

**THE FRACTURED SOCIETY: A STUDY OF UTOPIAN CONFLICTS IN
WORLD POLITICS**

by

Josh Martineau

A dissertation submitted to the Faculty of the University of Delaware in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Political Science and International Relations

Spring 2014

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Josh Martineau

Approved: _____
Gretchen Bauer, Ph.D.
Chair of the Department of Political Science and International Relations

Approved: _____
George H. Watson, Ph.D.
Dean of the College of Arts and Sciences

Approved: _____
James G. Richards, Ph.D.
Vice Provost for Graduate and Professional Education

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Signed:

Daniel Green, Ph.D.
Professor in charge of dissertation

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Signed:

Ann Towns, Ph.D.
Co-chair of dissertation committee

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Signed:

Alice Ba, Ph.D.
Member of dissertation committee

I certify that I have read this dissertation and that in my opinion it meets the academic and professional standard required by the University as a dissertation for the degree of Doctor of Philosophy.

Signed:

Ioannis Stivachtis, Ph.D.
Member of dissertation committee

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ABSTRACT

International society is fraught with utopian cleavages. They arise from logical contradictions *between* the multiple, contingently related utopian frameworks agents draw upon to navigate their shared socio-cultural environment. They are essentially conflicts over the ideal purposes and organization of international society itself that revolve around how some shared socio-cultural referent fits (or does not fit) within it. Thus, in a utopian cleavage it is the very things agents' share that allow them to differentiate themselves from one another. One of the primary mediums through which this differentiation occurs is norms. By standardizing and defining appropriate behavior for agents of a particular identity, norms provide a behavioral litmus test for agents to recognize those who share their utopian vision. However, this means that norms simultaneously provide agents with a way to differentiate those who do not share their utopian vision and therefore pose a potential threat to its realization.

In order to examine utopian cleavages in international society and the role norms play in their formation, we must understand international society as multidimensional in nature. This means society is simultaneously comprised of relationships of similarity, difference, consensus, conflict, structural complements, and structural contradictions. It also entails recognizing both sets of relationships are equally socio-cultural in nature. By combing these two propositions we can capture the interplay between the integrated and conflictual aspects of society, from which utopian cleavages emerge.

To illustrate the multidimensionality of international society, the existence of utopian cleavages, and role norms play in their formation, this project examines the antithetical policies, practice, and attitudes surrounding the shared referent of homosexuality in contemporary international society, and the contradictory utopian frameworks agents draw upon to justify them.

Chapter 1

UTOPIAN CLEAVAGES IN A MULTIDIMENSIONAL INTERNATIONAL SOCIETY: A PUZZLE AND A SOLUTION

It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the Season of Light, it was the Season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us, we were all going direct to Heaven, we were all going direct the other way—in short, the period was so far like the present period, that some of its noisiest authorities insisted on its being received, for good or for evil, in the superlative degree of comparison only.

--Charles Dickens, *A Tale of Two Cities*

1.1 The Puzzle: A Global Divergence on Homosexuality and Gay Rights

On June 26, 2013 the US Supreme Court made two landmark decisions that represented major breakthroughs for gay rights advocates in their quest for equality. First, the court ruled certain aspects of the Defense of Marriage Act (DOMA), which defined marriage at the federal level as between a man and a woman, unconstitutional. Specifically, the court ruled that the federal government had to recognize the validity of all state sanctioned same-sex marriages (SSM). As a result, the federal government conferred all 1,138 rights it grants to opposite-sex marriages to SSMs (HRC, ND). Second, the court declined to hear an appeal that sought to restore California's constitutional ban of SSM, which had been struck down by a lower court, thereby

legalizing SSM in America's most populace state (Richey, 2013).¹ According to a survey conducted in late 2013 by the Public Religion Research Institute, a non-partisan group, 53% of American's support SSM, up from 32% in 2003 (Muskal, 2014). Other opinion polls have also shown steady improvements in attitudes towards homosexuality in the US. For instance, the 2013 edition of the Pew "Global Attitudes Project" showed that 60% of Americans thought homosexuality should be accepted, an 11% increase from the 2007 survey (Pew Research Center, 2013).

Meanwhile, on the same June day the Russian Senate passed legislation banning "gay propaganda." The legislation had unanimously passed the Duma earlier in the month (436-0). The law stipulates that an individual who publicly promotes homosexuality, for instance by marching in a gay pride parade or discussing gay rights, can be fined up to \$3,200. Organizations that promote homosexuality face fines of up to \$32,000 and can have their operating licenses revoked. According to Vtsiom, a state-owned polling agency, 88% of Russians support the ban (The Toronto Star, 2013). These results are given credence by the findings of independent surveys. For instance, 20% Russians said homosexuality should be accepted in the 2007 edition of the Pew "Global Attitudes Project." In the 2013 version only 16% of Russians said homosexuality should be accepted (Pew Research Center, 2013).

Why have Americans and Russians come to increasingly support such contradictory positions on gay rights and homosexuality? The answer lies in differences between the prevailing utopian frameworks in America and Russia. Put plainly, utopian frameworks are sets of ideas regarding the ideal purpose(s) and

¹ SSM had previously been legal in California for a short period in 2008, before the constitutional prohibition was passed by voter initiative.

organization of society. Agents draw on these frameworks to interpret, situate, and evaluate what goes on in their socio-cultural environment. In the present case, agents draw on these idealized visions of society to answer questions like: is homosexuality an acceptable behavior in the ideal society, what, if anything, should states do about homosexuality, i.e. should states adopt policies to protect the rights of sexual minorities, or should states adopt policies to protect the majority, and so on.

Russian President Vladimir Putin seems to agree with this hypothesis as to why Russia and America often follow such divergent paths. When asked about the differences between the two countries in an interview given shortly before the passage of the anti-propaganda law, Putin responded by saying the countries “have fundamental cultural differences. Individualism lies at the core of the American identity while Russia has been a country of collectivism...Russians have different, far loftier ambitions, more of a spiritual kind, it’s more about your relationship with God. We have different visions of life” (Russia Today, 2013). Sergei Markov, a Putin advisor and the vice president of Plekhanov Russian University, also explained the anti-propaganda legislation as the result of differences between Russian and Western utopian frameworks, saying:

In the West there are elaborate protections for minorities, whereas in Russia the protection of the majority is the priority. It's still democracy. Every country may choose between liberal democracy and majoritarian democracy. In Russia we tried to follow the liberal model in the 1990s, but it was disastrous. Russia found itself at the mercy of aggressive minorities, who robbed the country and undermined the position of the majority. Now the trend is that minorities must subordinate themselves to the interests of the majority (Weir, 2013).

Divergent attitudes and policies towards homosexuality are not unique to the US-Russian dyad. Rather, they can be found throughout contemporary international

society.² For instance, 13 of 39 countries in the 2013 edition of the “Global Attitudes Project” matched or exceeded America’s 60% acceptance rate of homosexuality, including: Canada (80%), Spain (88%), Germany (87%), Czech Republic (80%), France (77%), Britain (76%), Italy (74%), Australia (79%), Philippines (73%), Argentina (74%), Chile (68%), Mexico (61%), and Brazil (60%). However, 13 states also had acceptance rates lower than Russia’s 16%, including: Turkey (9%), Palestinian Territories (4%), Egypt (3%), Jordan (3%), Tunisia (2%), Malaysia (9%), Indonesia (3%), Pakistan (2%), Kenya (8%), Uganda (4%), Ghana (3%), Senegal (3%), and Nigeria (1%) (Pew Research Center, 2013).

In terms of policy, as of May 2013, 114 UN member states have decriminalized or never criminalized homosexuality. Furthermore, recent years have seen many of these states adopt policies designed to secure and enhance the legal rights of sexual minorities, such as equalizing the age of consent, prohibiting discrimination in employment on the basis of sexual orientation, making sexual orientation an aggravating factor in hate crimes, recognizing SSM, and others (see tables 1 through 8 in appendix 1).³ However, in 76 UN member states homosexuality is still a crime. In at least 7 of these states the death penalty applies (see table 9 and 10) (Itaborahy and Zhu, 2013).⁴ Furthermore, a number of states in recent years have

² International has a specific meaning, between states. However, the notion of international society developed in this dissertation involves more than socio-cultural relations between states. Therefore, I use international generically, just as the discipline is still primarily referred to as International Relations despite the increasing focus on things other than the state.

³ All tables referenced in the text are found in appendix 1.

⁴ There is some ambiguity involved here because in certain Islamic states, such as the UAE, the sentence for homosexuality is not death; however, adultery is punishable

adopted new policies restricting the rights of the sexual minorities, including outlawing gay propaganda, defining marriage in heterosexual terms, increasing the penalties for engaging in homosexual acts, and others.

Because of these divergences, the present period in international society paradoxically represents the best of times and the worst of times for members of the gay community. Indeed, the International Lesbian, Gay, Bisexual, Trans, and Intersex Association's (ILGA) 2013 annual report on the global status of gay rights and state sponsored homophobia also begins with the opening sentence of Dickens' *Tale of Two Cities*. The question now becomes what to make of this global divergence surrounding the issue of homosexuality?

1.2 The Solution: Utopian Cleavages

This project argues that a utopian cleavage has formed in contemporary international society surrounding the issue of homosexuality. This means that agents throughout international society recognize that they share the category of homosexual as a referent. They also largely agree that the activities of persons belonging to the category of homosexual are subject to the state. Further, agents throughout international society agree that homosexuality raises human rights issues. However, agents disagree over the appropriateness of homosexuality, how the state ought to treat homosexuals, and what kind of human rights issue homosexuality is.⁵ These

with death. Therefore, a married person who engages in homosexual activity does face the death penalty (Itaborahy and Zhu, 2013).

⁵ In addition to the shared referents of homosexual and human rights several other shared referents are involved in the cleavage, such as the family. These referents are discussed in Chapter 5.

disagreements are the result of contradictions between the various utopian frameworks agents draw upon to understand how homosexuality and the treatment of homosexuals relates to the realization of the ideal society. Therefore, agents are able to differentiate between those who share their ideal vision and those who do not based on how they treat members of the gay community. The net result is a competition between agents trying to institutionalize their preferred interpretation of homosexuality's place (or lack thereof) in the ideal society. For the agents involved, the stakes of this interpretive struggle is the very welfare of society itself.

If a utopian cleavage has formed around the shared referent of homosexuality, then it will empirically manifest two ways. First, it will manifest in the norm/policy diffusion process. Second, it will manifest in the arguments agents use to justify their support/opposition for particular policy positions.

In terms of the diffusion process, a manifest utopian cleavage will produce two unique diffusion patterns: selective and furcated. Selective diffusion refers to which types of agents adopt which types of norms. Simply put, states will adopt new norms they see as logically consistent with their utopian framework and resist those they see as logically inconsistent (Cortell and Davis, 1996; 2000; Checkel, 1999). As a result, patterns will emerge in what kinds of states adopt a particular kind of norm/policy, and also what kind of states do not adopt that particular kind of norm/policy. Thus, we would expect certain types of states to adopt gay rights policies and certain types of states to resist gay rights policies, based on their (lack of) consistency with their dominant utopian framework. The same applies to policies curtailing gay rights.

Since utopian cleavages involve agents having contradictory understandings regarding the place of some shared referent in the ideal international society, furcated

diffusion is likely to accompany selective diffusion. Furcated diffusion refers to the simultaneous diffusion of two antithetically related norms/policies. Thus, we would expect policies and practices enhancing gay rights and curtailing gay rights to be simultaneously diffusing in international society. In other words, if a utopian cleavage has formed around the shared referent of homosexuality, then it should simultaneously be the best of times and the worst of times for members of the gay community.

In addition to the aforementioned diffusion patterns, utopian cleavages will also manifest in the arguments agents use to promote and defend their own preferred norms and policies and to undermine and resist the norms and policies others are promoting. In the context of a utopian cleavage, the proponents of the contradictory frameworks will actively engage one another regarding how to best understand their shared referent(s) relative to the ideal purposes and organization of their shared societal space. Both sides will justify their positions by explaining how the institutionalization of their preferred understanding of the referents in question is necessary for the welfare of society itself. Conversely, they will seek to undermine contradictory understandings by showing how they pose a threat to the realization of the ideal society.

1.3 The Concept of International Society and the Study of Utopian Cleavages

If utopian cleavages exist in international society, as this project claims, it represents a major theoretical and empirical challenge to the mainstream sociological approaches to International Relations (IR), such as the English School, World Polity Theory (WPT), Constructivist Norms Theory (CNT), and Alex Wendt's

Macrostructural Constructivism.⁶ In terms of theory, these approaches lack the ontological space for utopian cleavages *in* international society. Empirically the existence of cleavages *in* international society challenges many of their conclusions regarding the cultural context of contemporary international society, such as what types of values and norms they see as most likely to diffuse.

The root of the theoretical and empirical problems posed by the existence of utopian cleavages is found in how these sociological approaches conceptualize international society. Conceptualizing international society is relevant to the study of utopian cleavages because the concept of (international) society regulates, without determining, field specific theories, and the manner in which scholars conduct practical research. It does this by defining the object(s) of social scientific inquiry, and consequently influencing what questions scholars ask, what types of things can and cannot appear in field specific theories and explanations, and the relative importance given to various phenomena in answering a particular question (Archer, 1995: Ch1; Layder, 1990). For instance, an individualist conceptualization, where society is seen as the sum of its individual members and their interactions, means that no questions about irreducible social structures can be asked, nor can they figure into any explanations, because, based on the underlying definition of society, irreducible social structures do not exist (Archer, 1995). Thus, to put it plainly, the mainstream sociological approaches conceptualize international society in a way that precludes the possibility of utopian cleavages. To see how this comes about, and how it can be

⁶ I employ the traditional distinction of international relations referring to the subject matter of the discipline of International Relations.

corrected, requires a brief examination of the dominant models of society found in social theory.

1.3.1 The Need for a Multidimensional Understanding of International Society

According to the German social theorist Ralf Dahrendorf, there are two dominant models of society, which “have stood in conflict...[t]hroughout the history of Western political thought” (1959: 157). What divides these competing approaches to society is the principle type(s) of relationship(s) that they posit as constituting society. The first model in this “eternal” conflict is the integrated model. This model sees society in the ‘best of terms’, constituted by “a general agreement of values, a consensus omnium or *volonte generale* which outweigh all possible or actual differences of opinion and interest” (Dahrendorf, 1959: 157). Thus, from the integrated perspective society is by definition constituted by a single dominant utopian framework, upon which agents generally agree (Griswold, 1994). Because of the general agreement of values at its core, society’s principal aspects are homogenization, consensus, and structural complements (integration). Difference and conflict are not necessarily absent from integrated accounts; however, they are always “subordinated to agreements of value” (Dahrendorf, 1959: 157).

The integrated model of society is associated with such thinkers as John Locke, Talcott Parsons, and Emile Durkheim. It is also the model used by the mainstream sociological approaches to IR. The English School defines international society in terms of a moral and political unity, functionally maintained by common values, rules, and institutions, with states becoming ‘members’ by consenting to these commonalities. WPT sees world society as comprised of cognitively shared cultural scripts, which produce shared goals and institutional isomorphism throughout the

world, regardless of functionality. CNT suggests international society is becoming increasingly homogenous, based on a growing consensus surrounding the goodness of Liberal norms. Wendt's Macrostructural Constructivism characterizes society in terms of a single type of cultural relationship, with contemporary international society defined by rivalry. For the mainstream sociological approaches, the single relevant utopian framework constituting contemporary international society is Liberalism, or Western Modernity for some members of the English School.

We can now see why the existence of utopian cleavages in international society poses a challenge for the mainstream sociological approaches to IR. Cleavages necessarily mean that international society is comprised of multiple utopian frameworks, and that relations of difference, conflict, and structural contradiction can be co-present with relations of similarity, consensus, and structural integration. Both of these possibilities are precluded by the integrated model. For the English School, cleavages mean that the very things agents share can produce moral and political disunity as easily as unity. For WPT, cleavages imply that universally shared referents do not necessarily have universally shared meanings. For CNT, cleavages signify that norms, like how states treat homosexuals, necessarily produce difference along with similarity. For Macrostructural Constructivism, cleavages indicate that the totality of international society cannot be reduced to a single type of relationship.

The second model of society is the inverse of the integrated model, characterizing society in the 'worst of terms'. According to this model, society is defined by relationships of "force and constraint, on the domination of some and the subjugation of others (Dahrendorf, 1959: 157)." As a result, it sees relationships of difference, conflict, and structural contradiction (disintegration) as constitutive of

society. This is the conflict model of society (Griswold, 1994). It is associated with such thinkers as Thomas Hobbes, Karl Marx, George Simmel, and Ralf Dahrendorf.

At first glance it appears as though the conflict model is ideal for studying utopian cleavages. However, this is not the case. While cleavages by definition involve difference, conflict, and contradiction, it is not their only side. Concomitant with the recognition of differences and the development of antagonisms between groups in the elaboration of a utopian cleavage is the formulation, recognition, and consolidation of similarities and affinities between groups. Agents previously unrelated or at odds with one another will form alliances over what they see as a common threat to some shared aspect of their ideal visions of society, just as agents previously unrelated or allied with one another will come to hostilities over what they see as fundamental deviations from the ideal. Utopian cleavages are conflicts between groups, and group conflicts necessarily entail a relative degree of similarity and consensus. Indeed, in the case of a utopian cleavage what distinguishes one group from another is the similar values, interests, life chances, etc. of its members relative to those of the other group with which they are in conflict.

In order to create the ontological space for studying utopian cleavages in international society a new model is needed. This model must combine aspects of the integrated and conflict models, without overly privileging one or the other. This is because utopian cleavages emerge from the interplay between similarity and difference, consensus and conflict, and structural complements and contradictions. In other words, studying utopian cleavages requires a multidimensional model of society.

From a multidimensional perspective, society is comprised of multiple, necessarily and contingently related utopian frameworks. The propositions of these

frameworks can complement or contradict one another, and the relationships between their proponents, can be consensual and cooperative, or coercive and conflictual. This understanding of society is arrived at through two core propositions. First, society is simultaneously comprised of relations of similarity, difference, consensus, conflict, structural integration (complements), and disintegration (contradictions). Second, both sets of relationships are equally socio-cultural in nature. As a result of these propositions it becomes possible to examine both the integrated and conflictual aspects of society and to capture the interplay between them. In other words, these two propositions create the ontological space for utopian cleavages in international society. With all the major pieces now in place, a brief summary of this project's overarching argument is warranted, before moving on to discuss research methods.

1.4 Argument Summary

The argument of this dissertation is that international society is fraught with utopian cleavages. They arise from the logical contradictions between the multiple, contingently related utopian frameworks agents draw upon to navigate their socio-cultural environment. They are essentially conflicts over the ideal purposes and organization of society itself that revolve around how some shared socio-cultural referent fits (or does not fit) within it. Thus, in a cleavage it is the very thing agents' share that allows them to differentiate themselves from one another. One of the primary mediums through which this differentiation occurs is norms. By defining appropriate behavior for agents of a given identity, norms provide agents with a means to recognize those who share their ideal vision of society (Katzenstein, 1996). However, this necessitates that norms simultaneously provide agents with a way to

identify those who do not share their ideal vision of society, and therefore potentially pose a threat to its realization.

In order to examine utopian cleavages in international society and the role norms play in their formation, we must understand international society as multidimensional in nature. This means society is simultaneously comprised of relationships of similarity, difference, consensus, conflict, structural complements, and structural contradictions. It also entails recognizing both sets of relationships are equally socio-cultural in nature. By combining these two propositions we can capture the interplay between the integrated and conflictual aspects of society, from which cleavages emerge.

There are several benefits to developing the conceptual tools necessary for the examination of utopian cleavages and the role norms play in their formation. The empirical portion of this project focuses on two of these. First, it seeks to illustrate the unique diffusion patterns that occur in the context of cleavage politics: selective and furcated. Selective diffusion refers to patterns in which types of agents do and do not adopt a particular type of norm. Furcated diffusion refers to a situation where two antithetically related norms and their associated practices and policies are simultaneously diffusing within international society. Second, the empirical portion of this project sheds light on some non-Liberal utopian frameworks that are salient in contemporary international society. Specifically, it shows the salience of traditional religious and post-colonial/hyper-nationalist utopian frameworks in issue area of homosexuality. This leads us to a discussion of how the empirical portion of this project is carried out.

1.5 Research Methods: Case Selection, Data, and Methods

Homosexuality provides an ideal case for illustrating the existence of utopian cleavages in international society, because it directly challenges some of the empirical expectations and conclusions of the mainstream sociological approaches. Based on how scholars associated with WPT, CNT, and the more liberally inclined solidarist wing of the English School understand society, gay rights are exactly the type of norm/policy they expect to diffuse in contemporary international society. Simply put, in an international society constituted by the Liberal utopian framework, gay rights are likely to spread, because they are consistent with the notion of individual equality that is at the core of the Liberal framework. In fact, Frank and McEneaney (1999), operating from a WPT perspective, have already argued that gay rights have become part of world culture.

For the mainstream sociological perspectives the question then becomes what to make of the continued persistence of anti-homosexuality policies, practices, and attitudes, which are inconsistent with the Liberal framework. If international society is integrated in nature and Liberalism provided the sole utopian framework, then we would expect that given enough time gay rights policies would spread from the Western “core” of Liberalism to the “peripheral” states. Indeed, this mirrors the expectations of the Liberal strand of the Lesbian, Gay, Bisexual, and Transgender (LGBT) politics literature, which like CNT draws heavily on the social movement literature.⁷ This approach equates LGBT rights with human rights, and “theorizes homophobia (if at all) as constraint.” Thus, for this approach anti-homosexuality “is a

⁷ See, for instance, Chabot and Duyvendak, 2002; Della Porta and Tarrow 2005; Adam et al. 1999; Gevisser and Cameron 2004; Wright, 2000).

local backdrop, not what is diffused” (Bosia and Weiss, 2013:7-8). Therefore, the one thing the mainstream approaches would not expect is that anti-homosexuality practices, attitudes, and policies not only persist in contemporary international society but are actively diffusing. If this is the case it demonstrates that international society is not comprised of a single utopian framework, but rather multiple frameworks—a necessary condition for the existence of utopian cleavages.

The method I employ to demonstrate the existence of a utopian cleavage surrounding the issue of homosexuality is a modified version of the multi-step approach to discourse analysis developed by Milliken (1999).⁸ I utilize two distinct analytical steps, each of which must support the conclusion that a utopian cleavage has manifest around the issue of homosexuality. The advantage of this approach is that it can enhance confidence in a study’s conclusions by confirming them with multiple types of evidence. The steps I utilize are policy diffusion analysis and discourse analysis.

The first step involves illustrating that two antithetical norms are salient and diffusing in contemporary international society regarding the appropriateness of homosexuality. If this is case it will produce selective and furcated diffusion patterns in the policies states adopt regarding homosexuality. Thus, the crux of this analysis one involves tracing the diffusion of state policies on homosexuality and showing that policies with contradictory aims are simultaneously spreading and that there is a pattern to which types of states adopt which set of policies. The data for this policy analysis primarily comes from the 2013 edition of ILGA’s “A World Survey of Laws:

⁸ For an example of study employing Milliken’s method, see Towns’ examination of “norms and ranking in the international diffusion process” (2012: 183).

Criminalisation, Protection and Recognition of Same-Sex Love” (Itaborahy and Zhu). Published each year, the report contains country by country data on multiple policies areas related to gay rights, including the legal status of homosexuality, age of consent laws, adoption, employment discrimination, constitutional protections, hate crimes, and relationship recognition. Additional sources of data include reports on the status of gay rights by Human Rights Watch and Amnesty International, and press reports. Further, I examine steps taken to support/restrict gay rights at international and regional intergovernmental organizations. For this I rely on documents produced by the organizations (e.g. resolutions, statements, and publications), and press reports.

Assuming step one turns up selective and furcated diffusion surrounding gay rights policies this highly suggestive of a utopian cleavage. However, confirming this requires examining the arguments advocates make for their preferred policies and against their opponents. Thus, the second step involves discourse analysis (Fairclough, 2003; Banta, 2013). I am particularly concerned with understanding how advocates of each policy set understand homosexuality as it relates to the ideal society, how their preferred policies bring the realization of the ideal closer, and the policies of their opponents constitute a threat to the realization of the ideal. If a utopian cleavage exists, then the justifications agents deploy for each set of policies should draw upon logically contradictory utopian visions of society.

The data for this discourse analysis comes from a variety of different sources, such as advocacy groups’ mission statements and publications, documents produced by diplomats, regional and international organizations, academic sources and press reports. Some of the data is less than ideal. For instance, a number of quotes come from press reports. However, this is inevitable for a number of reasons. In some

instances press reports are the only source material available. Further, I have no way of gaining access to many of the key actors currently involved in advocating on issues pertaining to homosexuality.

A second limitation of my data is that I rely only on English language sources, or the translations found in press reports, or provided by advocacy groups like Amnesty International, ILGA, and Human Rights Watch. This reliance on English language source material is mitigated somewhat by the fact that the contemporary gay rights debate is highly Anglo-centric. It is dominated by Anglo-American understandings of sexuality. English is the primary language of many of the international for a where homosexuality is debated. Further, many of the most vocal advocates for and against gay rights come from the English speaking world. Why this is so will be made clear in chapter 4. The use of translations is made somewhat less problematic by the fact that I am not concerned with specific word choices. Rather I am concerned with general themes, which are less likely to be lost in translation.

Finally, it is my expectation that another scholar looking at same data from the same theoretical framework would reach similar conclusions regarding how the agents involved understand the place of homosexuality in the ideal society, and the nature of the threat posed by the alternative framework(s) understanding (Hopf, 2002). I would also expect the frameworks uncovered in the empirical analysis to be drawn upon in other issue areas, as utopian frameworks deal with a lot more than just homosexuality. Therefore, it is also likely that the contradictions between the frameworks that manifest over the shared referent of homosexuality would lead to contradictory understandings of other shared referents.

1.6 Chapter Outline

Chapter 2 takes an in-depth look at how scholars associated with the English School, WPT, CNT, and Macrostructural Constructivism define international society. There are two purposes to this examination. The first is to demonstrate that these approaches in fact utilize the integrated model of society as claimed in this introduction. The second is to show that they suffer the associated consequences. Specifically, that the way these approaches define society leads them to see international society as constituted by a single utopian framework, which prevents them from examining utopian cleavages in international society.

Chapter 3 develops the key theoretical concepts that are to be deployed in the empirical portion of this project. It provides a more in-depth treatment of the two core propositions of the multidimensional model of society. It also looks at two assumptions that are necessary to “lock in” the co-presence of similarity, difference, consensus, conflict, structural integration, and disintegration. Specifically, international society must be inherently open and inherently stratified. For now, suffice it to say that stratification ensures that some agents will always have an interest in pursuing a different ideal vision of society, while openness ensures that they will always be able to imagine an alternative vision. Additionally, this chapter provides a fuller examination of utopian frameworks, cleavages, contradictions, and the role of norms in cleavage formation. Finally, it provides a more detailed account of what we can expect empirically if utopian cleavages in fact exist in international society.

Chapters 4 and 5 comprise the empirical portion of this project. As mentioned above, utopian cleavages manifest in two ways: in the diffusion process and in the justifications agents use to advance their preferred policies. Chapter 4 examines the practices, attitudes, and policies surrounding gay rights in contemporary international

society in order to determine if selective and furcated diffusion are present. This analysis clearly shows that two antithetical norms are salient and diffusing in contemporary international society regarding the appropriateness of homosexuality. It also shows that certain types of states are far more likely to adopt gay rights policies than others. Specifically, it shows that European, Latin American, and Western settler states have been the most active in adopting gay rights policies. However, African, Asian, Caribbean, and Pacific Island states have largely refrained from adopting such policies. Conversely, certain types of states have been highly active in adopting anti-homosexuality policies. These include African, Islamic, and Eastern European states.

Chapter 5 seeks to uncover why certain types of policies have been adopted/resisted by certain types of states by looking at the justifications agents give for or against various policies. Specifically, this analysis examines three utopian frameworks that are drawn upon in the international debate surrounding homosexuality. These include the Liberal utopian framework, which is the primary framework advocates of gay rights draw upon, and traditional religious, and post-colonial/hyper-nationalist utopian frameworks, which provide the justifications for anti-homosexuality policies. Finally, the chapter concludes by examining how the cleavage surrounding homosexuality spills over into other shared referents, specifically human rights.

Chapter 6 concludes this dissertation. It begins by discussing this project's implications for mainstream sociological IR. It also discusses the projects limitations and how future research might correct them. One noticeable limitation is the fact that the rather substantial academic literature on international gay rights is not directly engaged. This is because the purpose of the empirical portion of this project is using

the issue homosexuality to illustrate the existence of utopian cleavages, as opposed to using utopian cleavages to explain the current status of gay rights and homosexuality in contemporary international society. This is not simply semantics. Utopian cleavages can be used to guide a comprehensive examination of the current status of gay rights; however, to do so before an analytical investigation in to utopian cleavages is to put the cart before the horse. The principal risk is that aspects specific the issue of homosexuality would be erroneously seen as general aspects of utopian cleavages. That said, the conclusion looks to correct this intentional oversight to a degree by briefly discussing how the empirical findings of this project fit within the international gay rights literature.

Chapter 2

A CLOSED NET: THE INTEGRATED MODEL OF SOCIETY IN MAINSTREAM SOCIOLOGICAL IR

The importance of conceptualizing international society has long been recognized in the discipline of IR. In a lecture delivered over 50 years ago, Martin Wight famously declared: “[t]he most fundamental question you can ask in international theory is, [w]hat is international society” (1987: 222). Questions regarding the nature of (international) society are so vital because they are ontologically prior to and analytically necessary for studying some specific field or aspect of socio-cultural relations, such as international politics.⁹

Simply put, answering the international society question is unavoidable, because it is practically necessary. Even materialist approaches necessarily make assumptions about international society, thereby tacitly answering Wight’s question.

⁹ The definitions of, and the relationships between, the concepts of social, cultural, and society vary greatly between, and even within, approaches. Social and cultural are often used interchangeably or only loosely distinguished. Typically, if the concept of society is used, it refers to either the sum or the totality, depending on the approach, of social and/or cultural interactions, relations, structures, and/or phenomena. Further, those approaches that distinguish between social and cultural phenomena may define society in terms of only one. For instance, Wendt, while distinguishing between the cultural and social, primarily conceptualizes society as cultural (1999). Viewing society in cultural terms, i.e. as predicated on particular shared understandings, is typical of the approaches considered here. However, they do not always use the concept of society. Rather than switch terminologies throughout, I will use international society in reference to an approach’s conceptualization of the social/cultural whole, whatever the approach may call it.

Deciding to privilege material factors suggest the nature of the socio-cultural realm has been considered and deemed inconsequential for explaining international relations. Further, materialistic approaches never completely dismiss societal factors. For instance, despite downplaying their importance, neorealism acknowledges the socializing effects of interaction and competition in an anarchic system (Waltz, 1979: 74-77, 127-128). Additionally, critics of neorealism have demonstrated the important role unexamined socio-cultural assumptions play in the theory (Wendt, 1999: 103-109; Ashley, 1984). Neglecting to examine the nature of international society and its implications for conducting social scientific research does not exclude socio-cultural assumptions from a theory; rather, assumptions about the nature of international society become implicit, forced uncomfortably under the surface of research, only to reappear later.

The practical necessity of the international society question stems from the foundational role the concept plays in field specific theory formulation and empirical research. As mentioned previously, this means that the concept of society regulates, without determining, field specific theories, and the manner in which scholars conduct practical research. It does this by defining the object(s) of social scientific inquiry, and consequently influencing what questions scholars ask, what types of things can and cannot appear in field specific theories and explanations, and the relative importance given to various phenomena in answering a particular question (Archer, 1995: Ch1; Layder, 1990). In other words, international society serves as a “sensitizing concept.” A sensitizing concept “provide[s] provisional pointers to relevancies in the data without imposing a ‘closed net’ on the research as a whole” (Layder 1993: 129). Thus, a sensitizing concept provides an initial ontology based

upon general social theory, which subsequently guides field specific theory formulation and empirical research.

The primary argument of this chapter is that the way mainstream sociological approaches to IR, such as the English School, WPT, CNT, and Macrostructural Constructivism define international society *desensitizes* scholars to the possibility of utopian cleavages in international society. Specifically, this chapter shows that these approaches utilize an integrated model of international society. According to the integrated model, the primary aspects of society are similarity, consensus, and structural integration, which are the result of a general agreement on values that form the core of (international) society. Therefore, for the integrated model, international society is constituted by a single utopian framework, upon which agents generally agree. In the case of the mainstream sociological approaches, as this chapter shows, the single relevant utopian framework constituting contemporary international society is Liberalism, or Western Modernity for some members of the English School. As a result there is no ontological space for utopian cleavages in international society, which presuppose the possibility of multiple utopian frameworks in international society. Thus, this chapter shows how the integrated model of international society closes the net on the possibility of utopian cleavages in international society. The four mainstream sociological approaches and their concepts of international society are discussed in turn, starting with the English School.

2.1 The English School

What IR scholars know as the English School of International Relations¹⁰ can trace its origins back to the late 1950's and the work of the British Committee on the Theory of International Politics, a research group founded by the Rockefeller Foundation, and a group of likeminded scholars at the London School of Economics.¹¹ The English School's standing within mainstream (i.e. American) IR decreased with the rise of neorealism and its 'scientism', a development English School scholars attempted to thwart (Bull, 1966b). However, in recent years, the School has been revitalized by a number of new scholars utilizing its conceptual tools, including scholars from other approaches, such as "modern" constructivists. This revitalization processes came to a head with Barry Buzan's call to "reconvene the English School" at the 1999, British International Studies Association, annual conference (Buzan, 2001). While the English School has developed a number of concepts for studying international politics, none has received more attention from

¹⁰ The term English School did not appear until 1981 (Jones, 1981), and the existence of such a school was subject to much debate in British IR at the time. For an overview of this debate, see Linklater and Suganami, 2006: Ch 1.

¹¹ These actually represent two distinct accounts of the English School's origins, which historians of the English School typically see as conflicting with one another. For accounts tracing the origins of the English School to the British Committee, see Little, 1995; Dunne, 1998. For those tracing the origins to the London School of Economics, see Suganami, 1983; Wilson, 1989. For an overview of this debate, see Linklater and Suganami, 2006: Ch 1.

members of the school and interested outsiders than its concept of international society, which forms the basis for my engagement with the school.¹²

Although there is certainly a great deal of diversity present in the English School, including differences between pluralists and solidarists,¹³ vanguardists and syncretists,¹⁴ and the normative and analytical wings of the school, there is a great deal of agreement amongst its members over what constitutes a society. The school advocates a strong definition of society, meaning society is defined in terms of characteristics that the members of society hold in common, and recognize as such. At the international level then, according to English School accounts, society is the order that results from states recognizing certain values, norms, rules, institutions, etc.

¹² There are a few English School authors who challenge the centrality of international society in the schools thinking. See, for example, Little, 2000; 2005; Buzan, 2001.

