

Sexuality, Citizenship and Sexual Rights

Julienne Corboz

Australian Research Centre in Sex, Health and Society (ARCSHS)



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Introduction

This document reviews the literature on sexual citizenship and sexual rights published between the years 2000 and 2006. The review begins by exploring the notion of sexual citizenship as ideologically grounded in hegemonic heterosexuality. The rest of the review focuses primarily on the concept of sexual rights, the ways in which sexual rights discourses may be exclusive as well as inclusive, and how normalising or assimilationist politics reproduce constructions of heteronormative difference. The majority of literature covered in this review focuses on the rights of non-heterosexual and non-gender normative people in line with the increasing role of gay, lesbian, bisexual, transgender and queer (GLBTQ) social and political groups in the fight for sexual rights and the critique of models of sexual citizenship.

The Hegemonic Heterosexuality of Citizenship

Authors writing about sexual or intimate citizenship in the 1990s (such as Anthony Giddens, Jeffrey Weeks and Ken Plummer) tended to analyse broader transformations in how intimacy and sexuality were being lived in the contemporary world, and the consequent possibilities for sexual politics (Bell and Binnie 2000; Richardson 2005b). A key notion underlying much of the more recent literature on sexual citizenship is that the concept of citizenship is itself highly sexualised. According to Richardson (2005b), various authors, particularly feminist ones, have pointed out that citizenship is grounded in hegemonic heterosexuality and, further, that the full citizen is typically conceived of as white, heterosexual and male (see also Plummer 2003). Consequently, much literature has aimed to explore the ways in which ‘citizens are normatively

constructed as (hetero)sexual subjects’, and how some subjects are excluded from models of citizenship based on ‘the institutionalization of heterosexuality’ (Richardson 2000b: 257). Citizenship has thus come to be understood as ‘a hegemonic form of sexual citizenship’ (Richardson 2005b: 65) or as intimately connected to sexual citizenship ‘as citizenship is inseparable from identity, and sexuality is central to identity’ (Bell and Binnie 2000: 67).

The heteronormative basis of citizenship becomes clear when examining traditional citizenship models and how non-heterosexual subjects, or ‘sexual strangers’ (Phelan 2001)¹, are denied access to particular rights. For instance, Richardson (2000a) notes the inadequacy of the Marshallian concept of citizenship that encompasses civil, political and social rights, but which does not fully acknowledge the complexities of gender and sexuality.² She points out various ways in which non-heteronormative sexuality is absent from these sets of rights. The most widely cited denial of civil rights is in relation to same-sex marriage; in most nations legal marriage is restricted to heterosexual people only.³ Other denials of civil rights include restricted access to work in the military, and poor legal protection from discrimination based on one’s sexual orientation. Non-heterosexual people also have less power to exercise political rights due to discrimination and exclusion from politics. Richardson notes, for example, that gay and lesbian issues are rarely fully incorporated into mainstream political debates. Further, gay and lesbian people are denied multiple social rights via the legal denial of same-sex relationships and, thus, irregular access to welfare benefits, inheritance and tax benefits (Richardson 2000a).

Richardson (2000a) outlines several additional ways of framing or defining citizenship, beyond the classic Marshallian concept, and discusses how gay and lesbian people have been denied access to each. In the first, which links citizenship to

¹ Phelan (2001) argues that sexual minorities (e.g. non-heterosexual and transgendered people) are ‘strangers’ in the sense expressed by Zygmunt Bauman: ‘neither us nor clearly them, not friend and not enemy, but a figure of ambivalence who troubles the border between us and them. The enemy is the clear opposite of the citizen, but the stranger is more fraught with anxiety’ (Phelan 2001: 4-5).

² T.H. Marshall is well known for theorising the historical development of citizenship rights. He argued that one must be able to claim civil, political and social rights in order to be classed as a full citizen. This Marshallian concept of citizenship has been critiqued for many reasons, including its male-centric perspective and its consequent denial of women.

³ See Herdt and Kertzner (2006) for an examination of how marriage denial, and the consequent denial of civil rights, can have particular psychological impacts on gay and lesbian people.

the nation-state, gay and lesbian people are excluded from narratives of the nation despite being legal citizens (see also Bell and Binnie 2000). For instance, Richardson (2000a: 78) argues that gay and lesbian people are perceived as a threat to the traditional institution of the heterosexual, nuclear family, which is itself perceived as essential and 'for the good of the nation'. Further, as Phelan (2001) argues, those people who are totally absent from the national imaginary, or who are perceived as alien to it, cannot be full citizens even if they are granted some rights. Richardson (2000a) also explores how citizenship is framed in relation to belonging to humanity and she examines how some 'others', such as homosexuals, are perceived as closer to animal than human. She points out the contradictory character of viewing gay and lesbian people through the lens of nature, as they are simultaneously framed as 'both "unnatural" and as too close to a state of nature, expressed in the stereotypical representation of homosexuals as only interested in sex' (p. 82). Gay and lesbian people are gaining more representation in what Richardson refers to as cultural citizenship, which involves inclusion in popular culture and the media. However, although gay and lesbian people are becoming more visible in mainstream cultural spaces (such as television), Richardson argues that these spaces are still predominantly heterosexualised.

