

Debating Imperial Violence and the Production of Sexualities

Jacqueline Stevens and V Varun Chaudhry

The Oxford Handbook of Global LGBT and Sexual Diversity Politics

Edited by Michael J. Bosia, Sandra M. McEvoy, and Momin Rahman

Print Publication Date: May 2020 Subject: Political Science, Political Theory

Online Publication Date: Nov 2019 DOI: 10.1093/oxfordhb/9780190673741.013.7

Abstract and Keywords

This chapter reviews scholarly controversies about responses to state violence targeting people for their sexual orientation or sex identities (SOSI) in a global perspective. It describes the emergence of legal strategies in the United States and Europe in the 1970s to 1990s to counter SOSI discrimination, as well as the responses to the use of these strategies in postcolonial African countries and nation-states created in the aftermath of the Ottoman, British, and French Empires, as well as in revolutionary Iran. The chapter analyzes the scholarship on anti-SOSI backlashes tied to critiques of US and European imperialism and militarism. Campaigns for SOSI inclusion in the heteronormative, reproductive nation-state are distinguished from queer agendas attacking the nation-state. The chapter concludes by raising questions about whether authors who attack liberal or queer anti-nationalist politics in Muslim or postcolonial contexts are tacitly or overtly supporting nationalist agendas and failing to provide remedies to restrain violence and discrimination based on sexual orientation or sexed identities.

Keywords: postcolonial, queer, nation-state, reproductive, militarism, nationalism

THIS chapter maps the intellectual history of prominent contemporary debates about the political and legal theorization of state violence targeting people based on sexual orientation or sex identities (SOSI).¹ We highlight scholars reviewing the advantages and disadvantages of liberal, identitarian, and queer arguments about SOSI oppression in a global perspective and focus in particular on debates about the role of the state in structuring discourses of SOSI in relation to the family instantiated by laws that reproduce political societies.² Much scholarship maintains a distance between narratives of civil rights-era U.S. legal strategies designed to address SOSI discrimination, on the one hand, and narratives of imperialism, on the other. We reject this dichotomy and assume that any specific country's legal enterprises are by definition part of an imperial world. To definitively reject universal appeals on behalf of U.S.-centered SOSI legal claims and strategies requires a careful description of their particular development in a global context.

Debating Imperial Violence and the Production of Sexualities

The intellectual, legal, and political history reviewed in this chapter suggests that U.S. and European policies overcoming many forms of SOSI discrimination and stigmatization in the past few decades have been appropriated by causes, organizations, and countries with reprehensible agendas. US, British, and NATO imperial projects in predominantly Muslim countries have invoked their support for SOSI rights and communities cynically on behalf of oligarchs and kleptocrats who benefit from global markets, extractive industries, and weapons sales, as well as support of an exclusively Jewish state and thus apartheid in Israel-Palestine. But it is also the case that legal strategies and discourses that have improved the lives of SOSI populations in the United States, (p. 398) Europe, and even portions of the Global South have drawn the ire of prominent critics of colonialism, postcolonialism, and neoliberalism on the left and the right alike because of “ressentiment,” that is, a reflexive opposition to an idea or practice because of a feeling the person (or group or country or religion) behind it has insulted or otherwise demeaned one and not the actual advantages and disadvantages of the ideas or practices. In response to the last few decades of queer political agendas being implemented outside North America and Europe, some critics who are from these regions or who have parents or grandparents from countries with patriarchal, misogynist, homophobic politicians and civic leaders reveal a surprising sympathy to certain nationalist assumptions. Those comfortable as academics identifying themselves as “queer” in university settings attack as “Western imperialists” those who use legal nomenclature and strategies that worked in North America and Europe, as well as in some contexts outside these continents. These critics largely are silent on their own nationalist intuitions or sympathies or even the nationalism infusing the anti-queer violence and arrests organized by political and military authorities in Egypt, India, Iran, Pakistan, Zimbabwe, and many other countries, discussed in this chapter, including, of course, the United States itself. Our analysis of the literature and politics informing the current scholarly topography, including a reminder of political anthropology’s important contributions to queer theory, is divided into four sections.

The first section reviews the debates about how to address SOSI discrimination within the United States in the 1970s through the 2003 *Lawrence v. Texas* Supreme Court decision declaring sodomy and other laws limiting intimacy for “homosexual persons” unconstitutional. This section notes both the uneven development of SOSI equality within North America and Europe as well as disagreements among scholars within domestic contexts that serve as a touchstone for today’s debates about SOSI law and politics in a context of global inequality and state violence.

Second, we discuss the emergence in the last quarter of the twentieth century of a feminist anthropology of the traffic in women and the “sex/gender system” (Rubin, 1975). These feminist reassessments of structural anthropology became the scaffolding of queer theory. Although subsequently rejected or ignored, Rubin’s 1975 essay drew scholarly attention to “homosexuality” as a universal, transhistorical effect of formal kinship rules. This scholarship lay the groundwork for subsequent debates about the centrality of the state to the contemporary politics of sexuality, especially among those influenced by the work of Michel Foucault.

Debating Imperial Violence and the Production of Sexualities

The third section reviews the disagreements among liberal, identitarian, and what Michael Warner calls queer anti-repro political theories, the last of which call out the intergenerational family as a specific form of community and question efforts of homosexuals to be included in the institution of marriage as opposed to abolishing marriage altogether. We review the assumptions and political alliances of those partaking in contemporary debates about what Joseph Massad calls the “Gay International” (2002, 2007), as well as Jasbir Puar’s attack on “homonationalism” (2007).

Fourth and finally, in contrast with the tacit but nonetheless identitarian sympathies of Massad, Puar, and other postcolonial critics, we note contemporary scholars going (p. 399) back to liberal and queer analyses to question the political and theoretical effects of postcolonial arguments, including a discussion of Foucault’s 1978 support for Ayatollah Khomeini and the Islamist revolution in Iran (Afary and Anderson 2005).

The genre of this essay is that of a Nietzschean history laying out the advantages and disadvantages of competing and simultaneous arguments that unfold in conversation, and not a Foucauldian genealogy. In other words, there is no one single correct narrative of imperial sexual violence. Instead, we are choosing to highlight the debates we think most useful to those trying to understand the enmeshments of sovereignty and imperialism with contemporary SOSI politics. This is not to say that each and every author of the early twenty-first century discussed here read each and every author whose earlier works are cited. Rather, we are suggesting that the authors selected contributed to the LGBTQI scholarly Zeitgeist or were symptomatic of its expression and that the current debates are best understood in conversation with their roots in these earlier ones. We propose continuities that are relevant to understanding the current debates about state violence and SOSI in a global perspective, as opposed to breaks with epistemes of a prior discursive epoch. For reasons of chronology and the centrality of the US government in particular to current debates about state sexual imperialism, we begin our review by focusing on SOSI civil rights arguments as they emerge in U.S. legal and academic contexts.

