeguarded there is no room for discussion, gay movements cannot be established and the struggle for freedom and equality cannot be put on the political agenda. Therefore, it is very important that international institutions continue to pay attention and that the situation is critically followed up on a per-country basis. National governments should make this part of their foreign policy.

The *second theme* involves a number of *global issues*. You cannot achieve gay rights in a vacuum. The struggle against HIV/AIDS cannot succeed without respecting LGBT human rights and involving local gay movements. The right to asylum on grounds of well-founded fear of persecution based on sexual orientation or gender identity should be recognised. (Although, of course, we prefer that fleeing would not be necessary at all because all countries recognised gay rights.) Residence rights for a foreign partner is another difficult issue, in many countries almost impossible for a same-sex partner; all reasons why gay rights should be mainstreamed in national and international politics. These issues also illustrate the necessity for more national and international education and discussion. The UN, in particular, should put the LGBT human rights theme officially on the agenda.

The *third theme* involves the gay movement itself, or as it is called in the Declaration of Montreal, *the diverse LGBT community*. The international gay movement is still dominated by associations and groups from western countries in which white men often set the tone. Racism and sexism within the movement must change. The gay movement in the South deserves much more support, especially for training and international information exchange. Cooperation with the women's movement has to be reinforced as well. The element that the gay movement and the women's movement have in common is their struggle against rigid views on how men and women ought to be and against the dominance of heterosexual male norms and interests.

The *fourth theme* covers *participation in society*. Lesbian women, gay men, bisexuals and transgender persons are present in all sectors of society. At many points they are faced with discriminatory rules and practices that impede or restrict their open and equal participation. A deliberately implemented, coherent policy against that discrimination does not really exist; the best we might have are some loose pieces of legislation here and there. However, it does not just revolve around legal equality but also social equality. The professional world plays a crucial role in that since paid work is the key to (economic) independence and the basis for self-realisation. A policy to prevent discrimination in the workplace is therefore essential. Marriage, parenthood and registered partnership should be open to everyone, including same-sex couples. Education, media, healthcare and religious and non-confessional institutes all have to play their own roles in the struggle to realise LGBT human rights.

The *fifth theme* concerns *creating social change*. Without a doubt it is the lesbian women, gay men, bisexuals and transgender persons themselves and their organisations that have to take charge of the struggle. They have to mobilize their constituencies, make an appeal to solidarity and broaden their financial basis. They also have to professionalize their activities. But if they want to succeed, others have to contribute as well. The Montreal Declaration therefore ends with a call to other social actors to take responsibility: labour unions

and trade associations, NGO's, international corporations, religious and non-confessional institutes, charity funds, the world of sports, political parties, governments and the international community.

Making and Backgrounds

The Montreal Declaration is not the end product of an elaborate process of consultation in the international gay movement. There was simply not enough time and energy for that, and more importantly, there was no opportunity. After all, the movement is very fragmented. The conference itself did not offer an opportunity for a consultation process. In two days you cannot do justice to the input of 1,500 participants each of whom came for their own workshop or subject, and still have a final report printed up in three languages. Instead, a draft text formulated by myself in cooperation with my colleague, Co-President Professor Robert Wintemute (King's College, London) was presented to the International Scientific Committee that assembled a few times to consult on the preparation of the conference. Suggestions for improvement were incorporated and major controversies regarding the content failed to materialize. It seems fair to conclude, therefore, that the Declaration gives a pretty accurate picture of the largest common denominator of views and goals as they exist in the international gay movement. The document has been endorsed by the participants of the Montreal conference, but it is not a detailed, negotiated compromise text formulated by such conference tigers as those you see at large international congresses of more strongly organised international NGO's.

Donna Smith and Prudence Mabele, members of the South African delegation at the international conference on LGBT rights in Montreal, July 2006 - © I. Dubel



Various considerations lay at the basis of the intention to formulate the Montreal Declaration. In addition to the understandable desire of local organisers to leave a tangible result of the conference, which would also honour the Montreal city council, the first goal was to offer a (political) legitimacy for this gay sports festival.

After years of discussion about the 'isolationism' of the Gay Games, which did not always show much social and political engagement, the formula of the Outgames was completely different. The international conference on LGBT human rights was an integral part of the plan. Bringing sports celebrations into the framework of the struggle for LGBT human rights was the most important background of the conference and also served the decision to finalise this conference with the Declaration of Montreal. This decision was never recorded anywhere and formally motivated, but if I draw from my own memory, I would reconstruct the goals as follows: A) *Increasing the legitimacy of the demands* of the international gay movement by recording them coherently and explaining them in order to increase the chance for implementation. By recording these demands in the discourse that is commonly used by international organisations it becomes easier to gain access to these political arenas. B) *Reinforcing self-esteem and respectability* of the (international) gay movement, a vital condition for the recognition of the movement as a relevant political actor. C) Contribute to the mission of the Gay and Lesbian International Sport Association (GLISA) to not just view *gay sports* as a goal but more importantly *as an instrument* that can be used to promote LGBT human rights worldwide. D) *Offering a benchmark* that can be used in the future to measure the progress of LGBT human rights, a basis that can be used at future conferences instead of reinventing the wheel, as so often happens.

Support

During the Outgames, the City Council of the City District of Montreal Centre (*Arrondissement de Ville-Marie*) offered its support to the Declaration, followed by the City Council of Montreal itself and two Canadian political parties, the New Democratic Party and the Bloc Québécois. This support spread to city councils outside Canada such as Brighton (UK), Barcelona (Spain) and Denver and San Francisco (US), and to trade unions in the Netherlands, the UK and Canada.

This was the result of casual activities of local people who were involved, not of a systematic campaign to generate worldwide support for the Declaration of Montreal. There were plans to set up a small office after the conference to lend continuity to the human rights work and guide follow-up of the Declaration of Montreal, but this never happened because of lack of money. Basically, the Montreal Declaration became homeless, that is, there was no professional organisation to carry it further. Strictly speaking, one might have assumed GLISA would take on some of the coordinating activities, but so far this has not happened.

The intention of the Declaration of Montreal was that gay movements could use it all over the world at their own discretion. We have no insight to what degree this is actually happening. However, the following is known. With the support of Hivos, the Indonesian Ardhany Institute had the Declaration translated into Bahasa and published it in the form of a brochure. A group in Barcelona translated it into Catalanian and published it. It can be found in English, French or Spanish on numerous websites of gay movements in various countries

and regions.

The conclusion must be that a systematic follow-up of the Declaration never really materialized. The organisers of the conference made a common mistake: all attention and energy went into the conference and the presentation of the Declaration of Montreal, and when that was over nobody had any energy left to dedicate to the follow-up. One might also expect more support from the umbrella organisation GLISA.

The Declaration of Montreal and its Effect on International Organisations

What has the effect of the Declaration of Montreal been within international organisations? As mentioned before, its most important goal was to firmly anchor LGBT human rights within the agendas of international organisations. In that regard, I believe a step has been made at the United Nations, although the chain of cause and effect cannot be checked in detail. It is of importance that Ms. Arbour, High Commissioner for Human Rights, explicitly stated in her speech in Montreal that lesbian women, gay men, bisexuals and transgender persons who are victims of violence have the same right to protection as any other person and that it is a violation of international law to deny them that protection. The Declaration of Montreal also spoke of states that fail in their responsibility to offer protection against human rights violations. There seems to be a connection between Ms Arbour's speech, the Declaration of Montreal, and two events that took place a couple of months later:

In the first place, on December 1, 2006 the Norwegian representative in the Human Rights Council made an intervention on behalf of 54 countries requesting the Council to take a position against human rights violations (murder, violence, torture) based on sexual orientation and gender identity. The list of supportive countries had never been so long; it did not just include western countries but also quite a few Latin American ones. Momentum continued to build and in March 2008 the number of countries backing another statement in favour of LGBT human rights at the Human Rights Council rose to sixty. (4) On 18 December 2008, some 66 UN member states from all parts of the world supported a joint statement on Human Rights, Sexual Orientation and Gender Identity, that was - for the first time ever - delivered at the UN General Assembly. (5)

In the second place, on 11 December 2006, the Economic and Social Council (ECOSOC) of the UN granted consultative status to three organisations dedicated to LGBT human rights, ILGA-Europe, a Danish and a German organisation. This gives these organisations access to UN meetings and grants them the right to speak. Granting this consultative status to the LGBT human rights organisations had become a *cause célèbre*, after ECOSOC had denied the ILGA this three times. In the meantime, a number of other requests by LGBT organisations have been denied. The struggle goes on. In July 2008, two more LGBT groups were given consultative status. (6)

To some degree, the Declaration of Montreal can also be viewed as the predecessor to the Yogyakarta Principles, formulated in November 2006 by a group of legal experts. (7) That document closely follows the provisions of international human rights treaties and applies them to sexual orientation and gender identity. These Yogyakarta Principles are clearly recorded by international human rights specialists, while the Declaration of Montreal is rather a political document that chooses a policy approach. The documents should not be viewed as competitors to one another, but should be used depending on context.

Conclusion

The Montreal conference was the largest international conference ever on LGBT rights and also the most prestigious one. The Declaration of Montreal was its summit: a summary and explanation of the demands of the movement recorded for general use. Because of its non-dogmatic character, the Declaration of Montreal distinguishes itself from the above-mentioned Yogyakarta Principles. With the Declaration of Montreal we intended 'to make politics', rephrase old problems and place them on the political agenda. In some ways this was successful, as reactions within and around the UN show. But obviously, resistance in those same arenas has not yet been broken down. On the other hand, because of lack of manpower, not everything was taken out of it; until now the follow-up of the Declaration has not received the attention it deserves.

When the formulation of the Declaration of Montreal was started, checks were made to discover if a similar document already existed. That appeared not to be the case. Apparently, up until that moment the international gay movement had been so weak and fragmented, or so concentrated on partial issues or local or national issues that a coherent statement of principles had never been formulated. That weakness still exists and cannot, of course, be overcome by a piece of paper. That weakness is a result of the battle we want to fight; silence, isolation and repression demand a human toll, which causes an absence of processes of recruitment and management within international gay organisations. For the future of the international gay movement it is of great importance that training and forming of new leadership is done systematically. In this view, the contribution of international development organisations such as Hivos is of invaluable importance.

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Notes

- (1) In 2003, the Outgames organisation separated itself from the Federation of Gay Games after disagreements about financial responsibilities and the position that human rights and politics should have in the total organisation of the celebration. This led to the foundation of a new federation, GLISA, The Gay and Lesbian International Sports Association (www.glisa.org).
- (2) These speeches are easiest found on http://www.ilga-europe.org/europe/news/international_conference_on_lgbt_rights_montreal
- (3) For the complete text see <http://www.declarationofmontreal.org/>
- (4) See footnote 2.
- (5) See <http://www.arc-international.net/norwaystatement.html>
- (6) The text of this statement can be found in three languages at: <http://www.droitslgbt2008.fr/documents/?mode=download&id=2>
- (7) See for the text: <http://www.yogyakartaprinciples.org/>

The Yogyakarta Principles

Boris Dittrich

A Russian Experience

'Does it hurt?' I asked the girl. We were hiding behind a car in front of the Tverskaya police station on Bolshaya Dmitrovka Street in Moscow. From the other side of the street a group of skinheads and other anti-gay nationalists were throwing eggs at us. Most of the eggs hit the wall of the police station but one landed between the girl's neck and shoulders. The yolk left a blurry, yellow mess. A little while ago I had gone inside the police station and asked for protection of the group of gay and lesbian activists that were being hunted by their adversaries. The police commander in charge dismissed me. 'Go away', he said, 'We have other matters to attend to.' But now that the eggs which were thrown at us, hit the wall of his police station, he decided to act. Several policemen came running through the front door and dispersed the group of skinheads and fanatics. Not that this helped us very much, because they assembled down the road and threatened us. They yelled: 'Moscow is not Sodom. No to pederasts. We hate you lesbians, leave our country. Russia should stay clean and pure.' The police did not arrest any of the hate speakers, but simply left us there, unprotected. The girl cleaned her neck with a tissue paper. She was about twenty years old and the Gay Pride in May 2007 was her first demonstration as a lesbian activist. She was not from Moscow, but from a small town a few hours away. 'Eggs don't hurt. But words do,' she said. 'They seep inside your head and nestle there. There is so much hatred against lesbians. Those words will haunt me at night, when I can't sleep. But I refuse to give in. This is also my country. And I want to live here as a free citizen. I want to be allowed to express my sexual orientation. I want to say out loud that I love my girlfriend without being afraid they will kill me for that.'

Discrimination Worldwide

All around the world gay, lesbian, bisexual and transgender people face discrimination. Simply because their sexual orientation or gender identity does not fit the standard, set by the majority of their society. There are many ways for the majority to confront people with another sexual orientation or gender identity with the fact that they are 'different'. First of all in everyday life LGBT people may face discrimination in terms of rejection by family members, denial of job opportunities, access to medical healthcare or for instance housing. On top of that discrimination has often been institutionalised by authorities. Police brutality is a painful example for many who have been arrested because of their (perceived) sexual orientation or gender identity. In seven countries in the world legislators have made homosexuality punishable by death. In about 75 countries it is criminalised with prison sentences of sometimes more than 25 years.

In Yogyakarta

In November 2006 a group of experts on international Human Rights law convened in the Indonesian city of Yogyakarta. From all over the world they brought their expertise. They came from Pakistan to Kenya. From Botswana to Thailand. From Europe to Nepal. From the United States to China. Many of them work within the UN-system, like the UN special rapporteurs on human rights and counter-terrorism, on torture, on the right to adequate housing, on the right to the highest attainable standard of health, on extrajudicial and arbitrary executions, and on international solidarity. Members of the UN Human Rights Committee and the UN Committee on the Rights of the Child were present. Some of the attendees were judges or came from the academic world like professors in Human Rights Law. And some were distinguished members from Human Rights NGOs. These experts codified all existing human rights, based on international treaties and jurisprudence and translated these rights to sexual orientation and gender identity. Nothing was invented. Everything that was written down in their document was grounded in existing human rights law or jurisprudence. To make it concrete: *Principle 10* addresses the right to freedom from torture and cruel, inhuman or degrading treatment or punishment. It is undisputed that all human beings have the right not to be tortured. So it is evident that this right also applies to homosexual men and lesbian women.

Pride Parade during ILGA Asia's Conference in Chiang Mai, Thailand, January 2008 - © Poedjiati Tan



The Principles

The document they released is named after the Indonesian city they convened in and is known as 'the Yogyakarta Principles'.

It contains 29 Principles on the application of international human rights law in relation to sexual orientation and gender identity. When one reads the principles, one will discover they tell a story. They portray human suffering in legal terms. They were developed in response to well-documented patterns of abuse worldwide. These abuses, including rape, extrajudicial executions, torture, medical abuses, repression of free speech and assembly and discrimination in work, health, education, housing, access to justice and immigration, affect millions of people targeted for their actual or perceived sexual orientation. The example of the Moscow pride in 2007 could be accompanied by thousands of stories from countries all over the world, where LGBT people are being maltreated by their governments and fellow citizens. Every single day.

In the beginning the most important principles like the right to equality and non-discrimination and the right to life are listed. *Principle 5* lists the right to security of the person. It proclaims that everybody has the right of security of the person and to protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual or group. If the Russian authorities would have taken their international obligations and those towards their own citizens seriously, they would have allowed the peaceful gay activists to march through the streets of Moscow and they would have protected them against attacks by skinheads and fanatics. In stead the mayor of Moscow, Yuri Luzhkov, banned the pride, describing the gay parade as satanic. With that decision he also violated *Principle 20*, the right to freedom of peaceful assembly and association. The organizers of the Moscow Gay Pride filed a complaint against the city government. It is expected that this case will reach the European Court for Human Rights in Strasbourg in the near future. This European Court has previously criticized other east-European mayors for banning gay prides in their capitals.

