Human Rights and LGBT Rights in International Theory

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Many of the claims that LGBT people make upon their states and within their communities fit comfortably with the general normative and institutional framework of human rights – standards around privacy, freedom and bodily integrity, for example. Human rights though is a discourse of international politics. In turning from the politics of the community in which one lives, to considering the fate of others in their communities, vastly complex questions arise, including around the scope and coverage of human rights norms and institutions. Only in recent decades has the discourse of human rights – with its focus on individual agents, not states - become a mainstream element in the broader account of international relations itself; even more recent (still halting and very hesitant) has been the acknowledgement of LGBT rights and sexual politics in general as legitimate concerns for international theorists. The further claim that these are consequential matters which might shape and guide our interpretations of international politics itself is still a very queer claim.

In this chapter, I propose to utilize this queerness, to take advantage of the way in which this claim challenges, destabilizes and re-orders analytical priorities, and to see how we might be able to think about human rights in international politics differently by considering its availability to the concerns of international sexual politics, especially the politics of the gay and queer. A key question here is whether the often conventional identification of human rights with LGBT – and especially Q – concerns, holds up. This is a tall order for a brief chapter: consequently my approach is to survey and appropriate some key contributions to the discussion, and to do so in a way which pushes against parsimonious identifications within international theory between human rights and the queer desires of LGBT people for a presence in the field. The chapter falls into two parts. In the first, I consider the presence – or rather, the absence - of LGBT and queer interests in international theory, and then consider a queer reading of human rights that supports its critical emancipatory potential. In the second part of the chapter, I survey four approaches to working with and theorising LGBT human rights that take up that potential.

International theory and LGBT Politics

In an article from the late 1990s, Paul EeNam Park Hagland sets out to bring together LGBT politics, human rights and international relations theory (Hagland, 1997). His effort represents one of the earliest attempts to do this; revisiting it is a useful way to commence a survey of the connections between these areas. Hagland’s opening observations place his subsequent comments on the paucity of theoretical reflection in context by observing the slow pace at which human rights groups embraced LGBT issues. Human rights NGOs and INGOs are notionally oriented towards the interests of the oppressed and marginalized, but even within this constituency, scant attention was directed towards LGBT concerns. Little wonder, then, that states themselves did not respect the human rights of LGBT peoples: “there is not a single country which fully respects LGBT rights”, he observed in 1997 (Hagland, 1997, p. 357). Hagland’s next target is in the academy:

Nor has international relations (IR) theory to date considered LGBT politics and human rights a topic worthy of interest or scrutiny: leading theorists have simply ignored LGBT rights as a concern, either normative or empirical. Hence the question of LGBT rights as human rights simply has not been engaged in any
Hagland is intent on engaging with international relations and LGBT politics, but for his purposes, IR theory was to prove excruciatingly restrictive (not an uncommon view: (Sylvester, 2007)). We should note, too, that his article is published in GLQ: – in other words, it does not even appear in a journal which might be routinely surveyed by a generous minded non-LGBT-specialist IR scholar. If we attend to what Hagland actually does with IR theory, we see that he uses it to point to two factors: “the weakness of international institutions and international law” and “the state-centric bias of some traditional human rights approaches.” (Hagland, 1997, p. 358) Hagland invokes realism and liberal institutionalism as the poles of the debate within IR theory, and rehearses this debate to complicate the optimism expressed by LGBT advocates regarding apparent advances. Hagland insists that, in the absence of enforcement mechanisms, declarations of rights while symbolically important lack efficacy. Notwithstanding the internationalist fervor of human rights discourse, when it comes down to the matter of protecting vulnerable populations, the state is in the driving seat. Realism has its place: if a state does not have goodwill towards it’s LGBT populations, then there is very little that those populations can directly expect from the formal international institutions and legal structures of the human rights movement.

These lessons are well learnt; today, two decades after Hagland wrote, they are being taken up and articulated in different ways in the human rights literature (See for example Nash, 2011). What is interesting to observe about Hagland’s piece though, is how limited the scope or usefulness of IR theory is (at least in his perception) for going any further than these elementary cautions. Hagland poses three questions generated from reflecting on the international politics of LGBT issues, but indicates that answers will not be found from IR theory: “The attempt to answer these questions will require reference to an entirely different literature...”:

Any attempt to conceptualize “the political” in relation to LGBT identities, and LGBT politics in relation to human rights discourse, would... suggest at least three important questions: first, how is the domain of the political constituted in international relations discourse? Second, what are human rights in this discourse? And third, who can be a subject of such rights?(Hagland, 1997, p. 258)

Writing in the mid-1990s, Hagland’s view was that answers would have to be sought beyond the narrow confines of the realism-liberalism debates of IR theory; social constructionism, feminism and Foucauldian analyses were to be requisitioned.

