

FLYING THE RAINBOW FLAG IN ASIA

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Fifty years ago homosexual acts were illegal in all the countries that trace their legal systems back to the British common law.² Public authorities, media and social attitudes throughout the West treated homosexuality as illicit, often as unmentionable. There was a tradition of seeing homosexuality as a foreign vice – the Greek vice or the French vice or an Oriental vice – not a local vice.³

In 2005, after forty years of reforms, criminal laws that target homosexual acts are gone in the West. Entry into the European Union is conditional on laws prohibiting discrimination on the basis of sexual orientation or gender identity. Marriage has been opened to same-sex couples in the Netherlands, Belgium, the state of Massachusetts, Canada and Spain. Same-sex marriage was a major issue in the 2004 American presidential election.

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² Differing Western legal traditions tell us little about public attitudes or even state practice. One of the two major western legal traditions, the continental civil law systems based on the Napoleonic Code, did not criminalize homosexual acts. This difference continued in Europe and in the areas colonized by civil law and common law countries. In reality most arrests are for acts with some public character. For that reason prosecutions can occur with equal ease in either tradition. They are always rare, for individuals are usually able to keep their activity out of sight. When social attitudes on homosexuality changed in the West, towards the end of the 20th century, they changed in both civil law and common law jurisdictions, without apparent regard to the legal background. The only obvious difference was that the existence of criminal prohibitions provided a public issue around which public campaigns for reform could be mounted.

³ State regulated brothels for British army personnel were established in India to prevent soldiers picking up “special Oriental vices” and becoming “replicas of Sodom and Gomorrah.” See Suparna Bhaskaran, *The Politics of Penetration*, in Ruth Vanita, *Queering India*, Routledge, 2002, 15 at 17. Ruth Vanita and Saleem Kidwai in *Same-Sex Love in India; Readings from Literature and History*, St. Martin’s, 2000, xxiii, state: “...Arabs argue that Persians introduced the vice, and Persians blame it on Christian Monks. ...Anglo-Saxons blamed it on Normans who in turn blamed it on the French.” For another list of the foreign origins of homosexuality see Graham Robb, *Strangers: Homosexual Love in the Nineteenth Century*, Norton, 2003, 7.

Current Western patterns recognizing gay and lesbian equality rights are very new. Change came much later than on issues of sex and race.⁴

From the early 1990s certain political leaders in Africa and Asia actively condemned homosexuality as a corrupt Western practice now spreading to their parts of the world. It was a foreign vice, they argued, as Europeans had argued before.⁵ Such immorality was in conflict with local cultures and religions and threatened to undermine their societies. These attacks were part of broader criticisms of the West.⁶

Western style activism on sexual orientation issues now occurs in Asia. The first 'pride parades' were held in Manila and Tokyo in 1994, the twenty-fifth anniversary of the Stonewall riot in New York City, the event that marks the emergence of modern activism in the West. The rainbow flag, first designed in San Francisco, now appears regularly in Asia, in posters, web-sites and parades.⁷

Words, symbols and ideas that developed in the West have spread. Have they been absorbed in Asia? Is homosexuality now the basis of an 'identity'? Do individuals accept the need to be 'out'? Does the rainbow flag have the same meaning in Taipei and Mumbai as in San Francisco and Amsterdam?

1. THE INVENTION OF HUMAN RIGHTS

'Human rights' play an important role in modern states. Respect for 'human rights' is a marker of the legitimacy of regimes. The globalizing agenda is clear in Boutros Boutros-Ghali's well-known description of human rights as the "common language of humanity."⁸

⁴ Discrimination against homosexuals was not effectively challenged in the West during most of the post-war period because of the lack of 'out' public figures, the absence of effective organizations (most homosexuals being closeted), the lack of funding for education and lobbying, the lack of government-sponsored programs (in comparison with issues of sex and race) and the lack of allies (until the 1990s).

⁵ Gradually statements by Asian political leaders that there were no homosexuals in their countries have ended. Twenty years ago China denied it had homosexuals, but no longer. In December, 2004, a news story quoted a government health official in North Korea as saying there were no prostitutes, homosexuals, drug addicts or HIV/AIDS in the country. See Rex Wockner, *International News*, Number 557, December 27, 2004. Prime Minister Phan Van Khai on June 27th, 2005, in response to a reporters question while visiting Canada, said his country had only "a few" gays or lesbians. "The issue has not been rising or debated in Vietnam." See Rex Wockner, *International News*, Number 585, July 11, 2005.

⁶ This kind of criticism has a history that seems not yet written. Rudi Bleys notes that Franz Fanon, so important in anti-colonial thinking, condemned homosexuality as Western. As well, he notes, African novelists deployed the image of the Western homosexual dominating colonial subjects. In the 1990s, then, African and Asian representatives replayed or revived or continued these themes as an important part of broader criticisms of the West. See Introduction in Rudi Bleys, *The Geography of Perversion*, New York University, 1995.

⁷ The rainbow flag was first used in the 1977 campaign of Harvey Milk for County Supervisor in San Francisco, California.

⁸ Then UN Secretary General Boutros Boutros-Ghali used this phrase in 1993 in the context of the Vienna World Conference on Human Rights.

Governments pushed a new human rights agenda in the years after World War II. Government representatives decided in 1945 to make the promotion of human rights a major goal of the United Nations. Government representatives drafted the *Universal Declaration of Human Rights* of 1948 and the *European Convention on Human Rights* of 1950. Government representatives drafted the two general UN human rights treaties of 1966. Newly independent states supported the United Nations and international human rights standards.⁹

The pioneering human rights non-governmental organizations developed during the cold war. Amnesty International began in 1961. Human Rights Watch originated in 1978 as Helsinki Watch.

We are told that there were extensive efforts to ground the *Universal Declaration of Human Rights* in all major world intellectual traditions.¹⁰ In truth it is grounded in none of them. It is not about vindicating past formulations of rights, though references are made in speeches and articles back to the *Declaration of the Rights of Man*, the common law and the *Magna Carta*. Human rights is a new agenda, invented in the aftermath of the second World War and still under construction. It requires a strong role on the part of the State, both in the area of civil and political rights, on the one hand, and poverty alleviation and social services, on the other.¹¹ The contemporary package of human rights is concerned with individual satisfaction, social stability and economic efficiency. It is largely individualistic in its focus, encouraging citizens and workers to show independence, initiative and mobility.

Human rights is about modernization. It is about social change. The agenda to end 'traditional' patterns is clear in the treaties on racism, women and children. Racism, whether traditional or not, whether religiously sanctioned or not, is to end. The Committee on the Elimination of Discrimination Against Women works to eradicate "traditional sex role stereotypes" and "deeply ingrained traditional practices and customary laws" that treat women unfairly.¹² Violence against women and children in the home was typically seen as a private matter, often culturally sanctioned. It has been brought into the open and condemned. Similarly recognizing and respecting sexual and

⁹ Government speeches at the 1955 Bandung non-aligned conference support the UN and human rights. See Centre for the Study of Asian-African and Developing Countries, Collected Documents of the Asian-African Conference, Department of Foreign Affairs, Government of Indonesia, 1983.

¹⁰ See Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, Random House, 2001.

¹¹ There are two general UN human rights treaties, the covenants on "Civil and Political Rights" and on "Economic, Social and Cultural Rights." The first largely deals with constraints on the state (in the protection of freedom of expression, for example) while the second requires state action to secure the provision of educational, health and other services. The state emerges as the guarantor of a range of rights, uniformly available throughout the territory of the state. Current neo-liberal moves in the West to limit social programs are regularly criticized as violating the International Covenant on Economic, Social and Cultural Rights.

¹² These phrases are in the summary of the work of CEDAW's January, 2003, session, found in the Human Rights Monitor, No. 61, International Service for Human Rights, 294-295.

gender diversity involves change. In each of these contexts, opposition is inevitable along the way.

Human rights won bi-polar support during the cold war. The West used human rights to criticize the Soviet Union, and the Soviet Union responded by attacking the human rights record of the West. Both sides talked the talk, though they focused on different rights. The cold war dominated world politics, seeming to marginalize and silence the developing world. After the cold war ended the West became more demanding of other states on human rights, labor standards, environmental protection and trade. In Asia, in reaction, a new discourse emerged challenging the universality of human rights in the name of 'Asian values.' One significant part of the challenge targeted homosexuality.¹³

The Asian values challenge is largely over. Asian governments now talk the human rights talk. China, India and Japan have each signed the two major UN human rights treaties. Gay scholar Dennis Altman calls human rights "one of the best examples of epistemological globalization available."¹⁴

Human rights provided "a space for us to do politics," in the words of one Asian activist. Asserting homosexual equality rights was not, in fact, a debate about the true meaning of any particular human rights standard. It was a claim to homosexual legitimacy, against the counter discourses of sin, social decline and pathology. Was same-sex desire just as 'normal' as red hair or left-handedness? Those were analogies commonly argued in the West in the 1950s and 1960s. If homosexuality was a variation within the range of the normal, then human rights norms would logically apply. Initial attempts of gays and lesbians to claim human rights failed in the West. This slowly started to change in the 1960s.

In the long term, discrimination should end. Racism, sexism and homophobia are all economically inefficient, for they exclude groups of people from full participation in the society and the economy. Slavery or servitude may have suited feudal or plantation economies, but they are in conflict with modern capitalism. The sexual division of labor, in its many variations, may have been universal in agricultural societies, but it does not make economic sense in modern urban settings. The rearing of children no longer justifies the sexual division of labor, for the economic logic of having children has ended.¹⁵ Procreation is now optional. In modern economies there is no economic reason to be concerned about same-sex couples.

¹³ Local values were also asserted in Africa. One indication of change came when Ghana's commissioner for human rights and administrative justice, Anna Bossman, suggested in May, 2004, that the local anti-homosexual criminal law could be said to be a form of discrimination, offended ideas of privacy and was inconsistent with law reforms in "more advanced societies..." See Ghana official supports legalization of gay sex, Rex Wockner, International News #524, May 10, 2004.

¹⁴ Dennis Altman, *Global Sex*, Chicago, 2001, 123.

¹⁵ In the past children were active contributors to the family economic unit and took care of the parents in their old age. Both roles have ended in modern sectors. Children were assets. Now they are luxuries.

It is not surprising that significant resistance to the human rights agenda continues. Most of the time human cultures are conservative, slow to change. The broadest modern human rights consensus condemns racism. Yet racism remains common in Western capitalist societies, though sharply reduced over the last fifty years.

2. WESTERN DEVELOPMENTS

WESTERN HOMOPHOBIA

Western homophobia wanted to keep homosexuals outside the purview of human rights. Why? And why did it fail?

Western discourses on same-sex desire are deeply influenced by a peculiar history of repression dating back to the late 19th century. There seem to be no parallels to this history in other parts of the world.

A number of Western thinkers argue that it was only towards the end of the 19th century that the idea developed that there were ‘homosexuals,’ not simply homosexual acts. Homosexuals were individuals who had an on-going homosexual ‘identity.’ Economic changes had freed large numbers of individuals from dependence on family and village. Individuals had greater choices about how to live their lives. They could live as homosexuals. Sexual acts between men and between women found a name, a meaning. As Michael Foucault famously put it:

The sodomite had been a temporary aberration; the homosexual was now a species.¹⁶

Analysis of the new category first came from Germany and Austria. Karl Heinrich Ulrichs in Germany began writing about “urnings” in 1864. Karl Maria Kertbeny coined the term “homosexual” in 1869. Richard von Krafft-Ebing published *Psychopathia Sexualis* in 1886, and an English translation appeared in 1892. This became

...the standard reference tool for alienists [psychiatrists] and neurologists in Europe and the United States who were concerned with the subject of aberrations of the sexual “instinct.”¹⁷

¹⁶ Michael Foucault, *The History of Sexuality, Vol. I: An Introduction*, Vintage, 1980, 43.

¹⁷ See Jay Hatheway, *The Guilded Age Construction of Modern American Homophobia*, Palgrave Macmillan, 2003, 102-4; David Halperin, *One Hundred Years of Homosexuality*, Routledge, 1990; John D’Emilio, *Making Trouble*, Routledge, 1992; Jonathan Ned Katz, *The Invention of Heterosexuality*, Plume-Penguin, 1996; Jonathan Ned Katz, *Love Stories: Sex Between Men Before Homosexuality*, Chicago, 2002. Some writings now suggest much more self-conscious homosexual groupings in the West in earlier periods than this account suggests: see Graham Robb, *Strangers: Homosexual Love in the 19th Century*, W.W.Norton, 2003; Louis Crompton, *Homosexuality and Civilization*, Belknap Press/Harvard,

Jay Hatheway describes in detail the influence of Krafft-Ebling's work on medical literature in the United States. No one was drawing on earlier analyses, as if homosexuals were indeed a new species.¹⁸ Nor does religion seem to have been an important factor. This was science, secular and new.

In the secular world of the late nineteenth century, theology gave way to psychiatry, the priest to the doctor.¹⁹

Homosexuals emerged. Science described a homosexual orientation as pathological. States introduced new measures of social control. Legislation in 1885 banned acts of "gross indecency" in England.²⁰ Oscar Wilde was prosecuted, becoming the most famous homosexual in history. The modern Western condemnation of homosexuality was being constructed and would last for most of a century.

The argument that homosexuals emerged in the 19th century presents us with a striking narrative that is both modern and Western. Some scholars have challenged the simplicity of the analysis, finding homosexuals before Ulrich and Kertbeny, both in the West and in other cultural traditions. But three things can clearly be dated to the West in the late 19th century.

First, a new medical literature emerged which gained international status as science. It reified existing prejudices, presenting its conclusions with a new authoritativeness and an extensive literature of case studies.

Secondly, a new legal response developed, most obviously in the common law countries and their colonies, but probably in other countries as well.

Thirdly, and for the first time, a few individuals publicly identified themselves as homosexuals in a proactive manner, claiming legitimacy for their identity or desires. This was new:

2003. Other voices see the account as very Western, showing no analysis of the history, for example, in India: see Ruth Vanita, *Queering India*, Routledge, 2002, Introduction.

¹⁸ Hatheway, Chapter 8. Nikki Sullivan shows that the classic writings of Krafft-Ebing and Ellis are more nuanced than we may remember, though the tradition is one of pathologization and draws on no received wisdom: Nikki Sullivan, *A Critical Introduction to Queer Theory*, New York, 2003, Chapter 1.

¹⁹ Louis Crompton, *Homosexuality and Civilization*, Belknap Harvard, 2003, xiv.

²⁰ Heterosexual and homosexual anal intercourse, called "buggery," had been made a crime by parliament in 1534. The crime of committing an act of gross indecency was new. Regulation began or intensified in the United States. "Although states criminalized sodomy and municipalities made cross-dressing a minor crime before 1900, 'homosexual sodomy' and 'homosexuality' were not objects of state regulation until the early twentieth century." William N. Eskridge, Jr., *Some Effects of Identity-Based Social Movements on Constitutional Law in the Twentieth Century*, (2002) 100 *Michigan Law Review*, 2062 at 2159.

...in the 19th century, with the unique exception of Karl Heinrich Ulrichs, there is not a single example of someone publicly declaring their homosexuality.²¹

Ulrichs' self-revelation was "an amazing exception" and was the foundation of his sixteen year campaign for legitimization. Ulrichs predates what is usually considered the first homosexual rights organization, the Scientific and Humanitarian Committee of Dr. Magnus Hirschfeld, established in Berlin in 1897.

Hirschfeld's Committee conducted polls, organized petitions, tried to secure visiting rights for jailed homosexuals and offered lesbians legal protection from violent husbands. It delivered medical certificates that allowed its cross-dressing members to obtain transvestism permits from the police and worked with the 'Pederasty Division' of the Berlin police to combat blackmailers. It undertook a programme of public education with pamphlets like 'What the People should know about the Third Sex' (1902). Judges presiding at trials of homosexuals were bombarded with explanatory documents. Hirschfeld himself appeared at hundreds of trials as an expert witness. He appeared as a therapist in one of the first gay films, *Anders als die Anderen* ('Not Like Other People'; dir. Richard Oswald, 1919), in which an imprisoned Conrad Veidt watches a long procession of homosexual kings, poets and philosophers passing under a banner marked 'Paragraph 175' [the paragraph of the German penal code banning homosexual acts].²²

These early pioneers established patterns of activism that would gain legitimacy in the West seventy years later.

The last half of the 19th century was a period of immense social change. It was the era of Darwin, Marx and Freud.²³ It was a period of economic globalization comparable to the present day, with dramatic new levels in the movement of people, commodities and capital.²⁴ At the same time there was a 'long depression' in the last quarter of the 19th century, in which commodity prices fell while trade increased. There was new technology – the telegraph, the automobile, radio. The period saw the last great surge of formal colonial expansion. The West took control of major parts of Africa, Asia and Oceania. The independent states of Japan and Siam westernized their legal systems and built European-style palaces to justify continuing autonomy. The Eiffel Tower and colonial railways displayed Western engineering skills. Anthropology developed, at the service of empire.

Most writers do not question why the intellectual changes that took place in the West in the latter part of the 19th century included a condemnation of sexual variation.

²¹ Graham Robb, *Strangers: Homosexual Love in the Nineteenth Century*, Norton, 2003, 127 and 131.

²² Graham Robb, 188-9.

²³ Charles Darwin lived from 1809 to 1882 and published *The Origin of Species* in 1859. Karl Marx lived from 1818 to 1893 and published volume one of *Capital* in 1867. Sigmund Freud lived from 1856 to 1939 and published *The Interpretation of Dreams* in 1900. From 1856 to 1882 all three were alive.

²⁴ Naill Ferguson, *Sinking Globalization*, *Foreign Affairs*, March/April, 2005, 64.

Was it a response to the disturbing effects of rapid social change? Was it part of a new assertion of Western superiority?

For whatever reasons, homophobia assumed a peculiar normalcy in Western thinking. It came to be supported by both religion and science, which otherwise were increasingly at odds with one another. Occurring in a period of Western imperial expansion, the new ideas spread beyond the West, though their impact abroad was not the same as at home.²⁵

Michael Foucault reasoned that repression ensured the creation of a strong gay 'identity.' Repression set the Western experience somewhat apart from other parts of the world. In turn, the reactive character of the Western gay identity explains certain of its peculiar characteristics. Same-sex desire, alone, is potent enough to create a personal 'identity.' Homosexuality is a distinct and separate 'other,' marginalizing ideas of bisexuality or a gradation of orientations.

The idea of gay and lesbian 'identities' is central to the modern Western experience. There are groups of people with these 'identities' and they assert human rights claims. This kind of 'identity politics' is regarded as simplistic by many Western academics in the social sciences, while, at the same time, it is embraced by activists and lawyers. It is central in the construction of 'equality' rights arguments. As 'equality' arguments morph into arguments supporting diversity and pluralism, the existence of sexual minorities as identifiable categories remains central.

The strength of these 'identities' seems to set the West apart from the experience of a majority of people in other parts of the world.

THE POST-WAR SOCIAL CONTRACT

A kind of social contract emerged in the West. It had four elements. There was a legal and social *condemnation* of homosexuality. Condemnation was offset by the closet trilogy of *blindness* (the refusal of the larger society to see the homosexuals in their midst), *taboo* (the avoidance of any mention of homosexuality as within the range of the normal), and *secrecy* (ensuring that homosexuals lived 'in the closet' to avoid condemnation). Sporadic persecution served to keep the social contract intact (confirming to homosexuals that no better arrangement was possible). At the same time homosexuality was tolerated in artistic circles and among elites. Visible gay men were hairdressers, ballet dancers and fashion designers.

²⁵ It was the new bourgeoisie that ran the imperial project and they projected an ethos of middle class respectability, distinguishing themselves from the lower classes and what they saw as a decadent aristocracy: George Mosse, *Nationalism and Sexuality, Respectability and Abnormal Sexuality in Modern Europe*, Howard Fertig, New York, 1985, 9. The delegitimizing view of the aristocracy as profligate libertines perhaps led to the rejection of homosexuality. In contrast, in Siam and Japan, it was the aristocracy that handled the projects of modernization and the defense of the state against colonialism. Their attitudes towards sexual issues would not have been the same as those of the new British middle-class.

The *blindness* of society at large was remarkable. In practice it provided social space for closeted homosexuals to carry on active social and sexual lives, even those homosexuals that would now be considered to be quite obvious.²⁶ Tugboat Annie played on television, with apparently no commentary on this super-stereotypical dyke. Middle-aged women loved Liberace without identifying him as a super-stereotypical gay queen. Only 24% of people in the United States said they knew anyone who was gay.²⁷ Homosexuals were “hidden in plain view.”²⁸

The *taboo* meant that mention of homosexuality as a natural or normal fact of life was avoided in public media. The 1930 revised United States Production Code barred any depiction of homosexuality in American films.²⁹ When Ann Landers began her advice column in 1955, newspaper editors told her not to talk about homosexuality. This censorship was very significant. Her writings became the West’s most widely syndicated column, appearing in more than 1,200 newspapers with 90 million daily readers.³⁰ Much later the column became an important populariser of ideas of gay legitimacy and gay rights. Until 1958 the United Kingdom banned films or plays with homosexual themes.³¹ Gays and lesbians did appear in scandalous stories in the tabloid press.³²

The few serious reports that discussed homosexuality got extensive publicity (for, of course, they were breaking the taboo). The 1948 Kinsey study on the sexual behavior of the human male was a best seller. It was treated in the popular media as shocking, scandalous, pornographic. The 1957 report of the government established Wolfenden committee in the United Kingdom was an instant hit. The first run of 5,000 copies sold out within hours.³³

Gays and lesbians could get by if they followed the rules on *secrecy*. They were to stay ‘in the closet.’ They were not to ‘flaunt’ their homosexuality. Typically the gay

²⁶ Recent scholarship has shown much more of a public social scene in New York before World War II than had been assumed. No doubt this was true in other major cities in the West as well. Some homosexuals were resistant to homophile organizing, fearing, rightly, that it would lead non-homosexuals to begin to see the homosexuals around them, and perhaps act with hostility.

²⁷ Frank Rich, The Joy of Gay Marriage, New York Times, February 28, 2004. The figure would include informants who themselves were gay or lesbian.

²⁸ Jonathan Ned Katz, Making Sexual History: Obsessions of a Quarter Century, CLAGS News, Winter, 2003, 5 at 7.

²⁹ Richard Barrios, Screened Out: Playing Gay in Hollywood, Routledge, 2003. Barrios comments that when change occurred in U.S. movies in the 1960s, homosexuals were depicted with rampant homophobia.

³⁰ Bennie Currie, Advice columnist Ann Landers dead at 83, AP, Bangkok Post, Monday, June 24, 2002, 8.

³¹ BBC News, December 6, 2002, Timeline: Gay fights for equal rights, accessed on the BBC website on September 5, 2004.

³² Terry Sanderson, in black and white, Gay Times, September, 2003, 41, reviewed press coverage in the United Kingdom since the 1980s, demonstrating extensive tabloid coverage.

³³ British Broadcasting Commission, On This Day: 4, September, 1957: ‘homosexuality should not be a crime’, accessed on the BBC website, September 5, 2004.

son left home, both to move to a larger city and to keep his secret from kin.³⁴ Most gays and lesbians saw public activism as threatening.³⁵

The social contract was a closed, self-sustaining system, seemingly immune to change. Society was in denial. Gays and lesbians were in the closet.

FORCES FOR CHANGE

INCREASED REPRESSION

Repression seems to have intensified in the West in the years immediately after the second World War, destabilizing the social contract. Sometimes police entrapped gay men cruising in public areas. The few gay bars that existed were harassed and often closed. Gay saunas were occasionally raided. Some doctors were willing to use aversion therapy or electric shock treatment. In 1952 President Eisenhower banned those guilty of “sexual perversion” from employment in the U.S. government.³⁶ Homosexuals were security risks, with weak personalities. A pioneering mainstream film, “Victim,” told a story of blackmail.³⁷

There was a “transnationality of postwar anti-gay discourse and politics” in the West:

Purges of homosexuals from state bureaucracies, crackdowns on gay meeting places, and depictions of the homosexual threat posed to the nation’s security and children developed at the same time in many European countries [as well as in the United States], whether ruled by left-wing Social Democratic regimes or by right-wing Christian Democratic regimes, as well as in Australia and New Zealand and elsewhere.³⁸

³⁴ In Asia, leaving home was much less of an option. Confucian values made a break from kin much more difficult, a factor that varies in the region. Economics made it hard for children to live on their own. As in much of the world, unmarried children remain in the family home.

