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## **Sexual Citizenship in a Comparative Perspective: Dilemmas and Insights**

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### **Abstract**

This article explores some of the key dilemmas that are involved in attempts to apply concepts such as ‘sexual citizenship’ in a cross-cultural perspective, with particular focus on Australia and other countries in the Asia-Pacific Region. The concept of sexual citizenship can usefully be applied to gay and lesbian rights issues in Australia relatively easily. However, it is not quite so easy to apply to some of Australia’s Asian neighbours. Any comparative analysis needs to take differing priorities, conceptions of sexuality, gender, identity, rights, state and civil society into account but, nonetheless, useful insights can be gained. The article argues that the concept of sexual citizenship is even more widely applicable if aspects of other conceptions of citizenship are incorporated into it, such as conceptions of ‘heteronormative’ citizenship and ‘affective’ citizenship.

**Keywords:** sexual citizenship, intimate citizenship, affective citizenship, heteronormativity

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### **Introduction**

In this article I address issues of the relevance of sexual citizenship to the ‘Asian’ region in two ways. Firstly, I apply the concept of sexual citizenship to a particular country in the Asia-Pacific region, namely Australia. I use the Australian case study as an example of how relatively easily

conceptions of sexual citizenship can be applied to ‘western’ societies. However, I then ask whether the concept of sexual citizenship works quite so well if applied to some other ‘Asian’ countries in Australia’s region?

In order to explore this issue I problematize the initial Australian analysis by providing a range of examples from other countries in the Asian region that ‘trouble’ the specific ‘western’ concept of sexual citizenship that was applicable in the Australian case, using examples from Malaysia, Thailand, Hong Kong, Singapore and India, amongst others.<sup>1</sup> The point here is not to provide a detailed analysis of the workings of sexual citizenship in those diverse societies (given the detailed case study of an Asia-Pacific country provided here is of Australia) but rather to use such varied examples to critique one-size-fits-all, universalizing concepts of sexual citizenship. Nonetheless, while opposing universalizing constructions of sexual citizenship, I also disagree with perceptions that the concept is so flawed because of its western origins that it is best abandoned. Rather, I conclude that the conception of sexual citizenship can, indeed, be more widely applicable – but only if conceptions of both the ‘sexual’ and ‘citizenship’ are not taken as fixed but are adapted to be able to take non-western social and political constructions, including gendered and sexualized power relations, into account.

Finally, I also argue that the concept of sexual citizenship can be made more flexible and widely applicable by acknowledging the important role played by intersections with related forms of citizenship, such as heteronormative, intimate and affective citizenship, in shaping the form that sexual citizenship takes in diverse societies.

### **The concept of sexual citizenship**

Weeks (1999: 36) has argued that the emergence of the category of the sexual citizen is related to what he sees as a now ‘commonplace’ development ‘at least in the metropolitan heartlands of Western Societies’. In that political trajectory, members of previously marginalized sexual groups claim an *identity* on the basis of a sexual identity and then *rights* related to that identity. Such developments also contribute to a breakdown of a clear public/private division. The concept of sexual citizenship therefore draws on work which emphasizes the social and political significance of intimate life, including issues regarding gender, identity, relationships, family, the body and emotional life, or what Plummer has termed ‘intimate citizenship’ (Plummer, 2003: 13–16). However, sexual citizenship focuses on the sexual aspects of the politics of intimate life, given that intimate citizenship can cover a range of non-sexual intimate relationships, including friendships (Roseneil, 2010).

Theorists of sexual citizenship emphasize that the sexual has played a key role in how citizenship rights are constructed by western governments (Bell and Binnie, 2000: 10). Feminists have long pointed out that western citizenship rights and entitlements developed around the conception of the citizen as a male head of household where women were subordinate (Okin, 1979). In other words, although many earlier feminist analyses did not make this point explicitly, citizen rights, benefits and entitlements were constructed in a way that assumed the citizen was heterosexual. They were a form of heteronormative sexual citizenship (Johnson, 2002: 316–336; Johnson, 2003: 45–62 ). The concept of sexual citizenship is therefore particularly useful in drawing attention to the heteronormative nature of the way in which many citizenship rights were originally constructed and in explaining why, as discussed below, obtaining such rights can sometimes have normalizing consequences given their origin in a heterosexual model.