¹³ Pluralism and solidarism are terms first used by Bull (1966a). They have both analytical and normative content. Analytically they refer to the scope of the common goal(s) that unites the members of society. A pluralist society sees the common goal as limited to the promotion of order among the separate political entities that comprise the membership of society. In a solidarist society, on the other hand, the membership of society, or a subsection thereof, pursues additional goals through collective action. More and more solidarism is seen as collective action for the promotion of Liberal values in international society, especially humanitarian intervention for securing human rights (Linklater and Suganami, 2006: 8, throughout). This has led to a debate regarding how solidarist international society is, how solidarist it can become, and is a shift from a pluralist international society to a more solidarist one desirable. Note that there is no reason that Liberal goals have to form the basis of a solidarist international society; almost any ideology collectively promoted will do (Dunne, 2007: 137-138).

¹⁴ These terms refer to competing understandings of the cultural origins of contemporary international society, and I provide definitions below.

as common among them. The strong definition of society preferred by the English School is prototypical of the integrated model of society.¹⁵

This discussion of the English School proceeds in three parts. First, I examine several definitions of society found within the school with the aim of demonstrating that they define society in integrated terms, specifically recognized commonalities among its members. Next, I discuss the school's views on the culture/utopian framework of contemporary international society. The purpose is to illustrate that while two distinct accounts of the cultural underpinnings of contemporary international society can be identified, both see international society as constituted by a single utopian framework, and must due to how the school understands society. Finally, I examine how the integrated model of society utilized by the School inhibits the investigation of issues pertaining to multidimensionality. In each section, I pay particular attention to the work of Hedley Bull due to his influence on CNT; however, I also make sure to branch out and include the work of as many other English School scholars as possible in an effort to avoid the "blinker vision" that has so often characterized the relationship between the two approaches.

¹⁵ Integrated models of society are typical of functionalist approaches, such as Parsons' structural-functionalism (Griswold, 1994). Given Bull's commitment to functionalist explanation and his role as the school's seminal analytical thinker, it is hardly surprising the English School advocates an integrated model of society. Bull is ambivalent regarding how his functionalism relates to other strands of functionalist thought. He goes out of his way to deny any similarities to Parsons' structural-functionalism (Bull, 1977: 71-72). However, this disassociation is not wholly convincing as it is stated but not demonstrated, see Shaw, 1992: 428-429. Regardless, integrated models are typical of functionalist accounts in general, not just Parson's particular variety.

2.1.1 Society as Recognized Commonalities

For Bull an international society exists when a

group of states, conscious of certain *common* interests and *common* values...conceive themselves to be bound by a *common* set of rules in their relations with one another, and share in the working of *common* institutions (1977: 13, emphasis added).¹⁶

Alternative English School definitions share similar characteristics,¹⁷ although they differ over what commonalities are necessary and/or sufficient for the existence/maintenance of society.¹⁸ These recognized commonalties include: a common identity (Buzan, 1993, 2004);¹⁹ a common culture, civilization, or more narrowly, a common diplomatic culture (Butterfield, 2007; Wight, 1977;²⁰ Bull and Watson, 1984b; Watson, 1992; Manning, 1962; Wæver, 1992); common values, purposes, norms, or principles (Wight, 1966; 1978; Watson, 1987; Hoffmann, 1990;

¹⁶ International society need not refer to a society of states but could refer ‘more generally, [to] a group of independent political communities’ (Bull and Watson, 1984b: 1).

¹⁷ This high level of agreement may be what led Jones to claim that within the English School “repetition has set in and is likely to get worse as the years pass” (1981: 1; see also, Wæver 1992: 107; cf. Dunne, 1995).

¹⁸ You will also find differences among pluralists and solidarists over how much commonality is present, possible, and desirable in contemporary international society.

¹⁹ Buzan (1993) defines the recognition of a common identity as a community, which for him is a necessary, though not sufficient, condition for the existence of a society. In the international realm, this common identity is statehood. However, Buzan (2004) modifies the relationship between a community and society making it more indeterminate.

²⁰ In this work, Wight uses state system to refer to what is now more commonly called international society.

Little, 1998; Dunne, 2001; Buzan, 2004); common rules (Bull and Watson, 1984b; Watson, 1987; Bull, 1990; Hoffmann, 1990; Dunne, 2001; Buzan 2004); common institutions (Bull and Watson, 1984b; Watson, 1987; Wight, 1966; Hoffmann, 1990; Buzan 2004); and a common interests in maintaining society (Bull and Watson, 1984b; Hoffmann, 1990; Dunne, 2001; Buzan, 2004).

For the English School, the commonalities that comprise society are, as Ole Wæver notes, “common in the strong sense that the main actors have an acknowledged interest in maintaining these as such, i.e. [they share] a certain political and moral unity” (1998: 103). Those interactions lacking a sufficient degree of underlying unity are usually treated as systemic in nature. An international system results “when two or more states have sufficient contact between them...make[ing] the behavior of each a necessary element in the calculations of the other” (Bull, 1977: 9-10).²¹ Systemic interaction is asocial.²² In sum, for many in the English School “the element of ‘society’ corresponds to the extent of agreement about the constitutive rules and norms” amongst its members (Dunne, 2001: 89).

²¹ Traditionally, the existence of an international system is seen as prior to and necessary for the existence of an international society.

²² Several members of the school have criticized the asocial nature of Bull’s system and have advocated that it be dropped from the English School’s conceptual trinity of international system, international society, and world society, see Jackson, 1995; James 1993; Dunne 2001: fn 20; Buzan, 2004. I discuss the prospects of dropping the system on the English School’s ability to examine multidimensionality in more detail below, while examining Barry Buzan’s contributions to the school. For a defense of the international system concept, see Little, 1998; 2005; Dunne 2005a; 2005b; 2009.

2.1.2 The Utopian Framework of Contemporary International Society

From the preceding discussion, it is clear that for the English School cultural unity is vital to producing societal order in the international realm, as the recognized commonalities responsible for producing the underlying moral and political unity of society are almost exclusively ideational in nature. Two major accounts on the origins of the cultural unity maintaining contemporary international society can be found within the School. Buzan has labeled these as the vanguard and syncretist accounts respectively (2010). The vanguard account sees the culture/utopian framework of contemporary international society as the result of a one-way fusion process, whereby those outside the West adopted European/Liberal rules, values, institutions, etc. as European international society expanded during the colonial period. Further, the continued existence of international society, at least in the near term, depends upon the continued acceptance and further assimilation of these Western/Liberal values. In contrast, for syncretists the culture/utopian framework of contemporary international society “is not a specifically European or western creation, but a globally generated phenomenon”, which was the result of interactions between different cultures (Buzan, 2010: 13). Thus, according to the syncretist account “cultur[al] fusion is a...two way process” (Buzan, 2010: 24).

Bull is an advocate of the vanguard account (Thomas, 2000: 829). He sees the cultural origins of contemporary international society as dating back to medieval Christendom, from where they eventually spread to encompass the entire globe (1977: 26-38). Specifically, Bull sees the cultural basis of contemporary international society “not [as] any genuinely global culture, but...rather the culture of so-called ‘modernity’”, which “is the culture of the dominant Western powers” (Bull, 1977: 37). Other members of the English School advocating a vanguard account include the

pluralist Vincent, and many of the solidarist members of the school, such as Wheeler and Linklater (Thomas, 2000: 829). Further, as will become apparent as this chapter progresses, the vanguard account also describes the views of WPT, many CNT scholars, and Wendt regarding the cultural underpinnings of contemporary international society.²³ Members of the English School associated with the syncretist account include Martin Wight and Herbert Butterfield (Thomas, 2000: 829).²⁴

It is readily apparent that the vanguard account fits the integrated model. European culture is solely responsible for providing the shared goals and values around which society is organized. While at first glance, it may appear the syncretist account can accommodate multiple utopian frameworks in international society, and hence utopian cleavages, this is not the case. Syncretist accounts certainly give more weight to the role non-European cultures played in developing the cultural underpinnings of contemporary international society. However, syncretist accounts also assume international society is underpinned by a single utopian framework. This

²³ The predominance of the Vanguard account in the work of norms scholars and Wendt is no doubt due to the influential role Bull has had on their understandings of international society.

²⁴ Some of Bull's writings could be seen as advocating a more syncretist future, as Bull was fairly pessimistic about the ability of western modernity to maintain international society, i.e. maintain a minimal level of consensus (Bull, 1977: ch 11; 1984a; 1984b; Bull and Watson, 1984a). Thus, Bull argued that non-Western values would have to be incorporated into international society if it was to be maintained. However, Thomas rejects this reading of Bull, because he believes Bull misinterpreted the 'revolt against the west'. Thomas argues that the revolt 'took place within the discourse of western modernity. At issue in international relations was not the impact of new values and beliefs, but the way different ideologies (capitalism, socialism, or even nationalism) could legitimate a different distribution of power among states in international society' (2000: 830).

framework is the outcome of various aspects of European and non-European frameworks fusing to providing the moral and political unity necessary to functionally maintain international society, and the resulting order.²⁵ For syncretists, those cultural aspects that did not become common amongst the members of international society are not part of international society, and are sometimes portrayed as posing a threat to the very existence of society, as will be seen shortly. In the end, what sets the two accounts apart is whether the cultural unity underpinning international society is the result of assimilation or syncretism.²⁶ Having illustrated that the English School tends to define society in terms of similarity and sees society as comprised of a single unified utopian framework, the next task is to show how these conceptual positions effect the examination of multidimensionality, and related aspects, such as the value conflicts and interpretive struggles at the heart of utopian cleavages.

²⁵ For a more generalized critique of the English School's tendency to equate culture with consensus, see Wendt, 1999: 252-254.

²⁶ Buzan discusses two additional potentialities regarding the future of cultural unity at the international level. Both run into similar issues as the syncretist account, in that they acknowledge the existence of multiple cultural frameworks, but see society as constituted by a single unified framework. The first is a 'layered' outcome where the international is very thin in terms of recognized commonalities, and there are thicker regional groupings. I discuss this view in more detail below when examining Buzan's work on incorporating conflict into international society. The second is a "failure" of any cultural unity to be maintained at the international level by either assimilation or syncretism that leads to "the extreme version of the clash of civilizations." In this instance, there is no internationally shared culture; instead, it gives ways to civilizational societies, each maintained by their own underlying cultural unity (2010:22-23).

2.1.3 The English School & Multidimensionality

Of all the approaches considered in this chapter, it is fair to say that the English School, and its pluralist wing in particular, is the most explicitly concerned with the differences and conflicts that impact world politics. Further, like all of these approaches the English is certainly aware that there are multiple utopian frameworks in the world. Indeed, it can reasonably be said that the goal of the English School is to determine how conflicts resulting from the existence of differences between agents are overcome (Jackson, 1992:281). However, by defining societal relationships in terms of commonalities stemming from an underlying cultural unity, and by describing those relationships lacking such a unity as asocial, and by often portraying them as a threat to the very existence of society, the traditional conceptual scheme of the English School lacks a conceptual space for accommodating difference and conflict as part of society, and provides no means for advocates of different utopian frameworks to interact in a socio-cultural manner. The purpose of this section is to examine specific examples of how the English School's understanding of society adversely affects the treatment of difference and conflict, and subsequently utopian cleavages.

Many in the English School argue that the world is simultaneously made up of Hobbesian relations of conflict, Grotian relations of rationality (i.e. negotiated values, rules, and institutions), and Kantian relations of cosmopolitan cooperation (Bull, 1977; Little, 1998; 2000; Buzan, 2001). In other words, the world is simultaneously comprised of elements of the international system, international society, and world society.²⁷ Conflict takes place in the system while cooperation and consensus occur

²⁷ It should be noted that world society differs from the other two, in that its membership is comprised of individuals, while the members of the international system and international society are states. World Society is by far the least developed

within society. There is nothing wrong with attempting to analytically untangle relations of similarity, difference, consensus, and conflict from one another. The problem is that most in the English School see relations of similarity and consensus and relations of difference and conflict as *different in kind*. The former are seen as socio-cultural relationships, while the later are seen as asocial. Thus, the two remain, for the most part, unconnected to one another, something those in the English School are not wholly unaware of (Little, 2000; Buzan, 2001).

This bounding of relations of conflict from relations of cooperation becomes untenable when agents with divergent values and interest interact with one another, as is the case with utopian cleavages. Confronted with such a situation, members of the English School usually fall into one of two camps. They either see it as signaling the erosion of international society and a move back to the dominance of systemic interactions (Bull, 1977; 1984a; 1984b) or the existence of separate societies (Gong, 1984; Buzan, 2004; Dunne, 2005b).

The erosion of society position is exemplified in Bull's examination of the 3rd World "Revolt against the West" (1984b). At a time when most of the discipline was preoccupied with super-power relations, Bull was astutely aware of the importance of increasing disillusionment among 3rd World countries in the post-colonial era. However, because Bull reduces society to the degree of agreement between its members regarding norms and rules, he saw 3rd World demands for a more equitable distribution of society's resources as a threat to the existence of international society itself. These demands were a threat because they had the potential to erode the

of these three concepts; however, it has received greater attention in recent years, see notably Buzan, 2004.

commonalities sustaining international society. If this happened, the asocial system would replace international society as the primary locus of international politics. Thus, Bull's definition of society prevented him from conceptualizing the 3rd World "revolt against the West" as a socio-cultural conflict about how international society itself ought to be organized, i.e. as a utopian cleavage, which posed a threat to a particular societal order favored by the West, but not a threat to the existence of socio-cultural relations in general. It should be noted that some of the more recent writings within the school, based on a syncretist understanding, see international society as more robust than some of Bull's statements suggest. This position claims that international society evolves with its cultural underpinnings whatever they might be (Buzan, 2010; Dunne, 2010).²⁸ However, this does nothing to incorporate multidimensionality, since no new definition of society has been offered; rather, it simply shows that there will be some commonality in the international realm even if it is not the Western culture of modernity. In other words, the Western form of modernity is not a necessary condition for the continued existence of international society.

The view that actors deviating from the societal norm exist outside society or exist in a separate society altogether is also problematic.²⁹ On this view, the

²⁸ Bull's views on the chances for international society's continued existence are hard to characterize as he often oscillates between pessimism and optimism depending on the international situation as he reads it. For a more cautiously optimistic view see Bull and Watson (1984a).

²⁹ The exact form of these 'solutions' to multidimensionality vary among individual scholars. For instance, Dunne (2005b) argues actors can be inside/outside of international society on an issue-by-issue basis, opposed to the more traditional either you are a member or you are not, exemplified by Gong's standard of Civilization

international realm is comprised of a number of societies, each one maintained by recognized commonalities between its members forming the basis of a moral and political unity. It does not provide away for “members” of the “separate societies” to interact with one another in a shared socio-cultural space, which as chapter 3 discusses in more detail is a necessary feature of utopian cleavages. I have a bit more to say on this view in the discussion of Buzan below; however, it is first necessary to say a word about how conflict in society is conceptualized when it is examined in traditional English School accounts.

As mentioned in the previous chapter, integrated models are not devoid of conflict. However, when conflict is examined from the perspective of an integrated model of society it tends to be seen in rather narrow terms, as coercive means of socializing/sanctioning deviants into complying with society’s norms. One such means, for Bull, is war, which he characterizes as one of the common institutions of international society. He defines war as “a settled pattern of behaviour, shaped towards the promotion of common goals” (1977: 178). Thus, regarding international society “war is a means of enforcing international law, of preserving the balance of power, and, arguably, of promoting changes in the law generally regarded as just” (1977: 181).³⁰ Simply put, war serves the function of protecting the moral and

(1984). Another variation would be Buzan’s layered notion of international society where a thin international society connects two or more thicker regional societies, where thicker means the regions share more of the necessary commonalities for the existence of a society than the international realm

³⁰ For Bull there is also the fear that war if not checked by the other institutions of international society, such as international law and diplomacy, will destroy international society resulting in a Hobbesian state of nature (1977: 181).

political unity holding international society together by sanctioning deviants to comply with its rules and norms.

While examining the role war plays in garnering agents' compliance with particular rules, values, institutions, etc. is certainly important, it leaves unanswered questions pertaining to the ideational reasons for why states go to war, and why war is considered an appropriate tool in some situations and not others. The English School cannot address these questions as a direct result of how it conceptualizes society. For the School, to draw on Vincent's famous 'egg box' analogy, states are seen as fragile eggs separate and different from one another. International society is the box preventing the eggs from crashing in to one another. "The general *function* of international society is to separate and cushion" (emphasis added, Vincent, 1986: 123). Thus, the differences between states that can lead to conflicts—such as contradictions between their preferred utopian frameworks—are not part of society; rather, international society is composed only of the commonalities shared by states, which serve to mitigate the conflicts arising from their differences.

Many in the English School have acknowledged the schools conceptual difficulties regarding their handling of difference and conflict and have attempted to address them.³¹ The most notable effort is Barry Buzan's *From International to World Society?* (2004). Drawing on insights from Wendt's Macrostructural Constructivism (Wendt, 1999), Buzan recognizes that "if one follows the

³¹ Many members of the school feel their approach lacks conceptual clarity in one manner or another, see for instance, Buzan, 1993; 2001; 2004; Zhang, 1991; Jones, 1998: 232; Little, 1998; Dunne, 2005a

constructivist logic of treating all human interactions as social, then violence and coercion have to be counted as forms of society and investigated as such” (2004: 129).

Thus, Buzan drops the asocial system from his conceptual scheme, arguing that once you recognize conflict as social, you find “not a distinction between international systems and international societies, but a spectrum of international societies ranging from weak, or thin or poorly developed, or conflictual, to strong, or thick or well developed or cooperative” (2004: 100).³² For Buzan, this continuum runs from a pluralist power political international society that looks like Bull’s characterization of the international system to a solidarist confederative international society which begins to blur the line between an interstate society and a single political entity (2004: 159-160).³³ Here one finds another Wendtian influence.³⁴ Buzan categorizes international society in terms of a single type of relationship, a society can be conflictual or cooperative, not simultaneously both. This prohibits the investigation of the interplay between relations of similarity, difference, consensus, conflict, structural integration, and disintegration, from which utopian cleavages emerge.

³² Berridge makes a similar claim in regards to Bull, arguing that Bull “is really talking about is some kind of continuum in which a so-called ‘states system’ is really just a weak form of ‘society of states’” (1980: 87).

³³ At the pluralist extreme of Buzan’s continuum is actually an asocial system in which no communication whatsoever takes place between groups. However, Buzan rightly acknowledges that one would be hard pressed to find an example of such interactions outside of the imaginations of philosophers and science-fiction writers (2004).

³⁴ See the discussion of Wendt’s conceptualization of international society below.

Further, viewing society as a continuum implies there can be more or less society. However, if all relationships are equally socio-cultural in nature, it does not make sense to say there is more or less society. Wanting to kill someone because of their socio-cultural category is just as socio-cultural in nature as loving them and wanting to help them for the same reason. Moreover, a person can simultaneously love some people, while hating others.

Buzan's advocacy of a continuum stems from his continued use of the School's traditional strong definition of society (2004: xvii). Thus, just as above, the amount of society corresponds to the amount of cultural unity holding between its members (Buzan, 2010), and relations of similarity, consensus, and structural integration are seen as more social than relations of difference, conflict and structural disintegration.³⁵ As a result, Buzan faces the same difficulties when confronted with how to conceptualize the relationship between agents with divergent values and interest.

Since the system is gone, in his effort to provide conceptual space for the interactions between agents advocating divergent values, Buzan turns to separate societies based on regional cultural identity. To describe this layered account of international society, Buzan uses a pan of fried eggs for an analogy (2004: 208). The albumin of the eggs run together covering the pan in a thin layer of white. This thin layer represents global international society and is "based partly on the successful diffusion and naturalization of some western values, and partly on ...pragmatic necessity..." (2010: 23). The yolks represent regional international societies. They

³⁵ The other members of the School that advocate dropping the system, like Buzan, do not alter the schools underlying definition of society, see note 14 above.

are much thicker, ‘and up to a point developed separately and in different ways from each other’ (2004: 208). What makes regions thicker is their “higher ‘degree of cultural unity’” (2010: 23). Here Buzan breaks from one of Wendt’s principle theoretical points—a shared cultural complex is as likely to produce conflict as cooperation (1999:253)³⁶—and returns to the common English School notion that a shared culture produces more of the necessary commonalities societal relationships depend upon.³⁷ In essence, when confronted with socio-cultural difference Buzan, like the rest of the English School, sees this as signaling less society. He therefore turns to the next layer in search of more society. Turning to regional societies in an effort to handle the effects of multidimensionality leads to an infinite regress, as scholars look to ever-smaller societies in an effort to separate out the difference and conflict that will almost inevitably manifest at each sublevel, all in an effort to isolate a cultural unity that may not exist in and of itself.

What the English School misses is that conflict occurs over something, and that something usually involves, to varying degrees, the organization and direction of the *shared* socio-cultural context. Shared here means shared understandings and referents, which in no way implies any agreement or unity (Sayer, 1992: 34). It is possible to correctly understand another’s positions and still think they are completely wrong—a common occurrence in IR. In fact, the more you come to understand a

³⁶ Wendt specifically draws this point of contrast with the English School, correctly arguing that culture’s “various manifestations...are analytically neutral with respect to cooperation and conflict” (1999:253).

³⁷ Buzan is aware that sub-global trends might not always be thicker, but could simply be different (2004: 209); however, he does not elaborate further.

practice, idea, etc., the more you might find it unacceptable and in need of alteration/elimination. A shared culture, as Geertz points out, shared understandings and referents “may link men [sic] together, but it may also provide them...with a vocabulary by means of which to explore more exquisitely the differences among them” (Geertz, 1973: 206). For example, the early relations between Protestants and Catholics were characterized by a disagreement between the two groups over what counts as appropriate Christian practice. If they did not share so many understandings regarding one another’s positions, it would have been almost impossible for such seemingly minor disagreements over orthodoxy to lead to social upheaval and war. Martin Luther was not just a deviant Catholic. His ideas did not create a separate society, or decrease the amount of society present. Interactions between Luther’s followers and Rome’s followers were conditioned by a shared socio-cultural context. The results of those interactions produced widespread transformations—not of anyone’s choosing—in a number of the social and cultural structures of their shared society, and even transformed the agents themselves in the process. This example suggests *groups in society*, which may (or may not) engage in relations of competition and conflict, not the existence of separate societies. If two sets of agents existed in truly separate societies, there would be very little for them to fight over.

In sum, Buzan’s work represents a major step forward for the English School. However, by not altering the School’s traditional strong understanding of society the conceptual space for investigating difference, conflict and structural disintegration as fully socio-cultural phenomena, and their relationships with similarity, consensus, and structural integration is still lacking. As a result, so too is the space for utopian cleavages.

2.2 World Polity Theory

WPT dates back to the late 1970's and the pioneering work of John Meyer and his colleagues at Stanford. These initial statements were in the field of organizational studies. Their primary aim was to undermine the assumption that organizations were rational actors, which dominated the discipline at the time (Meyer and Rowan, 1977; Meyer, 1977; Drori and Krücken, 2009). Since then, WPT has developed into a well-specified IR theory, which has produced a large body of empirical research. Like the discussion of the English School above, this examination illustrates that WPT defines society in integrated terms, comprised of a single relevant utopian framework. As a result, WPT has difficulty examining issues pertaining to multidimensionality in society. Specifically, it cannot accommodate multiple, contingently related, complementary, and contradictory cultural frameworks *in* society, which inhibits the investigation of utopian cleavages and related phenomena.

Before going on to discuss the specifics of WPT's account of international society, I must briefly discuss some terminology. In WPT, the relationship between world culture, world society, and the world polity is often unspecified. Indeed, this has led what I call WPT to go by many names, including world society theory (Meyer, 2009), world culture theory (Lechner and Boli, 2005), and the new sociological institutionalism.³⁸ Despite this, the general relationship between these terms can be determined without great difficulty. The primary concern of this approach is culture. However, this presents a problem, since WPT advocates a positivist approach to

³⁸ The last label is a contested one with various branches of institutionalism laying claim to be the new one. How much these various brands of institutionalism have in common is up for debate. For a discussion of these issues, see Immergut, 1998.

science. This goes back to Meyer adopting a quantitative worldview while in graduate school at Columbia, prior to his turn to world culture (Drori and Krücken, 2009; Meyer, 2009). As a positivist, and consequently an empiricist, empirically observable, quantifiable measures of cultural meanings become necessary. This is no easy task, one that some say it is not even possible or desirable (Bhaskar, 1979). Meyer's solution was to examine the institutional manifestations of these cultural scripts, such as IOs, NGOs, constitutions, states, education ministries, etc, which can easily be counted. This institutional structure is what is meant by the world polity, it is the observable manifestation of world culture, and world society and world culture are for all intents and purposes synonymous.

2.2.1 Society as the Enactment of Universally Valid Cultural Scripts

Of all the approaches considered, WPT is the most explicitly concerned with explaining similarity, specifically the increasing degree of institutional similarity found throughout the world (Finnemore, 1996b: 334; Meyer et al., 1987; Meyer et al., 1997a). They posit this institutional isomorphism is the result of universally shared world cultural scripts, which consist of “a set of fundamental principles and models, mainly ontological and cognitive in character, defining the nature and purposes of social actors and action. Like all cultures, world culture becomes embedded in social organizations, especially in organizations operating at the global level” (Boli and Thomas, 1999: 14). Indeed, these world culture scripts produce the actors of the world polity, including organizations (Boli and Thomas, 1999), states (Meyer et al. 1997a), and individuals (Frank and Meyer, 2002), and gives meanings to their actions.

World culture produces global similarity via two mechanisms. First, “definitions, principles, and purposes are cognitively constructed in similar ways

throughout the world. The existence, general nature, and purposes of states, school systems, and TNCs are known everywhere.” Second, world culture models apply everywhere, whether functionally applicable or not. For example, the nation-state model is valid in all places regardless of local circumstances, and where states fail they are reorganized as states, not as some other political entity that may be more functionally appropriate (Boli and Thomas, 1999: 18).

In addition to providing a macrostructural account of international society, practitioners of WPT also specify the content of those structures (Finnemore, 1996b). The primary structure of world culture, which infuses the others, is rationalization, which involves the specification of “means-ends chains” and the “restructuring [of] action within collective means and ends” (Meyer et al., 1987: 25). Two primary ends, which are also structures, are pursued: justice, which is defined as equality, and progress, which has come to be defined in terms increasing GDP (Meyer et al., 1987; 1997a). Other cultural themes that have been posited as being part of the world culture, include universalism, individualism, rationalized voluntaristic authority (e.g. bureaucracies), and world citizenship (Boli and Thomas, 1999: 35).

A cognitive base, combined with the universal applicability of world culture scripts, suggests there is consensus surrounding specific values and goals within contemporary international society, especially those derived from world cultural scripts. Indeed, Meyer et al. argue “Nation-states are remarkably uniform in defining their goals” (1997a: 153). Further, they note increasing levels of consensus surrounding the values and meanings associated with world cultural scripts (1997: 145, 148, 172), while claiming “[a]lternative models...have little legitimacy”, and goals and values “outside the standard form...are usually suspect” (1997: 148, 153).

This raises the question of suspect to whom? Answering this question requires looking at WPT's account of the origins of world culture.

2.2.2 The Cultural Origins of Contemporary International Society

WPT's views on the cultural origins of contemporary international society are similar to the English School's vanguard account discussed above. It began in the core area of Western Europe during the medieval period. It then spread to the periphery with the expansion of the European Powers (Thomas et al., 1987; Bergeson, 1980; Finnemore, 1996b). Thus, for WPT, the dominant Western powers, with whom world culture originated, and the international non-governmental organizations (INGOs) they have created are the principle arbiters of legitimacy. Actors deviating from world cultural scripts are thought to do so because of their having had insufficient contact with world cultural scripts and the actors embodying them. As these deviants have increasing contact with world cultural scripts, they will begin to internalize them and their deviant behaviors will decrease (Boyle et al, 2001; Meyer et al, 1997a).³⁹

This sits uneasily with the reified and cognitive account of culture upon which WPT is based. If definitions are cognitively constructed in a similar manner in all places, how then can some actors construct definitions others do not recognize as in accordance with world cultural scripts? Second, if world culture creates actors and gives meaning to their actions, how can it produce actors and meanings that do not conform to its universal scripts, and why would a small subset of actors determine

³⁹ The degree of internalization will vary based on a number of factors, see Boyle et al., 2001.

what counts as appropriate behavior? Finally, if some actors deviate from world cultural scripts, how can the scripts be universally applicable?

The reason WPT portrays the process of cultural dissemination as proceeding in such a smooth manner is because “Their emphasis is on the mutually reinforcing and expansive nature of these norms” and the high degree of consensus they see as surrounding them. The result is WPT accounts “specify no sources of instability, conflict or opposition to the progressive expansion of world culture” and therefore “have no grounds for explaining value conflicts or normative contestation—in other words politics” (Finnemore, 1996b: 343). One can also add utopian cleavages to this list of phenomena WPT have no ground for explaining.

2.2.3 WPT and Multidimensionality

WPT attempts to get around these issues in a similar manner to the English School, by segregating similarity and difference. Thus, for WPT the global realm is one of pure homogenization, and whatever differences and conflicts manifest are defined as instances of local heterogeneity. It is argued that such a distinction allows WPT to capture the interaction of homogeneity and heterogeneity (Boyle, et al., 2001: 5).

WPT is to be commended for recognizing that similarity and difference must be brought into contact in order to adequately study the full domain of socio-cultural aspects relevant in international relations. However, even if one were to accept the global as homogeneous and the local as heterogeneous, there can be no interplay between them in WPT accounts. This is because WPT can only maintain a one-way, top-down relationship as a direct result of how it conceptualizes society. Simply put, WPT’s only explanatory variable is world culture. The universally applicable global

produces increasing levels of local isomorphism, but the local has no effect on the global, in large part because world culture is seen as producing the relevant local actors in the first place, including individuals and institutions. Interplay implies the outcome is not definitionally determined in advance, that each element has the potential to affect the other, and the outcomes must have the potential to vary in different interaction contexts. WPT theoretically precludes all three possibilities. The relationship between similarity and difference and their ‘location’ is an empirical question, and potential answers cannot be precluded *a priori*.

The main reason WPT cannot account for multidimensionality is its reified view of society. World culture is treated as ontologically prior to, and seen as creating the very possibility of, the agents inhabiting the world polity (Finnemore, 1996b: 333). Thus, WPT ‘objectifies social structures without recognizing that only human action...reproduces, and transforms those structures’ (Wendt, 1987: 345). Reification causes two problems. First, it precludes theorizing the mechanisms of change within the world polity, because culture cannot change itself (Archer, 1988). Second, it causes WPT to misspecify ‘the content of the social structure itself’, viewing structures as inherently complementary rather than potentially contradictory (Finnemore, 1996b: 343).⁴⁰ Putting the two together, reification causes WPT to neglect the possibility that agents might interpret the same structural imperatives differently, and that structures might provide agents with contradictory imperatives. As a result, WPT misses how structurally positioned agents can recognize and exploit cultural contradictions in ways that produce differentiation, conflict, and changes in “*global*” structures.

⁴⁰ cf. Meyer et al., 1997a

Martha Finnemore's *National Interest in International Society* (1996a), which modifies WPT understanding of society based on insights from CNT constitutes a major advancement in how mainstream sociological approaches to IR understand society. Finnemore's starting point is typical of WPT accounts: "states are socialized to accept new norms, values, and preceptions of interests by international organizations", which serve as the principal disseminators of the cultural scripts that are constitutive of the normative structures of international society (1996a: 5). For Finnemore this normative structure:

is organized around three foundational normative elements: bureaucracies, markets, and human equality.... Over...the past several centuries, consensus on the goodness and appropriateness of these organizing principles of political and social life has grown and transformed international politics in the process (1996a: 131-32).

However, Finnemore recognizes that there are "tensions and contradictions" between these core organizing principals, which WPT and the English School miss. The most obvious tension exists between equality and markets, with one seeming to undermine the other. Because of this inherent tension, different states are likely to negotiate different equilibrium points. This, for Finnemore, explains why there is such a wide variety of political systems around the world. Further, none of these individually negotiated equilibrium points is stable because it is likely that any given balance will soon be undone by the inherent contradictions within the three pillars of international society.

The contributions of Finnemore's work are substantial. It led WPT to accept advances in justice might inhibit progress and vice versa (Meyer et al., 1997a). It also marked a major breakthrough for CNT. By recognizing the inherent instability

between the propositions of Liberalism, Finnemore's work avoids the teleological character found in much of the norms literature, especially early on, that saw international society as inevitably progressing to a liberal cosmopolitan community of all human kind (Barkin, 2003).

However, there are two issues with Finnemore's account of society that limit its ability to enable the examination of issues related to multidimensionality in society, such as utopian cleavages. These issues stem directly from her working within, rather than moving beyond, WPT and its conceptualization of international society. First, multidimensionality is limited to different points of emphasis within Liberalism. Thus, international society remains homogeneous overall, limited to three structures enjoying general support. Contentious ideas, i.e. those ideas lacking a centuries old, system wide, consensus on their goodness and appropriateness are absent from international society, and so too is an account of their potential role in global politics. To include these ideas alongside those enjoying widespread agreement means accepting the possibility that there are multiple utopian frameworks available for agents to draw on, a possibility precluded by the integrated model. Second, Finnemore, in conceptualizing international society leaves little room for agency (Checkel, 1998). Specifically, the mediating effects of people on cultural contradictions and complementarities are absent, meaning she does not theorize the manner in which agents use ideas to cover-up, repair, or rip open cultural contradictions.

These issues notwithstanding, by recognizing the important role of cultural contradictions in the reproduction/transformation of society, Finnemore takes a key step in the move from an integrated to multidimensional understanding of society.

Therefore, in the following chapter I use Finnemore's observations on cultural contradiction as a spring board for understanding the role of contradictions in generating the interpretive conflicts that develop into utopian cleavages.

In sum, WPT ultimately maintains that conflict results from divergent responses to problems produced by world culture, because world culture legitimates 'multiple actors and their interests.' In turn, this can lead to 'ideological conflicts over matters that on the face of it seem inconsequential, including a considerable number of wars fuelled partly by clashes over modest variations on shared cultural or religious models' (Meyer et al. 1997a: 170). Recognizing that slightly different perspectives on shared cultural models can produce conflict is certainly a plus. However, WPT must stop there. It can provide little insight about how or why agents pursue divergent responses to structural imperatives. Nor can WPT say much regarding the mechanisms that cause small differences to become imbued with socio-cultural significances that have the potential to produce relations of conflict that can last for centuries and lead to millions of deaths, and the transformation of the social and cultural structures of international society. Answering these questions requires a multidimensional concept of society inhabited by purposeful agents. Unfortunately, WPT is lacking on both accounts, as socio-cultural interactions between agents pursuing divergent societal orders are typically absent from the theory, due to its reified view of culture, and when present the outcome is prejudged in favor of global homogeneity.

2.3 Constructivist Norms Theory

One of the largest constructivist literatures is concerned with studying international norms—"collective expectations for the proper behavior of actors with a

given identity” (Katzenstein, 1996: 5) —including how norms diffuse, how agents are socialized to comply with new norms, and what processes and mechanisms enable/inhibit the diffusion of new norms, and what types of norms are most likely to spread. By focusing on an inherently socio-cultural aspect of international relations, norms scholars recognize that a concept of international society becomes vital. This is because the existence of norms presupposes the existence of a society (Risse, 1999; Risse et al., 1999; Finnemore and Sikkink, 1998). More specifically, for CNT norm diffusion “presupposes an international society with specific collective understandings about appropriate behavior” (Risse, 1999: 529).

