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Equality and Diversity

This chapter explores the trend towards the normalization of LGBT equalities that has taken place in many parts of the world including the majority of European countries, Canada, Australia and parts of the US. Historically, lesbians and gay men have had ambiguous citizenship status, neither fully accepted nor totally excluded they have been marginal citizens. For LGBT people to be recognized and accepted as ‘ordinary citizens’ who deserve equal rights suggests, therefore, that there has been a profound shift in the meanings attached to sexuality, gender and citizenship. The reasons for these changes are complex and may be different in different countries. However, what is clear is the importance of social movements who have fought for social change in relation to gender and sexuality in bringing about such shifts.

This is where this chapter begins, with an overview of the forms of political activism that have shaped our understanding of what it means to be a sexual and gendered citizen. This first section illustrates how there have been dramatic shifts in ‘sexual politics’ since the second part of the twentieth century. From the radical sexuality and gender politics of 1960s and 70s, the last two decades have seen the ascendancy of a very different kind of politics, one that seems to be more about reforming than transforming society. This is often referred to as a politics of normalization or assimilation. The next section of the chapter examines the frameworks of equality deployed in campaigning for LGBT ‘equality’. It then goes on to look at how particular ways of framing equality are linked to the concept of diversity and notes that there are apparent tensions between advancing equality and recognizing diversity, despite the two often being conjoined. The discussion is illustrated drawing on the UK as a primary case study in the context of recent legislative and policy changes in relation to sexualities and transgender equalities. The themes that are addressed, however, are relevant to debates about equality and diversity more generally, at least in western democracies.
Sexuality and politics

The 1960s: New styles of protest

Over the last half century or more, LGBT people have formed groups and organizations that have been the basis for political action and engagement. Those growing up in the 1950s, for instance, lived through a time when homosexuality was defined as abnormal, unnatural and inferior to heterosexuality. Generally regarded as a medical disorder and as social deviance, homosexuality was seen as posing a direct threat to social and moral order that the state and other institutions sought to contain through criminalization and other measures (Terry 1999; Minton 2002; Weeks 2009). Some people responded by organizing to advocate for tolerance and homosexual rights. For example, in the US and in parts of Europe a number of ‘homophile’ organizations – a term less contentious at the time than homosexual – were formed, often originating in large urban centres such as Los Angeles, San Francisco and London (Katz 1992; Blasius and Phelan 1997; Epstein 1999). These organizations were, on the whole, conservative in their demands, seeking tolerance and civil rights for homosexuals; some argued that, as a psychiatric disorder, homosexuals deserved treatment not punishment, while others aimed to reverse the medical model by claiming that homosexuals were normal people like heterosexuals (Richardson and Seidman 2002).

By the late 1960s and early 70s a very different kind of sexual politics was in evidence. The liberal social and legal reforms sought by most activists a decade earlier were replaced by a more militant and radical lesbian, gay, bisexual and trans politics that was highly critical of society in general and the way it treated people who diverged from heterosexual norms in particular (Weeks 1990; Adam 1997; Eaklor 2011). This was a time of protest in the US and Europe, of anti-war movements, civil rights and students demonstrations, and the emergence of women’s liberation. High on the political agenda of the gay liberation movement (which included bisexual people and gender-diverse people in the early stages) was to rid society of negative ideas about homosexuality, in particular that it was abnormal and unnatural (Weeks 2008a). This early movement fragmented to a degree soon after it was formed, and hence by the early 1970s a shift towards autonomous lesbian organizing took place (D’Emilio and Freedman 1988). This was prompted not only by political differences between lesbians and gay men, but also tensions within the women’s movement that led some lesbians to set up lesbian feminist groups on their own (Phelan 1989; Jackson and Scott 1996). As well as the gay/lesbian split, both trans and bi people were increasingly excluded by lesbian feminist and gay movements with consequences for political organizing (Ault 1994; Highleyman 2001; Monro 2005). The bisexual and trans movements took different (although sometimes overlapping) trajectories, however, with the bi-community developing as a grassroots-based community with an emphasis on lifestyle politics and political visibility (Angelides 2001; Hemmings 2002). The trans movement (as it
is known today as opposed to the movement which developed in the 1950s, which was similar in political orientation to the homophile movement discussed above) grew from its roots in the Stonewall riots in New York in 1969 and the early gay liberation front (GLF) in response to rejection by some gay men and lesbians associated with the GLF and lesbian organizations (Kirk and Heath 1984; Stryker 2008), and manifested in organizations such as the Street Transvestite Action Revolutionaries in the US (Wilchins 1997).

The lesbian and gay movements that developed in the 1970s and subsequently appeared on the surface to have similar goals to earlier ‘homophile’ organizations. Significantly, however, lesbian and gay liberationist attacks on constructions of sexual and gender ‘abnormality’ were neither associated with seeking to be ‘normalised’ or ‘assimilated’ through incorporation into mainstream culture, nor with a form of liberal toleration based on the expectation of privatized lives lived in the closet (Epstein 1999). Although rights claims were part of claims for sexual liberation, including specific demands such as an equal age of consent for gay men and parenting rights in the face of lesbian mothers’ custody battles, this was a politics that was about much more than civic acceptance and was expansive in its goals and ambitions. There were those who still advocated assimilationist approaches to change, but the dominant political rhetoric was one of lesbian and gay liberation, a movement whose aims were not to assimilate into, or seek to reform society, but to challenge and transform it. It was about establishing an egalitarian society and overthrowing capitalism and patriarchy (Weeks 2008a; Moore 2010). In other words, this was not a politics of seeking equality through similitude, of ‘fitting in’, but rather of proclaiming the right to be different and to be proud of it. The language it spoke was voiced not in the name of what was seen as a highly negative hand-me-down category ‘the homosexual’, but in self-chosen positive terms that represented new social and political categories and associated identities: lesbian and gay. Most of all, it was about emphasizing difference and visibility. It was about coming out and publicly declaring oneself ‘glad to be gay’ (Blasius and Phelan 1997; Rimmerman, 2001; Eaklor, 2011).

As a consequence, from the 1970s the notion of ‘the homosexual’ as ‘troubling’ to society was closely connected with the view of lesbian and gay as politicized identities, constituted as counterculture and actively seeking to bring about radical social change. Certainly, as noted above, these new social movements contested many core institutions and cultural values in fundamental ways. Critiques of traditional gender roles and ‘the family’, including marriage as a social institution, were at the fore (Altman 1993; Jackson 2008; Weeks 2008).

The 1980s: The AIDS crisis and a scaling-up of politics

The impact of HIV/AIDS during the 1980s worked to both ‘revitalise’ and professionalize the gay (less so lesbian) movement, especially in the US (Watney 1994; Brown 1997; Epstein 1999; Richardson 2005). It brought a new focus
on gay rights in terms of health and welfare rights and policy making. In its inclusion of bisexual men, the practical work that was done in response to the HIV/AIDS crisis also opened the door to greater inclusivity of people of diverse sexualities. AIDS also helped to re-establish ties between gay and lesbian communities and, in the early stages at least, led to greater collaboration in political organizing (Vaid 1995; Epstein 1999; Engel 2002).

HIV and AIDS was inclusive in another important sense; it was an international issue. Linked with this, it is perhaps unsurprising that the 1980s was a period that led to the development of lesbian and gay movements at an international level through organizations like the International Lesbian and Gay Association (ILGA), which now includes bi, trans and intersexed people, and the International Lesbian and Gay Human Rights Commission (IGLHRC). Alongside this, a globalization of lesbian, gay, bisexual and transgender organizing and advocacy has occurred (see Adam et al. 1998), with the establishment of transnational networks as well as international organizations (Kollman and Waites 2009), which is associated with a professionalization of LGBT politics as political organizations have scaled up their activities from local to national levels and drawn upon mainstream funding (Chasin 2000; Richardson 2005).