³⁵ Early activist Alan Horsfall recalled gay men in northern England being for the most part “openly hostile” to forming an advocacy organization in the mid-1960s. “‘Don’t rock the boat’, they said. ‘Let sleeping dogs lie. You’re only going to draw attention to us and make things worse.’” Alan Horsfall, *Back to our roots*, *Gay Times*, November, 2004, 70 at 72.

³⁶ David Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government*, Chicago, 2004.

³⁷ 1961, directed by Basil Dearden. The Museum of Television and Radio, in a series on gay and lesbian content, found a 1964 NBC drama “Espionage” also involving a blackmail plot: Diane Werts, *Gay Life from A to Z*, *New York Newsday*, March 31, 2004. In 2004 the group Hurriyyat Khassa (Private Liberties) in Lebanon started a campaign against a criminal prohibition by showing the film “Victim,” understanding that the film had helped change the criminal law in Britain: *Lebanon Gays Push for Law Change*, *ILGA Bulletin*, Issue 3, 2004, 5.

³⁸ Elizabeth Povinelli, George Chauncey, *Thinking Sexuality Transnationally*, (1999) 5 *GLQ*, *A Journal of Lesbian and Gay Studies*, 439 at 443.

Dire warnings were issued against any liberalization of attitudes on sexual matters. It was common to decry the new ‘permissiveness’ as likely to lead to serious social decline. Immorality, it was said, had led to the decline of the Roman Empire. Richard Nixon expressed such views:

Do you know what happened to the Romans? The last six Roman emperors were fags. ... You see, homosexuality, dope, uh, immorality in general: These are the enemies of strong societies. That’s why the Communists and the left-wingers are pushing it. They’re trying to destroy us.³⁹

The illicitness of homosexuality, established at the turn of the last century, was being reinscribed after some tolerance in the inter-war period. This new repression triggered opposition.

KINSEY

The first Kinsey study, *The Sexual Behavior of the Human Male*, was published in 1948. Kinsey had no interest in any individual’s ‘identity.’ In a value-free manner the study counted orgasms and the kind of stimulus that provoked each one. Its seven-point scale charted the gradations of orientation from exclusive homosexuality through to exclusive heterosexuality. This challenged the idea that any one point on the scale was ‘normal.’ Sexual variation was a fact of life. A simple binary separating the categories of homosexuals and heterosexuals was a fiction.

This was all so radical that Kinsey’s conclusions have never been absorbed in popular thinking in the West. Kinsey has been regularly misquoted as saying that 10% of men are homosexual. This demonstrates ongoing attempts to assert a binary in the face of Kinsey’s non-binary findings. Such re-binarization is attempted by both heterosexuals and homosexuals.

THE PRIVACY/MORALITY ARGUMENTS

The prestigious American Law Institute published a Model Penal Code in 1955, one of a series of ‘model’ laws offered to governments for possible enactment. The ALI referred to consensual homosexual acts as matters of private morality that should only concern spiritual authorities.⁴⁰ There were two quite different ideas in the privacy argument. The activity would take place in private (and therefore not impact on others). Secondly, moral beliefs alone did not justify criminal prohibitions. They were of a personal or private nature. The ALI model penal code was very influential in the United States. When adopted by Illinois in 1960, it was the basis for the first decriminalization of homosexual acts in North America.

³⁹ Nixon speaking to aides in his office, May 13, 1971, as reported by the Washington Post, March 21, 2002.

⁴⁰ See William Eskeridge, *Gaylaw*, Harvard, 1999, 159.

The report of the much more famous Wolfenden Committee in the United Kingdom in 1957 also argued that ‘private morality’ should be outside legal control. It gained support from the Church of England. Ten years later it led to limited decriminalization in England. The Report gave impetus to reform movements in other common law jurisdictions.

As a result of the work of the American Law Institute and the Wolfenden Committee, “privacy,” as a homosexual rights argument, had elite endorsement. This influenced the European Court of Human Rights. The anti-homosexual criminal law in Northern Ireland was condemned by the Court in *Dudgeon v U.K.* in 1981. The majority judgment relied on the Wolfenden Report. The same logic was applied in later cases from Ireland and Cyprus. In the major negative decision, the United States Supreme Court rejected ‘privacy’ rights for homosexuals in *Bowers v Hardwick* in 1986.

Since current discourse focuses so completely on ‘equality’ rights it is easy to forget how innovative the privacy argument was. As well, the idea that criminal laws should not be based exclusively on notions of morality was seen as such an innovative idea that it led to a public debate between Lord Devlin, a British judge, and H. L. A. Hart, a British legal philosopher. In the 1960s this was the best-known intellectual controversy in the English speaking legal world, with dozens of articles written about the rival positions.

‘Privacy’ is a cautious libertarian argument, suggesting that private acts and private morality should be seen as of no concern to the larger society. The Libertarian party in the United States argues for the decriminalization of narcotic drugs on the same basis. U.S. Senator Santorum cautioned that this approach seemed to validate incest, pedophilia and polygamy, all of which can be carried on with consent and in private.

Another problem with privacy discourse was the fact that the public/private distinction was a major way in which women were denied equal rights and status. Women lived largely in the ‘private’ spheres of home and family, while human rights and equality principles operated in the ‘public’ sphere. The women’s movement was no ally for homosexuals on ‘privacy’ arguments.

A third problem was that ‘privacy’ did not offer homosexuals equality, only limited social space.

Inadequate as the ‘privacy’ arguments were, they cracked open the door in the West for homosexuals. More recent judicial decisions combine the arguments for privacy and equality – as in the decisions of the UN Human Rights Committee, the South African Supreme Court and the United States Supreme Court (which reversed the *Bowers* decision in 2003).⁴¹

Echoes of the pre-equality ‘privacy’ arguments are still with us. In 2004 the conservative Italian politician, Rocco Buttiglione, was nominated to be the justice

⁴¹ *National Coalition for Lesbian and Gay Equality v. Ministry of Justice*, 1998.

minister for the European Commission. He expressed the view that homosexual acts were a sin but not a crime.⁴² The ensuing controversy forced him to withdraw his candidacy. George W. Bush, in the U.S. election campaign in 2004 said that “consenting adults can live the way they want to live”, though he rejected public recognition through same-sex marriage.⁴³ A current group in Lebanon, campaigning for decriminalization, has the name Hurriyyat Khassa or Private Liberties.⁴⁴ Malaysia’s Anwar Ibrahim was convicted of sodomy in a sensational and highly political case. Only after acquittal on a final appeal did he voice any criticism of the law. He said there was a question about the law intruding “on people’s privacy and their own private choices...” A privacy argument allowed him to criticize the law, while acknowledging that homosexuality was not accepted by Malay people.⁴⁵ No stronger statement was politically possible.

GAY AND LESBIAN ACTIVISM

World War II was a significant time of change in North America for women, blacks, Native Americans and homosexuals.⁴⁶ Many American gay servicemen chose to be decommissioned on the West Coast, rather than returning to Kansas or Ohio. San Francisco became a ‘gay Mecca.’ Other major cities saw the similar emergence of a self-conscious gay minority.

Gay organizations were established in the years immediately after World War II in both Europe and North America – first in Amsterdam, followed by Copenhagen and Los Angeles. There was no continuity with earlier groups.⁴⁷ The organizations were segregated, either for gay men or lesbians. Most members and many leaders were in the closet. The groups were called ‘homophile’ organizations to indicate that members were not necessarily homosexual, simply concerned with sexual orientation issues - a futile defensive fiction.⁴⁸

The goal was ‘equality.’ One symbol of the black civil rights movement was a black equal sign on a white background. In the 1960s gay activists in the United States used a lavender equal sign.

⁴² A sin but not a crime, Reuters, Bangkok Post, October 6, 2004, 10.

⁴³ Rex Wockner, Bush, Kerry debate why people are gay, October 14, 2004 (a wire service story for gay media).

⁴⁴ Lebanon Gays Push for Law Change, ILGA Bulletin, Issue 3, 2004, 5.

⁴⁵ AFP, Anwar: Homosexuality laws must be amended, The Nation, November 11, 2004, 5A.

⁴⁶ Alan Berube, *Coming Out Under Fire*, Plume, 1990.

⁴⁷ The first organization seems to have been the Scientific Humanitarian Committee, Wissenschaftlich-Humanitäre Komitee, founded by Magnus Hirschfeld in 1897 in Germany. One link to pre-war movements survived in Europe – the German language review *Swiss Friendship Banner*, which became *Der Kreis*. See Olivier Jablonski, *The Birth of a French Homosexual Press in the 1950s*, Vol. 41, Numbers ¾ *Journal of Homosexuality*, 233 at 234.

⁴⁸ Organizational names were closeted: Daughters of Bilitis, Mattachine Society, The Circle, Association for Social Knowledge, Society for Individual Rights, One Incorporated. The organizations produced newsletters and magazines with closeted names, such as the *Mattachine Review*, *The Ladder* (Daughters of Bilitis), *Der Kreis* (in German), *Futur* (in French), *Arcadie* (in French).

The early organizations in North America and Europe commonly urged homosexuals to develop a moral, dignified lifestyle in order to be accepted, as if they were responsible for their own persecution. The U.S. lesbian organization Daughters of Bilitis made a point of being “militantly respectable.”⁴⁹ Andre Baudry of France sought

...to facilitate the acceptance of homosexuality by the political and intellectual leaders of the country by improving the behavior of homosexuals themselves. This was the height of the international “homophile” movement with its notions of friendship, respectability, discretion, and dignity. For Baudry, dignity implied controlling sexual desire. ...the common denominator of all the movements of this period was their stress on respectability in order to curry favor with the authorities.⁵⁰

There was some public activism. Properly dressed gays and lesbians picketed the White House in Washington, D.C., in 1965. Annual demonstrations began in front of Independence Hall in Philadelphia. These efforts to be seen as a legitimate minority seemed to have had little impact. In the 1950s and 1960s even respectable gays and lesbians were unable to gain recognition or mainstream media coverage in the West. The most that was possible was the repeal of criminal laws in the name of ‘privacy’ in campaigns in which homosexual activists were invisible.⁵¹

GAY LIBERATION

Events at the end of the 1960s marked the beginnings of ‘gay liberation.’

The modern lesbian/gay liberation movement took off in 1968-69 with the May 1968 events in Paris, the Binnenhof protest in Holland and the Stonewall rebellion in New York.⁵²

In the Stonewall riot of June, 1969, drag queens and gay bar patrons fought the police in what was otherwise a routine example of police harassment of gay space.⁵³ “Stonewall,” the name of the bar where gays fought back, became a symbol. The event was honored one year later by the first of the modern ‘pride’ parades, employing the basic strategy of assertive visibility.

Earlier gay and lesbian attempts at visibility had not worked. The annual parades commemorating the Stonewall riots were different. 1969 is remembered as a turning point, a date marking the demand for a new social contract. The pride parades gradually

⁴⁹ Alisa Solomon, *The Coolest Month*, Clags News, Center for Lesbian and Gay Studies, City University of New York, Summer 2002, 1.

⁵⁰ Olivier Jablonski, *The Birth of a French Homosexual Press in the 1950s*, Vol. 41, Numbers 3/4, *Journal of Homosexuality*, 233 at 238-9 (2001).

⁵¹ No visible homosexual activists were involved in the pioneering law reforms in Illinois in 1960, the United Kingdom in 1967 and Canada in 1969.

⁵² Peter Drucker, *Different Rainbows*, Gay Men’s Press, 2000, 9.

⁵³ David Carter, *Stonewall: The Riots That Sparked the Gay Revolution*, St. Martin’s Press, 2004.

expanded to all major cities in the West. Gradually they expanded to major cities in other parts of the world – Manila, Tokyo, Johannesburg, Bangkok, Taipei, Kolkata.

Gay liberation reflected the radicalism of the times. The new organizations had activist, celebratory agendas. Most everybody in the organizations was out, a basic change from the ‘homophile’ years. ILGA, the International Lesbian and Gay Association, was formed in Europe in 1978 as the International Gay Association. It reflected the radicalism of the liberation organizations, and the male character of the leadership – lesbian was only added to the name later – and bisexuals and transgendered to the mandate much later still.

The new organizations adopted a number of symbols. The rainbow flag and the pink triangle became popular symbols of the gay and lesbian movement. The goal of gay liberation was social transformation, to “free the homosexual potential in everyone, by making it safe to be gay, lesbian or bisexual...”⁵⁴

In that heady, hopeful, exhilarating dawn of gay and lesbian liberation, abolition of heterosexuality and the end of homosexuality were in the air. We dared to imagine a radically free and different sexual future.⁵⁵

Gay liberation was loosely linked to what was termed in the West the ‘sexual revolution.’ Contraception was revolutionized with the birth control pill. Abortion laws were liberalized. Court decisions in the United Kingdom, the United States and Canada allowed the open sale of the novel *Lady Chatterly’s Lover*. *Playboy* magazine flourished, and serialized “The Playboy Philosophy,” legitimating a new hedonism.

HIV/AIDS

The radical activism of the gay liberation period faded away. With the emergence of AIDS in the early 1980s, gay men were thrust into new debates and new roles. AIDS, much more than the pride parades, made gay men visible to all segments of the public. Some gay activists created health service organizations and became engaged with government health agencies. Gay-run government-funded HIV education and prevention organizations were established throughout the West.

The health crisis had a radicalizing effect on some gay men. They disrupted medical conventions and AIDS conferences. ‘Die-ins’ were held outside government offices. Catholic mass at St. Patrick’s Cathedral in New York City was disrupted in protest against the Catholic Church’s opposition to ‘safe-sex’ programs, which promoted the use of condoms. *Queer Nation* held ‘kiss-ins’ in shopping malls to get across its confrontational message ‘We’re Here, We’re Queer, Get Used to It.’

⁵⁴ Urvashi Vaid, *Virtual Equality*, Anchor-Doubleday, 1995, 334.

⁵⁵ Johathan Katz, quoted by Dennis Altman, *From Gay Power to Gay Mardi Gras*, *The Harvard Gay and Lesbian Review*, Summer, 1999, 27 at 28.

Unlike the radicalism of the early liberation movement, this activism did not reflect general patterns of activism on other social issues in the period. It also did not attempt to unsettle the gay/straight binary in the name of liberation. This second-stage activism, now passed, gave a confrontational image to western GLBT organizations, an image that many Asian gays and lesbians found troubling.

AIDS prompted the formation of the first gay groups in a number of countries outside the West. The first groups in Malaysia and Thailand were legitimated by AIDS work. In Latin America there were already gay groups in Brazil and Mexico. Now numerous AIDS groups were created in other countries in the region. In Africa, in contrast, the disease was identified with heterosexual transmission, and gays kept a low profile.⁵⁶

LESBIANS AND THE WOMEN'S MOVEMENT

The women's movement is key to developments in the gay rights movement in the West. Insights on the socially constructed character of gender created space for arguments for gay and lesbian legitimacy. Many came to understand that the major problem for heterosexuals was the homosexual challenge to established gender roles. The loss of that framework was threatening.

Just as gay men, striving for acceptance, had disavowed drag queens and effeminacy, the women's movement, for a period, rejected lesbians. Feminism made striking gains, changing dramatically the expectations of young women about how they could live their lives. After some initial successes, Western feminist organizations began to actively support lesbian rights.

The relationship of the Western women's movement to the developing world had its problems. One researcher commented that in the early 1980s "the general opinion in both the Northern and Southern women's movements was that lesbianism was a Western phenomenon."⁵⁷

VISIBILITY

The central strategy for change in the West has been pushing gay and lesbian visibility, moving beyond the defensive patterns of 'passing' or staying 'in the closet.' For this strategy to be successful, there had to be visible gays and lesbians who would be seen as 'gender normative.' They had to look like 'normal' men and women. Attempts at gender normative visibility in the small homophile demonstrations in the 1960s were unsuccessful, though they were a start.⁵⁸ Gay liberation brought visibility but in the

⁵⁶ The contrasting experience of Africa and Latin America is discussed in Final Report, Hivos Symposium, Homosexualities and HIV/AIDS: More than a question of rights, October 21, 2004, Amsterdam.

⁵⁷ Saskia Wieringa, *Desiring Bodies or Defiant Cultures*, in Evelyn Blackwood, Saskia Wieringa, *Female Desires*, Columbia, 1999, 207.

⁵⁸ Why, then, did the gender normative, well-dressed gays and lesbians of the 1960s fail to get recognition when they sought publicity with activity like a demonstration at the White House? In that

context of a set of radical movements in the 1960s and 1970s. Those radical movements were important cultural events in the West, though they petered out. Later AIDS and feminism brought visibility and supported change.

In the 1980s ‘straight acting’ (gender-normative) gays and lesbians finally became visible in the West. More and more individuals were ‘out.’⁵⁹ The dominant public images of the 1950s and 1960s, largely based on drag queens and hairdressers, were gone. Gay men were no longer effeminate cross-dressers. Lesbian women were no longer tough tomboys. An essential precondition for the acceptance of equality rights was increasingly in place. New, more mainstream organizations worked for decriminalization and anti-discrimination laws.

THE CLAIM TO BE FAMILIES

For many years the focus of reform campaigns had been on the individual victim. A person should not be fired from his or her job simply on the basis of sexual orientation. A major shift began at the end of the 1980s. In 1989 Denmark enacted its registered partnership law, giving same-sex couples most of the legal rights associated with marriage. At the time the Danish law was a stunning breakthrough. That same year the New York Court of Appeals recognized a same-sex couple for purposes of successor rights to a rent-controlled apartment.⁶⁰ Again this was a striking innovation.

Over the next fifteen years registered partnerships, and their variants, spread to Iceland, Finland, France, Germany, Greenland, New Zealand, Norway, Portugal, Sweden, Switzerland and the United Kingdom. Such laws were enacted in the Brazilian state of Rio Grande do Sul, California, Connecticut, Hawaii, Maine, New Jersey, Nova Scotia, Quebec, Tasmania and Vermont. Other jurisdictions extended rights and obligations without the requirement of registration.

The image of homosexuals shifted from individual victims of discrimination to loving couples, whose commitment to each other deserved the same kind of state recognition as that given to heterosexuals. Same-sex couples were ‘family.’ Homosexuality was not about transgressive sex, but about shared health insurance, family

earlier period they were very few in number. Only a very few demonstrations took place. Holding them at symbolic national sites in the United States seemed like a good strategy to gain public attention, but had no parallels or support in local activism. As well, that activism took place before key achievements of the modern women’s movement and the visibility created by the HIV/AIDS epidemic.

⁵⁹ It gradually became common to have elected gays and lesbians in local government. In the U.K. those local elected officials had a radical image. In North America they seem to have been political moderates. Mainstream allies appeared with the new PFLAG groups (Parents and Friends of Lesbians and Gays) and the recent ‘gay-straight alliance’ student groups. Even with the new normalcy and allies, it probably remains true that most individuals in the West who identify as gay or lesbian are not out to their parents or colleagues at work.

⁶⁰ Ascription, that is ascribing the same rights and obligations to same-sex couples as heterosexual couples, was an alternative to registration systems. It dominated in Canadian judicial decisions until registration systems and marriage became available.

class immigration sponsorship, visitation rights at hospitals and, above all, rights in relation to children (custody, access, adoption, alternative insemination). A popular media image in the West became mother/mother/children, or father/father/children. Extending the rights and obligations of marriage to same-sex couples was now in the best interests of the children being raised in same-sex families. These family formations were a fact of modern Western life. They existed. There were lots of them. They were irreversible. They could not be prevented by some retroactive legal magic.

Twelve years after the Danish registered partnership law, marriage was opened up for same-sex couples in the Netherlands in 2001. Belgium, Massachusetts, Canada and Spain have followed the Dutch lead.⁶¹ Politicians who oppose same-sex marriage, increasingly support registered partnerships. Both John Kerry and George W. Bush supported equal partnership rights in the 2004 United States presidential election.⁶² Opponents of gay marriage in Canada supported equal partnership rights. Registered partnerships or civil unions could deliver substantive equality to gays and lesbians, while preserving ‘marriage’ for heterosexuals. Civil unions without ‘marriage’ became the “quintessential liberal compromise on same-sex marriage.”⁶³ Increasingly western activists rejected civil unions as discriminatory, as a ‘separate but equal’ solution.

The campaign for access to marriage is paradoxical. It represents both an assertive claim to full formal equality, while, at the same time, being basically conservative. It involves no critique of the existing model of marriage, seeking only its extension. It is silent on gendered roles (perhaps because those have been in decline for both heterosexuals and homosexuals). Marriage obliterates the binary by making sexual orientation irrelevant. At the same time it reifies the binary, for individuals must choose a heterosexual or a homosexual marriage. No other alternatives are on offer. Marriage suggests some disapproval of gay promiscuity, telling homosexuals that equality means accepting some public norms around marital fidelity.

Raising children stabilizes relationships, while absorbing resources and enormous amounts of time. Same-sex couples with children join the patterns of Western middle class life, concerned with mortgages and the future costs of university education. What better way to ensure that homosexuals cast off any radicalism? American conservatives, strangely, do not see the stabilizing virtues of same-sex family life. The image that

⁶¹ See Kees Waaldijk, *Others May Follow: The Introduction of Marriage, Quasi-Marriage, and Semi-Marriage for Same-Sex Couples in European Countries*, (2004) 38 *New England Law Review*, 569-589.

⁶² Questions and Answers (an interview with John Kerry), *The Advocate*, October 26, 2004, 34-35. George W Bush said in an interview on ABC’s *Good Morning America*: “I don’t think we should deny people rights to a civil union, a legal arrangement, if that’s what a state chooses to do...”: Carolyn Lochhead, *Gay leaders try to reframe struggle for marriage rights*, *San Francisco Chronicle*, November 10, 2004. See, as well, Scott Lindlaw, *AP, Bush Stance on Civil Unions Upsets Groups*, October 26, 2004; Elisabeth Bumiller, *Same-Sex Marriage; Bush Says His Party is Wrong to Oppose Gay Civil Unions*, *New York Times*, October 26, 2004. Both opposed same-sex “marriage” and both supported civil unions handled by the individual states.

⁶³ Amy Brandzel, *Queering Citizenship? Same-Sex Marriage and the State*, (2005) 11 *GLQ*, Duke University Press, 171 at 184.

seems to survive for many of them is of the undomesticated homosexual, outside normal social constraints.

The extension of marriage resolves issues for transgendered and transsexual individuals. Any two individuals can marry. Heterosexuals, by accepting the legitimacy of 'sexual orientation' are relieved from having to think about issues of 'gender identity,' at least in the context of marriage.

SUCCESS

By 2005, gays, lesbians and transgendered individuals were recognized minorities in the West, whose claims to legal equality were increasingly supported by media commentators, judges, legislators and clergy. Public opinion polls showed majority opposition to discrimination on the basis of sexual orientation, and sometimes, in some places, over 50% support for same-sex marriage.⁶⁴ The 'pride parades' were no longer confrontational. Increasingly they were called 'festivals' or, following the colorful lead of Sydney, Australia, a Mardi Gras. Homosexuals were now a niche market and a potential voting bloc, courted by some advertisers and handled carefully by politicians. They had money and votes.⁶⁵

Public recognition of homosexuality as a result of films, television, legal disputes, pride parades, feminist activism and AIDS made it much easier for individuals to come to terms with same-sex desire at younger ages than in the past. In the United States "the median coming-out age hovers between 14 and 16, down from about 21 in 1979."⁶⁶ As a result a series of issues on gay and lesbian teenagers has emerged in high schools. Many colleges and universities have developed gay-friendly policies to attract students.

EQUAL RIGHTS OR SOCIAL TRANSFORMATION?

Two competing reform agendas developed in the West.

⁶⁴ Even figures in the United States are somewhat supportive. An Associated Press poll indicated 58% opposition to same-sex marriage and 60% support for some kind of official recognition of gay unions: Karen Tumulty, *The Folklore of Election '04*, Time Magazine, November 22, 2004.

⁶⁵ Prime Minister Margaret Thatcher in the United Kingdom had been prepared to appease anti-homosexual elements in her party by backing Article 28 and abolishing the London city council. President George W. Bush in the United States backed a constitutional amendment restricting marriage to opposite sex couples, but has not publicly criticized or condemned homosexuals. Before his election as president he recognized that prominent evangelical leaders would not like his refusal "to kick gays." Bush's explanation was religious: "...I'm not going to kick gays, because I'm a sinner. How can I differentiate sin?" He said "I think it is bad for Republicans to be kicking gays." And he said "I wouldn't fire gays." See David Kirpatrick, *In Secretly Taped Conversations, Glimpses of the Future President*, New York Times, February 20, 2005. In the 2004 election campaign, in the last weeks, Bush supported civil unions for same-sex couples, if individual states were prepared to enact such laws, while repeating his opposition to same-sex marriage. As this example indicates, leading conservative politicians in the West are careful now not to appear homophobic.