Despite the necessity of international society for the existence and spread of international norms, constructivist norms theorists have paid little attention to its makeup. This is surprising, because one of the founding tenets of mainstream IR constructivism is the idea that different systemic ordering principles lead to different structures, which in turn can lead to different identities, interests, and preferences for the agents constituted by those structures (Wendt, 1992, 1999).⁴¹ Thus, it would follow that as international society changes, so too do the empowered agents, the types of norms that agents promote, and the methods of socialization that they employ; conversely, as the empowered actors, norms, and the methods of socialization change so too do the structures of international society.

Instead of developing their own notions of international society, norms theorists have by in large utilized the English School or WPT’s concepts of

⁴¹CNT does not employ Wendt’s macrostructural view of international society much because CNT’s analytical frameworks were largely developed prior to Wendt’s grand statement (1999).

international society (e.g. Nadelmann, 1990; Finnemore, 1996a; Keck and Sikkink, 1998; Risse, 1999; Risse and Sikkink, 1999). This theoretical dependency on the English School and WPT is striking, because some of the most incisive criticisms of both schools come from the very norms scholars who rely on them (e.g. Finnemore, 1996a, 1996b, 2001; Keck and Sikkink, 1998). This reliance is made all the more surprising by the fact that the integrated model of society, which these approaches utilize, and the primacy it affords to relations of similarity, consensus, and structural integration is inconsistent with the ontological starting point of constructivism that relations of difference, conflict, and structural disintegration are equally socio-cultural in nature. Furthermore, the integrated model assumption that society is constituted by a single utopian framework means that different collectives within society cannot have different expectations regarding appropriate behavior, which undermines CNT's agnosticism regarding the content of norms. Not surprisingly, borrowing their concept of international society from the English School and WPT leads norms theorists to view society in similar terms.⁴² In particular, norms theorists see society as the diffusion of common values and institutions throughout the world, especially Liberal ones.⁴³

Because there is no uniquely CNT understanding of society, this section proceeds somewhat differently from previous ones. However, the overall goals

⁴² Indeed, the influence of these outside conceptualizations of society, specifically the English School, can be seen in the quote in the first paragraph of this section, which presumes society is comprised of a single collective with expectations regarding appropriate behavior.

⁴³ For more on the Liberal tendencies of the norms literature, see Barkin, 2003.

remain the same: illustrate that the theoretical and empirical scope of CNT is adversely affected when it comes to issues of multidimensionality, especially relating to the existence of utopian cleavages. It begins by looking at some of the common conclusions found in CNT regarding what types of norms are likely to spread in contemporary international society. These conclusions are the result of the empirical investigation of specific norms combined with CNT's utilization of an integrated model of society. It then proceed to challenge these conclusions by examining the effects of certain self-acknowledged biases found within the norms literature, specifically the tendencies of norms scholars to study successful, progressive norms. The purpose here is to show how the integrated model of society serves to portray these biases as benign, and results in the exclusion of non-Liberal norms and their impact on international society. Finally, it concludes with an examination of how CNT's utilization of an integrated model of society creates tension between the first and second waves of norms scholarship, which can be resolved by a multidimensional model of society.⁴⁴

2.3.1 Conclusions about International Society

Norms scholars make several claims about which norms are likely to spread in contemporary international society based on the findings of empirical investigations into particular norms. For CNT, these conclusions are warranted by their understanding of society. If society is seen as constituted by a single utopian

⁴⁴ Put simply, the first wave of norms scholarship deals with issues related to the diffusion of norms at the level of the international system, while the second wave deals with issues related to diffusion of international norms at the domestic level (Acharya, 2004).

framework, owing to the primacy of similarity and consensus over difference and conflict, then it follows that the culture of contemporary international society can be determined by examining what norms are diffusing, and that norms consistent with the utopian framework of international society will be most likely to diffuse. In general, following WPT, norms scholars expect norms consistent with the Liberal metavalues of world culture, such as those mentioned in the WPT discussion above, to diffuse successfully.⁴⁵ More specifically, CNT scholars expect norms promoting the humanization of despised groups to spread.⁴⁶ These norms are likely to take the form of providing legal equality and the prohibition of bodily harm.⁴⁷ Finally, some norms scholars go so far as to claim the world is becoming increasingly progressive to the point where war might become inconceivable⁴⁸ and an emergent cosmopolitan community of individuals can be identified.⁴⁹ However, certain biases common in CNT coupled with the use of a homogeneous model of society raise questions about the validity of these conclusions.

There are two self-acknowledged biases common in CNT research that are in and of themselves unobjectionable. However, when CNT scholars attempt to generalize from their studies of particular norms to the content of the wider population

⁴⁵ Finnemore and Sikkink, 1998: 907; Finnemore, 1996a; Sandholtz and Stiles, 2009

⁴⁶ Ray, 1989; Crawford, 1993; Klotz, 1995

⁴⁷ Keck and Sikkink, 1998: 204-205; Finnemore, 1996a

⁴⁸ Ray, 1989; Crawford, 1993; see also Finnemore and Sikkink, 1998

⁴⁹ Keck and Sikkink, 1998

of norms, which constitute the structure of international society for CNT, they lead to issues related to selection bias. First, CNT has a self-acknowledged bias toward studying ‘progressive’, typically Liberal, norms. Constructivists see this as a harmless “artifact of the dominant approaches with which constructivism engaged in its early years.” These dominant approaches (neorealism and neoliberalism) saw behavior as motivated by self-interest. Therefore, constructivists had to focus on behavior that was ‘not obviously self-interested’ in order to make room for their new approach.⁵⁰ Norm theorists thus argue the frameworks they have developed studying Liberal norms can be applied to “bad” norms as well (Finnemore and Sikkink, 2001: 403-4). This is true, but it is only part of the issue. Finnemore and Sikkink’s (1998) norm life cycle, Keck and Sikkink’s (1998) boomerang pattern, and Risse et al.’s (1999) spiral model of domestic diffusion⁵¹ are excellent tools that can be used to study non-liberal/bad norms. However, the concepts of international society these models presuppose, whether the English School’s, WPT’s, or some mixture of the two, cannot, as we have seen, incorporate the simultaneous existence in both time and place of logically contradictory values, beliefs, norms, institutions, etc. Thus, CNT could study “bad” norms in an isolated fashion. However, studying “bad” norms in a systematic manner, concomitantly with the study of “progressive” norms, would require replacing the integrated model of society characteristic of CNT for a multidimensional understanding.

⁵⁰ It does not follow one *has* to study progressive norms to show behavior that is not self-interested. For instance, the discussion of anti-sodomy laws in chapters 4 and 5 demonstrates a policy that is neither progressive nor self-interested.

⁵¹ Domestic diffusion here refers to acceptance of a norm by the state, not groups in the civilian population.

The second bias is the tendency to study successful norms (Kowert and Legro, 1996; Legro, 1997; Checkel, 1998).⁵² This bias is understandable, since the goal of early CNT research was to show that norms matter in international relations. Further, issues with non-events, or ‘dogs that don’t bark’, are not exclusive to CNT. The problems arise when one generalizes from a sample that deliberately selects successful norms of a particular type to the wider population of international norms.

Only if society is comprised solely of similarity and constituted by a single utopian framework are the biases of CNT benign. If, however, society can be comprised of multiple contingently related utopian frameworks, then the biases of CNT are quite malignant, and the conclusions that result are highly suspect. It becomes nearly impossible for illiberal normative frameworks to take on any significance in constructivist accounts of society.⁵³ Illiberal norms can only exist in a singular, isolated state, the residue of a time past. Liberal international society may not produce unitary outcomes, since Liberalism is not logically consistent, and has strong multi-cultural elements; however, the metavalues of CNT’s version of international society are solely Liberal in nature. Thus, actors who reject Liberal values either are absent from international society or simply deviate from the Liberal norm and need to be socialized into compliance, much like in the English School and WPT.

⁵² For examples of norms that have failed to reach taken-for-granted status, see Bailey (2008); Gränzer (1999); Keck and Sikkink’s (1998) discussion of female circumcision in Kenya; and to a lesser extent Checkel (1999).

⁵³ For studies examining non-Liberal norms and Transnational Advocacy Networks (TANs), see Barnett (1998) and Asal et al. (2007)—the latter is not a constructivist study, but it does use Keck and Sikkink’s concept of TANs to examine terror networks.

Most CNT accounts do discuss difference and conflict surrounding Liberal norms; however, the discussion is limited, and is usually not incorporated into the theoretical frameworks the authors develop.⁵⁴ A state is portrayed as opposed to a given norm, while agents from ‘the core’ of international society apply pressure to the violator to garner compliance.⁵⁵ Though this is an important form of conflict, it is limited in two regards. First, given that state(s) are often opposed to a proposed norm in the first place suggests they follow different normative principles, which implies the normative landscape of international society is not as one dimensional as CNT accounts suggest. Second, CNT, like WPT and the English School, tends to miss interpretive conflicts over the meanings of shared referents, because they presume the Liberal discourse is the sole provider of meaning in international society (Towns, 2010).⁵⁶

A multidimensional understanding of society, as I show in the next chapter, allows for the possibility that society is comprised of multiple contradictory utopian frameworks, which means that collectives can have different understandings of what constitutes appropriate behavior, and have different positions on the same behavior. This opens up questions regarding the effects socio-cultural interactions between

⁵⁴ This is similar to how neorealists often discuss non-systemic phenomena but do not give them any theoretical importance.

⁵⁵ Sikkink is a notable exception to this tendency to focus on the Western core of the Liberal collective. In a number of studies she has focused on the contributions of Latin America to the diffusion of Liberal norms (Sikkink, 2011).

⁵⁶ Keck and Sikkink (1998) and Finnemore (1996a) are partial exceptions; however, the conflict over meaning is limited to what is permissible within the Liberal discourse.

groups with different utopian visions have on the reproduction/transformation of the groups themselves, along with the effects of these interactions on the reproduction/transformation of society's structures.⁵⁷ For instance, it would allow for an examination of how the actions of transnational advocacy networks (TANs) like al-Qaeda, working to promote their own illiberal principled ideas, effected members of the Liberal Community's commitment to human rights norms (Puddington, 2011), which some CNT scholars see as constitutive of the Liberal collective (Risse et al. 1999), and what this has meant for the identity of Liberal states. However, at present such questions are unlikely to be asked in the norms literature, due to how they conceptualize international society.

Another unfortunate side effect of the integrated model of society for CNT is that it produces certain tensions and theoretical loose ends. Specifically, the theoretical models developed in CNT's 2nd wave do not fit easily with an integrated model of society. For instance, several scholars have argued that there are powerful regional and domestic norms, which are often in *conflict* with international norms to the point where it is possible to identify cultural mismatches (Cortell and Davis, 1996; 2000; Checkel, 1999). Yet, due to the biases outlined above and CNT's traditional understanding of society, these powerful norms usually end up being displaced by more progressive ones in constructivist empirical accounts. This has the further effect of portraying those who do not subscribe to the Liberal framework as lacking agency,

57 The lens of groups in society also places the claim that agents are susceptible to pressure on human rights issues to the extent that they desire membership in the Liberal community in the proper perspective (see Keck and Sikkink, 1998: 205-206). I return to this point in subsequent chapters.

as norm takers rather than potential norm makers. It implies the most a non-Liberal agent can do is localize an incoming Liberal norm (Acharya, 2004; see also Price, 1998; Farrell, 2001).⁵⁸

Similarly, CNTs views on society run counter to findings that suggesting the structure of domestic political institutions affect the possibility of a norm diffusing in a state (Risse-Kappen, 1995; Checkel, 1999), as Liberal norms inevitably triumph despite potential domestic obstacles. This obscures the fact that adoption of a policy by the government does not mean widespread acceptance among factions in the domestic population.⁵⁹ For instance, South Africa has some of the most progressive gay rights laws in the world; yet, this has done little to combat the atmosphere of fear and intimidation many South African members of the gay community face on a daily basis (Amnesty International, 2013; see also chapter 4 and 5). Consequently, CNT suggests a much more even and complete diffusion process than is actually the case in practice. The ultimate effect is an assumption that the diffusion of one norm in a particular location means the displacement of all its alternatives. This is a questionable assumption that 2nd wave authors have warned against (Acharya, 2004; Hopf, 1998).

In sum, CNT utilizes an integrated model of society, which leads them to assume Liberalism is the sole utopian framework relevant in international society. This provides the justification for deliberately seeking out successful, progressive norms. Finding such norms diffusing in international society, then justifies the

58 Here one can see the parallels with the portrayal of the global as homogenous and the local as heterogeneous found in WPT.

59 This is exacerbated further by CNT's propensity to treat states as unitary actors.

initially assumption that international society is coalescing around Liberal values and institutions, thereby completing the circle. As a result, current CNT accounts of society cannot incorporate a robust notion of multidimensionality into their theoretical conceptualizations. This creates a tension between the way international society is conceptualized in the norms literature and the theoretical and empirical findings of the 2nd wave literature, which suggest that the institutional structure and culture of the target state affect the prospects for norm diffusion, because Liberalism triumphantly marches on. In the end, current CNT accounts might prove to be correct. Liberalism may currently be the sole utopian framework of consequence operating within international society, containing “the seeds of its [own] expansion” (Keck and Sikkink, 1998: 205), capable of overriding all domestic, political, and cultural obstacles. However, at present, due to certain methodological biases and CNT’s utilization of an integrated model of international society, the existence of multiple utopian frameworks is precluded *a priori*, as is the possibility of utopian cleavages. What CNT needs is an account of society that is consistent with its own ontological starting point of treating all interaction as societal (Buzan, 2004). The next chapter provides such an account. However, one final account of international society must first be discussed: Alex Wendt’s macrostructural account.

2.4 Wendt’s Macrostructural Account of International Society

Perhaps no scholar is more associated with (American) constructivism than Alexander Wendt. His early statements are foundational to so-called ‘modern’ constructivism (Wendt, 1987, 1992, 1994), a label that would include most of the scholars associated with CNT. Further, Wendt’s *Social Theory of International*

Politics (1999) serves as the most comprehensive statement on society within the constructivist literature.

Interestingly, despite Wendt's importance in developing constructivism in IR, an importance that would be difficult to overstate, his conceptualization of society is not often drawn upon in the norms literature, whose scholars tend to draw more heavily upon the English School and WPT. There are two likely reasons for this. First, like many "modern" constructivists, Wendt draws upon Bull's work (1999: 253), and deliberately parallels aspects of the English School in developing his conceptual scheme, although he does make some significant points of departure.⁶⁰ Thus, the building blocks of Wendt's conceptualization are in some sense included in CNT through the work of Bull and through his own earlier writings, which the norms literature draws upon more. Second, many of CNT's core theoretical concepts and models were developed prior to the publication of Wendt's grand statement in 1999.

This section, like previous ones, has three primary aims: to illustrate that Wendt conceptualizes international society in integrated terms, constituted by a single culture, and the examination of issues pertaining to multidimensionality, such as utopian cleavages, are inhibited as a result.

2.4.1 Society as a Single Subject-Position

For Wendt, the entire international system is constituted by a single structure (1999: 139), which is primarily cultural in nature (1999: 157). By cultural Wendt means the structure of the international realm is comprised of 'socially *shared* knowledge' (1999: 141, emphasis original). Actions based on unshared knowledge

⁶⁰ See the discussion of Buzan in the English School section above.

may be social, if the actors take each other into account, but they are not cultural (1999: 158).⁶¹ More specifically, the culture of the international system takes the form of a subject-position (1999: 257). A subject-position refers to “actors’ *ideas* about the nature and roles of Self and Other” (1999: 249, emphasis original).

Three subject-positions are possible in the international system, enmity (Hobbesian), rivalry (Lockean), and friendship (Kantian).⁶² In a structure of enmity, the Other is perceived as posing an existential threat to the Self (1999: 260). In a structure of rivalry, violence may still be used to settle disputes; however, it is recognized that the very existence of the Self does not hang in the balance (1999: 279-280, 260-261). Thus, “Underlying rivalry is a right to sovereignty” (1999: 280). In a structure of friendship, disputes between Self and Other are settled without recourse to violence or the threat of violence, and it is expected that if one of the parties to a friendship is threatened with violence, the other will come to their aid (1999: 298-299).⁶³ Currently, the international system is constituted by a Lockean culture of rivalry.

In addition to the subject-position constituting the system, the degree to which actors internalize the subject-position is also relevant. Internalization refers to why

61 Note the similarities to Bull’s definition of the international system. The important difference being that for Wendt, following Weber, other regarding is inherently social, whereas for Bull it is not. For a discussion of how Bull’s views of society relate to Wendt’s understanding of social, see Wendt, 1999: 141, fn 4.

62 Here one finds another similarity with the English School: a tripartite conceptual scheme with each concept being tied to a Western philosopher. The principle difference being that Wendt replaces Grotius with Locke.

63 For a further qualification of these two points, see Wendt, 1999: 299.

actors comply with cultural imperatives. Wendt identifies three levels of internalization: coerced, instrumental, and belief. Each culture can be internalized to any of the three degrees, e.g. a Hobbesian system predicated on belief, or a Kantian system based on coercion.

Before moving forward, a brief discussion of terminology is necessary. In the foregoing discussion, and in what follows, I have been discussing what Wendt refers to as the international system as if it were his concept of international society. However, Wendt sees society as a specific type of culture, one based on cooperation (1999: 253). In other words, society equals shared cooperative expectations.

For Wendt, like the English School, the current Lockean culture of rivalry contains enough shared expectations of cooperation to constitute a society. Regarding the origins of this shared expectation of cooperation, Wendt follows the Vanguardists of the English School in seeing it as the result of a “decentralized process of homogenization” where “to be seen as a member...states had to have a number of domestic attributes that were initially characteristic primarily of European states” (1999: 355; see also, 292-293).

Where Wendt explicitly breaks from the English School is over the effects of culture. As argued above, the English School sees culture as producing moral and political unity, whereas Wendt argues culture can just as easily produce relations of conflict (1999: 253-254). Thus, because Wendt views both relations of conflict and consensus as equally socio-cultural in nature, I examine his overarching conceptualization of the international system as equivalent to his concept of society; rather, than his narrower use of the term. I do this because it more closely resembles my understanding of society—as the totality of socio-cultural relationships and their

results, whatever they may be—and thereby allows me to provide a fuller and fairer treatment of this important work.

2.4.2 Wendt and Multidimensionality

Although Wendt is agnostic regarding the content of socio-cultural relationships, which he correctly sees as capable of being both conflictual and consensual, he conceptualizes society in integrated terms. Specifically, he seeks to categorize the totality of the (international) socio-cultural realm in terms of a single cultural relationship, at single level of internalization (1999: 139).⁶⁴ Relations of enmity, rivalry, *or* friendship can constitute international society, but it cannot be simultaneously constituted by a combination of the three.

⁶⁴ This is characteristic of macrostructural accounts of society in general. Similar issues were seen when discussing Buzan's adaptation of Wendt. Likewise, in Reus-Smit's attempt to characterize international society in terms of a single moral purpose shared by its members. This account is a hybrid, as Reus-Smit explicitly incorporates ideas from constructivism and the English School, and there are also certain parallels with WPT. According to Reus-Smit, international societies are constituted by a constitutional structure, which he defines as a "coherent ensembles of intersubjective beliefs, principles and norms" that "define what constitutes a legitimate actor", and "define...rightful state action" (1997: 564). The metavalues of this constitutional structure are enacted in specific institutional forms, as in WPT. However, contra WPT, and like the English School, these values are negotiated by actors through communicative action in an effort to facilitate cooperation in international politics (1997: 564). Finally, like Wendt, the grand structure of society is singular and rather limited in scope. For example, the moral purpose of Greek international society was "the cultivation of bios politicos, a form of communal life characterized by the rational pursuit of justice through action and speech" (1997: 573). It is probable that there was a great deal more to socio-cultural interaction going on than is suggested by the pursuit of justices. Reus-Smit, acknowledges that a great deal of conflict surrounds these organizing principles; however, because of his use of the English School, those who reject the constitutional principles are outside of society, presumably in the asocial system, or occupying a separate society.

At times, it might be desirable to characterize society in terms of the single type of relationship at a single degree of internalization. However, the majority of the time, such an abstraction seems more likely to obscure our understanding of society than elucidate it, by excluding the tremendous variability possible in an inherently open system inhabited by creative agents. Put simply, it is abstraction with little connection to the daily reality of international politics, as states experience all three types of relationships, and probably many others, daily—a point Wendt acknowledges (1999: 247). For example, the US has friends (United Kingdom, and Canada), rivals (Russia, and China), and enemies (Iran, North Korea, and the Taliban—a non-state actor). These relationships may also vary in the manner of internalization. For instance, America and Saudi Arabia are friends for instrumental purposes, while America and Canada are friends by belief, and America and (factions within) Afghanistan are friends through coercion.⁶⁵ Further, a change in a single dyad, which would not greatly alter the overall systemic distribution of subject-positions, can have major impact on world politics and the structure of international society. America and Iraq, for instance, went from friends to enemies then back to friends, as did America and (factions within) Afghanistan. The changes in both relationships had dire consequences for the socio-cultural context in which agents are embedded, such as diminished global respect for human rights (Puddington, 2011).

⁶⁵ Even this is misleading. In the case of Afghanistan for instance, one could also identify instrumental and belief based reasons for their current relationship. Further, describing the relationship solely in terms of enmity, rivalry, or friendship would be difficult at best.

Further, while Wendt leaves ample room for coercion and violence in his cultural account, it can provide little insight regarding the investigation of utopian cleavages, due to its high level of abstraction. It can tell us two agents are at war due to a structure of enmity (or rivalry) existing between them, but it can offer few insights regarding the specifics of the conflict. For instance, regarding America and the Taliban, why does a relationship of enmity exist between them, and what agential understandings, interactions, and specific structures produced the relationship?

In sum, Wendt argues international society is composed primarily of a single cultural structure, currently taking the form of Lockean rivalry. Wendt's goal of explaining a "small number of big and important things" forces him to operate at a high level of abstraction (1999: 256). Abstraction is necessary, but also damaging. In Wendt's case, it leads to the exclusion of variability (i.e. multidimensionality) from society along with its potential effects. Specifically, relationships of similarity, difference, consensus, and conflict are possible in society, but cannot be co-present in society. In essence, Wendt's account of society and the one I develop in the following chapter are both agnostic regarding the content of socio-cultural relations. However, in order to view society as multidimensional it is also necessary to be agnostic about the distribution of these relationships. It cannot be assumed *a priori* that the entirety of international society coalesces around a single type of relationship, as this artificially prevents the possibility of multidimensionality in society. Wendt may prove correct that a single type of relationship constitutes international society, but determining this is an empirical question that requires leaving open the possibility theoretically that multiple types of relationships can be co-present. Finally, there is

little guidance for the examination of concrete value conflicts in society, due to the lower level of abstraction necessary to cast light on such issues.⁶⁶

⁶⁶ To be fair, Wendt sees theories of interaction (foreign policy) as distinct from theories of structure (systemic theory), and has set out to develop the latter, not the former. However, it is fair to question the value of making such a distinction. What good is understanding structure if it can tell us little about interaction and vice versa?

Chapter 3

REMAINING FAITHFUL TO REALITY: CREATING THE ONTOLOGICAL SPACE FOR UTOPIAN CLEAVAGES THROUGH A MULTIDIMENSIONAL MODEL OF INTERNATIONAL SOCIETY

Robert Jackson of the English School has stated that “social and political life discloses divergent and even contradictory ideas and discourses which must be accommodated by our theories if they are to remain faithful to reality” (1992:281). John Meyer and his WPT colleagues have acknowledged that despite increasing levels of isomorphism “ideological conflicts over matters that on the face of it seem inconsequential” continue to persist, and produce major consequences, such as war (Meyer et al., 1997a). Constructivism’s ontological starting point is “to treat all human interactions as social.” Therefore, “violence and coercion have to be counted as forms of society and investigated as such” (Buzan, 2004: 129). Nina Tannenwald, writing from the perspective of CNT, has said, “norms may be ‘good’ or ‘bad’; they may tell states that it is heinous to make war or that it is glorious.”⁶⁷ If all of the preceding statements are true—and they are—the question becomes how do we accommodate them, so that our field specific theories and empirical research “remain faithful to reality?”⁶⁸ Answering this question is the primary aim of this chapter.

⁶⁷Quoted from Wendt (1999: 253-254), who is paraphrasing Tannenwald’s dissertation.

⁶⁸ See also Bleiker, 2005; Sterling-Folker, 2004.

Ensuring that our theoretical and empirical engagement with the substance of international relations is an accurate representation requires starting with the concept of international society. This is because of the regulatory effects the concept of international society has on the formulation of field specific theories and the manner in which empirical research is carried out. These effects were discussed in the previous chapters and demonstrated in Chapter 2.

As the reader will recall, the concept of international society serves as a sensitizing concept. Put plainly, a sensitizing concept sensitizes scholars to what is possible. More formally, a sensitizing concept provides an initial ontology based upon general social theory. In turn, the initial ontology is then filled-in, modified, and adjusted through the development of field specific theories and intermediary concepts grounded in empirical research. This is because the relationship between conceptualizing international society (i.e. general social theory), field specific theorizing, and conducting empirical research is not a strictly one-way, top-down one. Our conceptualizations of international society must take into account how we find international society to be in practice (Archer, 1995: 17; Layder, 1993; 1990).

Depending on how abstract the concept in question is—and there are few more inherently abstract than society (Collier, 1994)—the concept can address a number of social theoretical issues, such as the dominant type of socio-cultural relations, the relationship between agents and structure(s), the primary locus of interaction (i.e. macro, micro, or meso), etc. This chapter focuses on one aspect of international society as a sensitizing concept: socio-cultural relations. Its aim is to develop a concept of international society that can accommodate the contradictory and conflictual ideas, discourses, and relationships found in contemporary international

society along with the complementary and consensual ones. This requires combining aspects of the integrated and conflict models of society into a single account.

Developing this multidimensional model is the task of Section 1. Section 2 examines how multidimensionality manifests in contemporary international society, with an emphasis on one particularly important socio-cultural phenomena that the multidimensional model sensitizes scholars to: utopian cleavages *in* international society. Finally, section 3 concludes this chapter by discussing some of the empirical manifestations of utopian cleavages in international society.

3.1 The Multidimensional Model of Society: Two Core Propositions and Two underlying Assumptions

The starting point for the multidimensional model is declaring an end to the centuries old war between the integrated and conflict models, and the counterproductive either/or thinking this conflict engendered: society is comprised of similarity or difference, consensus or conflict, and structural integration or structural disintegration. The cease fire is long overdue, since the integrated and conflict models are not competing accounts of the same object, or accounts of different objects. Rather, they explain different aspects of the same object. As Dahrendorf puts it, “We cannot conceive of society unless we realize the dialectics of stability and change, [structural] integration and conflict, function and motive force [structural contradiction], consensus and coercion” (Dahrendorf, 1959: 163).

The relationship between the two models calls to mind the parable of the three blind men and the elephant. Each man touches one part of the elephant and one part only. The man touching the trunk thinks the elephant is like a snake. The one touching the elephant’s leg believes it is like a tree. Finally, the blind man feeling the

ear of the elephant believes it is like a fan. While each account may provide a degree of descriptive adequacy, if the blind men view their accounts as competing explanations of the same object they cannot be reconciled, and an accurate representation of the whole is precluded.⁶⁹ If, however, they realize that they are providing accounts of different aspects of the same object, they can begin to explore the relationships between those aspects. This can lead to a more accurate representation of the whole and better understandings of the individual aspects' roles, functions, purposes, powers, liabilities, etc. This is what the multidimensional model seeks to accomplish.

3.1.1 The Two Core Propositions of the Multidimensional Model

The first step in developing the multidimensional model of society requires a simple change. And must replace or; society is comprised of similarity and difference, consensus and conflict, structural integration (complements) and disintegration (contradictions). Second, both sets of relationships must be treated as equally socially-cultural in nature. These two propositions form the crux of the multidimensional model of society as a sensitizing concept.

While they may not seem like much, the above two statements have potentially far-reaching effects on how we understand society. First, the battle for supremacy between the integrated and conflict models is ended. If society is simultaneously comprised of aspects of both models, then it makes little sense to see consensus and

⁶⁹ The results would be similar if the three blind men thought they were describing different objects, as they would see little need for examining the relationship between their aspects of concern.

conflict as competing explanations. Further, this serves to incorporate constructivism's ontological starting point that all human interaction is socio-cultural into the multidimensional model.

Additionally, the propositions of the multidimensional model foreground the fact that similarity, difference, consensus, conflict, structural integration, and disintegration are inherently relational phenomena. Similarity presupposes the existence of difference, consensus presupposes the existence of conflict, complements presuppose contradictions, and vice versa. For instance, claiming that two groups share certain common values presupposes that they are diverse in other respects, otherwise there would be reason or means to elucidate their commonalities. Indeed, if they were alike in all other respects, then they would not form two distinct groups in any meaningful sense. Determining the commonalities that makes a group distinct can only be accomplished by reference to some other group that shares some features with them but not others. Conversely, there would be no reason to elucidate the differences between two things if they had nothing in common. As Sayer points out, this is why the differences between groups receive more attention than the differences between people and toothpaste (2000: 83).⁷⁰

Thus, the multidimensional model of society, makes it possible to examine both the integrated and conflictual aspects of society, *and* the interplay between them as fully socio-cultural phenomena. Capturing the interplay between the various

⁷⁰ This topic is not unique to critical realism. The relational play of difference and similarity is particularly prevalent in post-modern/post-structural accounts; see for instance (Todorov, 1984; Foucault, 1977; Neumann, 1999). See also, Simmel, 1964. For a discussion of how the critical realist and post-structural/post-modern accounts differ, see Sayer, 2000.

aspects of society is crucial. It is this interplay that makes it possible for society to be comprised of complimentary and contradictory ideas and discourses, for small ideological conflicts to have major consequences despite high degrees of institutional isomorphism, and for norms to portray war as both heinous and glorious. The ability to investigate and make sense of these societal divergences is the primary “value added” of the multidimensional model.

In sum, given the complexity of society and the inherently relational character of its constituent aspects and the infinite number of ways these relations can manifest, the multidimensional model of society, while no guarantee, offers the best chance for our theories and empirical investigations to “remain faithful to reality.” The core of the multidimensional model is contained in just two propositions. First, society is simultaneously comprised of relations of similarity, difference, consensus, conflict, structural integration, and disintegration. Second, both sets of relationships are equally socio-cultural in nature.

If these core propositions were all there was to the multidimensional model of international society, one could make the case that the mainstream sociological approaches are already operating with a multidimensional perspective. Indeed, the quotes at the beginning of the chapter would provide compelling evidence in this direction. However, there is more to the multidimensional model than the above propositions. Specifically, the above propositions must be combined with two assumptions about (international) society, which serve to “lock in” the multidimensionality. Without them, the multidimensional model of society would likely revert to an integrated model.

3.1.2 The Two underlying Assumptions of the Multidimensional Model

The underlying assumptions of the multidimensional model are derived from asking the following transcendental question (Bhaskar, 1978; 1979): what must society be like in order for difference, conflict, and structural disintegration (contradictions) to be co-present in time/place/collective with similarity, consensus, and structural integration (complementaries)? Two related answers present themselves: society must be an inherently open system and it must be inherently stratified. Each is discussed in turn.

Openness means that properties *external* to the system have the potential to affect how the mechanisms of the system manifest. In the case of society, this primarily refers to the inherent powers of people as a natural kind. This means that people are endowed with certain characteristics and potentialities in virtue of their being *homo sapiens*. Thus, people possess powers that “cannot be attributed to society, even if they can only be exercised within it.” Indeed, the very sociality of people is one such characteristic (Archer, 1995: 288).

One of the powers people possess is imagination, which means they can think up an infinite number of new societal forms. As a result, there can be multiple interpretations of the same “material conditions, cultural elements, circumstances and situations...and hence [creates the opportunity] for introducing novel patterns or courses of action in response to them” (Archer, 1995: 70; see also Bhaskar, 1978). This power of personhood ensures society will always remain open, as “society can never be held to shape them [people] entirely since the very shaping of society itself is

due to them being the kind of beings who can envisage their own...[societal] forms” (Archer, 1995: 289).⁷¹

Openness also means that novel properties can form *within* the system, resulting from the interaction of its various parts, which subsequently change the way the system as a whole, or some particular aspect thereof, operates. Society is necessarily peopled. This means its positions and roles must be occupied, and the effects of society’s structures are necessarily mediated through the actions of people (Bhaskar, 1979; Wendt, 1987). Given the imaginative powers inherent to people, they can use society’s structures, roles, and positions to produce change from within society (Archer, 1995: 70).⁷²

In addition to being inherently open, society must involve the distribution of scarce “resources”, which can be captured generically under the terms honor and wealth to correspond with the cultural (ideational) and social (material) aspects of society respectively (Dahrendorf, 1968: 172; Archer, 1995).⁷³ In other words, for similarity, difference, consensus, conflict, structural integration, and structural disintegration to be co-present, society must be stratified. If wealth and honor were

⁷¹ This discussion simply provides some of the conclusions of a longer argument. To see how these conclusions are arrived at I refer the reader to Archer, 1995: 280-292; 2000.

⁷² Technically speaking, a system is open if one of the two criteria is met. For a system to be a closed it must be immune to both external and internal changes. In other words, a constant conjuncture of events must hold, i.e. *every* time A then B. This is clearly not the case in society. See Bhaskar, 1978.

⁷³ What counts as wealth and honor can be contested, and can vary from time to time and place to place.

available in abundance such that everyone had all that they could ever want, there would be no socio-cultural conflict at all, because people would have nothing to fight over, and socio-cultural conflict must always be over something.⁷⁴ Further, people would have no socio-cultural reasons or means to *differentiate themselves* into groups (based upon their relative similarities) or *evaluate* the purposes, values, norms, rules, institutions, roles, positions, organizations, groups, and distributions of society. Finally, if society were not stratified people would have no preferences regarding the reproduction or change of the current structures of society.⁷⁵

In sum, society is inherently stratified. If it were not, there would be no socio-cultural differences or conflicts. Stratification ensures that there will always be people who have a latent interest in changing the structures of society, owing to their disadvantageous positioning within international society's hierarchical distributions of wealth and prestige. It also means there will always be people with an interest in the reproduction of society's structures, owing to their advantageous positioning within its hierarchies. Subsequently, differentiation, conflict, and structural disintegration are always possible (Dahrendorf, 1968; Archer, 1995; Towns, 2012). If society was not inherently open, agents could not imagine alternative socio-cultural arrangements, nor could they actively seek their realization through the creative use of society's

⁷⁴ Further, given the relational and relative character of wealth and prestige, the categories would lose meaning if they were available in abundance.

⁷⁵ Ann Towns, who also utilizes Dahrendorf (1968), has done much to illustrate the stratification inherent in the cultural realm of international society (2012; 2010). Specifically, Towns focuses on how norms necessarily create hierarchy in international society. A fuller discussion of Towns argument is found below.

structures, positions, and roles. In other words, change would be impossible (Archer, 1995).