These developments have raised new issues and questions about the wider implications of such changes. For instance, although there are culturally specific domestic factors in the regulation of sexualities and gender, it is important to recognize broader effects associated with the work of transnational organizations and the globalization of human rights discourse (Stychin 2003, 2004). Recent legislative changes in the UK, for instance, can be seen as part of wider policy processes within Europe including the establishment of the European Union (EU) Charter of Fundamental Rights (2000), which is discussed later in Chapter 7. This has led some to argue that processes of international influence and social learning fostered through transnational networks have led to policy convergence in Europe (see, for instance, Paternotte and Kollman (2010) on same-sex unions policies). However, a recent EU report found that legislation and practice in relation to LGBT rights is taking place at a different pace and unevenly throughout the European Union (FRA 2010). This is further supported by the findings of the first comprehensive study of discrimination on the grounds of sexual orientation and gender identity covering all 47 member states in the Council of Europe, which reported that while there is progress on the human rights situation of lesbian, gay, bisexual and trans people in some countries, in others discrimination and human rights violations against LGBT people are continuing (see the Council of Europe report (2011), which contains a number of specific recommendations on how the situation can be improved).

At a broader level, there is concern that international human rights organizations use the terms lesbian and gay, and bisexual and transgender in ways that suggest these are universal terms rather than social categories that have particular local as well as global meanings. Dennis Altman (2001), for example, discusses this in terms of a tension between the ‘global gay citizen’ and local (homo)sexualities, arguing that global definitions are inadequate to represent
local sexual practices, activisms and identities. Jasbir Puar (2002, 2007) has also addressed such issues in her work, arguing that in producing a new global lesbian/gay citizen, whose rights claims go beyond single nation-states, there is a need to be attentive to what circulates as global definitions of lesbian and gay identities and politics. The charge is that it is definitions from the US and Europe that have colonized ideas of the ‘universal’ in relation to sexual and gender minorities, resulting in a ‘Westernization’ of LGBT identities and politics (see also Binnie 2004). However, as these writers also recognize, in highlighting the risk that local meanings and practices may be undermined by this ‘colonising process’, it is important to be careful not to ignore the complexity of interactions between local sites and global contexts (Cruz-Malavé and Manalansan IV 2002). This complexity is often referred to as a process of ‘hybridization’, where interactions between the local and global can be productive of new ‘hybrid’ identities and political goals. At the same time, we need to acknowledge that in some parts of the world lesbian and gay rights continue to be subject to harsh critiques as western ‘exports’ (see, for example, Massad (2002) on Arab gay male identities), and that describing LGBT equality as an ‘imperialist plot’ can be a powerful narrative of resistance. (See also Chapter 2, Chapter 4 and the discussion later in this chapter on ‘Africaness’ and lesbian and gay rights.)

The 1990s: Queerly different or just like you?

Fuelled initially by organizations and groups involved in AIDS activism such as ACT UP, the 1990s also saw the emergence of a new queer perspective on sexuality and sexual politics. Queer was put forward by activists ‘as a replacement for labels such as “gay” and “lesbian” ’ and the ‘modes of community and self-expression associated with them’ (Epstein 1999: 61), rather like the terms gay and lesbian had 20 years earlier been put forward by gay liberationists to replace homosexuality and the meanings and identities associated with this social category. Queer was about ‘a politics of difference’ that sought to be more inclusive of sexual and gender diversity, including bisexual and transgendered people, than mainstream lesbian and gay culture was perceived to be. In this sense, in putting forward a new, unifying term that included all sexual and gender minorities – even queer straights (Thomas et al. 2000) – queer saw itself advancing an anti-identity politics that displaced the categories lesbian and gay, and heterosexual (Gamson 1995; Richardson 1996). Influenced by postmodern understandings of identity as more complex, fluid and fragmented than can be adequately expressed in the notion of a shared group identity such as ‘gay’, queer represented a rejection of the ‘identity politics’ of the 1970s and 80s. It did, nevertheless, echo many of the radical aims of lesbian/feminist and gay liberationist movements in critiquing dominant culture and the ‘heteronormative’ order deeply embedded within it (Seidman 1993; Warner 1993; Richardson et al. 2012). Heteronormativity is a term that emerged out of queer theory in the 1990s (see Warner 1993),
although it has links to earlier feminist work, in particular the notion of 'compulsory heterosexuality' (see Richardson 2012). It refers to the ways in which heterosexuality is both naturalized as universal and privileged as the 'norm', as a particular form of practice and identity, over other 'non-normative' sexualities.

Queer perspectives have subsequently been drawn on, and influenced by, people across the LGBT spectrum. For example, the transformational part of the trans movement has drawn substantially on queer theory and postmodernism in developing critiques of binary gender systems (the idea that 'male' and 'female' are the only gender categories) as well as heterosexism (Bornstein 1994, 1998; Wilchins 1997).

Since the 1990s, a different form of sexual politics has emerged alongside queer that has been highly influential in re-defining the goals and strategies associated with LGBT activism. This is a politics whose aims are more reformist than transformist, seeking incorporation into the mainstream rather than critiquing social institutions and practices as did gay and lesbian/feminist activists in the 1960s and 70s, and the queer and trans activists of the 1990s; a politics which eschews the earlier political language of women's, lesbian, gay and trans 'liberation' in favour of an 'equality' rhetoric in demanding equal rights of citizenship. The use of the abbreviation/term LGBT to refer collectively to lesbian, gay, bisexual and transgender people is associated with these shifts, although it is also driven by the changes that have taken place within the communities under discussion over the last 20 years. (Variants on the LGBT acronym include LGBTQ, where Q stands for queer or those 'questioning' their sexuality, and LGBTQI which is also inclusive of intersex people.) An acronym that over the last 20 years has become increasingly mainstreamed in the west, though not exclusively so, LGBT is now adopted by many organizations and groups as well as by governments, policy makers and the media.

The strategic use of the term LGBT is contested on a number of grounds including the collapsing of specific issues within and across the L, G, B and the T (see also Chapter 2). Also, as is well documented (Monro 2005), there have been long-standing historical tensions between all of the groups included within the acronym LGBT. Firstly, as noted earlier, within GLF early splits led to women leaving (Moore 2010) and the development of specific forms of lesbian/feminist politics, which included lesbian separatism. There continues to be ongoing friction between some lesbians and some gay men, concerning for example resources and space, set against a backdrop of lesbian feminist criticisms of gay male privilege (Epstein 1999; Casey 2004). Secondly, there are issues concerning the inclusion or not of transgender and bisexual people within the label LGBT that relate to earlier exclusions of trans and bisexual people from what became the lesbian and gay movement. The exclusion of trans people was partly because one of the prerequisites during the early stages of treatment for transsexuality was that transsexuals would become heterosexual after surgery (Monro 2005). It was also because of the impact of feminism, in which certain early writers such as Janice Raymond (1980) and Mary Daly
SEXUALITY, EQUALITY AND DIVERSITY

(1984) critiqued trans identities, framing transsexuality as a patriarchal means of enforcing gender stereotypes. Subsequently, trans activists and authors (see, for example, Feinberg 1996; Currah et al. 2006; Stryker 2008) and feminist authors (for example Monro 2005, 2007a; Hines 2007) have provided coherent critiques of the work of feminists like Raymond, opening the conceptual ground for alliances to be built.

The exclusion of bisexuals was linked to the development of biphobia (in which the existence of bisexuality is denied and/or bisexual people are stigmatized). This exclusion had other (related) sources, including:

- The way that bisexuality challenges discrete sexual ‘orientation’ categories because bisexuals feel desire for people across these; this can be unsettling for lesbians and gay men who build their identities in opposition to heterosexuality (see Dunphy 2000)
- Notions of purity concerning sexual orientation (Hutchins and Kaahumanu 1991)
- Various types of stereotyping, for example bisexuals being framed as promiscuous, apolitical or parasitical to the lesbian and gay communities (Monro 2005)
- Bisexuality being seen as ‘fence-sitting’ or a ‘cop-out’ by lesbian feminists in the 1970s and 80s (George 1993)
- Early bisexual authors such as Ochs (1996) traced biphobia to the ways in which some bisexual people can access heterosexual privilege, which lesbians and gay men resented

The research into LGBT equalities initiatives in local government in the UK showed that issues concerning the differences between lesbians, gay men, bisexuals and trans people are still very relevant. For example, notably there were tendencies towards the erasure of the visibility and interests of both bisexuals and trans people by the generally more prominent gay and lesbian communities. There was also some evidence that community organizations seek to de-link LGB and T, which tended to be seen as a gender rather than a sexuality issue in many cases.