Denial

There are politicians who simply deny the existence of LGBT people in their country. In many African countries their leaders will deny that homosexuality is part of everyday life. At the same time they announce that the behaviour of homosexual men or lesbian women is against the African culture, tradition or religion. In many of these countries sodomy laws prohibit sexual relationships between two consenting adults of the same sex. This paradox is vicious. Whenever southern African leaders said homosexuality was imaginary in their countries, real people suspected of it were beaten, arrested and thrown in jail.

The same goes for Iran's president Mahmoud Ahmadinejad who visited Columbia University in New York, USA in 2007. He made a stir by saying: 'We in Iran... we do not have homosexuals as you have in your country... In Iran, absolutely such a thing does not exist as a phenomenon.' The US press treated this statement as a strange outrage, but it was nothing new. Ahmadinejad violates *Principle 3*: 'Everyone has the right to recognition everywhere as a person before the law... Each person's self-defined sexual orientation and gender identity

244 is integral to their personality and is one of the most basic aspects of self-determination, dignity and freedom.’
Ahmadinejad’s statement is shocking because Iran’s criminal code provides penalties up to death for homosexual conduct. His language describes an absence. His laws enforce it!

Other Rights

The Principles also depict the importance of non-discrimination in the enjoyment of economic, social and cultural rights, including employment, accommodation, social security, education and health. They affirm the primary obligation of States to implement human rights. Each principle is accompanied by detailed recommendations to states.

The Yogyakarta Principles do not include the right to same-sex marriage. Although civil marriage has been opened for same sex-couples in the Netherlands, Belgium, Spain, Canada, South Africa, Norway, Sweden and the states of Massachusetts, Connecticut, Iowa, Vermont and Maine, the experts who codified the Yogyakarta Principles do not consider same-sex marriage as a human right that has already been accepted by international human rights law.

Why Needed?

Now that the Yogyakarta Principles describe existing human rights, the question arises: why are they needed? The answer is obvious. Unfortunately many States endorse human rights, but make an exception for people with a different sexual orientation or gender identity. They say that when signing human rights treaties they had never envisioned that their international obligations would also relate to LGBT people. These States forget that Human Rights are universal and indivisible. And that all human beings are entitled to the full enjoyment of all human rights. This ground rule has been laid out in *Principle 1*.

Magna Charta

The Yogyakarta Principles are ground breaking. For the first time a comprehensive set of legal standards related to sexual orientation and gender identity has been adopted by so many international legal experts and has been published. The Principles underline the fact that no one should face violence or discrimination because of whom they love, how they look or who they are.

The Principles are a landmark advance in the struggle to ensure basic human rights for all. They look forward, laying out a program of action for States to ensure equality and eliminate abuse. But they emphasize that all actors have responsibilities to promote and protect human rights. Additional recommendations are therefore addressed to the UN Human Rights system, to national human rights institutions, to the media, NGOs and others.

Indeed, the Yogyakarta Principles are a Magna Charta for LGBT people all over the world.

Human Rights Watch and several other international human rights NGOs organized the launch of the Yogyakarta Principles at the United Nations Headquarters in New York. On November 7, 2007 this event took place. It was co-sponsored by three Latin American countries, Argentina, Brazil and Uruguay. The governments of these catholic countries are standing up to show the world that fundamental human rights apply to everyone, regardless of sexual identity. The launch was attended by many people with standing room only. 21 Countries were represented.

The moderator, *Boris Dittrich*, Advocacy Director of the LGBT program in Human Rights Watch, highlighted in his introduction that the Yogyakarta Principles capture where international human rights law and jurisprudence are now. It is intended that they will need to be updated to reflect additional obligations as human rights law continues to evolve.

The Brazilian government has send minister Ana Lucy Cabral, director of the department for Human Rights and Social Issues of the Brazilian Ministry of external relations. She emphasized that the Brazilian government considers the Yogyakarta Principles an important document, much needed to improve the lives of LGBT people all over the world. The Brazilian government has worked with LGBT civil society groups to develop a national program to combat homophobia called 'Brazil without homophobia'. She announced to the UN that Brazil is considering publishing the Yogyakarta Principles in Portuguese.

From Buenos Aires Frederico Villegas Beltran took the floor. He is director of Human Rights at Argentina's Ministry of Foreign Affairs. He explained the UN audience that the Argentinean government developed a National Action plan for non-discrimination in 2004. This plan contains more than 200 specific proposals to eradicate discrimination, including legislation protecting same sex civil unions. He noted that many of the issues addressed by the Yogyakarta Principles were also the focus of the Argentinean national Action Plan.

Dianela Pi, the first secretary of the Uruguayan Mission to the UN, noted that her government has set up a commission on discrimination to propose national policies to combat racism, xenophobia and discrimination, in which LGBT issues will be addressed. Also in the context of Mercosur meetings that have been held in Montevideo the government of Uruguay put the Yogyakarta Principles on the agenda.

During the launch of the Principles at the UN in New York a statement from the High Commissioner for Human Rights, ms. Louise Arbour, was read by the deputy director of her office at the UN in New York. In her statement ms. Arbour emphasized that just as it would be unthinkable to deny anyone their human rights because of their race, religion or social status, we must also reject any attempt to do so on the basis of sexual orientation or gender identity. The principles are a timely reminder of these basic tenets. States have a legal obligation to investigate and prosecute all instances of violence and abuse with respect to every person under their jurisdiction. In her view, respect for cultural diversity is insufficient to justify the existence of laws that violate the fundamental rights to life, security and privacy by criminalizing harmless private relations between consenting adults. The High Commissioner reiterated the firm commitment

246 of her office to promote and protect the human rights of all people regardless of their sexual orientation or gender identity.

At the launch the receipt of a letter of support for the meeting from the President of the European Parliament's Intergroup on Gay and Lesbian rights was noted. These members of the European Parliament endorse the Yogyakarta principles.

Through their co-sponsorship of the launch of the Yogyakarta Principles Argentina, Brazil and Uruguay showed the world community at the UN that supporting human rights in relation to sexual orientation or gender identity is not something only done by Western European countries. They emphasized the universality of human rights.

Other launches

Up until December 2007 the Yogyakarta Principles have been introduced in several countries. I mention here as examples Brazil, where launches took place in more than 4 cities. In Amsterdam, the Netherlands the principles were introduced by Human Rights Watch during the international conference on HIV/AIDS with regard to men having sex with men. In Germany they have been launched. The European launch of the Principles took place in Vilnius, Lithuania during the international conference on gay rights, organized by ILGA Europe.

UNAIDS

There are UN-organisations that endorse the Yogyakarta Principles. I mention here UNAIDS. During the launch at the UN in New York Miriam Maluwa, UNAIDS country coordinator for Jamaica, the Bahamas and Cuba stated that UNAIDS' research shows that sex between men occurs everywhere, and many of those men also have sex with women. Criminalising same-sex relationships forces these relationships underground and encourages people to actively avoid healthcare options and treatment, thereby increasing the health risk across the entire community. So also from a health perspective it is adamant to decriminalize homosexuality and stop discrimination. This argument might be compelling for governments that insist until so far they do not want to decriminalize 'unnatural' behaviour.

Parliamentary Assembly of the Council of Europe

Also in other international organisations the Yogyakarta Principles have been duly noted. For example the Council of Europe (CoE). In October 2007 Patriarch Alexy II of Moscow and all Russia gave a speech to the Parliamentary Assembly of the Council of Europe in Strasbourg, France. In this so called House of Human Rights he told the members of parliament from 47 European countries that he considers homosexuality a sin, an illness and he compared defending human rights for LGBT people with defending kleptomania. Some of the members of the Parliamentary Assembly applauded

these statements; other members were abhorred. The last group tabled a motion in which they referred to the words of the Russian patriarch as an example of intolerance against LGBT people that is widely spread throughout the European continent. As positive development they highlight the introduction of the Yogyakarta Principles as international legal standard on LGBT rights. The motion calls for an update of the 2000 survey to discrimination on the basis of sexual orientation and gender identity throughout all the CoE-member states.

The Netherlands

The Dutch government presented its new policy on Foreign Affairs and Development Aid in November 2007. In the government documents the fight against discrimination on the basis of sexual orientation and gender identity is mentioned as one of 6 priorities. The Dutch government mentions the Yogyakarta principles as a guide line for its new policy. It has scrutinized the laws and policies of 36 countries with which the Netherlands has a bilateral relationship in terms of development cooperation. In many of these countries homosexuality is penalized. With the Yogyakarta Principles as guide line it is to be foreseen that the Dutch government will put pressure on those governments to decriminalize homosexuality and stop discrimination.

South Africa

South Africa's 1996 constitution contains landmark equality protections that made it the first constitution in the world to bar discrimination based on sexual orientation. In recent years same-sex marriage was introduced by the government. However, inequality as well as violence persists.

In 2007 the brutal murders of lesbians show that South Africa's constitutional promise of equal protection has yet to become a reality. Lesbians in South African townships are targeted for rape and murder. Human Rights Watch called on the South African government to ensure that the ongoing investigations of these murders are thorough and impartial, and can lead to the identification and successful prosecution of those responsible. Human Rights Watch also emphasized the importance of recognising that the victims' sexual orientation and gender may have been a motivating and aggravating factor in the crime.

Conclusion

Most of the recommendations in the Yogyakarta Principles are directed towards governments. This is logical, because through the lawmaking process many forms of discrimination can be stopped. So a top-down approach is really needed. However, at the same time it is vital that people themselves realize the Yogyakarta Principles are theirs. They describe their rights. They can be empowered by a full fledged execution of the

248 principles. NGOs play a crucial role in bringing LGBT issues to the attention of the general public and the authorities. By nature, the Yogyakarta Principles are written down in legal language which does not make them very accessible to human rights activists. A group of international NGOs amongst which Human Rights Watch took the initiative to 'translate' the principles into an Activist Guide. In clear wording with many best practices activists will read how important the Yogyakarta Principles are for every day life of LGBT communities all around the world. An Activist Guide is being developed. I expect that local NGOs will use the guide for a bottom up approach. They might want to put pressure on their governments to live up to the legal standards as described in the principles. Without an active NGO community advocating LGBT-rights the Yogyakarta Principles will run the risk to become a lifeless set of standards. With the introduction of the Yogyakarta Principles a new seed was planted for a better future of LGBT-people all around the world.

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LGBT Rights in the Workplace: The UK Experience

Peter Purton

It is now more than thirty years since the first openly lesbian and gay trade unionists began to win support from their trade unions against discrimination in British workplaces. It is more than twenty years since the British trade union movement - in a debate at the 1985 Trades Union Congress - agreed as national policy to combat such discrimination. And it is ten years since that policy was given more concrete form, when official representative structures were established within the body of the TUC. During all that time, but especially in the last ten years, there have been fundamental changes in the legal, political and social position of LGBT people in the UK - changes that have been interconnected.

The legal position for lesbian, gay, bisexual and transgender people has undergone a revolution. Until 1967, male homosexual acts were simply illegal, and lesbianism was totally invisible. The process of decriminalisation of gay male sex, begun only partially in that year, was only completed after the election of the Labour Party to government in 1997. By 2008, following many further changes to both criminal and civil law, legal equality for lesbian, gay and bisexual people exists in almost every respect. Trans people won protection against discrimination in employment following a successful European Court challenge, and gained legal recognition for their acquired gender in 2004. Still without protection against discrimination in the provision of goods and services, trans people have been promised an end to this omission through forthcoming legislation designed to bring together into a single statute all the various primary and secondary anti-discrimination and equality laws and regulations.

The progressive development of legal equality has been important for the workplace, both because of the obligations placed upon employers, and because it has meant that the issues have been frequently in the news. This high profile for LGBT issues has been turned into concrete action through the increasing engagement of trade unions both on workplace issues, and in the broader equality agenda. The majority of trade union members now belong to organisations that give official status to LGBT structures internally, and recognise their own duty to work hard for equality both inside and outside the workplace, understanding the direct connection between workplace discrimination and social attitudes.

Despite legal reforms, discrimination has not ended nor has prejudice disappeared, although there have been many positive indicators. The evidence indicates that a much higher level of *tolerance* has been achieved than ten or, certainly, twenty years ago, without as yet having reached the point of full acceptance of LGBT people as equals.

Surveys suggest that there is now majority popular support for equality, but more conservative and hostile views remain and are deep rooted. (1) It is also highly likely that many of those who agree, in public, that discrimination on grounds of sexual orientation or gender

identity is wrong, continue to believe that being LGB or T is still inferior to 'normal' heterosexuality. Nonetheless, it is clear that there has been a dramatic change in public opinion over a very short period of time. When civil partnerships for same-sex couples were established in law in 2005, they were widely welcomed and partnership ceremonies for celebrities such as Elton John received positive media coverage even from newspapers that have always argued against equality (and in other areas, still do). On the other hand, other surveys carried out at the same time confirm that homophobic and transphobic bullying in educational institutions, and particularly in schools, has reached epidemic proportions. (2) The disjunction between this finding, and the overall social attitude survey, is striking, and how the two contrasting reports can be reconciled remains, at this time, a matter of speculation. The TUC and the British education unions are currently (2008) campaigning for firm government action designed to transform schools from being a base for reaction into a beacon of equality: to achieve this will involve challenging some well-established prejudices about young people and sexuality.

The most vigorous opposition to each of the recent equality measures has been voiced by leaders of religious organisations and churches (ranging from evangelical to Catholic, and embracing most religions), by the reactionary wing of the opposition Conservative Party, and by the extreme (neo-fascist) right. The change over the last decade is that these forces are now clearly a small minority: the *Living Together* survey confirmed that even the majority of those professing a faith supported equality. Whereas in the past, political debate in Parliament and comments in the media were dominated by reactionary arguments about 'the undermining of the family' and of 'traditional values', the public dialogue is now about 'equal treatment', 'recognising diversity' and 'social inclusion'. A large majority of mainstream politicians have adopted (at least in public) the new agenda. People seeking to represent the main political parties are now vulnerable to being rejected if they express anti-gay views that even a few years ago would not have been considered unacceptable. The leaderships of all the main parliamentary parties give public support to equality measures. Even the opponents of such laws now frequently begin their opposition by saying 'they too are against discrimination, but...'

Is the present climate a temporary phenomenon, would there be a retreat under a right-wing government? It can be anticipated that when the Conservative Party regains power, the reactionaries among its membership will feel empowered to express themselves more vigorously, and to demand that ministers respond to their agenda. However, most commentators are agreed that the national picture has indeed changed to such an extent that it is most unlikely that a different government would attempt to reverse the legal changes made during this period, although further progress would probably stop.

The British trade union movement has played a proud part in helping to achieve the current position. By lobbying government, and taking part in public campaigns, unions have represented a major component of the alliances also made up of political forces and non-governmental organisations that have come together to secure the legal reforms of the last decade. (3) These alliances have proved increasingly effective in winning the argument and influencing the detail of legislation. That there is a close constitutional relationship between some large unions and the ruling Labour Party has also helped considerably, although LGBT issues have been (of course) only one of a large number of issues on this agenda.

Alongside the internal labour movement relationship between the unions and the Labour

Party, the willingness of the trade unions to act independently in defence of LGBT rights has been an equally striking element of recent progress. For example, in 2004, seven unions coordinated by the TUC challenged the government in the High Court over the transposition of the European framework directive barring discrimination in employment and training. It is very rare for unions to challenge a Labour government in such a way, and it was over LGB equality. The result was, formally, a defeat, but in practice proved very important in narrowing the exemptions the government had proposed in their employment discrimination regulations. It led directly to equal access to pension survivor benefits being introduced into the next legislation, the Civil Partnership Act. In 2007, in another example of how seriously the unions took LGBT equality, the issue was whether or not the government would allow to the Catholic Church the right to exemption for their adoption agencies from the regulations outlawing discrimination in goods and services. The General Secretary of the TUC led a delegation to meet the minister responsible and helped secure that no such exemption was granted.