Debates about State Violence Targeting SOSI Minorities in the United States: 1970s to 2002

The first arguments to end state violence targeting individuals for SOSI built on the language of the so-called liberal state and international agreements modeled on its commitments. Scholars such as Dennis Altman ([1971] 1993), William Eskridge (1996), Andrew Koppelman (1994, 1998), Sylvia Law (1988), Richard Mohr (1988), and Rhonda Rivera (1979, 1999) analyzed and advocated for rights and recognition by proposing that SOSI minorities follow in the legal footsteps of racial minorities and women, both groups that had moved from legal inferiority to formal de jure, if not de facto, equality. Taking up the political calls for equality, an influential law review article summarized the legal parallels: “In this way, discrimination on the basis of sexual orientation seems closely akin to discrimination on the basis of race and sex. In all of these settings, prejudice—understood as stereotypical thinking based on factual falsehoods and often rooted in simple hostility—is

Debating Imperial Violence and the Production of Sexualities

likely to account for discrimination” (Sunstein 1994, 7). Those individuals legally disadvantaged for their race, sex, and SOSI, the liberal argument went, suffered for exhibiting behaviors that were outlawed or even criminalized based on the status of those performing them. Occupying a specific location of a restaurant, bus, or playground; wearing or not wearing a shirt; and sex acts per se (p. 400) were only grounds for punishment or discrimination because of the identities of those performing them.³

Not only did the possibilities for codifying discrimination differ among racial minorities, women, and SOSI minorities but the possibilities of evading discrimination also differed substantially. Most obviously, it was far easier for a (white) person of stigmatized SOSI status to “pass” as being from a favored SOSI group than it was for most racialized minorities, women, or gender-nonconforming people to avoid discrimination by hiding evidence of their observed racially marked and sexed bodies. “In contrast with most women and racial minorities, sexual minorities have a varying ability to be hidden, to leave their difference ‘suppressed or left uncertain’” (Phelan 2001, 15; Gamson 1998). A key if not disputed focal point of difference was that sexuality was stereotypically imagined as expressed through activities that occurred in a home or other space typically beyond state scrutiny (i.e., in the bedroom). Given the assumption of a *private* expression of identity, some scholars argued that the protected suspect classification that turned out to have more resemblance to SOSI than groups defined by race or sex was religion (Koppelman 1998; Jakobsen and Pellegrini 2003).

In the same time frame of the 1970s that Dennis Altman laid out the “we’re-next-for-civil-rights” argument ([1971] 1993), legal scholars also began to explore challenges for individuals using sex-confirming surgery to transition from male to female identities. A central point in this early literature was the observation that there was no legal definition of male or female on which government authorities might rely in order to refuse to change the sex designation on birth certificates. Refusals were thus arbitrary assertions of sovereign authority and illegitimately undermined the knowledge and power of the medical community: as “transexualism” was marked as a medical disorder, scholars marked these arbitrary links through comparison: “Persons having undergone laryngectomies are not legally barred from speech therapy nor is an amputee barred from a prosthesis” (Schroeder 1973, 245). Reflecting on the fuzzy line between the law and medicalization of SOSI, a scholar of early transexual surgeries wrote, “The transexual needs a good lawyer as much as he needs a good physician” (Hoenig 1977, 319). Authors not only emphasized the equality arguments for reassigning sex identities on birth certificates but as late as 1978 offered analyses to protect medical practitioners from charges of “criminal mayhem” if they surgically removed genitalia (Belli 1978). Such restrictions and legal maneuverings reflect a difference in how the law viewed sexual behaviors versus sex identities. Although by the 1970s France and other European countries had decriminalized sodomy, sex reassignment operations remained illegal or highly regulated (Belli 1978, 494).

Debating Imperial Violence and the Production of Sexualities

While Foucault's arguments about the seventeenth century's discursive beheading of the sovereign and the early twentieth-century therapeutic discourse of *scientia sexualis* were being taught on college campuses in the 1980s, the laws in most U.S. states instantiated the fire and brimstone world of the Old Testament. Two years after Foucault passed away, Chief Justice Burger justified upholding the Georgia sodomy law used to arrest Michael Hardwick by referencing the history of Roman and common law and "Judeo-Christian" morality: "To hold that the act of homosexual sodomy is somehow protected as a fundamental right would be to cast aside millennia of moral teaching."⁴]).

(p. 401) In the aftermath of *Bowers* and 2 years before its reversal in *Lawrence v. Texas* (539 U.S. 558 [2003]), Edward Stein explained the debates over strategies for confronting SOSI discrimination. At the time fifteen states and the military had laws that "criminalize[d] most forms of same-sex sexual activity," thirty-nine states allowed discrimination based on sexual orientation, and there was no state or federal government recognition of same-sex marriage, although Vermont did allow benefits for those in "same-sex unions" (Stein 2001, 475, 477). Stein noted three separate legal claims: "claims for the decriminalization of same-sex sexual activity, claims for protection against discrimination on the basis of sexual orientation, and claims for the recognition of lesbian and gay relationships and institutions" (Stein 2001, 474; Kaplan 1997).

In response, a number of critics noted that these arguments often sidelined concerns of those who identified as lesbian, people of color, and otherwise queer, that is, who disidentified with politics of inclusion into heteronormative institutions (Cohen 1997). The objections largely took one of two very different forms (see also Hollar this volume).

On the one hand, scholars pointed out the pseudo-universality of the rights-based and equality-based claims that held forth for gay white men might prevail and still leave untouched key structures of oppression tied to SOSI for large majorities. In 1979, Audre Lorde explained the perils of considering SOSI questions in isolation and without reflecting on reinforcing systems of oppression: "[I]n a country where racism, sexism and homophobia are inseparable," she lectured a feminist theory conference at NYU's Institute for Humanities Studies, it was self-defeating to include just one woman of color and to ignore the implications of white, straight privilege. She stated famously,

Survival is not an academic skill. It is learning how to stand alone, unpopular and sometimes reviled, and how to make common cause with those others identified as outside the structures, in order to define and seek a world in which we can all flourish. It is learning how to take our differences and make them strengths. For the master's tools will never dismantle the master's house.

(Lorde 1984, 94, emphases in original)

In this context, she seemed to be encouraging academics to reflect on the efficacy of relying on one black woman's voice to challenge all of the nuanced implications of racism, sexism, and homophobia.

Debating Imperial Violence and the Production of Sexualities

Adrienne Rich, Audre Lorde, and Cathy Cohen did not want toleration from the white, capitalist patriarchy but its destruction. Rich noted that lesbians worldwide were resisting patriarchal institutions such as marriage and not seeking individual-level accommodations. “Compulsory heterosexuality,” she pointed out, was in 1976 condemned by the Brussels International Tribunal on Crimes against Women. Rich quotes an East African activist making an observation relevant to the contemporary accusations that “the West” has caused SOSI conflicts in Africa and the Middle East:

I am condemned to a life of exile because I will not deny that I am a lesbian, that my primary commitments are, and will always be to other women. In the new Mozambique, lesbianism is considered a left-over from colonialism and decadent (p. 402) Western civilization. Lesbians are sent to rehabilitation camps to learn through self-criticism the correct line about themselves. ... If I am forced to denounce my own love of women, if I therefore denounce myself, I could go back to Mozambique and join forces in the exciting and hard struggle of rebuilding a nation, including the struggle for the emancipation of Mozambican women. As it is, I either risk the rehabilitation camps, or remain in exile.