There are also tensions within as well as between L/G/B/T communities around issues such as internal hierarchies (for example, historically, the trans community had noticeable internal hierarchies based on identity and appearance, see Bornstein 1994) and intersectional differences such as age and socio-economic class (see Chapter 2). These tensions within the different groups of lesbians, gay men, bisexuals and trans people also include political divisions over the question: What should LGBT politics do? (For instance, between those seeking to advance rights claims through assimilation arguments (‘fitting in’) and those who want to change society through destabilizing or abolishing heteronormative categories and institutions like ‘marriage’ (Rimmerman 2005).) Our findings demonstrated that there is general awareness of the tensions and...
differences amongst and between the groups amalgamated under LGBT, as illustrated in the following quotes.

The LGBT community are not one happy family under a rainbow banner. They are a lot of people grouped together, maybe not through choice, maybe because it’s easier to define people who are not straight. Bit of a hodge podge, mish mash, [a] cobbled together term.

(Local Authority Officer, Northern Ireland)

... the grouping of lesbian, gay, bisexual, transgender etc, etc, there’s a multitude of different issues within, within those groups, be they physical, be they psychological, emotional what have you, which will suggest that actually they will, that they will expect very different things from our services. . . . so I think if you put gay, bisexual, transgender together it’s a, it’s a very blunt instrument and if you then overlay things like age and faith and that sort of stuff, then again there’s a, that brings into consideration even more differences by individual.

(Manager, Southern England)

The wider adoption of the LGBT acronym may owe something to the ‘ease factor’, where people are not comfortable with ‘having to say the individual words’. In terms of LGBT politics, however, its use reflects a growing emphasis on diversity and a scaling up of political organizing. For instance, several participants saw the value of the LGBT cluster in terms of establishing ‘critical mass’ and thereby having a more powerful voice.

It is important to acknowledge in the context of this ‘clustering’ that the growth of a visible, politically efficacious trans politics has occurred more recently than the development of lesbian and gay movements, and that the bisexual movement is still relatively underdeveloped for a number of reasons, including the history of marginalization, and a tendency for some bisexual people to move in and out of heterosexual and lesbian/gay social/political spaces, thereby diluting the bisexual community as a political force (Angelides 2001). As outlined earlier in the chapter, the 1960s and 70s was undoubtedly one of the most important periods in the history of sexual politics. In terms of transgender however, the 1990s was a particularly significant period associated with the growth of trans activism and organizations as well as academic interest in trans issues, in part associated with the rise of queer (Monro 2003; Stryker and Whittle 2006; Valentine 2007). This different political timeline is captured in the following quote from a transwoman, who thought trans organizations were on a different learning curve compared to lesbian and gay communities in some respects.

We can learn a lot from them [LG communities]. ‘Coming out’, being accepted, changing the legislation, fundraising, producing their own communities and then expanding that to encompass the wider community.

(Transgender Community Representative (A), Wales)
A new politics of belonging?

The language of citizenship is central to this new politics of belonging in a way that it was not in the 1970s and 80s. This is often referred to as a ‘politics of assimilation’, in so far as it emphasizes ‘wanting in’ to the mainstream (D’Emilio 2000). The demands are for acceptance of sexual diversity and equality with heterosexuals, rather than a more fundamental questioning of how society is structured and organized. This rights-based approach represents a shift in the politics of recognition, where non-recognition or mis-recognition are understood to be central to questions of social justice (Honneth 1996, 2002, 2004; Taylor 1994). Although the kind of sexual and gender politics articulated by the lesbian and gay movements of the 1960s and 70s was alert to the issues arising from non-recognition, evidenced by the emphasis on the importance of being more visible through coming out, a primary focus was on mis-recognition. This took the form of contesting the regulation and categorization of lesbians and gay men in terms of pathology, criminality and immorality. More recently, the emphasis has shifted to addressing the problems of non-recognition manifested in the desire for public recognition and legitimate presence, through civil partnerships for instance. This raises questions of what counts as ‘equality’ in recognition, how categories of recognition are constructed and what practices are deployed through which particular recognition claims are acknowledged (McLaughlin et al. 2011). These questions, as well as different understandings of citizenship, are addressed in Chapter 3.

Opposition to assimilationist politics takes a variety of forms and makes strange bedfellows of feminist and queer critics, and those who are anti-gay. Feminist and queer critiques of this ‘sea change’ in sexual politics have contested the normalizing politics that forms the basis of mainstream lesbian and gay movements organized around claiming ‘equal rights’ (Seidman 1996, 1997; D’Emilio 2000; Richardson 2005). These include criticisms of a model of citizenship that reinforces both normative assumptions about sexuality and gender, and the desirability and necessity of monogamous marital-style sexual coupledom, privileged over other forms of relationships of care and support, as a basis for many kinds of rights entitlements (see, for example, Duggan 1995, 2002; Berlant 1997; Warner 1999; Bell and Binnie 2000). Such criticisms are particularly important for LGBT people whose lifestyles and identities do not fit with dominant norms concerning gender and sexuality (including the notions that our genders and sexualities are fixed, and that monogamous relationships are the ideal). There are some people and groups who are not able to claim equal rights within current rights frameworks, because these rights frameworks are insufficiently broad. These include people whose gender identities are fluid or who identify as third or multiple sex/gender or as androgynous or non-gendered, as well as people who have multiple relationship arrangements (the latter is termed polyamory). Inclusion of these groups would challenge some of the basic assumptions of the normalizing politics around sexuality and gender, whether or not these people have a transformative
or assimilationist political agenda. Overall, however, the challenges to an equal-rights-oriented assimilationist agenda have tended to be marginalized in mainstream lesbian and gay political organizations (Waites 2003).

Despite various forms of opposition, it would appear that LGBT organizations that favour following assimilationist strategies to achieve social change have been relatively successful. Certainly, it is the case that in many parts of the world gains have been made in relation to age of consent laws, to healthcare, rights associated with social and legal recognition of domestic partnerships, immigration rights, parenting rights and so on (Kaplan 1997; Stychin 2003; Graupner and Tahmindjis 2005). However, it is important to recognize that these trends are not matched by developments worldwide, with the acceptance of same-sex sexualities and gender diversity being unevenly spread, and profound discrimination and inequality existing in many countries (Amnesty 2001; Kollman and Waites 2009). Also where change does occur, as noted earlier, the context and consequences of change may be different in different countries. For example, South Africa’s constitution supports lesbian and gay equality, and issues concerning normalization and resistances to this are parallel albeit different compared to those in other countries. However, LGBT equalities initiatives in South Africa have followed a very particular trajectory (see Box 1.1).

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**Box 1.1 LGBT rights: Focus on South Africa**

There is considerable evidence for the existence of same-sex sexualities and various same-sex-relationship forms in Southern Africa historically in different eras (see for example Murray and Roscoe 1998). The movement for LGBT equalities in South Africa was forged through the South African experience of apartheid, the notorious system of racial discrimination which was the result of the double colonization of Southern Africa by the Afrikaans (originally mostly Dutch) and subsequently by the British. During the 1990s, gay activism in South Africa converged with western notions of human rights, a powerful women’s movement, and the emancipatory goals of the anti-apartheid movement, so that:

the discourse of diversity, the celebration of difference, and especially the right to freedom of sexual orientation was defined as part of the challenge of building a diverse, pluralistic society. The ‘rainbow’ [defined here as a broad-based rainbow of different races, genders, sexualities and other social groupings such as the rural poor] emerged (and remains) as a strong collectivist and inclusivist symbol defining unity among the diverse peoples of South Africa and a source of national pride.