Two decades on, we might ask how far things may or may not have come. I suggest the project Hagland embarks upon remains unfulfilled. In reaching “beyond IR theory”, Hagland sought to develop a normative and strategic approach for thinking about LGBT rights as human rights. While it is the case that many of the theoretical resources which Hagland reached for have been incorporated into IR theory in the intervening years (Cf Reus-Smit & Snidal, 2010), IR theory itself still has not grappled with the full implications of the project (See also: Foster et al., 2012 and Smith & Lee, 2014).

In order to make my case here, I will leave Hagland for the time being, and draw two further witnesses: Cynthia Weber presses the matter further than Hagland, asking why there is no queer international theory. While Weber does not discuss human rights directly, RR Thoreson’s account of the persecution and discrimination suffered by LGBT people, and the articulation of those experiences through the discourse of human rights, points us back to the questions Hagland raises of international theory and human rights.
I will consider each in turn.

**Queering IR?**

While Hagland, writing in the mid-1990s, sought to emphasise the failure of “any... standard work in the literature” to seriously treat LGBT human rights issues (Hagland, 1997, note 2, p.378), Cynthia Weber, writing after almost twenty five years of Queer theory, asks why the discipline of international relations has not “gone somewhat queer” (Weber, 2014, p. 1). This should be a pressing question for IR scholars: queer scholars themselves are well and truly at home on the familiar turf of the IR scholar. The war on terror, immigration, displaced people flows, transnationalism, global capital and labor, violence of various forms, surveillance – all of these and more are central subjects of study in IR; they are all also taken up and given masterful treatment by a wide range of queer scholars whom Weber lists. Global Queer Studies scholars contribute to the three core areas of traditional IR scholarship: “war and peace, state and nation formation, and international political economy”. These contributions are not somehow marginal, but are top ranked in various disciplinary journals and books series – “But not in the field of IR.” (Weber, 2014, p. 2)

Weber, playing on Martin Wight’s famous question, “why is there no international theory?” (Wight, 1960), asks: why is there no *queer* international theory? In the end, Weber answers this question by stating that there is quite a lot of queer international theory. Some IR scholars do write on queer themes; there is an expanding body of work, which she cites, although most of this is not published in “IR outlets”. This might give rise to the supposition that the work of these scholars is too interdisciplinary to qualify as “proper” IR work. But Weber argues that “the primary foci of most queer-themed work published by IR scholars are classic IR themes such as war, security, sovereignty, intervention, hegemony, nationalism, empire, colonialism, and the general practice of foreign policy.” (Weber, 2014, p. 2) Weber continues:

> Of particular relevance to IR scholars are investigations that explore how failing hegemonic states perform queerness through their conduct of interventions and wars to solidify their hegemonic status, how states produce themselves and their citizens as pro-LGBT subjects in part to constitute other states, ‘civilizations’ or peoples as national and global threats, how the articulation and circulation of global (economic) value through queer and racialized bodies supports the practices of empires, and more generally how ‘queer’ is mobilized to designate some state practices as progressive and others as non-progressive as a mechanism to divide the world into orderly vs. disorderly (anarchic) spaces. (Weber, 2014, p. 2–3 citations omitted)

Queer international scholarship, then, is abundant; certainly, to refer back to Hagland’s concerns, there is a lot of work being done about LGBT persons, their politics, and the rights discourses they invoke (Seckinelgin & Paternotte, forthcoming). Why is it, then, that this work fails to appear in the mainstream IR theoretic context? Or, as Weber puts it, “Why does there appear to be no Queer International Theory?” (Weber, 2014, p. 3) Weber’s answer to this question helps us on two fronts. It directly helps us with the question regarding this case – the appearance that there is no Queer IR theory. Weber’s analysis also presents generalizable conclusions about the nature of IR as a discipline which can help us with the second part of our problem: why it is that IR as an academic discipline does not consistently sustain robust debates about human rights - debates that could provide spaces for the discussion of LGBTQ concerns regarding human rights. It is curious that human rights, which connects to all the main themes of "disciplinary
IR", continues to occupy only a minor position, or is left for the international lawyers and philosophers.

The many scholars that Weber instances write about and engage in queer international politics. Weber’s claim is that, for Disciplinary IR, there is no route from queer international politics to queer international theory: attempts to join the dots here will be stymied by the core intellectual structures of the discipline. Such a claim is highly significant, given the purpose of a volume like this, which seeks to engage in theoretical reflection in IR from the positionality of various forms of sexual politics. For those not schooled in Disciplinary IR, this desire for theoretical reflection may seem to be a natural, even overdue, development – making Weber’s claim seem strange or perhaps implausible. However, it is an important argument which goes to the core of the identity of IR as an academic discipline. At the same time, it displays why Weber places the stress on the appearance that there is no queer international theory, rather there actually being none. In short: queer theories are seen to fail the discipline, and thus appear to be absent, having been replaced by theories which do get the disciplinary tick of approval (Weber, 2014, p. 18).