But trade unions are aware, too, that the consensus achieved among politicians at national level in support of non-discrimination (if not equality) is a long way from the reality that continues to exist in many workplaces. There is no quantitative evidence of the improvements gained in workplaces, and there have certainly been dramatic examples of good practice reported. This continues to develop. But there is also much evidence of continued discrimination and prejudice. We will examine the kind of issues facing LGBT workers, then look at strategies adopted by unions to deal with them.

Manchester Pride, 2005 - © speedym, SXC



The most important issues have been, and remain, for LGB workers: harassment, invisibility and exclusion. For trans workers, who also face these, there are other significant issues too.

There have been a number of surveys of the experience of LGBT workers and every survey has confirmed that the single most important issue, the single most important form of discrimination, has been harassment either by managers or by fellow workers. In its campaign to secure legal protection against discrimination, the TUC carried out a survey and published a report in 2000 in which more than forty % of respondents reported that they had faced discrimination at work and in almost every case this took the form of harassment. (4) Subsequent surveys have confirmed this continues to be the situation. The truth of this finding is also confirmed by the cases that are taken to Employment Tribunal using the regulations against sexual orientation discrimination. Although it has been acknowledged that for important reasons (see below) there have been very few cases that have gone as far as the tribunal, almost every reported case has involved harassment. (5) The form taken by this harassment has included repeated and offensive abuse from managers, sometimes forcing the victim to leave the employment, and routine, daily abuse, name-calling or anti-gay 'jokes' by managers or colleagues, creating a very unpleasant and unwelcoming atmosphere in the workplace for the LGB person. In extreme cases it has involved physical violence, or people being dismissed for other reasons that have been exposed by the tribunals as a cover for discrimination.

It might have been expected that such cases would happen chiefly in sectors of the economy where unions are weak and the prevailing ethos is one of aggressive male-dominated competitiveness. This stereotype is sometimes accurate - however, the reality is that harassment has been found to be as likely to happen in organisations with union representation and strong, inclusive equal opportunities policies, and in sectors where a different ethos prevails, for example the public sector. The homophobic attitude prevalent in schools already mentioned, for example, also makes life very difficult for many LGBT teachers and other staff working in that sector, but such a culture is not limited to education, and can be found anywhere across the public sector. The reality is that prejudice can be found in any workplace, and may lead to discrimination wherever it is not effectively challenged.

Harassment is experienced directly by those who are open about their sexuality in a discriminatory working environment. These are the people most likely to challenge the discriminator either through internal procedures, union engagement, or ultimately by taking a case to tribunal. Such a challenge is not an option for the many people who decide, for whatever reason, not to be open about their sexuality. By definition, it is not possible to quantify this. The reasons for non-disclosure vary from not wishing to stand out as different, to there being a prevalent homophobic culture and not feeling able to challenge it. Sometimes the LGBT person is not 'out' to family, neighbours or local community, and will not wish to imperil that secrecy. Sometimes they come from a conservative religious background where homosexuality is denounced as sinful, and will be having much difficulty trying to reconcile their sexuality with their beliefs. Each choice remains an individual decision, but the reality that many LGBT workers remain in the closet also serves to weaken efforts to transform hostile workplaces into LGBT-friendly ones. It reinforces the

argument that unions working with employers must try to make that change first, to make it possible for more workers to be open about their sexuality or gender identity. Understanding this has important consequences for union strategies.

There can be other issues as well, many of them also dependant on the worker being willing to be open with managers and colleagues about their lives. The law makes it illegal to deny someone access to the same benefits as are available to their heterosexual colleagues. But to ask for time off to visit a sick partner or to make arrangements to bring such a partner to a workplace social event must involve the worker 'coming out'. The same problem of creating a 'LGBT-friendly' workplace therefore also determines whether individual workers feel able to access benefits to which they are entitled by law.

For trans workers, the problem of harassment originating in prejudice and ignorance is also significant. It is also less likely, however, that a trans person determined to act towards living in their preferred gender would be able to take refuge in invisibility. There is no choice but to discuss the relevant issues with the manager, in particular if the person is planning to undergo gender reassignment surgery. But even if they are not, a decision to present in the opposite gender requires decisions by the manager. During these periods, such apparently simple questions as which toilet the trans person will use have been a frequent source of conflict, as union officers repeatedly report.

For both groups of workers, there has been a problem of lack of numerical weight. The trans community is very small and there are unlikely to be any trans workers in the majority of workplaces. It can therefore be difficult to persuade employers that they should adopt specific policies in advance of there being a real person involved. For LGB workers, for whom invisibility is much easier, the problem of convincing the employer to act can be the same. To challenge this invisibility, employers are being asked increasingly to include questions on sexual orientation and gender identity in their employee monitoring schemes. Only a small proportion currently does so but it is a growing trend. When the TUC first published advice to unions on monitoring, the tone was cautious because of the risk of very low returns so that no benefit would result. Now, as the national picture continues to improve, it is planned to publish more positive guidance. The same arguments apply for LGBT workers as with monitoring for race, gender and disability. Without data, it will be difficult to know whether workers are receiving fair treatment. Unlike the other categories of monitoring, however, there may still be powerful resistance to being asked such a question. The TUC's advice on monitoring will continue to stress the great importance of an employer having a clear idea of what they will do with the data, and explaining this carefully to their workforce.

Challenging workplace discrimination successfully means having the objective of creating a LGBT-friendly workplace. The laws exist to prevent discrimination, but the main objective for unions must be to see discrimination eliminated without having to go to tribunal. There are two essential, and related, components to achieving this objective: positive policies and actions by the employer, and a voice for LGBT workers. They are related because experience shows that neither employers nor (sometimes) union negotiators necessarily understand what steps they need to take.

Unions are recommended to ensure that employers promote their organisations as LGBT-friendly. This means presenting an image of the employer as one who welcomes LGBT peo-

ple, starting with their equal opportunities policy and their recruitment material. Proper training for all their managers is of paramount importance in explaining the need to avoid heterosexist assumptions. Conditions of employment need to ensure non-discrimination, but also to go further, and to use appropriate language to demonstrate the commitment to LGBT equality in all the organisation's policies and procedures. Specific procedures need to be put in place for when trans employees choose to transition. Firm action needs to be taken to deal with any harassment. Such steps will be more effectively argued for if the negotiators have the benefit of advice from LGBT people themselves.

In Britain, there is a strong tradition of people who face discrimination organising themselves to challenge it, and this tradition has been copied into the trade union movement. Policies in the unions were won largely because LGB (the T has been a late addition in most cases) members came together to demand change, and won the argument. Similarly, within the TUC, there is an annual LGBT conference that debates policy and elects a committee to advise the TUC on LGBT issues. The result is that what the TUC, and individual unions, campaign for arises directly from the experience and decisions of LGBT trade unionists themselves. From these forums comes advice on a wide range of workplace issues and expertise and examples of ways of dealing with them. This expertise finds its way into trade union practice through training for union officials and workplace representatives and through the publication of advice both by the TUC and by individual unions. The TUC's education wing, Unionlearn, published a handbook (*Out at Work*, 2006) for use by tutors in trade union education. Larger individual unions do the same.

Some unions encourage the development of LGBT members' groups within their structures at regional and local levels. Where there are local groups, they can influence directly what issues are negotiated with the employer, and can help to monitor the implementation of policies. Meanwhile, in some larger workplaces, there are LGBT networks. This is the route preferred by the lobby group Stonewall, which devotes its attention to working with employers at boardroom level. While trade unions welcome the setting up of LGBT employee networks, and often participate in them, nonetheless valid concerns have been expressed that this approach encourages the employer to avoid the normal negotiating channel with the recognised trade unions, instead choosing to discuss with self-appointed and unaccountable spokespersons. From a trade union viewpoint, this is a trend that must be resisted.

For all the great progress that has been made in the last ten years, it remains the truth that much remains to be done if LGBT equality is to be firmly established at the workplace. Most employers in the UK do not recognise LGBT issues at all in their employment policies, even if they have an overall equal opportunities policy. A large proportion of workers, especially in the private sector and those working for small and medium size companies, are not union members. And not all unions have yet understood the need to take action within their own policies and structures to ensure that LGBT issues are integrated into their work on behalf of members. But if the progress made in the last ten years can be maintained, then the next decade should see both the consolidation of existing progress and its much more effective mainstreaming. The greatest dangers to such a development might lie in a change of government, or in a weakening of the role and effectiveness of trade unions.

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Notes

- (1) *Living Together, British attitudes to lesbian and gay people*, Stonewall, 2007, found that 93% of a survey of 2,000 people supported laws to protect against discrimination, and sixty % believed lesbians and gay men should be able to be open about their sexuality.
- (2) For example, Ruth Hunt, Johan Jensen, *The School Report: the experiences of young gay people in Britain's Schools*, Stonewall, 2007. Similar findings have been established through studies of the position for trans people in education, and by studies of post-sixteen education.
- (3) There were closely coordinated campaign activities between the TUC, the LGB lobby group Stonewall, the Labour Campaign for Lesbian and Gay Rights (now called LGBT-Labour), and Labour Party MPs to secure victory over pensions equality and goods and services.
- (4) Published as *Straight Up!*, and available from the TUC website, www.tuc.org.uk/equality.
- (5) One of the few that differed was an important case that tested the interpretation of the exemptions for religious organisations in the law. It was found (2007) that the Bishop of Hereford *had* discriminated unlawfully by refusing a job as a youth worker to a gay man on grounds of his sexuality.

United by Love, Exiled by Law: Immigration and Same-Sex Couples

Martha McDevitt-Pugh

Martha McDevitt-Pugh is a love exile, a term she coined herself when she realized that there was nothing free about her choice to live with her partner Lin in the Netherlands. At age 40, she fell in love with a friend she had met seventeen years earlier. The couple negotiated an agreement to live together in the Netherlands for two years, until Lin's son had finished high school. Martha left a flourishing career in Silicon Valley, expecting to return. Only once she left did Martha discover the immigration discrimination laws in the USA meant that her temporary absence might lead to permanent exile, unless she banded together with others to make change happen.

Binational couples and families are all around us. The neighbour married to a Swede, your Pakistani colleague with a Dutch partner, the kid you grew up with who had a mother from Costa Rica. Multicultural families are a fact of life because migration has been going on for centuries and was further stimulated to fill the gap during post-war labour shortages. Inevitably, couples from different countries or cultural backgrounds met, fell in love and form families. In the meantime, low-cost travel and tourism, along with the rise of the internet, has created ever-more abundant opportunities to meet a partner from another country. It is not unusual today to meet couples who dated online before meeting in person.

If you are a heterosexual couple from different countries and are married or engaged to be married, immigration law typically recognizes your relationship. A number of countries also recognize unmarried heterosexual partners. Recognition of heterosexual couples in family immigration law makes it possible to sponsor a partner or spouse under family reunification provisions.

If your partner is of the same-sex, however, family reunification is only available in nineteen (1) countries, and in some of them the provisions are inferior to those provided to different sex couples. For example, the relationship of an Austrian gay man or lesbian with a Canadian partner is recognized in Canada, but not in Austria. The Canadian partner can sponsor the Austrian for Canadian residency, and the Canadian legal system treats the couple as any other family. They can choose to marry, or not, and if they are able to meet the immigration criteria, the Austrian can pack his or her bags and move to Canada once the immigration process is complete.

Imagine for a moment that the same Austrian falls in love with a US citizen who lives in a small town in Vermont, just 50 kilometres from the Canadian border. Vermont was the first US state to recognize same-sex relationships in 2000 when civil unions were introduced. Great! So the Austrian and American can enter into a Vermont civil union and be recognized as a family, just like in Canada, right?

Welcome to the world of separate but equal recognition of relationships. Our Canadian-

Austrian couple has a variety of options under which their relationship may be recognized: they can marry just as any heterosexual couple, or they can ask that their unmarried partnership be recognized. Our US-Austrian couple, on the other hand, can declare their love for each other and make a legal commitment in the form of a Vermont civil union - or even head over the Canadian border and legally marry - but their civil union is valid only in states and countries that recognize same-sex Vermont civil unions. Once they cross the border from Vermont into New Hampshire, their civil union and the protections it provides are no longer recognized. Even back home in Vermont (or Massachusetts, where same-sex couples can legally marry), US federal agencies are prohibited from recognizing their civil union since President Clinton signed the Defense of Marriage Act (DOMA) in 1996.

DOMA defines marriage as a legal union of one man and one woman. It prohibits the United States federal government from recognizing same-sex relationships and providing benefits to same-sex partners. At the time the law was passed, it was anticipated that a US state would open marriage to same-sex couples and that other states would be required to recognize such marriages, as required by the US Constitution. As a result of DOMA, states are not required to recognize same-sex unions from other states. This means that a Vermont civil union does not provide any federal benefits, such as the right to sponsor a partner for immigration or to collect a partner's social security benefits. Same-sex marriages performed in Massachusetts, Canada or one of the other countries where gay and lesbian couples can marry, are also not valid for federal benefits because of DOMA.

New couples courageous enough to start a relationship with someone from another country have a number of challenges to face. The logistics of international visits may be complex, but couples who decide they want to be together face another challenge: choosing a home country. Will it be your country, mine or do we need to search for a country that will have us?

Immigration and Recognition

The right to sponsor a foreign spouse for residency is one of the more than 1,000 rights associated with marriage. In countries like the Netherlands and Belgium, concubinage laws have long made it possible to sponsor a non-spouse. These laws provided a pathway for gays and lesbians to sponsor their partners under existing immigration law. It was the willingness to use concubinage law that made the Netherlands one of the first countries to allow its citizens and residents to legally unite with their foreign partners, regardless of their sexual orientation.

Since the 1990s, many other countries followed: Germany and the UK revised their immigration laws to recognize same-sex partners. The UK initially created a special law, the Unmarried Partners Rule, which required that partners live together for two years before they were eligible for immigration. This law was a classic Catch-22 for many couples: you had to live together for two years to be eligible, but you were not allowed to live together in the UK or often your home country. Until the law changed in 2005 with the Civil Partnership Act, many couples had to rely on onerous and expensive workarounds, such as attending a UK university on a student visa in order to live together for two years, at which time they could apply under the Unmarried Partners Rule. Even more dramatically, one couple from

258 the US and UK moved to Argentina for two years, teaching English while living together for two years, leaving behind their jobs and one partner's children. The financial and emotional cost of such ad hoc solutions is huge, both for the couple, their families, employers and communities.

Navigating Less than Equal Laws

Gays and lesbians with foreign partners find themselves in a complicated legal situation, having to navigate their way through special laws that provide workarounds to the less-than-equal immigration situation. In only a few countries (Netherlands, Canada, Belgium, Spain, and South Africa) is immigration as simple as for heterosexuals, who can marry and thus provide evidence of a committed relationship. If you fall in love with someone from a country where same-sex relationships are recognized for immigration purposes, you have mobility. But if you are a citizen of countries such as Italy, Russia or the United States, falling in love might at best mean leaving the country with no prospects of returning. Many couples who cannot gain recognition for their relationship in either of their home countries seek immigration in a third country that would grant residency through employment or ancestry, which means building a new life in a country where neither partner has family or roots.

Even in countries that have nearly equal provisions for same-sex couples, such as the UK's Civil Partnerships, understanding how the law works and the options available can be bewildering. Most people don't expect to fall in love with a foreigner, and have to educate themselves about immigration law at the same time they are building a relationship with someone from another culture, dealing with cultural differences and different ways of communicating, in-laws and extended family, and the financial and economic aspects of having two countries. Few support structures are available to help couples find their own ad hoc solutions to get around the lack of family recognition of same-sex relationships.

Recent European Union legislation, the Directive on Free Movement Rights for EU Citizens and their Family Members (Directive 2004/58), defines rules for recognition of families of EU citizens for immigration to member states. The directive makes it possible for EU citizens and their families to move within the EU for work, education and retirement. Implementation has opened the way for recognition of same-sex couples for immigration purposes in countries such as Ireland. In some countries, however, same-sex couples may need to take their cases to the European Court to gain rights under this legislation. (2)

Pushing for Change

Lesbian, Gay, Bisexual and Transgender (LGBT) organisations have been working to change immigration laws for several decades, often with success. Even a country such as Australia, which largely does not recognize same-sex couples for any purpose, permits a citizen to sponsor a same-sex partner for immigration. As the LGBT movement has focused on extending the range of rights available to same-sex couples - such as pension and other state benefits, adoption, and the right to marry - immigration is often one of the first rights granted.