Some might object that these two assumptions privilege the conflict model over the integrated model. It might be true that the foregoing assumptions privilege conflict in the last instance. However, we are hardly ever dealing with the last instance and these two assumptions are absolutely necessary for locking in the multidimensionality of international society. Therefore, it would be a mistake to place too much emphasis on this.

Absolutely nothing in the preceding paragraphs implies that it is possible for similarity or consensus to be absent from international society. Indeed, in addition to providing the impetus for differentiation and conflict, the stratified nature of society simultaneously produces similarity and consensus. One way stratification produces similarity is through the life chances people share in virtue of their involuntary placement, starting at birth, within the hierarchies and distributions of society (Archer, 1995: 201-202).⁷⁶ This can also lead to consensus, as those in similar positions will

⁷⁶ Involuntaristic placement refers to how people are distributed to societal positions, which are “the result of past actions...deposited in...current situations” (Archer, 1995: 201). Those sharing the same positions within a particular distribution share similar life chances within that particular societal field. People do not choose these positions, nor would they consider choosing many of them, such as working-poor, uncivilized, developing-nation, failed-state, etc. These positions are not static. A person can exit some positions, and enter new ones, as their life progresses. Further, the life chances of a particular group can change for better or worse over time. Thus, “The significance of involuntarism consists not in an inability to change our situations, but rather in the fact that to evade one is merely to embroil oneself in another” (Archer, 1995: 201-202).

have common latent interests,⁷⁷ which *may* lead to a manifest sense of shared identity, interests, and values and subsequently collective action (Dahrendorf, 1959; Archer, 1995). Additionally, as discussed above, group conflict presuppose a degree of similarity and consensus. Indeed, in this case what distinguishes one group from another is the similar values, interests, life chances, etc. of its members relative to those of the other group with which they are in conflict with.⁷⁸ Finally, assuming that difference, stratification (inequality), and conflict cannot be eliminated from society does not mean these phenomena cannot be regulated and/or limited in specific fields of society (Dahrendorf, 1968), nor does it preclude the study of similarity and consensus, or require that they be explained in terms of conflict and coercion.

Boiled down, while a great deal follows from viewing society as inherently open and necessarily entailing the distribution of scarce resources, one thing that does not follow is the possibility of society without similarity and consensus. On the other hand, any conceptualization of society without the above assumptions regarding the distributive aspects and openness of society, suggests the possibility of a society without difference and conflict. Having laid out the core propositions and

⁷⁷ Latent interests are objective features, emerging from the relationships between positions, in which people are involuntarily placed, in the distributive structures of society. Analytically speaking, latent interests simply refer to whether or not a particular group has an interest “in the maintenance or modification of a *status quo*” based on whether their relative societal position is advantageous or disadvantageous for the groups life chances within the relevant societal field (Dahrendorf, 1959: 176; see also Archer, 1995: 203-204).

⁷⁸ Of course in practice things are a bit more complicated, since group membership can cross-cut and pull people in different directions (i.e. roll conflict). Further groups themselves are more than likely divided by competing sub-groupings.

assumptions of the multidimensional model, it is now possible to begin outlining some of the ways multidimensionality manifests in contemporary international society.

3.2 The Manifestations of Multidimensionality in Contemporary International Society

3.2.1 Differentiation in a World of Universals

In the context of an inherently open and stratified international society, it becomes possible to see certain aspects of international society as universally shared, while simultaneously providing imaginative agents with the means to differentiate themselves. This is the essence of multidimensionality. For instance, WPT and CNT have demonstrated that corporate agents adopt a limited array of organizational structures for pursuing their interests, such as INGOs (Thomas et al. 1987), Transnational Advocacy Networks (TANs) (Keck and Sikkink, 1998), and nation-states (Meyer et al., 1997a). WPT has also shown the proliferation of specific institutions, such as national education (Ramirez and Boli, 1987), environmental regimes (Meyer et al., 1997b), and women's citizenship (Berkovitch, 1999) throughout the world. Further, as Buzan (2005) has pointed out, the capitalist economic system is present throughout international society. However, for reasons discussed above, the near universality of certain institutions *does not* necessitate that their meanings, purposes, and degree of legitimacy are also universal (Geertz, 1973; Towns, 2010). One need go no further than the institutions of capitalism to see the wide range of legitimacy agents can bestow on the same set of institutions. Even universal institutions that enjoy a high degree of legitimacy, such as the modern nation-state, can be markedly different from one another. Hence, the multiplicity of

adjectives commonly used to describe them in IR, such as Liberal, Socialist, and Islamic.

Institutions might serve similar functional purposes in different places. For example, in both Sweden and Saudi Arabia one of the functions of national education is to socialize the youth to appropriate values. However, there are substantial differences in the content of the values promoted. Likewise, both Islamic terrorists (Asal et al., 2007) and Human Rights advocates (Keck and Sikkink, 1998; Risse et al. 1999) can organize as TANS, despite the markedly different goals they pursue. Thus, the emergence of an institution in a specific cultural context does not preclude the institution from being put to use by agents in a different cultural context, for different cultural purposes.

Further, certain widespread institutional practices are enacted in different ways. For instance, elections are conducted in almost every state; however, there are substantial differences between them. Some are free and fair, while others are not. Some states use single member districts, while others use multimember districts. Some states use proportional representation systems, while others use first-past-the-post. These variations, can have a substantial impact on how agents pursue their interests, as comparativists have well demonstrated in the case of elections. In essence, certain nouns have become universal throughout international society, but require different adjectives to describe them in different places, owing to the unique purposes agents have put them to.

Multidimensionality is also present in the relationships between the limited institutional arrangements available in international society. Many of the universal institutions mentioned above are designed for cross-purposes. For example, TANS

and INGOs provide organizational platforms for groups lacking direct access to the institutions of the state to affect the uses to which state institutions are put.

While the preceding paragraphs have stressed the potential for different meanings to underlie institutional and organizational similarities, this does not mean that similarity and consensus are absent from the cultural realm of international society. All aspects of society are multidimensional. There are various ideas, themes, questions, concepts, categories, and referents, which are salient throughout contemporary international society. Again, WPT has captured many of these.

However, just because certain questions, concepts, themes, and ideas are universally considered does not mean that they get universal answers, meanings, interpretations, and importance. For example, case studies of world culture scripts, such as notions of justice (Smirnov, 1996), and the place of women in the state (Towns, 2010) have confirmed these universal concepts take on different meanings in different places.⁷⁹ Towns in her study of international hierarchy, for instance, demonstrates that although women's suffrage was characterized as progress in a variety of times and locals, non-westerners have "provided distinct interpretations of the nature of the category 'women', of international hierarchy, and how the political emancipation of women related to the progress of their country in that hierarchy" (2010: 121). In other words, to use WPT terminology, different actors have applied different meanings, definitions, purposes, and functions to the role of women in the state.

⁷⁹For the WPT treatment of the place of women in the state, see Berkovitch, 1999.

The institutional and cultural aspects that are nearly universal throughout international society, which WPT has captured, can be referred to as the socio-cultural structures of modernity. WPT and the English School are correct that these largely originated in the West and spread with colonialism. However, even in the West these socio-cultural features did not produce uniform outcomes, as divergences developed early on (Eisenstadt, 2000). Put differently, the social and cultural features of modernity developed differently in different locals due to unique constellation of agents and structures. These differences only proliferated as modernity spread beyond the West, and agents applied non-Western understandings to these foreign institutions and ideas. Simply put, international society is comprised of multiple modernities (Eisenstadt, 2005; 2000).

That agents can put the same institutional structures to divergent purposes and share concepts and referents but understand them in very different ways highlights not just the co-presence of similarity and difference in contemporary international society, but also their interplay. This suggests that there is a great deal more to multidimensionality than cultural pluralism. Specifically, it suggests that the interplay between similarity, difference, consensus, conflict, structural integration, and disintegration can produce utopian cleavages in international society.

3.2.2 Cleavages in a Multidimensional International Society

The reader will recall from Chapter 2 that the English School defines international society in terms of recognized commonalities among its members that form the basis for a moral and political unity. Recognized commonalities certainly can provide the basis for a moral and political unity. However, recognized

commonalities can also provide the basis for moral and political disunity. When they do, the result is a cleavage in international society.

When two (or more) groups recognize that they have a common referent it enmeshes them in a shared socio-cultural space. When they understand their common referent(s) in identical or logically complementary ways the groups find themselves in a “problem free” space that provides the basis for moral and political unity. However, if the groups understand their shared referent in logically contradictory ways, it enmeshes them in a “problem filled” space with a high potential for conflict (Archer, 1995: Ch7). This potential will be realized if and when the parties recognize they have contradictory understandings of their shared referent and interpret the alternative understanding as a threat. When these conditions are met the result is an interpretive struggle over the organization and purpose of the shared space itself (Towns, 2010). This interpretive struggle over shared societal space is a *manifest* cleavage.

A situation where agents recognize they have a shared referent, but do not realize they understand it in contradictory ways, or recognize the contradiction but do not define the alternative as a threat, can be referred to as a *latent* cleavage. Thus, what distinguishes a manifest cleavage from a latent one is agential understandings. Manifest cleavages are self-referential in that the agents involved see themselves engaged in a conflict over the “disposition” of their shared societal space.

Another possibility exists that speaks to the role of power relations in cleavage politics, i.e. the process of deciding how the shared societal space should be organized. It is possible that all the conditions for a cleavage are met, but one side lacks sufficient capital and access to key societal roles to actively pursue their interpretation of the shared space. This situation exemplifies Lukes’ 2nd face of power (2005). This

situation too would also constitute a latent cleavage. Thus, to the aspects of a manifest cleavage detailed above, we can add a minimum degree of proportionality between the protagonists in at least one aspect of power: compulsory, institutional, structural, and productive (Barnett and Duval, 2005).

It is also important to note that cleavages do not always start with two groups. It is quite common for them to form in the process of group splintering. Over time, members of a group come to develop contradictory understandings of the group's core referents. As a result, some members "exit" the original group (voluntarily or otherwise) for a new one. The Protestant Reformation is an example of this process. Of course, the power relations within the group might make the cost of exit too high pay, keeping the cleavage latent and the group together. This approximates Lukes' 3rd face of power (2005).

In sum, cleavages develop around a shared referent. Therefore, they are inherently relational in character. It is the very thing the groups' share that enables them to differentiate themselves. Simultaneously, the shared societal space that emerges from the recognition of a common referent prohibits the parties from (easily) separating themselves from one another. The contradictory understanding of a shared socio-cultural space means the relationships between the groups will take on a dialectical character. The groups will increasingly define their interpretation of the shared societal space in opposition to one another (Archer, 1995: Ch7). Further, each side will increasingly seek to counter the moves the other makes to bring about their preferred interpretation.

The inherently relational character of cleavages means they can only be understood if the protagonists are seen as *part of the same society*. In other words,

studying cleavages requires a multidimensional understanding of international society. The next sub-section examines a particularly virulent type of cleavage: utopian cleavages.

3.2.3 Utopian Cleavages: Threats to the Ideal Society

What make a cleavage utopian is how the agents involved understand the nature of the threat produced by the contradictory understanding of the shared referent. In a utopian cleavage the contradictory understanding is seen as constituting a threat to society itself. Thus, each side sees securing their interpretation of the shared referent as essential to the future welfare of society. In essences, this means that utopian cleavages form around at least two shared referents, one of which is society, and the other(s) some socio-cultural element(s), whether a role, institution, value, position, etc., that is seen as necessary for the realization of the ideal society.

The threat to society posed by a contradictory understanding of a shared referent is inherently relative to how the protagonists picture the ideal society. Therefore, utopian cleavages stem from groups subscribing to contradictory visions regarding the ideal organization and purpose(s) of society itself. Sets of ideas outlining how society *ought* to be organized and what its ultimate purposes *ought* to be constitute a utopian framework.

Utopian frameworks contain ideas regarding the ideal forms and distribution of society's social and cultural capital. They also contain ideas about society's positions and their relationships to one another. Additionally, utopian frameworks will contain ideas regarding society's social categories/roles, their associated practices and appropriate behaviors, the social categories relationships to one another, and who should have access to particular categories. Utopian frameworks will contain an

evaluation of the current state of society, including how close or far it is from the ideal, what obstacles stand in the way, and more often than not, a plan for how to achieve the ideal.

It should be noted that many utopian frameworks relevant to international politics are primarily concerned with the ideal organization and purpose of national society, as opposed to international society per se. However, proponents of these frameworks often seek to spread their visions to other national societies. Typically, they will see the diffusion of their vision to other national societies as having benefits that accrue at the international level. For instance, the Bush Administration's neo-conservative vision saw the spread of democracy as producing a more peaceful and prosperous international system. However, they did not see the spread of democracy as producing a world state, nor did they see such a development as desirable. In other words, they desired an international society comprised of democratic national societies. Further, proponents of universal national visions will often turn to international institutions like the UN to advance the spread of their national visions, or prevent the encroachment of an alternative vision.

3.2.4 Contradictions within and between Utopian Frameworks

Almost every aspect of a utopian framework can be formulated as a proposition. Propositional ideas are formulated in such a way that they can be answered with true or false. For example, all people are equal regardless of race. In addition to “the self-evident importance of those things held to be true or false in society at any given time or place”, focusing on propositional ideas allows one to determine the logical relationships between ideas, and to subsequently examine how these effect the shared societal spaces agents find themselves in (Archer, 1988: xvi).

Specifically, looking at propositional ideas allows one to determine if two ideas are necessarily or contingently related, and whether they complement or contradict one another. Two propositions are necessarily related if they logically imply one another or follow from the same premise(s), otherwise any connection between them is contingent upon agential factors. Two propositions are logically contradictory if they *deny* one another, i.e. answering true to one *precludes* answering true to the other. Conversely, two propositions are logically complimentary if they are consistent with one another,⁸⁰ i.e. answering true to one *necessitates* answering true to the other.⁸¹

The logical relationships between propositions are objective in nature. Propositions are contradictory or they are not, regardless of whether any agents are aware of the logical relationships between them (Archer, 1988: Ch 5).⁸² While the logical contradictions (or complements) within and between utopian frameworks exist regardless of anybody's knowledge of them, their effects may vary based on whether or not agents are aware of them. Furthermore, the logical relationships between the propositions of utopian frameworks have no effects at all unless both frameworks are claimed as true. Thus, any complements or contradictions between medieval Norse

⁸⁰ Propositions can also be logically independent of one another, meaning answering true to one proposition has no implications for how one answers the second proposition. However, this case is of little interest here.

⁸¹ One could also answer false to both propositions.

⁸² Claiming that the relationship between two propositional ideas is objective and rooted in universal logic is a contentious one that I cannot vindicate here. Detailed justifications for this position can be found in: Archer, 1988: Ch5; Hollis, 1970; Lukes, 1970.

understandings of the ideal society and Liberal understandings still exist (to the extent that scholars have persevered Norse understandings), but have no effects in contemporary international society, because nobody subscribes to the Norse framework.

Necessary relations at T1 are inescapable for agents at T2. This is because holding proposition A necessarily entails proposition B, and vice versa. One cannot be held without implying the other. Contingently related propositions, on the other hand, require agents to actively make the connections between them, because they can be held independently. For instance, any contradictions/complements between Liberal and Confucian ethics must be identified by agents to be efficacious, since being a Liberal does commit one to Confucianism, and vice versa.

Because of the objective nature of the relationships between propositional ideas, the specific relationships holding at T1 condition interaction(s) at T2, by generating directional guidance. Broadly, the logical relationships between propositions determine whether agents find themselves in a problem-filled or problem-free context, and the available avenues for securing the former, or correcting the latter. Specifically, four unique relationships between propositions can be identified, each with its own situational logic: necessary complementary, necessary contradiction, contingent complementary, and contingent contradiction (Archer, 1988; 1995). The latter of these, contingent contradictions, are the building blocks of utopian cleavages.

Necessary complementaries condition interaction by providing agents with a problem-free situation, i.e. a logically consistent ideational context. This context provides agents with “reinforcement, clarification, confirmation and vindication” for their valued propositions through an exploration of the mutually reinforcing

relationships holding between their valued proposition and those logically connected to it (Archer, 1995: 234). This is reminiscent of how the English School understands society. Likewise, the idea that international society is comprised of necessary complementarities between cultural propositions is characteristic of (early) WPT. Justice as equality and progress as GDP growth were seen as logically following from the primary proposition of rationality, and the pursuit of equality reinforced economic development, and vice versa.

The work of Martha Finnemore (1996b) did much to draw attention to the fact that international society also contains necessary contradictions, a view subsequently adopted by mainstream WPT (Meyer et al. 1997a). Necessary contradictions present agents with a problem-filled context (Archer, 1995), and condition agents to pursue one of three courses of action: concealment, repair, or exit. Which option an agent will select depends on a number of factors.⁸³ Structural factors include the agent's positioning in various social and cultural distributions and hierarchies, such as the distribution of capital, and knowledge, the availability of resources, access to social roles, and structural alternatives.

Concealing a contradiction is an attractive option for agents with a vested interest in the status quo, meaning their advantageous structural positioning depends on the contradiction to some extent. Repair entails altering proposition A (e.g. justice as equality) so that it is consistent with B (e.g. progress as GDP growth), B so that it is consistent with A, or both A and B so they are consistent with one another. The option an agent prefers will depend on which proposition they value more (Archer,

⁸³ Agents could be unaware of a contradiction or apathetic, and thus would pay the associated costs.

1988: 158-171), with preferences influenced by the structural factors mentioned above.

From a multidimensional perspective, it must be recognized that agents have two additional options when confronted by necessary contradictions. First, agents can attempt to repair a necessary contradiction by importing ideas from contingently related, complementary utopian frameworks that resolves the contradiction.⁸⁴ Second, they can *exit* the contradictory framework entirely. Note, however, that this does not mean they cease to share referents and socio-cultural spaces. Rather, it means they look for an alternative way to understand their shared socio-cultural environment.⁸⁵

Those who exit a contradictory framework will be “objectively obstructed and [(inter)]subjectively disgruntled,” although not every agent in such a state will opt out (Archer, 1995: 266).⁸⁶ They must feel their unsatisfactory position results from the necessary contradictions of the current framework, and their positioning will improve if they jettison it for some alternative, either already articulated, or sculpted out of available cultural stocks in the process of exiting.

⁸⁴ The mechanisms behind contingently related complementary ideas have seen some discussion in the norms literature; see Acharya, 2004; Ferrell, 2001; Price, 1998. According to Archer, the structural logic of contingent compatibilities is innovation (1995: 243). For present purpose I am not overly concerned with contingent compatibilities.

⁸⁵ While the English School can accommodate exit it does not have a mechanism for those exiting the framework and those staying to continue occupying a shared societal space.

⁸⁶ Agents can exit at any time; however, without contradictions there is little motivation for doing so (Archer, 1988: Ch7).

If some agents choose to pay the exit costs, which will vary for each, the (likely) result is a competitive contradiction between contingently related utopian frameworks, in other words a utopian cleavage. It is worth noting that competitive contradictions can form apart from the process of some agents exiting one utopian framework for another (although in a competitive contradiction agents will always seek to get those who subscribe to their adversary's framework to exit). They can also develop as agents who subscribe to contingently related frameworks "come into contact" by applying their contradictory frameworks to the same issue, problem, question, etc. and recognizing they have contradictory understandings of shared referents.

Because the frameworks are logically independent of one another, the structural logic of a competitive contradiction is elimination (Archer, 1995: 239-243). An ideological competition results because (inter)subjective changes in beliefs are not sufficient to alter the objective disadvantages that led the agents to exit. In order to radically change the distribution of social and cultural capital the alternative ideas must be concretized and put into practice.

The propositions of the "new" framework(s) agents adopt will typically contradict the propositions of the original framework. This is because when looking for/sculpting an alternative the Exiters will tend toward frameworks that answer two questions. First, why do they occupy a disadvantageous position in society? The answer will likely involve the contradictions of the dominant framework. Second, how can they change their position? The answer will probably entail remaking society according to the new framework, which will require the elimination/subjugation of the framework they exited.

What elimination/subjugation entails, and what means are used to secure this end will depend on the specific content of the ideas involved, and the socio-cultural structures in which the conflict is embedded. The conflict can involve anything from rhetoric (Krebs and Jackson, 2007) to war. It is worth stressing that nothing compels agents to attempt the realization of their new ideals; however, it is in the Exiters' best interest to try if they are to improve their positioning vis-à-vis agents defending the status quo.

Those with a vested interest in the status quo will not be idle.⁸⁷ Their response will likely involve renewed attempts at repairing, or less likely given the exposure concealing, the relevant contradiction(s), while simultaneously attacking the alternative. This attack will involve seeking out necessary contradictions within the challenger to demonstrate that it is not a viable alternative.⁸⁸ As this plays out over time, each side further elaborates their utopian framework in response to attacks, and the elaborated frameworks condition subsequent interactions between the agents involved. Concomitantly, the agents involved in the conflict will themselves be reproduced/transformed as alliances form and dissolve and the competing sides seek to bring new groups (and their associated social and cultural capital) into the conflict on their side.

⁸⁷ Agents may also defend the status quo because they misperceive their vested interests.

⁸⁸ Agents with a vested interest in the original framework do not have to respond. However, it becomes increasingly likely as ideational attacks on the original framework increase, in order to stem further defections and the erosion of their relevant capital.

In sum, utopian frameworks are sets of propositional ideas regarding the ideal organization and purposes of society and how to realize them. From a multidimensional perspective, international society is comprised of multiple, contingently related utopian frameworks, the propositions of which can logically complement or contradict one another.⁸⁹ When agents recognize that their utopian frameworks share certain referents between them it creates a shared socio-cultural space. If the protagonists recognize that they understand their shared referents in logically contradictory ways, then their shared space will present as problematic. The situational logic in this case is for agents to pursue the elimination of the contradictory propositions in their subsequent interactions with one another. While nothing compels agents to pursue the situational logic of elimination, it is in their best interest to do so relative to the goal of achieving their ideal vision, as the existence of a contradictory vision of society poses a threat/obstacle to this goal.

The above establishes that utopian cleavages result from the recognition of contingent contradictions between the shared referents of utopian frameworks. However, one conceptual tool is still missing if we are to operationalize utopian cleavages for empirical investigation. We need a medium through which agents become aware that others share their socio-cultural referents, but have contradictory

⁸⁹ International society is also comprised of multiple necessarily related utopian frameworks. For instance, within the broader Liberal framework there is the neo-Liberal utopian framework with its focus on markets and human-needs Liberalism with its focus on equality. These stand in a relationship of necessary contradiction, as described by Finnemore, since they share common premises, yet produce contradictory results.

understandings of them that pose a threat to the realization of their utopian vision. Norms provide one such medium.

3.2.5 Norms in a Multidimensional International Society

From the multidimensional perspective norms, like society, simultaneously involve relationships of similarity, difference, consensus, conflict, structural compliments, and contradictions. Norms are typically defined as “collective expectations for the proper behavior of actors with a given identity” (Katzenstein, 1996: 5). This is an excellent definition and implicitly captures the inherently multidimensional nature of norms. The aim of this section is to make the differentiating aspect of norms more explicit.

CNT has largely focused on how norms produce similarity by defining and standardizing appropriate behavior for agents of a particular type. Producing similarity is certainly an important aspect of what norms do in international society. However, as Ann Towns has shown, this is far from all they do. In her article, “Norms and Social Hierarchies”, Towns draws on Dahrendorf (1968) to argue that by “focusing exclusively on the homogenizing aspects of norms, existing scholarship has overlooked their ranking dynamic.” Therefore, she sets out to demonstrate how norms differentiate agents by producing socio-cultural hierarchies at the same time as they produce similarities (2012: 180).⁹⁰

⁹⁰ If norms necessarily entail a ranking dynamic, then society is inherently stratified, because norms are an essential element of every society (Towns, 2012; Dahrendorf, 1968). See fn8 above.

According to Towns, “When advocates invoke norms, they draw on broader sets of ideas [such as utopian frameworks] to make sense of the norm and to be persuasive in their arguments for new policies.” Therefore, “the meanings of norms...have consequences for where and how new policies emerge and spread” (Towns, 2012 186-187). This means that by “validating certain kinds of behavior for specific sorts of actors” norms necessarily “devalue other sorts of behavior” for those actors (2012: 187). Put plainly, by defining *proper* behavior norms necessarily define *improper* behavior at the same time. Therefore, norms provide agents with a set of criteria for evaluating how well others comply with the standards of a particular category. Therefore, if good states do X (Fearon, 1999), then agents can identify bad states by their *failure to do X*. Therefore, hierarchies emerge in the various fields of society as agents rank one another based on their degree of compliance with the relevant behavioral standards of the field.

Towns’ argument that norms differentiate agents by producing socio-cultural hierarchies at the same time as they produce behavioral similarity is perfectly in line with the multidimensional view of international society outlined above. Indeed, the empirical chapters that follow reaffirm some of the key insights Towns’ draws from her expanded conceptualization of norms. These include her conclusion that normative changes are often initiated “from below” by states that desire to improve their standing within a particular hierarchy. Support can also be found for her observation that even seemingly neutral norms like those promoting equality produce stratification, by adversely ranking those who do not comply with them as backwards (2002).

Providing additional evidence for Towns' conclusions further strengthens the case for viewing norms and international society as multidimensional. However, this is secondary. The primary aim here is to make an analogous argument, in order to support the presence of utopian cleavages in international society. Specifically, norms provide agents with the means to differentiate themselves "horizontally", according to their utopian visions of society.

3.2.6 Norms and the Production of Utopian Cleavages

From the multidimensional perspective, international society is seen as comprised of multiple collectives. These collectives can subscribe to different utopian frameworks, the propositions of which can complement or contradict one another. In virtue of their different understandings of the ideal society some agents might think good states do X, while others might think good states do not do X, or do the opposite of X. Because agents understand norms by situating them within broader ideational frameworks, it means that norms provide agents with a behavioral litmus test to identify those who share their ideal vision of society and to differentiate those who do not share it and thereby pose a potential threat to its realization. Thus, norms serve as a primary medium through which agents come to recognize their shared referents and identify whether or not others understand them in complementary or contradictory ways.

Recognizing the role norms play in allowing agents to use a common referent to differentiate themselves from one another benefits CNT by decoupling norm diffusion from norm displacement (Acharya, 2004; Hopf, 1998). This is because such a recognition presupposes that international society is comprised of multiple collectives that may have logically contradictory expectations about what constitutes

appropriate behavior. Therefore, the displacement of existing norm X by new norm Y among members of collective A has no necessary implications for what members of collective B see as appropriate behavior.

Although the displacement of a norm in Collective A does not entail any necessary changes in other collectives subscribing to contingently related frameworks, when compliance with the norm in question is seen by members of Collective A as necessary for achieving the ideal (international) society it is likely that others will have to address the normative issue area. This is because members of collective A will likely advocate for changes amongst the members of other collectives in order to realize their ideal vision of (international) society. Thus, a normative issue area might diffuse throughout international society; however, due to their interpretive freedom, agents might view the issue in different terms, come to different conclusions regarding the appropriateness of the behaviors in question, and even if they agree, agents may devise different policies to achieve the desired outcome.

In sum, norms are the primary medium that enable agents to identify their shared referents and determine whether others understand them in complementary or contradictory ways. Due to the interpretive freedom of agents and the multiplicity of utopian frameworks they can draw upon, normative issues can diffuse throughout international society without a particular understanding/policy diffusing to the same degree. As an agent raises an issue, other agents will decide whether a particular policy is an appropriate response given their understanding of how the issue relates to their ideal vision of society. Agents may accept the policy proposals of others, resist those proposals, develop their own unique and potentially contradictory responses, or actively seek to prevent the spread of a particular proposal. This process will produce

unique diffusion patterns, which serve as empirically observable manifestations of multidimensionality and utopian cleavages in international society.

3.3 The Empirical Manifestations of Multidimensionality and Utopian Cleavages

If multiple contradictory utopian frameworks exist in contemporary international society, which is a precondition for the existence of utopian cleavages, it will manifest in the diffusion process. Specifically, if contradictory utopian frameworks are to be found in international society we can expect to find two diffusion patterns: selective and furcated.

Selective diffusion refers to which types of agents adopt which types of norms. Simply put, states will adopt new norms they see as logically consistent with their utopian framework and resist those they see as logically inconsistent (Cortell and Davis, 1996; 2000; Checkel, 1999). For instance, it would be expected that norms consistent with the Liberal utopian framework would be successful in those states that already subscribe to it. At the same time, it would be expected that such a norm would have little chance of diffusing to states that did not accept the Liberal framework. Conversely, we would expect a norm like good states implement sharia law to have far more sway in states that subscribe to a utopian vision based on Islam than in a state like Sweden. This phenomena is implicitly on display in most CNT research, which given its focus on Liberal norms rarely discusses the Middle East. Further, Keck and Sikkink touch upon this phenomena when they conclude that the advocacy campaigns they examine were most successful in those places that already accept the Liberal utopian framework (1998: 206). However, since the multidimensional model sees international society as comprised of multiple utopian frameworks, which states do not

adopt a particular type of norm is just as important as those states that do, as it signals a potential utopian cleavage

Selective diffusion can signal one of two things in international society, cultural pluralism, i.e. “mere” differentiation or a utopian cleavages. It will take on a slightly different character in each situation. When selective diffusion occurs in the presence of “mere” differentiation there is no engagement between the proponents of the contradictory frameworks. For Collective A, collective B’s logically contradictory norms and their associated policies do not even appear on their radar.

In the case of a utopian cleavage there will likely be an active engagement between the two sides in the form of norm promotion and resistance. In other words, states will actively resist attempts by other states to get them to comply with norms and policies that are inconsistent with their utopian vision. How much pressure is applied and how well an agent is able to resist it will depend upon how much social and cultural capital they have at their disposal and how much they are willing to spend. Agents will be willing to expend greater amounts of their capital advocating a policy if they see its diffusion as vital to the realization of their ideal vision of international society. Likewise, agents will be willing to expend greater amounts of their capital resisting a policy if they see its adoption as detrimental to the realization of their ideal vision of international society.

To give but one example of how this might play out, Saudi Arabia’s oil wealth gives them a great deal of social capital vis-à-vis Liberal states. As a result, Liberal states are less likely to apply pressure to Saudi Arabia to adopt Liberal policies, and when pressure is applied, Saudi Arabia is usually able to withstand it easily. If,

however, Uganda prohibited women from driving, they would almost certainly receive a great deal more pressure than Saudi Arabia does and would be less able to resist.

Since utopian cleavages involve agents having contradictory understandings regarding the place of some shared referent in the ideal international society, furcated diffusion is also likely to occur. This refers to the simultaneous diffusion of two antithetically related norms/policies. Furcation can develop on all levels of society, including international, regional, national, and sub-national. Which side is more successful in a particular context will depend on a number of context specific factors. These include, but are not limited to, the popularity of the utopian frameworks, the degree to which each framework has been institutionalized, and the positioning of the advocates of each framework within the distributions and hierarchies of the context in question.

While furcation is unlikely to develop without a corresponding pattern of selective diffusion, it is possible that selective diffusion occurs without furcation, even in the context of a utopian cleavage. When it does, it suggests that the non-adopters are content simply to resist the incoming norm. For instance, agents may prefer to simply resist if they subscribe to a particularistic utopian vision of society, i.e. one that is not open to everyone. This would still be a utopian cleavage if those who subscribe to the particularistic framework saw the new norm as a threat to their ideal society and those who were promoting the new norm saw the continued existence of the particularistic framework as a threat to the realization of their ideal vision. Thus, a furcated pattern of diffusion is not necessary for the existence of a utopian cleavage.

Furcation, like selective diffusion, can signal “mere” difference or the existence of a utopian cleavage in international society. It too will take on a somewhat

different character depending on whether or not a utopian cleavage is present. In the case of “mere” differentiation the contradictory norms will be like ships passing in the night. Advocates of both norms will be successful in promoting their positions vis-à-vis their target audience; however, there will be little to no overlap between the target audiences. Conversely, in the case of a utopian cleavage the advocates of each norm will be targeting the same people. In other words, the norms and their proponents will be in direct competition with one another for hearts and minds.

When agents on both sides of a utopian cleavage are actively promoting competing policies it is likely that furcation will take on a reactionary character. This means that each side is actively seeking to counter the other, and when one side achieves a successful outcome, the other seeks to roll it back. These reactionary maneuvers may be part of the formal policy process, for instance challenging a piece of legislation in the courts, or informal, attacking those who advocated for the legislation in the streets, for example. While not necessary, the presence of a reactionary dynamic is strong evidence of a utopian cleavage, since it is predicated on direct engagement and competition.

The presence of selective diffusion is necessary for the existence of a manifest utopian cleavage. The presence of a furcated diffusion pattern, while not necessary for a manifest utopian cleavage, is likely in such a context. However, neither diffusion pattern provides definitive proof. This is because both patterns can manifest in an international society comprised of multiple utopian frameworks without the advocates of the various frameworks recognizing they share common referents, recognizing the contradictions between their understandings, or defining contradictory understandings as a threat, all of which are necessary for the existence of a manifest utopian cleavage.

While selective and furcated diffusion will likely take on distinct characteristics in the presence of a utopian cleavage the most definitive evidence of a utopian cleavage is found in the understandings, meanings, and justifications agents use in promoting their own preferred norms and policies and in resisting the norms and policies others are promoting. In the context of a utopian cleavage, the proponents of the contradictory frameworks will actively engage one another regarding how to best understand their shared referent. Both sides will justify their positions by explaining how their understanding of the shared referent is necessary for the welfare of (international) society itself. Conversely, they will seek to undermine contradictory understandings by showing how they pose a threat to the ideal (international) society.

Chapter 4

THE (IN)APPROPRIATENESS OF HOMOSEXUALITY: UTOPIAN CLEAVAGES AND THE PRODUCTION OF SELECTIVE AND FURCATED DIFFUSION IN INTERNATIONAL SOCIETY

In the introduction a paradox was presented. The paradox revolved around the fact that in contemporary international society things are simultaneously getting better *and* worse for members of the gay community. It was also claimed that the multidimensional model of international society provided the conceptual tools to resolve this apparent paradox. Specifically, by recognizing that a manifest utopian cleavage has formed around the issue of homosexuality, these divergent developments are no longer puzzling, and are in fact to be expected.

This chapter, and the one that follows, make good on the claims of the introduction by demonstrating the existence of a manifest utopian cleavage in international society surrounding the issue of homosexuality. This means that agents throughout international society recognize that they share the category of homosexual as a referent. They also largely agree that the activities of persons belonging to the category of homosexual are subject to the state. Further, agents throughout international society agree that homosexuality raises human rights issues. However, agents disagree over the appropriateness of homosexuality, how the state ought to treat homosexuals, and what kind of human rights issue homosexuality is.⁹¹ These

⁹¹ In addition to the shared referents of homosexual and human rights several other shared referents are involved in the cleavage, such as the family. These referents are discussed in Chapter 5.

disagreements are the result of contradictions between the various utopian frameworks agents draw upon to understand how homosexuality and the treatment of homosexuals relates to the realization of the ideal society. Therefore, agents are able to differentiate between those who share their ideal vision and those who do not based on how they treat members of the gay community. The net result is a competition between agents trying to institutionalize their preferred interpretation of homosexuality's place (or lack thereof) in the ideal society. For the agents involved in this interpretive struggle the very welfare of (international) society hangs in the balance.