It is not possible to give a more detailed aetiology of the concept of sexual citizenship here (see further Bell and Binnie, 2000; Richardson and Monro, 2012: 60–83). Additional contributions to debates, including critiques of the concept, will also be analysed later in this article. Diane Richardson (2000: 83–100), however, has identified three major aspects of sexual rights which are implicated in sexual citizenship. These three aspects involve sexual practice; rights of self-definition and identification; and rights gained via social and political institutions. Note that sexual citizenship issues are not just political in the narrow sense involving government; they are also economic and social and include the rights of minority sexual groups to be recognized and represented symbolically as legitimate (Bell and Binnie, 2000: 20) in both mainstream political discourse and popular culture. Sexual citizenship is implicated in how citizenship is conceived more broadly and in particular forms of governance of the individual. Neoliberal versions of sexual citizenship, for example, are partly shaped by a commodification of citizenship which places particular emphasis on consumer ‘lifestyle’ choice (Evans, 1993). Given the wide range of potential issues that could be covered, it has been necessary to narrow the focus of the analysis here. Consequently, this analysis will focus largely on examples drawn from the field of same-sex politics, but many aspects analysed are potentially applicable to other aspects of sexual citizenship mentioned above.

### **Applying the concept of sexual citizenship to Australia**

I argue here that applying existing concepts of sexual citizenship to Australia is a relatively straightforward matter. This is partly because some of the most influential concepts of sexual citizenship were initially developed by British academics. Australia was established as a British colonial-settler society, resulting in similar constructions of sexual identity, of the public and private, of citizenship and of the respective roles of the individual and the (liberal democratic)

state. Australia is also, however, located in the Asia-Pacific region – which makes it a particularly interesting site to apply conceptions of sexual citizenship and then to compare and contrast the results with issues that arise in other countries in the same region.

However, this article does not aim to give a detailed account of the impact of British settler colonialism on issues of sexuality in Australia. Rather, the key points being made here are that British colonialism introduced both political institutions for white settlers and British-inspired laws criminalizing male homosexuality via a sodomy offence (Kirby, 2011: 1–32) that facilitate applying British-influenced conceptions of sexual citizenship to the Australian case.

As Povinelli (2006: 17, 4) points out, imposing western heterosexual norms of conventional couple relationships on colonial societies is ‘a key transfer point’ of ‘liberal forms of power in the contemporary world’ and is seen as being ‘constitutive of western civilization’. There were therefore particularly detrimental implications for Australia’s indigenous peoples, whose traditional sexual relationships and behaviours, both same and different sex, frequently transgressed western norms (Povinelli, 2002: 11–152). British laws also attempted to impose respectable British sexual norms on colonial settlers (and convicts), constructing particular heterosexual and (deviant) homosexual identities in the process.

Initial struggles over homosexual sexual citizenship therefore took a form that would be familiar to many British readers (albeit fought out at State level in Australia’s Federal system), namely the struggle for decriminalization. Richardson and Monro (2012) have characterized this stage in the fight for equal citizenship rights as a struggle over mis-recognition, challenging the negative characterisation of gays and lesbians as pathologically deviant (and, more specifically in the case of men, as criminal). Arguments were often influenced by a liberal public/private division (Richardson, 2000: 105–135; Berlant, 1997), where it was argued that same-sex acts in private

between consenting adults simply should not be subject to criminal charges by the state. Such liberal arguments (Reeves 1994), derived from British colonial influences, played a significant role in homosexuality first being decriminalized in South Australia (in the years 1972–1975). Male homosexuality was subsequently decriminalized in other Australian States and Territories (Australian Capital Territory in 1976; Victoria in 1980, Northern Territory in 1983, New South Wales in 1984, Western Australia in 1989, Queensland in 1990, and Tasmania in 1997 (see further Willett, 2000). Decriminalisation in Australia proceeded more slowly than in Britain (1967) but faster than in some US states (where the 2003 US Supreme Court case of *Lawrence vs Texas* was to play an important role in decriminalizing homosexuality in those States that still criminalized it).