To show how this happens, Weber walks us through Martin Wight’s famous homology: “Politics is to International Politics as Political Theory is to historical Interpretation.” This homology first appeared in Wight’s 1960 essay “Why is there no international theory?” (Wight, 1960) “Historical interpretation” appears in this equation where one might expect to find “international theory”. This is necessitated by the failure of international theory to exist as a knowledge system parallel in content and function to political theory, which might tell the story of states - their relations, the state system – its survival, and the high politics of diplomacy.

Weber gives the famous essay this gloss:

What Wight’s essay offers IR is a cautionary tale about how not to produce failing international theory and a curative tale about how to successfully revive a discipline whose theoretical endeavors have led it astray. The power and influence of Wight’s essay and the homology at its core are undeniable. Whether to embrace, debate, or refine it, Wight’s argument is so rehearsed in IR through teaching and research … that his essay ‘has almost iconic status in IR so that in reading it one is reading the discipline itself’ (Epp, 1996) (Weber, 2014, p. 5)

This, says Weber, is not a good thing:

The overall effect of how Wight employs his homology is to naturalize some very problematic ideas about the existence of Political Theory and International Theory in the singular, about the existence of a rigid domestic/international boundary, about the nature of language and aims of theory and knowledge, and about what kinds of theory and knowledge are valuable. (Weber, 2014, p. 7)

The kinds of knowledge and theory which might emerge out of reflection on the international politics of sexuality and gender – the possibility of queer international theory – is similarly foreclosed by a Disciplinary IR which defines theoretical failure in the terms applied by Wight to international theory. The methodological, epistemological, theoretical, ontological approaches such a theorist must use defy too many of Wight’s “tidy boundaries” to appear as international theory (Weber, 2014, p. 8).

To reach this point is merely to have reached the first staging post in Weber’s detailed and complex argument, the end goal of which is to enable readers to see and recognise
queer IR theory when they come across it, and to understand why it is that at first glance it might not appear, despite being very much present. My goal in moving on is to take advantage of this opening to see, as we move our focus more narrowly to human rights.

Paradoxical Rights

The question of theorising rights for LGBTIQ people is one that is hard to pick up in the IR theoretic context; Weber’s discussion helps illuminate this. But theorising human rights is crucial, given the idea’s dominance and the role it increasingly plays in articulating the standing, legibility, and welfare of LGBTIQI people in global affairs. Can human rights be theorised in a way which, while retaining a critical edge, articulates a positive role for them to play with respect to the international politics of sexuality and LGBTIQI people? This is not a straightforward as some human rights enthusiasts might think. Here is the fundamental difficulty:

The incorporation of LGBTI persons into a framework of rights requires that sexual subjectivity be defined and packaged in a way that can then be regulated by the state, whether this regulation is in the form of prohibition or of the selective tolerance or affirmation of queer subjectivities (Puar 2007). Rather than challenging or subverting normativities, the incorporation of queer subjects into the framework of LGBTI human rights seems to create and inscribe a set of sexual normativities of its own - and bolster many which govern citizenship, the sovereignty of the nation-state, and the legitimacy of the UN and other highly unequal structures of transnational law and diplomacy. (Thoreson, 2011, p. 11)

For Ryan Richard Thoreson, this plays out in three areas. First, as suggested above, when LGBTI activists and professionals intervene in situations, and when their interventions are framed using the discourse of human rights, they bring with them ideas of humanity, citizenship and responsibility which reshape the pre-existing social fabric. There are many levels at which this will self consciously be the case – indeed, it may be the whole point. But such a self aware intervention may not qualify as a queer intervention precisely because of the way in which it is simply an attempt to replace one set of normativities with another.

Second: the critique of statism. Hagland’s point was that the international recognition of LGBTI protective norms required state support and sponsorship for activation. Thoreson emphasizes the statist quid pro quo, the cost of protection is recognition and assimilation by the state: “The violated subject may find voice for their suffering through the international arena and may productively bring pressure on the state apparatus to rectify its wrongs, but the process is ultimately focused on recognition and legitimation by a state apparatus that is often quite hostile to queerness.” (Thoreson, 2011, p. 14) Benign ambivalence may not be such a good thing from the state either, allowing for “good queers” to be played off against others, in a broader conflictual politics of class, race, sex or gender, in which LGBTI rights for some are used to butter the state’s bread, playing up its power to control and manipulate LGBTI subjectivities and politics. Despite the state’s dominant positionality here, there is room for subversion:

There is a critical way in which the pursuit of LGBTI rights transnationally, and in solidarity, subverts the hegemony of the state at the same time that it nominally bolsters its primacy - one which is perhaps particularly queer as the movement continues to develop and form, and as this normative power proves more effective than black-letter laws in protecting sexual subjects. (Thoreson, 2011, p. 14–5)
This gives rise to another set of questions, and a third avenue of possible queer critique of the LGBTI rights as a human rights venture: as human rights gains ground globally and becomes more efficacious as a driver of institutional and social change, it risks pushing aside other mechanism and modes of being - including forms of sexual orientation and gender identity and their expression. As Thoreson reminds us, “With the strong prerogative to define and protect queer populations, the human rights project erases ambiguity by creating and imposing particular epistemologies regarding sex, sexuality, and sexual subjectivity” (Thoreson, 2011, p. 16) - as they have come to be identified. The theoretical paradox for an LGBTI politics which seeks to queer human rights should be clear: human rights are about establishing particular normative boundaries; queer, if it is anything, is anti-normative.

The parallels with what happens in international relations theory are very clear. This is precisely Weber’s point about the role of Wight’s homology: it sets up a series of boundaries which then prevent the telling of queer international politics “as they really are” (Weber, 2014, p. 8). In the case of IR theory, the problem with queer international theory is that it has another story to tell in addition to the story that traditionally justifies or legitimates classification as IR – the story about the survival of the state. And it tells that story in ways and using methods other than those traditionally used by the discipline. This is the same problem that is faced by the story of “human rights as LGBT rights”: the “human rights project” is not in any sense “neutral” or “objective” with respect to social reality and experience. Rather, it is both a way of articulating our moral and political relationships which trades on certain (often naturalized) traditions of understanding; and, it is a way of proposing to do politics – indeed, it is a politics in itself (Langlois, 2001). Using human rights – the concepts, the discourse, the institutions, the networks – is always to participate in that politics and necessarily (if critically and hesitatingly) to function within its framework.

It is very easy to become seduced by the rhetoric of human rights – its claims to universalism, its claim to being a global ethical movement – and to be blinded by the macro level impact of the global human rights institutional architecture, centered on the UN. Thoreson points to the ways in which human rights at the local level are very different from what they might be supposed to be if one takes the rhetoric seriously and looks only at the macro global institutions. (CF. Hopgood, 2013) This conclusion is supported by anthropologists. Mark Goodale, who has been at the forefront of researching the impact of human rights on local communities the world over, comments that “the abstract universalism of human rights functions as a kind of moral mirage: it attracts people to it, but it gets fainter the closer the approach. Eventually, human rights discourse is grounded not in the pure form with which it appeared, but as a hybrid normativity that is the result of multiple processes of vernacularisation and moral innovation.” (Goodale, 2013, p. 420) (Cf Goodale, 2014; Merry, 2006)

The ethnographic and anthropological work presented by Goodale forces a critical deconstruction of human rights – and indeed, Goodale himself directly challenges the discourses of progress and the “project of humanity” that is central to much human rights rhetoric. However, this is not to put away the possibilities of emancipatory work being achieved through human rights. A line may be drawn between the critique and re-purposing of human rights which happen in multiple fora – here, parallel paths in anthropology and queer theory. There are similarities between what Goodale arrives at and where Thoreson wants to go. Goodale says,

What is left, then, of the progressive, translocal project of making humanity? Even if research on the practice of human rights reveals it to be a process
through which the project of humanity breaks down, fractures, with each moment that human rights becomes more resonant, more accessible, it also points to the emergence of new forms of moral practice and at least the suggestion of collective transformation. (Goodale, 2013, p. 421)

The parallel here is with two ways in which Thoreson sees potential to “transform human rights into a vehicle for queer positivity” (Thoreson, 2011, p. 19). As Goodale indicates, certain ways of studying human rights lead to the destabilization of global or hegemonic norms about human rights. It is similarly the cases with ideas of “queer”. What is queer in the global north is not necessarily what is queer elsewhere; “queer solidarity” is a very slippery, perhaps contradictory, theoretical idea. Both elements then, human rights and queer, have a destabilizing force. It is this potential to cut across established norms, expectations, identities and so on that makes sense of a queer account of human rights: human rights “as the queer project of rendering the strange familiar and the familiar strange.” (Thoreson, 2011, p. 20)

Examining the practice of LGBTI human rights – as with examining the practice of human rights in general – throws up lots of queer results, along with a great many interesting questions and challenges. It is not for the fainthearted, however, as it challenges many vested interests in both the human rights community and within the “gay international”:

Ultimately, this requires a kind of engagement that is already taking place within the field of LGBTI human rights projects, but is self-consciously backgrounded by activists, obscured by a sensationalist media, and ignored by governments and those invested in the holism and sanctity of human rights - the idea that the discourse and practice of LGBTI human rights projects are inevitably and unavoidably specific to a particular time and place, and bear little resemblance to the putative universalism with which human rights are so often associated. (Thoreson, 2011, p. 23)