Illustrating the existence of a manifest utopian cleavage surrounding the issue of homosexuality requires two steps. First, it must be shown that two sets of contradictory practices, policies, and attitudes regarding the (in)appropriateness of homosexual activity are simultaneously salient and diffusing in contemporary international society. In other words, selective and furcated diffusion patterns must be present in the issue area of homosexuality.⁹² Second, it must be shown that the agents involved recognize they share certain common referents and understand them in contradictory ways due to their conflicting visions of the ideal society. This chapter focuses entirely on step 1.⁹³ Chapter 5 completes step 2.

This chapter proceeds in 3 sections. Section 1 begins with a brief discussion of the formation of the gay rights TAN starting in the 1970s. It then shows the salience

⁹² Technically, only selective diffusion is necessary for a manifest utopian cleavage. However, the presence of both diffusion patterns means a utopian cleavage is more likely, especially if the furcation takes on a reactionary character (see chapter 3).

⁹³ While the findings of this chapter do have implications for completing step 2, I shall not discuss these until chapter 5.

and diffusion of a norm that homosexuality is an appropriate behavior (or at least not inappropriate) and good states adopt policies that protect the rights of sexual minorities. Three interrelated developments demonstrate the diffusion of this norm. The first development is the increased access the gay community has to public space. This involves the increased visibility of the gay community as a collective in international society, and greater access to social roles for individual members as members of the gay community. The second development is improving attitudes among other agents regarding the appropriateness of homosexuality. Finally, states have increasingly adopted policies designed to secure the legal rights of members of the gay community (or deinstitutionalized policies designed to limit the legal rights of the gay community). Section 1 concludes with a closer examination of the diffusion pattern surrounding gay rights policies in order to determine if there is any evidence of selective diffusion. It also briefly examines whether or not there is any evidence for Towns' (2012) multidimensional hypothesis of "diffusion from below."

Section 2 follows the same format as section 1. It begins with a brief description of the anti-homosexuality TAN. It then demonstrates that an anti-homosexuality norm is (still) salient in international society and its associated policies are actively diffusing. The same three interrelated areas that illustrated the existence of a gay rights norm in international society provide the evidence for the salience and diffusion of an anti-homosexuality norm. These include limiting access to public space for the gay community, the prevalence of negative attitudes toward homosexuality, and the reaffirmation and expansion of policies designed to limit gay rights. The section concludes with an examination which types of states have and have not adopted anti-homosexuality policies. The expectation being that those states

that have not adopted gay rights policies will be the most likely to adopt anti-homosexuality policies.

Section 3 concludes this chapter by integrating the findings of section 1 and 2. Specifically it argues that section 1 and 2 make it clear that two contradictory norms are actively diffusing in international society regarding homosexuality thereby illustrating the diffusion dynamic of furcation. Further, the discussion highlights the interconnections between actions taken by proponents of both norms. This suggests that the furcation has taken on a reactionary character, which is only likely to happen in the context of a utopian cleavage.

Before moving on to examine the diffusion of gay rights some preliminary issues remain. Specifically, a brief note is warranted on the terminology used throughout the empirical portion of this project and its relationship to the historical context surrounding the contemporary debate on homosexuality.

The terminology surrounding sexual orientation and gender identity is constantly evolving and includes a growing number of categories. Categories such as lesbian, gay, bisexual, and transgender, which comprise the LGBT acronym, are well known. Other categories include, queer, intersexual, pansexual, and questioning. This analysis is primarily concerned with gays and lesbians, and refers to them collectively as the gay community. However, at times it references the wider LGBT community. In these instances it uses the term LGBT not because it is exhaustive, but because of its familiarity (see, for instance, Amnesty International, 2008: 6).

As the choice of terminology implies, the empirical analysis that follows privileges modern Western (i.e. Anglo-American) understandings of sexuality. To a

certain extent this is unavoidable. It is a result of the historical context from which the modern debate surrounding homosexuals and homosexual activity developed.

Since ancient times, whether in India, Greece, Rome, Judea, China, or beyond, those concerned with questions regarding the ideal society have considered the appropriateness of same-sex love (Spencer, 1995; Crompton, 2003). Just like in contemporary international society, rather different conclusions have been reached in different places, at different times, and even in the same place at the same time:

Among the Greeks it [male love] was associated with courage in battle, philosophical mentorship, and the defense of democracy; among the Romans, with handsome slave boys and the disgraceful loss of manhood. In Arab Spain and medieval France perceptions diverged just as radically. In the former, love between men was a romantic possibility constrained by a strict religious code; in the latter, sodomy was a filthy and unmentionable vice punishable at the stake. In China, the “southern fashion” called to mind the loves of emperors, Fujian ‘marriages,’ and Mandarin scholars paired with opera stars; in Japan, *nanshoku* (male love) was associated with Buddhist saints, samurai warriors, and the kabuki theater. To the English in Tudor and early Stuart times, ‘devilish’ sodomy was a catholic sin unknown to Protestant land. In the eighteenth-century France it was *le beau vice*, *le vice ultramontain*, or *le vice phiosophique*, that is, it was associated with the fashionable world, with Italy, and with Greek philosophers and modern skeptics. In the Netherlands, in the same age it was a threat to national survival, to be extirpated by a national pogrom (Crompton, 2003: xiii-xiv).

The roots of the modern Western understanding of sexuality, which shapes the contemporary debate, dates back to the 12th century. At this time the Catholic Church became increasingly concerned with the sin of “masculine love.”⁹⁴ This growing

⁹⁴ Female sexuality would not enter into consideration until a later date (Spencer, 1995).

concern led most European states, which at the time were first and foremost good Catholic states, to ban male-male sex acts, along with a number of other deviant sex acts, by the mid-14th century (Spencer, 1995).

This increased concern was inexorably linked with concurrent changes in the way sexuality was understood. Specifically, a strict binary homo/hetero distinction developed (Spencer, 1995: 125-148).⁹⁵ In its mature form, this binary perspective allows for the classification of people on the basis of the “gender of their erotic object choice.” (Chou, 2000). As a result, homosexual (or sodomite) became a noun, defining a distinct kind of person, whose behavior was subject to regulation by the state.

Such a dualistic understanding of sexuality was absent from other parts of the world, including India, China, the Middle East, and the Americas (Vanita and Kidwai, 2001; El-Rouayheb, 2005; Chou, 2000; Spencer, 1995). However, this began to change with European colonization, which brought Western understandings of sexuality to the colonized (Human Rights Watch, 2008). On many occasions, European powers, especially the English, would also bring the specific policies of what Spencer (1995) terms the “homophobic state” (Human Rights Watch, 2008).

The diffusion of the modern Western understanding of sexuality proceeded at different rates in different cultural contexts, and continued well after the end of colonialism. Thus, it was not until the turn of the 19th century that the Middle East developed a concept of homosexuality as it is understood in the West (El-Rouayheb,

⁹⁵ Strictly speaking the term homosexual as a distinct identity category does not develop until the late 19th century; however, the binary understanding of sexuality is present in the medieval period (Spencer, 1995: 126)

2005), whereas “the concept of ‘homosexual’ as a different type of person did not exist in Chinese language and culture until the 1980s” (Chou, 2000: 1). Of course, Western understandings—which were by no means uniform—were localized in the process (Acharya, 2004), i.e. understood through particular local cultural frameworks, leading to unique interpretations of the Western concept of sexuality. For instance, China, Hong Kong, and Taiwan, all of which are culturally Chinese societies, have, despite high degrees of similarity, produced distinct understandings, categories, and experiences based on variations in the contexts through which the local and the foreign were blended (Chou, 2004).

While attitudes towards homosexual activity and homosexuals have changed in the West, Western understandings of sexuality remain largely intact, and almost universally shared. Thus, the Western understanding of sexuality provides the focal point for the global debate surrounding same-sex love, even for those who reject this understanding. It is worth noting that attitudes toward the Western understanding of sexuality cross-cut the same-sex love divide. In other words, attitudes towards the appropriateness of same-sex love do not determine attitudes toward the Western understanding of homosexuality. Therefore, while aware of different understandings of sexuality, the analysis of this and the following chapter operates primarily from the Western understanding.

4.1 The Best of Times: The Diffusion of Practices, Attitudes, and Policies Enhancing Gay Rights in Contemporary International Society

In many respects, recent years have indeed seen the best of times for members of the gay community in international society. The groundwork for these positive developments began in the 1960’s and continued into the 1970’s as national and local

gay communities increasingly began to organize in order to pursue their collective interest in securing equal treatment under the law, regardless of their sexual orientation. These advocacy efforts quickly yielded positive results, as evidenced by a number of states decriminalizing homosexuality during the late 1960's and throughout the 1970's, especially in Europe where the movement was most active (see table 1 in the appendix). Simply put, during this period various local and national gay communities evolved into corporate agents seeking to improve their collective life chances.⁹⁶

Since these various local and national organizations often faced similar obstacles and shared similar goals, they quickly began to forge networks with one another in order to share their experiences, knowledge, problems, and resources, in an effort to pursue their collective interests more effectively. This led gay rights advocates to organize various international conferences to facilitate connections between groups. Of particular importance was a conference held in August of 1978 in Coventry, United Kingdom. This conference was an outgrowth of links forged between the English and Welch group Campaign for Homosexual Equality and the

⁹⁶There were pro-gay groups prior to this period. For instance, the Order of Chaeronea, a group for gay men, was founded by George Cecil Ives in England during the mid1890's. The order even had a transnational element with members from a number of European states and America, and meetings both in England and on the Continent. However, while the group wanted a change in (English) sodomy laws, it was a secret society rather than an advocacy group per se (Spencer, 1995: 326-327). One of the first groups explicitly advocating for the equality of the gay community (if not the first) was founded in Sweden in 1950: The Organization for Sexual Equality. It is currently known as the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL, 2014). The reason the 1960's is singled out as the starting point is the marked increase in advocacy activities.

Dutch group COC. A primary aim of this conference was the formation of an international gay rights organization that could facilitate the formation of transnational links, the sharing of information, and help to coordinate the efforts of various local and national groups. The result was the founding of ILGA, which can be said to mark the beginning of a gay rights TAN (Beger, 2004).⁹⁷

In essence, ILGA serves as a link between various nodes of the gay rights TAN by connecting “national and local groups dedicated to achieving equal rights for lesbian, gay, bisexual, trans and intersex (LGBTI) people everywhere” (Itaborahy and Zhu, 2013: 6). It does this through regional chapters of ILGA, which themselves are connected through ILGA’s international chapter. While European groups, and to a much lesser extent North American groups, dominated the original membership of ILGA (Beger, 2004: 33), its network has since grown to include over 1000 member organizations, representing 117 countries as of 2013 (Itaborahy and Zhu, 2013).

Several other international NGO’s dedicated to the issue of gay rights have subsequently been founded, such as the International Lesbian, Gay, Bisexual, Transgender, Queer Youth and Student Organization (IGLYO) founded in 1986, and the International Gay and Lesbian Human Rights Commission (IGLHRC) founded in 1990.⁹⁸ The gay rights TAN also includes various organizations dedicated to

⁹⁷ Originally, ILGA was known as the International Gay Association (IGA). This reflected the fact that its membership was originally comprised of gay men. It did not become ILGA until 1986 (Beger, 2004)

⁹⁸ IGLYO is a network that serves to connect various youth and student organizations dedicated to gay rights; however, its membership is almost exclusively European, with no more than 5 members located outside Europe (IGLYO, 2013). IGLHRC is an archetypical NGO.

advocating and networking in particular regions and religions communities. Examples include, but are not limited to, Al-Faitha, which serves the Muslim gay community, the Gay and Lesbian Arab Society, and the Coalition of African Lesbians.

The gay rights TAN has also succeeded in linking with other TANs. In particular, the framing of gay rights as human rights, has led to close links between the gay rights TAN and the broader human rights TAN. Chapter 5 discusses the linking of gay rights to human rights in detail. Additionally, the issue of combating HIV/AIDS has led the gay rights TAN and the international health network to work closely together. Indeed, efforts by these two TANs to convince states of the necessity of reaching out to the gay community in order to combat the spread of AIDS have in some cases provided a stepping stone to a general expansion in gay rights. This has especially been the case in certain Asian countries (Itaborahy and Zhu, 2013).

4.1.1 Successes for Gay Rights Advocates

By any measure, the gay rights TAN has been highly successful. Successes can be placed into three general categories that are often mutually reinforcing. These are increased access to public space for members of the gay community, improvements in the attitudes of other agents toward the gay community, and the institutionalization of policies that are designed to enhance the legal rights of members of the gay community (or the repeal of polices designed to limit the legal rights of the gay community). These three areas are highly interconnected as agents pursue policy changes for their potential to ensure access to public space and improve attitudes. Conversely, increased access to public space and improved attitudes can help pave the way for policy changes. I discuss each of these areas of success in turn, although discussion of the first two areas is more illustrative than exhaustive, as discussing all

the changes in accesses to public space and attitude goes beyond the scope of this chapter.

4.1.1.1 Increased Access to Public Space & Improving Attitudes toward Homosexuality

In many places, members of the gay community (and the broader LGBT community as well) enjoy greater visibility and access to public space. At its most basic, increased access to public space involves the ability of members of the gay community to be members of the gay community and still be part of the larger collective. This idea is well captured by the slogan “we’re here, we’re queer, get used to it.” It also means that being gay is not a valid reason to exclude somebody from a particular social role.

There are numerous examples of members of the gay community having increased access to public space and greater visibility. Gay pride parades have been held on every continent (Itaborahy and Zhu, 2013). Publications (print and electronic) devoted to issues confronting the gay community are increasingly available throughout the world. Likewise, the gay community has had greater presence in mainstream media, and their portrayal is increasingly positive in many parts of the world (Gross, 2002; Elledge, 2010). Celebrities have increasingly “come out of the closet” in all parts of the world. Even a limited number of professional athletes have come out. This includes National Basketball Association (NBA) player Jason Collins, who in 2013 became the first active player in a major US (male) team sports league to come out.⁹⁹ Collins’ announcement was met with praise from NBA Commissioner

⁹⁹ Several players had previously come out after retiring from professional team sports.

David Stern, First Lady Michelle Obama, President Clinton, and a number of prominent current and former NBA players (Busbee, 2013). Further, openly gay politicians have won local and national elections in a number of states, and have headed governments in Iceland and Belgium. Indeed, according to the LGBT Representation and Rights Research Initiative in 2013 there were over 100 openly gay individuals serving in national legislators, up from 6 in 1983. (Reynolds, 2013). Finally, the increased visibility and accesses to public space enjoyed by members of the gay community has been used to strengthen their network and develop tools to further their cause. For instance, what started out as a Canadian National Day against Homophobia organized by *Fondation Émergence* in 2003 quickly developed into a fully International Day against Homophobia (IDAHO) by 2006 (Homophobiaday.org, 2012).¹⁰⁰ Held on May 17 each year—the day in 1990 that the World Health Organization declassified homosexuality as a mental illness—IDAHO is now celebrated in over 100 countries (McCormick, 2013), and serves to root out the attitudes that justify the denial of gay rights.

Efforts such as IDAHO have been quite successful at improving attitudes towards homosexuality in recent years, as a number of opinion surveys demonstrate. The results of World Values Survey (2009), which tracks changing cultural attitudes worldwide by conducting waves of national level surveys throughout the world, illustrates this well. Respondents were asked to rank how justifiable homosexuality was on a scale of 1 to 10, with 1 being never justifiable and 10 being always. In the 4th wave of the survey, conducted between 1999 and 2002, 57.1% of respondents

¹⁰⁰ IDAHO is also referred to as the International Day against Homosexuality and Transphobia (IDAHOT).

worldwide answered that homosexuality was never justifiable compared to just 9.4% who answered that it was always justifiable. During the 5th wave, conducted between 2005 and 2008, the percentage of respondents answering homosexuality was never justifiable dropped below 50% for the first time in the surveys history coming in at 47.3%. Additionally, the percentage of respondents answering always justifiable cleared 10% for the first time coming in at 11.7%. Even bigger changes in attitudes towards homosexuality can be found by looking at the results from individual countries. For instance, in India, 93.4% of respondents to the 1990 survey said homosexuality was never justifiable, this dropped almost 30% points in the 2006 survey to 63.7%.¹⁰¹

Of course, improving aggregate opinions will not necessarily translate into the gay community being more successful in pursuing its collective interests. The effects of these aggregate changes in beliefs are dependent upon the positioning of those who have developed positive attitudes towards homosexuality relative to those who have not within the social and cultural hierarchies of international society. Fortunately, the gay rights TAN has won some powerful allies in recent years, such as Barack Obama, and Queen Elizabeth (Cooper and Knowlton, 2011; Walters, 2013). After President Barack Obama changed his stance on SSM and expressed his support for marriage equality in 2012 there was huge increase in African American support for SSM. Indeed, one national survey reported an 18-point jump in support for SSM among

¹⁰¹ The 1990 survey was part of the 2nd wave of the World Values Survey and the first that included India. Also, see the discussion of the Pew “Global Attitudes Project” in chapter 1.

African American respondents a mere 2 weeks after President Obama's announcement (Demby, 2012).

4.1.1.2 The Diffusion of Gay Rights Policies in 3 Waves: From Decriminalization to Equal Rights¹⁰²

The reader will recall from above that most European states criminalized homosexuality during the medieval period and often brought similar laws to their colonial possessions. However, the situation today is markedly different. As of May 2013, homosexual acts have been decriminalized—or were never criminalized—in 114 UN member states. This number represents approximately 60% of the UN membership. Additionally, there are four non-member political entities in ILGA's annual report on gay rights where homosexual acts are legal: Vatican City, Taiwan, The West Bank, and Kosovo (See Table 1 below). The most recent state to decriminalize homosexual acts was Lesotho in 2012 (Itaborahy and Zhu, 2013).¹⁰³ Not only has the gay rights advocacy network been highly successful in getting states to decriminalize same-sex relations, they have also gotten states to increasingly adopt

¹⁰² All national level policy data, including the information in the appendix tables, comes from ILGA's 2013 annual report on state-sponsored homophobia (Itaborahy and Zhu, 2013), unless otherwise noted.

¹⁰³ Lesotho represents one of those unclear cases. According to Itaborahy and Zhu (2013), sodomy had previously been outlawed, dating back to at least 1939, as a common law offence. However, it appears that a new penal code act passed in March of 2012 and contains no such provisions. Additionally, it appears that São Tomé and Príncipe passed a new legal code in 2012, which drops the anti-sodomy provisions of its earlier code inherited from Portuguese colonial rule. However, at present it is uncertain whether this code has gone into effect. Hence, São Tomé and Príncipe is still considered as criminalizing homosexual acts.

policies designed to guarantee the legal rights of members of the gay community. What follows outlines how this process has unfolded.

The decriminalization of homosexuality has occurred in 3 waves. The 1st wave began almost two centuries before the gay rights movement; yet, as we see in the next chapter this 1st wave has implications for how gay rights are understood today. It started in 1791 when Revolutionary France adopted a new criminal code, which dropped provisions from the previous code outlawing sodomy. This French criminal code, known as the Penal Code of 1791, and its counterpart the Napoleonic Code (1804), which refers to the French Civil Code, would have a tremendous impact throughout international society, an impact which continues to this day.¹⁰⁴ Approximately 70 countries have introduced the French Legal Code or adapted it. In some cases the introduction of the Code was the result of French imperial conquests (e.g. the Netherlands), in others it was based on the appeal of Revolutionary ideals (e.g. Latin America) (Holtman, 1967).

As the French legal code spread so too did the decriminalization of homosexuality. First, in Monaco (1793), Luxembourg (1795), Belgium (1795), and

¹⁰⁴ Technically speaking two distinct criminal codes were passed in 1791. The Penal Code of 1791 dealt with felonies, i.e. offences with a sentence over two years in prison and makes no mention of sodomy, crimes against nature, debauchery, etc. Under the previous code sodomy carried a death sentence. The Code of Municipal Police and Correctional Police dealt with minor offences. It does have certain provisions that could be interpreted as obliquely including same-sex relationships, such as public indecency, which carried a minor penalty. However, there is no regulation of consenting adults in private. In 1810 a new legal code was adopted, which combined elements from both 1791 codes, and included the provisions against public indecency (Sibalis, 1996).

parts of Switzerland (1798),¹⁰⁵ followed a short time later by the Netherlands (1811). During the 19th Century, the French Legal Code spread to several of the newly independent states of Latin America. The French Legal Code would also lead to decriminalization directly or indirectly in Turkey (1858), Japan (1882), and Italy (1890). At the turn of the 20th century the first wave began to die down, although a few more states would decriminalize homosexuality between the 1930's-1950's due changes in the legal code influenced by the French system, such as Poland and Greece (Holtman, 1967). This period also marks the beginning of decriminalization activities that cannot be attributed to the French system, such as Sweden (1944).

Before moving on to discuss the second wave of decriminalization, one other indirect effect of the French Legal Code should be noted. Table 1 (see appendix) shows that Africa has the most states that have never criminalized homosexual activity. These states were French and Belgian colonies. Thus, those colonial powers with the French Code were less likely to have left an institutionalized legacy of anti-homosexuality in their former colonies, which is a sharp departure from the legacy of the British (see chapter 5). However, it should be noted that France did criminalize homosexuality in some of its colonies, and versions of these laws remain in place in Benin, Cameroon, and Senegal, and others. (Human Rights Watch, 2008).

A second discernable wave of decriminalization began in the 1960's, which corresponds with the beginning of the gay rights movement. It might be best to think of this 2nd wave as comprised of two sub-waves. Starting with Mongolia in 1961 a

¹⁰⁵ Not every canton of Switzerland adopted the French Legal Code. Homosexuality was not decriminalized throughout Switzerland until 1942 (Holtman, 1967; Itaborahy and Zhu, 2013).

number of Communist states began decriminalizing homosexuality, including Czechoslovakia (1962), Hungary (1962), Bulgaria (1968), and East Germany (1968). This trend would continue into the 1970's with parts of Yugoslavia (1977) decriminalizing homosexuality as well as Cuba (1979). The other sub-wave began in 1967 with England and Wales decriminalizing homosexuality. Other Liberal-Democracies would soon follow, including Canada (1969), West Germany (1969), Austria (1971), Norway (1972), and a newly democratic Spain (1979). Further, a number of US states and parts of Australia would also decriminalize homosexuality during the 1970's (Itaborahy and Zhu, 2013).¹⁰⁶

With both Communist and Liberal states increasingly decriminalizing homosexuality, the 1970's can be seen as marking the beginning of general trend towards decriminalization, as Cold War neutral Finland (1971) also decriminalized homosexuality during this period, along with Costa Rica (1971), Malta (1973) and recently independent Bahrain (1976). Things slowed down again during the 1980's; however, the general trend towards decriminalization continued in Europe, Latin America, and among Western settler states like New Zealand (1986) and Israel (1988).

The fall of the USSR marked the beginning of the 3rd wave of decriminalization that continues to this day. Starting with Ukraine in 1991 every

¹⁰⁶Whether or not Cold War competition had anything to do with the decriminalization that occurred during the 1960's and 1970's is an empirical question that is beyond the scope of the present investigation. Of course, Cold War competition clearly had a negative effect for members of the gay community in Liberal Democracies during the "Lavender Scare" of the 1950s (Johnson, 2013; Johnson, 2004; Rydström, 2007).

former Soviet Republic, except Turkmenistan and Uzbekistan, has decriminalized homosexuality, as have those Eastern Bloc states that had not done so during the 2nd wave. Further, during this period all remaining Latin American states, with the exception of Belize (a former British colony) and Guyana, have decriminalized homosexuality, as have the US, China, South Africa, and the remainder of the UK and Australia.

What sets the 3rd wave apart is the fact that gay rights advanced in a number of other policy fronts. For instance, more than 50 states, or parts thereof, equalized the age of consent for same-sex relationships and opposite-sex relations during this period (see table 2). Twenty-six states passed legislation prohibiting incitement to hatred based on sexual orientation (see table 3). Twenty-six passed hate crime legislation (see table 4). Fifty-nine have prohibited discrimination in employment (see table 5). Six institutionalized constitutional provisions barring discrimination based on sexual orientation (see table 6). Fifteen institutionalized joint adoption or second parent adoption (see table 7). Twenty-eight offered legal recognition of same-sex relationship ranging from limited rights to the full rights and responsibilities of marriage (see table 8). European, Latin American, and Western settler states dominate these lists, along with some notable exceptions like South Africa.

While things have stalled somewhat on the decriminalization front with a roughly equally number of states decriminalizing and criminalizing homosexuality in the last 5 years, developments in these other issue areas have largely been accelerating. For example, of the 13 states that recognize SSM at the national level, 10 have done so since 2009. Indeed, more states institutionalized SSM in the first

seven months of 2013, four, than in any prior year.¹⁰⁷ Further, several Asian states are considering institutionalizing SSM, such as Nepal, Thailand, Vietnam, and Taiwan (Itaborahy and Zhu, 2013).

In addition to implementing pro-gay rights domestic policies, a number of states have introduced the protection of gay rights into their foreign policy, such as the US and UK (Cooper and Knowlton, 2011; Kron, 2012). This marks another way in which the 3rd wave is unique. Specifically, the 3rd wave has seen an increasing degree of international activity promoting gay rights. Thus, in addition to individual states, a number of regional IGO's have also made the promotion of gay rights part of their foreign policy, such as the Organization of American States (OAS) and the European Union (EU) (OAS, 2008; EU, 2010; 2013). International lawyers and human rights experts have addressed the standing of gay rights in existing international law (Yogyakarta, 2006; OHCHR, 2012a). Finally, the UN has increasingly become the forum through which states promote gay rights. In turn, this internationalization of gay rights has enabled UN organs to take a more active role in promoting gay rights throughout international society.

One of the earliest international victories for the gay rights TAN came in 1994, when the United Nations Human Rights Committee issued its landmark ruling in *Toonan v. Australia*. The committee found that Tasmania's anti-sodomy law violated the International Convention on Civil and Political Rights (United Nations Human

¹⁰⁷ These numbers on SSM include the UK, which institutionalized SSM in July 2013, just after ILGA's published its annual report. Technically speaking, the July 2013 legislation just applies to England and Wales (AP, 2013). Scotland legalized SSM in February 2014 (BBC, 2014a).

Rights Committee, 1994). As a result, Australia took Federal action to decriminalize homosexuality.

In 2000, the UN Human Rights Council's (UNHRC) annual resolution condemning extrajudicial, arbitrary, and summary executions mentioned sexual orientation as a basis for protection for the first time (IGLHRC, 2010). This was an outgrowth of Special Rapporteur on extrajudicial, summary, or arbitrary executions Asma Jahangir's 1999 and 2000 reports to the UNHRC. These raised concerns over several states penalizing homosexual activity with the death penalty, and outlined several incidents in Latin America where members of the gay community were targets of extrajudicial killings (Jahangir 1999; 2000).

In 2006, a group of human rights experts and international lawyers drafted the Yogyakarta Principles. These principles:

address the broad range of human rights standards and their application to issues of sexual orientation and gender identity. These include extrajudicial executions, violence and torture, access to justice, privacy, non-discrimination, rights to freedom of expression and assembly, employment, health, education, immigration and refugee issues, public participation, and a variety of other rights (Yogyakarta, 2006).

In turn, the Yogyakarta Principles served as the legal basis for a non-binding resolution drafted by France and the Netherlands on behalf of the EU, and read in the UN General Assembly by Argentina, in December of 2008. The resolution called for the universal decriminalization of homosexuality (Yade and Verhagen, 2008).¹⁰⁸

¹⁰⁸ In addition to France and the Netherlands the core group responsible for the drafting of the non-binding resolution included representatives from Argentina, Brazil, Croatia, Gabon, and Norway (Yade and Verhagen, 2008).

This marked the first time the General Assembly addressed the issue of LGBT rights.¹⁰⁹ Initially, 66 UN member states signed the declaration, including all EU member states, Australia, Japan, and many Latin American states (ILGA Europe, 2008).¹¹⁰

Subsequently, LGBT rights have increasingly become a topic of concern at the UN, with certain member states and the UN staff becoming more active in raising awareness and advocating for gay rights. This activity has taken a number of forms. For instance, member states have organized panels to discuss developments that they view as threatening gay rights. One such panel was organized by Sweden, Argentina, Brazil, Croatia, France, the Netherlands, Norway, and several NGOs in response to a bill introduced in the Ugandan parliament that sought to, among other things, increase the penalty for certain homosexual acts, such as engaging in sodomy when HIV positive, to death. Held on December 10, 2009—the 61st anniversary of the Universal Declaration of Human Rights—the panel was attended by dignitaries from more than 50 states (Human Rights Watch, 2009).

Member states have also utilized the organizational apparatus of the UNHRC to address the issue of gay rights. For instance, in June 2011 South Africa introduced a resolution in the council that initiated a global study, conducted by the Office of the

¹⁰⁹ In 2006, the UNHRC issued a joint statement endorsed by 54 member states noting concern over increasing instances of targeted violence towards members of the gay community around the world (Asian Pacific Forum, 2010).

¹¹⁰ The US was the only Western state that did not initially sign the declaration. However, the resolution was introduced during the closing months of the Bush administration. Within 3 months of entering office, President Obama signed the resolution (Wood, 2009).

High Commissioner for Human Rights (OHCHR), to outline discriminatory laws and practices targeting the gay community and provide recommendations for addressing them (Resolution 17/19). The resolution passed with 23 votes in favor, 19 opposed, and 3 abstentions (UNHRC, 2011). The Human Rights Council discussed the findings of this landmark study in March 2012 (OHCHR, 2012b). Additionally, 2011 saw another joint statement on LGBT rights from the UN. This one, which was introduced in the Human Rights Council, called for an end to violence based on sexual orientation and gender identity. The core group for this statement was co-chaired by the US, Slovenia, and Columbia. It garnered 85 signatories, a marked increase from the previous two joint statements, which originally generated 54 and 66 signatories respectively (Chamberlain Donahoe, 2011). The activity of the Human Rights Council paved the way for the publication by Office of High Commissioner of a 60 page document, entitled “Born Free and Equal,” outlining states obligations towards the LGBT community under existing human rights law (OHCHR, 2012a).

Finally, various UN organs and personnel have become increasingly active in advocating gay rights. For instance, Secretary General Ban Ki Moon and the High Commissioner for Human Rights Navi Pillay have been vocal and passionate advocates of gay rights (see, for instance, IGLHRC, 2013). Further, the UN has begun to organize advocacy campaigns on behalf of gay rights, such as the anti-homophobia campaign launched by the Human Rights Office during the 2013 celebration of IDAHO, which promotes gay rights as human rights (Crary, 2013b).

4.1.2 Conclusions following from the Diffusion of Gay Rights in Contemporary International Society

If this were a traditional diffusion analysis, we could stop here and with good reason conclude that in contemporary international society good states adopt gay rights policies. Indeed, Frank and McEneaney (1999) have already reached this conclusion from a WPT perspective, by looking at developments on gay rights from 1984 to 1995. Further, because gay rights are exactly the type of norm CNT, WPT, solidarist English School scholars expect to diffuse in a Liberal international society (see chapter 2), we could claim that the preceding discussion reaffirms the conclusion that contemporary international society is Liberal in nature. However, this is not a traditional diffusion analysis.

From the multidimensional perspective the only conclusion that can be drawn from the preceding discussion is that gay rights are spreading in international society. This is not the same as saying that in contemporary international society good states adopt gay rights policies, which implies a general consensus throughout international society. Further, the fact that gay rights are spreading does not warrant an inductive leap to the conclusion that international society is Liberal in nature. Norm diffusion does not necessarily entail norm displacement, therefore observing that gay rights are spreading does not tell us anything definitive about anti-homosexuality policies, attitudes, and practices (see chapter 3).

Taking a closer look at which states have *and have not* adopted gay rights policies places the expansion of gay rights in its proper context. It also reveals the selectivity with which gay rights have spread. European, Latin American, and Western settler nations have been extremely active in adopting gay rights policies. Only one political entity criminalizes homosexual acts in all of Europe and North

America combined (the unrecognized state of North Cyprus),¹¹¹ and only 2 in all of Latin America (Belize and Guyana) (see table 9). The prevalence of European, Latin American, and Western settler nations is even more apparent when one looks at affirmative policies, i.e. those policies guaranteeing rights for sexual minorities, as opposed to simple decriminalization. Equally hard to miss is the relative absence of Asian, African, Caribbean, and Pacific Island states (see tables 2 through 8). Gay rights policies, with a few notable exceptions, have found little traction in these states.

Based on which states have and have not adopted gay rights policies a narrower conclusion seems warranted: good Liberal states adopt gay rights policies. Specifically, the above analysis is consistent with Keck and Sikkink's conclusion that rights based advocacy campaigns are most likely to be successful in states that have already adopted the discourse of Liberalism, but have denied the legal equality and individual rights at its core to some section of its population (1998: 206). In essence, agents subscribing to the Liberal utopian framework have come to see gay rights as human rights.¹¹²

The foregoing raises the question of what to make of those Asian, African, Caribbean, and Pacific states that have not adopted gay rights policies. The answer

¹¹¹ Further, there is legislation pending in North Cyprus to decriminalize homosexuality (Itaborahy and Zhu, 2013).

¹¹² Validating the relationship between gay rights, human rights, and Liberalism requires an examination of the agents' understandings of the norms and policies involved, which is provided in the next chapter. It is certainly possible, and perhaps likely, that some states understand these policies as appropriate for different reasons, as Towns has shown in the area of legislative sex quotas (2012). From the multidimensional perspective developed in chapter 3 agents can prefer similar policies for different, and perhaps even contradictory, reasons.

depends upon the nature of international society. If international society was integrated in nature and Liberalism provided the sole utopian framework, then we would expect that given enough time gay rights policies would spread from the Western “core” of Liberalism to these “peripheral” states. Two things that would not be expected are Towns’ (2012) “diffusion from below” (i.e. states from the periphery of Liberalism leading the way on adopting gay rights policies), and furcated diffusion (i.e. anti-homosexuality practices, attitudes, and policies actively diffusing in international society). The former would be unexpected because it requires recognizing the inherent ranking dynamic of norms and the stratified nature of society. The latter would be unexpected because it implies international society is comprised of multiple contingently related utopian frameworks. Both of these phenomena are present. This presents a puzzle for the integrated perspective. However, for the multidimensional model such developments are expected. This section concludes with a brief discussion of the diffusion of gay rights from below, before devoting the remainder of the chapter to an examination of an anti-homosexuality norm in contemporary international society.

4.1.2.1 Gay Rights and Normative Change from Below

While “core” Liberal states are well represented amongst those states having adopted various gay rights policies they have not necessarily been the first, nor have they necessarily gone the farthest, or been the most vocal. For instance, only Sweden can claim to rival South Africa in terms of the number of institutionalized legal rights provided to members of the gay community, and South Africa usually beat Sweden to the punch.

The presence of non-core states is especially noticeable in the policy areas that so far have the fewest adopters. For instance, the least adopted policy is a constitutional prohibition of discrimination based on sexual orientation. The political entities that have adopted this policy are South Africa (1994/1997),¹¹³ Switzerland (2000), Sweden (2003), Portugal (2004), The British Virgin Islands (2007), Kosovo (2008), Ecuador (2008), and Bolivia (2009).¹¹⁴ Additionally, parts of Germany, Brazil, and Argentina have adopted such prohibitions. If you expected normative change to always be driven by the core of the Liberal collective, with the exception of Sweden and parts of Germany, these are not the states you would expect to be at the forefront of this issue area. However, given Towns' (2012) argument this is to be expected.