There were, however, some more specifically Australian aspects to the fight for decriminalization. The public mobilizations of the gay and lesbian community, including Sydney's Gay and Lesbian Mardi Gras parades (Willett, 2000: 203), rather than arguments over privacy, played a significant role in hastening decriminalization in New South Wales.

Australia's internationally innovative public policy response to HIV/AIDS, with its focus on co-operation, public education and prevention (Dowsett, 1998) encouraged a climate favourable to decriminalization in some states that had not yet followed South Australia's lead. AIDS councils and activists were encouraged to participate in the policy process, thereby bringing 'gay men into the political mainstream in a way that would have been unimaginable a decade before' (Willett, 2000: 174–5). Nonetheless, British-influenced liberal arguments about the rights of homosexual individuals to live their private lives free from state intervention continued to be used as late as the 1990s. The Keating federal government justified its measures against the Tasmanian state government's criminalization of male homosexuality on the grounds of the right

of adult Australians ‘to pursue their ...private sexual lives, free of unjustified government intrusion’ (Crowley, 1994: 2481).

The struggle for same-sex rights, post-decriminalization in Australia, was fought out at various levels: state, federal and bureaucratic (Willett, 2000; Johnson, Maddison and Partridge, 2011: 27–42). The issues moved incrementally beyond decriminalization of individual behavior carried out in private to broader conceptions of the need for equal citizenship entitlements for same-sex couples, following the common western trajectory of demanding rights based on a previously marginalized sexual identity (Weeks 1999: 36). Consequently, Australian same-sex couples began to challenge the heteronormative constructions of citizenship that I have referred to above. Unlike the US and the UK, however, key rights and entitlements were not dependent on couples being married. In Australia, ‘*de facto*’ heterosexual couples were generally entitled to the same rights thus began to fight for *de facto* relationship recognition.

In Australia, differences between heterosexual and same-sex *de facto* sexual citizenship rights had implications for over eighty pieces of federal legislation in areas ranging from taxation, welfare and superannuation to immigration. They impacted on bereavement benefits, superannuation benefits, student living away from home allowance, health rebates and the ability of same-sex couples to immigrate together (HREOC, 2007). Such discrimination was justified by then Prime Minister Howard (*Australian*, 24 January 1996) on the basis of a conservative version of the liberal privacy position, namely that ‘sexual preference is something very private’ and same-sex relationships (unlike heterosexual ones) should be tolerated but not endorsed. For Howard, legislatively recognizing same-sex relationships involved endorsing them.



In 2008, after a long struggle (Johnson *et al.*, 2011: 27–42), and the election of a new Labor government, most forms of formal citizenship discrimination were removed. Once Labor’s legislation came into effect in 2009, same-sex couples basically had the same entitlements as unmarried heterosexual couples in a *de facto* relationship at federal level. Meanwhile, same-sex couples were increasingly recognized for state government benefits too, including same-sex family rights, although the models used in various Australian States and Territories differed. The changes were largely welcomed by the gay community as important equality measures.

There is an ongoing debate, however, about whether religious organisations should continue to have exemptions which allow them to discriminate against gays and lesbians when providing employment and services (Hepworth and Rout, 2013). Because most Australian government entitlements are means-tested if legally recognized couples live together, some Australian same-sex couples lost benefits. Means-testing had normalizing consequences. Same-sex couples could find themselves being required to be financially dependent on their partner in a way that mimicked the old heterosexual family model of a (male) citizen breadwinner with a dependent spouse. The concept of sexual citizenship therefore helps to explain the historical underpinnings of a citizenship model that is still having real effects on gays and lesbians.

Australian forms of sexual citizenship are therefore vulnerable to arguments that they are implicated in the ways in which the state constructs ‘good’ and ‘bad’ homosexual citizens (Smith, 1994), with those homosexuals who ape heterosexual marriage relationships being constructed as ‘good’ homosexuals (see further Bell and Binnie, 2000: 30; Butler, 2002: 14–34). The financial dependence and means-testing of couples also reduces government welfare expenditure, potentially reflecting a neoliberal form of homonormativity, critiqued by Duggan (2003: 65–66), where homosexual domesticity reinforces a minimalist state. Nonetheless,

recognising same-sex love clearly also challenges heteronormativity by moving away from the traditional construction of the citizen as exclusively heterosexual.