⁶⁶ Mary Beth Marklein, *Colleges grow gay-friendlier*, USA Today, June 21, 2004.

THE EQUALITY AGENDA: Both before and after the ‘gay liberation’ years Western activists argued for equality-based human rights. The three basic issues are (i) repeal of criminal laws, (ii) inclusion in anti-discrimination laws, and (iii) equal recognition of relationships. In the last few years, progress has been striking. Marriage is now the leading issue in the West, and well covered in Asian media.⁶⁷

Western activists use minority rights arguments in what is routinely described as ‘identity’ politics. Strategies of assertive visibility and arguments based on equality rights are designed to force society to recognize the existence and legitimacy of lesbians, gays, bisexuals and transgendered individuals. If such identities simplify reality, it is a simplification that large numbers of individuals find self-affirming, even liberating. With their ‘identity’ they have a new understanding of themselves and some become willing to work together in various social and political projects. As human beings, we all want to belong. We want stable ways of relating to others. Stable identities help. They bring coherence. Others can understand what we are talking about. They simplify life, for adopting an identity “always implies the closing off of other options.”⁶⁸

Judith Butler appreciates the ambiguities of ‘identity politics.’

...identity categories tend to be instruments of regulatory regimes, whether as the normalizing categories of oppressive structures, or as the rallying points for a liberatory contestation of that very oppression.⁶⁹

THE LIBERATION AGENDA: An alternative agenda is associated with gay liberation, social constructionism, post-modernism and Queer studies. It challenges the idea of a homosexual ‘identity’ as an artificial construct, essentially the product of Western repression.

Notions of set sexual identities are to be destabilized for they are part of systems of social and sexual control. They erase variation and ambiguity in the service of a simple binary that distinguishes between heterosexuality, on the one hand, and homosexuality, on the other. Heteronormativity is not challenged. Homosexuals are contained and defined as a minority, with their own ethnic celebrations commemorating their own historical events. Equally, transgenderism is contained as a separate condition, in which a diagnosis of ‘gender dysphoria’ justifies medical approval of sex reassignment surgery (which brings gender roles back into line). Cross-dressing for fun or fantasy is either frivolous or ethnic.

⁶⁷ It is striking how gay and lesbian politics in the West shifted in the late 1990s to broad support for access to marriage. The lesbian-feminist and social constructionist objections to marriage have almost completely disappeared in Western gay and lesbian rights discourse, as marriage emerged, for the first time, as an attainable goal.

⁶⁸ Saskia Wieringa, Evelyn Blackwood, *Female Desires*, Columbia, 1999, 15.

⁶⁹ Judith Butler, *Gender Trouble*, Routledge, 1990, 13-14.

Social constructionism, in part at least, was based on cross-cultural understandings of sexual and gender diversity. While we might have simplistic ideas about our own societies, information about other societies challenged our assumptions. Margaret Mead's *Coming of Age in Samoa* from 1928 was read by generations of Western college students.

Beginning with Mead, anthropologists have been baffled by the enormous variations in gender practices. ... sexologists such as Havelock Ellis or Kinsey ... were unable to account for the great variation in sexual practices historically and cross-culturally.⁷⁰

Diversity of sexual and gender roles was a fact of life. But how did ideas of diversity fit into campaigns for social and legal change?

The liberationists developed a reform proposal. The state should withdraw from organizing peoples' lives. The goal of 'equality' had to be rejected, for it would simply mean that the state would organize homosexual lives in the same way that it organized heterosexual lives, using the fixed categories of heterosexuality and homosexuality and established notions about relationships. Instead the state should only deal with problems created by dependency. A partner, male or female, who had become dependent in a relationship (whether the relationship was sexual or not), was entitled to support when the relationship ended. Children who were dependent upon adults were entitled to ongoing support whether the adults were homosexual, heterosexual, bisexual, or not involved in a sexual relationship. The state should get out of the business of enforcing any categories of gender, sex or sexuality.

This reform goal got some recognition. It was studied as an alternative in Sweden before that country adopted its registered partnership law (which is limited to same-sex couples). It was one proposal in France during the 1990s.⁷¹ The 1999 French law reform is limited to heterosexual and homosexual couples. It was the subject of a report by the Law Reform Commission of Canada, and a study by the Law Reform Commission of New South Wales. But as an alternative to the 'equality' agenda, it has consistently failed to be adopted anywhere.

Firstly, it requires very sweeping changes in how the legal system and society views relationships. Instead of opening up marriage to homosexuals, it would, if fully implemented, effectively end 'marriage,' in favor of an alternative regime concerned with dependency, not status.

Secondly, as the legislator most involved in the reform in Sweden commented at an ILGA conference, there is no constituency lobbying for the broader recognition of relationships of interdependency. The people who would gain a legal framework protecting their dependency – the two widows, the aging brothers – have no organizations

⁷⁰ Saskia Weringa, Evelyn Blacksood, *Female Desires*, Columbia, 1999, 8 and 11.

⁷¹ Claude Martin, Irene Thery, *The Pacts and Marriage and Cohabitation in France*, (2001) 15 *International Journal of Law, Policy and the Family*, 135 at 147.

or representatives lobbying for the change. The provision for two related individuals to register under the Vermont civil unions law had no takers by late 2001, suggesting little interest in such arrangements.⁷²

Thirdly, the wrong people started to argue a version of social constructionist ideas – people who opposed homosexual rights but recognized that some kind of reform had become inevitable in the West. Such people wanted both to preserve marriage as heterosexual and provide some separate arrangement for others, a separate arrangement that ideally did not specifically recognize same-sex couples. The sexual component of the same-sex relationship was to be rendered irrelevant, while the sexual component of heterosexual marriage would remain central. Heterosexual sex was the only real sex.⁷³

The intellectuals associated with liberation, social constructionism and the Queer theory courses that emerged in major universities in the West have had little impact on the equality rights activism of the gay and lesbian organizations. The equality agenda, after a slow start, began chalking up victory after victory. Western societies were accepting gay and lesbian equality, while showing no interest in deprivileging heterosexuality. An important U.S. intellectual activist lamented that the “academic movement is completely unlinked to the political movement...”⁷⁴ Peter Tatchell, the pioneering activist in the United Kingdom, lamented the loss of liberationist goals:

⁷² Greg Johnson, *In Praise of Civil Unions*, (2002) 30 *Capital University Law Review*, 315 at 324-5. The individuals would gain rights largely to make medical decisions for the other.

⁷³ When Hawaii extended rights to same-sex couples, they used the phrase “reciprocal beneficiaries,” neutral commercial language that sounded like it could apply to non-sexual couples as well as homosexual and heterosexual couples. The right wing Reform Party in Canada opposed the Liberal governments legislation extending benefits to same-sex couples on the basis that it privileged sexual relationships, and should have been cast in broader terms to cover all relationships of interdependency. In France, as well, recognizing non-sexual couples was proposed by some “so as to avoid a clear legal recognition of same-sex couples.” See Claude Martin, *Irene Thery*, at 150. Legislators opposed to Vermont’s civil unions law attempted to replace it with a reciprocal beneficiaries act. The new legislation passed in the lower house in 2001 but proceeded no further. The main figure pushing the legislation stated that she did not believe “you should receive something just because of your sexual orientation.” Apparently only homosexuals have a ‘sexual orientation.’ See Greg Johnson, *In Praise of Civil Unions*, (2002) 30 *Capital University Law Review*, 315 at 324-6. When the United Kingdom announced it would enact a civil partnership law, the Conservative opposition said it should cover other close dependent relationships, such as “carers or spinster sisters,” but not heterosexual couples (for whom marriage would continue to be available). The hoped for goal was a “world in which sexuality is of no political significance whatsoever...” See Tom Happold, *Tories plan to extend civil partnerships*, *The Guardian*, March 2, 2004. In fact sexuality would continue to be important under this proposal, for it would determine eligibility for marriage, while same-sex relationships would get no specific recognition. Amendments to broaden the registration system to non-sexual couples was proposed in the House of Lords. See Simon Swift, *Right wing lords try to stall rights for same-sex couples*, *The Pink Paper*, London, May 21, 2004, 3.

⁷⁴ Urvashi Vaid, *Virtual Equality*, Anchor-Doubleday, 1995, 388. The academic Dennis Altman, an activist from the 1960s and, more recently, active on HIV/AIDS issues, commented that queer theory “is almost totally ignored by the vast majority of people whose lives it purports to describe.” See Dennis Altman, *On Global Queering*, (1996) 2 *Australian Humanities Review*. The Argentine scholar Juan Baggione suggests that “the academic-activist divide is very specific to the US. It is not significant in Latin America.” See *Researchers from 35 Countries Plan International Network*, *CLAGS News*, Winter 2003, 12.

Most queers no longer question the values, laws and institutions of mainstream society. They happily settle for equal rights and aspire to little more than a gay version of suburban life. ... How times have changed. [Gay Liberation Front] never campaigned for equality. We wanted to change society, not conform to it.⁷⁵

INTERNATIONAL GAY GAINS

The Western equality agenda succeeded at home. As well, it is now part of international human rights law as a result of a series of decisions of the European Court of Human Rights and the UN Human Rights Committee, all involving Western countries. The international developments are supported by the major Western-based international human rights non-governmental organizations.

In 1981, in *Dudgeon v United Kingdom*, the European Court of Human Rights ruled against an anti-homosexual criminal law in Northern Ireland on the basis of privacy rights.⁷⁶ The ruling was repeated in cases involving Ireland and Cypress. In 1999, in *Lustig-Prean v United Kingdom*, the Court ruled that discrimination in employment based on sexual orientation offended the *European Convention on Human Rights*.⁷⁷ In 2003, in *Karner v Austria*, it ruled in favor of equal spousal benefits for heterosexual and homosexual partners.⁷⁸

In 1994, in *Toonen v Australia*, the United Nations Human Rights Committee, established to interpret and monitor compliance with the provisions of the *International Covenant on Civil and Political Rights*, ruled against an anti-homosexual criminal law in Tasmania on the ground of privacy. The Committee added that discrimination on the basis of sexual orientation was prohibited by the *Covenant* as a form of discrimination on the basis of sex. In 2002 in *Young v Australia* the Committee ruled in favor of equal spousal benefits for a same-sex partner.

In 1991 Amnesty International included individuals imprisoned on the basis of their sexual orientation in the category of ‘prisoners of conscience.’ Human Rights Watch, the other major international human rights non-governmental organization, also began including GLBT issues in its work. Amnesty International altered its mandate in August, 2001, to deal with all human rights and all forms of discrimination. Many branches of Amnesty have LGBT groups. Amnesty now has an ‘Identity-Based Discrimination Campaign Coordinator’ in the international secretariat in London, responsible for AI work on discrimination on the basis of sexual orientation or gender identity.

Amnesty International USA, Human Rights Watch, the Lawyers Committee for Human Rights and Mary Robinson, former United Nations High Commissioner for

⁷⁵ Peter Tatchell, We’ve come a long way, baby, but..., Gay Times, July, 2004, 81.

⁷⁶ (1981) 4 European Human Rights Reports, 149.

⁷⁷ (2000) 29 European Human Rights Reports, 548.

⁷⁸ July, 2003.

Human Rights, filed a joint brief in the United States Supreme Court in the case of *Lawrence v Texas*, citing international materials in a challenge an anti-homosexual criminal law. The Supreme Court struck down the law and cited the brief in the main judgment. Right wing critics started to attack courts that relied on ‘foreign’ legal decisions. A ‘foreign’ brief had been submitted in the Massachusetts same-sex marriage case as well. A bill proposed to Congress called for the impeachment of any judge who cited foreign law.⁷⁹

The first occasion on which a number of states condemned sexual orientation discrimination in an international intergovernmental forum was at the 1993 United Nations World Conference on Human Rights, held in Vienna, Austria. Positive statements were made by Australia, Austria, Canada, Germany and the Netherlands. Singapore was the only country to make a negative comment. The draft of the final statement for the Vienna conference had an equality paragraph condemning discrimination on listed grounds. In the drafting committee Canada proposed adding ‘sexual orientation’ to the list. In response the paragraph was hastily rewritten as a general, open-ended prohibition of discrimination, without a list.⁸⁰

Since Vienna, gays and lesbians have been present at specialized UN world conferences, such as the women’s conference in China and the racism conference in South Africa. So far sexual orientation equality rights have not appeared in any of the final conference statements.

South Africa represents the most significant example of reform outside the West. The South African constitution was the first in the world to expressly prohibit discrimination on the basis of sexual orientation and has resulted in favorable decisions on criminal law and on spousal benefits.⁸¹ Anti-discrimination laws became common in Brazil in the 1990s, and Brazil took up the issue of gay and lesbian equality rights in the UN Human Rights Commission in 2003, but met more opposition than it probably anticipated. They backed off.⁸²

CELEBRATING AND QUESTIONING GLOBALIZATION

In 1996 a Western literature began on the globalization of ideas of gay and lesbian identities, legitimacy and rights. In 1996 Peter Drucker’s article “In the Tropics there is

⁷⁹ Nina Easton, Rift emerges in GOP after Schiavo case, *Boston Globe*, April 9, 2005. This article states that over the past couple of years, six bills had been introduced in the House of Representatives to limit court jurisdiction over social and religious issues, but such legislation was not supported in the Senate.

⁸⁰ Information from members of the Canadian delegation.

⁸¹ It has been followed by Ecuador, Fiji, Portugal and Switzerland. In certain other countries constitutional provisions on equality have been interpreted to include sexual orientation, as in Canada.

⁸² At the UN World Conference Against Racism, Brazil actively promoted references to ‘sexual orientation’ in conference statements, though unsuccessfully. Brazil’s resolution in the Commission was deferred in both 2003 and 2004. Brazil, under the Workers Party government, has promoted south-south solidarity. The opposition of other developing states to the resolution seems to have influenced Brazil to drop its support for the resolution in 2005.

no Sin: Sexuality and Gay-Lesbian Movements in the Third World” was published in the *New Left Review*. In 1996 Dennis Altman published “On Global Queering” in the *Australian Humanities Review*. In 1999 Temple University Press published “The Global Emergence of Gay and Lesbian Politics.”⁸³ There followed additional titles.⁸⁴ The general themes were celebratory.

Western writings do not hold out a lost past that accepted sexual and gender diversity.⁸⁵ Western thinking on sexual orientation issues is relentlessly modern, focused on the creation of historically new patterns of acceptance. This modernist mind-set leads Westerners to easily assume that patterns in the Third World are simply earlier forms of what has developed in the west. They also assume that present patterns are to be changed, both at home and abroad. Some non-Western activists invoke local historical figures or narratives. Westerners do not.

The mainstream Western agenda – ‘out’ activism, identity politics and equality rights – has been appearing in Asia. There is very little copying of Western liberation thinking.⁸⁶ As a result same-sex marriage is now seen in Asia, by activists and opponents, as the logical goal of a gay and lesbian rights movement.

A competing discourse to gay globalization has emerged, found in the ideas of Western queer theory or liberationist academics, including some voices from Western-based diasporas. Being liberationists, they oppose identity politics. They find in the non-West a greater fluidity of sexual orientations, not the Western binary. They see local patterns threatened by the spread of Western identity politics. The rhetoric can be strong. There is a new Western imperialism that is

⁸³ The authors were Barry Adam, Jan Duyvendak and Andre Krouwel.

⁸⁴ Two early articles by Dennis Altman were *Rupture or Continuity: The Internationalization of Gay Identities*, *Social Text*, 1996; *The Emergence of Gay Identities in Southeast Asia*, *GLQ: A Journal of Lesbian and Gay Studies*, 1997. In 1999 *GLQ* published a special issue, *Thinking Sexuality Transnationally*. In 2000 Peter Drucker edited a collection for *Gay Men’s Press* in the United Kingdom entitled “Different Rainbows,” which included a revision of Dennis Altman’s article on Southeast Asia, and material on Latin America, Africa and Asia. In October, 2000, the *New Internationalist* magazine devoted a special issue to *Out South: Sexual Minorities in the Majority World*, with articles on Africa, Asia and Islam. In 2001 the University of Chicago Press published Dennis Altman’s book on globalization, *Global Sex*. In 2002 New York University Press published Arnaldo Cruz-Malave and Martin F. Manalansan’s book *Queer Globalizations*.

⁸⁵ There were competing pasts. An idealization of male-male relations in Greece was one reality. The Jewish condemnation of homosexual acts as abominations occurred, according to Crompton, at roughly the same time as Greek patterns were becoming well established. It was the Jewish-Christian tradition of intolerance that prevailed over the less influential Greek tradition. See Louis Crompton, *Homosexuality and Civilization*, Belknap Harvard, 2003, Chapters 1 and 2. John Boswell, *Christianity, Social Tolerance and Homosexuality*, Chicago, 1980, argued that Christianity had been tolerant of homosexuality for many centuries, but that claim is not generally accepted. I have heard the idea of a better past for sexual variation suggested by indigenous minorities in North America, a parallel to Third World views on the impact of colonialism. The modernist mid-set is clearly visible in the idea, noted earlier, that the idea of homosexuals as a category of people only emerged in the West at the end of the 19th century.

⁸⁶ One author identifies two ‘streams’ of thought in Japanese activist organizations, one focused on identity and normalcy, the other on diversity: Wim Lunsing, *Japan: Finding Its Way?*, in Barry D Adam, Jan Willem Duyvendak, Andre Krouwel, *The Global Emergence of Gay and Lesbian Politics: National Imprints of a Worldwide Movement*, Temple, 1999, 293 at 312-3.

...a different – but no less violent – process of economic and cultural globalization that packages ‘queer’ differences for world consumption... This process risks sweeping away queer particularities, appropriating queer locations and desires, and reducing the density of our histories – of our very lives.⁸⁷

Joseph Massad, teaching Arab politics at Columbia University in New York, argues that globalization has produced “gays” in countries like Egypt, triggering a repression that now imperils older patterns of male-male eroticism. He describes a “Gay International” composed of Western GLBT and Human Rights groups responsible for this imperialism.⁸⁸ These criticisms assert the continued existence of positive aspects to the diverse non-Western patterns that may be displaced.⁸⁹

A different group of Western scholars, who focus on a particular country or region and who have local language skills, tend to be impressed by local cultural differences on issues of sexuality and gender, seeing globalization as bringing only limited changes – perhaps a hybrid result. They see local figures as choosing parts of new international discourses, rather than the foreign hand of a “Gay International.”⁹⁰

Few have yet commented on these competing approaches. Barry Adams, a Western academic, notes the two positions, and sides with the activists:

The invention of ‘the homosexual’ as a species apart appears to be a peculiarly western construction. For contemporary queer theorists, who dream of a

⁸⁷ Statement attributed to Arnaldo Cruz Malave and Martin Manalansan, co-chairs of the 1998 conference Queer Globalizations/Local Homosexualities: Citizenship, Sexuality, and the Afterlife of Colonialism, City University of New York, Center for Lesbian and Gay Studies, as found in CLAGS Newsletter report on the conference, accessed on the website of CLAGS. Arnaldo Cruz Malave and Martin Manalansan are co-editors of *Queer Globalizations: Citizenship and the Afterlife of Colonialism*, NYU, 2002. Interestingly the idea of local cultural “particularities” has been used by China in statements criticizing ‘international’ human rights standards as reflecting Western characteristics and, therefore, not fully applicable to China. Other criticisms of ‘gay globalization’ are Martin Manalansan, *In the Shadow of Stonewall*, in Lisa Lowe, David Lloyd, *The Politics of Culture in the Shadow of Capital*, Duke, 1997, 485; Gary Kinsman, *Third World Queer Liberation*, a review of Peter Drucker, *Different Rainbows*, www.igc.org/solidarity/atc/96kinsman.html; Jay Hasbrouck, *Gay Liberation or Gay Colonization?*, November, 1996, paper presented at the American Anthropological Association’s annual conference, San Francisco, copy in possession of the author. Some of the statements are rhetorical attacks on Western liberals by more radical westerners or members of diasporic communities, employing accusations of imperialism (and not reasoned assessments of globalization).

⁸⁸ Joseph Massad, *Re-Orienting Desire: The Gay International and the Arab World*, Vol 14 (2) *Public Culture*, Duke University Press, 2002.

⁸⁹ Even Michael Foucault was caught up, apparently, in the view of Eastern exceptionalism, seeing, according to one writer “...a lush reflexive sensuality” in which “truth is drawn from pleasure itself, understood as a practice and accumulated experience...” Michael Sweet, *Eunuchs, Lesbians, and Other Mythical Beasts*, in Ruth Vanita, *Queering India*, Routledge, 2002, 77 at 78. Karl Marx also bought Asian exceptionalism, with the idea of a distinct ‘Asian mode of production.’

⁹⁰ An exceptional collection is Evelyn Blackwood, Saskia Wieringa, *Female Desires: Same-Sex Relations and Transgender Practices Across Cultures*, Columbia, 1999, which is wary of Western imperialistic assumptions, but unpolemical on that topic. It brings together a series of papers on female same-sex desires in a range of different cultures.

deconstruction of the boundaries that channel the flows of desire, the internationalization of gay and lesbian identities is scarcely a thing to be celebrated; rather it is the diversity of indigenous forms of homoeroticism that merit recognition and affirmation. This utopian dream, however, tends to deconstruct an idea rather than its material conditions. The absence of gay-lesbian categories more often signifies the repression or denial of same-sex bonding than sexual or affective freedom, and people in Asia, Africa and Latin America who seek to defend same-sex desire continue to find inspiration and pragmatic strategies in gay and lesbian models.⁹¹

Ruth Vanita, an Indian scholar now teaching in the US, dismisses the Western critics of the spread of Western style activism, saying they have already obtained “most of their basic civil rights and liberties” in their home countries.⁹²

No third world figures whose activist careers have been in their home countries criticize either identity politics or Queer theory approaches as imperialist. We await third world academics gaining secure positions at home and making their own assessments about these questions.

STILL A PROBLEM

Despite successes, homosexuality remains problematic in the West.

- Legislators are risk-averse, preoccupied with their own re-elections. Where possible they like to leave gay and lesbian issues to the courts.
- European ‘registered partnerships’ and their variants are all less than equal recognition.
- Harassment by Canadian customs officials almost ended the operations of the three main gay bookstores and fights with customs continue after a decade of litigation. When liberal Canada moved to extend equal spousal benefits to same sex couples (forced to do so by a judicial decision), it named the legislation the *Modernization of Benefits and Obligations Act*. No reference to sex or homosexuality in the title. Later it moved to validate same-sex marriage, in response to judicial decisions, naming the legislation the *Civil Marriage Act*. The Prime Minister and the Minister of Justice stressed that the legislation only dealt with “civil” marriage, portrayed as less than heterosexuals were used to getting.
- The arguments against the extension of marriage to same-sex couples, put forward by President George W. Bush and other ‘conservatives,’ are so lacking in logic

⁹¹ Barry Adam, Globalization and the Mobilization of Gay and Lesbian Communities, in Pierre Hamel, et al, Globalization and Social Movements, St. Martins Palgrave, 2001, 166. Professor Adam’s interests focus on Latin America.

⁹² Ruth Vanita, Queering India, Routledge, 2002, 5.

that they can only be explained on the basis of an opposition to homosexuality itself. How can one say that heterosexual marriage is threatened by homosexual marriage?⁹³

- For two decades or more gays and lesbians in the United States have been fighting referendums on lesbian and gay issues. In November, 2004, electors in eleven states voted to add a ban on same-sex marriage to their state constitutions.⁹⁴
- The issue of the ordination of homosexual clergy damaged the large United Church of Canada a decade and a half ago, and is now badly splitting the world wide Anglican communion, including Church of England and the Episcopal Church in the United States. The strongest opposition to homosexuality has come from Anglican communions in Africa.
- Tolerance of gays and lesbians is often a divisive issue in national politics – with particular minorities opposed (Italians in Canada, Moroccans in the Netherlands), or particular regions within countries opposed (Bavaria in Germany).

There remains great anxiety around sexuality and homosexuality in the West. Observers from abroad are impressed by the number of publicly visible gays and lesbians, gay characters on television, the open discussion of issues and the gay shops and neighborhoods. They are less likely to see the extent to which hostility – and the closet – continues. Things look better to visiting lesbians and gays than to the locals (just as Western gay tourists see only the most open sectors in developing countries).

There are the related problems of visibility, inclusion and allies.

VISIBILITY: Visibility remains a major issue in most parts of the world.