As a norm becomes accepted within a collective, such as Liberal states protect gay rights, states lower in the group hierarchy become the driving force responsible for expanding the rights conferred. In essence, they do more to protect gay rights in an effort to accrue more cultural capital and thereby improve their positioning within the Liberal collective. They will also expand their efforts to related issue areas in an attempt to be first in, and thereby secure their status as an issue leader, which can provide greater amounts of cultural capital than if they were late comers. Looking at the leading proponents of transgender rights demonstrates this point. As Itaborahy and Zhu (2013) point out, Latin American states, and to a lesser extent Asian states, have

¹¹³The year 1994 refers to the post-apartheid interim constitution (Itaborahy and Zhu, 2013).

¹¹⁴ Fiji adopted a constitutional prohibition in 1997; however, that constitution was repealed in 2009 (Itaborahy and Zhu, 2013).

far outpaced the core of the Liberal collective on transgender issues.¹¹⁵ Of course, to fully confirm Towns' conclusions would require examining the rationales these states have for adopting these particular policies and how they see them as relating to their standing within the Liberal collective, the latter of which is beyond the scope of the present work. However, the discussion in chapter 5 of how proponents of gay rights portray their opponents suggests the ranking component involved in the quest for gay equality.

In sum, returning to the analogy of the blind men and the elephant I used in Chapter 3, so far we have only analyzed the trunk (policies and developments *expanding* the rights and public space available to members of the gay community). The analysis is accurate as far as the trunk goes and some limited conclusions can be drawn from this. However, it says nothing about the ear (actions and developments *curtailing* the rights and public space available to members of the gay community). Nor does it tell us anything about the elephant as a whole (the relationship between these antithetical policies and their advocates). Conclusions regarding the ear, or the elephant as a whole, cannot be arrived at solely from analyzing the trunk. Thus, from a multidimensional perspective the above analysis is incomplete. In order to complete it we must also look at what has happened in those states that took no action to expand gay rights, and we must also look to see if those states that did expand gay rights also curtailed them in some ways. This analysis reveals that while recent years have seen

¹¹⁵ The leadership role of Asian states on transgender rights may have more to do with indigenous understandings of gender and sexuality, which unlike in the West are not dualistic, than a desire to improve their standing within the Liberal hierarchy (see, for instance, Chou, 2000; Vanita and Kidwai, 2001).

the best of times for members of the gay community they have also seen the worst of times.

4.2 The Worst of Times: The Diffusion of an Anti-homosexuality Norm in Contemporary International Society

This section examines the persistence and spread of practices, attitudes, and policies consistent with an underlying norm that homosexuality is an inappropriate behavior in contemporary international society. It is organized like the previous section. After a brief discussion of the anti-homosexuality TAN(s), developments limiting access to public space for members of the gay community, negative attitudes towards homosexuality, and policies designed discourage homosexual activity and secure the superiority of opposite-sex relationships in the social and cultural hierarchies of society are examined. The discussion concludes with a closer examination of the diffusion patterns surrounding anti-homosexuality policies.

4.2.1 The Anti-Homosexuality TAN(s)

In the previous section, we saw that there are many agents actively working to secure gay rights based on an understanding that homosexuality is an appropriate behavior (or at least not inappropriate). Likewise, many agents in contemporary international society see homosexuality as an *in*appropriate behavior. These agents are variously seeking to prevent the spread of gay rights, limit the scope of gay rights, institutionalize policies that punish homosexual activity, and secure the superiority of opposite-sex relationships.

Groups promoting the inappropriateness of homosexuality fall primarily into one of two often overlapping camps: religious and post-colonial/hyper-nationalist. The religious groups most involved in advocating the inappropriateness of

homosexuality include the Catholic Church, Orthodox groups, Protestant Fundamentalists, and Islamists. Of the various strands of the anti-homosexual TAN, the Protestant Fundamentalist is the most organized and actively engaged in policy advocacy. Several American religious groups, which are essentially NGOs, lead it. These include: Scott Lively's Abiding Truth Ministries, The Family Research Institute, The Family Research Council, World Congress of Families, and dozens of others (for a full list of US groups see, SPLC, 2014). These American church groups have forged close links with other fundamentalists groups throughout the world, such as the Eastern European group Watchmen on the Walls. They organize conferences, provide funding, and help set up new churches (Sanchez, 2007). They have forged especially close links with African Protestants and members of the Eastern Orthodox Church. These American Protestant groups have been leading advocates of anti-homosexuality policies in Africa and Eastern Europe (Kaoma, 2013; Federman, 2014).

Of course, just because the anti-homosexuality TAN is largely religious in character does not mean that religion is inherently anti-gay. There are prominent religious figures who advocate on behalf of gay rights, such as the Desmond Tutu (HRC, 2013). Indeed, many religious groups are deeply divided over issues relating to homosexuality and have either fractured as a result, or produced rather dissident policies. For instance, the US Presbyterian Church allows gay ministers—a decision that led several congregations to splinter off—blesses same-sex unions, but balked at performing legal same-sex marriage ceremonies (Honin, 2012). Likewise, not all post-colonial/nationalist groups are anti-gay. For instance, the right-wing Dutch PVV party supports gay rights.

Finally, it should be pointed out that while all strands of the anti-homosexuality TAN believe that homosexuality is an inappropriate behavior, they differ markedly over what they think good states ought to do about. On the one hand, you have religious groups, such as the Catholic Church, that oppose SSM and gay adoption but support the decriminalization of homosexuality (Catholic News Agency, 2008). On the other hand, you have fundamentalist groups like Abiding Truth Ministries that actively advocate for laws criminalizing homosexual activity (Inter Press Service, 2012). With this in mind, we now turn to an examination of the anti-homosexuality TAN's successes.

4.2.2 Successes for the Anti-homosexuality Network

The successes of the anti-homosexuality network are detailed in the same categories used to discuss the successes of the gay-rights TAN. These are decreases in access to public space for members of the gay community, promoting attitudes that homosexuality is not appropriate behavior, and policies designed to limit the legal rights of the gay community. Again, there is overlap between these areas, as policies are designed to impact attitudes and regulate access to public space, whereas attitudes and access to public space impact what policies are seen as desirable. The discussion that follows is far from exhaustive, especially relating to events affecting visibility and attitudes. However, what follows provides more than enough evidence to demonstrate that there are parts of international society where gay rights have not diffused, and in fact, just the opposite has occurred, anti-homosexual practices, attitudes, and policies have remained entrenched and even spread.

4.2.2.1 Restricting Access to Public Space & the Persistence of Negative Attitudes towards Homosexuality

In many parts of the world, gays face an atmosphere of intimidation and discrimination as part of their daily reality. Where this hostile environment manifests, the gay community's access to public space is severely restricted, because being visibly gay makes them a target. This limiting of public space can take many forms. At its most severe, it involves the use of physical violence against members of the gay community. This includes such practices as “corrective rape”, common in South Africa and Zimbabwe (Amnesty International, 2013), and targeted killings like those in Latin America documented in UN Special Rapporteur on extrajudicial, summary, or arbitrary executions Asma Jahangir's 1999 and 2000 reports to the UNHRC.

The limiting of public space can also involve the targeting of gay friendly spaces, such as police raids on gay bars. For example, police in Cameroon arrested 32 men for allegedly being part of a “gay gang” following a raid on a nightclub in 2002. Several of those arrested (those unable to pay a bribe) were paraded on TV, tortured, forced to confess to being gay in court, and had to spend over a year in jail—in some instances without ever being convicted of a crime (Amnesty International, 2013: 25).¹¹⁶ This example illustrates that the restriction of public space for members of the gay community may also involve forcible removal from public space. These removals are often arbitrary, meaning no law has been broken. For instance, it is not against the law to be gay in Cameroon; rather, it is illegal to engage in homosexual activity, so the authorities had no grounds for arrest. Similarly, it may also involve

¹¹⁶ This is just one such instance of a general phenomenon. For other instances, see: Amnesty International, 2013; 2008; Itaborahy and Zhu, 2013.

restricting access to the resources of society. For instance, in many African states members of the gay community do not seek health care for fear of persecution (Amnesty International, 2013; Amnesty International, 2008).¹¹⁷

The restricting of public space for members of the gay community may also involve the exclusion/dismissal from various groups and social roles. For instance, Nigeria officially banned homosexuals from its national soccer team in 2013 after having previously removed several members the women's national team for allegedly being lesbians in 2011 (Canning, 2011; Waldron, 2013). Similarly, two top secondary schools in Ghana expelled 53 students in 2013, for allegedly engaging in homosexual activity (Littauer, 2013).

Politicians have used charges of homosexual activity to remove political opponents. In Malaysia, Anwar Ibrahim, a former Deputy Prime Minister and opposition leader, was twice tried for sodomy in an effort to discredit him as viable candidate for Prime Minister. He was initially convicted at his first trial in 1998 and spent 6 years in prison before the verdict was thrown out. The second case was dismissed by the Malaysian High Court after a two year trial in 2012 (Gooch, 2012). However, the Court of Appeal reversed this verdict in March 2014, declaring him guilty. This reversal comes at time when Anwar, who had just led the opposition to its

¹¹⁷ The reader will recall from section 1 that the gay rights TAN and international health network have forged close links to combat the spread of HIV/AIDS. Also, that this alliance has successfully lobbied some states to abandon restrictive policies and proactively engage the gay community to better fight this deadly disease. In parts of the world where anti-homosexuality advocates are ascendant the opposite has often occurred. Persecution of the gay community has been stepped up in an effort to combat the spread of AIDS, often with disastrous consequences (Amnesty International, 2013; 2008).

best ever national showing, was gearing up for a by-election in Malaysia's richest province. Prior to the ruling, many observers thought his party (PR) had a good chance of winning, which would have led to Anwar taking over as the province's chief minister. As it stands, Anwar is barred from running and faces up to 5 years in prison. His wife will be running in his place (The Economist, 2014a).

Finally, a hostile environment might be created by a general insensitivity to the feelings of sexual minorities. One example of this would be the frequency with which gay slurs occur in social media, like Twitter. According to NoHomophobes.com, a website maintained by the Institute for Sexual Minority Studies, faggot, dyke, and "that's so gay" were tweeted a combined 340,722 times during the week of October 17th-23rd 2013. Another example involves judges in the UK asking those seeking asylum based on their status as a sexual minority to prove their sexual orientation. Judges attempted to ascertain this proof by asking applicants about their use of sex toys and their knowledge of Oscar Wilde's works (Taylor, 2013).

Gay rights advocates and advocacy groups are especially likely to be the targets of discrimination or violence. Meetings are often raided by police and arrests made, often at the direct behest of high-ranking political officials. For instance, Simon Lokodo, the Ugandan Minister for Ethics, personally oversaw the police raid of a meeting of a gay rights group in 2012 (The Observer, 2012). More recently, in April 2013, Zambian police arrested activist Paul Kasonkomona after a TV appearance where he advocated LGBT rights. The arrest occurred shortly after Edgar Lungu, Zambia's Minister of Home Affairs, issued a statement condemning the EU's soliciting of aid applications from Zambian LGBT rights groups as part of a campaign to support human rights. He warned that any one responding to the EU's call on

behalf of LGBT rights would be arrested (Open Society Initiative for Southern Africa, 2013). Recently enacted prohibitions against “gay propaganda” in several Eastern European states, which are discussed below, seek to eliminate gay rights organizations. Many advocates have fled abroad in search of asylum, while others have lost their lives. For instance, David Kato, a gay rights advocate in Uganda, was murdered in 2011, although authorities insist his murder was the result of a robbery gone wrong rather than a hate crime (Peachey, 2011; Evening Times, 2011).¹¹⁸ Eric Ohena Lembembe, a gay rights advocate in Cameroon, was tortured and murdered in July 2013 (Human Rights Watch, 2013).

While media portrayals of gays are improving in many parts of the world, the media plays an active role in promoting homophobia in others (Amnesty International, 2013; Gender Links, 2010). For instance, a Ugandan Newspaper, *Rolling Stone*, ran an issue revealing Uganda’s “Top 100 Homos,” including their names and addresses, along with calls to “hang them” (Chivers, 2010).¹¹⁹ One of those pictured in the issue was David Kato. Not to be outdone, *The Red Paper* published a list of Uganda’s “Top 200 Homosexuals” in celebration of a new anti-gay law in 2014 (AP, 2014a). In the case of the 53 students expelled in Ghana for being gay, the *Ghana Harold* headline read: “The revered and leading second cycle females’ institutions in the country is on the brink of losing its social and moral standing in the Ghanaian society over the despicable act of lesbianism” (Littauer, 2013).

¹¹⁸ His killer was arrested, confessed, and was sentenced to 30 years in prison (Evening Times, 2011).

¹¹⁹ The Ugandan High Court ordered *Rolling Stone* to pay damages to those pictured amounting to just over \$600 (BBC, 2011). The *Rolling Stone* is now defunct (AP, 2014a).

A primary factor contributing to this hostile environment is a pervasive attitude that homosexuality is not appropriate behavior. Despite advances in recent years, the World Values Survey shows that most people still see homosexual activity as inappropriate, with 47.3% of respondents during the 5th wave answering never justifiable, compared to 11.7% for always justifiable the second most common response. Overall, the mean response is 3.7, still firmly on the negative side, despite recent improvements. Additionally, when considering the numbers of the World Value Survey, it should be kept in mind that it over-represents states that have adopted the Liberal discourse to some degree. This is not surprising, since Liberal states are more likely to allow surveys to be conducted.¹²⁰

Just as the gay rights TAN has secured powerful allies, so too has the anti-homosexuality TAN. The religious nature of Anti-homosexuality advocates makes them well positioned to influence attitudes in society. It provides them with a platform to address large audiences and frame their anti-homosexuality positions as God's will. Their popularity in turn has led to greater political influences, as fundamentalists have won political office, or those in office seek their support. Examples of fundamentalist in office include former US President George W. Bush, and Marco Feliciano in Brazil, a preacher cum congressman who was elected to head the Human Rights Committee of the Congress (Itaborahy and Zhu, 2013). Other influential actors taking up an anti-homosexuality stances include Russian President Vladimir Putin.

¹²⁰ What effect, if any, the overrepresentation of Liberal states has on the aggregate mean value would require further analysis, since the number of survey respondents can vary markedly from country to country.

4.2.2.2 The Persistence and Expansion of Anti-Homosexuality Policies in Post-Cold War International Society

In many places, state policies are instrumental in fostering negative attitudes toward homosexuality and restricting the gay community's access to public space. The most extreme of these policies criminalizes homosexual activity. As of May 2013, 76 UN member states (40%) criminalize homosexual activity.¹²¹ There are also four additional political entities tracked by ILGA where same-sex relations are illegal: The Cook Islands (an associate of New Zealand), North Cyprus (an unrecognized state), The Gaza Strip (Palestinian Territories), and Aceh (an autonomous province in Indonesia where *sharia* law applies to Muslims) (see table 9). South Sudan, which criminalized homosexual activity in 2008 as an autonomous region of Sudan, became the most recent UN member to do so upon achieving its independence in 2011. While ILGA's annual report does not contain information on when states originally criminalized same-sex relations, most of these laws can be traced back to policies institutionalized during the colonial era (Human Rights Watch, 2008). However, as the discussion below shows, these colonial era laws are not

¹²¹ ILGA's 2013 report excludes two UN member states from its count, because of ambiguity regarding the legality of homosexual acts: Iraq and India. In India, the Delhi High Court struck down the anti-sodomy portion of the Indian Penal Code (section 377) in 2009 (*Naz Foundation (India) Trust v. Government of NCT of Delhi and Ors.*). However, the Indian Penal Code is not applicable in the state of Jammu and Kashmir. Thus, same-sex relations are still illegal there. Further, the Delhi High Court's decision was, at the time of publication, under appeal to India's Supreme Court. In December 2013, the Delhi High Court's decision was vacated (Asokan, 2013). Therefore, section 377 remains on the books. In Iraq, same-sex relations are legal according to the current penal code—the 1969 version reinstated by America in 2003. It is reported, however, that *ad hoc Sharia* courts have tried people, and sentenced them to death, for engaging in homosexual acts (Itaborahy and Zhu, 2013).

simply a relic of times past. Many states actively enforce them, and many former colonies have taken steps to expand their scope.

Among those political entities that criminalize homosexual activity, the punishment can vary markedly, and on occasion even varies substantially in different parts of the same political entity (e.g. death in Northern Nigeria compared with up to 14 years in prison in Southern Nigeria). In most instances, the law calls for fines and/or a prison term. In some places the fines can be quite substantial. For instance, in Senegal fines can be up to 1.5 million West African Franc's (or just over \$3,000).¹²² Prison terms range from a few months (Bhutan) all the way up to life (Tanzania, Uganda, and others). In some countries those convicted of engaging in homosexual activities can be sentenced to labor camps (Mozambique), banishment (Saudi Arabia, Maldives, and others), and/or whipping (Iran, Yemen, and others). Most severely, a person convicted of engaging in homosexual acts faces a death sentence in at least 5 states (Mauritania, Sudan, Iran, Saudi Arabia, and Yemen) and parts of 2 others (Somalia, and 12 northern states in Nigeria where forms of *Sharia* law have been institutionalized) (Itaborahy and Zhu, 2013) (see table 10).

While it is true that states criminalizing homosexual activity may not actively enforce their anti-sodomy laws, the fact that they remain on the books means they contribute to anti-homosexuality values. These laws reinforce the “correctness” of negative attitudes towards homosexuality, promote an inhospitable environment for members of the gay community by defining them as a criminal element, and suggest that restricting their access to public space is a just action for non-state agents.

¹²² According to the World Bank the GDP per capita for Senegal in 2012 was only \$1908.

Further, in some states where anti-sodomy laws are rarely enforced, authorities use the threat of enforcement to solicit bribes (Amnesty International, 2013). For a detailed discussion of all the effects unenforced anti-sodomy laws can have on members of the gay community, see Ryan Goodman's examination of gay and lesbian experiences in South Africa prior to the repeal of the country's anti-sodomy laws (2001). Of course, as mentioned above, many states do actively enforce their anti-sodomy laws.

In addition to the handful of polities that have criminalized homosexuality in recent years, such as South Sudan and Ache, several states that had already criminalized homosexual acts have strengthened their prohibitions, increased the enforcement of existing laws, or otherwise sought to create an inhospitable environment for members of the gay community. Additionally, several states in some way decreased or limited the rights they had previously granted, or limited the further conferral of rights. These actions include defining marriage or the family in heterosexual terms, removing previously granted constitutional protections, increasing the penalties for engaging in homosexual acts, further refining the definition of homosexuality, criminalizing the "promotion" of homosexuality, or reaffirming the criminality of homosexuality by incorporating their anti-sodomy provisions into new penal codes.

The most notorious attempt to curtail gay rights during this period occurred in Uganda. In 2009 a piece of legislation was introduced in the Ugandan parliament that would come to be known as the "kill the gays bill." The legislation would have greatly increase the penalties for sodomy—homosexuality is already illegal in Uganda and punished—to life in prison and death in certain instances, such as engaging in male-male sex acts while HIV positive, or engaging in homosexual acts with a minor.

The proposed bill also sought to criminalize “aiding” homosexuality in anyway, prohibit gay-rights groups, require citizens to report any homosexual activity within 24 hours, and punish the public discussion of homosexuality with jail time. This bill has received a great deal of attention, in large part due to the role of American Fundamentalist groups in promoting it (Kaoma, 2013). Over time its author has gradually removed some of the harshest measures, including the death penalty provisions. After a number of starts and stops the bill was finally passed and signed in to law early in 2014 (The Economist, 2014b).

Several other states have also passed legislation during this period restricting gay rights. For instance, Nigeria, despite homosexuality already being illegal, in 2011 introduced legislation banning SSM, “gay groups”, and same-sex public displays of affection, which was signed into law early in 2014. A “gay group” is essentially an organization that aides members of the gay community in anyway or promotes gay rights. The recommended sentence for belonging to a “gay group” or engaging in public displays of same-sex affection is 10 years in prison (BBC, 2014b; Itaborahy and Zhu, 2013).

In January 2012, a new constitution came into effect in Hungary which defined the family in heterosexual terms.¹²³ Along with the new constitution came new legislation. “The Family Protection Bill” reiterated the heterosexual nature of the family, required schools to prepare students for family life, and broadcast media to

¹²³ Further, the new constitution eliminated the ability of NGO’s to get a law annulled by petitioning the Constitutional Courts, which was instrumental in previous successes for gay rights in the country, including domestic partnership status in 1995 and equalized age of consent in 2002 (Littauer, 2012).

respect the institution of the family in its programming (Littauer, 2012). Similarly, Latvia passed legislation defining marriage between a man and a woman in 2005 (Williams, 2014). In Croatia 65% of voters in a 2013 national referendum voted in favor of a constitutional amendment defining marriage in heterosexual terms (Withers, 2013), while 30 US adopted constitutional amendments defining marriage in heterosexual terms between 1998 and 2012 (Martineau, 2013).¹²⁴

Namibia and Fiji have both repealed previously granted protections for sexual minorities. In 2004 Namibia repealed a law granting sexual minorities protection from workplace discrimination. Fiji's 1997 constitution contained provisions barring discrimination based on sexual orientation. However, it was repealed in 2009, and said provisions were absent from its replacement (Itaborahy and Zhu, 2013).

Russia, in 2004, banned gay pride parades (Tinsley, 2012). The crackdown on the gay community continued in June of 2013 when the Russian Duma passed legislation outlawing "homosexual propaganda" by a vote of 436-0 with one abstention (Walker, 2013). The law is especially designed to target (foreign) gay rights groups. Several Russian provinces had previously passed similar legislation (Itaborahy and Zhu, 2013). Within two weeks of Russia passing its "homosexual propaganda" legislation there were two separate instances of gay men being murdered because of their sexuality (Hall, 2013). The first such "anti-propoganda" law appears to have been passed in Romania in 1996 (Amnesty International, 2008). The former

¹²⁴ This figure includes California whose constitutional amendment was struck down by US Federal Courts in 2008, and excludes Hawaii's constitutional amendment, which grants the state legislature the power to define marriage, but does not itself define marriage—a power they subsequently used to legalize SSM in December 2013 (Martineau, 2013; Leitsinger, 2013).

Soviet Republics of Moldova, and Lithuania have passed similar laws. Lithuania passed anti-gay propaganda legislation in 2009. Since then, there have been multiple attempts to strengthen the legislation, so far unsuccessful (Article19.org, 2013). Moldova passed its anti-propaganda law in May 2013. However, in October 2013 the Moldovan parliament began to consider making changes to the law to better comply with the EU standards. The proposed changes drew sharp criticism from groups of Orthodox Christians. Protestors numbering anywhere from a few dozen to several hundred turned up to block entry to parliament, so the new bill could not be debated, and clashed with police (RIA Novosti, 2013). Eventually, the law was repealed (LGBTQ-Nation, 2013). Currently, similar legislation is being considered by the Ukrainian Parliament (Itaborahy and Zhu, 2013). Outside of Eastern Europe, Nicaragua (2008) has also criminalize the promotion of homosexuality (Amnesty International, 2008). In both Russia and the Ukraine, US evangelicals actively advocated for the proposed laws (Federman, 2014; Parke, 2013).

Malaysia (1989), Sri Lanka (1995), and Batswana (1998), among others, rewrote colonial era anti-sodomy laws, which were ambiguous as to the legal status of female-female sexual relations, to expressly criminalize them (Human Rights Watch, 2008). Several states in Northern Nigeria increased the penalty for male-male sexual relations to death when they adopted *Sharia* law in the early 2000's (Itaborahy and Zhu, 2013). While Cameroon has not adopted new legislation, it is one of several states that have stepped up the enforcement of existing legislation, having prosecuted at least 51 cases of homosexuality or "attempted homosexuality", since 2005 (Amnesty International, 2013: 23). Finally it should be noted that there are 15 states, plus parts of 2 others, and a handful of non-state political entities, where homosexual

activity is legal but there is an unequal age of consent (see table 11). Further, a part from the decriminalization of homosexuality and equalized aged of consents, the majority of states have not adopted any additional gay rights policies.

In addition to these national level developments, there have also been some international and regional developments during this period. For instance, in 2008, the day after the EU's resolution calling for the universal decriminalization of homosexuality was read in the general assembly, a counter resolution was introduced by Syria on behalf of the Organization of Islamic Cooperation (OIC). The OIC's resolution rejected the EU's claims that the Universal Declaration of Human Rights applied to the category of sexual orientation. Fifty-seven states signed the OIC's resolution (ILGA Europe, 2008).¹²⁵ Additionally, in 2010, a measure introduced by Morocco and Mali on behalf of African and Islamic states sought to remove references to sexual orientation in the UNHRC's annual resolution condemning extra-judicial, summary, and arbitrary executions, which had been in place since 2000. The amendment passed with 79 in favor of removal, 70 opposed, 17 abstentions, and 26 absent. However, this success was short lived. Pro-gay rights member states, led by the US, successfully reinstated the reference before the year was out, with 93 states voting in favor of restoring the sexual orientation language, 55 opposed, and 27 abstaining (Williams, 2010). Regionally, in 2010 the African Union rejected the Coalition of African Lesbians'—a regional umbrella group—request to become the first gay rights advocacy group with observer status (West Cape News, 2010).

¹²⁵ Three of these, however, would sign the 2011 Human Rights Council declaration calling for an end to violence towards sexual minorities, which reaffirmed the 2008 EU backed declaration: Rwanda, Sierra Leone, and Fiji (Chamberlain Donahoe, 2011)

4.2.3 Conclusions Following from the Persistence and Diffusion of Anti-Gay Policies in Contemporary International Society

If this were a traditional diffusion analysis, the preceding discussion taken in isolation would lead one to conclude that a norm exists in contemporary international society that homosexual activity is inappropriate and good states adopt policies to prevent such behavior. One might also conclude from the preceding discussion that contemporary international society is illiberal in nature. However, just as with the previous case, the first conclusion is too general, and therefore potentially misleading, and the inductive leap entailed in the second is simply unwarranted. Rather, from the multidimensional perspective the only conclusion that can be drawn from the preceding discussion is that anti-homosexuality practices, attitudes, and policies are salient and spreading in contemporary international society. To say anything more requires taking a closer look at which states have and have not adopted anti-homosexuality policies, which reveals the selective nature of their diffusion.

Of the 80 states and non-state political entities that criminalize same-sex relations 36 are located in Africa, 23 are located in Asia,¹²⁶ 9 are Pacific Islands, and 9 are Caribbean Islands. Whereas only 2 states criminalize homosexuality in the Americas (excluding the Caribbean) and 1 in Europe. Thus, 45% of the political entities that criminalize homosexual acts are located in Africa, 23% are located in Asia, 11.25% are located in the Caribbean, and 11.25% in Oceania, while only 2.5% are located in the Americas (excluding the Caribbean) and 1.25% in Europe.

¹²⁶ This count excludes India and Iraq, but includes Ache and the Gaza Strip.

Between 36 and 38 African states criminalize homosexuality, depending upon the source (Itaborahy and Zhu, 2013; Amnesty International 2013).¹²⁷ This constitutes between 66% and 70% of the AU's membership.¹²⁸ Further, as we saw above, African states like Uganda and Nigeria have been actively expanding their existing laws criminalizing homosexuality, and a number of others have increased the enforcement of existing laws, or stepped up extrajudicial persecution of the gay community. Indeed, ILGA's 2013 report sums up the situation in Africa as having gone from bad to worse over the last year. Likewise, Amnesty International's 2013 report "Making Love a Crime: Criminalization of Same-Sex Conduct in Sub-Saharan Africa" chronicles the deteriorating situation for members of the gay community in many parts of Africa.

In addition to African states, a large number of Muslim states criminalize homosexuality. Of course there is some significant overlap between these groups. Of the 80 states and political entities criminalizing homosexual acts half are members or have observer status in the OIC,¹²⁹ including one of the two states that criminalize homosexuality in Latin America (Guyana), and the only state criminalizing

¹²⁷ Amnesty International has Benin and Lesotho as criminalizing homosexuality, whereas ILGA has Lesotho legalizing homosexuality in 2012, and changed its view on Benin after receiving more information on the country's penal code.

¹²⁸ Technically, the UN African Bloc was used for this calculation. This is because it includes Morocco but not Western Sahara, whereas the AU includes the latter but not the former. There is no data on the legal status of same-sex relationships in Western Sahara in either the Amnesty or ILGA reports.

¹²⁹ Being in the OIC does not necessarily mean a state has a majority Muslim population.

homosexuality in Europe (Northern Cyprus).¹³⁰ This equates to 63.5% of the OIC's membership.¹³¹ Additionally members of the OIC have some of the harshest penalties. It counts all of the states where homosexual acts can receive the death penalty among its members. However, if one separates out those members of the OIC that are also members of the League of Arab States a slightly different picture emerges. Eighteen of 22 Arab League members (81.81%) criminalize homosexuality.¹³² Of the remaining 41 OIC members and observers, 21, or 51.2%, criminalize homosexuality.

Finally, there are those European states that were on the eastern side of the Iron Curtain. While same-sex relations remain legal throughout the region, many of these former Communist states have recently adopted or are considering policies designed to restrict the gay community's access to public space. This list includes, Russia, Ukraine, Lithuania, Latvia, Hungary, Romania, Croatia, and Moldova.¹³³

¹³⁰ The count of 40 does not include Iraq, but includes Ache, which is a province of a member state, Indonesia.

¹³¹ The OIC is comprised of 57 members and 5 observers. In calculating the percentage of OIC members that criminalize homosexual acts, some adjustments were required. Starting with 62 members and observers, I removed Iraq from the count (61). While Palestine constitutes a single member of the OIC, I treated Gaza and the West Bank as separate members, due the different legal status of homosexual acts (62). Finally, since Ache is part of a member state of the OIC, yet has a different policy on homosexual acts than it, I count Ache as a member of the OIC despite it not in fact being so (63).

¹³² These numbers exclude Iraq and separates the two Palestinian territories. The four Arab League Members who do not criminalize homosexuality are: Jordan, Bahrain, The West Bank, and Djibouti.

¹³³ As mentioned above, Moldova adopted and repealed a law prohibiting gay "propaganda" within a few months' time in 2013.

The limited success for gay rights policies and the general success for anti-homosexuality policies in many African, Islamic, and Eastern European states suggests that in these places there are important non-Liberal utopian frameworks at play. We can be even more confident in this conclusion for those states that have actively taken steps to restrict gay rights in recent years. If the Liberal framework was the only framework present in these places, they would have adopted gay rights policies. At the very least, they certainly would not have taken steps to restrict gay rights. This raises the obvious question regarding what frameworks then shape how these states understand homosexuality as it relates to the realization of the ideal (international) society. However, answering this question must wait until the next chapter. First, a brief discussion of the implications that follow from combining the analyses of pro and anti-gay developments is in order.

4.3 The Simultaneous Diffusion of Antithetical Practices, Attitudes, and Policies: Furcated and Reactionary Diffusion Dynamics

When the findings of the two sections are combined it provides a drastically different picture of the normative context surrounding the issue of homosexuality than provided by either account alone. It shows the simultaneous salience and diffusion of two antithetical norms regarding the appropriateness of homosexuality in contemporary international society. On the one hand, there is a group of states, primarily Western and Latin American, which see homosexuality as an appropriate behavior, and think good states take steps to protect the rights of sexual minorities. On the other hand, there is a group of states, primarily African, Islamic, and Eastern European, that think homosexuality is an inappropriate behavior and good states take

steps to protect the rest of society from the nefarious influence of this practice. Simply put, the combined analysis clearly illustrates the furcated diffusion pattern.

Further, the combined analysis reveals instances of furcation developing a reactionary character. The reader will recall that a reactionary dynamic develops when agents not only attempt to institutionalize their preferred norm, but also seek to obstruct, counter, and rollback moves proponents of the countervailing norm have made to institutionalize it. The reactionary dynamic is highly suggestive of a utopian cleavage, as it necessarily entails the two sides interacting with one another, as each attempts to force its preferred interpretations of their shared societal space on the other. Put the other way around, it means the two norms and their respective proponents are not moving parallel to one another in distinct social spheres.

The day after the EU introduced a non-binding resolution calling for the decriminalization of homosexuality the OIC introduced a counter-resolution challenging the EU's argument that the provisions of the Universal Declaration of Human Rights applied to the category of sexual orientation. Also at the UN, there has been the ongoing battle over the inclusion of sexual orientation in the annual resolution condemning extrajudicial killings. Another instance of the reactionary dynamic involved the government of Zambia targeting gay rights advocates for arrest after the EU solicited funding proposals from LGBT groups in the country (Open Society Initiative for South Africa, 2013).

Uganda's controversial legislation has perhaps solicited the greatest amount of back and forth. The proposed legislation served as the impetus for the 2009 UN panel organized by Sweden, which was discussed above. In 2012, there was a surge in domestic political and public support for the bill after the US and UK threatened to

discontinue foreign aid to states that did not respect gay rights. As the analysis of the next chapter shows, Ugandans saw this threat as neocolonialist (Kron, 2012). The Uganda bill has also led to fissures within the anti-homosexuality TAN. The Catholic Church in an effort to distinguish itself from the bills Protestant backers clarified its position on homosexuality at the Swedish organized conference, by coming out in support of decriminalization (Human Rights Watch, 2009).

Itaborahy and Zhu point out two situations where reactionary dynamics typically manifest (2013). First, is when Liberal (Western) states threaten sanctions in order to garner compliance with gay rights norms. Non-state actors in the targeted state tend to blame the gay community for any negative outcome as opposed to their government and take actions that limit the gay community's access to public space. It also gives government officials an opportunity to accrue cultural capital by standing up to "imperialists." Second, in areas where the anti-homosexuality norm is ascendant, legal successes for gay rights, typically in the courts, often lead, at least in the near term, to an anti-gay backlash by non-state agents and perhaps certain elements of the government, thereby limiting access to public space for members of the gay community (see also Amnesty International, 2013: 14).

In sum, the multidimensional model sensitizes scholars to look at the whole elephant and the relationship between its parts. In the present case, this means looking at which states have and have not taken steps to enhance gay rights. It also entails looking at developments taken to curtail gay rights and which states have and have not taken such steps. This is because the diffusion of pro and anti-gay norms are not mutually exclusive in (international) society. Indeed, policies consistent with both norms have even been institutionalized by the same state on numerous occasions. For

instance, in many Eastern European countries policies both enhancing and restricting gay rights have been adopted since the end of the Cold War. Further, several African states, including Botswana, Mauritius, Mozambique, and Seychelles, criminalize homosexual acts but prohibit discrimination in employment based on sexual orientation.¹³⁴

By enabling us to see that antithetical normative positions exist, as evidenced by presence of selective and furcated diffusion—the latter of which has taken on a reactionary dynamic—the multidimensional model has sensitized us to the possibility that a utopian cleavage has formed around the shared referent of homosexuality. Confirming this requires an examination of how agents understand and justify the divergent practices and policies discussed in this chapter. This is the task of chapter 5.

¹³⁴ This speaks to the distinction between being gay and engaging in homosexual activity. It is the behavior that is criminalized, not the identity category.