There has, therefore, been steady progress in terms of reform, even though there were downsides. Nonetheless, same-sex marriage continues to be opposed by the majority of Australian federal parliamentarians (including by some Labor MPs who have been granted a conscience vote on the issue) and by former Prime Minister Abbott. The current Australian government has decided that the matter should be decided by either a plebiscite or referendum in 2017.<sup>2</sup>

Sexual citizenship, however, is not only a form of heteronormative citizenship, it also intersects with forms of intimate citizenship, affective citizenship and social citizenship that can go well beyond the sexual. I argue below that drawing out these intersections facilitates the concept being more flexible and applicable to a range of countries. As already noted, sexual citizenship is a form of *intimate citizenship*, implicated in people's personal identity and their most intimate personal relationships (Plummer, 2003: 69; Roseneil, 2010: 77–82). Intimate citizenship is therefore not confined to the sexual. Some Australian state legislation does recognise non-sexual Domestic Partnerships (South Australian Government, 2007) — partly due to assuaging the religious right which did not want to privilege the sexual component, but sometimes due to arguments that this could potentially lead to the recognition of broader friendship and kinship relationships, including those found in indigenous communities.

Sexual citizenship is also a form of *affective citizenship* (Johnson, 2010: 495–509) in that citizenship identity and entitlements are partly shaped around which *emotional* relationships between citizens are recognised as legitimate (as well as how citizens are encouraged to *feel* about 'others').<sup>3</sup> Analyses of affective citizenship would therefore emphasise the importance of

legally recognizing loving same-sex emotional relationships, given the implications for policy issues ranging from immigration and medical decision-making rights to the care of children in same-sex families.

Applying the concept of sexual citizenship in regard to Australian examples of same-sex relationships has therefore been a relatively straightforward matter whereby same-sex relationships have been increasingly recognized by the state, accompanied by changes in intimate and affective citizenship. Despite some national specificities, the story is not dissimilar to that in many other western countries. The major grounds for opposition to same-sex marriage amongst Australian politicians remain religious Christian, and social conservative, ones that are not dissimilar to traditional positions in the UK or US (Johnson, Maddison and Partridge, 2011: 31–2). Some conservative Australian politicians have also, however, cited examples from Australia’s Asian neighbours. When confronted with the fact that the US, like most other English-speaking countries, had now legalised same-sex marriage and Australia still had not, senior government senator Eric Abetz (2015) responded by saying ‘the Labor Party and other journalists tell us, time and time again, that we are living in the Asian century. Tell me how many Asian countries have redefined marriage?’

Given that the answer to Abetz’s question is currently ‘none’, what happens if we try to apply the concept of sexual citizenship to some of the other (highly diverse) societies in the Asian region? The following analysis does not seek to provide a detailed analysis of additional societies in the Asia-Pacific region, given that the main case study of an Asia-Pacific society given here has been of Australia. Rather, the analysis will problematize attempts to provide a one-size-fits all, universal concept of sexual citizenship by providing some examples from diverse countries in the Asian region that ‘trouble’ key concepts, such as public and private, citizenship, sexual

identity and individual rights versus the state. These are concepts that have been central to the analysis of the Australian case that has been discussed above. In the process, I argue for the need for more flexible and varied conceptions of sexual citizenship and ones that can be strengthened by incorporating insights from related forms of citizenship, such as intimate, affective and heteronormative citizenship. It should be emphasised that the differences to be discussed below are not just ‘cultural’ ones. Rather, they involve differing social and economic power relations and differing relations between the individual and the state.

### **Applying the concept of sexual citizenship to other societies in the Asia-Pacific region.**

Bell and Binnie (2006) have acknowledged that different geographies of sexual citizenship must always be taken into account. Similarly, Ken Plummer (2005: 79) has noted that issues of intimate citizenship, including sexual citizenship, differ greatly between the western world and the ‘low income “poor” rest of the world’ where, for example, struggles are over inequality involving selling body parts, sexual slavery, the death of children at early ages, living with HIV-AIDS and all kinds of illnesses, executions for criminal sex, female genital mutilation, forced and arranged marriages, and so on (Plummer, 2005: 79).