A Catalanian gay group did an anti-discrimination poster in the 1990s with four faces representing groups that were commonly discriminated against in Spain. Oscar Wilde represented homosexuals. Who else was there as a recognizable public gay figure?

In 2003 gays and lesbians in Poland put pictures of themselves on billboards, with the demand “Look at us!” The mayors of Warsaw and Krakow refused to allow the billboards in their cities, protecting both blindness and taboo.⁹⁵ In 2004 a German billboard campaign showed five young men, identifying two as gay, one with a German

⁹³ A possible approach argues that promiscuity is tolerated more generally among homosexuals than heterosexuals, and opening up marriage will reduce social intolerance of promiscuity in the general context of marriage, including heterosexual marriage. Only occasionally is the related argument put forward that opening up marriage has some potential to reduce homosexual promiscuity. There may be a reluctance to pursue either of these arguments, given how little we know about homosexual and heterosexual promiscuity. The high divorce rates in the United States also make it difficult to make some of the ‘traditional marriage’ arguments.

⁹⁴ Sarah Kershaw, James Dao, Voters in 10 of 11 States Are Seen as Likely to Pass Bans of Same-Sex Marriages, New York Times, September 28, 2004.

⁹⁵ Polish gays come out on billboards, Advocate.com, March 26, 2003.

name and the second with a Turkish name. “Kai is gay. Murat too. They belong to us. Always.”⁹⁶ North Carolina billboards showed lesbian and gay couples with children: “We are your neighbors...and we are gay parents.”⁹⁷ Another billboard campaign in North Carolina pictured four teenagers and the statement “We are your gay youth” followed by a web address. But the company that owned the billboards refused another series which was to read “It’s OK to be gay.”⁹⁸ In May, 2005, a Tamil language daily newspaper ran an advertisement for a lesbian group, marking the international day against homophobia. The same advertisement was refused by English and Sinhala language dailies.⁹⁹ Warsaw banned a gay rights parade in both 2004 and 2005.¹⁰⁰

Is increased visibility the explanation for the United States Supreme Court’s decision in 2003 in *Lawrence v Texas*, striking down a state anti-sodomy law and reversing the 1986 *Bowers v Hardwick* decision?

...in the *Bowers* court none of the judges knew anyone who was gay or lesbian whereas in the *Lawrence* court, even the most conservative judge knew someone who was gay or lesbian.¹⁰¹

Whether or not this statement is true, it suggests the substantial changes that have occurred in the West in individual personal experiences.

By the late 1990s there were a few contemporary faces. First some celebrities – Elton John, Melissa Ethelridge, Ellen DeGeneris, K. D. Lang. The second tier were not as famous – Svend Robinson in the Canadian Parliament, Barney Frank in the U.S. Congress, cabinet ministers in the United Kingdom and Nordic states, the mayors of Paris and Berlin. Then a couple of prominent judges – Michael Kirby in Australia, Edwin Cameron in South Africa. While the number of faces remained small, the gendered understanding of homosexuality was over (though Elton John was pretty camp).

INCLUSION: State and civil society institutions tend to avoid the inclusion of homosexuals and homosexuality in their programs and regulations.

In the 1980s some adventurous local governments in the United Kingdom mounted campaigns against sexism, racism and homophobia. The local government in Haringey included homosexuals in its “positive images” campaign in 1986.¹⁰² These initiatives were mocked publicly as the work of the ‘looney left’. The result was national

⁹⁶ Kate Hairsine, Being Turkish and Gay in Germany, Deutsche Welle, September 25, 2004. Germany has over 120,000 Turkish residents. Intolerance of gays and lesbians by immigrant minorities has been an issue in the Netherlands as well.

⁹⁷ Jen Christensen, Activism and furniture, The Advocate, October 26, 2004, 16.

⁹⁸ Gay billboard rejected, Charlotte Observer, Charlotte, North Carolina, August 8, 2003.

⁹⁹ Information from Women’s Support Group, circulated on May 17, 2005. See

www.wsglanka.com.

¹⁰⁰ Gay parade banned in Poland, May 19, 2005, The Age.

¹⁰¹ Cass Sunstien, What did Lawrence hold? www.law.uchicago.edu/Lawecon/index.html, p.5.

¹⁰² Davina Cooper, Sexing the City, _____

legislation in 1988 prohibiting schools from describing homosexual relations in any kind of positive light.

Mayors of Canadian cities routinely ‘proclaimed’ special days and special weeks for various minorities and interest groups. When individual mayors refused to proclaim ‘Gay Pride’ days they were ordered to do so by various provincial human rights commissions, for their refusal picked out gays and lesbians for discriminatory treatment.¹⁰³ In the United States the large St. Patrick’s Day parades were allowed to exclude GLBT Irish groups by the U.S. Supreme Court, in spite of a state level anti-discrimination law. Irish-American freedom of association trumped the non-discrimination law.

In 2005 a conservative school board in Utah needed to replace a dated psychology textbook, but wanted one that made no mention of homosexuality. They found that publishers now routinely included at least a paragraph or a couple of pages. To protect blindness, taboo and secrecy the school board, it seemed, would have to put together its own textbook.¹⁰⁴

The European Court of Justice noted the existence of programs to integrate women and ethnic minorities in the U.K. military. In sharp contrast, homosexuals were completely banned from service. The Court ruled against the ban, speaking of the need for tolerance, inclusion and accommodation.

Gays and lesbians are minorities, outsiders. Exclusion remains routine.

The main problem for gays and lesbians is that public culture everywhere remains largely defined by heterosexuality, excluding or marginalizing other choices... Even in ‘tolerant’ societies, such as the Netherlands or Scandinavia, public life remains straight...¹⁰⁵

ALLIES: In addition to the issues of visibility and inclusion, there has been a distinct lack of allies or supporters.

Some black civil rights leaders in the United States have been openly hostile to any GLBT ‘civil rights’ movement. Many reject any analogy between racism and homophobia, often calling sexual orientation a choice (as do white evangelical opponents). The women’s movement in the West originally had a similar reaction, but became supportive. Significant breakthroughs have occurred. Now there are numerous

¹⁰³ See, for example, Mayor forced to proclaim pride, Wockner International News # 478, June 23, 2003, where the Mayor had refused because of religious beliefs, but relented because his refusal would make the City of Edmonton liable for damages. The United States Supreme Court allowed St. Patrick’s Day parades and the Boy Scouts to discriminate against gays and lesbians, describing them as private groups.

¹⁰⁴ Mark Eddington, Gay-free texts a dilemma for school district, Salt Lake Tribune, February 18, 2005.

¹⁰⁵ Gert Heckma, The Gay World: 1980 to the Present, paper prepared for the Asia-Europe Foundation, no date, obtained May, 2005.

PFLAG groups – Parents and Friends of Lesbians and Gays – self-proclaimed heterosexuals who publicly call for tolerance and equality and march in pride parades. Now there are ‘gay-straight’ alliance clubs at schools in North America. They mounted a Day of Silence, beginning in 1996, to publicize how homosexuals are harassed and silenced at school. Participating students do not speak on that day. In 2005, the Day of Silence was countered, for the first time, by a Day of Truth, with the message that homosexuality is sinful and destructive.¹⁰⁶

The major allies to join with GLBT organizations over the last twenty years have been the international human rights organizations Amnesty International and Human Rights Watch. Amnesty has participated in gay rights demonstrations in many cities, including Manila, Bangkok and Hong Kong.

The contradictions in the West are interestingly described by that very American voice, Time Magazine:

It’s tempting to think that there are two gay Americas, one frightened and one fabulous, a merely gay America and a fully Queer America. An America where the gay bars darken their windows to hide ashamed patrons, and an America where straight people stand in line to get into gay clubs. An America where the June 26 Supreme Court decision legalizing sodomy had more than symbolic consequences, since gay sex was still a crime in 13 states. And an America where instead of arresting gays, the police help clear the streets every June for Pride parades, which of course include contingents of gay cops.¹⁰⁷

While Western societies are still problematic, there is a striking gap in attitudes between the West and other parts of the world.

In Western Europe and Canada, and to a lesser extent in the U.S., the prevailing view is that homosexuality should be accepted by society. But even larger majorities in Africa, much of the Middle East and Asia are opposed to societies acceptance of homosexuality. In some African countries – notably Kenya and Senegal – that opposition is virtually unanimous.¹⁰⁸

Agreement that homosexuality should be accepted by society topped 80% in Germany and the Czech Republic. Percentages varied in Asia: The Philippines 64%, Japan 54%, South Korea 25%, Vietnam 13%, India 7%, Bangladesh 7%, Indonesia 5%. The study was not permitted to ask the question in China.¹⁰⁹

¹⁰⁶ AP, David Crary, Is homosexuality a sin?, Bangkok Post, April 17, 2005, page 05. The Day of Silence is organized by the Gay Lesbian Straight Education Network, and was held on April 13, 2005. The Day of Truth was held the next day, sponsored by the Alliance Defense Fund, a Christian legal group, with support from Focus on the Family.

¹⁰⁷ Time Magazine, October 5. 2003.

¹⁰⁸ The Pew Global Attitudes Project, Views of a Changing World, June, 2003, The Pew Research Center for the People and the Press, New York, 103

¹⁰⁹ Page 114.

The pace of change in the West may be a problem for more conservative regions, both in the West and in the developing world. A 2005 article suggested increased hostility in the state of Oklahoma, citing the rapid “boom, boom, boom” of the Supreme Court decision striking down sodomy laws, the Massachusetts decision legalizing same-sex marriage and the debates locally and nationally on constitutional amendments on the marriage issue.¹¹⁰ Certainly for activists in Asia there is now no avoiding the idea that the ultimate goal is same-sex marriage. Compromises or incrementalism have been discredited. At best they are temporary arrangements. When Quebec was bold enough to legislate civil unions, vocal activists expressed amazement that the province would support such an obviously discriminatory second-class recognition of same-sex couples.

3. ASIA

Asia is by far the largest and least uniform of any of the ‘regions’ of the world. Even when the Middle East, Central Asia and the Russian far-east are excluded from consideration (as is done in this analysis), the region remains unmanageable in size and variations.

HISTORICAL PATTERNS IN ASIA

There are striking examples of the recognition and acceptance of forms of same-sex desire in the history of important parts of Asia.

Tokugawa-period (1600-1867) Japan has probably the best recorded tradition of male same-sex love in world history. Period novels, poetry, and art all provide extensive representations of the varieties of homosexual love practiced. Incidental information gleaned from biographies, news, scandals and official records as well as testimony from foreign visitors show how widely practiced was male-male eroticism through all strata of society. Tokugawa (homo)sexuality has recently been widely discussed in both English and in Japanese. These researchers amply illustrate the widespread prevalence of homosexual relations among men of the samurai class as well as among urbanites generally.¹¹¹

At many points in Chinese history

...homosexuality acted as an integral part of society, complete with same-sex marriages for both men and women.¹¹²

¹¹⁰ Reid Horn, Gay in the red states, Advocate, February 15, 2005, 34 at 36.

¹¹¹ Mark McLelland, Male Homosexuality in Modern Japan, Curzon, 20-21 (references omitted).

¹¹² Bret Hinsch, Passions of the Cut Sleeve: The Male homosexual Tradition in China, California, 1990, 2.

There are carvings of same-sex eroticism on the Hindu temples at Kanarak and Khajuraho. Same-sex relationships were a part of Moghul court life in India.¹¹³ Such historical accounts do not exist for all parts of Asia. They are absent, for example, in Korea and Thailand.

At least at times some groups in Asia invoke historical images in their campaigns. The pioneering student group at the University of the Philippines took the name Babaylan when it formed in 1992, invoking a pre-colonial transgender role. Dede Oetomo invoked the story of the most powerful king of the Mahajaphit Empire, based in eastern Java, cross-dressing in front of his ministers, as an authentic local queer tradition.

This history is of limited significance for contemporary individuals trying to understand their lives and desires. This is true for a number of reasons.

- (1) We often know little about these early patterns.
- (2) Our information is about the practices of elites, artists and courtiers, not ordinary people.
- (3) The relationships, so far as we have information, were either gendered or age stratified, not the more contemporary ideal of relatively egalitarian relationships.
- (4) The homoerotic activity was not exclusive. The individuals also had sexual relations with the opposite sex. While we may see this as healthy eroticism, it differs from current ideas or patterns.¹¹⁴
- (5) There is historical discontinuity. The early patterns were undercut in the years around the turn of the last century.

McLelland comments for Japan:

...despite the fact that same-sex eroticism is celebrated in much of premodern Japanese art, poetry and literature, this has little relevance for the way in which homosexuality is understood today either by the wider society or by homosexual men themselves.¹¹⁵

The history is useful for two specific reasons. It counters those who argue that homosexuality is purely a Western import. Secondly, the simple fact that there is history behind sexual variation seems validating for contemporary gays and lesbians. They are not alone in history.

THE IMPACT IN ASIA OF COLONIAL-ERA WESTERN IDEAS

¹¹³ Rakesh Ratti, *A Lotus of Another Color*, Aylson, 1993, 31-33.

¹¹⁴ It is part of the Western 'gay identity' ideas to expect relatively exclusively same-sex behavior. It should be remembered that Oscar Wilde, the most famous homosexual in history, had a wife and children. If bisexuality was given more recognition and legitimacy in contemporary discourses, the earlier models would be more compelling in attacking heteronormativity.

¹¹⁵ Mark McLelland, *Male Homosexuality in Modern Japan*, Curzon, 2000, 20.

Around the turn of the last century new Western ideas on sexuality traveled to Asia.

The May 4th intellectuals in China early in the 20th century were Western oriented. They were anxious over what they saw as the weakness of the Chinese race

... which made them susceptible to the sway of late-nineteenth- and early twentieth-century European sexology, which claimed to discover hereditary degeneracy, male effeminacy and female masculinity in homosexuality. The most extreme among the key advocates of heterosexual normalcy was perhaps “Dr. Sex,” Zhang Jingsheng, a French-returned professor of philosophy and self-styled sexologist. ... he chastised, in a heavy-handed manner verging on racial self-loathing, the Chinese people’s signs of androgyny, gender reversal, sexual incompetence, and homosexuality.¹¹⁶

In the Meiji period, 1867-1912, Japanese intellectuals traveled to Germany where they were exposed to the new field of sexology, a science that problematized homosexual activity.¹¹⁷ They brought new ideas home. The Japanese hid away or destroyed their phallic religious images.¹¹⁸

Western accusations of uncivilized patterns in Thailand did not involve accounts of homosexuality. But Westerners were troubled by the lack of differentiation between men and women. In response, the King decreed that people should begin to wear gendered clothing and hairstyles. Eroticism in traditional culture was also a problem.

Until the middle of the 19th century, highly stylized but nonetheless relatively explicit representations of eroticism were common in both Thai artwork and literature. Murals painted on temple walls in Buddhist monasteries often included erotic scenes. Classic Thai literature also regularly included erotic interludes... However, in the middle of the 19th century, the Siamese elite became aware that Western visitors found the explicitness of erotic representations in the high culture of the royal court and state religion to be acutely embarrassing. Since that time, royal edicts together with an unofficial policy of bowdlerising Thailand’s literary classics have succeeded in almost completely expunging representations of eroticism from elite culture.¹¹⁹

The new rules were

¹¹⁶ Tze-ian D. Sang, *The Emerging Lesbian*, Chicago, 2003, 16.

¹¹⁷ Mark McLelland, work in progress on the history of homosexuality in Japan, personal communication, January 20, 2004.

¹¹⁸ *Forbidden colors*, interview with Gary Leupp, author of *Male Colors: Homosexuality in Tokugawa Japan*, University of California Press, 1995, in *OG*, Issue 25, 85 at 90. Though never formally colonized, even Japan and Thailand felt compelled to modernize or Westernize to avoid a foreign take-over.

¹¹⁹ Peter Jackson, *A Genealogy of Semicolonial Power in Thailand*, 2004, unpublished, 12.

...not directed at reforming the private sexuality of Siam's citizens. A new bourgeois division of social life into private and public spheres emerged as part of the self-civilising mission. Accompanied by Victorian era attitudes, this new bifurcation of social life led to previously public representations of eroticism being expelled into the domain of the private. However, unlike the case in the West, the Siamese state took almost no interest in the character of its citizens' sex lives, whether heterosexual or homosexual, provided sexual practices were restricted to the social spaces that the civilizing regime of biopower labeled as "private" (*suan tua*).¹²⁰

Inappropriate sexual activities were privatized, silenced, made invisible, including non-marital heterosexuality and all forms of homosexuality. The new exclusion of sensuality from the public sphere isolated the new Westernized Thai elites from the folk culture of rural Thais

...who looked upon sex as something ordinary, a matter of teasing and playful banter such as is apparent in folk songs, artwork, poetry, and so on.¹²¹

The impact of Western ideas was widespread. Polynesian nakedness was to be covered. Western homophobia was exported to the Arab world according to one author:

What passes in present-day Saudi Arabia, for example, as sexual conservatism is due more to Victorian Puritanism than to Islamic Mores... Originally, Islam did not have the same harsh Biblical judgement about homosexuality as Christianity.¹²²

Britain exported its criminal laws. The 1860 *Indian Penal Code* bars "carnal intercourse against the order of nature..." The provision remains in force in Bangladesh, India, Malaysia, Pakistan, Singapore and Sri Lanka. The same wording appears in criminal laws in Botswana, Nigeria, Tanzania, Uganda, Zambia, and Zimbabwe. Anal intercourse was made a criminal offence in the Meiji legal code in 1873 (though hardly ever punished, and dropped from the law in 1881).¹²³ In the first decade of the 20th century Thailand barred acts "against human nature," adopting wording from the *Indian Penal Code*. The section was dropped in 1956 when a reform eliminated sections with no history of enforcement.¹²⁴ The new Western laws had little actual enforcement, either at home or in Asia, but they were markers of significant change.

¹²⁰ Peter Jackson, A Genealogy of Semicolonial Power in Thailand, 2004, unpublished, 12. See also Peter Jackson, Performative Genders, Perverse Desires: A Bio-History of Thailand's Same-sex and Transgender Cultures, Intersections: Gender, History and Culture in the Asian Context, internet journal, Issue 9, 2003, www.she.murdoch.edu.au/intersections/.

¹²¹ Suthan Thammarongwit, quoted in Jackson (2004) at 13.

¹²² As'ad AbuKhalil, a Lebanese-American scholar, writing in 1993 in the Arab Studies Journal, as quoted by Bill Strubbe, Cruising the Casbah, Out Magazine, September 2002, 115 at 116.

¹²³ Mark McLelland, Male Homosexuality in Modern Japan, Curzon, 2000, 24-261, citing Makoto Furukawa, The Changing Nature of Sexuality: The Three Codes Framing Homosexuality in Modern Japan, U.S.-Japan Women's Journal English Supplement, no.7, 98-126.

¹²⁴ Personal communication, Professor Peter Jackson, December, 2002.

Ruth Vanita comments for India:

Notwithstanding some scholars' discomfort with ascribing to colonialism the modern erasure of earlier homoeroticisms (and other eroticisms), evidence so far available indicates overwhelmingly that a major transition did indeed occur at that historical moment.¹²⁵

There are different assessments of the stories of pre-colonial tolerance and post-colonial homophobia.¹²⁶ As a broad generalization, leaving Islam aside, it seems true that homophobia in Asia never took on the vigor that characterized its history in the West.

THE EMERGENCE OF GAY ACTIVISM IN ASIA

Central to my analysis is the assessment of a modern history that can only be rather crudely summarized in this paper. Only 2% of readers are expected to actually read the following section line by line. No guilt is to be attached to checking a few examples and moving to the summary at the end of the section.

1944 The government in pre-independence India prosecuted a female Muslim writer, Ismat Chughtai, for the story *Lihaf*, in which a young girl, herself a tomboy, recounts observations of physical pleasure between a married woman and her masseuse in an upper class Muslim household in which the husband was involved with his adolescent male protégés. The absence of explicit or vulgar language led to an acquittal. Other writings of this 'realist' Marxist-influenced author included non-heterosexual activities.¹²⁷

1948 Tokyo's first modern gay bar, the Brunswick, opened in the Ginza district. Miwa Akihiro, who became Japan's most famous transgender entertainer, began working in the Brunswick in 1951.

1949 Sumi Tasuya published the novel 'Grove of Male Prostitutes' about the transgender prostitution scene in Tokyo's Ueno Park.

1951 Japan's first gay organization Adonis Kai was founded and began publication of the privately circulated Adonis magazine (until 1962).

¹²⁵ Ruth Vanita, *Queering India*, Routledge, 2002, 4.

¹²⁶ Fran Martin cites criticisms of Bret Hitch's *Passions of the Cut Sleeve*, 1992, and Wah-shan Chou's *Houzhimin Tongzhi (Postcolonial Tongzhi)*, 1997, on ideas of traditional tolerance. She does not cite criticisms of their assessment of the impact of Western ideas. See Fran Martin, *Situating Sexualities*, University of Hong Kong Press, 1993, 33.

¹²⁷ Geeta Patel, *Homely Housewives Run Amok*, (2004) 16 *Public Culture*, 131, particularly from 141.

1957 Japanese sex educator Ota Tenrei published ‘The third Sex,’ a positive account of male homosexuality written with the cooperation of gay men.

1959 Japan’s 1958 Anti-Prostitution Law began to take effect and numerous gay bars sprang up in recently vacated red-light districts such as Tokyo’s Shinjuku Ni-chome, now home to the largest concentration of gay bars in the world.

1964 “The Secret History of Homosexuality in China”, by Weixing Shiguan Zhaizhu, was published in Chinese in Hong Kong.¹²⁸

1968 The books ‘Lesbian Technique’ and ‘Homo Technique’ were published in Japan, authored by a heterosexual man and selling well.

1969 A Tokyo court ruled that Japan’s *Eugenic Protection Law* prohibited unnecessary surgery that would result in infertility, making sex-reassignment surgery illegal. Such operations were first performed in Japan in 1951. Operations resumed in 1998.

1971 Publication began of the Japanese gay magazine Barazoku (The Rose Clan), lasting until 2004, followed by Adon (1972 – 1996) and Sabu (1974 – 2001).¹²⁹ Gay magazines have been published continuously in Japan since that time and marketed openly. Some gay groups functioned. Beginning in 1971, Togo Ken ran as a gay candidate in Japanese national elections, never winning a seat.¹³⁰

The first lesbian social group, Wakakusa no Kai (Young Grass Club), was founded in Japan, continuing for fifteen years.

Japanese transgender performer Miwa Akihiro’s autobiography became a best seller.

1972 The first sexual reassignment surgery was performed in Thailand. The country went on to become a leading center regionally and internationally for both male-to-female and female-to-male surgery.

1977 Small gay rights groups were formed in Tokyo and Osaka, including Front Runners and Platonika (which published four issues of its magazine).

1978 In India Shakuntala Devi published *The World of Homosexuals*.

¹²⁸ Tse-Ian D. Sang, *The Emerging Lesbian*, Chicago, 2003, 38.

¹²⁹ Gay Times reported in December, 2004, 79: “After 33 years, one of the world’s oldest gay magazines has been forced to close through bankruptcy. Barazoku, established in 1971, had been a trailblazing publication in its time, and the first in Asia to be sold in mainstream bookshops. The magazine’s owner/publisher blamed the fall in sales and advertising on the rise of the internet. ... Barazoku’s name translates as ‘rose tribe’, which has since entered the language as a synonym for ‘homosexual.’”

¹³⁰ See Wim Lunsing, *Japan: Finding Its Way?*, in Barry D. Adam, Jan Willem Duyvendak, Andre Krouwel, *The Global Emergence of Gay and Lesbian Politics: National Imprints of a Worldwide Movement*, Temple, 1995, at 309-10 and 303.

In Japan Otsuka Takeshi appeared in an openly gay ‘talent’ on the controversial radio talk show *The Snakeman Show*, and went on to found the gay community group *Our Work Community*. Lesbian zines *Xa daiku* (*The Dyke*) and *Hikari guruma* (*Shining Wheel*) were published.

1979 In Japan the activist magazine *GAY* was founded, publishing for 8 issues.

1980 Tony Perez published ‘*Cubao*’ in Tagalong, a collection of short stories and poetry, subtitled ‘The first cry of the gay liberation movement in the Philippines.’¹³¹

Japanese activist Togo Ken published the magazine *Za gai* (*The Gay*). Other magazines were published in the period, usually short lived.

1981 The first enduring gay rights organization in Asia, *Lambda Indonesia*, was formed by Dede Oetomo and two others. At the time Dede Oetomo was a doctoral student at Cornell University in the United States. In 1987 the group reorganized as *Gaya Nusantara* and began publishing a small format magazine of the same name. It organized three small national conferences in 1993, 1995 and 1997. Both the organization and the magazine continue, though small.