(Cock 2002: 36)

Jacklyn Cock describes the way in which the gay movement placed gay rights on the agenda of the anti-apartheid struggle. The African National Congress (ANC, a political party that was exiled by the apartheid state) did not have any policies regarding sexual orientation until after 1992. Change came about as a result of reactions to statements
by Ruth Mompati, a senior member of the ANC, that lesbians and gays have a good quality of life and also that they are not normal. These statements provoked lobbying by the UK’s Peter Tatchell and others, and the ANC formally recognized lesbian and gay rights in 1992. A development of key importance was the detention in 1987 of out gay man Simon Nkoli, of the Gay Association of South Africa, following the mass protests against apartheid in the black townships. After his acquittal he became a figurehead for the gay and lesbian rights movement; as Cock reports, Nkoli said, ‘I’m fighting for the abolition of apartheid, and I fight for the right to freedom of sexual orientation ’ (Cock 2002: 36). The forging of links between the anti-apartheid movement and the broader aims of the ANC was the key factor in the inclusion of the sexual orientation rights clause in the new South African Constitution (Gunkel 2010), which was brought in after apartheid was abolished in South Africa, in 1994, making South Africa the first country in the world to constitutionally guarantee non-discrimination on the grounds of sexual orientation in 1996. This advance did not go uncontested, with opposition coming from those attached to notions of ‘African Tradition, Christianity’, and ‘normalcy’. Despite the extremely progressive constitutional support for lesbian and gay equality, homophobia remains a serious problem in South Africa, including homophobic rape and murder (see Cock 2002). What can be seen here, therefore, are strong parallels – and political connections – between lesbian and gay rights movements in the West and South Africa: opposition to equality stemming from appeals to traditionalism and faith, and a rights movement which had to lobby key political actors to achieve equality, drawing on broader notions of human rights. There are however profound differences, including the way in which apartheid-related inequalities structured the political processes, the political opportunity taken by activists in forging alliances pre-1994 which then translated into rights in the new democracy, and ongoing debates regarding the ‘Africaness’ or not of lesbian and gay rights (see Gunkel 2010 for an analysis of postcolonial homophobia). Both bisexual and trans activism appear to have been absent or at least not very visible during the 1990s developments, although there is now a trans movement and legislation, such as the Alteration of Sex Description and Sex Status Act (2004), to support trans equality (Morgan et al. 2009).

South Africa has a very specific history regarding LGBT citizenship; models of LGBT citizenship were forged in close alliance with the anti-apartheid movement, as shown in Box 1.1. As outlined in Box 1.2 Nepal provides a useful contrast; LGBT citizenship has a less-developed historical trajectory, but there have been recent innovative developments regarding gender variance and citizenship.

**Box 1.2 LGBT rights: Focus on Nepal**

In Nepal, models of citizenship have historically operated in ways that are sexualized as well as gendered (see p. 73 for further discussion of rights to citizenship), with heterosexuality configuring normative citizen status. Organizations such as the Blue Diamond Society, which was established in 2001 and is based in Kathmandu, have actively campaigned for equal rights for sexual and gender minorities. The Nepalese
government legalized homosexuality in 2007, after the ending of the monarchy, and also passed a ruling that allowed the registration of Nepal’s first transgender (‘third sex’ in the terms of the ruling) citizen. In 2008 the Supreme Court ruled in favour of laws giving equal rights to LGBT citizens including same-sex marriage, making it the first country in South Asia to approve same-sex marriage. It is hoped that under the terms of the new Constitution currently being drafted these recommendations will become law.

In a number of countries, including the UK and the US, Canada, New Zealand, Australia and many European countries, the changing policy landscape over the last decade reflects changes to the citizenship status of LGBT people. These developments in the legal regulation of sexual and gender minorities have prompted research and debate over the likely effects of such policies on social institutions like family and marriage (Weeks et al. 2001; Stacey and Davenport 2002; Meeks and Stein 2012) and on individual’s sense of belonging and identity (Bech 1997; Seidman 2002; Richardson 2004), and prompted also analyses concerning governmentality, intersectionality and models of citizenship (Cooper and Monro 2003; Plummer 2003; Taylor et al. 2010). Underlying many of these debates, however, is the broader question of what is meant by the terms equality and diversity.

**Equality**

It is important to clarify the frameworks of equality that recent demands for LGBT equality are based upon. There are various ways of thinking about equality, for example equal opportunities which concerns meritocratic access – based on ability and talent rather than privilege or wealth – to social opportunities, and rests on a liberal individualism (see Bagilhole 1997). Equal opportunities approaches differ from the range of interventions known as ‘affirmative action’ in which group-based actions are taken to redress inequalities that exist at a structural level, for example quotas of underrepresented groups, or ‘positive action’, which retains the individualist stance of equal opportunities but involves extra action such as outreach work to marginalized groups. One of the most common interpretations of equality in contemporary neoliberal societies such as the US and the UK however is equality of resources and recognition (Fraser 1995, 2003; Phillips 2006). Furthermore, what is often implicit in such models is an emphasis on shared characteristics, the presumption that equality requires ‘sameness’ (Cooper 2004). This is also the dominant model deployed by contemporary lesbian and gay, and trans, rights movements. The case being made is for equality with the dominant group (heterosexuals) for a particular social membership (of lesbians, bisexuals and gay men and increasingly trans people), where the subject of equality is interpreted as equal entitlement to recognition and to resources, centred upon
demands for civil rights, access to welfare and rights as consumers (Vaid 1995; Chasin 2000; Pellegrini 2002). This approach is exemplified in the following quote from one of the stakeholder interviews.

It's about who you are not what you do, so we don't get into what you do. Whether we would in future, I don't know, but we are, I think we are an assimilationist organisation. ‘We're just the same as you, and it's fine’ is kind of part of our message.

(Stakeholder, England)

More specifically, it is struggles over the civil recognition of domestic partnerships, including the right to marry, that has been an important focus of both lesbian and gay politics as well as wider political and legal debates, and also academic discussions (Cahill 2004; Egan and Sherrill 2005; Smith 2005; Rimmerman and Wilcox 2007; Weeks 2008a; Badgett 2010). On the one hand, it is understandable why ‘marriage rights’ are important to lesbians and gay men in their pursuit of full citizenship, ‘in so far as it has a number of material consequences such as access to housing, health care, parenting rights, tax and inheritance rights, etc.’ (Richardson and Seidman 2002: 9). However, this raises broader questions about the wider implications of these trends. For instance, it is important to note that the right to marry has different connotations for single people, who may face social and economic marginalization due to the social privileging of partnered people. Also, it is not available to some trans people. For example, in the UK the Gender Recognition Act 2004, which has been central to trans people's struggles, actually undermines trans people's partnerships because it requires trans people who wish to reassign their gender to annul existing marriages (for a broader discussion of transgender rights and in the US context, see Currah et al. 2006). The fight for monogamous partnership rights is also problematic for many bisexual people, who may have more than one relationship. For polyamorous people, the privileging of one of their relationships over others could impose an unwelcome hierarchy on their relationships, cause them to be adulterous before the law, and have various difficult ramifications in terms of childrearing, for example:

Within bisexuality there are bi-people who want still to get married to somebody of the same sex, but there are quite a lot of people who would rather have recognition of maybe multiple relationships or some kind of questioning of whether relationships have to be a sort of one person for your whole life. I mean not to reinforce the stereotypes that everyone is having lots of different relationships, because there’s certainly monogamous bisexual people and bisexual people who don’t want a relationship at all; but you know there may be more of a tendency to want to fight for different relationship structures being recognised… poly people in families can be in a really difficult position. I think it becomes a big issue when people have kids and up until that point there’s less of an issue. You know maybe some things like
being recognised if your partner goes into hospital or something; but it's particularly around families, that people can feel very insecure because you know you could just have your kids taken away or you know you could have no access to kids that you’ve been looking after for your whole life if you aren’t biologically related to them . . .