Finally, Richardson (2000a) explores the concept of consumer citizenship, whereby citizens are 'consumers with identities and lifestyles which are expressed through purchasing goods, communities and services' (pp. 83-84). She suggests that gay and lesbian people are largely accepted as consumer citizens, although she argues that this acknowledgement does not compensate for the myriad other ways in which they are denied citizenship. Despite the apparent access that gay and lesbian people have to consumer rights, Bell and Binnie (2000: 96) argue that 'the power that queer citizens enjoy is largely dependent on access to capital and credit'. Consequently, the power of sexual minorities to consume (and thus to access citizenship rights) is based on various factors such as gender, class and race, potentially making (for instance) black, working-class lesbians or gay men marginal from the so-called 'pink economy' (Bell and Binnie 2000).

Citizenship is grounded in an ideology of hegemonic heterosexuality that frames how citizens are given or denied access to particular rights. If we examine traditional

models of citizenship, it becomes clear that those with non-heteronormative sexualities are denied access to a range of civil, political and social rights. These partial citizens are also framed negatively within, and thus marginalised from, additional ways of defining citizenship, such as belonging to the nation and to humanity. Despite those with non-heteronormative sexualities being granted more access to some citizenship rights, such as inclusion in media and consumer culture, the spaces for the exercise of these rights are still predominantly heterosexualised. Further, these spaces may be the sites of additional forms of exclusion based on gender, class and race.

Sexual Rights

While much of the literature on sexual citizenship is concerned with analysing the heteronormative ideology of citizenship itself, a substantial body of literature is concerned with the notion of 'sexual rights', and who may or may not benefit from sexual rights-based discourses. Wilson (2002) notes how varied the concept of sexual rights is, and the many things it may encompass.

Sexual rights refer variously to sexual orientation, gender identity, intimate relations, erotic practices, health, reproduction, bodily integrity, autonomy, and the potential for pleasure. (Wilson 2002: 251)

According to Richardson (2000a), there are three main ways in which the concept of 'sexual rights' is framed discursively: in relation to practices, identities, and relationships. Practice-based rights include the rights to participate in sexual activity, to enjoy sexual pleasure, and to have bodily and reproductive autonomy and self-control. Identity-based claims involve the rights to self expression and realisation, and rights based on self definition and identification rather than practices. Relationship-based rights include the rights to choose our sexual partners, to consent to sexual practices within personal and intimate relationships, to have these relationships acknowledged, and to enjoy the civil rights that accompany such recognition.

The term 'sexual rights' has been closely aligned, historically, with the international fields of population and reproductive health, violence against women, and an

emerging language that connects these fields to human rights discourses (Miller 2004; Parker et al. 2004; Petchesky 2000; Wilson 2002). Sexuality entered international human rights discourse for the first time in 1993, in the World Conference on Human Rights in Vienna. Here, violence against women and the sexual exploitation of women were laid out as fundamental violations of human rights (Petchesky 2000). In that same year, the United Nations General Assembly passed the Declaration on the Elimination of Violence Against Women, further entrenching sexuality in the language of human rights (Petchesky 2000). In the International Conference on Population and Development (ICPD), which took place in Cairo in 1994, sexuality began to take on a more positive connotation, associated with satisfaction rather than simply and straightforwardly with violence (Corrêa and Parker 2004; Petchesky 2000; Saiz 2004). The importance of acknowledging the right to sexual pleasure, however, was absent from statements produced at the 1995 Fourth World Women's Conference held in Beijing, which focused instead on violence (Petechesky 2000: 88). The focus on harm in international meetings on sexual rights continued for the next ten years; however, the World Health Organisation (WHO) and some UN agencies have increasingly acknowledged the role of satisfaction and pleasure in sexual and reproductive health (Parker et al. 2004).

The concept of sexual rights has also become strongly linked to debates surrounding citizenship and the rights of non-heterosexual people (Richardson 2000b). According to Saiz (2004), the 1994 *Toonen vs. Australia* case, in which laws criminalising sexual behaviour between men in Tasmania were ruled by the Human Rights Committee as human rights violations, marked an important moment in the history of the United Nations' involvement in sexual rights. According to Saiz (2004), since *Toonen* the UN has been responsible for some progressive work in relation to including sexual orientation in human rights discourses. Nevertheless, this work has not been adequately reflected in the treatment of sexual orientation at the level of international human rights forums. Petchesky (2000: 88) points out that references made in documents at the 1995 Beijing conference to 'relationships *between women and men*' automatically excluded any possibility of discussing the rights of lesbian women, and the topic of sexual orientation was excluded completely from the conference's Platform of Action (Corrêa and Parker 2004). In 2000, at a review conference aimed at examining the implementation of the Beijing commitments, proposals to 'prohibit

discrimination on the basis of sexual orientation' were rejected by representatives from several countries (Saiz 2004: 58). More recently, at a session of the UN Commission on Human Rights in 2004, a draft resolution supporting the inclusion of sexual orientation in discussions of human rights violations was postponed after it met with considerable resistance from some governments (Saiz 2004).