(Quoted in Rich [1980] 1993, 55)

The documentation of an alliance between the lesbian activists in Mozambique and the United States to attack patriarchy via a 1976 treaty ratified in Brussels suggests that the comparative and global dimensions of alliances are not recent. At least some postcolonial, newly independent Mozambicans were questioning the instrumentalization of “colonial” frameworks that attacked SOSI minorities and endorsing liberal challenges to this. The mobilization of liberal arguments also puts in context strategies to expand the definition of protected groups in asylum treaties to include SOSI identities, arguments drawing on rights claims that also have been under fierce attack by some postcolonial scholars.

The critique of heteronormativity and especially “reprosexuality” came to be associated with self-proclaimed “queer” scholarship and subjects who sought to politicize their sexuality in progressive enclaves of Europe and the United States. In a 1991 article, Michael Warner describes “a new style of ‘queer’ politics that, no longer content to carve out a buffer zone for a minoritized and protected subculture, has begun to challenge the pervasive and often invisible heteronormativity of modern societies” (Warner 1991, 3). Essays he collected for the 1993 volume *Fear of a Queer Planet* questioned arguments for equality and inclusion within a heteronormative political society and explored theories and activism to confront the “reprosexuality” lurking behind homophobia, asking such questions as, “What do queers want? This volume takes for granted that it’s not just sex” (Warner 1993, 11). The objective Warner elucidated was to destroy the kinship rules that reproduced the intergenerational family and to imagine in its place relations that were synchronic and not diachronic, an objective Lauren Berlant and Elizabeth Freeman (1993) explored through their analyses of kiss-ins and other open public displays of same-sex desire in spaces typically associated with the middle-class family such as a shopping mall.

The second response to liberal equality arguments thus used a queer perspective to challenge the institutionalization of reproductivity. Lisa Duggan (1994, 9) argued that the state should not “compel, promote, or prefer inter-gender relationships over intra-gender attachments.” By disidentifying marriage with the reproductive family, the state would no longer be favoring heteronormativity. Duggan also suggested drawing on other legal resources to expand the possibilities for challenging SOSI criminalization and discrimination, including invoking the First Amendment to represent “sexual difference ... as a constellation of nonconforming practices, expressions, and beliefs” (Duggan 1994, 9; Rubin 1975). She called for queer politics to accept three premises: first, homosexuality is historically specific and not identical across time and place (see Foucault 1978); second, a contemporary queer identity should not be figured as that of a (p. 403) rich, gay, white man; and third, and perhaps most importantly, queer politics should reject identity politics: “Identity politics only replaces closets with ghettos. ... In coming out of the closet, identity politics offers us another bounded, fixed space of humiliation and another kind of social isolation” (Duggan 1994, 5).

State Violence and SOSI’s Political Anthropology

Queer critiques, especially those used in a global context, relied on theories of SOSI, class, nation, and race that emerged from the political anthropology of the 1970s to 1990s. Gayle Rubin’s essay “The Traffic in Women” is important to the intellectual history of SOSI and queer analyses, especially for understanding the differences between the founding questions and priorities and those emphasized by influential queer scholars in the early twenty-first century. Critiques of identity politics from self-identified queer theorists of SOSI—based on their understandings and critiques of kinship rules—appear to have subsided in some circles.

Research by Gayle Rubin, Ann Stoler, and Veena Das from 1975 to 1994 not only problematized intuitions that SOSI was something prepolitical and natural but also interrogated whether sexual behaviors are best understood as choices made by individuals. Are individuals simply choosing to be sexually intimate with some people and not others? Or are the choices themselves best understood as created and policed by political institutions based on unconscious priorities reiterated in the broader society through laws as well as through literature, films, religious communities, and schools? The structuralist understanding of sex/gender roles described by Gayle Rubin anticipates the views of SOSI “subject positions” used by literary theorists such as Sedgwick and Warner. Of note is that many of the arguments in queer theory cite Rubin, including Duggan in the article just discussed. But the citations are to Rubin’s work on subcultures of S/M in a handful of US cities, especially San Francisco (1984). However, Rubin’s own analysis of non-heteronormative sexual communities and other scholarship documenting the possibilities of undoing homonormativity came out of her pathbreaking 1975 essay “The Traffic in Women.” Situated in structural anthropology’s recent engagements with Lacanian and feminist

Debating Imperial Violence and the Production of Sexualities

psychoanalytic theory, the analyses provided heuristics for how to represent the state's role in maintaining sexed differences, as well as the incoherences and contingencies of these powerful laws and discourses.

Instead of conceptualizing the state using marriage on behalf of prepolitical sex roles simply reflecting biological differences, Rubin in 1975 used psychoanalytic and other social theory to explain the basis of kinship rules and how they constituted and not just passively reflected sexed power relations: after describing how "the social organization of sex rests upon gender," she elaborates: "kinship systems rest upon marriage. They therefore transform males into 'men' and females into 'women,' each an incomplete half" (Rubin 1975, 179).⁵ Rubin made use of an insight of Claude Levi-Strauss, who pointed out that throughout history and across political societies, marriage, not genetics, was relied on to put men into an intergenerational relationship with children and thus create the family. The marriage trade or, in bourgeois society, contract was between not men and women but fathers and husbands. Even after some women could choose whether or not to marry a particular husband, they could not easily choose to live outside such arrangements. Rubin found that the "rules of gender division and obligatory heterosexuality are present even in their transformations" (1975, 182). This insight seemed to be outpaced by changes in the marriage laws of some countries but nonetheless remain relevant to the persistence of heterosexual marriage as the original and same-sex marriage as a copy (Butler 1993).

Rubin's structuralist critique, which focused on rules and practices of political societies constitutive of SOSI, contrasted with Foucault's emphasis on discourses of the sciences and other texts on domestic regulations of sexuality created and consulted by the French bourgeoisie. Using insights from feminist anthropology, including her own contributions, Ann Stoler challenged Foucault's *The History of Sexuality* (Foucault 1978) and lectures (Foucault [1976], 2003). She wrote, "[W]e must ask whether the racial configurations of that imperial world, rather than being peripheral to the cultivation of the nineteenth century bourgeois self, were not constitutive of it" (Stoler 1995, 8). On the basis of inferences from a non-representative set of texts, Stoler argues, Foucault projected a particular discourse onto the entire French political scene: "Foucault assumes a middle-class culture sure of what it needed to defend. ... It is not clear this was the case in Europe or in the United States; in the colonies it certainly was not" (Stoler 1995, 113). Instead of a coherent center that had one consensus model of SOSI, as one might infer from Foucault's work, Stoler describes shifting goals, strategies, and punishments associated with sexed identities and relationships: "In this age of empire, who would be a 'subject' and who would be a citizen converged on the sexual politics of race" (Stoler 1995, 133).