(Bi Community Activist, England)

Looking at couple, as opposed to poyamorous, partnership issues, it is clear that there have been substantial advances regarding same-sex unions in a range of countries. There is an array of international policies which legitimate same-sex unions. In the US there is diversity of law on same-sex marriage. The Defence of Marriage Act (2005), a federal law sometimes referred to as DOMA and first passed in 1996, bars recognition of same-sex marriage by any of the states and enables states ‘to refuse to give full faith and credit to same-sex marriages entered into in another state’ (Franke 2006: 237). Although a number of states such as California, Maryland and New York do recognize same-sex marriages, many states have passed their own DOMA laws, known as ‘little DOMAs’, defining the institution of marriage as a relationship between one woman and one man and specifically banning same-sex marriages in that state. Any state with a DOMA law, even if it provides some form of legal recognition of same-sex unions, will not recognize a same-sex marriage from any of the states that allow it. States with so-called super-DOMA laws go further than this, and will not recognize same-sex relationships of any kind. For further discussion, see, for example, Gerstmann (2004) and Pinello (2006).

In Europe the first national same-sex union legislation was in Denmark in 1989, which allowed registered partnerships but, at that time, specifically denied same-sex couples the right to adopt children. Since then 22 European countries have implemented laws that variously legitimate same-sex couples, either though marriage, civil unions or ‘registered partnerships’, which involve the same or similar rights to marriage, or unregistered partnerships. These trends are also seen elsewhere in the world, with many countries adopting such policies in recent years. This is outlined in Table 1.1, which provides a few selected examples in each case.

A common justification of the provision of same-sex partnership rights and other demands for social inclusion, already noted, is that lesbians and gay men are ‘ordinary’, ‘normal’ citizens. This is exemplified in the arguments developed by neoconservative gay writers such as Bruce Bawer, who asserts that the ‘lifestyle’ of most gay people is ‘indistinguishable from that of most heterosexual couples in similar professional and economic circumstances’ (1993: 33–34). Andrew Sullivan (1995) advanced a similar argument, claiming that the majority of lesbian and gay individuals have the same values, aspirations and lifestyles as most heterosexuals and desire nothing more than to be fully integrated into society as it is. Earlier normalizing arguments are associated with the 1950s. More than 50 years later a different politics of normalization can be observed. This is a neoliberal politics of normalization that, although it
Table 1.1 Same-sex union laws worldwide (Year of implementation)

<table>
<thead>
<tr>
<th>Marriage</th>
<th>Registered Partnership</th>
<th>Unregistered Partnership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Netherlands 2001</td>
<td>Denmark 1989</td>
<td>Israel 1994</td>
</tr>
<tr>
<td>Canada 2005</td>
<td>Netherlands 1998</td>
<td>Portugal 2001</td>
</tr>
<tr>
<td>South Africa 2006</td>
<td>United Kingdom 2005</td>
<td>Croatia 2003</td>
</tr>
<tr>
<td>Norway 2009</td>
<td>New Zealand 2006</td>
<td></td>
</tr>
<tr>
<td>Argentina 2010</td>
<td>Czech Republic 2006</td>
<td></td>
</tr>
<tr>
<td>Mexico (conditional - only certain states) 2010</td>
<td>Uruguay 2008</td>
<td></td>
</tr>
<tr>
<td>Portugal 2010</td>
<td>Ecuador 2009</td>
<td>Hungary 2009</td>
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too deploys ‘sameness’ with heterosexuals as a central aspect of its argument, differs in emphasizing the human rights of individuals rather than collective (‘gay’) rights and in seeking equality with, rather than tolerance from, the mainstream.

The UK case

In the UK, under the post-1997 New Labour government, greater emphasis on social inclusion, recognition of diversity and community cohesion, in the context of increasingly plural, complex and rapidly changing societies, were key themes in the development of a new era of equalities work (Colgan et al. 2007). However, this was not just about New Labour, such shifts reflected broader struggles across the US and Europe, in particular EU legislation on equality (Walby 2011). This new era represented an attempt to move beyond a non-discrimination regime towards a more proactive ‘equality-seeking’ approach, exemplified by the introduction of positive equality duties in the public sector as part of local government modernization (discussed in later chapters). This is an equality model that emphasizes ‘fairness for all’ within an understanding of equality as treating ‘everyone the same’ and having equality of opportunity. Tackling inequality under this rubric is about removing obstacles based on group status, as gendered or disabled for instance, so that people have equal access and chances to develop their individual potential. It is about establishing ‘formal equality’ in society, where the focus is on recognizing civil and political rights and inequality is largely understood in terms of individual prejudice and discrimination rather than institutionally embedded patterns of inequality. The latter invokes a broader conception of equality, ‘substantive equality’, where rather than civil and political rights the focus is on social and economic rights requiring governments to assume a redistributive role in remedying group disadvantage and inequalities.
It is in this context that moves towards addressing lesbian, gay, bisexual and transgender equalities need to be understood. As well as the repeal of Section 28 of the 1988 Local Government Act, which outlawed the ‘promotion’ of homosexuality in local authority schools, we have seen the introduction of a range of new legislation in the UK including the Adoption and Children Act 2002, Employment Equality (Sexual Orientation) Regulations 2003, Gender Recognition Act 2004, the Civil Partnership Act 2004, and associated changes in policy making and practice more generally that emphasize ‘Equality and Diversity’. Commenting on this period of change one interviewee said:

We’ve been fortunate with this last government over the last ten years that they’ve made the changes that are necessary and they’ve done it in such a way that… public resistance is minimal…[a] new agenda of equality and diversity, which is much broader and deeper I think than just gay and lesbians.

(Local Authority Officer, North East England)

What this quote also highlights is that these recent policy shifts in relation to sexualities and transgender equalities are associated with a particular model of citizenship and ‘politics of recognition’, where there is an emphasis on individual and not group rights. As one of the stakeholder interviewees remarked: ‘The human rights principles have to be the kind of bedrock on which we make sense of very complex areas of belief, of freedom, of justice…[in a] liberal economy and liberty, yeah’ (Stakeholder, England).

Underlying human rights discourse is a neoliberal formulation of equality in which access to new forms of citizenship relate to claims of universal belonging and, connected with this, the belief that it is not the individual’s belonging to a particular group that confirms ‘worth’ in terms of belonging and recognition as equal citizens, but the worth of every individual as an individual (Phillips 2006). Access to citizenship is framed not in terms of gay rights or transgender rights, for instance, but in terms of a broader human rights agenda. Also, within this model of universal citizenship, equality is rendered meaningful through constructions of ‘sameness’. This is the point Wendy Brown makes in her analysis of the operation of tolerance in contemporary struggles over identity and citizenship, including campaigns for gay rights. As she argues: ‘Liberal equality is premised upon sameness; it consists in our being regarded as the same or seen in terms of our sameness by the state, and hence being treated in the same way by the law’ (Brown 2006: 36).

Following this argument, LGBT people can be viewed as ‘deserving’ citizens not because they are lesbian, gay, bisexual or transgender but despite this, deserving of the same treatment as other citizens. Here the premise of sameness that Brown refers is constructed at two levels: sameness with each other, within the LGBT cluster, and sameness with heterosexuals (and for trans people, with cisgendered people). A process that Plummer (2003) alludes to as the ‘McDonaldization of intimacies’. Connected with this, several contributors
made the point that ‘anything else would be special rights’ or, at least, could lead to LGBT people being seen as getting ‘special treatment’ that might have negative effects on driving forward the LGBT equalities agenda (see Nava and Davidoff 1995).

Councils, I think, certainly here to my knowledge, are very proactive in trying to... show that people from the LGBT community are seen on equal terms to anyone else. They’re not saying that you get special privileges; they’re saying that you get equal rights.

(Transgender Community Representative, Southern England)

A single equality?

Associated with this neoliberal formulation of citizenship is the emergence of a more integrated approach to equality. In the UK, for example, there has been a gradual shift over the last decade towards a single equality regime, looking at equalities as a whole. This saw the establishment of the Equalities and Human Rights Commission (ECHR) in England and Wales in 2007, unifying the Commission for Racial Equality, the Equal Opportunities Commission, and the Disability Rights Commission, with responsibility to promote equality in relation to age, disability, gender, gender reassignment, ethnicity, religion and belief, and sexual orientation. These legally protected equality characteristics are called equality ‘strands’. In Northern Ireland this shift was apparent earlier, with the amalgamation of various anti-discrimination bodies into a single Equality Commission in Section 75 of the Northern Ireland Act (1998), with ‘sexual orientation’ becoming one of nine equality strands. The others are gender, ethnicity, age, marital status, disability, people with dependants, people of different religious beliefs, and people of different political persuasion. The situation in Northern Ireland is discussed in more detail in Chapter 7.