The HIV/AIDS epidemic has also had an important effect on ways of conceptualising sexual rights, and has been central to many debates surrounding sexuality. The epidemic has led to the expansion of organisations that advocate for the rights of those affected by HIV/AIDS, many of which intersect with gay and lesbian social and political groups (Parker et al. 2004). Further, it has undoubtedly influenced discussions of sexuality at the international human rights level; for instance, Petchesky (2000) notes that the HIV/AIDS epidemic in Sub-Saharan Africa was a key issue in the 1994 ICPD in Cairo. Nevertheless, the inclusion of HIV/AIDS as an issue of concern within international human rights forums has not necessarily overridden the discrimination that has been generated against non-heterosexual people as a result of fears and prejudice associated with the epidemic. The HIV/AIDS crisis has played a significant role in shifting 'the "sex liberation" agenda of the 1960s and 1970s towards a focus on "sexual risk"' (Corrêa and Parker 2004: 28), further demonising gay and lesbian people and 'giving a new political and moral agenda to homophobia' (Bell and Binnie 2000: 36). This is evident from an examination of the Special Session of the UN General Assembly on HIV/AIDS (UNGASS) in June 2001, and the preparations that preceded it. There was much resistance to explicitly naming or referring to groups at high risk of infection (Corrêa and Parker 2004), and 'the bracketed references to "men who have sex with men" as a group vulnerable to infection were removed from the text of the Declaration of Commitment following heated debate and objections from a number of governments' (Saiz 2004: 58-59).

The literature on the history of the concept of sexual rights, and its connection to human rights discourses, has been highly critical of how sexual rights have been deployed within international human rights movements and institutions. For instance, Petchesky (2000) points out that given that the language of sexual rights is historically rooted in 'negative' human rights discourses surrounding the violence, discrimination

and exploitation of women, there has been little emphasis on ‘positive’ discourses linked to pleasure and satisfaction. She asks:

Why is it so much easier to assert sexual freedom in a negative than in an affirmative, emancipatory sense; to gain consensus for the right not to be abused, exploited, raped, trafficked, or mutilated in one’s body, but not the right to fully enjoy one’s body? (Petchesky 2000: 88)

She then points out the success that women’s human rights campaigns have had when displaying the most awful atrocities committed against women, simultaneously casting them as victims rather than agents who have the right to bodily pleasure.

Although casting innocent, female victims as the primary bearers of sexual rights has previously been a successful advocacy technique, there are various consequences of using this strategy. Miller (2004: 19) argues that the attention paid to condemning sexual harm and violence against women, at the expense of highlighting sexual agency, reproduces the notion that ‘the most important thing to know about a woman is her chastity’. Further, it may lead to the collapsing of positive rights into negative rights discourses in the long term, and the emphasis being taken off the enabling conditions that are necessary for asserting the positive rights of both women and men (Miller 2004; Parker et al. 2004; Petchesky 2000). Another key issue is how to represent those who do not fall easily into the category of ‘innocent’, and who are consequently excluded from the language and benefits of sexual rights. According to Miller and Vance (2004: 11), by connecting sexual rights to discourses of sexual innocence, those people who are ‘sexually experienced, knowledgeable, [and] often compromised in terms of the harsh judgements of sexual respectability’, are inadequately acknowledged and protected. Consequently, sexual rights approaches that are effective for some may inadvertently harm those non-conforming persons who are low on the sexual hierarchy.⁴ Miller (2001) points out that this may be particularly so for non-heterosexual people, and especially when viewing sexual

⁴ Miller and Vance (2004: 6-7) draw on Gayle Rubin’s concept of sexual hierarchy, which describes a sexual stratification system ‘in which different sexual practices, expressions, identities, and communities are ranked, from the most normative and socially approved to the most stigmatized and despised’.

rights through a health framework, due to the historical discrimination of gay and lesbian people based on their supposed medical and/or psychological dysfunction.