**Theorising Queer Human Rights in Critical IR**

Now I want to take up and extend Thoreson’s point, that “a kind of engagement” is going on within work on LGBTI human rights that focuses on their specificity in time and place, and is critical of the “putative universalism” that is often seen as the core of the global human rights project. What kind of engagements are going on? How can these engagements be drawn into a critical theoretical approach within IR? It is possible that the kinds of questions being raised by human rights scholars and practitioners, as they negotiate the global politics of LGBTQI rights, can do critical work on human rights– especially if that critique or queering is understood, as Thoreson put it, as destabilizing existing categories and forcing a focus on actual practices within the international (rather than only those our theories prefer us to observe, in only permitted observational spaces). In this section, then, I will briefly survey four approaches to LGBTIQ politics and rights that suggest a series of openings for further critical engagement. These four approaches all exemplify Weber’s point, that queer critical work is being done on IR in places other than disciplinary IR. The study of human rights has always been interdisciplinary, and always marginal in IR, so this particular conjunction is no surprise. What might be surprising and productive is what might emerge from engaging these together.

*Performativity*
What do we do when we claim human rights? In particular, what happens in the many places and times we are told that we do not have rights? To insist that, yes, we do have rights, and to then engage in various forms of rights claiming activity is an increasingly observed outcome. These practices may involve ambit claims for rights, legal practices for redressing abuse, agitation for the creation of institutions which would ensure rights protection, and so on. In doing this, we engage in efforts to create a world which recognizes and responds to the rights claims we make.

In Karen Zivi’s performative analysis of rights, these practices of rights claiming which destabilize and reconstitute our world are of great interest: her examples come from the US and South Africa and respectively concern same sex marriage and AIDS policy concerning Mother to Child HIV transmission. She says, “I approach rights claiming as an activity or, rather, set of activities through which we shape – indeed, at times constitute – our world and our selves.” (Zivi, 2011, p. 9) Zivi continues:

A performative perspective on rights moves us from an almost exclusive focus on questions about what rights are to a more careful consideration of what it is rights do; from a tendency to treat rights as things or instruments we use to bring about a particular end to a recognition that rights claiming is a complex linguistic activity, the outcomes of which are quite often beyond our complete control. A performative perspective on rights, in other words, moves us beyond concerns about the formal definitions of rights and allows us to take seriously rights claiming as a social and political practice. (Zivi, 2011, p. 9)

In that social and political practice, rights claiming depends on established conventions and norms in order to be legible; but it need not be – indeed, perhaps, usually is not – identical with them. Breaking recognised rules “opens up the possibility of the new”; with the new come “forces and effects that exceed” established conventions and norms (Zivi, 2011, p. 19).

Zivi’s performative approach may be attractive in the first instance because of the way in which it can shed light on the development and claiming of new rights – such as rights for LGBT people – which go beyond recognised rights and inaugurate new social and political practices. It would be a mistake, however, to think that the purpose of this approach is simply to explain the way in which new, deserving, constituencies manage to win and secure rights, bringing to an end debates sustained by opponents. Such “rights-as-trumps” approaches, which aim to produce clear and secure political winners, are antithetical to a performative approach. Rather – and this is where we see the very clear synergies with queer theorising – messiness, contingency and indeterminacy need to be taken seriously. Rights claims play a key role; but we may be mistaken to think either that our political objectives will be established through successful rights claims, or that we can in fact control or define what a successful rights claim turns out to be. Rights claims, says Zivi, “are not trumps because they are not irresistible and irrefutable claims that promise particular results; they are, instead, claims of persuasion.” (Zivi, 2011, p. 51)

Elsewhere, I have applied Zivi’s approach to the question of changing attitudes towards human rights within the international system, and more specifically, to the possibility of extending human rights protections to LGBT peoples in jurisdictions that are traditionally hostile to such extensions. In that work, I examined the transition of the Association of South East Asian Nations (ASEAN) from being a human rights denying to a human rights embracing organisation (with a heavy critical emphasis on what that embrace might mean). Zivi’s performative account of rights claiming enabled a form of
analysis generative of greater insights than those typically used in IR scholarship. In particular, it fosters what Thoreson argues are the virtues of queer critique as well: a critical approach to existing categories and a focus on the actual practice of human rights – on what it is that individual people, communities and institutions do when they perform rights claims. Among other consequences, such an approach forces a thinking about the politics of rights and of those establishing rights systems. Rights are not just “there”, not just natural rights - “spectral attributes” worn like amulets to ward off tyranny, in Dworkin’s disparaging phrase (Dworkin, 1978, p. 176). They are, rather, political technologies which always engage and perform a broader political agenda. What that agenda is or can become is a moot point. For Zivi, the hope is that it is generative of a more radical democratic politics.