This move towards addressing equalities in a more integrated way was consolidated for the first time in England and Wales with the introduction in 2010 of the single Equality Act, which replaced previous legislation in relation to specific forms of inequality and discrimination such as the Race Relations Act 1976 and the Disability Discrimination Act 1995. The Act provides a framework to protect the rights of individuals and its aims are articulated primarily in the language of promoting a fairer and more equal society. It places a new obligation or ‘public duty’ on public sector organizations to promote equality and foster ‘good relations’ on the grounds of sexual orientation and gender reassignment. Such duties were also extended, beyond gender, ethnicity and disability, to age and religion and belief. These changes in approaches to equality represent, in part, recognition that in relation to inequalities we may be ‘in more than one box’. That is, an acknowledgement, in other words, that a person can experience intersectional discrimination and inequality (Crenshaw 1991; Hill Collins 2000; Grabham et al. 2009; Taylor et al. 2010), as will be discussed in more detail in the next chapter.
Several participants, both in the Action Learning Sets and in the interviews, were of the opinion that the recognition of intersectional dynamics was a positive move: one that could act as a ‘catalyst’ in embedding equality issues in relation to sexual orientation and transgender.

If you actually say ‘We are going to look at all the different equality strands, including LGBT’, that is an immediate driver…you know, this is not making sense from the perspective of a citizen, people with all sorts of factors and facets, considering them only under a disability scheme, where is that taking us?…Why would you focus on one aspect of a person rather than look at them in the round?

(Stakeholder, Wales)

Recognizing that LGBT equalities can be ‘sensitive’, work interviewees could (Stakeholder, Wales) see other possible advantages of adopting an integrated equality approach.

The benefit that that has for areas that are more sensitive is that it means that employers and public authorities, by adopting an integrated approach can actively promote equality in all areas, but they do it through one medium in effect. That can make it easier for organisations, to take that wider approach and not be consumed by their own prejudice.

(Stakeholder, Northern Ireland)

…we had to package it with another element of the training. Off the top of my head I can’t remember, it may well have been something along the lines of disability or gender, the rationale being that, you know, we would acknowledge that in the Northern Ireland context it [LGBT equalities] is still a very sensitive subject area, and so to ensure that staff didn’t feel under pressure by attending or not attending, we packaged it with another element of our equalities training.

(Local Authority Officer, Northern Ireland)

Other participants, however, expressed a number of concerns over the move towards an integrated equalities approach, in some respects mirroring the critique that the use of the LGBT acronym dilutes the specificity of issues pertaining to different equality strands. This was captured nicely in one person’s description of this integrated approach as ‘sheep-dipping’. The tension between Equality and Diversity is discussed later in the chapter. For now, it is important to consider how this rhetoric of ‘treating everyone the same’ plays out in reality.

Inequalities within equalities

It would seem that despite the introduction of an integrated approach to equality there are equalities and there are equalities. A hierarchy of equalities strands, a ‘pecking order’ as one person put it, was very evident in our research, with LGBT equalities being described as a ‘poor relation’ to other
equality strands, especially race, gender and disability. To some extent this can be explained in terms of the fact that LGBT equalities are ‘still the new kid on the block’ and also in terms of how strong the legislation is to drive forward certain equalities agendas. For instance, public duties around gender, race and disability have been in operation in the UK for some time, whereas a duty on sexual orientation and gender reassignment (along with religion and belief and age) was only established more recently with the introduction of the single Equality Act. This was the view that some of the Welsh Action Learning Set members took. For instance: ‘The others [equality strands] tend to take precedence because they’re more… because of legislation, there’s a lot more status behind them.’ Another ALS member said that ‘…some strands have the focus because that’s where the law is strongest and because of the inequalities within equalities, it causes that issue’.

This latter quote raises something else, the prospect that some strands of equality may be considered to be more equal than others. Our research indicated that LGBT equalities work was seen as different compared to working on other equality strands in ways that could undermine its equalities status. Some of the interviewees, for instance, highlighted the tension for some people between their responsibility to promote equality in relation to sexual orientation and their practice of a particular faith or religion. Such tensions were identified as a potential source of conflict in terms of rights to freedom of expression that if not dealt with could impede the process of taking the LGBT equalities agenda forward.

I think it is an area that people still feel a little uncomfortable around, um, particularly, you know, particular faiths that have a belief, you know, that somehow it’s wrong to be gay, um, and the clash between the right to express your own faith and the right to express… I think that’s where the, you know, the line is drawn, you hold your own beliefs fine but if that leads you to try and discriminate against somebody else then that’s where we draw the line.

(Local Authority Officer, North East England)

This issue of the relationship between sexuality and faith is something that is addressed in more detail in subsequent chapters. In addition to generally being seen as more ‘sensitive’ than many other equality issues, there was also a sense that LGBT equalities were seen as less important and were less sanctioned.

You wouldn’t be allowed to get away with similar prejudices towards other minority groupings, but they’re just, there are some minority groupings that there’s less of a, you know, you can get away with more I think around sexuality, and that’s wrong, and it’s something that should be fought at all levels really.

(Local Authority Officer, Northern Ireland)
You’ve always got your… approved of equalities. because it’s not the fault of the disabled, but some people, you’ve chosen a certain lifestyle… you could be disabled because you fought for your country in the war, and it’s because of you that we have freedom, so you can paint a picture there which no council will go against.

(Local Authority Officer, Wales)

In the latter quote there is a sense of a moral distinction between the deserving and undeserving citizen, where the legitimacy of rights claims appears to centre on the ontological status of being LGBT. During the late nineteenth century and the first half of the twentieth century, it was the theories of biologists, medical researchers, psychologists and sexologists that dominated understandings of sexuality and gender, with homosexuality regarded as innate or fixed in early childhood (Weeks 2009). However, a new canon of sociological work on sexuality and gender emerged in the 1960s and 70s, which critiqued these earlier essentialist modes of thinking and signalled a shift away from biologically based accounts of gender and sexuality to social analysis. The work of sociologists associated with symbolic interactionism, labelling theory and the sociology of ‘deviance’, along with feminist writers, contributed to developing such a sociological perspective (for example Gagnon and Simon 1967, 1973; McIntosh 1968; Plummer 1975). This led to what during the 1980s became known as the essentialism/constructionist debates (Fuss 1990; Stein 1993), and to a more general understanding of being gay as a ‘lifestyle choice’.

Advocates for liberal reform have in the past often drawn on essentialist understandings to argue for social change on the grounds that people should not be discriminated against for something they are ‘born like’ and don’t choose to be. A classic example of this is the 1967 Sexual Offences Act, which decriminalized consensual sexual acts between men over the age of 21 in ‘private’ in England and Wales (such practices remained illegal in Scotland until 1981 and in Northern Ireland until 1982). Although it is possible to identify forms of essentialism in the radical politics of the 1960s and 70s described earlier, the idea that gender roles and sexual identities are socially constructed featured strongly (Jackson and Scott 2010). Lesbian feminism in particular advanced the idea of lesbianism as a ‘choice’, and bisexuality is also commonly viewed in this way. By contrast, transgender has typically been understood not as a choice, but in more essentialist terms (Hines and Sanger 2010).

Contemporary lesbian and gay rights claims have frequently drawn more on essentialist than constructionist arguments to make their case; with lesbians and gay men conceptualized as a legitimate minority group having a certain quasi-ethnic status (Epstein, 1987; see also Lehring 1997). This kind of political practice does not necessarily mean adherence to essentialist theories. Recognizing that it ‘plays well politically’ has led some to argue for the deployment of a ‘strategic essentialism’ in political organizing and activism, in the belief that such an approach is more likely to get results than emphasizing the socially and historically constructed nature of sexuality. For instance, the
idea of a person’s sexuality being a choice can suggest a certain voluntarism that may undermine rights claims in the sense of lesbians and gay men being recognized as a legitimate ‘fixed’ constituency. More negatively, it can lead to arguments for the denial of rights of citizenship on the grounds that if it’s a choice then you can always choose not to be lesbian or gay.