Chapter 5

UNDERSTANDING THE (IN)APPROPRIATENESS OF HOMOSEXUALITY: LIBERAL, RELIGIOUS, AND POST-COLONIAL UTOPIAN FRAMEWORKS IN INTERNATIONAL SOCIETY

The previous chapter was largely about being able to see the divergent developments surrounding homosexuality in contemporary international society. A traditional diffusion analysis based on an integrated model of society would only have looked at developments enhancing gay rights in international society. The result would have been a far more optimistic picture of the status of gay rights than is warranted. Further, it would have provided an overly homogenous view of the cultural context of international society by reaffirming its unitary Liberal nature.¹³⁵ By utilizing the multidimensional model these potential pitfalls were avoided. The simultaneous salience and diffusion of antithetical norms surrounding homosexuality was captured, as evidenced by the presence of the expected diffusion patterns: selective and furcated.

What is particularly striking is the sheer number of states that have taken action on homosexuality and the number of actions they have taken over the last several decades. The fact that so many states have addressed the issue of homosexuality suggests that the referent has diffused throughout international society,

¹³⁵ Of course, only looking at anti-gay developments would be equally problematic, painting an overly pessimistic picture. However, focusing exclusively on illiberal developments is much less likely in mainstream sociological IR (see chapter 2).

i.e. become shared. This claim is strengthened by the fact that most policies on homosexuality have been adopted by multiple states. Yet within this high degree of similarity there is also great difference. Various groups of states have had radically different responses to homosexuality. In some parts of the world two men can get married and adopt children. In other parts of the world an attempt by two men to hold a marriage ceremony would land them in jail and possibly their guests as well (Amnesty International, 2013; 2008). The divergent responses states have had to the common referent of homosexual(ity) suggests they likely have contradictory understandings of how homosexuality fits (or does not fit) in the ideal society.

This chapter picks up where the previous one left off. It examines how the diffusion patterns surrounding homosexuality were produced. If they are the result of a manifest utopian cleavage, as opposed to “mere” pluralism, it will show up in the understandings, meanings, and justifications agents use in promoting their own preferred norms and policies and in resisting the norms and policies others are promoting. Since utopian cleavages are disagreements over how certain shared referents fit (or do not fit) into the ideal society, one of the shared referents agents have contradictory understandings of is society itself. Therefore, when agents are engaged in utopian politics it will manifest in how they justify their positions on various policies and practices. They will support policies and practices consisting with their preferred understanding of the shared referent by explaining how they are necessary for the welfare of society itself. Conversely, they will seek to undermine contradictory understandings by showing how they pose a threat to the ideal society.

This chapter proceeds in two main sections. Section 1 examines the utopian frameworks agents use to justify the pro and anti-gay policies discussed in the

previous chapter. This entails examining the rationale agents give for their positions on homosexuality, how they understand their opponents' position as a threat, and how they tie these understandings to their ideal vision of society. Three utopian frameworks are examined during the course of this discussion: Liberal, traditional religious, and post-colonial/hyper-nationalist. Section 2 looks at how anti-gay rights advocates attempt to undermine the human rights based arguments utilized by Liberal advocates of gay rights, while simultaneously advancing their own rights based claims to defend their preferred utopian frameworks. In other words, it examines how the debate over the shared referent of homosexuality has enabled agents to identify contradictions in how they understand the purpose of human rights in the ideal society.

5.1 Homosexuality and the Welfare of Society: Conflicting Visions

This section examines three utopian frameworks involved in the dispute regarding the appropriateness of homosexuality. First, it examines the utopian framework most commonly drawn upon by agents who support policies enhancing gay rights: the Liberal utopian framework. Since this framework is well represented in the mainstream sociological literature, this discussion is relatively brief compared to the discussion of the anti-homosexuality frameworks. In its current form, the Liberal framework sees gay rights as human rights, and protecting sexual minorities from discrimination is necessary for achieving the ideal society predicated on equal individuals. Next, it turns to an examination of the utopian frameworks used to justify anti-homosexuality policies. Here, two distinct frameworks can be identified. First there is a traditional religious framework, where the "natural" heterosexual family, as ordained by God in sacred scripture, is seen as the constitutive unit of society, as opposed to autonomous individuals. From this perspective, the welfare of society is

directly dependent upon the strength of the “natural” family; strong families equal a strong society. The second framework is post-colonial/hyper-national. Here once again the heterosexual family is typically put forward as the primary unit of society. However, from the post-colonial/nationalist perspective the heterosexual family is seen as constitutive of the “authentic” indigenous culture. Gay rights, and often homosexuality itself, are seen as Western constructs and attempts to spread gay rights are seen as neo-colonial impositions. While the religious and post-colonial/hyper-nationalist frameworks are analytically distinct, they often overlap in practices. In other words, traditional religious values are often seen as forming the core of “authentic” indigenous culture. Therefore, this section concludes by looking briefly at how agents combine the two by rejecting the secularism of the Liberal framework based on national identity claims.

5.1.1 Gay Rights are Human Rights: Individual Equality and the Liberal Utopia

Those who advocate that homosexuality is an appropriate behavior and that gay and lesbian are valid identity categories at the international level, largely subscribe to the Liberal utopian framework. According to this utopian vision, the autonomous individual is the primary unit of society (Frank and McEneaney, 1999; Frank and Meyer, 2002). The Liberal utopian framework—broadly conceived—has long been the impetus for policies enhancing gay rights. Indeed, this connection can be traced back to the start of the 1st wave of decriminalization at the end of the 18th century, discussed in the previous chapter.

The aim of the French Revolution was to remake society in accordance with the ideas of the Enlightenment, i.e. the Liberal utopian framework. Part of this

process was adopting a new criminal code that embodied these ideals, and just as importantly eliminated the remaining vestiges of the previously dominant religious utopian framework. Thus, “The French Revolution brought greater freedom for French sodomites.” This is because “most [Enlightenment] philosophers held relatively liberal views on unconventional sexual behavior...” while “the most daring philosophes, like Condorcet, Montesquieu, and Anacharsis Cloots, denied that society had any right to punish sodomy, provided that it occurred in private and between consenting adults” (Sibalis, 1996: 82).

Despite the prevalence of progressive attitudes on sodomy, there was never any debate on the topic among the legislators considering the new code. Thus, the omission of sodomy was not necessarily out of a genuine desire to enhance the rights of those who engaged in homosexual activity, but rather an indirect result of the legislators’ desire to eliminate religious provisions from the criminal code. Le Pelletier de Saint-Fargeau upon introducing the draft code in the Constitutional Assembly “commented that it outlawed only ‘true crimes’ and not ‘those phony offenses, created by superstition, feudalism, the tax system, and despotism.’” While Saint-Fargeau “did not list the crimes ‘created by superstition’—meaning the Christian religion—they undoubtedly included blasphemy, heresy, sacrilege, and witchcraft, and also quite probably bestiality, incest, pederasty, and sodomy” (Sibalis, 1996: 82).

In its modern form the Liberal utopian ideal is a society where “All human beings are born free and equal in dignity and rights,” a sentiment institutionalized in the opening sentence of the Universal Declaration of Human Rights (UDHR) in 1948. Thus, the norms that are designed to bring this about can be collectively referred to as the human rights framework. In other words, human rights norms are constitutive of

the Liberal utopian framework. This means that compliance with human rights norms concomitantly “help define identities of liberal states” and allow agents who subscribe to the Liberal utopian framework to identify others who share their vision. As Risse and Sikink put it, a “good human rights performance is one crucial signal to others to identify a member of the community of liberal states” (1999: 8). Of course, this also means that it allows Liberal agents to identify those who subscribe to different utopian frameworks by their poor human rights performance relative to Liberal standards.

Before moving on, it must be stressed that numerous interpretive struggles surround human rights, making them some of the most highly contested propositions in international society. While human rights are almost universally accepted by agents around the world, they do not, as is shown later in this chapter, agree on what rights are human rights, where they come from (i.e. inalienable property of the individual or duty an individual has to god), what counts as a violation of a particular right, how to resolve contradictions between rights claims (i.e. between individual and collective rights), and so on. The key point here, is that there is a particular Liberal understanding of human rights. This provides behavioral signals to agents that enable them to identify those who subscribe to the Liberal utopian framework and those who do not, and may therefore pose an obstacle to realizing the ideal Liberal society.

Advocates of gay rights overwhelmingly subscribe to the Liberal understanding of human rights, which is not surprising since the gay advocacy community is dominated by Western actors, a point which it acknowledges (see, for instance, the Declaration of Montreal, 2006; see also, Weiss and Bosia, 2014). Therefore, the relationship between gay rights and human rights is my primary concern in this

discussion. This does not preclude non-Liberal frameworks from also promoting pro-gay positions for different reasons.

The political objective of the gay rights TAN is simple: acceptance of the proposition that gay rights are human rights. Based on the foregoing discussion this is hardly surprising. If it is accepted that gay rights are human rights, then it becomes paramount for those states that see human rights as the path to achieving the ideal society to defend gay rights and encourage others to do so as well. Acceptance of the proposition that gay rights are human rights also means that those states that do not respect gay rights, do not respect human rights, and therefore constitute a hindrance to achieving the ideal purpose of society. This message has been actively advanced by the gay rights TAN since its formation during the 1970s. Over time it has been increasingly accepted by various elements of the wider human rights TAN. In general, gay rights as human rights was first accepted by NGOs, for instance Amnesty International took up the cause in 1991 (Amnesty International, 2008: 9), then taken up by states and regional organizations that subscribe to the Liberal vision, and finally these states and NGOs, placed the issue on the agenda of IGOs like the UN, where an advocacy campaign that explicitly promotes gay rights as human rights was launched in 2013 (see chapter 4).

Advocates of gay rights as human rights make two key claims. First, achieving the Liberal utopian vision, as outlined in the opening sentence of the UDHR quoted above, requires acceptance of gay rights. Second, gay rights are not something new but already a part of the existing human rights framework. The declaration of Montreal, which is an attempt “to summarize the main demands of the international LGBT movement in the broadest possible terms...”(Swiebel, 2006), the Yogyakarta

Principles, which according to its authors “reflect the existing state of human rights law in relation to issues of sexual orientation” (Yogyakarta, 2006), the 2008 OAS resolution on “Human Rights, Sexual Orientation, and Gender Identity” (OAS, 2008), and the UN “Statement on Human Rights, Sexual Orientation and Gender Identity” drafted by the EU (Yade and Verhagen, 2008), all take the opening sentence of the UDHR as their starting point in arguing that gay rights are part of existing human rights law.

The Declaration of Montreal argues the opening line of the UDHR means that individuals have a right to equality regardless of differences of sex, religion, race, ethnicity, and nationality. Any discrimination based on these differences is prohibited. However, the authors point out that “most countries do not accept two other aspects of human diversity: that people have different sexual orientations and different gender identities...Refusal to accept and respect these differences means that oppression of LGBT people is still a daily reality.” Denying the appropriateness of homosexuality creates a situation where members of the gay community have their basic inalienable rights violated based solely on who they love. The rights in question are “well established and not legally controversial.” The human rights violations members of the gay community face fall into three general categories, including protection from violence and arbitrary detention, restrictions of the freedom of expression, assembly and association, and the right to privacy (Declaration of Montreal, 2006). Similarly the authors of the Yogyakarta Principles argue that “Sexual orientation...[is] integral to every person’s dignity and humanity and must not be the basis for discrimination or abuse.” Therefore, the principles do not confer new rights or obligations but “affirm binding international legal standards with which all States must comply” (2006).

Likewise, the French/Dutch 2008 non-binding resolution stresses that states have a duty to protect gay rights as part of their existing human rights obligations, stating that the well established “principal of non-discrimination...requires that human rights apply equally to every human being regardless of sexual orientation or gender identity” (Yade and Verhagen, 2008). This view was also stressed by the EU in its 2010 “Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender People,” which stated that the “EU strongly supports the entitlement by all individuals without discrimination to enjoy the full range of human rights...” and “LGBT people have the same rights as all individuals, which include the right to non-discrimination in the enjoyment of these rights” (EU, 2010: 2-3).

For agents that subscribe to the Liberal utopian framework, once it is accepted that gay rights are human rights, any threat to gay rights constitutes a threat to the entire human rights enterprise and its aim of achieving an international society where all are born free and equal in dignity. This is because human rights are viewed as “universal, interdependent, indivisible, and interrelated,” a proposition which was institutionalized by the World Conference on Human Rights in the Vienne Declaration and Programme of Action adopted in 1993, and cited in the Yogyakarta principles and the OAS resolution on Human Rights and Sexual Orientation.

This understanding leads the authors of the Declaration of Montreal to argue that securing gay rights is a boon not just for the gay community but all of international society: “The legal, political, and social changes that will bring LGBT individuals equal rights do not serve our interests only. In a society where some people are oppressed, nobody can be free and equal” (2006: 7). This is a sentiment

UN Secretary General Ban Ki Moon agrees with. Prior to the historic discussion of gay rights by the Human Rights Council in 2012, Ban delivered a video message where he decried the lack of respect for gay rights as:

a monumental tragedy for those affected and a stain on our collective conscience... To those who are lesbian, gay, bisexual or transgender, let me say: You are not alone. Your struggle for an end to violence and discrimination is a shared struggle. Any attack on you is an attack on the universal values the United Nations and I have sworn to defend and uphold (Ban, 2012).¹³⁶

The understanding that the denial of gay rights today poses a threat to the rights of others tomorrow also features prominently in the Rev. Kapya Kaoma's appeal to his fellow Zambians to reject the homophobia of the government, warning that "Unless we put a stop to this madness, tomorrow we will not be able to complain when they come for us" (Kaoma, 2013).

This understanding is not unique to gay rights. There is a generalized notion within the Liberal framework that if a particular group is treated unequally it adversely affects everyone. For instance, the theme for the UN's 2014 International Women's Day is "Equality for Women is Progress for All" (UNDP, 2014). Thus, it is not surprising that the gay advocacy community recognizes that their struggle for equality is a shared struggle that goes beyond issues of gay rights. The authors of the Declaration of Montreal make this clear when they state that gay rights "can only be achieved if the international LGBT human rights movement takes part in wider struggles, such as the fight for development and fair trade, worldwide social and

¹³⁶ Ban also asserted that disrespecting gay rights "is also a violation of international law", following other gay rights advocates in claiming that gay rights are already part of existing human rights law (2012).

economic rights, and international peace and stability...Working to overcome these problems...include[s] working for better living conditions for LGBT individuals” (2006: 3). This also means that the gay community must strive to “fight discrimination within our own ranks” and be “open to all and offer...fair chances to everyone, regardless of their sex, race, religion, disability, age economic status or other similar characteristic” (2006: 4).

Once it is accepted that gay rights are human rights, it becomes paramount for Liberal agents to promote them throughout international society in an effort to achieve the ideal vision. Thus, the EU’s 2010 “Toolkit”, makes clear that human rights, which include gay rights, are constitutive of the identity of EU member states and the ideal society they are trying to create. Therefore, all members have an obligation to defend LGBT rights (2010: 2). This mission is established, according to the “Toolkit” by the Treaty on European Union, which states that the “Union is founded on the value of respect for human dignity...equality...and respect for human rights...These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity, and equality between men and women prevail.” Furthermore, the Treaty “commits the union to promote its values in its relations for the wider world” (2010: 2-3).

Further, for Liberal agents advancing gay rights can help to ensure their good standing within the Liberal collective. Thus, the OAS in its 2008 resolution makes respect for gay rights a necessary condition for achieving the “historic mission of America” as outlined in the organization’s charter. This mission “is to offer to man a land of liberty and a favorable environment for the development of his personality and the realization of his just aspirations” (OAS, 2008).

Conversely, failing to respect gay rights as human rights can call into question a state's membership within the Liberal collective. Rev. Kaoma in condemning the Zambian government's arrest of prominent gay rights advocates declares "If speaking out in favor of gay rights is a crime, then our democracy is hollow." This is because "Free speech is among the core values that democracy upholds." If one group is denied this right just because people do not like what they have to say, then there is no democracy to speak of. Thus, Kaoma makes it explicit that Zambia's identity as a pluralistic democracy, an identity it wants others to recognize, is at stake in how the government treats sexual minorities.

In sum, the preceding discussion fits perfectly with CNT, WPT, and solidarist expectations regarding how gay rights would be justified and understood within the Liberal utopian framework. For proponents of the Liberal framework, institutionalizing legal equality for a "previously despised group" is a necessary step in creating a society where all individuals are equal, including gay individuals (Keck and Sikkink, 1998: 204-205; Frank and McEneaney, 1999). The mechanism in place to achieve this ideal is the human rights framework (Risse and Sikkink, 1999). If members of the gay community, or any community for that matter, are denied their basic rights, which they enjoy in virtue of their individual personhood, then the ideal remains unrealized. Indeed, the denial of rights to one group threatens the rights of all groups, because it creates a situation where the universality of human equality is called into question—if one group can be denied their rights than it can happen to another. Further, because of the interdependent and interconnected nature of human rights, equality is an all or nothing proposition, either all are equal or none are. Therefore, proponents of the Liberal utopian framework see protecting and promoting

human rights as the “primary obligation” of all states. If states fully comply with their obligations, of which respecting gay rights constitutes one aspect, the result will be “a different future where all people are born free and equal and dignity and rights can fulfil that precious birthright” (Yogyakarta, 2006: 7). However, as we are about to see, for agents who do not subscribe to the Liberal framework this understanding of homosexuality and the individualism that gives rise to it are the real threat to the welfare of society and its constitutive unit: the “natural” heterosexual family.

5.1.2 Homosexuality is a Crime against Nature: The Natural Family and Religious Utopian Frameworks

The reframe that homosexuality is unnatural has been one of the most common arguments against its appropriateness. Many anti-sodomy laws criminalize homosexuality as “carnal knowledge against the order of nature.” Laws labeling homosexuality as such are common throughout Africa, Asia, and the Pacific (Human Rights Watch, 2008). What these countries all have in common is that they are former colonies of the British Empire, which continue to utilize their inherited penal codes.¹³⁷ In fact, being a former British colony is one of the best predictors of whether a state has anti-sodomy laws, with approximately 80% of British

¹³⁷ Political entities whose anti-sodomy laws use or have used this language include: Australia, Bangladesh, Bhutan, Brunei, Fiji, Hong Kong, India, Kiribati, Malaysia, Maldives, Marshall Islands, Myanmar, Nauru, New Zealand, Pakistan, Papua New Guinea, Singapore, Solomon Islands, Sri Lanka, Tonga, Tuvalu, Western Samoa, Botswana, Gambia, Ghana, Kenya, Lesotho, Malawi, Mauritius, Nigeria, Seychelles, Sierra Leone, Somalia, Swaziland, Sudan, Tanzania, Uganda, Zambia, and Zimbabwe (Human Rights Watch, 2008).

Commonwealth countries still having such laws on the books (Reid-Smith, 2013).¹³⁸ Given the continued ubiquity of such laws, it is worth considering what the inherently vague phrase of “against the order of nature” means. To do this requires taking a closer look at how the British arrived at this provision of their colonial penal code.

While claiming something is “unnatural” carries an almost universally negative connotation across cultures, the reasons why something unnatural is bad can vary considerably. Historically, in the case of homosexuality, the argument that it is unnatural is most often related to religious understandings regarding the natural purpose of sex as procreative, rather than something undertaken solely for the pleasure of it. Thus, since homosexual acts are inherently non-procreative they are against the order of nature. This was certainly the understanding behind the original formulation of sodomy as crime in England and throughout the rest of Christian Europe. Various mediaeval English legal treaties, such as *Fleta* and *Britton* characterized sodomy as an offense against god. Specifically, sodomy was seen as defiling “ritual and social purity” and was classified with “similar” offenses, such as those “involving defilement by jews or apostate, the racial or religious Other” (Human Rights Watch, 2008: 13; Nichols, 2009).

Thus, sodomy posed a threat to the ideal Christian society, because it violated the laws of God, which constituted it. The threat arose from the polluting effects

¹³⁸ The Commonwealth is a somewhat crude proxy as it includes a few states that were not British colonies and do not criminalize homosexuality, like Rwanda, and excludes some states that were British colonies and do criminalize homosexuality, like Zimbabwe. Further, it should be noted that not all former English Colonies use the language of crime against nature. For instance, in most of its former Caribbean possessions homosexuality was criminalized as buggery (Human Rights Watch, 2008).

sodomy had on the souls of those who engaged in it. If it was not eliminated, the practice would spread and corrupt the purity of the entire Christian community. To eradicate the threat and deter others from engaging in such behavior, sodomites were publically burned at the stake (Human Rights Watch, 2008).

While sodomy has largely become synonymous with male-male sexual relations, historically it has encompassed a far greater range of sex acts. In their original formulation, prohibitions against sodomy applied to virtually every sex act, except vaginal intercourse between husband and wife in the missionary position for the purposes of procreation. Therefore, from the dominate Christian perspective all sex acts, not just same-sex ones,¹³⁹ were polluting and potentially a threat to the welfare of society (Human Rights Watch, 2008: 13-14; see also, Brundage, 1993). Further, the criminalization of sodomy throughout Europe starting in the 11th and 12th centuries was part of broader trend, where Europe developed into what historian R.I. Moore terms the “persecuting society” (1987). During this period a number of “polluting” threats to the ideal Christian society were identified and targeted for elimination, such “Jews, lepers, heretics, witches, prostitutes, and “sodomites”” (Human Rights Watch, 2008: 14).

The explicit connection between Christianity, natural law, and the need for anti-sodomy laws is expressed more formally in the 17th Century. The laws of God, as understood by Christians, determine what is natural and therefore what is morally appropriate behavior, and the purpose of the law is enforcing this morality. This line of thinking is exemplified by the English Jurist Edward Coke, who wrote that

¹³⁹ Of course, not all sex acts were seen as equally polluting.

“Buggery is a detestable, and abominable sin, amongst Christians not to be named...committed by carnal knowledge *against the ordinance of the Creator, and order of nature*, by mankind with mankind...” (quoted from Human Rights Watch, 2008: 15).

This understanding of the Christian natural order and the corrupting influence of certain behaviors continued into the British colonial period. Therefore, it is hardly surprising that British soon introduced anti-sodomy laws in its colonial possessions to civilize the heathen natives and protect British settlers from corrupting influences. During the early part of the 19th century, colonial authorities experimented with a number of anti-sodomy provisions before finally settling on the phrasing of Section 377 of the Indian Penal Code of 1860, which served as the model for other colonial codes. It reads as follows:

Section 377: Unnatural Offences—Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment for life, or with imprisonment...for a term which may extend to 10 years, and shall be liable to fine.

Explanation—Penetration is sufficient to constitute carnal intercourse necessary to the offence described in this Section (Human Rights Watch, 2008: 18).

While explicit reference to god is now absent, it is clear from the above discussion, that the natural order was understood from a Christian perspective. Further, this interpretation fits with how the colonial project was understood by many at the time. It was a mission to civilize the natives, and a key element in this was getting them to live by the tenets of Christianity (Carey, 2011). In other words, the

aim was to spread the ideal European/Christian vision of (international) society to the natives, at least to the degree they were capable of absorbing it.¹⁴⁰

Additionally, anti-sodomy laws were also seen as necessary to protect the colonizers from the corrupting influence of the natives and their permissive sexual practices. Homosexuality in particular was thought to be widespread among the native populations of some British Colonies, especially those located in what English explorer Richard Burton termed the “Sotadic Zone”. This zone ranges from 30 degrees south of the equator to 43 degrees north of it, and according to Burton, “the vice [of homosexuality] is popular and endemic...whilst the races to the North and South of the limits here defined practice it only sporadically amid the opprobrium of their fellows.” This led many colonial officials to worry about the spread of what the Viceroy of India Lord Elgin termed “special oriental vices” (quoted in Human Rights Watch, 2008: 16-17).

This Christian natural law understanding of homosexuality continued to be prominent into the early period of the gay rights campaign. Judges often referenced natural law themes in their legal justifications for rejecting gay rights claims. For instance, in the 1970s and 1980s a number of cases were brought before US courts, with same-sex couples demanding access to the institution of marriage. At this time, the various courts involved upheld the heterosexual understanding of marriage as natural, often based upon biblical references and the role of marriage in procreation and child rearing. For instance, in a 1971 case, The Minnesota Supreme Court justified its rejection of SSM on the grounds that the understanding of “marriage as a

¹⁴⁰ Different colonial powers would, of course, have different views on what that ideal society looked like.

union of man and woman, uniquely involving the procreation and rearing of children within a family, is as old as the book of Genesis.” The New York Supreme Court ruled that, “The law makes no provision for a ‘marriage’ between persons of the same sex. Marriage is and always has been a contract between a man and a woman.” The Court of Appeals in Washington found:

that our society as a whole views marriage as the appropriate and desirable forum for procreation and the rearing of children...Therefore, the definition of marriage as the legal union of one man and one woman is permissible...because it is founded upon the unique physical characteristics of the sexes.

Kentucky’s High Court opined:

Marriage was a custom long before the state commenced to issue licenses for that purpose. For a time the records of marriage were kept by the church. Some states even now recognize a common-law marriage which has neither the benefit of license nor clergy. In all cases, however, marriage has always been considered as the union of a man and a woman and we have been presented with no authority to the contrary.

At the federal level, the 9th Circuit Court of Appeals found that congress had a rational interest in “determin[ing] that preferential status is not warranted for the spouses of homosexual marriages [in regards to immigration status]. Perhaps this is because homosexual marriages never produce offspring...or because they violate traditional and often prevailing societal mores.”¹⁴¹

More recently, however, understandings of homosexuality as unnatural have gone out of vogue in the legal context, even in states that have inherited some form of

¹⁴¹ *Baker v. Nelson*, 291 Minn. 310; *Jones v. Hallahan*, 501 S.W.2d 588; *Anonymous v. Anonymous*, 67 Misc. 2d 982; *Anderson v. King County*, 158 Wn.2d 1; *Adams v. Howerton*, 673 F.2d 1036.

Section 377. Three interrelated factors contribute to this. One is definitional, stemming from the inherent difficulties of determining the naturalness of various sex acts. This is exacerbated by the Victorian sensibilities of those who formulated Section 377, which prevented them from providing much in the way of specifics. The second is the increasing social acceptance of heterosexual acts (at least between spouses) that had previously been viewed as against the order of nature under the label of sodomy (Human Rights Watch, 2008). Finally, in many parts of the world (excluding the Middle East) reference to specific religious ideals as legal justifications has decreased. A development which has been aided by the spread of the French Legal Code and its removal of crimes rooted in religious law. In their place, anti-homosexuality legal justifications have, at least in post-colonial states, shifted to arguing that when dominate societal norms, i.e. “authentic” cultural values, and the rights of individuals clash it is the role of the law to protect the dominant societal norms. However, before moving on to examine this post-colonial framework, there is still a great deal more that can be said about anti-homosexuality positions justified by religious understandings of what is natural, as this type of argument still dominates outside of legal circles.

5.1.2.1 Contemporary Religious Arguments against Homosexuality

As mentioned previously, there are several different religious utopian frameworks involved in advocating against homosexuality and gay rights, specifically Protestant Fundamentalist, Catholic, Orthodox, and Islamic Fundamentalist. It is also worth stressing again that there are numerous religious frameworks favorably disposed toward gay rights, and those who subscribe to them have advocated on behalf of gay rights. This is hardly surprising, as utopian cleavages are ubiquitous *within* religions,

resulting from different interpretations of what core propositions mean for constructing the ideal society of believers. The split between Catholics and Protestants and Sunnis and Shiites provide two such examples. They are also ubiquitous between religions. Indeed, many of the anti-homosexuality Protestant Fundamentalist groups, for instance, also promote anti-Islamic messages as well. There are also some important differences between these religious groups and their activities surrounding homosexuality. For instance, the Catholic Church is officially opposed to the criminalization of homosexuality, while the other groups tend to support it.

Differences aside, advocates of these utopian frameworks do have a lot in common regarding how they understand homosexuality as threatening to society. Specifically, homosexuality poses a threat to the natural heterosexual family, which advocates of traditional religious utopian frameworks see as the primary unit of society, as ordained by God in revealed text, whether the Bible or Koran.¹⁴² The World Congress of Families, a multi-denominational network primarily comprised of representatives from Protestant groups, clearly illustrates this line of thinking in its mission statement (World Congress of Families, 2014). It begins by declaring that:

We assemble in this World Congress, from many national, ethnic, cultural, social and religious communities, to affirm that the natural human family is established by the Creator and essential to good society. We address ourselves to all people of good will who, with the majority of the world's people, value the natural family.

¹⁴² Advocates of this position are quite insistent that they are defending the natural family, as opposed to the traditional family, which would suggest that the primacy of the heterosexual family is a social construct as opposed God given and inscribed in human nature (Brom, 2004).

According to this view, the core of the family is centered on the institution of marriage, which in turn is defined by procreation and the rearing of children. As the World Congress puts it:

The natural family is the fundamental social unit, inscribed in human nature, and centered on the voluntary union of a man and a woman in the lifelong covenant of marriage. The natural family is defined by marriage, procreation and, in some cultures, adoption. Free, secure and stable families that welcome children are necessary for healthy society.

The traditional family produces a healthy society because it “provides the optimal environment for the healthy development of children.”

From this perspective, sex is for procreative purposes only and must take place in the context of marriage. This is because, “The complementary natures of men and women are physically and psychologically self-evident. These differences are created and natural, not primarily socially constructed.” Therefore, “Sexuality is ordered for the procreation of children and the expression of love between husband and wife in the covenant of marriage. Marriage between a man and a woman forms the sole moral context for natural sexual union.” Because sex is for procreation and same-sex relations cannot produce children, same-sex couples cannot get married; since same-sex couples cannot get married, their sexual relationships take place outside of the religiously sanctioned context. As a result, they are immoral.

Further, because same-sex relationships pose an alternative to the natural heterosexual definition of family, they constitute a threat to the very welfare of the ideal traditional religious society. Indeed, homosexuality is often lumped with other “threats” to the natural family, such as the:

problems of divorce, devaluation of parenting, declining family time, morally relativistic public education, confusions over sexual identity, promiscuity, sexually transmitted diseases, abortion, poverty, human

trafficking, violence against women, child abuse, isolation of the elderly, excessive taxation and below-replacement fertility.

These mounting threats imperil “the family's very legitimacy as an institution”, and given that the family is the glue holding society together, society itself is imperiled. Indeed, “The society that abandons the natural family as the norm is destined for chaos and suffering.”

In the face of these threats, The World Congress seeks “To defend the family” and society as a whole by “guid[ing] public policy and cultural norms...[to]uphold the vital roles that the family plays in society.” Successfully defending the family requires eliminating not just the practices that pose a threat, but the utopian frameworks that suggest these threatening practices are appropriate. The World Congress specifically identifies the “Ideologies of statism, individualism and sexual revolution” as causing the precarious state of the family today. This places this framework in direct conflict with the Liberal one outlined above, with its emphasis on the individual. It seeks to eliminate these threats by creating the ideal society where “All social and cultural institutions...respect and uphold the rights and responsibilities of the family.” For similar arguments from other prominent Protestant advocates, see the mission statement of the Family Research Institute (Familyresearchinst.org) and Scott Lively Ministries (scottlively.net).

The Catholic understanding of homosexuality utilizes similar logic. This position, which Robert Brom, the Bishop of San Diego, succinctly summarizes is that “All of Scripture teaches the unacceptability of homosexual behavior...It, like other moral imperatives, is rooted in natural law—the design that God has built into human nature” (Brom, 2004). The official Catholic position is laid out in the Catechism (CCC, 2003), which states:

Basing itself on sacred Scripture, which presents homosexual acts as acts of grave depravity, tradition has always declared that homosexual acts are intrinsically disordered. They are contrary to the natural law. They close the sexual act to the gift of life. They do not proceed from a genuine affective and sexual complementarity. Under no circumstances can they be approved (CCC, 2003: 2357).

The commonalities between the Catholic position and the Evangelic Protestant position described above are clear. Both see engaging in same-sex relations as an inherently sinful and therefore inappropriate behavior. It is inappropriate because sex is solely for procreative purposes, and must take place within the sacred institution of marriage. Indeed, “The act of sexual intercourse is the physical expression of the marriage vows made at the altar” (Serpa, ND). Further, marriage is between one man and one woman based on the self-evident natural complementarity of the sexes (Brom, 2004).

For the Catholic Church, like Evangelicals, any form of sexual gratification outside of marriage, and not for the purpose of procreation poses a threat to the institution of marriage. This in turn poses a potential threat to society as a whole, due to the vital role the natural heterosexual family plays in society. Cardinal Joseph Ratzinger (who would go onto become Pope Benedict XVI) and Archbishop Angelo Amato outline the importance of marriage for society as a whole in a 2003 document, approved by then Pope John Paul II, which addressed the growing legal recognition states were affording to same-sex couples. They stated, “Society owes its continued survival to the family, founded on marriage...” because “married couples ensure the succession of generations.” Because of this procreative aspect, granting same-sex couples access to the institution of marriage is rejected out of hand. Indeed, the very

idea of same-sex marriage is rejected as an oxymoron, which poses a grave threat to the common good:

If, from the legal standpoint, marriage between a man and a woman were to be considered just one possible form of marriage, the concept of marriage would undergo a radical transformation, with grave detriment to the common good. By putting homosexual unions on a legal plane analogous to that of marriage and the family, the State acts arbitrarily and in contradiction with its duties.

They go onto state that:

Not even in a remote analogous sense do homosexual unions fulfill the purpose for which marriage and family deserve specific categorical recognition. On the contrary, there are good reasons for holding that such unions are harmful to the proper development of human society, especially if their impact on society were to increase.

Finally, they concluded by declaring:

The common good requires that laws recognize, promote and protect marriage as the basis of the family, the primary unit of society. Legal recognition of homosexual unions or placing them on the same level as marriage would mean not only the approval of deviant behaviour, with the consequence of making it a model in present-day society, but would also obscure basic values which belong to the common inheritance of humanity. The Church cannot fail to defend these values, for the good of men and women and for the good of society itself (Ratzinger and Amato, 2003).

Once again, the similarities between the Catholic and Evangelical Protestant positions are ubiquitous. Growing attempts to legitimize homosexuality, if successful, will imperil the very existence of the institution of marriage, by rendering it meaningless as a sacred institution. If this happens, the very existence of society will be threatened, because marriage, the heterosexual family, and the order they provide are what holds society together. The Catholic Church must defend these vital

institutions from permissive ideologies that seek to institutionalize deviant behavior, and it calls on all good people and states to join them in this worthy cause.

There is one major difference between the Catholic Church and the Fundamentalist Protestant positions. For the Protestant Fundamentalists homosexuality is a sickness. It can spread like a disease and those who have it can be cured through reparative therapy (see, for instance, Martin, 2014). The Catholic Church's position, on the other hand, is more ambivalent regarding the "causes" of homosexuality, stating that "Its psychological genesis remains largely unexplained" (CCC, 2003: 2357). Because of this ambivalence, the Church sees homosexuality as "objectively disordered", but does not see it as something that can be cured or spread like a disease. Rather, homosexuality "constitutes...a trial." The Church calls on "These persons... to fulfill God's will in their lives and, if they are Christians, to unite to the sacrifice of the Lord's Cross the difficulties they may encounter from their condition."