Despite more attention being paid in the literature to the importance of moving beyond the concept of negative rights, some authors have pointed out the various problems with linking positive rights, particularly sexual pleasure, to human rights discourses. Oriel (2005) argues that although sexual rights advocates fight for sexual pleasure as a fundamental human right, they often write in gender-neutral language, consequently disguising how rights to pleasure may be framed differently for men and women, and how they may in fact intensify gender inequality. For instance, she suggests that often men's beliefs that they have the right to demand sexual pleasure from women override women's rights to refuse sexual activity, thus leading to the violation of women's sexual rights. According to Oriel, this has particular consequences for women's sexual health and protection against HIV/AIDS, given that in many contexts not using condoms is associated with masculinity and with heightened sexual pleasure for men. It is not just a case, however, of acknowledging gender inequalities embedded in positive rights discourses. That women's desires are often subordinated to the sexual pleasure of men is related to another important element of citizenship: obligation. Richardson (2005b) points out that up until quite recently in England, and still in many countries, the law stipulated that men had sexual rights to their wives' bodies, and women were obligated to have sex with their husbands. However, the issue of obligation, and what the obligations and duties of sexual citizens might be, have been largely under-acknowledged in the literature on sexual citizenship (Richardson 2000b, 2005b).

Other critiques of rights-based approaches include not acknowledging how some social characteristics, such as ethnic diversity and nationality, may intersect with sexual rights discourses. For instance, some authors have argued that the concept of sexual rights, its development in the West, and its export to non-Western countries, can be ethnocentric, harmful and even reverse the liberating effects lauded by advocates (Massad 2002; van Eerdewijk 2001). Van Eerdewijk (2001) suggests that sexual rights discourses often represent non-Western women as lacking modernity, and as victims of tradition, in contrast to Western women who are portrayed as having agency. She argues that a focus on harmful practices such as forced marriage and

female genital mutilation reproduces the hierarchical tendency to view the West as a 'normative referent', and everywhere else as in need of transformation (p. 431). This tendency may disguise the social, historical and political complexities surrounding sexuality in non-Western countries. For instance, if we draw on the example of Muslim sexualities, it is clear that certain practices, such as honour crimes, female genital mutilation, and the stoning of women, are not in fact an outcome of Islamic 'tradition'. According to Ilkharacan (2002), many of the practices viewed as violent human rights abuses towards women predated Islamic influence and cannot be found in the Qu'ran or in other traditional Islamic texts. Further, she shows how some violent and oppressive practices against women have been developed more recently as a result of modernisation, nationalist movements and the rise of conservative right-wing Islamic groups.

Massad (2002) argues that ethnocentric international sexual rights discourses (particularly 'gay rights' discourses) have also had negative effects on men in Muslim countries. He draws from a postcolonial perspective to illustrate that much like the maternalism of the white, Western feminist movement; the gay rights movement has adopted a paternalistic discourse towards non-Western gay and lesbian people. Further, he critiques the literature that situates Muslim men who practice insertive sex with men (as well as perhaps with women) and who do not identify as gay or homosexual, as bewildering and problematic. According to Massad, this discourse involves framing Muslim people who engage in same-sex sexual activity as oppressed and in need of freeing themselves from the clutches of tradition by claiming (modern) gay identities. Massad argues that, as a consequence of the universalisation of 'gay rights' discourses, sexually receptive men in some Muslim countries are being forced to adopt gay identities, while insertive men are being pushed to strictly adopt heterosexual identities, thereby '*heterosexualizing* a world that is being forced to be fixed by a Western binary' (p. 383).

Massad's critique strikes at the core of Western, ethnocentric rights discourses, but some authors beckon us to more critically examine the internationalisation of sexual rights. According to Wilson (2002: 258), critics of the internationalisation of sexual rights argue that 'sexual rights are part of the very problem they are battling: that is globalization, Westernization, or imperialism'. However, these critiques cannot be

viewed as disconnected from globalisation itself. Wilson points out the contradictory nature of sexual rights discourses, which have been produced within transnational networks in an increasingly globalised world, simultaneously being problematised and critiqued via global political forces. These forces sometimes stem from conservative groups that are highly selective in their choice of those who should be free from Western imperialism. For instance, Wilson argues that some conservative groups (e.g. anti-abortion groups in the USA) appeal to an anti-imperialist rhetoric when advocating for non-Western peoples, who they state are victims of the destruction of families, communities and tradition due to Western, ethnocentric rights discourses (e.g. pro-choice). However, she points out that these groups that speak out against imperialist Western culture focus their critiques on ‘nonnormative, nonreproductive sexuality’, remaining silent in relation to, ‘for example, elite men’s consumption of imported cars, liquor, or political ideologies’ (Wilson 2002: 259).

Despite the increasing presence of the concept of sexual rights in international human rights discourses, various critiques have been lodged against the very notion of sexual rights. For instance, there is some confusion around what the term ‘sexual rights’ means and, consequently, what sexual rights (and obligations) might incorporate, and who is affected by them. The most widespread critiques, however, revolve around the historical construction of sexual rights, its connection to international human rights discourses, and the negative impact this has had on less powerful groups, such as women, non-Western people, and gay and lesbian people. This in turn raises the question of whether these groups should claim access to universal sexual rights or rights based on difference. This question will be explored in the following section.

A Multiplicity of Sexual Citizenships?