Nonetheless, conceptions of sexual citizenship can work relatively well when analysing issues of *state* criminalisation and decriminalisation, not least because some of the laws which criminalise particular sexual acts result from European colonialism (Kirby, 2011: 1–32). Various countries still have Section 377 of British colonial law on the books (such as Malaysia, Singapore and India) (Sanders, 2009: 165–89). Indeed, in 2013 the Indian Supreme Court overruled a 2009 New Delhi High Court ruling that found section 377 to be discriminatory, thereby effectively making homosexuality illegal again in India (Supreme Court of India, 2013; Mahapatra, 2013). It should not be assumed, however, that the struggle for decriminalisation will take the same

trajectory as in western countries such as Australia or be formulated in the same way in regard to issues of rights, identities or western liberal divisions between public and private.<sup>4</sup>

In particular, the concept of sexual citizenship needs to be sufficiently broad to encompass societies where an authoritarian state can still intervene much more directly in civil society, and in individuals' private lives, than would be acceptable in many societies. Baden Offord has pointed out that the Singaporean government micromanages homosexuality and has 'sustained an instrumental approach to managing sexual citizenship' (Offord, 2011: 139), including using 'surveillance, repression, regulation and control' to contain the gay and lesbian movement (Offord, 2011: 137). The concept of 'citizenship' also needs to be flexible enough to recognise that, precisely because of the authoritarian nature of such states, struggles by the gay and lesbian movement over citizenship issues and 'mis-recognition' (to refer back to the arguments of Richardson and Monro, 2012) may also take more indirect and less explicit forms. These include the use of forms of popular culture and electronic communication where the state may have less control. Arguments over the right of the state to interfere in citizens' behavior and in the private sphere may also have to be formulated differently in countries where liberal discourses on individual freedom and limits on the state's rights to intervene, such as those used in the Australian case, are not so well recognized. Lynette J Chua (2014) gives a detailed analysis of the forms of 'pragmatic resistance' developed by Singaporean gay and lesbian activists, who often present their case within the context of existing state and public discourses. So, activists have argued that police harassment of gays operated outside of Singapore's established legal rules rather than citing explicit individual rights or civil liberties arguments (Chua, 2014: 20–21). Or, they have argued that accepting diverse sexuality, and the freedom to love, can strengthen social stability and loving ties between family members (Chua, 2014: 129–130). Finally, forms

of normalization related to sexual citizenship can be radically different too. The ‘good’ homosexual citizen in Singapore may at times be expected to suppress their sexuality altogether, or stay in the closet (Offord, 2011: 138). At other times, a slightly more tolerated homosexuality has been seen as an expression of a Singaporean cosmopolitan and commercial ‘creative class’ (Chua, 2003) that it is necessary to foster in the context of globalization.

Indeed, globalization is opening up some interesting problems for authoritarian governments, conservative movements and LGBTI activists in terms of sexual citizenship. Chong (2011: 571, 575, 580) argues that globalization has led Singaporean governments to partially deregulate and liberalize some areas of social and economic life on purely pragmatic grounds. The Christian right, however, moved to fill the moral vacuum left as the state partly moved out. Such developments are not confined to Singapore. Ho (2008) argues that, despite hopes that forms of UN-sponsored ‘global governance’ would result in a reduction in authoritarian government, an expanded civil society and more chance for diverse human rights arguments to flourish, in practice Asian Christian right NGOs, amongst others, have seized the opportunity to pursue populist moralistic agendas attacking homosexuality in countries ranging from Singapore, Taiwan and Hong Kong to South Korea. The religious right is also responding negatively to the globalized commodification of gay sex, and the consequent export of particular forms of global gay identity, politics and community, as analysed by Evans in his critique of limited, capitalist conceptions of homosexual citizenship (Evans, 1993: 89–113; Ho 2008: 465, 471). In short, gays and lesbians can face narrow, neo-liberal, commodified constructions of sexual citizenship at the same time as facing what Altman (2001: 139) has identified as a ‘politicization of issues around sexual morality’, and a growth of religious fundamentalism, in response to the rapidity of the social, political and economic changes related to globalisation.

Furthermore, some authoritarian governments in the region responded to both globalization and gay rights arguments by simply depicting homosexuality as a foreign ‘other’. Gay rights arguments based on liberal individual rights arguments were depicted as alien to ‘Asian values’ and constituting a new form of colonialism. Former President Mahathir of Malaysia articulated such arguments particularly clearly.