Stoler's work challenged the importance of Foucault's archive of medical and therapeutic treatises and early modern essays about sovereignty by European intellectuals relative to the colonial archive of legal codes and findings Foucault ignored. In the wake of critiques by Rubin and Stoler, as well as scholarship questioning heteronormative premises of psychoanalytic theory, researchers concerned with SOSI in a global perspective began to tie insights from the emerging field of queer theory to the literature from political anthropol-

Debating Imperial Violence and the Production of Sexualities

ogy and pointed out how intergenerational groups, via past, present, or imagined future nation-states, organized their own specific reproduction by controlling marriage and rules about legitimacy. Stevens, drawing on a critical reading of G. W. F. Hegel's *Philosophy of Right* ([1821] 1942) and insights from the scholarship discussed in this chapter, described kinship systems as a response to infant fantasies that equated birth with power and not reflections of biological male dominance per se (Stevens, 1999, 15; 2004, 152–174). Instead of kinship rules emerging from prepolitical SOSI behaviors much less biological conditions, Stevens argued that the “father” was a subject position that was (p. 405) created by law—the husband of the mother of a child—not genetics and that the kinship rules were responsible for the form of all SOSI subject positions.

Black feminists, in a similar vein, have spoken to the kinship rules governing the conditions of slavery and other state-sanctioned forms of anti-black violence and inequality in the United States (Alexander 1994; Collins 1997): it was the existence of a black mother that defined, denoted, and legitimated the blackness of her child (Spillers 1987). (Black) Motherhood, then—scholars continue to argue (see Snorton 2017)—has structured and continues to structure racialized SOSI subjectivity. International relations theorist V. Spike Peterson similarly has pointed out the centrality of the state to the constitution of the family and politicized SOSI subjectivities, disparaging mainstream scholars in the field of international relations for ignoring how “state-making established *heteropatriarchal* family/households as foundational socio-economic units” (Peterson 2013, 605) and overlooking the legal and affective importance of the household in reproducing inequalities across lines of sex/gender, sexuality, ethnicity/race, class, and nationality.

While the structuralist critiques of kinship were grounded in the universalizing theories of Emile Durkheim, Levi-Strauss, and Marcel Mauss, they were also attentive to the vast range of kinship possibilities and subjectivities. Rubin wrote, “We need to study each society to determine the exact mechanisms by which particular conventions of sexuality are produced and maintained. The ‘exchange of women’ is an initial step toward building an arsenal of concepts with which sexual systems can be described” (Rubin 1975, 177). This formulation leaves open the possibility that investigators may be projecting views of the practices in their own societies onto preliterate ones and then relying on these pseudo-objective findings as evidence of their universality, a conundrum that has plagued European and North American scholarship for centuries.

More recent queer postcolonial scholarship takes its cues from these earlier debates about whether “non-Western” or “precolonial” societies have taken cues from “Western” ones or empires to enact their kinship rules either to conform with the administrative protocols of the occupiers or to emphasize and harden “signs of otherness,” such as “codes of humor, purity, pollution, hierarchy and castes” (Das 1995, 58).

Veena Das maps this debate in her study of the reproductive violence to women in the partition of postcolonial India and its aftermath, ultimately deciding that the heuristics of kinship are most useful to analyzing the phenomena she observed, in particular the close relation between “national honor” and the Indian state’s control of reproduction. Das em-

phasizes that the debates on how to resettle women across borders were not tied to concerns about the aggregated well-being of the individual women or men but only discourses about the honor of the men in the respective states. Muslim women who were observed or figured as abducted after the partition were understood as symptoms of the men's "depravity" in supposedly abducting them (Das 1995, 70). Das writes, "In all this discussion we see that women are being reinscribed as semiotic objects on which notions of the state are to be inscribed" (1995, 75). Das, like Stoler, draws on these cases to modify a theoretical point Rubin makes. In this case, the "traffic in women" refers to (p. 406) the idea that the nation subordinates all intimate and affective practices associated with SOSI, majority or minority, to the nation and, in this case, its honor.

Foucauldian and Postcolonial Queer Critiques of Liberalism: The Nationalist Turn?

Political anthropologists had been thinking about SOSI as a comparative project from its inception and had acknowledged the challenge of discerning a framework as "universal" from one that was an outcome of institutional or discursive domination opportunistically asserting its relevance worldwide. Nonetheless, queer scholars in the early 2000s began to challenge the use of LGBTQ legal frameworks and analyses for critiques of SOSI discrimination outside Europe and North America. The scholarship that came out of the careful studies of colonial and postcolonial productions of heteronormative reproductive families and the SOSI remainders—be they the "sexual 'disorder' of ... prostitution, concubinage, illegitimate children" (Stoler 1995, 46) or identities associated with nomenclature that might be of local origin or from the metropole—were far more didactic about the problems with research questions and methods than the political shortfalls of the societies studied. That said, these debates certainly were mobilized in service of larger political projects. In particular, scholars questioned how SOSI political critiques and policies were being mobilized in a global and postcolonial "war against terror."

Debating Imperial Violence and the Production of Sexualities

Scholars focusing on LGBT human rights in European and North American asylum law and foreign policy publish their theories and strategies in law review journals for the most part, in a context unmoored from the critical concerns of Joseph Massad (2002) and other critics of what he, referring to SOSI human rights policy proposals, called the “Gay International.” Sorting through the literature on sexual oppression in a global context thus requires two parallel reviews of competing perspectives. Matthew Waites (2017, 646) dichotomizes as the “LGBT Progressives,” on one hand, in contrast with the “Post-colonial Queers,” on the other. Waites characterizes the former as “optimists,” whose agendas are catalogued and advocated by scholars such as Dennis Altman (2001), Ken Plummer (2003), and Carl Stychin (2001); the latter are scholars for whom “human rights brings problems for non-Western cultures” (Waites 2017, 646). Among the latter, he includes Jasbir Puar (2007), Rahal Rao (2010), and Momin Rahman (2014), in addition to Massad. The arguments by those in the latter group attack those in the former on the following grounds:

- 1. Western classifications imposed on non-Western cultures.** Massad argues that in the 1980s Western nongovernmental organization (NGO) advocacy on behalf of SOSI rights in Arab countries tainted the SOSI cause: “The new incitement by the Gay (p. 407) International ... conjured up the threat of cultural contamination for the new religious nationalists” (2007, 193). Under this way of thinking, Massad argues, Islamists, responding to Gay International categories, restrict debates about SOSI to Western licentiousness versus adherence to a “true” Islam. Likewise, Ratna Kapur (2016, 303) argues that the SOSI legal rights framework assumes a “Eurocentric understanding of the rational subject” and thus overlooks how people in other contexts experience sexuality and intimacy.
- 2. Supports US militarism and foreign policy.** The scholar most associated with this position is Jasbir Puar, whose influential *Terrorist Assemblages: Homonationalism in Queer Times* (2007) provides analyses of post-9/11 statements by US political leaders excoriating Muslim countries because of their supposed failures to protect the rights of homosexuals. Puar describes several features of “homonationalism,” including its “Orientalist version of Muslim male sexuality,” especially the “significant representational currency [of] homosexual subjects” as deployed by the United States in the “global scene of the war on terror” (2007, 4). By justifying the deployment of military force that opportunistically references homosexual rights in some (enemy) countries abroad, US foreign policy, and (post)colonialism more generally, take new homonationalist forms. Puar further argues that by leaning into the cause of LGBT rights abroad, LGBT progressives are themselves complicit in the imperialist and militarist practices of US and European governments.
- 3. Settler homonationalism.** Drawing on Puar’s work, Scott Morgensen (2010) argues that the US legal codes, especially marriage law, superseded the rules and practices of indigenous and, what Morgensen calls, “Two-Spirit peoples” who had communities in the Americas before the arrival of European settlers. Morgensen interprets homonationalism “as an effect of queer modalities forming amid the conquest of Native peoples and the settling of Native lands” (2010, 105). Like Puar, Morgensen em-

phasizes the central role queer scholars and activists play in coercing pre-Conquest communities into taxonomies of the modern nation-state.

4. *Western SOSI classifications falsely asserted as civilizing and progressive.* Momin Rahman (2014), building on the critique of “homonationalism,” characterizes interventions by NGOs on behalf of SOSI rights as “homocolonialist.” Although the countries targeted by human rights activists and European and North American governments for criminalizing SOSI populations are not under their legal control, Rahman points out that the control of foreign aid is part of a program that deems the poorer and especially Muslim countries “inferior in relation to superior Western values” (Rahman 2014, 274). Critics also challenge the invocation of SOSI rights for embracing a teleological view of progress, which extends from the narrow class of propertied male nationals to landless citizens, racial minorities, women, and then SOSI subjects. Elizabeth Povinelli challenges SOSI rights claims within regimes of the nation-state because they falsely universalize a framework of history and progress onto communities that do not, or did not, rely on kinship rules of the nation. In contrast with the liberal individual whose struggle is (p. 408) “narrated as the progressive future or the redemptive future,” she offers instead a critical indigenous theory that recasts the narrative of “the prior” and “refuses the divisions and the future redemptive” (Povinelli 2002, 23).

5. *Depoliticization.* Ratna Kapur (2016, 301) argues that the nature of human rights work is legal and argues that this inherently entails the “deradicalization of queer advocacy.” As an example, she points to the debate over a 2000 Indian court order that upheld a constitutional challenge to a portion of the Indian penal code criminalizing “sodomy.” Another example is the 2013 ruling that recognized the legal rights of transgender persons but did not otherwise change India’s heterosexism. Kapur associates the deradicalization with India’s British legal legacy and is concerned that these “normative and normalizing moves obscure the colonial legacies that have informed sexual rights advocacy in the postcolonial present” (Kapur 2016, 302). Kapur suggests that if Indian SOSI challenges were advanced in discourses other than those associated with British and European law, activists would be more effective at changing Indian policies and attitudes about SOSI.

While the critics whose views are described were concerned about the betrayal of non-Western, radical, anti-colonialist values and subjectivities by scholars and activists advancing liberal legal agendas, legal scholars within the legal metropole—that is, governmental and nonprofit bodies of the United Nations and the European Union as well as nonprofits in North America—were fitting problems of SOSI inequality and violence into international human rights treaties (Henes 1994). The scholarly legal literature ties the emergence of the San Francisco-based International Gay and Lesbian Human Rights Commission to ad hoc efforts by civil rights attorneys to make strategic use of SOSI as identifiable social groups for two main reasons. First, policies worldwide were persecuting people because of SOSI. Second, attorneys, courts, and legislatures responding to the effects of heteronormative kinship systems that created the SOSI subject positions under-

Debating Imperial Violence and the Production of Sexualities

stood the efficacy of using group identities to invoke legal protections from state violence of criminalization or state complicity in asylum cases (Marouf 2008).

The Christian roots of SOSI violence in Uganda, some paid and advocated for by US-based missionary groups and the British colonial origins of sodomy law there and elsewhere in Africa (Englander 2011, 1269–72), raised questions about contexts in which postcolonial queer critics will and will not criticize NGO advocacy as imperialist, as opposed to challenging the legacy of either Christian or Islamic or Jewish anti-SOSI policies: Israel, for example, only recognizes marriages performed in rabbinical courts and will not recognize civil unions performed in Israel; it also recently declared itself a “Jewish nation-state” (Halmai 2016, 5; Wootliff 2018). Israel’s policies are especially disadvantageous for SOSI minorities or other groups in Israel-Palestine who are not Jewish because they may not obtain the visas necessary for their travel to countries that would perform these civil unions (Halmai 2016; Stevens 2004, 223). However, the more pernicious problem is the reinvigoration of SOSI categories required by the definition of a “Jewish nation-state,” a project that defines citizenship and its exclusions based on marriage laws and kinship classifications.

(p. 409) The problems faced by people targeted for SOSI discrimination in Israel-Palestine and elsewhere are often practical. Almost by definition, a stigmatized minority will need allies who are not in prison, discriminated against, or at personal risk from protesting the policies in question—in this case, those targeting homosexuals. After explaining the persistence of homophobic laws in thirty-six African countries and the shortfalls of strategies to change these through domestic political campaigns, the African Union, or reframing Christian and Islamic discourses about homosexuality, Englander (2011, 1299) affirms the importance of cross-border collaborations and finds that courts are “often important accelerants in the expansion of LGBT rights.” In other words, even though LGBT rights discourses may provide some political cover to US and European sovereign endeavors beyond their borders, they also are useful to people whose lives are at risk because of their sexual orientation and sexed identities.

Foucault himself stages some of the problems in a simple rejection of LGBT legal strategies. He was perhaps the first SOSI scholar to support a Muslim political leadership despite its record of attacking SOSI minorities. Janet Afary and Kevin Anderson describe Foucault’s 10-day visit to Iran in 1978, his meeting in Paris with the Ayatollah Khomeini, and his support of the 1979 overthrow of the US-friendly Iranian dictatorship (Afary and Anderson 2005, 69). They note that, “In France, the controversy over Foucault’s writings on Iran is well known and continues to undercut his reputation” (6).

The scholarship questions whether Foucauldian critics of liberalism and the SOSI categories that developed in tandem with kinship roles may be pulling their punches on anti-SOSI forces associated with Islamic regimes based on a misrecognition of the United States and governments within Europe as Western, coherent, powerful, and omniscient. This literature suggests that taking sides in presentist global alliances of nation-states

Debating Imperial Violence and the Production of Sexualities

may be reinscribing exactly the divisions that reinvigorate SOSI and other systemic violence.