It was within this context of expansion of rights for same-sex couples in many countries - marriage rights in the Netherlands (2001), Belgium and Canada (2003), immigration rights in Germany and the UK, and the 'Pacte Civil de Solidarité (PACS)' in France - that the Love Exiles Foundation was established in 2002. Same-sex couples and their families were gaining rights and mobility for the first time in a growing number of countries in Western Europe, Australia, New Zealand and Canada. These rights contrasted dramatically with the lack of recognition in neighbouring countries, such as the United States and most of southern and eastern Europe.

Love Exiles began as a celebration of the lives of LGBT immigrants and the people who support them in their lives. Its roots are in the Netherlands, where a group of Dutch-US gay and lesbian couples had been meeting socially for dinners for more than ten years. The potluck dinners served to break through the isolation of LGBT immigrants and their Dutch partners, providing valuable opportunities to share stories and strategies and providing a social support network. The community was the inspiration for creating the Love Exiles Foundation: people working together create visibility, and the possibility to support each other and be a powerful force in advocating for change.

The Exile Community

The US is the largest western country that does not allow citizens and residents to sponsor a same-sex partner for immigration. (3) US gays and lesbians are increasingly travelling abroad for work and pleasure and meeting foreign partners online. Living in a country populated by immigration, nearly all US gays and lesbians are surprised and shocked to learn that only a partner who qualifies for a 'green card' (permanent residency) via sponsorship by an employer or family member (parent or child) will be able to permanently join them. A partner who does not have a profession that qualifies him or her for an employment visa may be eligible for a temporary work or student visa - or may choose the risky route of staying illegally - but permanent residency is not an option. Most binational couples face a rocky pathway together as they learn about the laws that allow some couples and families to unite across borders, denying access to others.

LGBT organisations are working in the United States to advocate for legislation that would unite families without regard to the partners' gender. The Uniting American Families Act (UAFSA) and its predecessor the Permanent Partners Immigration Act would amend US law to include same-sex partners in family reunification law. The legislation gained significant support in the past, but was stalled in the Republican-dominated US Congress until the Democrats regained control in 2006. Many LGBT binational couples are working to support the legislation and to keep their partners in the United States via whatever legal means available to them. (4) Some have succeeded in gaining permanent residency through employer sponsorship, which can cost an employer up to \$50,000. For those not fortunate enough to have an employer willing to sponsor the foreign partner for a green card, the support of organizations such as Immigration Equality, Love Sees No Borders, the National Center for Lesbian Rights and Out4Immigration, provide hope for a solution in the near future. These US-based organisations are active at a national and local level and support couples urgently in need of advice and legal referrals. They also have an important role in educating the public

and legislators about the growing problem of LGBT US families facing emigration, long-term separation, illegal status and deportation.

In the meantime, many US gays and lesbians had already fallen in love and left the country to join their partners in Europe, Australia, New Zealand or Canada. These emigrants, or 'love exiles' are invisible once they leave their homes. US citizens abroad are not counted in the US census. As a result, there is no way of knowing precisely how many love exiles have been forced out of the United States. New immigrants are often isolated as they work to establish a life in a new country, which furthers their invisibility. They experience their situation as personal rather than as an issue affecting an entire community, and focus their efforts on finding jobs, careers, homes and integrating in the new culture. They often face financial hardship due to job and career issues. It can be difficult to find a job in a new country and deal with language barriers; exiles in professional careers often have to choose between going back to school because their education is not recognized or leaving behind their professional career and starting in a new field. This is a particular problem for exiles who are in the middle of their careers. It is no surprise that binational couples experience stress and anger due to their situation, which can lead to depression, difficulty integrating in a new culture and health problems.

The Love Exiles Foundation addresses the problems created by lack of immigration rights by creating communities of LGBT people who had travelled across the world to be with the person they love. Exile couples face the challenges of leaving behind home, family, jobs, communities, and creating a new life. Many have succeeded in establishing careers, new businesses, integrating in new communities and families, and creating families of their own. Creating a love exiles community has provided opportunities to raise public awareness in Europe and North America about immigration inequality and to work for inclusive immigration laws.

Virtual Communities

Love Exiles was launched at a gala Thanksgiving dinner in Amsterdam in November 2002 attended by seventy exiles and their friends and families. Speakers included the chairman of the local district council and parliamentarian Boris Dittrich. The celebration acknowledged Dittrich for his pioneering role in making the Netherlands the first country in the world to grant equal marriage rights to same-sex couples. Press releases were circulated and links were established with partner organizations working for equality in other countries. And, even as volunteers were making final preparations the night before the gala dinner, the word of the Love Exiles launch reached outside the Netherlands. An EU citizen with a US partner living in London phoned to ask how he could set up a Love Exiles chapter in the UK. The first virtual community was established online as a Yahoo group, giving exiles and those interested in finding out more about living in exile an opportunity to exchange valuable information and contacts.

Since 2002, Love Exiles communities have been set up in Canada, Germany, Australia and Spain. Love Exiles Canada supports the many LGBT people who look to Canada, which has a point-based system to attract skilled immigrants and equal recognition of all couples. While this virtual community attracts many US couples with foreign partners who are hoping to make a home just across the US border, Love Exiles supports all LGBT couples looking for a

country where they can legally be together. Inquiries come in from all over the world. Many couples hope desperately to find a home in the UK, Canada or the Netherlands, which have a reputation for being gay-friendly. Sadly, few couples are able to meet the criteria and gather the resources to unite in a third country.

Engaging on LGBT Rights

Virtual and local communities are a valuable and necessary tool in supporting and empowering binational LGBT couples. Local communities organize events to inform and educate the love exiles community and engage outside the community. For example, Love Exiles organized two meetings with the US Consul in the Netherlands, which were two-way dialogs sharing information about the experience of exiles with the US government, while learning about US immigration law and visa categories. The Consul General answered questions on topics such as adoption, problems LGBT couples face entering the US on the visa waiver program, and potential risks of hiding your same-sex relationship at the US border. She recommended that binational couples enter the US together and be open with the immigration officer about their relationship, resulting in community members having less anxiety and a better experience travelling through US immigration.

Love Exiles also engages with political parties that support equality for all families. Democrats Abroad, the expatriate branch of the US Democratic Party, has organized forums on 'Love in Exile' in Paris, Madrid and Barcelona. The forums were opportunities for US citizens abroad to learn about the challenges faced by LGBT Americans with foreign partners and to discuss strategies for legislative change. Many American expatriates were hearing for the first time about the struggles of their LGBT compatriots and were outraged at the injustice of denying American families access to US residency. Coverage in major media, such as Spain's *El Pais*, brought the issue to a wider audience. Love Exiles spoke in 2007 at the Democratic National Committee meeting in Washington, coordinating strategies with the party's GLBT and Women's Caucus members and speaking at a forum organized by Young Democrats of America. Love Exiles also participates in the Democrats Abroad Policy Group on Family Issues.

Immigration is also a corporate issue. Multinational corporations with US operations cannot freely move staff as needed into the United States, if the employee has a same-sex partner. Corporations lose staff when US LGBT employees fall in love with a foreign citizen and go into exile. This 'brain drain' of US talent impedes the competitiveness of corporations. Love Exiles works with LGBT networks in major corporations to raise awareness of this issue and work for inclusive human resource and relocation policies that provide benefits and support to employees in same-sex relationships. In the Netherlands, Love Exiles works with the Company Pride Platform gay and lesbian associations at Dutch multinationals ING Group, Shell, TNT and IBM.

Impact on Families and Communities

Focusing attention and creating visibility for love exiles has shown how deeply the gap in immigration law affects the wider community. Many US gays and lesbians with foreign part-

ners who are unable to live in exile include those with elderly parents who need care. One Norwegian-US couple have spent three years and considerable expense preparing their immigration to Canada, because the US citizen is an only child and has two elderly parents who she can better care for from Canada than from Norway. Cases like this show that the lack of humanity of governments that refuse to recognize same-sex relationships affects not just the couples themselves but their families. A US citizen living in Thailand expressed the dilemma his family faces: 'If the US recognized same-sex relationships like ours for the purpose of immigration, it would make for stronger families. My parents are now in their eighties. It's time for Tom and I to go care for them. What can we do?' (5)

With same-sex relationships still unrecognized in more than 170 countries, LGBT people will continue to go into exile until equal rights are extended globally. Companies will lose talented staff and countries will educate their people only to lose them to exile. Sending citizens into exile tears apart families and hurts communities. Recognizing LGBT couples is an opportunity to strengthen the social fabric that holds together a society. As one family member put it:

'I am a married, Catholic, mother of three in the beautiful state of California. We live a simple but fulfilling life. We enjoy spending our time with family and friends. Unfortunately, some of our family is not able to be with us because our government is too archaic to understand that love has no boundaries.

Love moves from person to person, not looking for the "appropriate" gender. It looks for those individuals who will receive it and give it. Love is something you give to someone, hoping they will care for it, cherish it and return it to you twice the size. My sisters-in-law share this love. It's sad that they can't be here with their family every day. We miss them terribly. We are grateful to the Netherlands government for understanding their love and commitment to each other and allowing them to receive all the rights offered to any married couple.' (6)

Until all families have the right to freely choose which of their home countries to live in, the Love Exiles Foundation will continue to work for equal access to immigration for LGBT people.

Martha McDevitt-Pugh is the Founder and Chair of the Netherlands-based Love Exiles Foundation. She is also a member of the steering group of the Gay and Lesbian Association (GALA) at ING Group, where she works as a senior business project manager.

Notes

- (1) Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Switzerland and the United Kingdom.
- (2) For guidelines for same-sex couples, refer to ILGA-Europe's publication, *EU Directive on Free Movement and Same-Sex Families: Guidelines on the Implementation Process*, October 2005.
- (3) An excellent resource is the Human Rights Watch/Immigration Equality 2005 report: *Family*

Unvalued: Discrimination, Denial, and the Fate of Binational Same-Sex Couples under U.S. Law.

263

- (4) Not long ago, the only option for many same-sex couples to be together was for one to live illegally in the other's country. As LGBT people gain more rights, more and more couples are refusing to break the law and demanding legal status.
- (5) Email sent to the Love Exiles Foundation by a US citizen with a Thai partner.
- (6) Letter from Jeannie McDevitt to Amsterdam Mayor Job Cohen on the 5-year anniversary of same-sex marriage in the Netherlands, <http://wijgaanonsectverbinden.nl/boekje.pdf>

Resources

Love Exiles Foundation: www.loveexiles.org

Immigration Equality: www.immigrationequality.org

Human Rights Watch: www.hrw.org

Out4Immigration: www.out4immigration.org

ILGA Europe: www.ilga-europe.org

Company Pride Platform: www.companyprideplatform.nl

‘The Greenwood’ in *Maurice* and *Brokeback Mountain*

The Sorrowful Farewell of a Hope-giving Metaphor

André Hielkema

Maurice (1987) and *Brokeback Mountain* (2005) have been two very successful films of the last twenty years (1) bringing developments in the struggle of the gay liberation movement in the West to the forefront in a remarkable way. Both are named after the literary works on which they are based: *Maurice* by E.M. Forster (1879-1970) which was written in 1913-1914 and published in 1971 and the novella *Brokeback Mountain* (published as a story in 1997 in *The New Yorker*) by Annie Proulx (born in 1935 and living in Wyoming since 1994). These films and stories are alike in a number of ways. ‘They’re about being gay and in love in a world of misunderstanding and prejudice. *Maurice* and *Brokeback* both say there’s no choice about who you are, who you love - there’s only a choice of what you do about it,’ observed American film critic John Teegarden. (2) In this article, we will compare these two stories and investigate the correlations Teegarden highlighted. In light of current homophobia and homosexual intolerance, ‘the greenwood’ stemming from Forster’s book, forms a central theme.

A Hypothetical Gay-positive Space

Homosexuality’s long history of being regarded as something ‘weird’ and ‘exceptional’ will be glossed over. Our starting point is the 1970s, when the gay liberation movement was already underway. In a very few countries ‘coming out’ no longer meant exchanging a miserable, secret existence for that of a pariah, socially rejected if not persecuted. In some western countries it had become possible for gays and lesbians to come out of the closet and attempt to seek happiness. Although they found themselves in difficult circumstances, there was improvement. While the situation was still extremely fragile, there was talk of real change.

At that point, the change in public opinion on the right of gays and lesbians to exist made it clear to gay writers and their readerships that same sex love must be portrayed in a positive light. More specifically, it meant that literary role models had to be created that portrayed gays and lesbians trying to lead a happy life. Of course, this could only be possible after their self-acceptance, their ‘coming out’, and becoming liberated. Gregory Woods, UK’s first professor of lesbian and gay studies, at Nottingham Trent University, depicts this development as follows: ‘From the late 1960s to the early 1980s, nothing so severely limited the range of our gay novelists as the imperative to provide relentlessly positive images and unambigu-

ously happy endings. Anything less would have been dismissed by gay reviewers as negative at best, at worst self-hating. All signs of unhappiness had to be given causes which were clearly distinguished from homosexuality itself.' (3)

Forster was already thoroughly aware of this in 1913 when he began his novel *Maurice* (4), which focussed on the personal development of a gay and well-to-do stockbroker who, after years of inner torment, accepts himself and finally enters into a lasting relationship with a gamekeeper called Alec. In the afterword of the novel (posthumously published in 1971) Forster wrote, 'A happy ending was imperative. I shouldn't have bothered to write otherwise. I was determined that in fiction anyway two men should fall in love and remain in it for the ever and ever that fiction allows, and in this sense Maurice and Alec still roam the greenwood. (...) Happiness is its keynote - which by the way (...) has made the book more difficult to publish. (...) If it ended unhappily, with a lad dangling from a noose or with a suicide pact, all would be well (...). But the lovers get away unpunished and consequently recommend crime.' (5)

How do Maurice and Alec find happiness? Well, they turn to nature, to 'the greenwood'. Maurice made up his mind about this during a conversation with his psychiatrist/ hypnotherapist, who earlier in the novel had tried to 'heal' him of his homosexuality and said to him: '(...) you must remember that your type was once put to death in England.' Maurice answers: 'Was it really? On the other hand, they could run away. England wasn't all built over and policed. Men of my sort could take to the greenwood.' (6) At the end of the book that is precisely what happens. Maurice and Alec disappear and no one sees them again. 'Maurice (...) leaving no trace of his presence...' (7)

In the afterword, composed in 1960, Forster tells us that during the novel's re-drafting process (which occurred between 1914 and that year) he had considered adding an epilogue in which Maurice's sister meets two woodcutters: her brother and his boyfriend? However, he found it too far-fetched since the era of being able to escape to 'the greenwood' would have long passed. According to Forster, 1912, the year *Maurice* ends, was more or less 'the last moment of the greenwood'. (8) 'Our greenwood ended catastrophically and inevitably,' he explains in his afterword. 'Two great wars demanded and bequeathed regimentation that the public services adopted and extended, science lent her aid, and the wildness of our island, never extensive, was stamped upon and built over and patrolled in no time. There is no forest or fell to escape to today, no cave in which to curl up, no deserted valley for those who wish to neither reform nor corrupt society, but to be left alone.' (9)

Nevertheless Maurice and Alec found their getaway in 1912 in 'the greenwood'. This escape envisioned by Forster was impossible for subsequent gay 'fellow-sufferers'. In fact, it is arguable that Forster was not in a position to be able to end his novel with a chapter where he allows his readers to see his main characters happy together in 'the greenwood'. He had given the book a goal. 'Happiness is its keynote'. But he couldn't forge a real image of this. This is a disturbing conclusion. It no longer seems meaningful, on arriving at this point in the story, to depict 'the greenwood' as unadulterated nature, woodland, caves, uninhabited valleys, a genuine escape route. 'The greenwood' is perhaps better seen as a *symbol* representing a possibility for gays and lesbians to obtain happiness.