Feminist movements have long questioned whether women should claim universal access to rights based on their equal status with men, or whether they should claim rights based on their gender difference (Richardson 2000b). This tension between universality and difference is also present in the literature on sexual citizenship, particularly in relation to non-heterosexual and non-gender conforming citizens. Richardson (2005a) argues that a rights agenda based on universality/sameness incorrectly implies that gay men, lesbians, heterosexual people and others may share

the same needs and interests. Consequently, some have supported a differentiated/pluralist approach, which defines specific rights agendas based on sexuality, thereby granting rights based on difference rather than sameness. Richardson (2000b) points out, however, that these approaches are often gender neutral and reproduce the problems associated with speaking of a universal sexual citizen. For instance, differentiated models of sexual citizenship may collapse gay men and lesbian women into queer or GL categories, often making lesbians invisible in the process (Richardson 2000b, 2005b). She thus questions the adequacy of 'lesbian and gay equality', and asks: 'To whom do gay men want to be equal, heterosexual women or heterosexual men? And is the same answer likely to be forthcoming from lesbians' (Richardson 2005b: 74)?

In order to combat the gender neutrality of some models of sexual citizenship, several authors have argued for distinct approaches to citizenship based on gender diversity, thus including groups such as lesbians and transgender people. For instance, Richardson (2000b) is interested in exploring the possibility of a specific lesbian citizenship, in contrast to 'gay citizenship' or 'gay and lesbian citizenship'. She outlines three ways in which the concept of lesbian citizenship has been approached. The first approach follows a normalising politics, identifying how lesbians are excluded from mainstream, heteronormative 'legal and welfare systems' (p. 263), and is critiqued for its failure to challenge heteronormative ideals of family, intimacy and sexuality.⁵ The second approach argues for a different set of legal rights for lesbians, and 'the elaboration of a 'lesbian-specific' system of rules of justice governing claims to citizenship' (p. 264). Critics of this approach point out that the category 'lesbian' is not monolithic and it is impossible to speak of a universal set of rules that is applicable or even desirable to all lesbians. According to Richardson, who cites Shane Phelan's work, the third approach to lesbian citizenship attempts to overcome this problem, by proposing 'that lesbians should claim 'the space of citizenship', understood here as a claim to political participation and public recognition' (p. 265). This approach would consequently acknowledge the varying interests of lesbians and how these differ or intersect with the needs and interests of other groups.

⁵ See the following section for a critique of normalising politics.

Transgender people have also been absent from citizenship discourses and, consequently, scholars have begun to pose the question of how one might conceive of transgender citizenship. According to Monro and Warren (2004), sexual citizenship models are useful for speaking about transgender citizenship because of their role in countering heterosexism; however, they are inadequate due to their focus on sexuality. Further, transgender people do not fit easily into these models, in part because of the precarious relationship they have had with gay and lesbian social and political movements in the past and the common conflation of transgender people with non-heterosexuals. Despite this uneasy relationship, transgender culture, politics and activism have been closely related to and influenced by gay and lesbian communities in the past. Monro and Warren (2004) argue, however, that feminist models of citizenship may be a better place to start when discussing transgender rights because they are centred primarily on gender rather than sexuality. A feminist approach to transgender citizenship is not without its problems given radical feminist interpretations of transgenderism as yet another form of ‘reinforcing patriarchal stereotypes’ (p. 354). Further, Monro and Warren (2004) suggest that feminist analysis has not adequately addressed the fluidity of gender and thus cannot sufficiently account for transgender people.

Monro and Warren (2004) argue that a specific transgender approach to citizenship is both viable and desirable; however, they also note the problems with such a concept given the enormous variation of interests and needs of those people who are classed as transgender (gender complex, intersex, transsexual, cross dressers etc). Transgender people may claim certain rights in common, such as freedom from abuse and discrimination, and the right to self-expression. However, the types of specific rights that people claim may vary according to different identities. A transsexual person will probably require different rights to a cross dresser, including legal recognition of their gender and, as a result, access to marriage and a birth certificate congruent to the new gender, among other things (Monro and Warren 2004).

It is important to acknowledge how some transgender claims to rights may maintain heterosexism and assumptions about normative gender. For instance, Aizura (2006) describes an Australian legal case in which a female-to-male transsexual man named Kevin sought legal recognition as male in order to marry his female partner. Unlike in

previous cases, where rights had been sought based on freedom from violence and discrimination, the *re Kevin* case relied predominantly on proving Kevin's authentic performance of masculinity. Friends, family and medical professionals were called upon to testify that Kevin looked like a man, acted like a man (e.g. he played sport in a masculine way) and did not display a histrionic psychological state presumed to be feminine. Consequently, Aizura argues that 'this strategy institutes social and cultural performances of normative gender as the criteria by which any person can access rights' (p. 298), severely limiting the possibilities for transgender or transsexual rights claims.