Some of the fiercest attacks on the approach by Puar and other critics of liberalism appear in the essays co-authored by Afary and Anderson that preface their publication of Foucault's essays on the Iranian Revolution. Puar (2007, 75) notes their critique of Foucault's *ars erotica* as orientalist but not their concerns about scholarship that defends anti-LGBT subjectivities and activists. In essays that first appeared in Italian newspapers and were infrequently reprinted thereafter, Foucault came out in full-throated support of the Muslim clerical elites' takeover of the Iranian government (Afary and Anderson 2005, 3). Foucault's embrace of the Islamic conservative seems motivated by their shared antipathy toward the profit motive. In short, Khomeini, a sworn enemy of the United States, Foucault's enemy, was Foucault's friend. Foucault's critique of US-based neoliberal hegemony is one that informs the scholarship of other "postcolonial queers," and so do the transitive implications for these critics' attacks on liberals who defend SOSI minorities from authoritarian regimes in Persian, Arab, and some African countries.

Interlocutors at the time were well aware of the allegiances: Afary and Anderson (2005, 3) explain that while most scholars viewed Foucault's endorsement of a regime with ideologies and practices that were punitive toward SOSI minorities as independent of his scholarship, they connect it to his scholarship on the "hazards of modernity." They (p. 410) note how Foucault emphasized the limits of rights arguments and that he embraced anti-liberal discourse: "As an 'Islamic' movement, it can set the entire region afire, overturn most unstable regimes, and disturb the most solid" (Foucault 2005 [1978], 299). Afary and Anderson (2005, 5) criticize Foucault for his illusions about a "traditionalist ideology" and for dismissing "feminist premonitions that the revolution was headed in a dangerous direction." They highlight Foucault's recognition in 1984 of reason and human rights in "What Is Enlightenment?"—a speech given the year he died—and ask why he decided to embrace the religiously inflected Islamic revolution but not those of Latin America's Christian liberation theology or the US civil rights movement, both also expressions of "political spirituality" but favoring ideals of equality (Afary and Anderson 2005, 9).

In light of Foucault's influence on the anti-liberal and anti-European priorities of the postcolonial queer scholarship, we would like here to draw on the questions Afary and Anderson raise about Foucault's enthusiasm for the Khomeini regime to ask related questions about the five attacks on liberal criticisms of governments reviewed in this section. First, granting that the US Department of Defense and State Department have developed policies that attack Muslim governments for their SOSI policies, is there any evidence that the magnitude of this policy is commensurate with the attention queer scholars are directing toward it? That is, is US militarism so substantially bolstered by homonationalism and pink-washing that the most timely target of those concerned about violence against noncombatants in the "war on terror" is the homosexual rights agenda?

Debating Imperial Violence and the Production of Sexualities

The United States weaponizes and uses for soft power everything from food assistance to scholarships. Does the correlation of militarism with “homonationalism” have a magnitude relative to these other strategies that is sufficient to justify focusing on SOSI policies in isolation from other efforts at soft power? Is the centrality of SOSI or homonationalist discourses so central to the US combat and economic colonizing as to justify a backlash against already tenuous liberal rights?

Who exactly is being mobilized by this terrorist assemblage? The US armed services, which was forced by Congress ten years after 9/11 to abandon “don’t-ask-don’t-tell”? The Taliban? The Gulf States? Is the US (quickly waning) dominance because of SOSI discourse, food aid, and Fulbrights and other higher education carrots or because the US military is occupying territory in hundreds of countries and spends more on its military than all other countries combined? Would Massad and Puar prefer the blatantly homophobic Russian government to occupy the region instead of European or US powers? Why attack a preference of liberals worldwide for freedom of association, even when based on a reductionist and unsophisticated defense of SOSI by lawyers in the metropole—including those present by virtue of cosmopolitan cities and the privileges of race and class regardless of their countries of origin—while not attacking those who argue from the metropole for a high-protein diet or education, policies that also have been deployed to advance strategic interests that favor a sliver of the US or any other citizenry?

Reciprocally, is the most urgent problem facing SOSI communities outside Europe and North America the Gay International? Amy Brandzel hints that postcolonial queers (p. 411) themselves may be worried about this. Reflecting on queer theorists attacking the “It Gets Better” campaign, she writes,

I cannot help but wonder, what would the critiques or snarky asides have looked like had the presenters presumed the presence of a suicidal gay youth or the parents of a child who committed suicide in response to ‘bullying’ and discrimination received in school. How can we create scholarship that is not only critical, but accountable to those actors and agencies we so often find lacking, assimilationist, ethically bankrupt, or, even more painfully, culpable for recreating violence against non-normative people?

(Brandzel 2016, xi-xii)

Second, critics have pointed out problems with identifying something like a true Arab sexuality in the precolonial texts, practices, and discourses Massad identifies as non-Western. What about the large number of people living through these identities and discourses and inhabiting their assumptions, including about SOSI legal claims? Rahal Rao criticizes Massad for “slip[ping] into a reinforcement of communitarian authenticity narratives that police how sexual preferences are to be performed” (2010, 177). Thus, Massad and others may be rearticulating the same orientalist narratives Edward Said named and questioned.

Debating Imperial Violence and the Production of Sexualities

Third, queer theorists have also challenged the rigidity of borders and the essentialization of differences constructed on that basis. Instead of assuming there are preexisting “lesbian,” “gay,” “bisexual,” or “transgender” identities that individuals discover themselves inhabiting, queer theorists attend to discourses that originate and animate these concepts, as well as the political problems caused by assuming our sexual and sexed identities are rigid and essential. Scholarship critical of prevailing gender ideologies in “transgender-inclusion” projects, for example, speaks to the connections among notions of borders, nations, and SOSI. In a creative riff on critiques of nativism, Aizura questions the dominant trope of “home” in the discourse on gender dysphoria. In response to the assertion by Susan Bird that “Transgender is like a refugee without citizenship” (Aizura 2006, 289, quoting Bird (2002, 366)), Aizura asks whether Bird is holding out as an ontological fact the possibility of an authentic, real home. Aizura points out that the sentence captures at once the experience of not belonging as well as the phenomenological expectation that one might belong to a prepolitical, presurgical real sex. The analogy to a refugee may at once suggest that others have a real home.

Likewise, the experience of transgender subjectivity could be represented as that of a subjectivity not “at home,” in contrast with a subject who is at home in his or her presumably natural, authentic body. Aizura argues instead for a politics of “incoherence” and refuses the binaries male/female, at home/transgressive, citizen/non-citizen. He points out that these oppositions instantiate the very (un)familiarities that instantiate dysphoria in the first place.

As highlighted in the work by Englander (2011) in particular, the postcolonial queers may be not that queer at all, in that they may themselves be creating inadvertently in their critical discourses a rational, enlightened, tolerant center that is not only hypocritical (p. 412) but not even Western. For example, Judaism and Christianity are from the same geographical area that gave rise to Islam. To the extent that one ideology, Christianity, came to dominate Europe, that is the result of an intranecine Mediterranean conflict among monotheists with the same God but different prophets, or none at all. Is Christianity “Western” or an Asian religion that colonized Europe?