**Positionality**

Positionality, like performativity, can destabilize human rights and force an examination of their practice. In his recent book on *Third World Protest*, Rahul Rao offers a deeply personal and analytically cogent discussion of the impact of Western originating discourses of LGBT rights on Third World societies. He says that his “central preoccupation...is to find a language in which to criticize the hierarchies and supremacism that lurk within the cosmopolitan politics of LGBT solidarity without minimizing or ignoring the oppressiveness of communitarian homophobia.” (Rao, 2010, p. 176)(See also Rao, 2014)

Rao’s discussion first turns to the celebrated work of Joseph Massad (Massad, 2008), who is not fond of “Western LGBT solidarity politics”. Massad criticizes it for the culturally imperialistic imposition of a Western sexual ontology on Arabs, in the process destroying indigenous sexual subjectivities. He also argues that this Western solidarity has heightened the visibility of sexual minorities, inviting repressive government interventions. Rao is not so sure that this is an adequate response, given that many Arabs do appropriate Western style LGBT identities, and do re-work them as they seek sexual self determination. Surely, he argues, something is amiss when these people are dismissed as mere “native informants” to a Western LGBT movement: “In effect, in criticizing cosmopolitan rescue politics and its local interlocutors, Massad slips into a reinforcement of communitarian authenticity narratives that police how sexual preferences ought to be expressed.” (Rao, 2010, p. 177) By contrast, Rao suggests we consider why there might be a genuine sense of grievance against ‘traditional’ sexual ontologies, and then to ask whether there is any usefulness in the various politics of solidarity offered by the ‘Gay International’.

“I suppose I am one of Massad’s ‘native informants’” Rao comments, before spelling out some aspects of the grievance against a ‘traditional sexual ontology’: “The physical, mental, and emotional costs that such an ontology exacts in the form of broken relationships, sham heterosexual marriages, suicides, lack of legal and social recognition of what are otherwise deeply fulfilling personal relationships, lack of access to health care, etc. are well documented in many countries, but remain unacknowledged in Massad’s argument.” (Rao, 2010, p. 178)
Rao’s ‘antipathy’ to Massad’s analysis stems from Massad’s failure to account for these costs. Whether Western solidarity politics does any better is a moot point. Rao’s survey of some high profile cases in this field ends with the wry observation that “the Gay International is an extraordinarily fractious space.... It is united by a common Western sexual ontology, but its constituents disagree radically on whether, when and how to export this ontology to the rest of the world.” (Rao, 2010, p. 189)

Disagreement about the politics of sexual self determination is common too among Massad’s ‘native informants’: activists, people of colour, third world queers resident in the West. These, says, Rao, are “sandwiched... between a coercive liberal solidarism supportive of Western hegemony, and a variety of authoritarian pluralisms” that contest such hegemony. Citing Hannah Arendt, Rao details this position as one between “malevolent enemies and condescending friends” or, as he glosses it, “malevolent communitarian homophobia and condescending cosmopolitan rescue” (Rao, 2010, p. 192). The broader theme of Rao’s book is about protest sensibilities, and in particular he is concerned to address the question of protest sensibility in a context where there is “no singular locus of threat” – this is the experience of such people, and Rao’s interview vignettes grant the reader some sense of the dilemmas faced. He says:

Their is a protest sensibility underpinned by complex imaginaries of threat, in which the quest for self-determination has entailed a struggle against both homophobia within their communities as well as salvation by international or white LGBT allies. The latter struggle has been for power and resources but also, ironically, for recognition as equals. In part, what these activists have been trying to say to their purported rescuers is that they are not just gay, but other things as well – Palestinian, Arab, Muslim – and that gay liberation that does not respect those other identities is no liberation at all. (Rao, 2010, p. 192)

The concerns about coercive liberal solidarism, condescending cosmopolitan rescue, gay liberation and the role of human rights are written about by Rao from the positionality of the periphery, from the Third World. But the same critical themes apply within the “core”, where the practice of a “queer liberalism” has forgotten the radicalism of its gay liberationist past.

*Queer Liberalism*

Writing about the contemporary state of gay politics in the USA, David Eng has said “Our current moment is marked by a particular coming together of economic and political spheres that form the basis for liberal inclusion...” (Eng, 2010, p. 26) Eng uses the phrase “queer liberalism” to articulate this coming together, particularly in the context of “citizen-subjects petitioning for rights and recognition before the law” (Eng, 2010, p. 3. For an earlier gloss on "queer liberalism" see Phelan, 2000) Eng notes that earlier radical critiques of the state, its oppression and its accounts of family, kinship and so on, have given way to the desire for *legitimization* by the state of same-sex attachments and associated
Eng’s analysis centres around the 2003 US Supreme Court decision *Lawrence v. Texas*, which declared unconstitutional a Texas statute criminalizing sodomy.