Given people's diverse needs and interests based on sexual orientation and gender (and other forms of difference such as ethnicity), citizenship models based on differentiated rights may seem to be the appropriate avenue to explore. However, discussing the possibility of 'lesbian citizenship' or 'transgender citizenship' also raises the issue of who might be represented or excluded from these approaches. There are many forms of what Bell and Binnie (2000: 33) refer to as '*dissident sexual citizenship*', and within diverse categories of identity 'there are different modalities of citizenship that mark the same sexual categories differently'. Consequently, it is impossible to speak of a universal lesbian citizen, or transgender citizen with the same interests and needs. Further, as Monro and Warren (2004: 357) suggest, 'differentiated rights claims...may do little to alter the infrastructure that excludes transgender people'. This would presumably be true of other gender or sexually diverse people. Consequently, Richardson (2000b) questions the notion of sexual citizenship itself, and asks why one should seek inclusion in a heteronormative system that excludes lesbians and other non-heterosexual people. Her position corresponds to an anti-normalising approach that aims to overthrow heteronormative domination rather than seek inclusion within it.

The Politics of Normalisation and Anti-Normalisation

The pursuit of equal rights has been a core attribute of the gay and lesbian political movement; however, this quest has been increasingly transformed from a discourse of liberation to one of citizenship (Richardson 2005b). This shift mirrors a split within the movement between two ideological positions: a politics of normalisation vs. a

politics of anti-normalisation. In a politics of normalisation, gay and lesbian people seek to be included in mainstream citizenship models and, consequently, enjoy the same rights as heterosexual people to social institutions such as marriage and military service (Richardson 2004; Seidman 2001, 2005b).⁶ The early years of the gay and lesbian liberation movement, in the 1950s, were characterised by a politics of normalisation which was grounded in the fight for gay rights, tolerance and acceptance of difference (Richardson 2004, 2005a). Since the 1970s, however, normalising politics have taken on a rhetoric of equality in normality, which aims to situate gay and lesbian subjects as ‘normal’ citizens and the same as everybody else (i.e. heterosexual people) (Richardson 2005a). Consequently, assimilation, or normalisation, does not challenge the status quo of the heteronormative world but, rather, seeks to find a place for gay and lesbian people within it (Seidman 2005b).

The second ideological group that characterises the gay and lesbian political movement is referred to as a politics of anti-normalisation, or liberationism, and has largely dropped off the agenda of gay and lesbian activists, despite gaining popularity in the early 1970s (Richardson 2005a; Seidman 2001, 2005b). Supporters of a politics of anti-normalisation argue that a normalising model of citizenship reproduces a heteronormative basis for the acquisition of rights, such that in order to be a ‘good’ and ‘normal’ citizen, gay and lesbian people must emulate the heterosexual family and heteronormative constructions of intimacy (Richardson 2000b, 2004). Consequently,

...the normal gay is expected to be gender conventional, link sex to love and a marriage-like relationship, defend family values, personify economic individualism, and display national pride. (Seidman 2005a: 45)

Critics of normalisation thus defend non-conforming gender identities, and non-heteronormative families, intimate arrangements and sexual activities. For instance, they fight against the institution of marriage by advocating against the state’s role in regulating relationships, and they support sexual activity that is disconnected from monogamous unions (Seidman 2005b). Consequently, anti-normalisation aims to

⁶ Some authors use the terms ‘assimilationist’ or ‘integrationist’ politics interchangeably with a politics of normalisation.

altogether displace the centre that normalising advocates seek to share with the mainstream (Meeks 2001).

One of the primary critiques of a normalisation agenda is the exclusionary effects of defining 'good' gay and lesbian citizens; primarily, that the process of defining good citizens also creates spaces for the definition of bad citizens and, consequently, the need to regulate them (Meeks 2001; Richardson 2005a). According to Seidman (2005a), the construction of the 'good' gay who conforms to traditional gender categories, emulates the heterosexual family, and reserves intimate sexual relationships for monogamous marriage-like unions, creates a good/bad division between non-heterosexual people. The good/normal gay is juxtaposed against an abnormal/bad counterpart. The bad gay is one who transgresses gender categories or who opts for non-normative sexual, intimate and familial arrangements (e.g. sadomasochism, recreational sex and polygamy) (Seidman 2005a). The sexual hierarchy constructed around good and bad sexual citizens thus sets up divisions within gay and lesbian groups that ensure that while good citizens may enjoy certain rights, bad citizens will not. Further, according to Richardson (2004, 2005a), this sexual hierarchy is now constructed and maintained within a neoliberal context of privatisation and decreasing state intervention, where good, self-governing citizens voluntarily fulfil the requirements of the state. Consequently, '[t]hrough such neoliberal techniques of governance, the promotion of lesbian and gay rights can appear to be necessary and benign, rather than ushering in a new politics of surveillance and control' (Richardson 2005a: 522).