1983 The first gay magazine, *Mithuna*, began publication in Bangkok. Various gay magazines have been published in Thailand since that time, none of a mainstream character.¹³²

Prominent modernist author Pai Hsien-yung published his novel “*Crystal Boys*,” in Chinese, telling the stories of a group of young male sex workers and their patrons in New Park in central Taipei. After a few years the novel gained widespread attention from the mainstream literary establishment in Taiwan. It has been called the first modern Asian gay novel. It was made into a film in 1986 and a “hugely popular” television series in 2003.¹³³

Indonesia’s official medical guidelines stopped classifying homosexuality as abnormal.¹³⁴

1984 Minami Teishiro, the publisher of the gay magazine *Adon*, formed *JILGA*, the Japanese International Lesbian and Gay Association, after the head of the International Lesbian and Gay Association visited Japan. *JILGA* attempted to form an Asian regional grouping for *ILGA*, holding two meetings in Japan and a final one in Bangkok in 1990.

“*The History of Homosexuality in China*,” by Xiaomingxiong, was published in Hong Kong (in Chinese).

¹³¹ See Martin Manalansan, *In the Shadows of Stonewall*, in Lisa Lowe, David Lloyd, *The Politics of Culture in the Shadow of Capital*, Duke, 1997, 485 at 493.

¹³² These publications stopped being available in 2004 with new government censorship concerns, but apparently no prosecutions.

¹³³ Andrew Huang, *Homosexual And Happy*, *Far Eastern Economic Review*, April 22, 2004, 54.

¹³⁴ Alison Murray, *Let Them Take Ecstasy*, in Evelyn Blackwood, Saskia Wieringa, *Female Desires*, Columbia, 1999, 139 at 143

1985 Ribbon and Mars Bar, Japan's first mainstream lesbian bars, opened in Shinjuku.

1986 The Asian Lesbian Network was formed at the International Lesbian Information Service conference in Geneva. It went on to hold four conferences in Asia – Bangkok in 1991, Japan in 1993, Taiwan in 1995 and Manila in 1998.

The 10% club was formed in Hong Kong.

Some younger Japanese gay men split from JILGA and formed OCCUR, which became the most visible national organization working for gay and lesbian rights. Similarly in Osaka former JILGA members left that organization and formed a separate group, the Osaka Gay Community, in 1987.

Anjaree, a lesbian organization, was formed in Bangkok, but did not become publicly active for a few years. For a period it published a small format magazine. By 1992 three lesbian organizations had been established in Asia, Sappho in Seoul, Anjaree in Bangkok and Regumi Studio in Tokyo.

Trikone, the first magazine for South Asian gays and lesbians, began publication in California.

1987 Thailand emerged as a gay tourist destination in Asia both for Asians and for Westerners. In 1987 the first of seven editions of Eric Allyn's guidebook, *The Men of Thailand*, was published, selling in the various GLBT bookstores that had come into being in the West. For many years, it was not for sale in Thailand. Around five gay guidebooks on Thailand have been published since, one in Mandarin. In recent years free gay maps and gay magazines have emerged for tourists, widely available in the bars and saunas. Academic interest in Thailand also developed. In 1989 Peter Jackson's book *Male Homosexuality in Thailand* was published, followed by a number of books, articles and chapters by Western scholars. This external interest in Thailand has produced an extensive English language literature.¹³⁵

OG magazine appeared, with a Singaporean publisher and distribution from Australia. It displayed youthful Asian males largely for Caucasian eyes, but had some articles and information.

The wedding of two female police constables, Leela Namdeo and Urmila Shrivastava made national headlines in India. They were both fired from their jobs.¹³⁶ Occasional stories continue in India of female couples running away from parental control, marrying or committing suicide together.

¹³⁵ Eric Allyn, *The Men of Thailand*, Floating Lotus, Bangkok, 1987; Peter Jackson, *Male Homosexuality in Thailand*, Global Academic Publishers, 1989. Allyn's guidebook became available in the Bookazine chain of stores in Thailand, but may now be out of print.

¹³⁶ Geeta Patel, *Homely Housewives Run Amok*, (2004) 16 *Public Culture*, 131, particularly from 147.

In Japan the first mainstream book by and about lesbians, “Onna wo aisuru onnatachi no Monogatari” (Stories of Women Who Love Women) was published.

1988 Gay men created two pioneering organizations as HIV/AIDS education and prevention groups - Pink Triangle in Malaysia, and FACT, The Fraternity for AIDS Cessation in Thailand. Pink Triangle continues to be active. Three years later the Library Foundation, also a gay-run HIV/AIDS education organization, was founded in Manila.

Three gay-themed plays were banned in Singapore. The banning in 1988 was followed by performances in 1989, 1990 and 1992. The 1990 Singapore International Arts Festival staged a performance of *M Butterfly*.¹³⁷

1989 Bombay Dost magazine began publication

1990 The lesbian group Women Zhi Jian (between us, “Entre Nous”) began, the first activist organization in Taiwan.

1991 Hong Kong decriminalized male homosexual acts. This followed the enactment of a bill of rights, which was designed to secure human rights in advance of the reversion of the territory to China.

In the Peoples Republic of China the noted sociologist Li Yinhe and her husband Wang Xiaobo, a famous novelist, published “Their World: A Study of the Male Homosexual Community in China.” It was revised and republished in 1998 as “The Homosexual Subculture,” and became a best seller. Further titles on homosexuality were published in China in 1994 and 1995.¹³⁸

In the early 1990s Japan experienced a ‘gay boom’ in which gay-themed movies, books, articles and television programs became popular in mainstream media.¹³⁹ Fushimi Noriaki published his book “Private Gay Life” in 1991, with a “widespread reaction” among gay men in the country. In 1992 Kakefuda Hiroka published her book “On Being Lesbian.” After 1991 the visibility of homosexuality in Japan “has increased enormously – with mainstream movies, books, and almost every magazine featuring articles, if not complete special theme issues, on homosexuality.”¹⁴⁰

The Japanese group OCCUR launched a successful campaign to remove references to sexual perversion from dictionary definitions of homosexuality.

¹³⁷ Russell Hong Hiang Khng, *Tiptoe Out of the Closet: The Before and After of the Increasingly Visible Gay Community in Singapore*, in Gerard Sullivan, Peter A Jackson, *Gay and Lesbian Asia*, Harrington Park, 2001, 81 at 84-85.

¹³⁸ Cui Zi'en, *Filtered Voices: Representing Gay People in Today's China*, IIAS Newsletter # 29, November, 2002, 13.

¹³⁹ Mark McLelland talks of a ‘gay boom’ in Japan in the early 1990s: *Male Homosexuality in Modern Japan*, Curzon, 2000, 32-37.

¹⁴⁰ Wim Lunsing, *Japan: Finding Its Way?*, in Barry Adam, Jan Willem Duyvendak, Andre Krouwel, *The Global Emergence of Gay and Lesbian Politics*, Temple, 1999, 293, at 296.

“Less Than Gay” was published in New Delhi, subtitled “A Citizens Report on the Status of Homosexuality in India.” Authored by a civil rights group led by lawyer Siddhartha Gautam, this booklet described events in India, including a petition to parliament against the criminal prohibition of homosexual acts and an amusing exchange in parliament in which later prime minister Vajpayee suggested there were both male and female characteristics in all people. The booklet also documented western developments, including the European Court of Human Rights decision in *Dudgeon v United Kingdom*.

1992 The first gay student group, UP Babaylan, was established on the main campus of the University of the Philippines, followed later by a lesbian group. Both were given recognition by the University as student groups and were able to host meetings on the campus, such as the 1997 gay and lesbian leaders conference, the December, 1997, national gay and lesbian conference, and the 1998 Asian Lesbian Network conference. A Malaysian representative expressed amazement that the organizers could hang a banner with the words “Asian Lesbian Network” across the road on the large UP campus. Such visibility was impossible in Malaysia.

The Censorship Review Committee in Singapore recommended that “materials encouraging homosexuality should continue to be disallowed.”

The first Tokyo International Lesbian and Gay Film Festival attracted an audience of 1,000. Starting in 1997 it also held screenings in Osaka and Kyoto.

1993 The Ministry of Public Security of the People’s Republic of China issued a directive that homosexuals were no longer to be charged with hooliganism, effectively decriminalizing homosexuality.

Ai Bao, a lesbian magazine became publicly available in Taiwan. Soon a “steady output of films and novels” was “well-established” in Taiwan.¹⁴¹ ‘Tongzhi’ fiction garnered a number of prizes and accolades from the mainstream literary establishment and “became a clearly delineated movement with defining significance for 1990s Taiwanese literature.”¹⁴²

On May 30th, Singapore police raided Rascals, a gay-on-Sunday disco, harassing patrons for no apparent reason. Twenty-two gay people, including lawyers, doctors and other professionals, signed a letter of protest addressed to the chief of police in an unprecedented public move. They received an official apology. Such harassment of gay venues ended. The event prompted the formation of the group People Like Us.

In June, the Government of Singapore spoke against the recognition of homosexual rights in the UN World Conference on Human Rights in Vienna, the only government to make a negative statement on the matter.

¹⁴¹ Chris Berry, Fran Martin, Syncretism and Synchronicity, in Chris Berry, Fran Martin, Audrey Yue, *Mobile Cultures: New Media in Queer Asia*, Duke, 2003, 87 at 92.

¹⁴² Fran Martin, *Situating Sexualities*, Hong Kong University Press, 2003, 2.

Counsel Club was formed in Calcutta, India, the pioneering LGBT organization in eastern India.

A remarkable political mainstreaming of sexuality issues developed in Taiwan. A forward-looking recognition of human rights was becoming a part of Taiwan's assertion of legitimacy:

- In December, 1993, a public meeting was held between the Taiwanese Legislative Yuan and a coalition of six tongzhi groups, Between Us, Asian Lesbian Network Taiwan, Ai Bao, National Taiwan University's Gay Chat Group, Speak Out and Tongzhi Workshop. The groups put forward a number of demands, some related to HIV/AIDS policies.

- In his campaign for mayor of Taipei, Chen Shui-bian, later the President of Taiwan, promised, if elected, to organize a public tongzhi street party.

- Mayor Chen Shui-bian sent a representative of his government to attend the same-sex wedding ceremony of popular author Hsu Yoshen and his partner Gary Harriman in Taipei in November 1996, saying a stomach ailment prevented his attendance.

- In the first issue of the glossy gay G&L magazine in 1996 the Democratic Progressive Party of Chen Shui-bian published a message of support for tongzhi equality, liberation and rights, claiming that it aimed to build "a respectful, pluralistic society which embraces difference, allowing people the freedom to choose and treating people as people."¹⁴³

- In 1995 academic Josephine Ho was a central figure in establishing the Center for the Study of Sexualities at Taiwan's National Central University. It has played a prominent activist role in public policy discussions.

- In 2000 the government announced the draft of the "Basic Human Rights Protection Law." Reportedly homosexuals would be granted the legal right to form families and adopt children. No further actions were taken on the proposal.

- In parliamentary elections in December, 2001, two openly gay candidates ran for office as independents.

1994 OCCUR won a court case against the Tokyo municipal government for discrimination in denying the organization the use of a residential conference center.¹⁴⁴

A gay/MSM conference was held in a suburb of Bombay. Two pioneering organizations were subsequently formed by individuals who had attended the conference – Humsafar Trust in India and Companions on a Journey in Sri Lanka. The conference was attended by a lead figure in Counsel Club in Calcutta, established the previous year. Subsequent small national level conferences were held in 1999 and 2004.

¹⁴³ Fran Martin, *Situating Sexualities*, Hong Kong University Press, 2003, 84.

¹⁴⁴ The discrimination took place in 1988 and Occur began the case that year. Lunsing says that Occur did not expect to win the case, but hoped for favorable media attention. Legal proceedings are slow in Japan. Occur won the case in 1994. The Tokyo government appealed, but lost the appeal in 1997.

Two organizations were formed in the Philippines - CLIC (Can't Live in the Closet), a lesbian group, and ProGay (the Progressive Organization of Gays in the Philippines).

The first pride parade in Asia was held in June in Manila, commemorating the 25th anniversary of the Stonewall riot. The event was co-sponsored by ProGay and the Metropolitan Community Church. The parade became an annual event starting in 1996.

The first pride parade in Japan (and the second in Asia) was held August 28th in Tokyo, organized by JILGA. There were 1,134 participants.¹⁴⁵ The first pride march in Sapporo, in northern Japan, was held in 1996.

JILGA began an annual gay and lesbian film festival and a theatre group.

1995 Lesbians from CLIC and some gay men testified before a congressional committee in the Philippines on gay and lesbian rights legislation, the first such event in Asia.

During the 1995 United Nations Fourth World Conference on Women in Beijing the activist Wu Chunsheng organized a lesbian dance party for both Chinese and foreign women at the Nightman Disco. Two busloads of women from the conference joined with over a dozen Beijing women. Plain clothes and military police came to the disco and afterwards Wu was detained.¹⁴⁶

Gay Front Kansai in Japan succeeded in having the Osaka prefectural government change its prohibition on the sale of homosexual 'pornography,' which had blocked the sale of gay magazines.

The first university gay student groups were established in Seoul. Lambda was formed at National Taiwan University.

Activists in Sri Lanka, as part of their campaign for decriminalization, pointed out that the existing prohibition of homosexual acts did not apply to women. In response the law was changed to extend its coverage to lesbian acts, a sharp defeat.

The Committee for the Advancement of Human Rights for Homosexuals was established in Taiwan

1996 The first Tongzhi Conference for ethnic Chinese was held in Hong Kong. Subsequent conferences were held in Hong Kong (1998, 1999 and 2004) and Taipei (2001).

¹⁴⁵ Wim Lunsing, *Japan: Finding Its Way?*, in Barry Adam, Jan Willem Duyvendak, Andre Krouwel, *The Global Emergence of Gay and Lesbian Politics*, Temple, 1999, 293 at 305.

¹⁴⁶ He Xiaopai, *Birthday in Beijing: Women Tongzhi organizing in 1990's China*, IIAS Newsletter # 29, November, 2002, 9/

In January Singapore recognized the post-operative sex of transsexuals, allowing, for example, a male to female transsexual to marry a male. The same year Singapore issued guidelines for internet servers stating that contents that “depict or propagate sexual perversions such as homosexuality, lesbianism and paedophilia” are not allowed.¹⁴⁷

Ten individuals signed an application for the legal registration of the Singapore group People Like Us. The group had been meeting weekly since 1993. The application was refused, and refused again on an appeal. Membership in an unregistered organization is unlawful. The group officially disbanded. It reapplied for registration in 2004 and was again refused.

The Bandhu Social Welfare Society was founded in October in Bangladesh, with assistance from the Naz Foundation International.

The first National Lesbian Rights Conference in the Philippines was held December 9th in Silang, Cavite province, Luzon. Principal organizers were the Womyn Supporting Womyn Committee of a larger feminist organization, WEDPRO, Lesbond of Baguio City and The Group in Davao City. The Womyn Supporting Womyn Committee went on to become a separate organization.

1996-2002 In this period gay publishing developed, though patterns were often unstable.

- Small-format Japanese gay magazines continued to be published, filled with personal ads. Small format Thai magazines were available, filled with advertisements for host bars and saunas. In 1996 the glossy magazine G&L began publication in Taiwan. A second magazine, Together, began in Taipei in 1998. In 1998 the gay magazine Buddy began in Seoul, Korea in a mainstream format, selling openly in stores. Later in the same year the Japanese-style gay magazine Borizaru began, also in Korea. In 1999 a serious gay and lesbian magazine/newspaper, ManilaOut, began publication in the Philippines. The editor hoped it could evolve into something like the United States magazine Advocate, but it did not last. HIS magazine, from Taipei, founded in 2000 or 2001 by the publishers of Chinese language G&L, seems the first magazine to aim for a regional market, publishing stories and news in English, advertising gay accommodation in Thailand and featuring discrete nude photographs.¹⁴⁸ Currently the only successful regional magazine is the on-line fridae magazine from Singapore.¹⁴⁹

- Regular format beefcake magazines began open publication and sale in Hong Kong, Taiwan, the Philippines and Thailand. Some gradually became bolder, with full nudity and a few began to depict ejaculations and anal intercourse. This development was unstable, with the disappearance of the magazines from public circulation in the

¹⁴⁷ Baden Offord, Singapore Queering of the Internet, in Chris Berry, Fran Martin, Audrey Yue, *Mobile Cultures: New Media in Queer Asia*, Duke, 2003, 133 at 135.

¹⁴⁸ HIS did not show erections, ejaculation or anal intercourse. It moved from an attempt at a lifestyle magazine to little more than beefcake.

¹⁴⁹ English-language OG (Oriental Guy), linked to Australia, Singapore and the United States, contained discrete photographs and a mix of articles. It became irregular, with the most recent issue in 2003.

Philippines and Thailand. The beefcake magazines displaced the earlier small format magazines in Thailand, and neither are currently available.

- A very small number of gay stores opened – in Hong Kong, Bangkok, Taipei, Manila – selling western gay items, clothing and regionally published magazines.¹⁵⁰
- In 1996 the gay novel ‘A Story from Beijing’ began circulation on the internet in China, later filmed as ‘Lan Yu’ by Hong Kong director Stanley Kwan. It is the best known Chinese gay novel, and its wide circulation showed the new importance of the internet for gay individuals in China.¹⁵¹ The Chinese homosexual novel ‘Scarlet Lips,’ by Cui Zi’en of Beijing, was published in Hong Kong in 1997 (just before the reversion to China). The book was not allowed to circulate in China.¹⁵²
- In 1996 the University of the Philippines Press published *Philippine Gay Culture: The Last 30 Years*, by Neil Garcia. The book drew on Philippine experience and the writings of Foucault and Kosofsky-Sedgwick. A number of books by the two out gay academics Neil Garcia and Danton Remoto have subsequently been published, establishing a notable local gay literature. In 2000 Chou Wah-shan’s book *Tongzhi: Politics of Same-Sex Eroticism in Chinese Societies*, was published in the United States.
- Gay Sunshine, a tongzhi publishing house in Taipei, published two collections of short stories.

1997 President Kim Dae Jung of South Korea stated: “I do not agree to same sex love, but I think we should not unconditionally perceive it as heathenism... We need a vision through which we can approach activities of lesbians and gays as a part of security of human rights.”¹⁵³

The Rajabat Institute, the national system of 36 teacher training colleges in Thailand, announced that it would ban homosexuals (meaning effeminate ‘lady boys’ or kathoeyes). The lesbian organization Anjaree was active in the campaign against the ban. After public controversy the ban was rescinded.

The attempt to hold a gay film festival at Yonsei University in Seoul was blocked when the administration cut off the electricity. The first gay film festival in Korea was held the following year after the Film Censorship Board ended its complete ban on the depiction of homosexuality on film.

The first gay pride festival was held in Taiwan.

Two men were married in April in Ho Chi Minh City. They celebrated in a hotel with 100 guests, provoking public controversy. Authorities said that they had broken no law.

¹⁵⁰ The Bangkok store, Utopia, was run by an expatriate, and proved unsuccessful. The only “gay” stores in Bangkok are a few clothing stores selling muscle t-shirts and underwear. As always, Bangkok with its highly developed commercial bar and sauna scene, has little in the way of organizations or institutions.

¹⁵¹ Remy Cristini, *Gay Literature from China: In Search of a Happy Ending*, International Institute for Asian Studies Newsletter, # 31, July, 2003, 27.

¹⁵² Cui Zi’en, *Filtered Voices: Representing Gay People in Today’s China*, IIAS Newsletter #29, November, 2002, 13.

¹⁵³ Quoted in Dennis Altman, *Global Sex*, Chicago, 2001, 127.

In March, 1998, two women married in the province of Vinh Long. The local People's Committee refused to register the marriage. In June, 1998, Vietnam's national assembly banned same-sex marriage.¹⁵⁴

1998 Huge controversies occurred in India over the showing of the lesbian-themed English-language film *Fire*, produced in India by an overseas Indian. Hindu fundamentalists attacked theatres that were showing the film and burned film posters.

IGLHRC, the International Gay and Lesbian Human Rights Commission, based in San Francisco, hired a Program Officer for Asia and the Pacific, Daniel Lee, an American of Korean descent. He traveled widely in the region. After four years he stepped down and has not been replaced.

Anwar Ibrahim, Deputy Prime Minister of Malaysia, was arrested and charged in 1998. He was convicted of corruption in 1999 and of sodomy in 2000. While sodomy had been a criminal offence since colonial times, the provision had not been enforced in practice. The arrest and trials gave extensive publicity to gay sex, something normally not discussed in the public media in Malaysia. Much later, in September, 2004, the highest court in Malaysia reversed the conviction for sodomy, releasing Anwar. The reversal was not based on human rights principles.

Police raided the AG Club, a well-known gay gymnasium and sauna in downtown Taipei, arresting two men for obscenity in public. The case was highly publicized and led to acquittals and criticism of the police actions by the judge.

A gay film festival was held on the campus of Chulalongkorn University in Bangkok, Thailand. Police paid a brief visit, checked the films and allowed the festival to continue.¹⁵⁵

The first National Women Tongzhi Conference, involving about thirty women, was held in October, 1998, in Beijing. A five person board was established and an internal magazine, *Sky*.¹⁵⁶

The first Hong Kong Queer Film Festival was held. It has been repeated every year since 1998.

1999 Gay and lesbian organizations in the Philippines established LAGABLAB, the Lesbian and Gay Legislative Advocacy Network, designed to coordinate gay and lesbian lobbying of the Congress.

¹⁵⁴ Erick Laurent, *Sexuality and Human Rights: An Asian Perspective*, *Journal of Homosexuality*, 2005, 163 at 192.

¹⁵⁵ Megan Sinnott, *Gay vs. 'Kathoeys': Homosexual identities in Thailand*, *IIAS Newsletter #29*, November, 2002, 7 at 8.

¹⁵⁶ He Xiaopei, *Birthday in Beijing: Women Tongzhi Organizing in 1990's China*, *IIAS Newsletter #29*, November, 2002, 9.

The e-mail list AP-Rainbow was established by gays and lesbians during the regional AIDS meeting, ICAAP, in Kuala Lumpur, Malaysia. Numerous gay and lesbian activists in the region are regularly sharing news on this list.

The Public Relations Department of the Government of Thailand announced a ban on people with sexual abnormalities appearing on television programs. The ban was controversial and probably never enforced.

The first Mongolian LGBT organization, Tavilan, was formed in April with 22 members.

Tamarind, the first gay restaurant and bar in Cambodia opened in Phnom Penh, owned by a gay businessmen. Government officials attended the launch party. It proved unsuccessful.

In August *The Island*, newspaper, in Sri Lanka, published a letter calling on police to let loose convicted rapists among lesbians. The gay rights organization *Companions on a Journey* filed a complaint with the Sri Lanka Press Council. In dismissing the complaint in 2000 the council said that lesbianism was “illegal, immoral and obscene” and lesbians were “spreading social menace in society.”

The Bangkok Gay Festival parade was held for the first time at Halloween in the central business and bar district in Bangkok, initiated by an alliance of gay business owners and gay and transvestite entertainers.¹⁵⁷ It is now an annual event. Gay oriented businesses in the beach resorts of Pattaya and Phuket copied the idea, giving Thailand three annual pride/festival events. Thailand was already established as the major Asian and western gay tourist destination in Asia because of its flourishing bar and sauna scene.

Queer Japan, a glossy lifestyle oriented magazine, was launched, selling in mainstream book stores. It lasted for five issues. *Fabulous*, launched the same year, lasted for four issues. Ikeda Kumiko's book 'A Teacher's Lesbian Declaration' attracted considerable media comment.

2000 Swara Srikandi was formed in Jakarta in August, the first public lesbian organization in Indonesia. The founder became the female regional representative of ILGA, the International Lesbian and Gay Association, in 2003.

In September Hong Suk Chun, a popular actor and comedian in Korea, came out in a television interview. As a result he was fired by two television networks, leading to protests by other celebrities and gay activists. Gradually he has been able to resume an active television career.

The GLBT pride festival was held in Taipei with financial support from the city government.

¹⁵⁷ It was influenced by the Sydney gay and lesbian “Mardi Gras,” not directly by the political activist ‘pride parade’ tradition.