The American writer David Leavitt devotes a notable passage to this question in his novel *The Page Turner* (1998). (10) Its main character asks a friend who has just read *Maurice* what he thinks of Forster's work. This friend replies: 'I liked everything except the ending. Probably

I'm sceptical, but the fact that you never get to hear what actually happens to Maurice and Alec after they run away together doesn't sit well with me. Besides, what *is* a greenwood?... According to my professor, it comes from Edward Carpenter. He was this queer philosopher who basically left the world and went off with his lover George Merrill to be woodcutters together.' (11) Leavitt's protagonist rejoins, 'Left the world? Is that possible?' The friend answers: 'Maybe then. But it doesn't matter, my professor says, because for men of Forster's generation the greenwood was a hypothetical gay-positive space they had to posit in order to will it into being.' (12)

Jon Harned, professor of English Literature at the University of Houston (Downtown), has another elaboration on this idea. (13) He finds the ending of *Maurice* sound: 'The novel's conclusion is satisfying as well in that the retreat of the two lovers into a vague, primordial "greenwood" (...) bespeaks in its very indefiniteness, Maurice's hard-won recognition that he has no preordained identity as a homosexual, that he must create one for himself and those around him as members of oppressed classes.' Different to, for example, Hirschfeld in Germany and Schorer, the Dutch pioneer of gay liberation in the interwar years (see more on Schorer elsewhere in this book). In *Maurice*, Forster didn't make use of the homosexual identity that had been literally 'composed' shortly before 1900 (14), and which indeed made it possible for gays and lesbians to request their right to exist from the 'enemy' society, but at the same time branded them as wrong souls in faulty bodies. Harned declares that *Maurice* 'does not represent homosexual desire as the essence of a timeless identity or homosexuality as one of two mutually exclusive sexual categories'.

'The novel does not end with Maurice's "coming out", his finding out the truth of his sexuality within himself,' Harned continues. 'The lower-class, bisexual Alec and the middle-class, homosexual Maurice must improvise a new kind of relationship out of the similarities and the differences in their experiences. The mysterious greenwood symbolizes not the nostalgic illusion of an original plenitude but the very lack of identity.' Harned's conclusion that we mustn't see 'the greenwood' as a destroyed English Arcadia, but as a postponement or renunciation of Maurice's acceptance of a clear-cut homosexual identity, brings us on the one hand to an end-point, namely that of Maurice and Alec disappearing and the reader/viewer seeing nothing of their happiness. On the other hand it also brings us to a new beginning, namely the film/novella, *Brokeback Mountain*. Here, 'the greenwood' - that is to say the connected subject matter of the undefined power of attraction between those of the same sex and its impossibility within society, and nature, the lonely wilderness, as a seductive way out - is even more central than in *Maurice*. (15)

And I don't want a be dead

Brokeback Mountain is about two poor farm hands, Jack and Ennis, 'both high school dropout country boys with no prospects' (16) who meet in the summer of 1963 whilst shepherding sheep on the slopes of Brokeback Mountain in the American state of Wyoming. They fall in love with each other and begin a sexual relationship. They are not even twenty years old. They are not real cowboys because they don't actually drive cattle. They would talk to each other: 'They were respectful of each other's opinions, each glad to have a companion where

none had been expected.' (17) After that summer season in the mountains they go their different ways and do what is expected of them in the American countryside: they marry and have kids. Around this time Jack moves 1,200 miles further south, to Texas.

This doesn't undermine the fact that their longings for each other remain intact and will eventually take over their whole life. After four years they see each other again and in the course of time make a tradition of going on fishing trips every once in a while, to the mountains of Wyoming (but never again to the slopes of Brokeback Mountain). Those weeks - they don't catch one single fish - once or twice a year, are the only moments where they can live out their love for one another, in secret. This is their tragedy and so it goes on for twenty years until Jack dies in an accident at 39 years old. Ennis is left behind. He is still a farm hand, in the meantime getting divorced. He lives in a trailer and lives a life that he doesn't actually want. He clings onto an old shirt of his and one of Jack's that they had worn on Brokeback Mountain back in 1963 when they were herding the sheep. He's also buys a postcard of Brokeback Mountain.

At the beginning of their relationship on Brokeback Mountain, Jack and Ennis are completely dazed by their feelings for one another. They can't find a name for it: "They never talked about the sex, [they] let it happen, at first only in the tent at night, then in the full daylight with the hot sun striking down, and at evening in the fire glow, quick, rough, laughing and snorting, no lack of noises, but saying not a goddamn word except once Ennis said, "I'm not no queer," and Jack jumped in with "Me neither. A one-shot thing. Nobody's business but ours.'" (18)

When they get together again four years later, this question still lies central. Ennis: "You know, I was sitting up here all that time tryin to figure out if I was, I know I ain't. I mean here we both got wives and kids, right? I like doin it with women, yeah, but Jesus H., ain't nothin like this. I never had no thoughts a doin it with another guy except I sure wrang it out a hunderd times thinkin about you." (19)

Jack wants to be clear about things, how to proceed with the situation, but Ennis sees few possibilities for the future. Jack suggests then for the first time that they seek their salvation in 'the greenwood': "Listen. I'm thinkin, tell you what, if you and me had a little ranch together, little cow and calf operation, your horses, it'd be some sweet life." (20) But at once Ennis reacts negatively; 'the greenwood' is the last place he wants to escape to with Jack. He illustrates his response with a gruesome story, that guides for both the novella and the film.

"It ain't goin a be that way. We can't. I'm stuck with what I got, caught in my own loop. Can't get out of it. Jack, I don't want a be like them guys you see around sometimes. And I don't want a be dead. There was these two old guys ranched together down home, Earl and Rich - Dad would pass a remark when he seen them. They was a joke even though they was pretty tough old birds. I was what, nine years old and they found Earl dead in a irrigation ditch. They'd took a tire iron to him, spurred him up, drug him around by his dick until it pulled off, just bloody pulp. What the tire iron done looked like pieces a burned tomatoes all over him, nose tore down from skiddin on gravel."

"You seen that?"

"Dad made sure I seen it. Took me to see it. (...) Dad laughed about it. Hell, for all I know he done the job. If he was alive and was to put his head in that door right now you bet he'd go get his tire iron. Two guys livin together? No. All I can see is we get together once in a while way the hell out the back a nowhere -"

"How much is once in a while?" said Jack. "Once in a while ever four fuckin years?"

"No,' said Ennis (...). I goddamn hate it that you're goin a drive away in the mornin and I'm goin back to work. But if you can't fix it you got a stand it," he said.' (21)

Jack doubts, wrongly, if such gruesome deeds really do take place in Wyoming just because of two men living together. The city - he suggests Denver - could perhaps offer a way out. (22) Ennis doesn't take him up on it and there are no further encounters other than the 'fishing trips' twice a year. And so it goes on till May 1983. Jack and Ennis go on a camping trip riding through the countryside on horseback and arrange to meet up there again that August, but Ennis has to postpone the trip till November due to his work on the ranch. Jack is really unhappy about this, and Ennis asks if maybe he has some other solution.

Jack: 'I did once.' With that he harks back to his proposal of 1967 when he had suggested finding lasting happiness together in 'the greenwood'. Jack: 'Tell you what, we could a had a good life together, a fuckin' real good life. You wouldn't do it, Ennis, so what we got now is Brokeback Mountain. Everything built on that. It's all we got, boy, fuckin' all (...) Count the damn few times we been together in twenty years. Measure the fuckin short leash you keep me on (...) you got no fuckin' idea how bad it gets. I'm not you. I can't make it on a couple a high-altitude fucks once or twice a year. You're too much for me, Ennis, you son of a whore-son bitch. I wish I knew how to quit you.' (23) Although Ennis is shocked by this he knows that Jack's lament is nothing new, and with the angry outburst: 'nothing ended, nothing begun, nothing resolved...' (24) It is the last time they speak.

After Jack's death Ennis visits his parents and 'the greenwood' is again a topic. Jack's father, a rancher, says: 'I can't get no help out here. Jack used a say, "Ennis del Mar;" he used a say, "I'm goin a bring him up here one a these days and we'll lick this damn ranch into shape." He had some half-baked idea the two a you was goin' a move up here, build a log cabin and help me run this ranch and bring it up. Then, this spring he's got another one's goin a come up here with him and build a place and help run the ranch, some ranch neighbor a his from down in Texas. He's goin a split up with his wife and come back here. So he says. But like most a Jack's ideas it never come to pass.' (25) Ennis takes the two shirts that Jack had kept in his childhood home for twenty years.

If you can't fix it you gotta stand it

Brokeback Mountain, and in particular the film, is considered as a masterly but woeful document of the icy homophobia of American rural community, and Proulx has confirmed that this is precisely what she wanted to condemn in her novella. On the occasion of the publication of the *Brokeback Mountain* film script she writes: 'It is a story of destructive rural homophobia. Although there are many places in Wyoming where gay men did and do live together in harmony with the community, it should not be forgotten that a year after this story was published Matthew Shepard was tied to a buck fence outside the most enlightened town in the state, Laramie, home of the University of Wyoming.' (26)

Matthew Shepard (1976-1998) was a gay politicology student who died in hospital in October 1998 from his injuries as a result of being attacked because of his sexual orientation. He met his two murderers on the evening of 7 October 1998. After he had told them that

he was gay, they took him in their car to a deserted place where they robbed him, attacked him, beat him up and then hung him on a fence. Shepard was found eighteen hours later, and was so badly wounded from head injuries that recovery was not possible. On 12 October he was declared dead. His murderers were convicted and sentenced to life imprisonment. Both swear since their prosecution that the bible sanctions their act.

In this homophobic context it is not really surprising that *Brokeback Mountain*, the film, was banned in a number of American states, including Utah, the flattest state of the US. (27) In addition *Brokeback Mountain* has a so-called R-rating in the US, indicating that young people under eighteen may only view the film under adult supervision. The American Family Association (AFA) handed over a large-scale petition against the American department store chain Wal-Mart because they were selling the DVD of *Brokeback Mountain*. According to the christian family organisation, Wal-Mart was trying to promote homosexuality. However Wal-Mart continued to sell the DVD.

In general, the position of gays in the US hasn't improved in recent years: during George Bush Jr's second term as president, homophobia reached a new high. In 2004 he was re-elected with the support of evangelical christian voters who were strongly opposed to same-sex marriage. A ban on gay marriage was subsequently imposed in a majority of American states. In November 2007, the American gay magazine, *The Advocate*, reported that violence against gays had increased in 2006: 'Hate crimes against gays made up 16 percent of total documented hate crimes across the U.S. in 2006, up from 14 percent in 2005, the FBI reported (...). The rate of all bias-motivated crimes increased 8 percent in 2006. Hate crimes based on sexual orientation are the third most common type behind those based on race and religion, according to the annual report.'

Ennis' fear of coming out of the closet into 'the greenwood' is clearly not without grounds. The picture Proulx sketches of Ennis, forced by his father to look at the tortured and murdered Earl, the crux of this story, is actually redundant: in such a homophobic environment, Ennis' trauma - related to seeing Earl's mutilated body - as an explanation of his choice to keep his feelings for men a deeply guarded secret, is not really necessary. Even without Earl's body we have been witness to enough homo-hatred. Proulx ends her novella with the following image of Ennis: 'There was some open space between what he knew and what he tried to believe, but nothing could be done about it, and if you can't fix it you've got to stand it.' (28)

One could easily be critical of Ennis' unheroic stance, his self-inflicted imprisonment resulting in four lives that seem to know only pain and tragedy and no way out: his own life and Jack's life and also those of their wives. But what exactly is a heroic stance in such circumstances? In Forster's novel, in 1912, Maurice and Alec turn courageously away from social conventions and disappear into 'the greenwood' as life-long partners. We must accept from Forster that they were able to lead a more liberated life there than Jack and Ennis would have been able to. But we don't actually witness anything of Maurice and Alec's life together because Forster did not have the imaginative power to depict such things in his day. By contrast, Jack and Ennis live their whole life in 'the greenwood', the wilderness, and should theoretically have been able, in 1983, to live in Leavitt's so-called 'hypothetical homo-positive space'.

After all, two years earlier, in 1981, Michel Foucault - speaking frankly in the free West - had

stated that men had to consider questions such as: 'How is it possible for men to be together? To live together, to share their time, their meals, their room, their leisure, their grief, their knowledge, their confidences? What is it to be "naked" among men, outside of institutional relations, family, profession, and obligatory camaraderie? (...) They face each other without terms or convenient words, with nothing to assure them about the meaning of the movement that carries them toward each other? They have to invent, from A to Z, a relationship that is still formless, which is friendship: that is to say, the sum of everything through which they can give each other pleasure.' (29) The intention of Foucault's questions of 1981 is to find ways of giving content to Forster's and Leavitt's 'greenwood'.

But this particular route didn't work in the Wyoming of 1983 (nor in 1998). Two men, together, drawn back to the countryside, the wilderness - Maurice and Alec's escape route as well as Jack's - is a terrifying image for Ennis, and with good reason, as we have already seen. Indeed, this is a pitiful ending to Forster's hopeful 'greenwood' metaphor. He believed it was necessary to end *Maurice* on a positive note, thus pointing to a rosy future where gays and lesbians could be true to themselves. Proulx puts the emphasis on today's desperation - in a certain place, in a certain situation (Wyoming, countryside), but then sixty years after *Maurice*. By which time the 'hypothetical homo-positive space' was a reality: no longer in 'the greenwood' as the wilderness, but to be found in cities such as Denver, San Francisco, New York or Amsterdam. But what could those cities signify for two awkward, poor farm hands...?

Andrew Israel Ross, an American student (University of Michigan, Ann Arbor), ponders on his weblog, as to which strategy is more effective in literature, that of Forster or that of Proulx: 'Which is more effective? Pointing to future happiness, showing that two men can love and care for each other [*Maurice*] or illustrating how society destroys such possibilities [*Brokeback Mountain*]?' (30) For Ross, it depends on the time frame in which the stories were set and drafted: Forster sought a happy ending in 1913-1914, but couldn't imagine one, while in 1997 Proulx had all manner of happy endings at her disposal, however problematic they would be to build and the struggles there would be. But Proulx also wanted to emphasise the dangers and the efforts it would take, for example the search Foucault described in 1981. Jack and Ennis didn't even stand at the beginning of that search. Ross writes: 'One [*Maurice*] is a tale of hope, the other [*Brokeback Mountain*] a warning that we have much more work to do. Both speak to fantasy, one of impossible happiness, the other of darkest possibility. Thus, they're both inverted. When happiness seems impossible, art expresses it. When we can almost touch happiness, art warns us not to become complacent. That's why Jack had to die, while Maurice could live happily ever after.' Looking at it from this perspective, it seems there is still a long way to go, and both strategies are needed.

They're Coming to Get You Too

In his review of *Brokeback Mountain* in the Dutch opinion magazine *Vrij Nederland*, the writer Arnon Grunberg tries to remain indifferent for as long as possible to the fate of Matthew Shepard and the fictitious, anonymous Earl. He says: 'Who is not gay nor homophobic can

(...) say with justification: it is awful, but they [the homophobic] didn't get me.' (31) It angers Grunberg to think that in Proulx' story some people seem to have known about Jack and Ennis: their foreman on Brokeback Mountain in 1963, Ennis' wife, Jack's wife, Jack's parents. But none of those people speak up: they just let it be - and their silence is suffocating. According to Grunberg this is really where the sting is. Jack and Ennis are surrounded by 'a society that chokes on its own myths, i.e. traditions'. It's not about whether Jack, Ennis or any other individual is repairable for the community - adapting or adapted to that community -, but whether the community in question is repairable to them, by accepting them for who they really are. If this is not so then the community is not repairable, and according to Grunberg one cannot maintain: 'They're not coming to get me.' (32) At a certain point they're also coming to get you.