Eng’s distinctive reading of *Lawrence* is salutary here because it destabilizes the achievement that many see *Lawrence* to be, and raises critical questions about the rights politics invoked by the queer movement. In his usage, *queer liberalism* denotes the inclusion of queers into the liberal political project, but in doing so it shows the costs of this inclusion; by reviewing these costs, Eng enjoins us to adopt or return to a more radical politics. I read this account of queer liberalism as a cautionary tale for those using human rights as tools for their queer global politics.

The key cautions Eng identifies have to do with the disassociation of sexuality and race, and both of these from the impact of capitalist economics and neoliberal globalization. Queer liberalism, argues Eng, engages a “colorblind” moment in US politics which sets queer freedom up as an achievement which comes after the “completion” of the “racial project”. Queer freedom is set up as “the latest political incarnation of the rights of man” (Eng, 2010, p. 4). By contrast, Eng argues that “the emergence of queer liberalism depends upon the active management, repression, and subsuming of race.” (Eng, 2010, p. 17) The analysis of *Lawrence* is crucial in this respect. The case itself “begins as a story of racial trespass”, with a caller to the police reporting (in racially offensive terms) a weapons disturbance on the part of a black man – one of the parties in the back-white “couple” of the case (itself actually a one night stand). Eng asks, how is it that such a story “ends as a narrative of queer freedom?” (Eng, 2010, p. 17)

The right to privacy emerges as the key right in *Lawrence*; Eng’s analysis places this right within its history as a racialized property right: “a long and troubling history of African American race and intimacy as spoiled kinship is transformed into idealized notions of queer family and kinship precisely by folding domesticated gays and lesbians into the liberal project of the US nation-state.” (Eng, 2010, p. 17)

Eng’s reading is not confined to the histories of intimacy, privacy and rights; nor is it confined to the ways “in which gays and lesbians are liberated precisely by proving that they can be proper US citizen-subjects of the capitalist nation state” (Eng, 2010, p. 30) Rather, “homonormativity collaborates with a neo-liberalism willfully blind to unequal structures of globalization and its increasingly international gendered division of labor.” (Eng, 2010, p. 31) Bringing the various elements of his critique together, and showing how his analysis of queer liberalism in *Lawrence* applies more generally, Eng argues that they

...underscore a significant cleaving between queer and critical race projects, progressive social movements once thought in the same political breath. This cleaving insists that we rethink how race and sexuality are systematically dissociated in a putatively colorblind age, demanding a more robust politics of intersectionality in the face of neoliberal practices and policies. The turning away from a sustained examination of the vast
political and economic inequalities in the state, civil society, and commercial life, marks the paradoxes of queer liberalism. A renewed queer studies must insist that problems of neoliberal political economy cannot be abstracted away from the racial, gendered, and sexual hierarchies of the nation-state, but must be understood as operating in and through them. (Eng, 2010, p. 34)

Eng’s paradoxes of queer liberalism are writ large in the global human rights project. An emerging research agenda belatedly recognizes the critical intersection between neoliberal practice and human rights, and other critical takes on human rights are proliferating. (Golder, 2012; Holder & Reidy, 2013; Lutz-Bachmann & Nascimento, 2014; Douzinas & Gearty, 2014). Eng exemplifies the way in which these critical strains may be synthesized.

“Dating the state”

As Spivak has said, we cannot not want rights (Spivak, 2009). But rights do not come by themselves. As we were reminded by Hagland at the beginning of this discussion, the state is still the critical institution for the recognition and enforcement of rights claims. And, it turns out, it can be quite useful for the broader political purposes of states, to play on the fact that they do provide rights for sexual and gender minorities within their borders. As Katherine Franke argues:

A careful analysis of the role of human rights mechanisms and institutions in the expansion of human sexual freedom requires that we recognise and account for the manner in which NGOs working in this area, along with the populations they seek to aid, often find their work and their interests taken up and deployed by state actors for purposes that well exceed the articulated aims of something called “human rights.” (Franke, 2012, p. 4–5)

The argument that Franke puts forward, has two major component parts. The first of these concerns the usefulness of sexual minorities to states for the broader political strategies in which states engage on the international stage. While it might be desirable to conceptualize rights as ends in themselves, in the politics of human rights this is rarely the case. Franke’s argument is illustrated by cases, which while they cannot be explicated here, can be briefly catalogued. Citing Jasbir Puar (Puar, 2012)(See also Puar, 2007), she describes these as cases where “golden handcuffs” attach gay rights to the nationalist projects being engineered by state elites. (Franke, 2012, p. 44) (On these themes see also Peterson, 2013, 1999). Discussing specific incidents, she looks at the way in which political elites in Israel, Romania, Poland, Iran, the USA and the EU utilize the politics of gay rights for purposes which undermine the broader normative framework with which such rights would normally be identified. Her intention is “to illuminate the centrality and manipulation of sexuality and sexual rights in struggles for and against the civilizing mission that lies at the heart of key
aspects of globalization.” (Franke, 2012, p. 2) As she goes on to comment, it is worth paying close attention to the way in which “a state’s posture with respect to the rights of ‘its’ homosexuals has become an effective foreign policy tool” (Franke, 2012, p. 3) – a tool which can be used just as well when the issues on the table are about sexuality as when they are not.