Rather than normalisation breaking down differences between homosexual and heterosexual categories, it might have the opposite effect of maintaining or reproducing difference (Richardson 2004). Both Richardson (2004) and Seidman (2005a) have argued that normalisation may not just lead to heterosexual/homosexual hierarchies, or divisions within gay and lesbian groups (or perhaps even between gays and lesbians). It may also create heterosexual hierarchies by setting the good heterosexual apart from the bad one (Richardson 2004; Seidman 2005a). According to Seidman (2005b: 225), before non-heterosexual people became 'the personification of the bad sexual citizen', some heterosexual people, such as single mothers or those who had inter-racial relationships, were predominantly classed as bad sexual citizens.

Currently, however, bad heterosexual citizens are more commonly defined in association with vilified practices popularly associated with homosexuality, such as hedonism, open-relationships and recreational sex (Seidman 2001, 2005a). For instance, those heterosexuals who enjoy swinging, polygamy, or sadomasochism are viewed as 'polluted' and are denigrated for participating in non-heteronormative practices (Seidman 2001).

Rather than take either a normalising or anti-normalising stand, Seidman (2005b: 234) argues that it is possible to adopt an intermediary position, or 'third way'. He critiques normalising, rights-based approaches for inadequately addressing 'a wider agenda of sexual and social justice', which he sees as fundamental to social change (p. 233). He does believe, however, that a rights-based approach is a good place to start, and is the most likely avenue (at least in the short-term) to achieving social and political transformation. Nevertheless, Seidman points out that a rights-based agenda would profit greatly from acknowledging liberationist positions on heteronormative domination. He uses the example of gay marriage to illustrate that although a rights-based agenda of granting legal marriage rights to gay and lesbian people is an important step in furthering inclusion, it can only benefit from taking on liberationist critiques, for instance, of the structures of male dominance that are central to the institution of marriage, and of the state's regulation of intimate relationships. Thus, for Seidman, a 'third way' approach to the issue of gay marriage might involve advocating for same-sex marriage (in the short term), while maintaining the agenda of 'uncoupling basic healthcare and social security benefits from marriage (in the long term)' (p. 241).

There are three broad political approaches to the pursuit of equal rights for gay and lesbian citizens. While a normalising approach seeks inclusion in the mainstream, whereby gay and lesbian people will be granted the same rights as heterosexual people, an anti-normalising approach rejects the heteronormative basis for the acquisition of rights. Supporters of an anti-normalising approach argue that normalisation has particular exclusionary effects, the primary one being the construction of bad sexual citizens based on those who do not adhere to heteronormative expressions of gender, sexual intimacy and heterosexual constructions of the family. This has not just impacted on gay and lesbian people, but

is also significant for the production of bad heterosexual citizenship. Despite these exclusionary effects, some have questioned the efficacy of an anti-normalising approach. Consequently, Seidman (2005b) suggests a third political approach in which a rights-based approach should take precedence in order to lead to social and political change. This approach, however, must incorporate an anti-normalising politics in order to gradually deconstruct heteronormative domination.

Sexual Citizenship and Space

Any discussion of sexual rights and politics requires an examination of how the issues of citizenship and space intersect. As Hubbard (2001: 54) suggests, 'a basic right of citizenship is the right to access and use specific kinds of space within a given territory'. Subjects are either included or excluded as citizens by virtue of the boundaries between particular types of spaces, which are sites for the exercise of power and the construction of difference (Bell and Binnie 2000; Hubbard 2001; Stychin 2001). Within contemporary notions of citizenship, the public/private dichotomy has represented a particularly salient spatial geography for the reproduction of difference (Stychin 2001). Through the deployment of this dichotomy, minority groups have often been relegated to the private sphere, away from the public sphere where civil, political and social rights are demanded and enacted. For instance, Stychin reminds us that the concept of citizenship is gendered by virtue of women being excluded from the public realm. Sexuality is also highly regulated across public and private boundaries and the literature that discusses space and sexual citizenship mainly focuses on how 'sexual dissidents', particularly non-heterosexual and transgendered people, have been denied access to both public and private spaces.

According to Richardson (2004), in the United Kingdom (and clearly elsewhere), while homosexuals have been able to 'pass' through public space, they have been morally confined to the private sphere. In other words, homosexuality has been 'tolerable only as long as it did not leak across boundaries of the private into the public' (p. 404). As Stychin (2001) points out, however, we must be careful not to assume the tidiness of the public/private dichotomy:

...the public/private distinction has masked how the private sphere can be a central site for surveillance and regulation...Thus, the private is not necessarily shielded from the glare of the state, and the public is far from universally inclusive. (Stychin 2001: 286-287)

For example, while gay and lesbian citizenship has been located within the private realm, gay and lesbian people are also marginalised within that realm. This is perhaps most obvious in relation to the family, partnerships and childrearing (Richardson 2000a, 2004).