Questions over the social and political utility of social constructionist approaches have also been part of debates in relation to racial and gender equality. Indeed, the notion of ‘strategic essentialism’ is associated with the work of Gayatri Chakravorty Spivak (1988) and her contribution to feminist and postcolonial studies, referring to the process of adopting an operational ‘essentialism’ about women specifically for the purposes of social action. In her work on intersectionality, discussed in more detail in the following chapter, Kimberle Crenshaw (1991) considers the meanings attached to ‘race’. Her argument is that the crucial point is not establishing the meaning of ‘race’, as socially constructed or otherwise, but rather attacking the uses of these varied meanings to support racial discrimination and subordination. In the same way we might extend her ‘pragmatic’ approach to sexuality and gender identification. That is, one could argue for the irrelevance of ontological debates in understandings of lesbian, gay, bisexuality and transgender on the grounds that it shouldn’t matter. The key issue is on critiquing whatever understandings are being deployed to support discrimination of LGBT people. This perspective is illustrated in the following quote from an equality and diversity officer who took part in one of the Action Learning Sets. Although he conceded that it was easier to get the equalities agenda across using a ‘born like it’ model, he felt that this shouldn’t really matter.

It’s easier if you can persuade people that, or you can make people believe that, other people are who they are, what they are, and it doesn’t matter if it is a choice or if it’s something that you are born with or born as, you should just respect that person for who they are, what they are and their differences.

(ALS member, North East England)

There are two different meanings of sexuality operating here, recognition of sexuality as something that is socially rather than naturally produced and sexuality as something that is a natural property of the person. Where claims to normality and universality are at stake, it would seem that sexuality as a social construction can be ‘eclipsed’ by the latter. That is, legitimate claims to citizenship are often grounded in essentialist understandings of sexuality, ‘strategic’ or otherwise. Indeed, the term used in equalities policies is ‘sexual orientation’, itself an essentialist concept (Botcherby and Creegan 2009). This section of the chapter has looked at how equality is framed in terms of contemporary struggles for LGBT equality and responses to these demands. The next section examines how this framing of equality is linked with the concept of diversity (see also discussion in Chapter 5).
Equality and diversity

Recognition that we live in societies that are increasingly plural, complex and rapidly changing has been central to the development of a new era of policy making and practice that is encapsulated by the term ‘Equality and Diversity’ which is used to define and champion equality alongside recognition of and respect for difference. For example, in its report on *How Fair is Britain?* the Equalities and Human Rights Commission states: ‘Our vision is of a society at ease with its diversity, where every individual has the opportunity to achieve their potential, and where people treat each other with dignity and respect’ (EHRC 2011: 12). In addition to being a dominant theme in political and policy discourse, the relationship between equality and diversity is also increasingly an important area of academic debate. For example, drawing on contemporary cultural politics from Western Europe, the US and Canada. Seyla Benhabib (2010) has provided insightful analysis of the relation between these terms through the lens of varieties of multiculturalism. Sara Ahmed (2011) has also provided an examination of the relationship between new equality regimes and institutionalized racism, focusing on what it means to ‘embody diversity’. Specifically, she argues that equality and diversity have become ‘performance indicators’ (something discussed later in this book) and, moreover, that they function as ‘non-performatives’, that is they do not bring about the effects that they name. Equality and Diversity is not then just a ‘mantra’, it is institutionalized as an area of work in many organizations. For example in UK local government at the time of writing there are equality and diversity officers in most regions and, as Ahmed rightly recognizes, this is part of performance management. This section considers the interpretation of recognition of difference in the context of a politics of equality that emphasizes the values of sameness and universality, and the tensions that can arise from this.

As was outlined earlier, a concern to have difference recognized (indeed celebrated) as both positive and legitimate was an important aspect of lesbian and gay movements in the 1960s and 70s, which was also reflected in the demands of other social movements including black and feminist political activism. The establishment of the United Nations, post Second World War, was also influential in establishing a broader global context in which recognition of difference came to be linked to notions of social justice and citizenship, in particular an appreciation of dignity and respect to all individuals (McLaughlin et al. 2011). More recently, respect for diversity has become a cultural norm and core aspect of good (global) citizenship underpinning rationales for ‘tolerance’ and ‘acceptance’ of new forms of inclusion (Seidman 2002). It is in the context of these citizenship discourses, along with processes of detraditionalization and pluralism, that LGBT communities have been enabled in advancing their case for equal rights.

Respect for diversity invokes group difference through valuing of difference. This discourse of valuing diversity draws on ‘discourses of economic value’ (the
business case for diversity) and moral value (the social justice case)” (Ahmed 2007: 604). This is a model of diversity as providing benefit to organizations and a basis for organizational pride. As Regine Bendl and Alexander Fleischmann (2008: 390) argue, it ‘claims to value differences among individuals to achieve fairness and reduce discrimination which in turn generates other organisational benefits’. It is also a model that constructs ‘difference’ – in this case sexual and gender ‘difference’ – as something that is already in existence ‘in’ the people who constitute diversity. Within this framework it is possible to depict LGBT people as a ‘resource’ (Cooper 2006), and indeed purposefully use this as a strategic lever to implement equalities initiatives.

However, in the context of understandings of equality that emphasize an integrated approach there is an apparent tension in the extent to which differences and the complex social locations within group membership may be acknowledged. This may mean that intersecting inequalities such as those of gender, class, race and disability, for instance, are not addressed. Indeed, use of the acronym LGBT would appear to close down recognition of differences and diversity among lesbians, gay men, bisexual and transgender people, especially those who do not approximate the mainstream normalized ‘LGBT citizen’ (Heaphy 2008). The emphasis on sameness and universality associated with contemporary neoliberal approaches to equality, where individuals are supposedly granted the same rights to live ‘ordinary lives’, suggests that difference ‘can no longer be seen as the only value from which people seek recognition’ (McLaughlin et al. 2011). This was evident in our research. There was a broad trend within local authorities for actors to legitimate the use of the LGBT acronym in terms of ‘common interests’ between the groups. For example:

We’ve kind of made the assumption in writing a policy and equality plan, that you know, there are sufficiently similar issues whether they are gay, lesbian or transgendered, for us to say, this is a plan that we hope is sensitive enough to meet the needs of a group in a society.

(Councillor, North East England)

However, although participants did see value in categorizing various groups of people together, agreeing that it was part and parcel of policy making, some also identified this with the risk of losing sight of different issues and priorities associated with the groups represented in particular equality ‘strands’.

We like to box and categorise people because we think it makes it easier to deal with, but actually in reality and in practice, talking from an equality officer perspective it’s, you know, we use them because it is easier to use collective terms, but when it comes down to it we need to bear in mind, or public bodies need to bear in mind, that actually each of those groups have distinctly different needs, you know all gay men are not the same and don’t have the same needs, do they? . . . All of us cross over these different strands
and have these complex individual sort of, you know, our make up is all different…

(Stakeholder, Wales)

It would appear that despite being neatly stitched together in the phrase ‘Equality and Diversity’, equality and diversity are actually often pulling in different directions. This is because there are specific tensions associated with seeking to play down group difference within the discursive construction of equality as sameness and recognition of group difference as cultural validation within the discursive construction of good citizenship as including respect for diversity. This is a tension that is also manifest in the establishment of different equality strands.

The pull of these tensions may be felt more in some areas than in others. For instance, the research demonstrated that bisexuals and transgendered people were the more marginalized groups within the LGBT acronym and that, associated with this, issues distinct to these communities were more at risk of being obscured. For example, one person discussed the way that the tension between equality and diversity could play out in the ‘sexual orientation’ equality strand delimiting difference where this was expressed as a ‘choice’ for bisexuality.

And in our training we have done some work around what is the differences between equality and diversity and, you know, try to be honest that sometimes they appear to be in tension and you have to make some careful judgements… In other words, there are some equality issues around sexual orientation, but there are also some diversity issues around sexual orientation, allowing people to be comfortable with the choices they are making, and not to feel restricted – bisexuality for instance.