In Vietnam Bui Ann Tan, a police officer, published his novel 'A World Without Women,' telling a story of a police investigation of a series of murders of gay men. The People's Police Publishing House insisted on changing the ending so that the gay brother of the policeman hero finally married a woman. The third edition restored the author's ending, where the character's ongoing sexual orientation is unsettled. The novel was made into a ten part television series in 2004 as part of the very popular program The Crime Police. The author has completed a second book, 'A Dialogue With the World Without Women,' which reprints letters he received from gay men about the novel. Apparently a World Without Women support group has formed in Hanoi.¹⁵⁸

A report on human rights violations against transgendered individuals in Bangalore, India, largely at the hands of the police, was completed and published under the auspices of the People's Union for Civil Liberties, Karnataka. A reworked version of the report was published in 2003 in booklet form with an introduction by Professor Upendra Baxi, who has written widely on human rights issues.

2001 In May the final report of the Council for Human Rights Protection, a grouping within the Ministry of Justice in Japan, included within the mandate for a new Japanese Human Rights Commission the issue of discrimination on the basis of sexual orientation. Gays and lesbians had testified openly at public hearings leading up to the final report.¹⁵⁹

The National Human Rights Commission of Korea was established by legislation with a mandate to address discrimination on the basis of "sexual orientation," a first in Asia.

In July police raided and closed the offices of the Naz Foundation and the Bharosa Trust in Lucknow, in the state of Uttar Pradesh, India. The two NGOs worked on Aids interventions with "men who have sex with men." Four staff were charged with conspiring to commit unnatural sexual acts and selling obscene books.

The International Lesbian and Gay Association became more active in Asia. A small ILGA Asian Lesbian Caucus met in Cebu, the Philippines, in July, 2001. An Asian regional conference was held in Mumbai in October, 2002. A small world conference was held in Manila in November, 2003.

In August, 2001, a subcommittee of the Legislative Council in Hong Kong examined issues of discrimination on the basis of sexual orientation. Over 20 individuals and representatives of organization spoke at public hearings.

In December gays and lesbians testified for the second time before a congressional committee in Manila on anti-discrimination legislation. The bill was approved in

¹⁵⁸ Margie Mason, AP, Signs of change in Vietnam, The Nation, September 11, 2004, 8A.

¹⁵⁹ Good news from Japan, ILGA Bulletin, Issue 2, 2001, 11. This report, by the Japanese group OCCUR, says this is the "first case of public recognition of L/G rights" and a "landmark" in Japanese human rights policies. The report suggests that the move to establish a commission is in response to "opinions and decisions of some human rights related agencies of the United Nations..."

principle by the committee, with the result that it could move to the floor of the House of Representatives.

The Korean government blocked access to the oldest and largest gay website, exzone, and certain other sites, though they remained available for private access. In January, 2002, a coalition of GLBT groups began a lawsuit against the government, claiming violation of the Korean constitution's provisions on freedom of expression, speech and the press. A Korean court rejected the claim on August 14th, 2002. In 2003 the National Human Rights Commission said the complete banning of gay websites violated the Korean Constitution. That ruling has been accepted and new rules formulated.

A large pride party was held on Singapore's national day, August 8th. The second annual party, Nation02, held August 8th, 2002, drew 2,500 people, including around 500 visitors from the region. Nation04 got extensive publicity outside Singapore, but was not covered by local media.

China officially declassified homosexuality as a pathology.

The Film Association at Beijing University organized China's First Gay Film Festival in December, showing Chinese and foreign films (including *Lan Yu*, by Hong Kong director Stanley Kwan, shot in Beijing, but never screened in mainland China). University officials ordered the students to terminate the festival prematurely after media coverage of the event.¹⁶⁰

2002 State run media in Vietnam declared that homosexuality was a "social evil" on a par with drug use and prostitution and proposed laws to allow the arrest of gay couples. The government reported that homosexuals had infiltrated the tourism, restaurant and karaoke bar industries.

Anjaree, the Thai Lesbian organization, held a public seminar in December in Bangkok at which the Deputy Minister of Health spoke, confirming a letter from the Ministry that homosexuality was not now considered to be a mental disorder. Thailand was following international standards on this issue. The English language papers reported this announcement as a breakthrough.¹⁶¹

From 2002 until 2004 a legal challenge to section 377 of the *Indian Penal Code* was pursued by Naz Foundation India with support from the Lawyers Collective – HIV/AIDS Unit. The challenge was dismissed on procedural grounds. That decision has been appealed.

2003 In June the first annual "Walk on the Rainbow" was held in Kolkata, India, marking the anniversary of the Stonewall riots. This was the first 'pride' march to be held in South Asia.

¹⁶⁰ Remy Cristini, *Gay Literature from China: In Search of a Happy Ending*, International Institute for Asian Studies Newsletter, #31, July, 2003, 27.

¹⁶¹ The following year Anjaree closed its offices and apparently is no longer publicly active.

In July, Singapore Prime Minister Goh Chok Tong told Time Magazine that his government had begun to hire gays and lesbians. Goh said “We are born this way and they are born that way, but they are like you and me.” The criminal law against male homosexual activity remains in place and activist groups are not allowed to be legally registered.

In September the Ministry of Information in Singapore agreed in principle with the Censorship Review Committee’s recommendations for relaxing the ban on gay themed movies and publications.

The first pride parade in greater China was held in Taiwan as part of the annual pride festival. More than a thousand people were involved. Financial support for the festival continued from the City of Taipei.¹⁶²

In China a circular issued jointly by the Supreme Court and the Ministry of Health allowed transsexuals to change their gender designation in their household registry and marry a person of their previous sex. In the same year a law in Japan allowed post-operative transsexuals to change their sex on official documents.

The School of Public Health of Fudan University in Shanghai, one of China’s leading universities, offered a credit course for graduate students on Homosexuality, Health and Social Sciences, attracting students from other faculties as well. The course was initiated with funding from the Chi Heng Foundation in Hong Kong. Reports about the course appeared on local television and in Shanghai and Hong Kong newspapers.¹⁶³

APQ, a grouping of Australian academics, coordinated a series of panels on GLBT issues at the sessions of the third International Convention of Asia Scholars, hosted by the National University of Singapore. Concerns whether such panels could be held in Singapore disappeared as approval was given for each proposed panel. Participants were both Asian and Western, and sessions were well attended.

2004 In January the Philippines’ House of Representative passed a bill banning discrimination against gays, lesbians, bisexuals and transgendered people. The legislation moved on to the Senate.

The Ministry of Culture of Thailand, active in opposing pornography in magazines and on the internet, requested television stations not to air “sexually deviant” homosexual messages (by having effeminate homosexual characters in programming).

¹⁶² See <http://1106.bdsm.com.tw>.

¹⁶³ See Tim Cribb, Top China university offers landmark course on homosexuality, *fridae* on-line magazine, www.fridae.com, November 18, 2003. Seven lecturers from various parts of China and abroad taught in the course. Included in the course was a field trip to gay bars in Shanghai. Only one graduate student enrolled in the course, but large numbers of students from other faculties and interested outsiders came to the lectures. The course was offered again in 2004.

The Movie and Television Review and Classification Board in the Philippines criticized two programs for broadcasting a lesbian wedding. The Chair of the Board said that gay and lesbian relationships are “an abnormality of human nature,” but subsequently apologized for the remark.

The government of Hong Kong, concerned with establishing official channels of communication with particular civil society organizations, established an Ethnic Minorities Forum and in 2004 established a Sexual Minorities Forum.¹⁶⁴ The government’s Equal Opportunities Commission enforces three anti-discrimination ordinances, relating to sex, disability and family status. The government stated that if there was sufficient public support, an additional ordinance on sexual orientation discrimination could be considered. It has commissioned a survey of public opinion. The SAR government also provided funding to a transsexual support organization to publish information on transsexual issues.¹⁶⁵

The Bangkok Metropolitan Administration named pioneering gay activist Natee Teerarojjanapongs to an advisory committee to represent gay, lesbian and transgendered people.¹⁶⁶

Public protests occurred in India over another lesbian-themed film, ‘The Girlfriend.’ This Hindi language film produced in India, depicted a lesbian as a psychopathic killer, driven to a homicidal rage when her innocent girlfriend decides to marry a man. The film was protested both by Hindu fundamentalists and LGBT leaders, though for different reasons.

Singapore refused a permit for the Snowball ‘circuit’ party in December, raising the question whether the very successful Snowball and Nation parties would be able to continue.

2005 Singapore denied a permit for a concert by the openly gay US Christian singers (and partners) Jason and deMarco. The concert was being sponsored by a local gay Christian support group, Safehaven. Proceeds were to go to Singapore’s Action for Aids. Later, authorities denied a permit for the large Nation Party, and organizers announced it would be held in Phuket, Thailand, in November.

¹⁶⁴ This is mentioned in the response of the People’s Republic of China to questions posed by the Committee on Economic, Social and Cultural Rights. The questions were posed after the consideration by the Committee of the second report on compliance with the Covenant on Economic, Social and Cultural Rights in the Hong Kong Special Administrative Region. The document was circulated by the Chi Heng Foundation, based in Hong Kong, on March 3, 2005.

¹⁶⁵ A well designed bilingual pamphlet was produced with government funding by TEAM, the Transgender Equality and Acceptance Movement, www.teamhk.org, entitled Transsexuals: They may be different, they may be unusual, they may be standing right next to you., no date, copy obtained in May, 2005.

¹⁶⁶ In 2005, Natee proposed that information on homosexuality be included in the primary school curriculum, but this was not accepted. Chatrarat Kaewmorakot, Classes on homosexuality mulled, The Nation, March 17, 2005, 2A.

In March the Asia-Europe Foundation brought together a small group of Asians and Europeans in Singapore for a discussion under the title “Coming out in Dialogue: Policies and Perceptions of Sexual Minority Groups in Asia and Europe.” Thailand was represented by an official from the Ministry of Culture. Indonesia was represented by pioneering activist Dede Oetomo.

A second gay and lesbian film festival, due to be held at Beijing University in April, was forced by campus authorities to relocate off campus. It was held in a factory in the Da Shan Zi art district, where it suffered no further harassment. The festival showed films and documentaries from China, Taiwan, Hong Kong and France.¹⁶⁷

In April, police in Singapore arrested four men in a gay sauna for sexual activity, saying they were on the premises to conduct a routine fire inspection.

The organizers of the Nation and Snowball ‘circuit’ parties in Singapore took over the upscale Bed Supperclub in Bangkok, for a ‘Squirt’ evening, finding it easier to organize events outside the island city-state.

On May 16th, a coalition of groups organized a march against homophobia in Hong Kong to support a possible anti-discrimination law. They linked the event to the new International Day Against Homophobia, May 17th, a day commemorating the decision of the World Health Organization to remove homosexuality from its list of psychological disorders. Varying estimates suggested 270 to 350 participants. The chairwoman of Amnesty International HK was one of the speakers.

In July, a conference Sexualities, Genders and Rights in Asia, was held in Bangkok, hosted by the Graduate Program in Human Rights at Mahidol University and APQ, a grouping of Australian academics. Participants came from various parts of Asia, as well as a minority from Western countries. The conference was immediately followed by the first Asian regional meeting of the International Resource Network, bringing together around 65 activists and academics. That event, the third in a series, was organized by the Center for Lesbian and Gay Studies, City University of New York, with funding from the Ford Foundation.

The Asian Lesbian Film and Video Festival was held in Taipei, August 5-10, organized by the Gender/Sexuality Rights Association.

This chronology illustrates significant change in many parts of Asia.

By 2004 gay and lesbian advocacy organizations functioned publicly in China, Hong Kong, India, Indonesia, Japan, Korea, Malaysia, Nepal, the Philippines, Sri Lanka, Taiwan and Thailand. Most are small and poorly funded. For a number of the organizations funding is related to HIV/AIDS education and prevention programs. Hong Kong, India, Japan and the Philippines each have numerous groups. There are what

¹⁶⁷ See <http://bglff.byhoo.com.cn>, Officials block gay Beijing film festival, *fridae News Features*, April 27, 2005 (www.fridae.com).

Westerners would recognize as gay bars in China, Hong Kong, Japan, Korea, Malaysia, the Philippines, Singapore, Taiwan and Thailand. There are lesbian bars in Tokyo. There are public events – parades, film festivals or circuit parties – in India, Japan, Korea, the Philippines, Taiwan and Thailand. Probably the only magazines in Asia at the moment that have some focus on issues of identity, liberation or law reform are Bombay Dost in India and the *fridae* on-line magazine from Singapore. Some academic interest in GLBT/Queer issues has begun – in the Philippines, Thailand and Taiwan.

All of these developments have taken place in the post-war period – the same period in which change has accelerated in the West.

AGENTS OF CHANGE

(a) International GLBT non-governmental organizations

The international gay and lesbian organizations have played a very limited role in promoting the spread of a homosexual rights consciousness in Asia.

The International Lesbian and Gay Association (ILGA) has around four hundred member organizations in all regions of the world. Most are in Europe, where it has a small office. Over the last decade ILGA has varied from having no full-time staff to the current three or four. It holds world conferences, four of which have been held in the South – Mexico, Brazil, South Africa and the Philippines. The conferences are organized by local host organizations, not the tiny international office. Third World participation is subsidized by the Netherlands. ILGA has been denied access to the United Nations, where it might have been able to gain a higher international profile.

Regional ILGA organizations vary dramatically. ILGA-Europe is well-organized, with an office, paid staff, funding from the European Union, regional meetings and an informative magazine. ILGA-Latin America holds conferences. ILGA-North America and ILGA-Africa do not exist. A successful ILGA-Asia regional meeting was held in Mumbai in October, 2002, though boycotted by many of the organizations in India. The first ILGA world conference in Asia met in Manila, the Philippines, in November, 2003. It was a small gathering, with no representation from Japan, Taiwan, Hong Kong, Thailand or Singapore.¹⁶⁸

Martin Manalansan argues that ILGA promotes Western ideas of identity and activism.¹⁶⁹ Joseph Massad calls it the best-known organization of the “Gay

¹⁶⁸ Local factional rivalries kept many organizations from the Philippines and India away. OCCUR, active in ILGA in the past, was not present. The female secretary-general of ILGA was Anna Leah Sarabia from the Philippines, now replaced by Rosanna Flamer-Caldera from Sri Lanka.

¹⁶⁹ Martin Manalansan, *In the Shadows of Stonewall: Examining Gay Transnational Politics and the Diasporic Dilemma*, (1995) 2 GLQ, 425, and in L Lowe, D Lloyd, *The Politics of Culture in the Capital*, Duke, 1997, 485.

international,” describing an aggressive campaign to spread US ideas abroad.¹⁷⁰ ILGA is essentially a Western organization, and since its members are activist organizations, rather than academics, it reflects the ideas of identity politics that drive the Western organizations. In terms of international impact, neither Manalansan nor Massad seem to understand how weak the organization is outside of Europe. It has little money, few publications and small international conferences.

The International Lesbian Information Service was created by lesbians critical of ILGA in 1982.¹⁷¹ It had a concern with the developing world. The Asian Lesbian Network grew out of an ILIS conference. Neither grouping remains active.

The U.S.-based International Gay and Lesbian Human Rights Commission (IGLHRC) has an international mandate, but seems to have been most active on issues in Eastern Europe, Latin America and Africa. At the beginning of 2004 it had a staff of ten and offices in New York, San Francisco and Mexico City. It does not hold international conferences, though it organizes some public events. Generally field officers travel from the United States to other parts of the world. It follows the model of Amnesty International in publicizing abuses and organizing letter-writing campaigns. Its information on particular countries has been used in refugee cases in the West. From 1998 to 2003, Daniel Lee, an American of Korean descent, was the Asia-Pacific regional officer for IGLHRC. At the moment there is no regional officer for Asia.

IGLHRC is sensitive to the accusation that it imposes Western standards, noting that human rights have been used as a “bullying tool” by powerful nations. It justifies its work with the assertion that discrimination on the basis of sexual orientation, gender identity and HIV status are “universal phenomenon”.

IGLHRC respects the diversity of identities and organizing tools used by individuals and communities worldwide. Some organizations we support are focused on constituencies which do not fit the LGBT identity paradigm, such as single women, tongzhi, hijra, sex worker, and sexual rights groups. We avoid using identity-based symbols and language unless it is culturally applicable in a specific situation. Otherwise we define our constituency as all people and communities subject to discrimination or abuse on the basis of sexual orientation or expression, gender identity or expression, and/or HIV status.¹⁷²

The organization does not have the resources to organize constituencies. It works with existing local groups. The groupings in the developing world that establish links with IGLHRC will be those comfortable with identity politics. A ‘Western’ approach will be fostered, without it having to be initiated by IGLHRC.

¹⁷⁰ Joseph Massad, Re-Orienting Desire: The Gay International and the Arab World, Vol. 14, No. 2, Public Culture, Winter, 2002. Paradoxically, though Massad identifies “US ideas” as involved, the organization has very little support in the US.

¹⁷¹ Paola Bachetta, Rescaling Transnational “Queerdom”: Lesbian and “Lesbian” Identity-Positionalities in Delhi in the 1980s, Antipode, 2002, 947 at 950.

¹⁷² IGLHRC Frequently Asked Questions, Answer to Question 6, www.iglhrc.org, accessed April 22, 2004. Tongzhi and hijra can be understood as identities that fit within the GLBT paradigm.

(b) International human rights non-governmental organizations

Amnesty International began to address gay and lesbian issues in 1991. In 2001 AI began to subsidize national branches in the Philippines and Thailand, seeing good prospects for local membership. GLBT sections of AI have developed in those two countries, as they have in the West and in other parts of Asia. AI branches, with the support of the International Secretariat, held international human rights conferences in conjunction with the Gay Games, first in Amsterdam in 1998, then in Sydney in 2002. Subsidies brought Asian representatives to those conferences. An important AI publication, “Crimes of Hate, Conspiracy of Silence,” appeared in 2001.¹⁷³ These initiatives are recent, but increasingly visible. They have reached into Asia. AI speaks the language of Western activist GLBT organizations.

(c) The journey to the West

In understanding how Western ideas move to Asia, it is clear that the journeys of middle and upper-class gay and lesbian Asians to the West to work, study or visit play a key role. Individuals come back impressed by the openness and relative freedom they experienced while abroad.¹⁷⁴ This seems a more important channel of influence than Western magazines, books, films or television programs, which are still not widely available in Asia.

Only anecdotal evidence is available about this process. In eight coming out stories, published in *fridae* online magazine, three included stories about the role of overseas study.¹⁷⁵ Antoinette, lesbian, 25, living in Singapore:

Going overseas to study [in Australia] in 1998 in a more liberated environment helped me to somehow get out of the closet. It opened my eyes to the possibilities, to the fresh air outside the closet that could invoke an almost euphoric state of bliss. To be able to love without fear.

Ikram Khasim, gay, 24, living in Kuala Lumpur:

It’s weird looking back, but I never came out to myself until I was studying in the US for my Bachelor’s. ... The revelation came only after my pilgrimage to the gay Mecca of San Francisco: Castro. There everything was normal: guys kissing

¹⁷³ Crimes of hate, conspiracy of silence: Torture and ill-treatment based on sexual identity, Amnesty International Publications, U.K., 2001.

¹⁷⁴ A visitor to the West would experience the situation as more open than would local people, who are concerned with the day-to-day issues of dealing with kin and employment. Locals in the West would take the bars, saunas and bookstores largely for granted (and as only a limited part of the scene). The extent to which locals were ‘in the closet’ on the job and to kin would not be obvious to visitors. In the same way Westerners are impressed by the openness of gay bars in Asian countries such as Japan and Thailand. Again their impression of the local situation would vary from that of local people.

¹⁷⁵ Growing up gay, part 2, *fridae* magazine, December 22, 2001.

in the streets, guys holding hands walking, and everyone having a gay old time. I realized that I, too, might be normal.

Vicky Yau, lesbian, 28, living in Hong Kong, spoke of her school in Hong Kong as one where “no one believed anyone could be a homosexual.” At college in the United States she joined the campus LGB group, and “since then, most of my friends during my college life were gay (both men and women).”

One reason given for the African National Congress supporting gay and lesbian rights was that many ANC activists

...would have come into contact with sexual liberation movements in the countries in which they were exiled – Holland, Canada, Sweden, Australia, Britain.¹⁷⁶

An on-line exchange between activists on the lgbt-India Yahoo list talked about globalization, class and sexual orientation.

As a movement we have benefited from globalisation and liberalization, and I refuse to apologise for that. The economic boom has given thousands of queer people the jobs which allow them to think of leaving their families and living their lives on their own terms. It enabled them to go abroad and experience the queer scene abroad, which gives them the courage to want the same here. Its given us the spaces – coffee shops, pubs, discos, parties – in which to meet each other.¹⁷⁷

The response agreed with this analysis, but cautioned that at the moment these new possibilities were restricted to a prosperous minority.

Key Asian activists have lived, for periods, in the West. Dede Oetomo of Indonesia “came out” in the West, while studying at Cornell. Natee Teerarojjanapongs lived in the United States before returning to Thailand. Chung To lived in the U.S. for thirteen years before returning to Hong Kong. Rosanna Flamer-Caldera lived in San Francisco for 15 years before returning to Sri Lanka and establishing the Women’s Support Group. Stuart Koe spent six years at the University of Minnesota, later establishing fridae.com and Jungle Media in Singapore. Ashok Row Kavi conceived the idea of the magazine Bombay Dost after a 1988 visit to an international AIDS conference in Canada. Huso Yi is active in a Korean organization though studying in New York. Fran Martin refers to “the influence of the cohort of migrant intellectuals who returned to Taiwan from the US and Europe in the late 1980s and early 1990s” as largely responsible for “the appearance of queer theory within the island’s academic cultures.”¹⁷⁸

¹⁷⁶ Comment attributed to Mark Gevisser in Vanessa Baird, *The No-Nonsense Guide to Sexual Diversity*, New Internationalist, 2001, 28.

¹⁷⁷ From the contribution of Vikram in an exchange involving Gautam and Mario D’Penha, at least two of whom had been at Jawaharlal Nehru University in Delhi. The exchange circulated on the lgbt-india, khush and gay-bombay lists on May 18, 2004.

¹⁷⁸ Fran Martin, *Situating Sexualities*, Hong Kong University Press, 2003, 2.

A few Asian gay and lesbian leaders now travel frequently back and forth between the West and Asia. As well, a number of gay and lesbian Western academics, activists and business people travel back and forth. Some of these Westerners have established residency in Asia.

Both Western tolerance and Western intolerance can be imported by Asians. Peter Tatchell, the leading British activist, reported on that fact a decade ago, after a visit to Thailand.

“Paradoxically, the western-influenced and overseas-educated Thai are both a source and a solution for the problems of gay people,” says John, a British-born gay man who works for the government health service in Bangkok. “The upper class Europeanised Thai are inclined to be the most homophobic, having internalized many of the western prejudices against gays during their sojourns abroad. In contrast, other Thais who have had contact with the western lesbian and gay movements are now in the forefront of the efforts towards greater public visibility. So, for Thai homosexuals, foreign influences have been a double-edged sword, both for ill and for good.”¹⁷⁹

This observation is now dated. A heterosexual Thai studying or working in the West would now find Western homophobia much less mainstream or compelling than it was fifteen years ago. Anti-discrimination laws are everywhere. Even major figures opposing same-sex marriage are urging equal rights for same-sex couples.

The journey to the West no longer requires travel. The web has opened up communication for those with access.

The medium was so important in helping Echo Chen, 29, of Shanghai cope with her sexual orientation that she now operates a site, www.lescn.net that Webcasts China’s first lesbian radio program. The 2-year old site has 15,000 registered users and is supported in part by donations from four Chinese-American lesbians in the United States, she said.

“I was so pleased to find out there were other girls like me,” Chen said, recalling her discovery of gay internet sites during her mid-20s. “I confirmed my identity on the internet, so I’m very happy with what I’m doing now.”¹⁸⁰

(d) HIV/AIDS

The spread of HIV/AIDS created the opportunities and the cover for gay men to create organizations in Asia – notably the first organizations in Thailand and Malaysia. Outside funding was available for education and prevention programs. Support from local health ministries was possible, as had occurred in the West. Local activists began

¹⁷⁹ Peter Tatchell, Thailand: Gayness, Bar Boys and Sex Tourism, no date (perhaps 1989), copy in possession of the author.

¹⁸⁰ Steve Friess, Chicago Tribune, May 9, 2004. She was interviewed at the Tongzhi Conference held in Hong Kong in May, 2004.

attending regional and international AIDS conferences, their travel costs covered from Western sources. This put a number of individuals in contact with Western AIDS activists, such as Dennis Altman of Australia, who co-chaired the regional AIDS conference, ICAAP, in Melbourne. The Asian regional AIDS meetings have GLBT caucuses, out of which came the AP-Rainbow e-mail list.