In the *Lawrence* decision overturning sodomy laws, the court attempted to align the United States with the pace of human rights in Europe.⁶ Now that the US Department of Justice is moving away from advocating homosexual rights in the United States and abroad, it will be interesting to follow the scholarship of the contingency and reversibility of liberal discourses in global debates about SOSI rights. Bruno Perreau’s analysis of the nationalist backlash against same-sex marriage in France reveals a “Western” country whose conservatives rejected same-sex marriage by claiming it was imposed via US-American queer theory. Perreau indicates this is evidence that problematizes Puar’s attack on “homonationalism”: if a European country’s media also finds SOSI advocacy “foreign,” does this mean SOSI politics and advocates are imperialist? Or, as Perreau proposes, are national communities often prone to identify calls to eliminate heteronormative institu-

Debating Imperial Violence and the Production of Sexualities

tions as foreign (Perreau 2016)? Would the United States dropping same-sex rights from its foreign policy falsify Puar's critique?

The literature on imperial violence and the production of sexualities leaves us wondering whether queer scholars will attack the nation-state and its violence wherever it is located or abide by a post-queer identity politics and make bets about which nations to support and to criticize. How will seemingly "new" identity categories, most notably, transgender, buttress new claims for and against rights? How will these new tactics and scholarship produce and engage national(ist) SOSI policies through mobilizing as well discourses of race, class, and religion? SOSI violence is directly parasitic on the nation and other intergenerational communities. Queer theorists need to overcome the automatic rejection of a particular legal tactic because of its origins in a country or larger policy that they question. If we do not reject the reforms of the 1964 Civil Rights Act because its passage depended on southern Democrats seeing a Cold War advantage over Soviet efforts to attract allies from states in Africa (e.g., Dudziak 2011), then why reject queer critiques of nationalism in non-NATO countries for providing possible political cover for US hegemony, not to mention one that has miserably backfired in most cases? When queer theorists attack only the nationalism of NATO countries and their allies but disregard the violence entailed by intergenerational communities elsewhere, those with minoritized sexual orientations and sexed identities will suffer, and their advocates cannot responsibly confront these injustices.

References

- Afary, Janet, and Kevin Anderson. *Foucault and the Iranian Revolution: Gender and the Seductions of Islamism*. Chicago: University of Chicago Press, 2005.
- Aizura, Aren. "Of Borders and Homes: The Imaginary Community of (Trans)Sexual Citizenship." *Inter-Asia Cultural Studies* 7 (2006): 289–318.
- Alexander, M. Jacqui, "Not Just (Any) Body Can Be a Citizen: The Politics of Law, Sexuality and Postcoloniality in Trinidad and Tobago and the Bahamas." *Feminist Review* 48 (1994): 5–23.
- Altman, Dennis. *Global Sex*. Chicago: University of Chicago, 2001.
- Altman, Dennis. *Homosexual: Oppression and Liberation*. 1971. New York: New York University Press, 1993.
- Belli, Melvin. "Transsexual Surgery: A New Tort?" *JAMA* 239 (1978): 2143–48.
- Belkin, Aaron. *Bring Me Men : Military Masculinity and the Benign Facade of American Empire, 1898–2001*. New York City: Columbia University Press, 2012.
- Berlant, Lauren, and Elizabeth Freeman. "Queer Nationality." In *Fear of a Queer Planet: Queer Politics and Social Theory*, edited by Michael Warner, 193–229. Minneapolis: University of Minnesota Press, 1993.

Debating Imperial Violence and the Production of Sexualities

Bird, Susan. "Case Note: Re Kevin (validity of marriage of transsexual) [2001] Fam CA 1074." *Southern Cross Law Review* 6 (2002): 364–71.

Brandzel, Amy. *Against Citizenship: The Violence of the Normative*. Dissident Feminisms. Urbana: University of Illinois Press, 2016.

Butler, Judith. *Bodies That Matter: On the Discursive Limits of "Sex."* New York: Routledge, 1993.

Cohen, Cathy. "Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?" *GLQ: A Journal of Lesbian and Gay Studies* 3 (1997): 437–65.

Collins, Patricia Hill. "African-American Women and Economic Justice: A Preliminary Analysis of Wealth, Family, and African-American Social Class." *University of Cincinnati Law Review* 65 (1997): 825–52.

(p. 414) Das, Veena. *Critical Events: An Anthropological Perspective on Contemporary India*. Oxford: Oxford University Press, 1995.

Dudziak, Mary L. *Cold War Civil Rights: Race and the Image of American Democracy*. Princeton, NJ: Princeton University Press, 2011.

Duggan, Lisa. "Queering the State." *Social Text* 39 (1994): 1–14.

Englander, Daniel. "Protecting the Human Rights of LGBT People in Uganda in the Wake of Uganda's Anti-Homosexuality Bill," *Emory International Law Review* 25 (2011): 1263–316.

Eskridge, William. *The Case for Same-Sex Marriage: From Sexual Liberty to Civilized Commitment*. New York: Free Press, 1996.

Foucault, Michel. *The History of Sexuality*. New York: Pantheon Books, 1978.

Foucault, Michel. *Society Must be Defended : Lectures at the Collège de France, 1975–76*. New York: Picador, 2003.

Gamson, Joshua. *Freaks Talk Back: Tabloid Talk Shows and Sexual Nonconformity*. Chicago: University of Chicago Press, 1998.

Halmai, Gabor. "Constitutionalism, Law and Religion in Israel: A State's Multiple Identities." *Journal of Civil and Legal Sciences* 5 (2016): 1–11.

Hegel, G. W. F. *Philosophy of Right*. 1821. Translated by T. M. Knox. Oxford: Oxford University Press, 1942.

Henes, Brian. "The Origin and Consequences of Recognizing Homosexuals as a Particular Social Group for Refugee Purposes." *Temple International & Comparative Law Journal* 8 (1994): 377–401.

Debating Imperial Violence and the Production of Sexualities

Hoening, J. "The Legal Position of the Transsexual: Mostly Unsatisfactory Outside Sweden." *Canadian Medical Association Journal* 116 (1977): 319-23.

Jakobsen, Janet, and Ann Pellegrini. *Love the Sin: Sexual Regulation and the Limits of Religious Tolerance*. Sexual Cultures. New York: New York University Press, 2003.

Kaplan, Morris. *Sexual Justice: Democratic Citizenship and the Politics of Desire*. New York: Routledge, 1997.

Kapur, Ratna. "(De)criminalizing Queer Lives: Viewing Through a Postcolonial Optic." In *Routledge International Handbook of Criminology and Human Rights*, edited by Leanne Weber, Elaine Fishwick, and Marinella Marmo, 301-8. London and New York: Routledge, 2016.

Koppelman, Andrew. "Sexual and Religious Pluralism." In *Sexual Orientation & Human Rights in American Religious Discourse*, Saul Olyan and Martha Nussbaum, 215-33. New York: Oxford University Press, 1998.

Koppelman, Andrew. "Why Discrimination Against Lesbians and Gay Men Is Sex Discrimination," *New York University Law Review* 69 (1994): 197-287.