A key example here is the way in which human rights law becomes a key tool in the extension of other global political projects – such as the internationalization of neoliberal governance systems. The importance of human rights law in credentialing states as suitable members of economic and political communities (like the European Union) is fundamental here – and is also, as Franke bluntly puts it, “bankrupt”. There are two senses in which this is the case. First, some human rights abuses rank higher than others: gay rights are the shibboleth; get that sorted and you are waved through, with other egregious abuses quietly ignored. Worse – especially when it comes to economic and social rights – such states end up hosting the human rights fallout of the West’s neoliberal economic expansion (its “new markets” and their benefits to a select few).

Second, and at a deeper level, the articulation through this process of a “necessary relationship between identity formation, recognition, and rights... makes an epistemic claim that risks a kind of violence in many contexts...”. (Franke, 2012, p. 31–2) Referencing the Yogyakarta Principles, Franke argues that while these are “seemingly progressive, inclusive, and dignity respecting”, they nonetheless make claims about human sexuality and gender which do not leave room for alternative ways of being. (cf Thoreson, 2009 and Waites, 2009)

Franke says she is concerned with “who and what is actualized when the LGBT subject is given a voice through the intervention of human rights.” It is clear that when this intervention comes from states, “a ‘gay right’ is not a ‘gay right’ is not a ‘gay right.’” (Franke, 2012, p. 39) The gay who’s politics and subject position, ethnicity and religion, suits the agenda of the state may find themselves to be the “good citizen” who receives recognition, identity and status. But at who’s cost? Franke is unequivocal about this:

Noting the duplicity of the state’s homo-friendliness is not enough. Rather the ‘patriotized’ rights-bearing LGBT subject and ‘its’ movement have a duty to actively resist being mustered into nationalist projects undertaken in its name and purportedly on its behalf. (Franke, 2012, p. 40)

Gay rights instrumentalized as an oppressive tool of foreign policy seems a perverse legacy of gay liberation, and raises critical questions regarding how to theorise the politics of sexuality and gender rights in the international, as well as fundamental questions about the nature and performance of rights politics itself. If the usefulness of rights is in some sense linked to them being powers deployed by the state, how is it possible for us, as Franke puts it, to do a rights politics which resists occupation by the state? Queering our politics, then, demands “a refusal to take up the frames, and the identities those frames call up, which ‘winning’ our rights produces.” (Franke, 2012, p. 46). More poignantly, it is to
refuse the seduction and embrace of the state at that point when the state seems to come on side; it is to recognise the *querness* of that point: a moment of deep danger as well as one of liberation; a moment destabilizing in its possibilities for both emancipation and requisition.

**Conclusion**

From this survey of international theory, global LGBT politics and human rights, the salience of the queer claim that sexual politics might legitimately – even unavoidably - shape and guide our interpretations of international politics in general is evident. Both Hagland and Weber demonstrate ways in which conventional international theory is unable or has refused to critically engage with the complexities of its own subject matter. Many of these complexities can be apprehended when looking thought the queer lens of international sexual politics. Doing so de-stabilizes conventional categories and approaches, illuminating a range of practices of the international that often go unremarked.

Hagland, we saw, was concerned that LGBT rights as human rights were going unremarked in international theory. Taking this up, we have been able to survey some of the ways in which a concern with human rights for the gay and the queer can lead us to a more critical appreciation of human rights within international theory in general. Not only is it the case that these rights can be utilised to protect against impositions and to guard against abuse; but in their turn, they may impose and abuse. Human rights examined through the complexity of global sexual politics make the familiar utility of a rights politics strange, by showing how its easy categories can fail its assumed emancipatory intent. It can also, however, make the strange familiar, as Thoreson reminds us: showing the ways in which the practices of global sexualities, with their capacity to destabilize the standard categories we use to interpret international politics, nonetheless open spaces for a critical emancipatory global politics.

It was the purpose of the second part of this chapter to illustrate some of these “showings” by considering four different approaches to human rights. In each of these - performativity, positionality, queer liberalism and “Dating the State” - the familiar is first made strange, and is then used to make strange ways of looking at international politics familiar once again – familiar, at least, to those engaged by critical, emancipatory, desire. The theorists of these four approaches go beyond conventional accounts of human rights; they also exceed the discipline of international relations. The nuanced and sophisticated accounts of practices within the global politics of sexuality which they produce may seem queer and strange to conventional international and human rights theorists; it turns out, however, that they speak with enormous critical power to the most fundamental questions regarding the nature of the international today.
Bibliography