Despite the relegation of gay and lesbian people to the private sphere, several authors have pointed out that sexual dissidents have found various ways to blur the boundaries between public and private spaces, cities being the primary sites for the transgression of public space (Bell and Binnie 2000; Hubbard 2001). Bell and Binnie (2000) argue that when examining the urban character of sexual citizenship, one must view space as being sexed in different ways across different urban contexts: 'Some cities, rather than being nurturing of difference, are notoriously resistant to it' (p. 88). However, Hubbard (2001) notes that the production of gay and lesbian villages within global cities, and the staging of gay and lesbian pride parades, all contribute to the visibility of sexual dissidents and the queering of public space. Nevertheless, while some scholars have argued that these transgressions of heteronormative public space are essential for the granting of equal citizenship rights to sexual dissidents, Hubbard (2001) rejects the notion that visibility necessarily leads to equality. He argues that the inclusion of gay and lesbian people into a normalising discourse of citizenship will do little to change the boundaries of heteronormative tolerance, which would continue to govern access, and the denial of access, to public and private spaces (see also Richardson 2000a).

Other authors have pointed out that the increased visibility of gay and lesbian people corresponds to a broader normalising discourse and politics. According to Bell and Binnie (2004), the increasing sexualisation and queering of public space, particularly in global cities, has led to a 'new homonormativity' (p. 1808), by which (some) non-heterosexual people are seen as desirable additions to urban spaces and important to consumption practices (whether as consumers in the 'pink economy', or as those

being consumed). For instance, Hubbard (2001: 61) suggests that ‘paradoxically some gay parades (like Sydney’s Mardi Gras) have become spectacles for heterosexual consumption’. Bell and Binnie (2004: 1816) add that, in relation to gay urban villages, the spectacle that gay subjects produce for heterosexual observers must ‘conform to an accepted and ‘respectable’ notion of gay identity’. This safe and normalised form of ‘exotic difference’ (ibid), which is consumed by both heterosexual and non-heterosexual subjects, leads to exclusionary practices and may reproduce divisions within non-heterosexual groups based on gender, class and ethnicity. Bell and Binnie further point out that mainstream queer spaces for consumption (e.g. gay villages, cafes and bars) have forced ‘less-assimilated queers underground, back into subterranean back-street bars and cruising grounds’ (p. 1810).

Given the normative and regulating nature of the queering of public space, Hubbard (2001) argues that public spaces are not necessarily the key sites in which sexual dissidents should be claiming rights. Indeed, he is sceptical of the claim that sexual dissidents will be able to claim full citizenship rights at all by virtue of their visibility in public spaces.

...I wish to reject this (rather straightforward) conceptualization of public space as representing a democratic space where marginalized groups can seek to oppose oppressive aspects of heteronormality. (Hubbard 2001: 63)

For Hubbard the real problem that sexual dissidents face ‘is not a lack of publicity but a lack of *privacy*’ (p. 64). He describes privacy, in contrast to publicity (which is centred on the ‘*power to access*’ potential spaces), as the ‘*power to exclude*’ others (including the state) from private spaces (ibid). He thus argues that in order to claim citizenship, sexual dissidents should not be seeking more visibility in public space but, rather, ‘increased public legitimacy for their own privacy’ (p. 65).

While sexual dissidents have traditionally been confined to the private sphere, sexuality is regulated in both public and private spaces. Further, although sexual dissidents have certainly attained more visibility in the public sphere, scholars have questioned whether the queering of public space necessarily leads to the attainment of citizenship rights. Here, the literature intersects with critiques of normalising politics

and argues that the increasing visibility of gay culture and consumption in public space has paradoxically led to a 'new homonormativity' which itself reinforces a heteronormative world. This raises the question of whether the public sphere is, in fact, the appropriate place in which sexual dissidents should claim rights, as opposed to the private sphere in which sexual dissidents continue to lack public legitimacy (Hubbard 2001).

Conclusion

The institutionalisation of heterosexuality has led to the denial of multiple citizenship rights to a variety of sexual 'others', most notably non-heterosexual and transgender people. Bell and Binnie (2000) question, however, whether these partial and excluded citizens should be claiming 'sexual rights' simply because they have been denied them. The very concept of sexual rights, and who the bearers of such rights should be, raises important issues in relation to the reproduction of difference and exclusion, and how rights-based discourses may be harmful to some. A question that emerges across the literature is how to imagine the citizenship rights of sexual dissidents given the actual and potential exclusionary practices and discourses that are produced through the inclusion of (some) non-normative sexualities into a heteronormative framework of citizenship. While some scholars take a normalising or anti-normalising approach, an in-between approach that acknowledges the importance of rights-based discourses, while simultaneously critiquing the outcomes of heteronormative domination, might lead to more inclusive and effective political agendas. As Bell and Binnie (2000: 146) point out, 'the choice to disidentify – to remain as non-citizens – will maintain systems of exclusion and discrimination that bring real material harm to many people'.

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