Law, Sylvia. "Homosexuality and the Social Meaning of Gender." *Wisconsin Law Review* 187 (1988): 187-235.

Lorde, Audre. *Sister Outsider: Essays and Speeches*. Trumansburg, NY: Crossing Press, 1984.

Marouf, Fatma. "The Emerging Importance of 'Social Visibility' in Defining a 'Particular Social Group' and Its Potential Impact on Asylum Claims Related to Sexual Orientation and Gender." *Yale Law & Policy Review* 27 (2008): 47-106.

Massad, Joseph. *Desiring Arabs*. Chicago: University of Chicago Press, 2007.

Massad, Joseph. "Re-Orienting Desire: The Gay International and the Arab World." *Public Culture* 14 (2002): 361-85.

Mohr, Richard. *Gays/Justice: A Study of Ethics, Society, and Law*. New York: Columbia University Press, 1988.

(p. 415) Morgensen, Scott Lauria. *Spaces Between Us: Queer Settler Colonialism and Indigenous Decolonization*. Minneapolis: University of Minnesota Press, 2011.

Morgensen, Scott. "Settler Homonationalism: Theorizing Settler Colonialism within Queer Modernities," *GLQ* 16 (2010): 105-31.

Perreau, Bruno. *Queer Theory: The French Resistance*. Stanford: Stanford University Press, 2016.

Debating Imperial Violence and the Production of Sexualities

Peterson, V. Spike. "The Intended and Unintended Queering of States/Nations," *Studies in Ethnicity and Nationalism*, 13 (2013): 57–68.

Phelan, Shane. *Sexual Strangers*. Queer Politics Queer Theories. Philadelphia: Temple University Press, 2001.

Plummer, Kenneth. *Intimate Citizenship: Private Decisions and Public Dialogues*. Montréal, Canada: McGill-Queen's University Press, 2003.

Povinelli, Elizabeth. *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism*. Durham, NC: Duke University Press, 2002.

Puar, Jasbir. *Terrorist Assemblages: Homonationalism in Queer Times*. Durham, NC: Duke University Press, 2007.

Rahman, Momin. "Queer Rights and the Triangulation of Western Exceptionalism." *Journal of Human Rights* 13 (2014): 274–89.

Rao, Rahul. *Third World Protest: Between Home and the World*. Oxford: Oxford University Press, 2010.

Rich, Adrienne. "Compulsory Heterosexuality and Lesbian Existence." [1980] In *The Lesbian and Gay Studies Reader*, edited by Henry Abelove, Michèle Aina Barale, David M. Halperin. New York: Routledge, 1993.

Rivera, Rhonda. "Our Straight-Laced Judges: The Legal Position of Homosexual Persons in the United States," *Hastings Law Journal* 30 799 (1979): 1015–78.

Rivera, Rhonda. "Our Straight-Laced Judges: Twenty Years Later." *Hastings Law Journal* 50 (1999): 1179–98.

Rubin, Gayle. "Thinking Sex." [1984]. In *The Lesbian and Gay Studies Reader*, 3–44.

Rubin, Gayle. "The Traffic in Women: Notes on the Political Economy of Sex." In *Toward an Anthropology of Women*, edited by Rayna R. Reiter, 157–210. New York: Monthly Review Press, 1975.

Scott, Joan. *Gender and the Politics of History*. New York City: Columbia University Press, 1999.

Schroeder, L. O. "Renaissance for the Transsexual: A New Birth Certificate." *Journal of Forensic Sciences* 18 (1973): 237–45.

Snorton, C. Riley. *Black on Both Sides: A Racial History of Trans Identity*. Minneapolis: University of Minnesota Press, 2017.

Spillers, Hortense. "Mama's Baby, Papa's Maybe: An American Grammar Book." *Diacritics* 17 (1987): 65–81.

Debating Imperial Violence and the Production of Sexualities

Stein, Edward. "Evaluating the Sex Discrimination Argument for Lesbian and Gay Rights." *UCLA Law Review* 49 (2001): 471–518.

Stevens, Jacqueline. *Reproducing the State*. Princeton, NJ: Princeton University Press, 1999.

Stevens, Jacqueline. "The Politics of LGBTQ Scholarship," *GLQ* 10 (2004): 220–26.

Stoler, Ann Laura. *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things*. Durham, NC: Duke University Press, 1995.

Stychin, Carl. "Sexual Citizenship in the European Union." *Citizenship Studies* 5 (2001): 285–301.

Sunstein, Cass. "Homosexuality and the Constitution." *Indiana Law Journal* 70 (1994): 1–28.

(p. 416) Waites, Matthew. "LGBTI Organizations Navigating Imperial Contexts: The Kaleidoscope Trust, the Commonwealth and the Need for a Decolonizing, Intersectional Politics." *Sociological Review* 65 (2017): 644–62.

Warner, Michael. "Introduction: Fear of a Queer Planet." *Social Text* 29 (1991): 3–17.

Warner, Michael, ed. *Fear of a Queer Planet: Queer Politics and Social theory*. Minneapolis: University of Minnesota Press, 1993.

Woolf, Raoul. "Final Text of Jewish Nation-State Law, Approved by the Knesset Early on July 19." *Times of Israel*, July 19, 2018. <https://www.timesofisrael.com/final-text-of-jewish-nation-state-bill-set-to-become-law/>

Notes:

(1.) Various nongovernmental organizations and treaties to which they and governments are signatories refer to "sexual orientation and gender identity." However, "gender" incorrectly implies there is a biological "sex" with authentic, truthful meanings, in contrast to a discursive or symbolic "gender" (Scott 1999, xii). "[T]alking instead about differences between the sexes and about sex as a historically variable concept" resists this dichotomy (Scott 1999, xii).

(2.) A "global perspective" references scholarship that stages questions about SOSI policies in one community in the context of debates and laws outside that context, be it that of a country, a colony, or other political community, including those that are self- or otherwise identified as "indigenous."

(3.) Aaron Belkin has described what he calls the military's "queen-for-a-day" policy (2012, 66). The purpose of the military code was to discriminate against people for sexual orientation, not sexual conduct. Insofar as criteria of "sexual orientation" are more diffi-

Debating Imperial Violence and the Production of Sexualities

cult to discern than same-sex sex, scholars argued for anti-discrimination based on sex and not sexual orientation discrimination.

(4.) *Bowers v. Hardwick*, 478 U.S. 186 (1986).

(5.) While the dichotomy that Rubin uses here between “sex” and “gender” was later questioned by Judith Butler (1993), Butler’s clarification regarding the discursive valence of maleness as “gender” sharpens Rubin’s initial point. Our use of such categories and identities is in relationship to reproduction and political arrangements (Stevens 1999).

(6.) *Lawrence v. Texas*, 539 US 558 (2003).

Jacqueline Stevens

Jacqueline Stevens, Northwestern University: Evanston, Illinois, USA.

V Varun Chaudhry

V Varun Chaudhry, Brandeis University: Waltham, Massachusetts, USA.