The world that we have to face in the new decades and centuries will see numerous attempts by the Europeans to colonise us either indirectly or directly. If our country is not attacked, our minds, our culture, our religion and other things will become the target. In the cultural and social fields they want to see unlimited freedom for the individual. For them the freedom of the individual cannot be questioned. They have rejected the institutions of marriage and family. Instead they accept the practice of free sex, including sodomy as a right. Marriage between male and male, between female and female are officially recognised by them (Mahathir, 2003).

Mahathir does not mention that it was the British who introduced Malaysia’s laws against homosexuality (which the Malaysian government used against Opposition Leader Anwar Ibrahim). Nor does Mahathir mention that, at the time he was speaking, US President George W. Bush in the US and Australian Prime Minister John Howard were opposing same-sex marriage on Christian religious grounds. Furthermore, while Mahathir’s conception of the Malaysian family may be different from western ones (in terms of its extended nature and the individual’s subordination to the family), his conception, like George W. Bush’s or John Howard’s, is still highly heteronormative. In other words, while Mahathir may be denying equal sexual citizenship to gays and lesbians, he is clearly constructing *a form of sexual citizenship*, namely heteronormative citizenship. In these

respects, the concept of sexual citizenship is still highly applicable, even if western trajectories for achieving same-sex rights are being rejected.

Conceptions of sexual citizenship also need to be flexible enough to allow for different relationships between public and private, the state, society and religion. Judicial imperatives related to this can be very different from those in the west. In Malaysia, heteronormative citizenship is, for Muslims at least, constructed not just by the central State but also by local Islamic courts administering customary sharia law, particularly in family and sexual matters.

Countries where many forms of sharia law apply would have to develop conceptions of sexual citizenship that take the role of religious courts into account. Nonetheless, as we have seen, religion can also influence sexual citizenship rights in avowedly secular democracies such as Australia, where attempts to retain sections of the religious vote have influenced issues ranging from same-sex marriage to anti-discrimination measures. So, western conceptions of sexual citizenship also need to take account of religious influences. There is, therefore, no reason why conceptions of 'citizenship' cannot be flexible enough to allow for such different conceptions of, and relationships between, state, society and religion (or for related non-state forms of discrimination).

Conceptions of sexual citizenship also need to be flexible enough to allow for varying conceptions of how the 'sexual' relates to individual and familial identity. They need to be move beyond the western trajectories of sexual identity leading to the articulation of rights-based arguments related to that identity which then constituted the forms of sexual citizenship that have been identified by Weeks (1999: 36). An alternative perspective can be seen in Chou Wah-Shan's analysis of 'coming out'.



The Western notion of ‘coming out’ is not only a political project of the lesbian and gay movement, but is often a cultural project of affirming the Western value of individualism, discourse of rights and the prioritization of sex as the core of selfhood. The model of coming out is hinged upon notions of the individual as an independent, discrete unit segregated economically, socially and geographically from the familial-kinship network (Chou, 2001: 32; see also Chou, 2000: 5).

Chou argues that in some other cultures, including Chinese ones, where familial relations are more important, both sexuality and individuality are not so crucial to identity formation.

Admittedly, Chou’s depiction of the relationship between family, sexuality and identity would be contested by those who have criticised his depiction of the Chinese family as representing a ‘culturally distinct, harmonious and “tolerant” ’ ideal (see overview by Martin 2015: 35-38).

Others see issues of sexuality and identity as being both more complex and more explicit, including in Chinese societies (Khor and Kamano, 2006). Nonetheless, such analyses also allow for the fact that identity categories when they are embraced may differ markedly from those described in the Anglophone acronym LGBTI (lesbian, gay, bisexual, transgender and intersex).

Chou’s example involves not only a potentially different form of identity formation to that in countries such as the US, Britain or Australia, but also a different articulation of the relationship between sexual citizenship and forms of intimate and affective citizenship. The unit of intimate citizenship with which sexual citizenship intersects in Chou’s formulation is constructed in a much broader context of the extended family rather than in terms of parental breadwinners in a nuclear family. Sexual citizenship also intersects with a very different articulation of affective citizenship from that in mainstream Australian political culture. A couple’s romantic love is *not* being privileged over other emotions, including the responsibility that is part of filial love.