Lunsing has noted the impact of AIDS organizing in Japan:

AIDS was an important catalyst especially for gay men to come forward. Activities against the AIDS Protection Law, which is a shabby piece of work directed at isolating HIV-positive people, were and still are carried out by gay men and lesbian and feminist women. ... The AIDS Candlelight Parades in May and the parades on International AIDS Day in December started in 1991, years before the Gay and Lesbian Parades, but most participants were nevertheless gay men and lesbians. AIDS provided a clear focus, about which there could not be much disagreement, making cooperation relatively easy.

The Japanese government and bureaucracy, lacking proper knowledge concerning AIDS, listen to pleas by gay organizations for policy improvement, even though gay organizations remain unsatisfied with what is actually being done. An informant reported that, in order to keep the dialogue going, Occur prevented AIDS Coalition to Unleash Power (ACT UP) from staging its usual antics of shouting abuse at official attendants at the Yokohama World AIDS Conference in the summer of 1994. During the conference, Occur member Oishi Toshinori came out as a gay man living with HIV and shared the stage with the Japanese crown prince and princess.¹⁸¹

(e) International funding.

Generally speaking, the international organizations already identified have not had money to support activism in the Third World. ILGA and IGLHRC are not sources of funding for local GLBT NGOs. Neither are Amnesty International or Human Rights Watch.

The pioneering source of funding to Third World organizations has been the Netherlands. Part of Dutch government foreign aid can be spent on gay and lesbian human rights. That funding is channeled through HIVOS (a humanist foundation), and embassies. Gradually other sources have become available. Some monies have come from human rights funds in the foreign aid programs of Australia, Canada, Denmark and Norway – and probably some other states. The EU has funded ILGA-Europe for outreach in Eastern Europe. HIV/AIDS monies often support some GLBT activism, but as a side effect of the funding of health programs. Around 2001 Ford Foundation altered one of its funding programs from gender and reproductive health to the broader rubric of sexuality.

¹⁸¹ Wim Lunsing, *Japan: Finding Its Way?*, in Barry D Adam, Jan Willem Duyvendak, Andre Krouwel, *The Global Emergency of Gay and Lesbian Politics: National Imprints of a Worldwide Movement*, Temple, 1999, 293 at 308

These changes in funding patterns are still working their way through the international system, but they have involved new money and some new organizations. Some Western money now moves to GLBT organizations and projects in the Third World. It is still not a lot.

4. AN ASIAN REACTION?

If it was repression in the West that created the strong gay and lesbian ‘identities’ and ‘identity politics,’ we can ask whether the emergence of identity politics in Asia is either linked to repression or has now sparked repression.

The same trajectory is not being followed. Western style repression is not common in Asia. Official condemnation of homosexuality occurs. It is part of a broader discourse on Western influence as well as reflecting middle-class anxiety about social change.

Western demands aimed at the developing world increased after the collapse of the Soviet Union in 1991. Before that time Western governments avoided pressures that might drive allies or potential allies into the arms of the Eastern Bloc. After 1991 Western governments began linking development aid to human rights, labor standards and the protection of the environment.¹⁸² In Africa and Asia a counter-discourse developed. Developing states promoted the ‘right to development’ and challenged the ‘universality’ of human rights. Asian leaders spoke of the ‘Asian values’ of loyalty to family, religion, community and nation, over the individualism and competitiveness of Western systems. An Asian goal was harmony, not self-assertiveness. Thai culture (and Confucian culture) places

...the maintenance of public shows of harmony at its core, valuing conformity to displays of orderliness...¹⁸³

As well, Western systems of governance did not fit with the need for a strong role on the part of the state to promote development.

‘Asian values’ posited authentic local values and the imperative of economic development. It criticized the West for its greed, individualism, immorality and imperialism.¹⁸⁴ A key part of this counter-discourse was the condemnation of

¹⁸² They sought to get some of these themes written into international trade law, but were blocked on this within the GATT/WTO system by the numerical superiority of the developing states.

¹⁸³ Peter Jackson, *A Geneology of Semicolonial Power in Thailand*, 2004, unpublished, p. 3.

¹⁸⁴ See Joanne R. Bauer, Daniel A. Bell, *The East Asian Challenge for Human Rights*, Cambridge, 1999; Michael Ignatieff, *The Attack on Human Rights*, *Foreign Affairs*, November/December 2001, 102. The Third World attempted to engage the West in a debate over a possible New International Economic Order, NIEO, beginning in the 1970s. This evolved or was refashioned into a claim to a right to

homosexuality. Homosexuality, teenage pregnancies and drug use were clinching arguments in the challenge to Western values. Notable voices in Asia and Africa were those of Lee Kuan Yew of Singapore, Mahathir Mohammed of Malaysia, Robert Mugabe of Zimbabwe, Sam Nujoma of Namibia and Yoweri Museveni of Uganda.¹⁸⁵ At the United Nations most African and Muslim states became active opponents of any (rare) initiative on gay and lesbian rights.

Asian leaders often describe their societies as conservative. Confucian traditions continue to have strong influence in parts of Asia, with their stress on family lineages and procreation.¹⁸⁶ As well in recent years Islamic spokespeople in Asia have stated and restated the view that homosexuality is contrary to the teachings of the Koran. No dissenting GLBT groupings have yet emerged publicly within Islam in Asia.

Avoidance of serious discussion of sex and sexuality is common. Time Magazine, in a survey on AIDS in India, said “people simply don’t talk about sex” in the country – “conservative morals still dominate.” Fieldwork reveals a different reality, Time said, but political leaders project a defensive conservatism.¹⁸⁷

Asian and African objections which named homosexuality began either before or at about the same time as some Western governments started to publicly support gay and lesbian equality rights in international forums. The first Western statements were made at the 1993 United Nations World Conference on Human Rights held in Vienna. In that forum Singapore said that most ‘human rights’ were still contested concepts. The representative went on:

Singaporeans, and people in many other parts of the world do not agree, for instance, that pornography is an acceptable manifestation of free expression or that homosexual relationships is just a matter of lifestyle choice. Most of us will also maintain that the right to marry is confined to those of the opposite sex.

development. The right to development was formally accepted by a declaration of the General Assembly in 1986. But international development aid declined after the ending of the cold war. At the same time, Asian economies were flourishing, and the World Bank in 1993 spoke of the Asian economic miracle. The collapse of the NIEO/‘right to development’ agendas and the economic success in much of Asia in the 1990s are the context in which “Asian values” arguments developed strength. The ideas of a distinctively Asian road to development, and Asian cultural values in relation to human rights seemed mutually supportive. Both the economic argument and the cultural argument stressed the role of the state or collectivity in the management of society.

¹⁸⁵ Some of the statements of these leaders are quoted in Human Rights Watch, World Report, 2001, in the section Lesbian and Gay Rights. An article in The Economist suggests that the policies of Mr. Nujoma are in fact moderate. “He often rants against homosexuals, for example, but has done little to persecute them.” Talking like Mugabe, The Economist, September 14, 2002, 49. Also see Scott Long, More Than a Name: State-Sponsored Homophobia and its consequences in Southern Africa, Human Rights Watch and International Gay and Lesbian Human Rights Commission, 2003.

¹⁸⁶ Author Eric Allyn, associates homophobia in Thailand with the large Chinese minority, not with ethnic Thai.

¹⁸⁷ Alex Perry, AIDS in India; When Silence Kills, Time, Asia edition, June 6, 2002, 17. “A [Gates] foundation executive in southern India describes as a ‘total revelation’ the large communities of homosexuals, gay sex workers and transsexuals found in every major town. In India’s cities millions of men have long secretly visited brothels...”

Dr. Mahathir, as Prime Minister in Malaysia, often spoke of homosexuality, describing it as a threat to Asian cultures.

Dr. Mahathir said Malaysians should not ape Western values, which had decayed, where free sex had taken precedence over family institutions and marriage between the same sex had become the norm. “To them, mankind should not follow the conventional way. Instead, individuals should do what they want to do. They can decide on their clothing, behaviour, morals, language and if they feel like indulging in sex, they can just do it.” Dr. Mahathir said this would only lead to the demise of civilization, adding that there were many ancient civilizations which had been destroyed this way. He said if ancient civilizations could disintegrate, all the more could a new and delicate one [referring to Malaysia].¹⁸⁸

And more recently:

Too much democracy leads to homosexuality, moral decay, racial intolerance, economic decline, single-parent families and a lax work ethic.¹⁸⁹

By the end of the 1990s the challenge to the universality of human rights was largely over. Eastern European states ended their anti-homosexual criminal laws to qualify for membership in the European Union.¹⁹⁰ Developing states increasingly affirmed some commitment to human rights, responding to international and domestic pressure. The new constitutions in the Philippines in 1987 and in Thailand in 1997 had no ‘Asian values’ language. The Asian economic ‘miracle’ crashed in 1997, undercutting ideas of Asian exceptionalism. The World Bank, a necessary ally for most developing states, affirmed a commitment to human rights in 1998. National human rights commissions have been established in India, Indonesia, Japan, Malaysia, the Philippines, South Korea and Thailand. China signed the major international human rights treaties in order to get into the World Trade Organization. In March, 2004, China included a reference to human rights in its constitution. Non-governmental organizations expanded in the Third World, providing local voices urging the recognition of universal human rights standards. Human rights were increasingly at home in Asia.

¹⁸⁸ Replace customs which stifle progress, says PM, New Straits Times, Kuala Lumpur, September 16, 1999, 2. Prime Minister Mahathir’s repeated condemnation of homosexuality is not easy to explain. It may reflect a personal revulsion. It may be used to identify him as a good Muslim, in a situation where his political competitors have an edge as good Muslims. It may be important in Mahathir’s attempts to speak for Islamic states in general. It may be used to promote Third World solidarity, for it is always an attack on the West.

¹⁸⁹ Quote of the Day, Bangkok Post, April 14, 2003, 1. Mahathir’s statements never seem to pick out homosexuality alone, but put it in a broader attack on Western immorality.

¹⁹⁰ As a result many of the important advances for gay and lesbian rights in Eastern Europe “have been imported from the West, without local gay and lesbian participation. The effect may be admirable, but the means reduce the mobilization.” Scott Long, Gay and Lesbian Movements in Eastern Europe, in Barry Adam, Jan Willem Duyvendak, Andre Krouwel, The Global Emergence of Gay and Lesbian Politics, Temple, 1999, 242 at 254-5.

The shift on human rights in general did not automatically mean a shift on homosexual rights. The recognition of gay and lesbian equality was still far too marginal to be a clear part of the human rights package. The exception is Europe, where the recognition of GLBT rights has become a requirement for EU members. In Asia and Africa Mahathir and Mugabe constantly used anti-homosexual rhetoric, certain that it (a) played well at home, (b) had the support of many other third World politicians, and (c) embarrassed Western states (that usually preferred to downplay their support for gay and lesbian rights).

The anti-homosexual rhetoric associated with the Asian values campaign did not result in homophobic campaigns in Asia. There have not been the kinds of active state repression that might have fostered Western-style identity politics. Social and religious attitudes may make life difficult for individual gays and lesbians, but state sponsored discrimination is minor and uncoordinated. Some countries officially block homosexuals from military service. Others do not. The ban on ‘gays’ entering the teacher training colleges in Thailand did not come from the cabinet level, and, when it proved controversial, was withdrawn as misunderstood or misdescribed. The ‘social order’ crackdown on bars in Thailand did not target gay venues.

Social attitudes seem not as problematic as they have been in the West. Writings on different parts of Asia suggest that same-sex activity will be overlooked, treated as of little significance. It is not shocking, but it should not produce an identity that sets the individual apart from family. The son or daughter will not be told to leave – and should not cut family ties. Officially Asian societies are conservative on sexual matters, but that is muted in practice.

The argument is not that Asian governments or societies are openly tolerant. Outside a limited number of cities, gay bars and GLBT organizations are non-existent. Most of Asia does remain conservative on sexual matters, in spite of the glitz of Tokyo and Bangkok.

One very exceptional story has to be addressed. In 1998 Prime Minister Mahathir Mohammed of Malaysia fired his deputy, Anwar Ibrahim, who then led large anti-government protests before he was arrested. He was charged and convicted on counts of corruption and sodomy. Mahathir publicly expressed his shock at Anwar’s alleged homosexual activity. Anwar, who had been named as Mahathir’s successor, was both more pro-Western and more Muslim than Mahathir. He was handsome and articulate, in comparison to his dour mentor. The two had publicly disagreed on how to respond to the Asian financial crisis of 1997. Mahathir’s more radical decision, to impose capital controls on the Malaysian currency, prevailed over Anwar’s apparent support for an IMF-style response.

Anwar denied the charges of corruption and sodomy, saying they were part of a conspiracy to eliminate him as a political rival. This explanation was widely accepted outside Malaysia, and Amnesty International listed Anwar as a ‘prisoner of conscience.’ During the trials neither he nor his supporters challenged the colonial-era British criminal

law under which he was charged. They accept that homosexuality is contrary to Islam. The Malaysian press is tightly controlled, and the media discussion of the charges against Anwar meant shockingly new public references to homosexuality. These included dramatic scenes of a mattress being brought to court, bearing, it was said, incriminating semen stains. Six years later, the Federal Court, the highest court in Malaysia, reversed Anwar's conviction for sodomy. By this time Mahathir had retired and his successor, Badawi, had won a convincing majority in a national election. The acquittal now served government interests by releasing Anwar from prison (ending the calls for a pardon), while barring him from an immediate return to politics (because of the corruption conviction).

The Anwar affair did not signal any 'crackdown' on homosexuality in Malaysia. The organization Pink Triangle, legitimated by its HIV/AIDS work, kept its head down and made no comments on the charges against Anwar. It survived. The couple of gay bars in Kuala Lumpur continued, apparently unaffected. The affair certainly told homosexuals to keep quiet. They stayed out of sight and were not targeted. In other words, the story of Anwar Ibrahim does not indicate any active pattern of state-sponsored repression in Asia or in Malaysia.

It may be that anti-homosexual rhetoric, limited as it was, is largely over in Asia, helped by the retirement of Mahathir Mohammed in 2003. Prime Minister Goh of Singapore signaled an easing of governmental attitudes in an interview in July, 2003. He said the government had reversed its policy of not hiring homosexuals. He gave a simple genetic, non-judgmental explanation of homosexuality.

We are born this way and they are born that way, but they are like you and me.¹⁹¹

In his address at the Nation Day rally in August, 2003, he returned to the subject:

In every society there are gay people. We should accept those in our midst as fellow human beings, and as fellow Singaporeans. If the public sector refuses to employ gays, the private sector might also refuse. But gays too need to make a living. That said, let me stress that I do not encourage or endorse a gay lifestyle. Singapore is still a traditional and conservative Asian society. Gays must know that the more they lobby for public space, the bigger the backlash they will provoke from the conservative mainstream. Their public space may then be reduced.¹⁹²

In some cases the oppositional rhetoric has pushed Western states to become more committed. Robert Mugabe expressed anti-homosexual views at a government organized

¹⁹¹ Prime Minister Goh of Singapore, interview with Time Asia, June 30, 2003.

¹⁹² Prime Minister Goh, Nation Day Rally speech, Sunday, August 10, 2003, as printed in the Straits Times, Saturday, August 23, 2003, H8. President Bill Clinton also stated that the government should not be seen as endorsing a "gay lifestyle," which indicates that this part of Goh's statement should not be read too critically. It reflects what has been a fairly standard modern Western political stance that discrimination should be condemned, but a gay lifestyle 'not endorsed.' Goh's new attitudes did not mean the repeal of the criminal prohibition or permitting a gay organization to legally register as a society.

development consultation in the Netherlands. There was domestic criticism of the host minister for not responding to Mugabe. That criticism led the government of the Netherlands to formalize support for “homosexual emancipation” in its foreign aid programs.¹⁹³ In this way the Netherlands broke new ground, making it a bit easier for other liberal Western governments or foundations to follow the lead and openly support gay and lesbian rights.

5. UNDERSTANDING CHANGE IN ASIA

I suggest six ways in which the phenomenon of the spread of visible gay and lesbian activism in the developing world can be explained.

1. CULTURAL TRANSFERENCE

Western ideas have appeared in the developing world. At the end of the 19th century anti-homosexual attitudes were spread by colonial powers through their governors, lawyers, politicians, missionaries and the writings of their medical experts. Anti-homosexual criminal laws were enacted for all British colonies. The West successfully exported homophobia. Now it is exporting gay rights. Local activists in Third World countries can argue that they are purging the earlier cultural imperialism, in an effort to return to local patterns of tolerance of sexual minorities. But, in fact, it is current Western thinking that they are espousing.

The accusation that gay equality rights is a part of Western cultural imperialism is associated with a small number of Third World leaders, notably former Malaysian Prime Minister Mahathir and Prime Minister Mugabe of Zimbabwe. Many gay and lesbian voices in Asia see the ideas as imported, without necessarily criticizing them on that basis.

Cultural transference works in complex ways. Japan has adapted, translated, reworked Western ideas and itself become a regional ‘globalizer.’ Japanese influence can be seen in gay life in Korea. Australia and Thailand as well have influence beyond their borders.

2. PARALLEL DEVELOPMENT

¹⁹³ Funding, for example for GLBT groups in Malaysia, Namibia, South Africa and Zimbabwe, had gone on since the end of the 1980s before this confirmation of policy. Some funding is available from individual embassies. Other funding, including the scholarships to attend ILGA meetings, comes through the humanist HIVOS Foundation, which administers part of Dutch international aid. Information from Frans Mom, HIVOS Foundation, the Netherlands.

Current Western patterns are the result of (a) the shift from family-based economies that began with the industrial revolution of the 18th century, and (b) the prosperity that created a large middle class by the mid-20th century. These events freed individuals from family and village, and gave them the resources to live autonomous lives. When this happens, some individuals will choose to live their lives as gays and lesbians. The same kinds of factors that led to the social construction of gay and lesbian identities in the West will produce such identities in other societies. Once a significant number of people have assumed gay and lesbian identities, it is logical that these minorities will, over time, gain social legitimacy, fulfilling the logic of capitalism, democracy, secularism and human rights. This happened in the West and it is now happening in parts of the Third World. The same results will occur in China as have occurred in Denmark, simply later in time. The end result will look much the same as if it was the result of cultural transference.

Both Marxism and liberalism support linear evolutionary ideas about social change. Both are Western. Westerners easily accept the argument for parallel development.

3. BOTH CULTURAL TRANSFERENCE AND PARALLEL DEVELOPMENT

Cultural transference can speed up the process of parallel development by showing that more open social patterns are possible. Asia has a model in the West, something the West never had.

4. CULTURAL TRANSFERENCE AND PARALLEL DEVELOPMENT, MODERATED BY LOCAL CULTURAL DIFFERENCE

While cultural transference and parallel development are both occurring, local cultural traditions are real factors and will result in differences between Third World patterns and Western patterns. The result will be cultural hybridity or syncretism – patterns that reflect some blending of local and outside influences. Anthropologists say that cultural borrowing is always selective. Fran Martin argues that

...the specificities of cultural location continue to matter for the practice and conceptualization of diverse sexualities, even in a world more than ever transnationally connected.¹⁹⁴

Since no activist or academic would claim to support a simple model of cultural transference or parallel development, and references to ‘diversity’ and ‘pluralism’ are now mandatory, this kind of formulation draws almost universal approval. That

¹⁹⁴

Fran Martin, *Situating Sexualities*, Hong Kong University Press, 2003, 28.

consensus hides any sense of how much difference will survive and how “diverse” sexualities are or will be in the First World or the Third.

How much cultural pluralism will survive in the world? No answer to that question seems possible.¹⁹⁵ Cultural difference has been radically reduced, but shows no signs of disappearing.

5. BOTH WESTERN AND THIRD WORLD DEVELOPMENTS ARE NOW LINKED AND EVOLVING TOGETHER

Western patterns have been changing quite rapidly over the last fifty years. They are not stable. The patterns in Third World countries, which are influenced by local cultures and by outside ideas, are also unstable. Both Western and Third World patterns are now engaged. Gays and lesbians are now global minorities. They will evolve as a transnational phenomenon. The West will influence the Third World. The Third World may influence the West.

Globalization has helped create an international gay/lesbian identity, which is by no means confined to the western world... Indeed the gay world – less obviously the lesbian, largely due to marked differences in women’s social and economic status – is a key example of emerging global “subcultures,” where members of particular groups have more in common across national and continental boundaries than they do with others in their own geographically defined societies.¹⁹⁶

Another author states:

Modern society is becoming increasingly homogeneous across cultures and heterogeneous within them.¹⁹⁷

The pioneering Indian gay activist Ashok Row Kavi loves the new internationalism:

We are truly international and we are a truly planetary minority.¹⁹⁸

¹⁹⁵ Samuel Huntington and Francis Fukiyama took polar positions on this issue, with both being taken quite seriously. Huntington predicted a future “clash of civilizations” because of ongoing cultural difference, while Fukiyama saw the world-wide success of liberal democracy and free-market economics as assured. Neither liberals nor Marxists predicted the ethnic resurgence that characterized the last decades of the 20th century, in both the west and in the countries of the former eastern bloc. Since the resurgence was not predicted, it is unlikely we will be able to predict it’s future.

¹⁹⁶ Dennis Altman, *Global Sex*, Chicago, 2001, 86-7.

¹⁹⁷ Madhavi Sunder, *Cultural Dissent*, (2001) 54 *Stanford Law Review*, 495 at 497.

¹⁹⁸ Quoted in Amnesty International, *Crimes of Hate, Conspiracies of Silence*, 2001, and quoted from there in Vanessa Baird, *The No-Nonsense Guide to Sexual Diversity*, *New Internationalist*, 2001, *Between the Lines*, 19.

6. A NEW MINORITY

Another possibility is that self-described “gays” and “lesbians” are a new minority within Asian societies. They have adapted to Western or now international patterns. Perhaps they will be agents of broader change. Perhaps not. The Christian minorities in Thailand and China could be parallels. They may be influential but seem destined to remain small minorities.

The young Asian men and women who have taken the journey to the West and brought identity politics back with them are well-educated middle and upper class Asians, far from a representative sample of the population as a whole. A new minority has been created, coexisting with gendered identities and coexisting with individuals who express same-sex desire, but do not accept a ‘gay identity.’

The activists, with their small organizations, are the visible face of the new minority. If an organization is visible to outsiders it is highly likely that it receives external funding, probably for health programs. Visibility, then, is not a sign of local character. Perhaps the opposite.

Ruth Vanita notes, with some disdain, foreign criticism of Indian gay leaders who have adopted Western terms and ideas. She quotes Ashok Row Kavi in defense of them:

Activist Ashok Row Kavi, founder in 1990 of the Bombay-based gay magazine *Bombay Dost*, emphasizes the importance of not alienating those he terms “self-identified homosexuals” from groups who identify as *Kothis*, because the former are crucial as activists reaching out to populations at risk for HIV. Furthermore, the Indian press and media have overall represented gay organizations and their demands for human rights in a supportive way, thus making terms like *gay* and *lesbian* accessible to urban bilingual populations whose opinions are crucial in determining who gets civil rights and who does not. For those demanding, say, the repeal of the antisodomy law or more government funding for AIDS work, the political viability of a term like *gay* is likely to be much greater than a term like *men who have sex with men*; also, far fewer men are likely to identify themselves as belonging to the latter category than the former.¹⁹⁹

Again, “self-identified homosexuals” – synonymous with “gays” and “lesbians” – are identified as a separate category, a new minority.

These six ways of explaining the spread of certain ideas into Asia are not mutually exclusive. Asian societies are complex, and some of that complexity now exists in relation to sexuality and personal sexual identities. We should not assume uniformity in Asian societies – or, for that matter, in Western societies. Western HIV/AIDS prevention programs have uncovered patterns of sexual activity that have no links to a gay identity, leading to the awkward formulation “men who have sex with men,” an

¹⁹⁹ Ruth Vanita, *Queering India*, Routledge, 2002, 8.

attempt at neutral language. The controversy around the use of that phrase demonstrates the complexity of life in the West. And in Asia.

It is the new minority within countries that has the strongest links to GLBT minorities in the West, creating the reality of a self-conscious global minority. McLelland's work on Japan shows a perhaps representative sample of gay men who are not part of the global minority, though they know San Francisco and Amsterdam are available for holidays.

6. ASIAN DIFFERENCE

TRANSGENDER

A number of Asian and Western writers state, as a given, that there are diverse patterns of sexuality in Asia, patterns that differ from Western assumptions or models. Some of these references are polemical, asserting Asian particularity and rejecting Western imperialism without attempting to describe the local Asian patterns that they are defending (which, after all, are said to be diverse). Any references to local patterns are inevitably references to transgendered identities. Kathoey, bakla, waria and hijra all play different roles in their respective societies than transgendered individuals do in the West.