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Notes

- (1) The film *Maurice* won prizes at the Venice film festival in 1987. The film *Brokeback Mountain* was nominated for no less than eight Oscars, and won three, although not for Best Film. Other awards include the Golden Lion in Venice, prizes for Best Picture and Best Director from the British Academy and Film and Television Arts, and four Golden Globe Awards. That is unprecedented for a film about homosexuality.
- (2) Teegarden, John, 'Audience's Stills', in: *Audience Magazine*, 2006.
- (3) Woods, Gregory, *A History of Gay Literature; the male tradition*, Yale University Press, New Haven / London, 1998, p. 341.
- (4) Hielkema, André, 'A happy ending was imperative; on the significance of *Maurice* for gay liberation', in: *Tijdschrift voor Humanistiek*, nr 19, October 2004, p. 36-48.
- (5) Forster, E.M., *Maurice*, Penguin Books, Harmondsworth, 1971, p. 218.
- (6) Idem, p. 185.
- (7) Idem, p. 215.
- (8) Idem, p. 211.
- (9) Idem, p. 221.
- (10) Leavitt, David, *The Page Turner*, Houghton Mifflin Company, Boston / New York, 1998, p. 143-144. *The Page Turner* has been filmed by director Ventura Pons (film title: *Food of Love*).
- (11) The socialist poet, philosopher, publicist and gay-activist Edward Carpenter (1844-1929) realised that he was homosexual in the early 1880s. In 1891 he met his life-companion George Merrill, an unlettered worker from Sheffield. In 1898 they lived together in the countryside in Millthorpe, Derbyshire. They stayed together till Merrill's death in 1928. Not only were they two men living together; at that time unheard of in England, but they also came from two different social classes. Forster was inspired to write *Maurice* having met Carpenter and Merrill several times (E.M. Forster, *Maurice*, p. 217). The character of the gamekeeper Alec in *Maurice* was in part modelled after George Merrill. Carpenter and Merrill found fulfilment in 'the greenwood'.

- 272
- (12) Leavitt, *The Page Turner*, p. 144.
 - (13) For quotes from Harned's article see: Hielkema, p. 45.
 - (14) For more on the subject of the designing of homosexuality see, amongst others: M. Foucault, *Histoire de la sexualité, I: la volonté de savoir* (1976); G. Hekma, *Homoseksualiteit, een medische reputatie* (1987); G. Robb, *Strangers, Homosexual love in the nineteenth century* (2003).
 - (15) The following passages are taken directly from Annie Proulx' novella *Brokeback Mountain* and not from the film script.
 - (16) Proulx, Annie, *Close Range: Brokeback Mountain and Other Stories*, Harper Perennial, London, New York etc., 2006, p. 284.
 - (17) Idem, p. 289.
 - (18) Idem, p. 291.
 - (19) Idem, p. 298.
 - (20) Idem, p. 300.
 - (21) Idem, p. 300-301.
 - (22) Jack says this in the novella, not in the film.
 - (23) Proulx, p. 309.
 - (24) David Leavitt writes about this passage in his weblog of 8-12-2005 on Slate Culturebox: 'What both men want (...) is what Ennis is afraid to let them have: the steadiness of each other's companionship. (...) The result is a defence of gay marriage (...).'
 - (25) Proulx, p. 314.
 - (26) Quoted in: Grunberg, Arnon, 'They always come, for you too', in: *Vrij Nederland*, 11-2-2006, p. 77.
 - (27) *Brokeback Mountain* is also banned in other countries, including Malaysia, China and a large number of Arabic countries. The film may be viewed in Singapore under the rationale: the film is not propaganda endorsing a gay lifestyle!
 - (28) Proulx, p. 318.
 - (29) Rabinow, Paul (ed.), *Michel Foucault, Ethics; Subjectivity and Truth; Essential Works of Foucault 1954-1984, Vol. I*, The New Press, New York, 1997, p. 136.
 - (30) Andrew Israel Ross, in his weblog *Air Pollution*, 'Death and Love', 23-1-2006.
 - (31) Grunberg, p. 77.
 - (32) Idem, p. 78.

EU Support for LGBT People in Neighbouring Countries: Is It (good) Enough?

Maxim Anmeghichean and Aija Salo

The European Union offers a range of mechanisms to monitor and promote human rights, as do other European and international institutions. With the adoption of the Amsterdam Treaty, the European Union *acquis* (1) explicitly included a commitment to equality and non-discrimination based on sexual orientation. Equality irrespective of gender identity and gender expression is covered in the legal framework of EU through the Gender Equality Directive.

In the context of the recent wave of EU enlargement, non-discrimination on the grounds of sexual orientation became part of the so called Copenhagen accession criteria. Under these accession criteria countries have to comply with a full range of EU *acquis* in order to be eligible for membership. Amsterdam Treaty provisions have also been used to justify the EU's stance on LGBT rights in its relations with third countries (including the European Neighbourhood Policy) and in the international arena, such as United Nations and the Organisation for Security and Cooperation in Europe (OSCE).

Ensuring compliance with these policies requires active monitoring and participation by civil society, both in Brussels and on the ground. The evolving and constantly developing LGBT movements in the EU accession and neighbourhood countries, as well as general human rights organisations and international NGOs need to strengthen their capacity for documenting human rights violations and advocacy before the European institutions.

The EU accession process as a tool for promoting human rights of LGBT people

LGBT people are one of the most discriminated against social groups in the Balkans and Turkey. Opinion polls consistently show homosexuality as one of the least tolerated phenomena, hate speech and homophobic remarks are commonly used by politicians of all levels, and few countries offer protection from discrimination on the grounds of sexual orientation and / or gender identity.

Compared to many other minority groups, human rights violations against LGBT people are under-documented and under-reported. The legal and social position of LGBT people still requires a lot of improvement by means of awareness-raising (including documentation and reporting) and advocacy actions. ILGA-Europe supports such efforts through its Pilot Human Rights Violations Documentation Fund, having funded three projects in Serbia and

through advocacy partnerships with organisations from Croatia and Macedonia.

A pilot poll conducted in the LGBT community during February 2005 in Belgrade, Nis and Novi Sad showed the following alarming data:

- Over ninety percent of the people who participated in the poll were aware of cases of violence against lesbians and gay men;
- 71.8 percent of them had suffered violence themselves because of their sexual orientation, with more than half of those polled suffering violence more than once.

In most Eastern European countries same-sex acts were decriminalized only recently. Under the pressure of the Council of Europe they were decriminalized in Serbia between 1990-1994 and in Albania, Bosnia and Macedonia between 1995-1999. Of these countries, Bosnia and Herzegovina, Croatia and Macedonia went on to prohibit discrimination on the grounds of sexual orientation, but they did so under pressure from the European institutions.

Thus, the legal framework for the human rights of LGBT people is still far from complete in the current EU accession countries in the western Balkans and in Turkey. In many of the countries in question the general public harbours hostile attitudes towards sexual minorities and transgender people.

At the same time, in most of the current EU Accession countries there are functioning LGBT movements that advocate for the implementation of the human rights of LGBT people. These organisations develop their capacities and their understanding of the European institutions' human rights mechanisms in order to enhance the equal rights of all regardless of sexual orientation, gender identity or gender expression. Strong civil society organisations play a key role in determining how much weight is given to the situation of LGBT people, for instance, in the European Union Accession process.

Within the European Union, the European Partnership priorities include human rights. The EU's offer of a prospect of accession is on the basis of the Treaty on the European Union and the 1993 Copenhagen criteria, which require full compliance with fundamental human rights, and specifically the European Convention on Human Rights. These same criteria were used in bringing LGBT rights into the accession process for the most recent new member states and for the current accession countries.

Currently the European Union has three candidate countries and four potential candidate countries. Additionally, Kosovo is a partner of the EU in the Stabilisation and Association process.

From the point of view of the human rights of lesbian, gay, bisexual and transgender people the readiness for accession of any country depends on three criteria: the elimination of all significant discrimination on grounds of sexual orientation in the penal code; the transposition into national legislation of the EU's anti-discrimination acquis and the respect for fundamental rights (right to freedom of assembly, right to freedom of association and freedom from violence) without discrimination.

The first criterion has been met by most accession countries. Progress with meeting the second and third criteria is much more limited. However, all these criteria are binding requirements for the accession of all countries.

The European Commission annually monitors the achievements of each of the candidate and potential candidate countries and Kosovo in fulfilling the obligations of the partner-

ship agreements that have been established between the country and the EU. (2) This important element of the Stabilisation and Association process is manifested in an annual country report prepared by the Commission. The equivalent reports in the most recent expansion of the EU proved strong instruments for persuading governments to introduce reforms.

The Commission's progress reports are the most important tools at hand for the EU in influencing the human rights situation in the candidate countries and potential candidate countries. The time before actual membership agreements provides a crucial 'window of opportunities' to put pressure on the governments in these countries because the reports are part of the official assessment of the candidate countries. The gradually wider and more explicit inclusion of the human rights of LGBT people in the Commission's monitoring system and in the progress reports means that the human rights of LGBT people are recognised within the European Union and that it is expected and demanded of the future members that they comply with European values.

In 2007, the human rights of LGBT people were given significant attention in the Commission's progress reports on Turkey and Serbia. It is also a new and positive development that the Commission explicitly raises human rights violations encountered by transsexuals and transvestites in Turkey. LGBT rights are given at least some attention in most of the eight country reports, significant progress since last year.

In the case of Turkey, in the context of the progress report 2007, a new partnership agreement was signed that includes an explicit reference to Turkey's obligation to 'guarantee in law and in practice the full enjoyment of human rights and fundamental freedoms by all individuals, without discrimination and irrespective of language, political opinion, sex, racial or ethnic origin, religion or belief, disability, age or *sexual orientation*'. It is a binding commitment that sends a strong signal of the EU's position to the Turkish government. The inclusion of LGBT rights in most of the progress reports is largely a result of active advocacy work, documentation and monitoring of human rights violations and close co-operation between LGBT organisations and the European Commission.

Disappointingly, some of the Commission's 2007 progress reports, such as the report on Macedonia, include no explicit references to sexual orientation and gender identity discrimination in spite of the submission of documented evidence of human rights violations on these grounds.

The progress reports also include several general references to human rights of minorities and vulnerable groups and to anti-discrimination legislation. ILGA-Europe believes that such references are intended to be implicitly inclusive of LGBT people. However, for active enhancement of the human rights of LGBT people it is very important that all international institutions and organisations refer explicitly to sexual orientation, gender identity and gender expression in their official commitments, agreements and reports, as this provides important visibility and focus for the issue. Our advocacy work has shown, that where LGBT people are not explicitly mentioned, they are almost automatically excluded from debates and follow-up.



Pride March, Zagreb, Croatia, 2006 - © Queer Beograd

As the elimination of all significant discrimination on grounds of sexual orientation in the penal code, the transposition into national legislation of the EU's anti-discrimination *acquis* and the respect for fundamental rights without discrimination are a part of the European Union *acquis*, complying with all of the demands of the EU is a definitive criterion for accession for any country. All of the states that have so far been approved as member states have complied with all of the *acquis* either before accession or during a transitional period. The major sanction tool of the EU thus is a refusal of accepting the state as a member of the Union.

Thus, the EU accession process has resulted, over the last three to four years, in the introduction in the twelve new member states of new legislation prohibiting discrimination in employment on the ground of sexual orientation, despite the homophobia and reluctance manifested in some of these countries. Some new members such as Romania, have even, under civil society pressure, gone beyond the EU requirement and banned discrimination in areas other than employment. The EU, although sometimes slow and seemingly reluctant, has played an important role in working to ensure that basic human rights, such as freedom of association, expression and assembly, are enjoyed without discrimination on any ground (Latvia, Poland and Lithuania are most recent examples). Fingers crossed that the pressure will be kept up!

After the last wave of enlargement, finalised in January of 2006 with the accession of Romania and Bulgaria, the EU has new neighbours to the East: the so-called Western Newly Independent States (Moldova, Ukraine, Belarus, although EU relations with the latter are frozen) and South Caucasus (Georgia, Armenia, Azerbadjan).

According to a survey conducted by the Belarusian Lambda League for Sexual Equality (Lambda Belarus) in April 2002, 47% of respondents thought that homosexuals should be imprisoned. Some 86% of the Moldovan population would not like to have homosexuals as their neighbours, according to the 'Barometer of Public Opinion', conducted by the Institute for Public Policies in 2002. According to EVS polling company (1999) 65% of Ukrainian citizens would not like to see homosexuals as their neighbours. What's worse - the last five years have seen an increase in public homophobic attitudes, and that is a frightening trend. For example, according to 'Ukrainian Homosexuals and Society - Report 2007', supported by ILGA-Europe and developed by 'Nash Mi' NGO, 'representatives of all age groups became more homophobic within the last five years' period. Despite this, those most tolerant towards homosexuals remain young people aged sixteen to 29. However, here are seen the most clearly negative tendencies: if in 2002 respondents favouring equality for homosexuals comprised 63.2% among sixteen to nineteen year old people (19.5% being against), then by 2007 we see that the quantity of positive answers for this age category has decreased to forty percent (42.0% being against)'.

The words of Elena Tevtoradze, Chair of the Georgian Parliament's Human Rights Committee, not only illustrate, but also manipulate public opinion (3):

- *'...our problems today, are unemployment, drug dependency, organised crime and changing orientation.*
- *What do you mean by changing orientation?*
- *I mean sexual orientation, certainly. In my opinion it is most unfortunate when so many young people change their sexual orientation. If we do not take proper care of this, we might be facing a terrible catastrophe tomorrow.*
- *In your mind, what are the ways of combatting the problem of changing sexual orientation?*
- *We cannot do anything about those who were born with this orientation. But we all know perfectly well that many change orientation, copying others. This awful behaviour is regarded as fashionable for some reason. We should not enable our youth to think about things like this. A mass change of sexual orientation could be more harmful than our youth embarking on the road to organised crime.'*

An important aspect of homophobic campaigns in Eastern Europe is the strong support of the religious right. A homophobic event organised by one of the charismatic churches 'The embassy of the blessed kingdom of god for all nations' with the slogan 'love against homosexuality' took place on 5 October 2007 in the very centre of Kiev, conducted by an Armenian, a Latvian and a Nigerian priest. The event happened on the eve of the elections in which the city's mayor and a parishioner of the above-mentioned church, was re-elected. Similarly, in Moldova since 2005 seven public manifestations by the local LGBT organisation GenderDoc-M were refused authorisation by the Chisinau city authorities. The refusals were motivated by 'morality', christian values and a storm of protest letters to the city hall orchestrated by religious right. The latter also staged protests and gave out leaflets with

homophobic content. The religious right, in particular the evangelical and baptist churches, are supported in their homophobic campaigns with finance and advice by organisations from the American christian right, such as precept churches international, the catholic family institute, the American Family Association, etc. One can see similar roots to homophobic campaigns throughout the world, in particular Africa, and more recently eastern and western Europe. The predominant church in the region, the orthodox church, also engages in homophobic discourse: most recently, the head of the Russian orthodox church, Alexey II, compared homosexuality to a disease, such as kleptomania, in his speech at the Parliamentary Assembly of the Council of Europe.

In these circumstances, and with public opinion not on the side of LGBT communities, the EU provides an important alternative voice, strong, listened to, and able to make use of the above-mentioned 'carrots'.

To form the basis for political relations with its new neighbours, the EU proposed the European Neighbourhood Policy (ENP): concrete incentives offered by EU to new democracies in exchange for reforms. The 'carrots' include visa facilitation agreements, economic partnerships, the possibility of free trade and intensified financial aid. The 'stick' consists of demands for democratic, economic and social reforms, respect for human rights, and adherence to the EU's values. The Neighbourhood Policy also covers EU's Southern neighbours: North Africa, Lebanon, Israel, Palestine. The objective of the ENP is to create a 'zone of prosperity and a friendly neighbourhood' which will be built on mutual commitment to *common values* that include the rule of law, good governance, and respect for human rights, including minority rights.