Consequently, unpacking the multiple citizenship models at work, including forms of familial, intimate and affective citizenship which interact with a couple's sexual citizenship, helps to throw light on different conceptions of rights and responsibilities.

That broader construction of the unit of intimate citizenship, revolving around an extended family, can also pose another set of sexual citizenship problems. Antonia Chao (2002: 369–381) has pointed out that, as in Taiwan, the lack of individualisation in some Chinese societies can cause problems for gays and lesbians precisely because of the failure to differentiate individuals from heterosexual family structures. It can result in gays and lesbians facing difficulties in accessing accommodation and hospital treatment. Nonetheless, while family structures and the role of individuals within them may be being constructed differently from conventional western structures, the family is still part of a form of heteronormative (sexual) citizenship. There are implications not only for the recognition of same-sex couples but also for the recognition of alternative parenting forms in same-sex families (and may result in very different circumstances and also different demands from those articulated by the Australian gay and lesbian movement). Different conceptions and levels of welfare provision also mean that equality arguments, if they are articulated, will take forms relevant to the particular social policy context where they are being made. Once again, unpacking the multiple underlying citizenship models, including different, complex interactions between sexual, intimate and affective citizenship, can help to throw light on that context.

In addition, conceptions of 'sexual' citizenship need to be flexible enough to deal with markedly different conceptions of how the 'sexual' itself is constructed. Peter Jackson (2001: 15) suggests that in Thailand what is at issue is often best understood not so much as *sexual* identities as eroticised *genders*. Similarly, Atluri (2012: 721–736) suggests that western conceptions of the

‘sexual’ cannot adequately encompass the complex identities, including the religious significance, of ‘sexual’ minorities such as Indian Hijras, who have complex gender identities. Nor, can conceptions of sexual ‘citizenship’ adequately encompass the complex gender/sexual politics encapsulated in the Hijras’ transgressive and comedic public performances. Furthermore, Atluri argues that western conceptions of the ‘sexual’ in ‘sexual’ citizenship do not allow for forms of sexual politics (including Mahatma Gandhi’s) which involve conceptions of sacrifice and sexual renunciation rather than sexual activism. Other conceptions, such as intimate citizenship, may still have some purchase here, while conceptions of heteronormative citizenship may also throw light on some of the discrimination to which Hijras can still be subject to and on their transgressive challenges to conventional gender identities (Atluri, 2012: 733). Nonetheless, it is important to acknowledge that there are instances when conventional conceptions of ‘sexual’ citizenship are not adequate or appropriate.<sup>5</sup> Consequently, Atluri calls for a ‘sexual citizenship after orientalism’ which might

involve a liberation of epistemologies, thoughts, and desires that lie dormant within the Western scholarly and political imagination. Perhaps, sexual citizenship after orientalism might move outside market-driven cultures of sex as property and legal entitlement to revisit the embodied spirit of sacrifice and love that defines other traditions of sexual politics (Atluri, 2012: 734).

Atluri’s words remind us that sexual politics and sexual citizenship can take very diverse forms and that they intersect with varied forms of affective citizenship which can privilege emotions other than sexual attraction and romantic love. It should be noted, though, that the struggle to decriminalize male homosexuality in India has often used quite conventional arguments about rights and equality (Sharma and Das, 2011: 721–736).

Such qualifications about unproblematically using western-influenced conceptions of sexual citizenship are particularly important to acknowledge in a situation where arguments over [sexual citizenship rights](#) are increasingly taking international forms, including the UN forms of ‘global governance’ referred to above. Same-sex rights are now being seen as a crucial part of international human rights regimes (Clinton, 2011; Ban, 2012). International activists and commentators have to be particularly careful in how they articulate such demands. Writers such as Atluri (2012: 721–736) and Sabsay (2012: 605–623) have mounted strong critiques of discourses which construct conceptions of western superiority in regard to (narrowly homonormative) constructions of rights, in which it becomes the role of the west to intervene to liberate what is constructed as a vulnerable, sexually victimised, racialised ‘other’. After all, there is a long history of western conceptions of citizenship being entwined with justifications for western superiority and colonialism (Harrington, 2012: 573–586; see also Dreher in this issue). It also needs to be remembered that western conceptions of citizenship have also long involved forms of exclusion of the ‘other’ as national boundaries and identities were policed (Payne and Davies, 2012: 251–256), as well as the construction of racial, gender and sexual ‘strangers’ within the body politic (Phelan, 2001).