(Manager, Southern England)

The same officer went on to say that they felt that similar tensions between advancing equality and recognizing diversity were also at work in the equality strand for transgender status.

I guess if you were transgender and most of the people active in the LGBT arena are gay, you might feel that actually you’ve been appropriated but without your needs actually been met. You know, you’ve been brought into the fold but you’ve been lost in that fold.

Diversity neutral

These tensions are connected to how diversity, as well as equality, is framed. Diversity is generally used as an ‘umbrella concept’ under which individual characteristics can be subsumed. The phrase ‘diversity neutral’ is how some chose to describe this. This is the idea that the mainstreaming of equalities and the policy shift to integrating different equalities strands under a single equality
scheme will eventually lead to a situation where there is no need to highlight diversity. However, this raises the question of whether ‘going diversity neutral’ means erasing diversity? The following extracts from an interview with an LGBT community representative working in the South of England demonstrate how these tensions may play out in practice.

An issue that’s just come up very recently is that I’ve been made aware that we’ve employed a company that basically we’ve handed over our advertising to. They seem to be quite a sort of up and coming company that are sort of snaffling quite a few contracts around the country. I’ve become aware that since we’ve employed them our advertising in LGBT press has dropped from ten adverts last year to two adverts proposed for this year, with a drop in spending of £5,000. Well, this is on the back of a previous concern that I had when they issued our new set of advertising campaigns, because there was nothing at all that indicated LGBT, there was nothing on there whatsoever and when I raised this with our recruiting department I was told ‘Oh well they have decided that they’re going to go diversity neutral’, [pause], which I have no clue what that means, you know, my concern is when you, you know, if you go carbon neutral you remove the carbon, so is diversity neutral removing the diversity?

He went on to say:

I think, from what I gather, that what they are trying to achieve or what they’re assuming is that we are far enough down the line, that diversity is so embedded in everything that we do, that we don’t necessarily need to specifically highlight it, which, if that was the case, it would be absolutely fantastic but I think that’s maybe ten, twelve, twenty years down the line. When people don’t worry about diversity any more then fine, we can go diversity neutral, but to my mind I’ve taken ten years to get a place at the table to actually get listened to, and I’m not happy with suddenly going back to the vanilla approach of like one size fits all. And the comment was made, ‘Well we’re appealing to the masses’.

Here again this highlights some of the problems and risks associated with the process of mainstreaming equalities, where the focus is on recognition and inclusion based on rights as individuals – ‘ordinary citizens’ – rather than specific group differences – such as ‘lesbian and gay rights’.

... so there has been...a creative time of neutrality...so we don’t talk about being gay and we don’t talk about gay rights and we don’t talk about different races...so we’re closed in on neutrality.

(LGBT Group Representative, Northern Ireland)
Within this framework the term ‘diversity’ acknowledges difference ‘while at the same time homogenizing it’ (Zanoni et al. 2010: 18) through the inscription of difference within the model of equality as sameness. Here again the risk associated with becoming ‘diversity neutral’ is of losing a focus on experiences of inequality and discrimination that are specific to the lesbian, gay, bisexual and trans communities as well as, for instance, living with a disability, having a particular religious belief or belonging to a minority ethnic community.

Discussion

This chapter has examined the concepts of equality and diversity. It has considered the dominant framing of these terms, and their intertwined construction, through the lens of lesbian, gay, bisexual and transgender politics. The ‘identity politics’ which emerged in the late 1960s and 70s celebrated difference and diversity, though was open to the criticism of obscuring differences within the categories of ‘gay’ and ‘lesbian’. This is a critique that has been levelled at other social movements and which has been productive of a large body of work, especially within feminist theory, on the difficulties of articulating a particular identity (black, woman, gay) in order to legitimate a particular (black/feminist/gay) politics (see Lloyd 2005). Now, in contemporary struggles for equality, the adoption of LGBT or LGBTQI acronyms suggests inclusivity and acknowledgement of diversity that the term ‘queer’ also sought (Seidman 1996; Sullivan 2003), although coming from a very different kind of politics.

Yet, it is argued, different homogenizing processes are at work in this new politics of recognition where processes of ‘normalisation’ are productive of what Lisa Duggan (2002) has referred to as a new ‘homonormativity’ (see p. 97). While there are clearly importance differences within the category LGBT, these differences may or may not be mobilized. The dominant trend is for appeals to be made on behalf of an LGBT community that is cast, and inscribed in the process, as relatively homogeneous. In this context, the reference point to difference is not intragroup distinctions, but distinctions against another sexual grouping (heterosexual). In this context, the meaning of LGBT is effectively ‘non-heterosexual’. This meaning is problematic, in particular for trans people. For instance, our research demonstrated that in some countries such as Northern Ireland there is a strong move to separate the T from LGB because trans primarily concerns gender. It is also problematic for bisexual people to a degree, because bisexuals straddle the hetero-homo binary, so that their identities are not specifically ‘non-heterosexual’, rather they are hybrid, queer or ‘not exclusively heterosexual’. What this also highlights is how heterosexuality remains at the centre, as the default norm against which ‘others’ are constructed, at the same time as the rationale for LGBT equality is forged through political rhetoric that constructs an imagined sameness with heterosexuals and with cisgender people.
As this chapter has tried to demonstrate, many of the issues we have raised are relevant to wider debates concerning equality and diversity more generally. For instance, problematizing the concept ‘woman’ and highlighting differences between women was a key aspect of feminist debates in the 1980s (see Bhavnani 1997; Woodward and Woodward 2009), from which these more recent debates over LGBT issues might perhaps usefully draw upon. In particular, this chapter has highlighted a number of concerns with the discursive construction of equality and diversity associated with neoliberalism. For example, to the extent that communities are socially heterogeneous, an obvious problem with an approach to equality as ‘sameness’ is that differences and the complex social locations within that group membership (in this case LGBT) are obscured. This may mean that intersecting inequalities such as those of gender, class, race and disability, for instance, are also not adequately addressed. To some extent this tension is manifest in the UK context, in the policy of retaining different equality ‘strands’ within an overall single equality scheme. A further reason to question the dominant tendency to interpret equality through similitude is that central to the meanings of homo and heterosexuality is the notion of ‘difference’. It is this hetero/homo binary that potentially troubles the claims to sameness that underlay the ‘just the same as everyone else’ model of inclusion and recent shifts in the policy landscape.

Such trouble is managed, in part, through a complex economy of ‘seeing and not seeing’ difference (Brown 2006), where two forms of recognition are in play. Recognition of the right to belong as ‘ordinary citizens’ and to be assimilated into public life as part of the ‘common good’ and, at the same time, recognition of difference that is typically through naturalizing and essentializing processes that construct sexuality and gender identification as something that is embodied: a part of an individual’s make up. The marking of difference is here a matter of human nature, reflected in the use of the essentialist term ‘sexual orientation’ within equalities policies and organizations (see Mitchell et al. 2008).

The emphasis on shared norms and inclusivity also raises important questions about what constructions of lesbians and gay men, bisexual and transgender people are mobilized in order to establish the case for equality. What counts as ‘equal’ recognition? What are the values and norms through which recognition of LGBT people as the ‘same’ as heterosexuals, as well as with each other, takes place. These questions are considered in Chapter 3, which examines the relationship between sexuality and citizenship more broadly. In the next chapter, the discussion of diversity is extended through elaborating on the intersectional differences between and within lesbian, gay, bisexual and trans communities; outlining the ways in which the interstices between social characteristics, including race, socio-economic status, faith, gender and age, can usefully inform understandings of sexuality and gender.
Summary

This chapter has examined

- How sexuality and gender politics has changed in its aims and strategies since the second part of the twentieth century, with globalization resulting in a scaling up of LGBT politics
- The frameworks of equality used in seeking to end discrimination against LGBT people
- The links between establishing the case for equality and assumptions made about sexuality and gender identification, in particular essentialist and social constructionist explanations of what is marked as ‘difference’
- The introduction of new equalities initiatives and the existence of hierarchies of equalities or ‘pecking orders’ within these
- The connections made between concepts of equality and diversity and the apparent tensions between the two
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