The steps in implementing the policy are:

- *Define a set of priorities, together with the partner country, whose fulfillment will bring that country closer to the European Union. In practice, these priorities are determined following the preparation of a Country Report by the Commission.*
- *Incorporate these priorities in jointly agreed Action Plans (lasting three years) covering a number of key areas: political dialogue and reforms, trade, justice and home affairs etc. Priorities for inclusion in the Action Plans intended to strengthen commitment to the Common Values include respect of human rights and fundamental freedoms. The Action Plans may be followed up by further intermediate documents: for example, setting out priorities for a particular year, or dealing with a particular issue.*
- *Monitor progress in meeting agreed priorities using reports prepared periodically by the Commission. The stated intention is that a 'mid term' report should be prepared by the Commission within two years of the approval of the Action Plan.*
- *After three years, adapt or renew the Action Plans.*

It is important to understand that the Neighbourhood Policy deals with a whole range of issues, primarily economy, corruption, and judicial reforms. Human rights, while important, is also a very complex question, with many issues, such as human rights of national minorities, army soldiers, children, women, access to justice, free and fair elections, etc. competing with each other. In these circumstances LGBT rights risk being a minor concern, or being ignored completely, and constantly putting them on the agenda, particularly of the European Commission, using well-documented evidence, is crucial.

There are no direct sanctions the EU can apply if the country does not respect the Action

Plan. However, like in the case of Belarus, if the country has a poor democracy and human rights record, the 'carrots' in form of structural and infrastructure funds, support in reforms, etc. will be diminished or not given at all. As most of the time in politics, EU's relations with its neighbours are not about sanctions, but about negotiations and political will of the neighbours to join the European Union. Cold relations with the EU because of a poor human rights record are not wanted or needed today by the political elite of the neighbourhood.

The EU-Moldova Action Plan sets a good model to follow. As a result of lobbying through the European Parliament and directly with the European Commission, the human rights chapter of the Plan included a provision specific to Moldova: to implement anti-discrimination legislation for minorities in line with European standards. As sexual minorities were not explicitly mentioned, it took further pressure by civil society and the Commission to ensure that the Moldovan government accepted that 'minorities' include 'sexual minorities'. Recently, under EU pressure, the authorities created a working group on anti-discrimination legislation comprising of government and civil society representatives. The Moldovan Vice-minister of Justice has also made a public commitment to develop a law in line with EU standards. The important trick is for the civil society to use the new laws, educate LGBT communities about the possibilities it offers, and enforce implementation. Then, and only then, does a law become something not merely imposed by the West, but needed and applied in the national context.

Unfortunately, experiences with other neighbourhood countries have no such success story to share. But the Neighbourhood instruments, if well-used, do offer opportunities for promotion of LGBT rights outside of the EU borders.

It is important to understand that social and legal changes, whether in new member states, accession or neighbouring countries, would not take place without EU pressure. Many governments see recognition of LGBT rights as an unfortunate sacrifice they have to make on their way to integrating into the EU. They make these 'sacrifices' for the 'greater good' of the benefits associated with the accession and neighbourhood policies, particularly access to the EU market, development of infrastructure, social security, and loans and grants.

Of course, we as activists would like to see more concrete results. But we also understand, that without pressure on EU institutions from within the Union, and subsequent EU pressure on third countries, these positive changes, however long even they have taken, would not have been possible. All this implies years of routine advocacy work, to which the movement is committed.

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Notes

- (1) 'Acquis' means: the complete collection of EU laws.
- (2) The progress reports of the year 2007 are to be found online at http://ec.europa.eu/enlargement/key_documents/reports_nov_2007_en.htm.
- (3) 'Why does Georgian youth change sexual orientation?', in: *Akhali Taoba* (New Generation), nr 307.

The Tyranny of the Majority (I)

Gays in Poland

Wendelmoet Boersema

Prominent Polish gays are pursuing a new solidarity struggle. They call themselves ‘love dissidents’ fighting for a tolerant climate. Poles have become more nationalistic and they make life difficult for gays. ‘When I was an adolescent in the Poland of the eighties, homosexuality was a regular topic of conversation during sex education classes. If I had been young in today’s Poland, I would have felt as if I was judged and that I immediately had to take a political point of view.’

Tomász Kitlinski is philosopher at Marie Curie University in the Polish town of Lublin. Together with his partner, Pawel Leszkowicz, art historian at the Adam Mickiewicz University of Poznan, he frequently publishes on developments regarding homosexuality and homophobia in Eastern European countries, Poland in particular. In the past few years, Poland has made headlines a number of times in Europe because authorities prohibited gay marches and tried to implement anti-gay legislation. The government of Jaroslaw Kaczynski, twin brother of president Lech Kaczynski, tried to exclude homosexuals from education, amongst other things. When Donald Dusk took office as prime minister in November 2007 these legal drafts were frozen. Before the elections Tusk had promised to sign the European Manifesto for Human Rights, which prohibits discrimination based on gender or sexual orientation. His predecessor, Jaroslaw Kaczynski, had always refused to sign because, in his words, Poland is ‘culturally different’ when it comes to gay rights (and the death penalty). His brother Lech, who will remain president until 2010, is less outspoken but shares his brother’s opinion.

Tusk and his Citizen’s Platform party did not live up to their promise, much to the disappointment of gay activists. In his first speech to the parliament that lasted for hours, Tusk made no mention at all about the rights of sexual minorities and women. Kitlinski: ‘We were shocked that our new government followed in the footsteps of the old one in this matter. As if they too are afraid of contamination with “moral degeneration” from the West as the Kaczynski’s called it. We were really counting on change.’

According to Kitlinski, with the coming of the Kaczynski’s, homosexuality became an important political topic in Poland for the first time. ‘Their government consisted of a party with an anti-communist past and with a fascist anti-semitic history. To them, gays are the new shared enemy.’ Roman Giertych, former vice president and leader of the extreme-right Polish Family League, openly compared gays to paedophiles and pederasts, an opinion that was disseminated through television commercials on the public broadcasting channel, particularly in the lead up to the gay march of 2006. ‘And while both Polish and European legislation clearly prohibits such discrimination,’ Kitlinski observed,

'what worries us most is that there are no objections voiced in the Polish media. A Polish opinion journal even had a cover with chocolate letters spelling "Dictatorship of Equality!" accompanied by a photo of a heterosexual couple with tape over their mouths.' The gist of the article was that gays draw too much attention and demand too much. Now that Poland identifies itself more with the West, gays feel free to defend their rights, but their opponents are also active. According to Kitlinski and Leczkowicz, the recent revival of nationalism and the rise of nationalistic political parties, in combination with a Soviet past and a militant conservative catholicism, all serve to create a bigoted climate for minorities. Poland is the example of that particular mix of factors, but Lithuania, Romania and, to a lesser degree, Slovakia and Croatia fit into the same category. The fact that the Dutch ambassador from Estonia, whose partner is a black man, was pestered into leaving shows that homosexuality is not yet accepted in all member states of the EU.

Some anti-gay protesters in Warsaw, Poland, 2006. On the banners: 'Begone the insolent propaganda of homosexuals!'; 'Say stop to raping our morality under the name of freedom' - © Michal Zacharzewski, SXC



According to the two Polish scientists, accession to the EU and the pain caused by preparation for membership has reinforced the position of the nationalists and kindled a contrary reaction. 'In the eyes of these patriots, Brussels and its "love" for gays stands for decadency and moral decay that can "contaminate" catholic Poles or Romanians,' says Kitlinski. 'I don't think it is a coincidence that the gay march in Warsaw in 2004 was attacked for the first time a few days after the accession to the European Union, even though this march, with hundreds of participants, had been organised unnoticed every year since 1994.'

The church supports the 'moral revolution' that the Polish nationalists want to carry through to Polish politics. In Russia, Ukraine, Bulgaria and Serbia the eastern orthodox church is even more conservative than the catholic church. The Russian orthodox church has open contacts with nationalistic, almost fascist, militias and groups of violent youths - the same ones that attacked the participants of gay marches in Moscow. The Czech Republic, Slovenia, Hungary and Estonia are significantly more liberal. Kitlinski and Leszkowicz attribute this to the great influence of the protestant church in those countries.

'In many Eastern European countries, religion cannot be seen as separate from issues surrounding sexuality,' says Leszkowicz, who last year organised an exposition of modern art in Poland under the title, *Love and Democracy*. 'For a Dutch man that is probably hard to imagine. In Amsterdam we saw that the gay culture has an apolitical, secular and, at times, even commercial character. I have avoided any reference to religion. I want to show art in the framework of the Enlightenment, freedom and sexual pluralism. That is revolutionary for Poles and East Europeans, while in Western Europe this development took place in the sixties. It says a lot that at first I could not find a single gallery or museum that dared to hold this exposition. Modern art is still a form of resistance here.'

According to Leszkowicz, the rigid position of the catholic and orthodox churches, or the 'language of the church' as he calls it, hampers a healthy dialogue in society. 'Advocates of equal rights speak in terms of freedom, equality or discrimination while opponents of homosexuality talk about "deviation, sin or illness". There is no connection at all. Would it be imaginable that those terms be used to speak about Jews or blacks?'

But that is the dark side of the story. Leszkowicz and Kitlinski do not view themselves as pessimists. They notice that the 'love dissident', as they call the gay activist, makes new allies. 'Poland has a tradition of strong resistance, of dissidence. In the early days they fought against the communists, now the "love dissident" fights for equal rights for everybody, man and woman alike. Indeed, as is so often the case, dissidents from the past are the established order of the present.'

Kitlinski makes a comparison with the struggle for gay rights in the US in the eighties under President Reagan. 'Those were real cultural wars, which we now wage here. It leads to a new solidarity that includes minorities abroad.' He offers the example of the Roma-activists who participated in a Romanian gay parade. In Warsaw, the liberal Jewish community supported the gay marches under the slogan 'minority for minority'. The environmental movement, new lefties and especially the feminist movement support the gay struggle. 'Because the current political elite is anti-feminist,' says Kitlinski, 'abortion practices are hushed up, discussion

quickly lands in the sphere of “our nation is going down if we do not bring forth enough children”. Traditional family values prevail over everything.’

The love dissidents use informal networks and modern media for their communication. ‘The Internet is the place where protest flourishes,’ states Leszkowicz. ‘When Roman Giertych became minister of education in Poland, in all big cities students went out into the streets to protest. Text messages and e-mails did the job. No wonder Giertych is an advocate of Internet censorship.’

Kitlinski and Leszkowicz hope that, in addition to the protest movements, the support of the European Union will be decisive in the struggle. ‘The Roma, the environmental movement in the East Block, have all been achieved largely because of Brussels,’ says Kitlinski. ‘The homophobia of the former East Bloc has already been noticed and condemned by the European Parliament. EU membership will ensure that democracy is slowly “internalised” in the former East Bloc. People realise that democracy may not be tyranny of the majority.’ Leszkowicz sees the first signals of that. ‘I saw a Polish Jesuit on television who said: “Being catholic does not mean throwing stones at gays.” And recently the leading Polish newspaper, *Gazeta Wyborcza*, wrote about the new prime minister’s refusal to sign the European Human Rights Manifesto, calling it “a disgrace. Poland, the country that, under the flag of human rights, tripped up communism and set the stage for the fall of the Berlin Wall should be leading in the protection of human rights.” It is that sort of thing that gives me hope.’

Wendelmoet Boersema (MA) studied Slavic languages, was correspondent for the Dutch daily Trouw in Russia and is now Foreign Affairs Chief of Trouw.

Notes

- (1) This is an up-dated version of the article ‘The Tyranny of the Majority’ that was published on 13 July 2006 in the Dutch daily *Trouw*.

Self-portrait

Radenka Grubacic

When I was thirteen years old, I felt attracted to a kindergarten female teacher. I was surprised and overwhelmed at the same time. At first I thought about it as something perfectly normal, because love is normal. I told my sister and a friend about it, but I was ridiculed and was not taken very seriously. When I was sixteen, I finally came out to myself as a lesbian. I was fully aware of my identity and I embraced it. But at the same time, I kept it a secret, because I knew how homosexuality was perceived in the society, especially in smaller towns like my home town. At a later age, I started to come out to some of my high school friends, but they were not very supportive. At the university, I came out to almost all my friends and they gave me a lot of support.

I have always identified as a lesbian, and I am out to everyone in my environment. I came out to my sister and mother. It is not easy to be an out lesbian in Serbia, because lesbians, as well as gay men, are perceived as 'not normal', 'sick', 'perverts', and are subject to violence, discrimination and institutionalized homophobia. Different kinds of fear prevented me from coming out; fear of emotional rejection by the people I care about, fear of violence (physical and verbal), etc. Those fears are a manifestation of internalized homophobia, which is an effect of the institutionalized homophobia.

I first met other lesbians in 1997, when I joined Labris. I have been active in Labris for ten years now and I meet LGBT people every day. But, usually, it is very hard for LGBT people to get into contact with their own community, because the community is very invisible and closeted.

Labris is a lesbian rights group, founded in Belgrade in 1995, after homosexuality had been decriminalised in 1994. It originated from Arkadia gay and lesbian lobby group, which had been founded in 1990. Lesbians considered it important to meet within their own circles, separate from gay men, whilst maintaining cooperation on common issues, like lobbying for recognition of LGBT rights. Labris focuses on women of different non-heterosexual orientation, in particular lesbians. The two main aims of Labris are (1) to empower them to accept their identity, and (2) to promote the right to lesbian existence and to reduce public homophobia. In addition, Labris focuses on mutual support and strengthening among lesbian and other LGBTIQ groups in Serbia, in ex-Yugoslavia and internationally through cooperation and networking.

Serbia is a very traditionalist, conservative and patriarchal society, in which people who are not white, heterosexual, orthodox Serbs are not accepted and respected but rather are exposed to institutional discrimination and homophobia. Serbia is predominantly orthodox and the church considers homosexuality a sin. Homosexuality is often believed to have been 'imported from the West, like drug addiction, paedophilia, etc'. Some people say that homosexuality is not inherent to Serbs, and that 'Serbs are not faggots'.

In some cases I keep silent about my sexual orientation, for fears I have already mentioned above. For example, I have never spoken with my father about the nature of my relationship with 'my roommate and friend'. Also, my girlfriend's parents are not aware of our relationship. I am fortunate to work at Labris so I do not have to hide my sexual orientation at my workplace. I do not know how I would behave if I had a different job and workplace.

The more I am open about my sexuality and the fact that I am a LGBT human rights defender, the more I am exposed to violence. In 2001, I was one of the organizers of the first Gay Pride Parade in Belgrade. After I joined the crowd of participants at Republic Square, some by-passers threw eggs at me and my friends because they figured out we were the participants. That was the first time I was a victim of physical violence because of my sexual orientation. As a lesbian and as a LGBT human rights defender, I experience discrimination, institutionalized homophobia and heterosexism almost on a daily basis.

I used to think that lesbians, gay men, bisexual and transsexual people experience discrimination in a different way. I thought that lesbians are less likely to experience physical violence. But, then, there was a 2001 Pride Day and thousands of hooligans were chasing the participants all over the square in order to hurt them and kill them. They hurt lesbians as well; there was no difference at all if you were a lesbian or gay man. Also, very often people experience verbal or physical violence because of their gender expression and perceived homosexuality.

Joining Labris in 1997 was one of the most important moments in my life. It was a life-changing decision. I have always felt the need to belong somewhere and used to fantasize about me being a member of an organisation that fights for the rights of LGBT people. I got what I had hoped for in 1997, and ever since then Labris has become an inherent part of my life. Labris works on the elimination of all forms of violence and discrimination against lesbians and women of different sexual orientation than heterosexual.

The position of LGBT people in Serbia has changed a lot over the past decade. The change, although very slow, is manifested in the both in the legal and social sphere. The issue of LGBT human rights is, generally speaking, more and more present in the public discourse, media tend to represent the issue in a more affirmative way than before, and legislation tends to recognize the rights of LGBT people. But there are still a lot of things to be done concerning the social perceptions of homosexuality and a full legal recognition of LGBT rights as part of human rights.