This use of transgendered roles to describe Asian realities is clear in a draft letter of Asian organizations to the United Nations in 2004:

In the extremely diverse and multivarious cultures which make up Asia, there is one culture whose very existence, let alone its rich contribution to the very edifice of Asian culture, remains unacknowledged. These are the cultures of peoples referred to in diverse parts of Asia as 'katoyes' in Thailand, 'waria' in Indonesia, 'bakla' in Philippines, 'hijra' and 'kothi' in South Asia (India, Bangladesh and Pakistan), 'tongzhi' in China, as well as the increasingly open and visible cultures of lesbian, gay, bisexual and transgender people across Asia.²⁰⁰

Australian academic and activist Dennis Altman spoke of the "rich transgender heritage of groups such as *kathoey*, *bakla*, *hijra*" in the Asian region, again according them a special place.²⁰¹

²⁰⁰ Email on the LGBT-india list, 25 March, 2004, from Queer NLS, a group associated with the National Law School in Bangalore, Karnataka, in the south of India. Tongzhi is not a term relating to a transgender grouping.

²⁰¹ Dennis Altman, Rights Matter: Structural Interventions and Vulnerable Communities, Jonathan Mann Memorial Lecture, Bangkok World Aids Conference, July 14, 2004. Professor Altman was referring to these transgender groupings as vulnerable groupings.

There are two issues here. The first is understanding these identities. Are they traditional or modern? Are they fading away or evolving? The second is their place within a broader framework of sexual diversity.

Current transgender patterns in Thailand – kathoey and tom-boy – are not historic Thai patterns.²⁰² They are indigenous. They are familiar to everyone, but they are modern. Gay activist Dede Oetomo in Indonesia also describes waria as modern. Any spread of Western-style gay and lesbian identities in Asia has not been at the expense of these local roles. In fact they have become stronger and more visible. Gay does not displace kathoey. There is both a spread of gay and a strengthening of kathoey.

The publicly recognized transgender roles – kathoey, waria, bakla, hijra – are commonly equated with homosexual or gay in public media. This presents a serious problem in public recognition of sexual variation in any broader sense. It is the transgendered roles that get acceptance and recognition. The Malaysian organization Pink Triangle organized a parallel session at the regional AIDS conference in Kuala Lumpur. Prime Minister Mahathir spoke, introduced by a well-known transgender woman. To an outsider this was a provocative gesture, mocking homophobic Mahathir. Few Malaysians would have seen it in that way. ‘Gays’ are Western. Waria are Asian.

...in Indonesia there is a national association of *waria* whose patron is the Minister for Women’s Affairs. In the Philippines local dignitaries will attend *bakla* fashion shows.²⁰³

Indonesian political parties, including Golkar, have waria chapters that provide entertainment at campaign rallies. Similar patterns can occur in the Philippines. Here is an account of a party rally in the 2004 national elections run under the headline “The stuff RP elections are made of.”

President Arroyo was just the warm-up act. After the President left the stage, her campaign rally was promptly taken over by 10 cross-dressing impersonators strutting around in tailored suits for the “Gloria Look-Alike Contest.” Leaving no presidential detail un-mimicked, they even added fake moles to their left cheeks.²⁰⁴

The cross-dressing contests were used in a number of rallies. They were described by a party organizer as an effective way of reaching out to the poor, in an attempt to overcome the association of Arroyo with her elite family origins. For Westerners the surprising factor is the idea that transgender performers could convey legitimacy to a political

²⁰² Megan Sinnott, Toms and Dees: Transgender Identity and Female Same-Sex Relationships in Thailand, Hawaii, 2004, establishes the modernity of the Tom-Dee distinctions among lesbians. Peter Jackson’s research draws the same conclusions in relation to kathoey, noting that older Thai society did not distinguish between men and women in clothing, hair styles or names, making cross-dressing impossible. Personal communication.

²⁰³ Dennis Altman, The emergence of gay identities in Southeast Asia, in Peter Drucker, *Different Rainbows*, Gay Men’s Press, 2000, 137 at 141.

²⁰⁴ The stuff RP elections are made of, *The Phillipine Star*, May 9, 2004, 7.

candidate, indicating the extent to which they are accepted as part of society. Have any Western political campaigns used transvestites as featured performers?

SEXUALITY AND GENDER

In the past the West equated the categories of sex and gender. Society drew strong distinctions between male and female gender roles, including a highly organized sexual division of labor. The system presumed heterosexuality. Homosexuals did not fit. As a result homosexuals were understood (and often understood themselves) as violating gender roles. Now the West thinks in terms of sex, gender, sexual orientation and, increasingly, gender identity as well. Sexual orientation has been normalized as a third variant in understanding individuals. It is an identity. It need not be seen in gendered terms. The stereotypical image of homosexuals as effeminate men or masculine women has largely passed.

In Asia, homosexuality is still largely seen in terms of gender and gender performance, not as a separate or independent category of sexual orientation.

I came to see that ‘being gay’ as a self-proclaimed identity was indeed rare in Japan, not necessarily because Japanese people were less open or more repressed than some supposed Euro-American idea, but because sexuality, unlike gender, is not commonly understood to be the basis of an ‘identity’ in Japan.²⁰⁵

It is common in Japan to equate homosexuals with effeminate or cross-dressing men.

The prominence of cross-dressed individuals featured in the media means that cross-dressing is the main paradigm Japanese people have for understanding non-normative sexualities. Thus homosexual men ... are usually represented as cross-dressed and effeminate.²⁰⁶

According to the depictions in Japanese media, same-sex attraction necessarily involves “some kind of transgenderism...”²⁰⁷ In Thailand homosexuals are constantly equated with transgender kathoey. Even the liberal, western oriented English-language newspapers in Bangkok constantly repeat the equation. Indian gay men are depicted in the news magazine *India Today* as wearing make up and saris.

The strong focus on transgendered identities has had the result that it is the gender-normative gays and lesbians that are invisible in Asia. In Western terms, gay men and lesbians are almost never ‘out.’ They reject a transgendered image for themselves, the only model of homosexuality offered to them by their societies. Most have not adopted the alternative of the non-gendered modern Western-style gay or lesbian

²⁰⁵ McLelland, 12-13.

²⁰⁶ Mark McLelland, *Male Homosexuality in Modern Japan*, Curzon, 2000, 8.

²⁰⁷ Page 9.

‘identity.’ Sexuality has not produced an identity. Without an identity it is hard to ‘come out.’

Individuals also reject the idea of ‘coming out’ as confrontational and disruptive of family ties. Occur, the largest national organization in Japan, argues that the gay identity is weak in the country, and should be strengthened.²⁰⁸ Writers on Thailand comment on the lack of a gay identity. The dominance of gendered understandings of homosexuality is one factor precluding individuals from adopting a non-gendered ‘gay’ or ‘lesbian’ identity.

TOLERANCE AND SILENCE

The modernizing or Westernizing trend of identity politics began in an Asia that lacked the virulent homophobia that characterized the West of the 1950s and 1960s. Sexual variation was not as shocking, but, at the same time, it was not to be openly acknowledged. A study of historic texts in India begins:

Our study suggests that at most times and places in pre-nineteenth-century India, love between women and between men, even when disapproved of, was not actively persecuted.²⁰⁹

This passive tolerance continued. It was affected by Western ideas at the turn of the last century and in the post-war years. It seems to have survived, with elements unfamiliar to the experience of Western homosexuals.

There are no gay Indians. Instead there’s a tacit agreement that gays and lesbians live freely underground as long as they don’t ask to be talked about and as long as they don’t talk about themselves.²¹⁰

In Indonesia

...there is widespread acceptance of secretive homosexual behavior ... homosexuality and transgenderism usually escape official comment...²¹¹

Malaysia, an activist said, is very tolerant of the “invisible homosexual.” A Philippino said no declaration was necessary:

²⁰⁸ Wim Lunsing, *Japan: Finding Its Way?*, in Barry D Adam, Jan Willem Duyvendak, Andre Krouwel, *The Global Emergency of Gay and Lesbian Politics: National Imprints of a Worldwide Movement*, Temple, 1999, at 314.

²⁰⁹ Ruth Vanita, Saleem Kidwai, *Sane-Sex Love in India; Readings from Literature and History*, St. Martin’s, 2000, xvii.

²¹⁰ Soman Chainani, *Bollywood Boys*, *Out Magazine*, April 2004, 52 at 54.

²¹¹ Tom Boellstorff, *I Knew It Was Me: Mass Media, “Globalization,” and Lesbian and Gay Indonesians*, in Chris Berry, Fran Martin, Audrey Yue, *Mobile Cultures: New Media in Queer Asia*, Duke, 2003, 21 at 28.

I know who I am, and most people, including my family, know about me – without any declaration.²¹²

Erick Laurent concludes:

Most of Asian societies can be thought of as “tolerant” (for lack of a better word) so long as homosexuality remains invisible. The important thing to do is to maintain (biological) family ties and social harmony, whatever it takes, which can be achieved in most cases only through secrecy, a double life, or pretending not to know (“willful blindness” as Sanders puts it).²¹³

There is a different social contract at work. The individual keeps quiet about his or her homosexual activity because kin and associates prefer not to deal openly with the issue. If matters become open, perhaps they will have to be shocked (without wanting to be). This sense of a not-to-be-acknowledged tolerance distinguishes these Asian examples from earlier patterns in the West. Homosexual activity, it seems, can be easily overlooked and that is the proper way to handle it. Even some minor public disclosure may be able to be dismissed:

...when an Indonesian cabinet minister “fled New Zealand...amid allegations that he has made homosexual advances to a waiter in a hotel room...Indonesia gave a collective shrug. What the Minister had done courted scandal, but did not go beyond the sexual pale...”²¹⁴

Laurent describes a rather idealized model of gaining family acceptance:

...one of the main strategies of Chinese homosexuals to cope with the predominance of family in the society is silence regarding sexual orientation and a smooth but intense acceptance of one’s lover as “best friend,” through strategically bringing him/her home for dinner, and then to sleep over. Gradually, the partner becomes like a (half-)brother or sister, through the use of kin categories. They come out but avoiding overt discussion of homosexuality. What is then accepted by family and friends is not homosexuality per se, but a very concrete relationship between two people they know.²¹⁵

²¹² Quoted in Martin Manalansan, In the Shadows of Stonewall, in Lisa Lowe, David Lloyd, The Politics of Culture in the Shadow of Capital, Duke, 1997, 485 at 498. I am suspicious of statements that family members know without being told, having heard many Western gay men say that their mother “knows,” though nothing has ever been said. I conclude that in most of these cases the mother does not know that she knows.

²¹³ Erick Laurent, Sexuality and Human Rights: An Asian Perspective, Journal of Homosexuality, 2005, 163 at 213.

²¹⁴ Baden Offord, Interrogating the (Homo)sexual Activist and Human Rights in Indonesia, Singapore and Australia, Doctoral Thesis, Southern Cross University, April, 1999, 157.

²¹⁵ Erick Laurent, Sexuality and Human Rights: An Asian Perspective, Journal of Homosexuality, 2005, 163 at 214.

When public activism began in Japan in the early 1990s the reaction of the society was impossible to predict.

The political and cultural environment had long been thought to prohibit such activities, but the response was not the homophobic, violent reaction many lesbians and gay men feared.²¹⁶

Most Japanese gays and lesbians continue to keep silent. Most have little sense of threat. It was the acute sense of repression in the West, paradoxically, that both kept people in the closet and then forced them out of it.

To Western activists it is essential that individuals ‘come out’ to themselves and to others around them. A press release by the International Gay and Lesbian Human Rights Commission shows how the assertiveness of the Western agenda is extended, logically, into its international advocacy. The statement praised individuals in Asia, Africa and Latin America being honored by IGLHRC with Felipa de Souza awards:

This years’ honorees are real heroes. Where cultural taboos about homosexuality require silence, they make our lives visible.²¹⁷

An activist in India described the goal of ILGA-Asia as giving “Asians the power and strength to come out at home.”²¹⁸

There was some agonizing over ‘coming out’ at the Tongzhi conference in Hong Kong in May, 2004. Shen, a 21 year-old living in Shanghai, had recently come out to his mother “so that gays like myself could someday live more easily.” She was very upset.

Many said they were impressed by Shen but insisted they never could do such a thing. Others questioned the slight, spiky-haired college freshman about whether his act was selfish and whether he merely unburdened himself by burdening his mother.²¹⁹

While ‘coming out’ remains very limited in Asia there are exceptional ‘out’ individuals or couples in India, Indonesia, Japan, Korea, Nepal, the Philippines and Thailand who regularly talk to the media. Asian tolerance seems to have accommodated this, but not in prosperous Malaysia or in more difficult circumstances in places like Bangladesh, Myanmar, Pakistan and Vietnam.

²¹⁶ Wim Lunsing, Japan: Finding Its Way?, in Barry D. Adam, Jan Willem Duyvendak, Andre Krouwel, *The Global Emergence of Gay and Lesbian Politics: National Imprints of a Worldwide Movement*, Temple, 1999, 293.

²¹⁷ IGLHRC honors activists from Colombia, China, Egypt and Brazil, Press Release, March 21, 2002.

²¹⁸ The writer observed that many Asians migrate to first world countries to live their lives as gays or lesbians, rather than coming out at home; email communication on the ilga-asia list, February 18, 2004, from Geeta of Aanchal Trust, discussing a possible theme for the next ILGA-Asia regional conference.

²¹⁹ Steve Friess, Chicago Tribune, May 9, 2004. As the story points out, the individuals at the conference were the most ‘out’ activists in greater China, yet saw ‘coming out’ as problematic.

Fran Martin notes criticism of the tongzhi activists who find discrete tolerance in Chinese traditions, and seek its rehabilitation and deployment today:

Chou, reproducing a now popular account of ‘traditional Chinese views on sexuality’, has written that ‘Chinese tradition is silently tolerant (*moyan kuanrong*) of homosexual sex, rather than openly accepting of it.’ In Liu’s and Ding’s analysis, Chou’s privileging of a reified (and illusory) ‘Chinese tradition’ of ‘silent tolerance’ reproduces the homophobic system which values *hanxu* [reticence] in order effectively to keep tongzhi from speaking as such and in doing so perverting the will to wholeness and consensus of ‘Chinese society’.²²⁰

HOMOSEXUAL DESIRE AND HETEROSEXUAL MARRIAGE

Individuals with same-sex desire who do not have a ‘gay identity’ will be less likely to see their homosexuality as precluding heterosexual activity or marriage. ‘Gay’ activists in Asia make little reference to bisexuals, outside of some copying of the Western usage of ‘GLBT,’ or its variants. But, unlike the West, bisexuality hardly needs to be referred to. Far fewer individuals would see same-sex desire as leading to exclusive patterns of homosexual activity.

It follows then that there are different patterns in relation to marriage. Marriage and procreation are widely expected. In part marriage fulfills parental and societal expectations. In part it is valued by the individuals who have same-sex desires.

Hong Kong gay men tend to argue that gay identity should be reconciled within the family-oriented culture and that gay rights should be subsumed under the notion of social harmony. Coming out is therefore not a common way of asserting one’s gayness, and desires do not seem to be framed in terms of political interests.²²¹

Ruth Vanita comments:

In India, most people have been, and many continue to be, married off at a very young age. Hence, exclusive same-sex relationships are necessarily rare. However, ongoing same-sex relationships, for both men and women, often coexist with the obligations and privileges of marriage, and may function as primary erotic and emotional relationships.²²²

A Western observer comments:

²²⁰ Fran Martin, *Situating Sexualities*, University of Hong Kong Press, 2003, 202.

²²¹ Travis Kong Shiu-Ki, *Queer at Your Own Risk: Marginality, Community and Hong Kong Gay Male Bodies*, (2004) 7 *Sexualities*, 5 at 18.

²²² Ruth Vanita, *Queering India*, Routledge, 2002, 3.

That Asian gays often marry and have children shows the enormous elasticity that their sexual identity encompasses.²²³

Female inequality means that males can pursue homoerotic interests after marriage without risking the marriage. It may also give space for women to pursue such interests.

In the West it has been common for both gay men and lesbians to become involved in heterosexual marriages, which then break down when the individual comes out to himself or herself and falls in love with someone of the same sex. These marriages were commonly based on a denial of same-sex attraction, or sometimes the hope that marriage would straighten out the individual. In contrast the stories of gay men marrying in Asia typically suggest that the man intends to continue his homoerotic interests, but welcomes the marriage, either to meet family obligations, to assure his peers or to fulfill his own interest in procreation. Marriage is more a conscious choice for individuals who are aware of their same-sex desires. There is no assumption that same-sex desire leads to an exclusively homosexual life.

Ang Lee's 1993 film *The Wedding Banquet* presents both North American gay identities and Taiwanese family ideologies. In an amusing plot, the conflict between the two is resolved through a marriage of convenience and discrete tolerance. Chinese tradition is held out as capable of tolerating the homosexuality identity of a son (at least with a grandchild on the way). Fran Martin identifies this theme, of the adaptability of Chinese family ideology, as now "common enough to be considered a discourse in its own right."²²⁴ The contrived plot allowed discrete tolerance to save the dignity of both father and son.

SEX AS PLAY, SEX AS MICHIEF

"Thais don't take sex seriously," complained an expatriate, the owner of a gay-oriented business in Bangkok. Another long term expatriate, a heterosexual, spoke of the Thais as having invented "guilt-free sex." Were these self-serving foreign fictions? I had to reconsider this issue in light of certain of McLelland's comments on Japan:

...sex is considered to be both a very private issue and also a kind of hobby (shumi) or play (asobi/purei). Although sex is often joked about on television and is frequently represented in comics and magazines, the treatment is lighthearted and its purpose is entertainment not information.²²⁵

²²³ Erick Laurent, *Sexuality and Human Rights: An Asian Perspective*, *Journal of Homosexuality*, 2005, 163 at 213.

²²⁴ Fran Martin, *Situating Sexualities*, University of Hong Kong Press, 2003, 159.

²²⁵ Mark McLelland, *Male Homosexuality in Modern Japan*, Curzon, 2000, 233.

A sexuality helpline in Delhi found that many a time male callers described sex with another man as “masti or khel (fun or play).”²²⁶ Another source suggests casual sex between men in India may simply be for “release”, may simply be “playing around” or maasti, “a Hindi term which means mischief and often has sexual overtones when it is used between young men.”²²⁷ A leading activist suggests that sex between men is “commonplace” in South Asia, saying half the boys in rural India have their first sexual contact with a man or boy.²²⁸

Homosexual activity as play is not stigmatizing. It does not force an ‘identity’ on the person, as seems the case in the West. Commentators on the gay bars in Thailand regularly note that the sex workers are often not ‘gay,’ suggesting a less problematic attitude towards sexual activity. This may also help explain the frequent accounts of police raping hijras and other transgenders who have been detained in India, Nepal and Bangladesh. Guys do such things for fun, and often in groups.

Playful sex has little or no impact on a man’s social obligation to marry and have children. That obligation is very strong in most, but not all, Asian cultures. In Confucian societies a key part of the intergenerational compact is to marry and have children. Confucian ideas and influence would discourage exclusive homosexuality. Hindu and Muslim traditions seem similar. Homosexual activity can occur, often unproblematically, but homosexual identity is disruptive. Lesbian identity has driven a series of young women in India to elope together or commit joint suicides after refusing to marry men. One or two of their stories occur each year in the national media in India.

PRIVACY WITHIN THE BIRTH FAMILY

In Thailand parents don't ask intrusive questions within family units, particularly in relation to sons. Eric Allyn suggests that “sexual matters are not typically discussed by the Thai among themselves” and Miller refers to “conventions of privacy within the Thai family.”²²⁹ Steven Carlisle states: “In many Thai families, there is a tacit don’t-ask-don’t tell policy, especially for boys, especially about sex. And if a strange secret emerges that doesn’t fit the picture the parents want to see, sometimes it’s easier not to see it.”²³⁰

Peter Jackson comments:

²²⁶ Radhika Chandiramani, *Talking about Sex*, 1998, *Reproductive Health Matters*, Vol. 8, No. 12, 76 at 80.

²²⁷ Shivananda Khan, *Culture, sexualities and identities: men who have sex with men in India*, (2001) 40 (3/4) *Journal of Homosexuality*, 99.

²²⁸ Presentation of Shivananda Khan, Naz Foundation International, in *Final Report, HIVOS symposium Homosexualities and HIV/AIDS; More than a question of rights*, Amsterdam, October 21, 2004, p. 3.

²²⁹ Eric Allyn, *The Men of Thailand*, 7th Edition, 1999, 126; Miller, *Out in the World*, Random House, 1992, 110.

²³⁰ Steven Carlisle, *Business as Usual*, *fridae* magazine, April 12, 2001. See http://www.fridae.com/magazine/es20010409_1.php.

The general dominance of a cultural norm of avoiding talking about unpleasant or disturbing things means that most g/l/t men and women have probably never talked about their sexuality with family members, except perhaps a close brother or sister. This avoidance can at times take extreme forms in the eyes of Western observers, such as families tolerating an adult gay son's boyfriend staying with him almost every night of the week "as a good friend", but never mentioning the sexual nature of the "friendship."²³¹

This respect for privacy within the birth family is surprising to Westerners. As a result gay and lesbian sons and daughters have fewer problems dealing with their parents in Thailand. A similar respect for privacy seems to exist for many in Japan. It can coexist with assumptions that the sons and daughters will marry.

7. DRAWING SOME CONCLUSIONS

This analysis depicts two historical ruptures.

The first, towards the end of the 19th century, involved the public recognition of homosexuals as a category of people. This new species was described in pathological terms by the new science of sexology. Victorian modernity established homophobia as an important theme in Western understandings of the world. These new ideas spread beyond the West – through the institutions of Western colonialism – and the activities of Third World elites who studied in the West. Many important local practices and understandings were suppressed or ended. Anti-homosexual criminal laws appeared in all the British colonies. But Asian homophobia never fully mimicked that of the West.

The second rupture began with the radicalism of the 1960s and 1970s, which traveled around the world from Western origins. Gay and lesbian activists publicly asserted legitimate minority identities, claiming recognition within the new conceptual framework of 'human rights.' Towards the end of the twentieth century the strategy of asserting minority rights or 'identity politics' began to succeed in the West, with widespread changes in legal and social attitudes.

Western 'identity politics' had a focus on individuals 'coming out,' that is publicly claiming a gay or lesbian identity. The centrality of this 'identity' was a response to the strength of Western homophobia. Conditions in Asia were not the same. A tolerance was available in most Asian societies that was restrictive, but better than what had been available in Western societies in the strongly homophobic years that followed the second World War.

A set of African and Asian leaders resisted the spread of Western-style gay and lesbian identity politics into their regions, condemning homosexuality as immoral and in

²³¹ Peter Jackson, 1999, 12.

violation of local traditions. The “Asian values” campaign of the 1990s, addressed in this paper, was part of a larger resistance to Western demands. The West, unchallenged after 1991 at the international level, had become more demanding on a series of issues, including the modernizing reformist agenda of ‘human rights.’

Third World leaders were able to embarrass the West by a litany of accusations of Western sins – casual sex, teen-age pregnancies, recreational drug use, high divorce rates and widespread homosexuality. In response, Western governments began, rather reluctantly, to openly support homosexual rights as part of the human rights agenda with statements at the 1993 Vienna World Conference on Human Rights.

By the end of the 1990s Asian resistance to ‘human rights’ as a Western agenda was largely over. The extension of human rights ideas to homosexuals began in limited ways in the richer countries of Asia – Japan, Korea, Taiwan, Hong Kong. Programs to contain HIV/AIDS led to legitimate gay-run publicly recognized health organizations.

The present moment is complex. Distinctive local Asian transgender roles have been strengthening, with no support, inspiration or parallels in the West. Many individuals in Asia enjoy their same sex desires without a Western-style ‘gay identity.’ Patterns of marriage, and patterns of privacy within the birth family vary from our understandings of contemporary life in the West. At the same time a new minority has emerged that embraces Western-style personal sexual identities and the strategic imperative of ‘coming out’ in order to change social attitudes. Some legal reform has come in response, using the phrase ‘sexual orientation.’

The only term that seems available to describe this historical moment in Asia is ‘hybridity.’ A conclusion of hybridity has to be coupled with the understanding that change has been recent in the West on these matters, and much of the hybrid present is very new in Asia. Change continues both in the West and Asia. Both regions have yet to fully appreciate modern sexual diversity.

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