## **Conclusion**

In this article I have argued that it was both a useful and relatively straightforward matter to apply the concept of sexual citizenship to Australia because of Australia’s history as a western colonial-settler society, with British-influenced political institutions and conceptions of the relationship between the state and civil society, as well as British-influenced conceptions of sexual identities and laws on homosexuality. One needs to be much more careful, however, when attempting to apply the concept of sexual citizenship to other countries in the Asia-Pacific region

which have different conceptions of the relation between state, law and society as well as different conceptions of the nature and significance of sexual identity. Narrow conceptions that work so well in the Australian, or other western contexts, cannot be so easily exported elsewhere.

Consequently, I have argued strongly against universalizing western conceptions of sexual citizenship. Nonetheless, it would be very unfortunate if conceptions of sexual citizenship were to be rejected on the grounds that they were not applicable to a range of societies, not least because they do raise important issues of constructions of heteronormative citizenship.

Furthermore, I have argued that it is possible to develop alternative, flexible, conceptions of sexual citizenship which do throw light on differing conceptions of sexual identity and sexual power relations and for diverse relationships between the state, society, the economy and religion.

I have also suggested that providing a better understanding of the relationships, articulations and intersections between sexual citizenship, heteronormative citizenship, intimate citizenship and affective citizenship can usefully assist in the task of broadening conceptions of sexual citizenship beyond narrow western conceptions. I have argued that conceptions of intimate citizenship can help to explain how differing roles of the family, in relationship to the individual, can impact on sexual identity formation and how differing conceptions of the relationship between the heteronormative family and the state can impact on access to government resources. Similarly, conceptions of affective citizenship can help to explain how love of family might be privileged over romantic love or how emotions associated with sexual renunciation and self-sacrifice might be privileged over sexual feelings. I have also argued that the concept of heteronormative citizenship, as an aspect of sexual citizenship, can sometimes be more useful than the broader concept of sexual citizenship itself. For heteronormative citizenship can signal

the privileging of heterosexual relationships, while allowing for a diversity of *marginalised* identities which are not necessarily reducible to the ‘sexual’ (or western LGBTI categories).

Consequently, the concept of sexual citizenship needs to be articulated within a broader framework of forms of citizenship. Here, as elsewhere, the task is not to dismiss conceptions of sexual citizenship as irretrievably western-centric but to develop conceptions of sexual citizenship that are not.

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<sup>1</sup> The concepts of ‘western’ and ‘Asian’ have been surrounded by inverted commas initially to indicate that both are highly problematic concepts; see Bonnett (2004); Wang (2007) and Hall (2009). That is even more the case given that many ‘western’ societies such as Australia are increasingly multicultural so that, for example, many Australian citizens may have varying conceptions of ‘sexual’ identity, or views on the role of the family. Nonetheless, for ease of exposition the inverted commas have been dropped in the remainder of the text but should be assumed as implicit.

<sup>2</sup> The recognition of Australian *de facto* relationships for many citizenship benefits has removed some grounds that have been used in other countries for arguing for the importance of granting same-sex marriage in order to remove some obvious discrimination.

<sup>3</sup> Note that issues of intimate and affective citizenship also raise an issue which it has not been possible to address here, because it is beyond the scope of this article, namely whether it is justifiable that sexual relationships be privileged as a unit of citizenship and whether doing so disadvantages other forms of close personal relationships such as friendship (Roseneil, 2010).

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<sup>4</sup> Of course, major advances in gay and lesbian rights have not just occurred in Europe or North America. Significant advances have also taken place in countries ranging from South Africa to parts of South America (Tremblay, Paternotte and Johnson 2011).

<sup>5</sup> While not wishing to suggest that Hijras can be simply incorporated into western ‘trans’ categories, it is worth noting that western conceptions of sexual citizenship also have difficulty dealing adequately with trans issues (Richardson and Monro, 2012: 175–6).