I am in a relationship for almost six years and I live together with my girlfriend. Our living together, if we put aside the constant pressure of institutionalized homophobia, is not different from a heterosexual couple's living together. We make plans, we try to achieve our goals, we go on holidays together, we pay the bills, etc. We try to live an ordinary life. I miss two things. It is not being able to be out to everyone about our relationship and not being able to have a child with my partner. When I first came out to myself, I dreamed about a life together with a woman I love, and my dream has come true.

Political Context

Considering Serbia as a highly homophobic, xenophobic and nationalistic environment, affected by social and economic crises, where, in spite of the coalition of democratic parties,

the Serbian Radical Party is a very strong political force, we could hardly talk about LGBT human rights. LGBT rights are not recognized as basic human rights by the official governmental Agency for Human and Minority rights, but are dealt with by several LGBT NGOs and Human Rights NGOs. Violence, discrimination and public hate speech against the LGBT population happens often in public and in the media.

In 1994, homosexuality was decriminalized in the Penal Code of Republic of Serbia. Before that, the Penal Code criminalized male homosexual acts. Lesbians were not mentioned in that law, they were invisible. There is no record, though, of any gay man who was actually arrested on the grounds of his homosexuality.

Now, in 2007, there are four laws that ban discrimination based on sexual orientation: the Law on Broadcasting, the Law on Public Information, the Law on Labour and the Law on Higher Education. The Anti-Discrimination Law and the Gender Equality Law have not yet been adopted in Serbia. All those laws mention sexual orientation in general, which means they are not specific for lesbians and gay men. We expect the new (pending) laws to include the ban on discrimination based on gender identity and gender expression.

Lesbians in Serbia are not allowed to adopt children or to be artificially inseminated. There is no available information for them when it comes to reproductive rights, no available health services, etc. Medical professionals are mainly ignorant on this issue. Some of them even refuse to treat lesbians, mostly because they do not know how to handle it. On the other hand, lesbians are too afraid to be open about their sexual orientation to their gynaecologists for fear of being ignored or ridiculed. There is no specific research to confirm the fact that lesbians rarely go to gynaecologists as compared to heterosexual women, but there are a lot of reasons for us to draw that conclusion. That is the reason why Labris organizes seminars on lesbian human rights for health practitioners in state institutions in Serbia, especially for psychologists and other counsellors.

Currently, I am a programme coordinator at Labris and I am responsible for managing programmes, communication, promotion and fundraising. Labris' work is based on the principles of feminism, anti-nationalism, anti-militarism and solidarity with all marginalised groups. Our goals are:

- Empowerment of lesbians and women of other sexual orientation than heterosexual, to accept their identity and to support them to live this identity in today's society.
- Promotion of the right to lesbian existence and reduction of public homophobia.
- Cooperation and networking with lesbian and other LGBTIQ groups in Serbia, former Yugoslavia and internationally.
- Working to get legislation enacted that would acknowledge the rights of LGBTIQ persons.
- Lobbying NGOs and governmental institutions to accept lesbian rights as part of human rights.

Radenka Grubacic was programme director of Labris. For more info about Labris, check out: www.labris.org.yu

'Equality is a Moral Imperative' (1): LGBT Equality under Obama

Martha McDevitt-Pugh

'I'm asking you to believe. Not just in my ability to bring about real change in Washington ... I'm asking you to believe in yours.' (2)

'Too often, the issue of LGBT rights is exploited by those seeking to divide us. But at its core, this issue is about who we are as Americans. It's about whether this nation is going to live up to its founding promise of equality by treating all its citizens with dignity and respect.' (3)

The election of Barack Hussein Obama as President of the United States on 4 November 2008 was an exhilarating moment for many in the LGBTI movement in the US and worldwide. Obama's election puts an end to the Bush era - eight years which saw a sea of change for LGBT rights in many places around the globe as well as at a local and state level in the US. While much of the world moved forward, the US government actions seemed more consistent with the 1950s than with the 21st century.

Just how bad were the Bush years? In 2008, the United States refused to join 66 other countries in endorsing a UN resolution condemning human rights violations based on sexual orientation and sexual identity. Bush went so far as to call on Congress to amend the United States constitution to enshrine discrimination against same-sex couples by banning same-sex marriage. Whereas countries from South Africa, Canada, New Zealand, Brazil, and Ecuador, to most of northern Europe established some form of recognition of same-sex relationships, the USA continued to lag behind, granting same-sex couples no recognition whatsoever.

We breathe a collective sigh of relief at the end of the Bush years. But what is next for our community? Is this the end of a brutal period in US history, or the beginning of an era of true equality for all?

The election of an African-American US president who has come out clearly in support of LGBT equality is undoubtedly historic. The most inspiring and charismatic presidential candidate in more than a generation, Obama reached out to millions around the world with his vision of a different world, a place where all are equal, where we are one humanity. The excitement and expectations in our community are reminiscent of 1992, when the US also elected a president who spoke openly and passionately about his support for LGBT people. The election of Bill Clinton marked the end of twelve years of Republican rule in which thousands of Americans lost their lives while the government did little to address the growing AIDS crisis. By the time Ronald Reagan first mentioned

AIDS, more than 20,000 had died. Moral Majority leader Jerry Falwell called AIDS ‘the wrath of god upon homosexuals’. Reagan’s communications director Pat Buchanan said it was ‘nature’s revenge on gay men’. The gay community responded with rage and activism, Silence = Death.

The euphoria of Clinton’s election wore off quickly. He appointed gays and lesbians to prominent roles in his inner circle but failed to deliver his promise to end the ban on gays and lesbians in the military.

By the end of his second term, he had signed the Defense of Marriage Act, which bars the federal government from giving any material benefits to same-sex couples, and allows states to refuse to recognize legal same-sex marriages from other states. The LGBT community still describes Clinton’s presidency as a time when we were ‘thrown under the bus’.

Will we be thrown under the bus again? Or is it possible that forty years after the 1969 Stonewall riots, the time for full equality finally arrived?

Obama’s campaign promises and commitments, his cabinet choices and inauguration plans provide some clues. During his campaign, Obama stated his support for LGBT issues ranging from LGBT-inclusive hate crimes legislation, full federal marriage rights, civil unions equal with marriage and banning discrimination against gays, lesbians, bisexuals and transgenders in employment. He asked the LGBT community to support him, because he has and will support us.

‘Americans are yearning for leadership that can empower us to reach for what we know is possible. I believe that we can achieve the goal of full equality for the millions of LGBT people in this country... Join with me, and I will provide that leadership. Together, we will achieve real equality for all Americans, gay and straight alike.’

Letter to LGBT community, February 2008

Even prior to taking office, Obama had appointed seven gay and lesbian members of his transition team and a number of cabinet members with favorable records on LGBT issues.

During the long presidential campaign, we got an idea of the kind of leader he is. During his 2004 campaign for US Senate, he expressed his vision of unity and inclusion, of one humanity:

‘There’s not a liberal America and a conservative America; there’s the United States of America. There’s not a black America and white America and Latino America and Asian America; there’s the United States of America... The pundits like to slice and dice our country into red states and blue States: red states for Republicans, blue States for Democrats. But I’ve got news for them, too. We worship an awesome God in the blue states, and we don’t like federal agents poking around our libraries in the red states. We coach little league in the blue states and, yes, we’ve got some gay friends in the red states... We are one people, all of us...’ (4)

Obama is also known for his listening. He seeks out his opponents' views and examines issues from every perspective. A colleague of ten years at the University of Chicago describes him as: '...unusually attentive to multiple points of view... He assumes decency and good faith on the part of those who disagree with him. And he wants to hear what they have to say...' (5)

His campaign listened too, personally answering every email received. Volunteers were given opportunities to participate, even if they only had a few minutes of time each week. Information and organizing via social networks such as Facebook reached millions. my.barackobama.com registered volunteers and gave them opportunities ranging from contacting undecided voters in their neighborhood, learning about local events to sharing personal stories on a blog. America got engaged during the campaign.

Obama told us our voices matter: 'One voice can change the room. And if the voice can change the room it can change the city.

And if it can change the city it can change the state. And if it can change the state it can change the nation. And if it can change the nation it can change the world...

Your voice can change the world tomorrow... If you're willing to stand with me, if you're willing to fight with me, I know your voice will matter.'

In his November 2008 victory speech, he promised: 'I will listen to you... I will ask you join in the work of remaking this nation... Above all, I will never forget who this victory truly belongs to. It belongs to you.'

His victory is our victory. And if it belongs to us, then it is up to us to participate in making the new world we stand for a reality. Expecting the Obama administration to deliver equal rights for gays, lesbians, bisexuals and transgenders is not going to take us very far: what will make a difference is our leadership in working with and supporting the new administration in standing for what they promised.

4 November 2008 was a remarkable day in more than one sense.

The struggle for LGBT rights shifted in ways that we couldn't have expected.

California voted on November 4, 2008, to take away marriage rights from same-sex couples. The California Supreme Court had ruled in May 2008 that excluding same-sex couples from marriage violated the state constitution. 18,000 couples married between 16 June and 4 November 2008. California joined Massachusetts, which had opened up marriage to same-sex couples, in 2004. Connecticut followed in late 2008. Anticipating the May California Supreme Court ruling, a coalition of religious groups gathered enough signatures to place an initiative on the November 4th California ballot called Proposition 8, which proposed changing the constitution to define marriage as 'one man, one woman'.

The \$40 million campaign was heavily funded by catholic and latter day saints (mormon) church members.

Misleading advertisements on television and major media argued that same-sex marriage would hurt families and children and that schools would be required to teach students about same-sex marriage as part of the school curriculum. Newspaper ads claimed that countries in northern Europe that have domestic partnerships and mar-

riage rights for same-sex couples have no laws against incest, equating equality with sexual abuse.

The passage of Proposition 8 by a slim majority of 52% was devastating for the LGBT community, who had raised \$40 million to defeat it. The campaign against Proposition 8 failed to respond to the misleading advertising, and was reluctant to show any gay couples in its campaign. Many in the community felt forced into the closet in a campaign that itself left open the door to discrimination.

In one TV advertisement, a woman states 'whatever you think about marriage, it's wrong to take away fundamental rights'. The campaign implied that it is OK to feel uncomfortable about same-sex couples.

With days of Proposition 8's passage, Americans were out on the streets protesting. This time protesters were not just holding official Proposition 8 campaign posters (It's wrong, It's unfair), but made their own signs expressing their pain, anger, dreams and personal responses to the assault on our families. The community united in standing against churches who had mobilized their substantial memberships and financial resources to purchase their own discriminatory language in a state constitution that is intended to protect citizens.

Within 10 days of the election, a campaign called Join the Impact, started by Amy Balliett - a 26-year-old woman whose marriage had been put in limbo by Proposition 8 - mobilized one million people to protest Proposition 8 in 300 cities and towns across America and abroad. A new generation of activists, with social networking tools and text messages, inspired and mobilized gays, lesbians, bisexuals and transgender people and their allies to join together to have their voices be heard and demand equality.

The signs expressed the injustice of the majority voting to limit the rights of a minority, calling on church members to show christian values of love and compassion. It showed the passion and real face of our community:

Tyranny is not democracy

Would Jesus spend tax dollars to support hate and injustice?

Love not H8

Ex-Mormons for Equality

Did we vote on your marriage?

No more Mr. Nice Gay

When do we vote on your rights?

When did you lose your compassion?

Journalist Rex Wockner called the new activism Stonewall 2.0 (6): 'It's virtually impossible to know you're experiencing history in the making when you're right in the middle of it. But our present generation with their SMS texting and their Twittering (aka "tweeting") and their Facebooking are mad as hell over this [Proposition 8], and it's lookin' to me like they're not going to take it anymore.'

I sense the power could be shifting, from the suit-and-tie professional activists with their offices, their access, their press releases and their catered receptions, to the grassroots. And come to think of it, what was Obama's victory but the victory of the

grassroots?

If our community continues to let its voices be heard, if we engage the new administration in working with us, if we support them as they have pledged to support us, there is a good chance for the US to take big steps forward in equality, just as much of Europe has in the last decade.

But it will take something. Demanding, complaining, accusing, expecting and criticizing alone won't get us there. Engaging, listening, challenging, inviting participation, questioning and including will be needed. When we are let down, and it is inevitable that that will happen, we need to keep asking Obama and his people to stand as they promised for equality and one humanity.

It will take a lot from us. It will take coming to terms with how profoundly our world has changed. Today 78% say they know someone gay. At the time of Bill Clinton's inauguration sixteen years ago, only 53% said so. 87% favour equal job opportunities, 67% support social security benefits for domestic partners, 55% support 'legally sanctioned gay and lesbian unions'. (7)

We have reached a critical mass of support. This is not a time to lick our wounds from past defeats, but a moment to dream and create a new future.

It will take standing in something bigger than just us and our issues. We need to articulate a vision of a new world, and act consistently with that vision. It's a world where children grow up with the same choices, regardless of their sexuality or sexual identity. It's a world where who we are and what we stand for are more important than our sexuality and identity.

It will take accepting that we have allies outside our community who care about equality and want to pass on to their children a world where sexuality is no longer the basis for discrimination, where love is what matters, and inviting our allies to join us in fighting for the world we all want.

I want to be very clear about one thing...
All of this happened because of you. (8)

What happens next will be up to us.

Martha McDevitt-Pugh is the Founder and Chair of the Netherlands-based Love Exiles Foundation. She is also a member of the steering group of the Gay and Lesbian Association (GALA) at ING Group, where she works as a senior business project manager.

Notes

- (1) Barack Obama, letter to the LGBT community, February 2008, www.barackobama.com
- (2) www.barackobama.com
- (3) Obama Pride website, <http://pride.barackobama.com/page/content/lgbthome>

- 292
- (4) Barack Obama, 2004 Keynote address, Democratic National Convention, Boston.
 - (5) http://www.huffingtonpost.com/cass-r-sunstein/the-obama-i-know_b_90034.html, The Obama I Know, March 5, 2008.
 - (6) <http://wockner.blogspot.com/>
 - (7) *Newsweek*, quoted in Deb Price, *Detroit News*, 'Americans embrace gay-friendly proposals', 29 December 2008.
 - (8) A message from Barack Obama to supporters, Facebook, 4 November 2008.

Colophon



Urgency Required

Gay and Lesbian Rights are Human Rights
Ireen Dubel and André Hielkema, editors

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In 2009 homophobia appears to be the last accepted prejudice, where racism is rejected, anti-Semitism is condemned, and the oppression of women has lost its legitimacy.

From subtle discrimination to imprisonment, torture, the death penalty and murder: human rights violations against sexual minorities are carried out on a daily basis around the world, not least by governments, in breach of the Universal Declaration of Human Rights, promulgated since 1948. In some eighty countries, gays and lesbians are still regarded as criminals, sometimes awaiting life imprisonment or the death penalty. Not even recognized as human beings, they can be denied rights covered by the whole range of human rights legislation.

Urgency Required focuses on urgent issues of gay and lesbian liberation, taking a historical perspective and reflecting worldwide geographic diversity. Employing the term 'LGBT-persons', the acronym used for Lesbian, Gay, Bisexual and Transgender, it explores concepts and strategies for taking steps towards decriminalization and equal rights and treatment regarding sexual orientation and gender identity. One such strategy is the innovative use of the internet to connect the LGBT community in Africa.

In *Urgency Required* attention is paid to the *Yogyakarta Principles* (2006), a framework of internationally recognised human rights, as an important guide for moving towards decriminalization and equal treatment. Other strategies developed by gay and lesbian organisations from all continents of the globe are presented as well. In addition, this book reveals that the LGBT movement is expanding and gaining visibility all over the world, even, against all odds, in Africa and Eastern Europe. Colourful autobiographical accounts by LGBT activists add a personal urgency to the book's moving and persuasive contents.