These differences might seem minor, after all homosexuality is still considered a condition; however, seeing homosexuality as a trial of faith leads to substantive differences in what steps the Catholic Church sees as appropriate responses to "the problem" of homosexuality. For instance, rather than trying to cure a person of homosexual desires, the Church advocates chastity, a virtue which they call upon all non-married people to observe. Of course, the obvious difference here is that members of the gay community do not have recourse to marriage like their straight counterparts.

More important are the substantive differences in how the Catholic Church thinks the wider collective ought to treat members of the gay community. Because

homosexual desires are a trial of faith, and every person has some cross to bear, members of the gay community “must be accepted with respect, compassion, and sensitivity. Every sign of unjust discrimination in their regard should be avoided (CCC, 2003: 2358).”

This position places the Church in a somewhat awkward position, as it now must deal with what counts as unjust discrimination. The Church has explicitly condemned such harsh laws as those promoted by Protestant Fundamentalists in Uganda (AP, 2014b). More generally, the Church has stated that homosexuality should not be criminalized (Holy See, 2008). However, the Vatican did refuse to back the EU’s resolution calling for the universal decriminalization of homosexuality, discussed previously, for fear that it could be seen as condoning SSM and lead to discrimination against those who reject SSM on moral grounds (Holy See, 2008; Catholic News Agency, 2008). Thus, the Church’s central concern seems to be protecting traditional heterosexual understandings of marriage and the family. Therefore, much of their focus is on presenting arguments for why preventing same-sex couples from marrying and adopting is not in fact discriminatory.

It should be noted that the Catholic Church is far from a monolithic entity and is fraught with its own internal cleavages. Thus, there are Catholic NGOs comprised of laypersons, such as the Catholic Family and Human Rights Institute headquartered in the US, that endorse more encompassing anti-gay policies, such as those adopted in Russia (Crary, 2013a). On the other hand, Pope Francis has acknowledged, rather cryptically, the existence of a pro-gay lobby within the Vatican, and has himself said the Church has been too focused on the issue of homosexuality (Donadio, 2013; Stanglin, 2013).

Not much will be said about the Orthodox position, as it is highly similar to the previous Christian positions. Indeed, Orthodox anti-homosexuality advocates have worked quite closely with their Protestant counterparts, especially Scott Lively Ministries and the World Congress of Families. Protestant groups have travelled to Russia and Ukraine to advocate anti-gay policies, and praised recent developments in Russia (Federman, 2014).

Plainly put, homosexuality is seen as a threat to the welfare of society and the state ought to take measures to address this threat. This can be seen in recent comments by the Patriarch of the Russian Orthodox Church Kirill I who described the spread of gay rights as “a very dangerous apocalyptic symptom, and we must do everything in our powers to ensure that sin is never sanctioned in Russia by state law, because that would mean that the nation has embarked on a path of self-destruction.” He went on to reject the Liberal notion of individual freedom when the individual makes immoral choices that threaten all of society, saying that “Where sin is elected through freedom, there comes death, terror and dictatorship,” he then warned that if Russia allowed such individual freedoms the result would be the “self-destruction of the nation” (Aguilar, 2013).

Islamic positions that see homosexuality as an inappropriate behavior that threatens society utilize similar justifications as the Christian perspectives discussed previously. Homosexual acts are a sin (especially male-male relations). Like their Christian counterparts, Islamists derive this position from the story of Lot and the destruction of Sodom, which is in both the Bible and the Koran, albeit with different details (Kligerman, 2007). They further back up their position by reference to the *Hadith* (sayings of the Prophet Muhammad that supplement the Koran as a source of

religious doctrine). Many *Hadith* address and condemn homosexuality, for instance: "When a man mounts another man, the throne of God shakes", and "Kill the one that is doing it and also kill the one that it is being done to." Further, while the Koran does not mention lesbianism, it is referenced in at least one *Hadith*: "Sihaq (lesbian sexual activity) of women is zina (illegitimate sexual intercourse) among them" (Mission Islam, ND).

Islam also has a similar understanding of the relationship between the natural order, sex, procreation, and marriage, which produces a heterosexual narrative of the family. Nicole Kligerman outlines these connections well, stating that:

The Qur'an declares Islam to be the 'religion of nature' and, similar to Judaism, promotes sex by making it a sacred act with a prayer asking Allah to "grant me a righteous child" before sex. The Qur'an further encourages sex by outlawing celibacy and permitting polygamy, thus reinforcing heteronormative sexual behavior. Since the purpose of sex is procreation according the religious text, homosexuality is seen as an aberration of Allah's will which threatens Muslims with extinction. As a result, there is officially no room for homosexuality or homosexuals within Islam (2007: 4).

This understanding of the natural order, sex, marriage and the family, leads Islamists to see homosexuality as a threat to society in a similar manner as their Christian counterparts. For instance, Ahmadi Muslim Jama'at', a Canadian Islamic group, in a pamphlet entitled "Homosexuality & Islam" argued that homosexuality was a symptom of an increasingly individualist, and decadent society and *"is utterly contrary to every natural law of human and animal life, and counter to the morals, purposes and institutions of a procreative society."* (Quoted in Robinson, 2006). Similar views have been expressed by Dr. Dr. Muzammil Siddiqi of the Islamic Society of North America (ISNA):

Homosexuality is a moral disorder...Homosexuality is dangerous for the health of the individuals and for the society. It is a main cause of one of the most harmful and fatal diseases. It is disgraceful for both men and women. It degrades a person. Islam teaches that men should be men and women should be women. Homosexuality deprives a man of his manhood and a woman of her womanhood. It is the most unnatural way of life. Homosexuality leads to the destruction of family life (Quoted in Robinson, 2006).

Finally, just as with the Christian religions, Islam is far from a monolithic entity united on its views of homosexuality. For instance, while the major Sunni branches of Islamic law all see homosexuality as a sin, they differ markedly in terms of what the proper punishment is. The *Hanafi* School prohibits physical punishment, while the *Hanbali* School sees homosexual acts as warranting severe punishment up to and including execution (Mission Islam, ND). Further, a number of Islamic scholars, primarily located outside of the Middle East, have begun to challenge the dominant understanding of homosexuality in Islam. For instance, Scott Siraj al-Haqq Kugle of Emory University has challenged the traditional interpretation of the Lot story. He argues that it was not the same-sex nature of acts committed by the people of Sodom that brought God's wrath, but rather their violent, aggressive nature (al-Haqq Kugle, 2010). These scholars also generally place less emphasis on the *Hadith*, given the inherent difficulty of determining their authenticity (Mission Islam, ND).

In sum, for proponents of traditional religious utopian frameworks, God has ordained that the natural heterosexual family constitutes the primary unit of society. For them, the stronger the natural family, the stronger society. At the core of the natural family is the institution of marriage, which places sexual relations between a man and a woman in the proper religiously ordained procreative context. Anything that threatens this understanding of sex, marriage, and the family constitutes a grave

threat to society itself. Homosexuality and gay rights therefore constitutes a threat to achieving the ideal religious society in two ways. First, same-sex relations are not procreative and can therefore not help to reproduce society. Second, legitimizing same-sex relationships constitutes a radical redefinition of the family that would empty it of all meaning. The family and marriage as institutions are already severally weakened by increasing divorce rates, cohabitation, promiscuity, and single parent households that are a direct result of the dominant individualist ethos of the Liberal framework. Advocates of traditional religious frameworks, therefore, call on all moral people to join them in fighting to save the natural family and marriage from this onslaught.

From the forgoing it is clear that proponents of traditional religious frameworks and their Liberal counterparts both share the referents of homosexuality and gay rights. However, the two groups come to contradictory conclusions regarding the appropriateness of homosexuality and the desirability of gay rights. The reason they reach such antithetical conclusions regarding these shared referents stems from contradictions between the utopian visions of society through which they understand them and their place in (international) society. In both instances, homosexuality and gay rights are seen as having vital implications for the primary unit of society. For those who see the primary unit of society as the heterosexual family, homosexuality and gay rights constitute a grave threat to the future welfare of society. For those who see the primary unity of society as equal individuals, the denial of gay rights constitutes a grave threat to the future welfare of society. Consequently, for those who understand society through traditional religious understandings, they come to see the Liberal framework and the secular individualism it espouses as the real threat to

society, whereas proponents of the Liberal framework come to see traditional religious frameworks as the threat to society. Simply put, a utopian cleavage exists between traditional religious frameworks and the Liberal framework in contemporary international society, surrounding the issue of homosexuality and gay rights. However, as we are about to see, this is not the only utopian cleavage surrounding homosexuality in contemporary international society.

5.1.3 Homosexuality as an Alien Vice: Authentic Cultural Norms and Post-Colonial/Ultra-Nationalist Utopian Frameworks.

Frameworks that view homosexuality as a violation of authentic cultural values see such behavior as a characteristic of some “other”, outside culture, the corrupting influences of which must be checked. This line of thinking has the same roots as the unnatural/Christian religious understanding. In the earliest period “sodomites” were lumped with Jews and Turks as outside corrupting influences. Over time, this line of argumentation developed in a more nationalistic direction. However, it was and still is often coupled with religious arguments. For instance, the English Jurist Edward Coke, who was discussed previously, not only labeled sodomy as a crime against nature and god, he also stressed its foreignness to England. Specifically, he stressed the Italian roots of the word buggery, a synonym for sodomy, and even suggested the “Lumbards had brought into the realm the shameful sin of sodomy, that is not to be named” (Quoted from Human Rights Watch, 2008: 15).

In contemporary international society, the argument that homosexuality is a corrupting outside cultural influence is almost always directed at the West. Homosexuality is portrayed as a result of the West’s decadent, permissive, and individualistic cultural values. Therefore, homosexuality poses a danger to the

authentic traditional values that are constitutive of the national identity, by threatening to replace indigenous virtues with Western vices. This argument is typically made by former colonies. As a result, tolerance of homosexuality is seen as a form of Western cultural neo-imperialism. There are notable exceptions to this, such as Russia. However, even in Russia tolerance of homosexuality is portrayed as a dangerous Western cultural proposition, as the quotes from Patriarch Krill I of the Russian Orthodox Church above make clear.

We shall now look at several examples of this line of thinking from various states throughout the world in order to show the similarities across contexts and its widespread nature. We will begin in India where statutes banning “crimes against the order of nature” were first institutionalized back in 1860.

As mentioned in the previous chapter (see fn. 31), the status of Section 377 has recently been in flux. To review, the Delhi High Court struck the provision down in 2009. This decision had no effect on the status of Section 377 in the penal codes of two Indian states, which also inherited their legal codes from Britton but remain constitutionally distinct, Jammu and Kashmir. Further, while the current Congress led government no longer defends Section 377 in the courts, other political groups and religious organizations appealed the Delhi High Court’s decision to the Indian Supreme Court (Lawyers Collective, 2010). In December 2013, after the publication of ILGA’s 2013 report, the Supreme Court of India threw out the lower court’s ruling, stating only Parliament had the power to change the statute (Asokan, 2013). Presently, our aim is to examine the justifications agents gave for defending Section 377 in order to determine how they understand homosexuality as relevant to the welfare of society.

While the current left-wing socialist Congress government no longer defends Section 377, the previous right-wing Hindu-nationalist BJP government did. In 2003, shortly after the initial legal challenge to Section 377 was filed, the Ministry of Home Affairs submitted an affidavit supporting the law (Gopal, 2003).¹⁴³ In this affidavit the ministry argued that the purpose of law as an institution was to embody and defend the “values and mores” of society, which took precedent over the rights of individuals to engage in consensual behavior.¹⁴⁴ This illustrates the shift from a religious justification for criminalizing “acts against the order of nature” to justifications based on cultural relativism.¹⁴⁵ Specifically, the ministry stated that “The law does not run separately from society. It only reflects the perception of the society. When Section 377 was brought under the statute as an act of criminality, it responded to the values and mores of the time in Indian society.” According to the ministry this is the role the law must play in a secular democracy where the “legal conception of crime depends on political as well as moral considerations.” Therefore, “Public tolerance of different activities changes [based on moral considerations] and legal categories get influenced

¹⁴³ The BJP was defeated in the 2004 parliamentary elections by the Congress party, which has remained in power ever since. In 2006, the Health Ministry in the then Congress led government, submitted an affidavit in support of repealing Section 377, because it hindered HIV/AIDS prevention efforts (Lawyers Collective, 2010).

¹⁴⁴ The Home Ministry’s position is somewhat ambiguous as to whether same-sex acts done in private are also criminal. At times, the affidavit appears to suggest it is only concerned with preventing public displays of affection, while at others it suggests that even private same-sex acts go against the morals of society, and therefore it is the role of the law to prohibit them (Gopal, 2003).

¹⁴⁵ It is not surprising that India moved away from justifications based on Christian natural law, which would have little resonance with the public.

by those changes.” This according to the ministry is one of the greatest virtues of the Indian political system and constitutive of India’s democratic identity: “In our country the criminal law, fortunately, is not based on a fundamentalist or absolutist conception of morality and it reflects shift according to changes in public attitudes.” The affidavit goes on to reference several instances where changing social mores led to changes in the law designed to eliminate previously cherished cultural practices, such as the paying of dowries, child marriage, and sati (a practice where a widow threw herself on the funeral pyre of her husband) (Gopal, 2003).¹⁴⁶

The Home Ministry acknowledges that the West has been increasingly accepting of homosexuality, citing the growing number of states that have decriminalized same-sex relations, and specifically references the increasing “tolerance of a new sexual behavior or sexual preference” in the UK and US. However, the ministry points out that this increased acceptance, specifically the elimination of anti-sodomy laws, is not without its critics in the West, who see the changes as infringing upon “the State’s right to suppress... ‘social vices’”(Gopal, 2003).¹⁴⁷

Based on the Home Ministry’s understanding of role of law in society, a far more important consideration than developments in the West is how Indian society views homosexuality, and according to the Home Ministry: “Objectively speaking,

¹⁴⁶ How successful the law has been in eliminating these cultural practices is another question.

¹⁴⁷ Here the Home Ministry is specifically referring to the United Kingdom dropping private buggery between consenting adults from the Sexual Offences Act in 1967 (Gopal, 2003).

there is no such tolerance to [the] practice of homosexuality/lesbianism in Indian society.” This is based on the 42nd Report of the Law Commission of India which found that “Indian society by and large disapproves of homosexuality and disapproval was strong enough to justify it being treated as a criminal offence even where adults indulge in it in private” (Gopal, 2003). There is a significant precedent for the Home Ministry’s interpretation of the law’s role in society in the Indian judiciary, at least as far as Section 377 is concerned. For instance, the Supreme Court of India ruled to uphold Section 377 in 1983 (*Fazal Rab Choudhary v. State of Bihar*), stating in its decision that “neither the notions of permissive society nor the fact that in some countries homosexuality has ceased to be an offence has influenced our thinking” (Quoted from Human Rights Watch, 2008: 8). Similarly, a judge in a 2004 case (*Kailash v. State of Haryana*), argued that developments in the UK were irrelevant to India, because “fundamental differences in both the societies must be realised by all concerned, especially in the area of sexual offences” (Quoted from Human Rights Watch, 2008: 8).

Given that the role of the law is to reflect the morality of society at large, the conclusion that follows is that Section 377 must stand. If the court were to strike down Section 377, the law would no longer reflect the morals of Indian society. This would erode the legitimacy of the law as an institution and pose a threat to India’s identity as a democracy. To use the Home Ministry’s own words: “While the Government cannot police morality, in a civil society criminal law has to express and reflect public morality and concerns about harm to the society at large. If this is not observed, whatever little respect of law is left would disappear as law would have lost its legitimacy” (Gopal, 2003). This collectivist understanding of the law is in stark

contrast to the individualist view found in the Liberal framework (see, for instance, Meyer et al. 1987).

Similar developments can also be found in Singapore, where Section 377 of the Penal Code is the same as that found in India. However, the Singapore penal code includes a later British legal development, known as Labouchere's law, which was introduced in England in 1885 and was adopted in Singapore in 1983 by amending Section 377. This provision expands the scope of the previous law by including a far greater range of sexual acts. In Section 377, sodomy, while vaguely defined, was interpreted to involve some form of penetration. The Labouchere provision applied to non-penetrative sex acts, under the label of "gross indecency" (Human Right Watch, 2008: 20).¹⁴⁸ It also expanded the state's reach in eliminating these behaviors by criminalizing private acts between consenting adults.

Returning to more recent developments in Singapore, the 1990's and 2000's saw several 377 related court cases that led to a national debate regarding the status of the law. What stands out about the cases that sparked the debate is that they all involved fellatio between a man and a woman. The last of these cases occurred in 2004. A man was arrested for receiving oral sex from a teenage girl.¹⁴⁹ He was convicted and sentenced to two years in prison. The court viewed its ruling as

¹⁴⁸ In some instances this provision has also been used to criminalize female-female sex relations. Thus, whether or not a former colony inherited a legal code with Labouchere's provision helps explain some of the variance in the legality of female-female relationships. In Singapore it is not applied to female-female relations.

¹⁴⁹ Reports differ over the age of the girl, with some reporting her age at 16 (the legal age of consent), while others say she was 15. Regardless, the court was more concerned with the acts than the ages of those involved (Human Rights Watch, 2008).

upholding the morals of Asian society, as one of the presiding judges put it, the accused committed “certain offences that are so repulsive in Asian culture... There are countries where you can go and suck away for all you are worth. People in high places do it for all they’re worth. I’m not an expert, but you read about it in all the papers. But this is Asia” (Human Rights Watch, 2008: 42).

The court’s ruling drew a large backlash from the public and the media, which suggested that oral sex between a man and woman did not violate Singapore’s conservative values. The public’s outrage and negative press coverage placed increasing pressure on the government to make changes to Section 377. The government quickly acquiesced, and agreed to review the law. However, this left the government with a dilemma, what to do about same-sex acts between men that are also outlawed by Section 377? Should they be legalized too, or should they remain illegal (Human Rights Watch, 2008)?

Despite the advocacy efforts of the gay rights TAN, the government of Singapore legalized sodomy between a man and a woman but left it illegal between men. It did this by repealing the provision of Section 377 that referred to “carnal intercourse against the order of nature” and included both heterosexual and homosexual acts, while keeping Section 377a, the Labouchere Amendment, outlawing “gross indecency” in order to keep male-male sex acts illegal. The rationale for this decision was the same utilized in the original court case and the Indian example above: the purpose of the law to represent the morals of society. Thus, while the values of Singaporean society may have changed regarding the appropriateness of oral sex between a man and a woman, a change which the law should reflect, there has been no such change regarding similar acts between men. Indeed, if same-sex

relationships between men were legalized it would threaten the core values and institutions that are constitutive of the ideal Singaporean society. This is evidenced in the statements made by Prime Minister Lee Hsien Loong regarding the decision: While “We...do not want them [homosexuals] to leave Singapore to go to more congenial places to live...homosexuals should not set the tone for Singapore society.”

This is because:

Singapore is basically a conservative society. The family is the basic building block of our society. It has been so and, by policy, we have reinforced this and we want to keep it so. And by ‘family’ in Singapore, we mean one man one woman, marrying, having children and brining up children within the framework of a stable family unit (Human Rights Watch, 2008: 9).

The Prime Minister’s sentiments closely resemble those found in a petition submitted to his office in defense of 377a, which argued that 377a was “a reflection of the sentiments of the majority of society...Repealing [it] is a vehicle to force homosexuality on a conservative population that is not ready for homosexuality” (Human Rights Watch, 2008: 9).

The Singaporean ideal vision of society stands in stark contrast to the permissive society of the West, which is categorically rejected. As the Parliamentarian Thio Li-Ann declared:

If we seek to copy the sexual libertine ethos of the wild wild West, then repealing s377A is progressive. But that is not our final destination. The onus is on those seeking repeal to prove this will not harm society...We have no need of foreign or neo-colonial moral imperialism in matters of fundamental morality. Heterosexual sodomy unlike homosexual sodomy does not undermine the understanding of heterosexuality as the preferred social norm (Human Rights Watch, 2008: 43).

There are certainly some similarities between defenders of Section 377a and anti-homosexuality religious advocates. Both see the heterosexual family as the glue holding society together. Both also see any change to this traditional understanding of the family as a potential threat to the welfare of society itself. However, there is a key difference. The defenders of Section 377a have jettisoned any reference to the natural order in advocating their position. Instead, they are defending key values that they see as constitutive of Singaporean society and the community's sense of identity. Thus, Prime Minister Lee Hsien Loong justifies his position by referencing the conservatism of Singaporean society and NMP Thio refers to heterosexuality as the preferred social norm. Their primary aim in defending Section 377a is maintaining "communal cohesiveness (Human Rights Watch, 2008: 9 fn29)"

Given how the debate in Singapore developed, the jettisoning of the "against nature" argument is not surprising. Once non-procreative heterosexual sex acts are no longer seen as crimes against nature it becomes hard to sustain an argument that the same non-procreative acts between two men are also against nature. Indeed, Lee Hsien Loong's predecessor as Prime Minister, Lee Kuan Yew is clear that the appropriateness of homosexuality is culturally relative, as opposed to naturally ordained, stating:

this business of homosexuality...raises tempers all over the world, and even in America. If in fact it is true—and I have asked doctors this—that you are genetically born a homosexual because that's the nature of the genetic random transmission of genes, you can't help it. So why should we criminalize it? But, there's such a strong inhibition in all societies (Human Rights Watch, 2008: 43 fn139).

Similar arguments have been voiced throughout Britton's former Asian colonies, where the prevalence of homosexuality and the permissive cultural values

that give rise to it in the West are seen as alien to the local context. For instance, as the Hong Kong government began to consider legalizing homosexuality, objections were raised on the basis that while “homosexuality maybe very common in Britton...it is definitely not common in Hong Kong. Even if it is, it is still wrong to legalize activities that are in clear breach of our morals” (Human Rights Watch, 2008: 8-9).¹⁵⁰ Likewise, the long serving Malaysian Prime Minister, Mahathir Mohamad saw homosexuality as British import and decried British tolerance towards homosexuality stating that “The British people accept homosexual [government] ministers...But if they ever come here brining their boyfriend along, we will throw them out. We will not accept them” (Human Rights Watch, 2008: 9).¹⁵¹

Reference to conservative Asian values regarding sex and sexual orientation are not unique to former British colonies. As North Korea stated on its official website, "Due to tradition in Korean culture, it is not customary for individuals of any sexual orientation to engage in public displays of affection." However, because North Korea is a “country that has embraced science and rationalism, the DPRK recognizes that many individuals are born with homosexuality as a genetic trait and treats them with due respect.” Therefore, “Homosexuals in the DPRK have never been subject to repression.” This is in stark contrast with how homosexuals have been treated “in many capitalist regimes around the world.” At the same time, “North Koreans also place a lot of emphasis on social harmony and morals.” Therefore, while the DPRK is

¹⁵⁰ Hong Kong decriminalized homosexuality in 1991.

¹⁵¹ Mahathir was also the driving force behind Anwar Ibrahim’s first sodomy trial, which was discussed in the previous chapter.

tolerant of homosexuality, it “rejects many characteristics of the popular gay culture in the West, which many perceive to embrace consumerism, classism and promiscuity” (Johnson, ND). Thus, the ideal socialist society that is North Korea is more tolerant toward sexual minorities than capitalist society, and provides greater social cohesion by standing steadfast against the negative cultural vices associated with the gay community in the Liberal West.¹⁵²

These types of arguments are not limited to Asia, they are also found throughout sub-Saharan Africa, where as Human Rights watch puts it, you will find the most “Extreme and extraordinary” defenses of anti-sodomy laws based upon claims of defending indigenous cultural values from alien Western ones (Human Rights Watch, 2008: 9). This line of argument can be found in the early 1990’s in statements made by Robert Mugabe the longtime dictator of Zimbabwe, where he described members of the gay community as “un-African...worse than dogs and pigs.” He went on to say that “We are against this homosexuality and we as chiefs of Zimbabwe should fight against such Western practices and respect our culture.” During the late 1990s, various government officials from neighboring Zambia made statements echoing Mugabe’s sentiments. One described homosexuality as “un-African and an abomination to society which would cause moral decay,” while another threatened that “if anybody promotes gay rights after this statement the law will take its course. We need to protect public morality” (Human Rights Watch, 2008). More recently, in 2010 two men were arrested in Malawi for holding a traditional engagement ceremony. They were convicted and sentenced to 14 years hard labor.

¹⁵² This statement has been removed from North Korea’s website.

The presiding judge in the case justified his decision based on the need “that the public be protected from people like you [i.e. members of the gay community], so that we are not tempted to emulate this horrendous example.” He went on to say that “We are here representing the Malawi society, which I do not believe is ready at this point in time to see its sons getting married to other sons or conducting engagement ceremonies” (BBC, 2010a).¹⁵³ This has much in common with the view of law expressed in the previous examples of India and Singapore, where its purpose is to represent the values of the collective, as opposed to the rights of the individual.

5.1.3.1 *Combining Religion and Cultural Authenticity in Africa*

Paradoxically, charges that homosexuality is inappropriate because it is un-African are often combined with arguments that homosexuality is inappropriate because it is un-Christian. On the surface this appears to be an odd combination given the fact that Christianity is largely a Western import to Africa.¹⁵⁴ For instance, Christianity and authentic cultural values are combined in statements made in 1999 by then Kenyan President Daniel Arap Moi, who demonized homosexuality as “against African tradition and biblical teachings. We will not shy away from warning Kenyans against the dangers of this scourge” (Human Rights Watch, 2008: 9). Similar views are also quite common in Nigeria. In 2004 Olusegun Obasanjo, who was the president of Nigeria at the time, in a speech delivered to a group of African Bishops categorically stated that homosexuality is “clearly un-Biblical, unnatural, and

¹⁵³ The couple received a presidential pardon a short time later (BBC, 2010b)

¹⁵⁴ Christianity did come to certain parts of Africa, such as Ethiopia and Egypt, from the Middle East as opposed to Europe.

definitely un-African” (Human Rights Watch, 2008: 10). The Nigerian press agreed with the president’s assessment and called for quick action to prevent the spread of negative Western practices and values. As one paper put it, they “come in the garb of human rights advocates...rationalizing and glamourising sexual perversion, alias homosexuality and lesbianism...The urgent task now is to put up the barricades against this invading army of cultural and moral renegades before they overwhelm us” (Human Rights Watch, 2008: 10). This line of thinking was also utilized by advocates of the recently passed law banning same-sex marriage, which was discussed in the previous chapter. One advocate justified the measure as follows:

Every law must reflect the cultural dimensions of the society that constitutes the primary constituency of the said law. There is no culture or tribe in Nigeria presently, that endorses same sex marriage. It still remains a cultural taboo in all climes in this country.

Similarly, virtually all religions in Nigeria prohibit same sex marriage. So in promulgating the anti gay law, the National Assembly is only reflecting the cultural pattern of Nigeria and indeed our spiritual inclinations. It is thus a welcome idea, to prohibit same sex marriage, in Nigeria...

It has been part of our existence as a nation, to abhor un-natural affections between man and man and woman and woman...

I therefore urge the President to assent to the Bill, without further delay, as it is a reflection of the wish of the people of Nigeria (Quoted from Vanguard, 2013).

Arguments based on “authentic” African and religious values have also intermingled in Uganda surrounding the infamous legislation designed to enhance the country’s already existing anti-sodomy law. Scott Lively the American Evangelical preacher and leading anti-homosexuality advocate has been delivering his message in Uganda since 2002. In 2009, he and two other U.S. evangelicals, along with Ugandan

preacher Stephen Langa, hosted a conference in Uganda entitled “Seminar on Exposing the Homosexual Agenda.” During the conference, speakers characterized the gay rights movement as “evil” with the goal “to defeat the marriage-based society and replace it with a culture of sexual promiscuity.” In attendance at this conference was MP David Bahati, who would go on to introduce the controversial legislation a month later. Reports allege that Lively met with law makers to discuss what such a bill might look like (Inter Press Service, 2012).¹⁵⁵

Bahti says his motivation for the legislation was the increasing number of stories emanating from the West about greater recognition for same-sex relationships, which led him to fear these foreign values might spread in Uganda: "These are stories that really moved me. I said, 'Wow this can't go on; something must happen.' I saw this happening in our country if we didn't act." If it happened in Uganda, it would, according to Bahti and his ilk, threaten the core values of Ugandan society. Given that the stakes are the welfare of Ugandan society itself, Bahti is steadfast in his resolve, stating that "There is no amount of pressure or intimidation that will deter us from protecting the children and defending family values here in Uganda. We will continue to move forward and stop the recruitment" (Edwards, 2010).

After the toned down version of the bill was re-introduced in 2012 (i.e. without the death penalty provisions), in an interesting juxtaposition, Lively praised Uganda for defending its traditional cultural values from an alien threat, writing in his blog that “Since the alternative to passing this bill is to allow the continuing, rapid, foreigner-driven homosexualization of Ugandan culture, I am giving the revised Anti

¹⁵⁵ Lively subsequently distanced himself from the bill’s death penalty provisions, and said they should be removed from the bill (Chivers, 2010).

Homosexuality Bill my support” (Bennett-Smith, 2013). Additionally, the Ugandan President, Yoweri Museveni, who was never a major supporter of the bill, defended the right of Uganda to debate such legislation. He criticized the Western response, which involved threats of cutting off aid, saying the West needs to understand that "cultural attitudes in Africa are very different to elsewhere.” Others, such as Bahati, welcomed the end of Western aid as a means of freeing Uganda from neo-colonial forces, stating that "If there was any condition to force the Western world to stop giving us money, I would like that." Indeed, Rahul Rao, from the Center for International Studies and Diplomacy in London, has observed that the more vocal the Western states are in their criticism of anti-gay government policies, the more popular it becomes (Kron, 2012) (see also chapter 4). When the bill was finally signed into law, President Museveni took the opportunity to chastise “arrogant and careless Western groups,” while a government spokesperson hailed the passage of the law “in the face of Western pressure and provocation” as a great victory for Uganda by demonstrating its autonomy (The Economist, 2014b).

Of course, just as with religion there are interpretive struggles over what represents authentic culture. Thus, many have rejected claims that anti-homosexual views represents authentic indigenous cultural values. For instance, Nelson Mandela rejected claims that homosexuality was un-African; rather, he said it is “just another form of sexuality that has been suppressed for years...Homosexuality is something we are living with” (Human Rights Watch, 2008: 10). Likewise, Rev. Kapya Kaoma has challenged arguments that anti-gay policies are justified by “authentic” Christian and African values. After gay rights activist Paul Kasonkomona was arrested in 2013,¹⁵⁶

¹⁵⁶ This incident was discussed in the previous chapter.

Kaoma blasted the government in an editorial entitled “Gays are Zambian’s too.” While drawing on the discourse of Liberal rights, Kaoma simultaneously rejected claims that Christian and African values justified anti-homosexuality positions, stating that “Oppression of our fellow human beings is neither a Christian nor an African value” and “As Zambians, we should consider ourselves as one family. We carry one passport and share one country, Mother Zambia” (Kaoma, 2013).

The justification of anti-homosexuality policies based on the need to defend cherished indigenous values from harmful Western ones is not limited to post-colonial countries. It also a common reframe among former Soviet Republics. This nationalistic message is closely tied to a resurgent enthusiasm for the Orthodox faith, which was suppressed under Soviet rule. This discourse is especially common in Russia, where it enjoys support from Putin, the ruling elite, and the Orthodox Church. It also enjoys support from religious groups and government officials in a number of other former Communist states, such as the Ukraine, Moldova, Latvia, Lithuania, Croatia, Hungary, and Romania.¹⁵⁷ This discourse is also widespread amongst a number of Russian emigrant communities, such as those in Latvia and Sacramento, California, who form the core of the transnational, anti-homosexuality group Watchmen on the Walls (Sanchez, 2007). This view was on display in comments made by Putin amid the Western outcry that preceded the passage of anti-gay propaganda and anti-blasphemy legislation on same day in June 2013. According to Putin, the disagreement was the result of contradictory visions of the ideal society between the Liberal West and the more traditional Russia:

¹⁵⁷ See the previous chapter for a discussion of developments in these countries.

We don't have any significant ideological differences, but we do have fundamental cultural differences... Individualism lies at the core of the American identity while Russia has been a country of collectivism.... Russians have different, far loftier ambitions, more of a spiritual kind, it's more about your relationship with God. We have different visions of life (Russia Today, 2013).

In sum, proponents of post-colonial/hyper-nationalist and Liberal frameworks clearly share the referents of homosexuality and gay rights. However, they understand them in very different ways, owing to contradictions between their utopian frameworks. As a result, a utopian cleavage has formed between Liberals on the one hand, and post-colonials and hyper-nationalists on the other over the place of homosexuality in the ideal society.

Those who subscribe to post-colonial/hyper-nationalist utopian frameworks see homosexuality as a manifestation of all that is wrong with the West. More specifically, homosexuality is an outgrowth of the individualism and secularism that form the core of the Liberal utopian framework that dominates Western culture. Gay rights policies are seen as a neo-imperialist enterprise designed to destroy the constitutive values and institutions of indigenous society, and replace them with Liberal ones. Anti-homosexuality policies are seen as a proactive way to prevent this and maintain independence from Liberal agents. Indeed, for post-colonial/hyper-nationalists the very purpose of the law is to defend the values of the collective from pernicious attempts by individuals to put their desires first. In the case of homosexuality, what must be defended is the heterosexual family, which is seen as the primary unit of society and responsible for ensuring the reproduction of the collective and the transmission of its core values to subsequent generations. Homosexuality and the values that give rise to it therefore constitute an existential threat to the collective,

because same-sex relationships cannot produce children. Thus, they cannot reproduce the collective.¹⁵⁸

In many ways the post-colonial/nationalist and traditional religious frameworks arrive at similar conclusions via different premises. Both frameworks see the heterosexual family as the primary unit of society, as opposed to the autonomous individual. Further, both frameworks see increasing tolerance of homosexuality as the result of the individualism found in the Liberal utopian framework, which is dominant in the West. In order to defend the heterosexual family and society the ideology of Liberalism must be defeated. The primary difference is that those who subscribe to post-colonial frameworks arrive at their conclusion by reference to cultural traditions, as opposed to the God given natural order. However, given that both frameworks end up in the same place it is not surprising that post-colonial and religious frameworks are often combined. This is especially likely in those places where religion is seen as a vital aspect of the authentic indigenous culture, such as in Russia or the Middle East. In this case, the secularism of the Liberal framework is seen as another pernicious influence, eroding the spirituality of traditional culture, which must be resisted.

5.2 Religious and Post-Colonial Understandings of Gay Rights within the Human Rights Framework

The previous section examined the various utopian frameworks agents apply to the shared referents of homosexuality and gay rights and the contradictions between them. This section examines how the interpretive struggle over homosexuality and

¹⁵⁸ This line of reasoning is evidenced in Russia, where homosexuals are often blamed for the country's declining birth rate (The Toronto Star, 2013).

gay rights has become tied to another universally shared referent: human rights. Specifically, this section is concerned with how the debate over homosexuality has enabled agents to identify contradictions in how they understand the purpose of human rights in the ideal society. The issues of homosexuality and human rights have become tied together through the processes of Liberal agents attempting to portray gay rights as human rights and subsequent attempts by anti-homosexuality advocates to undermine this claim, while simultaneously arguing that their imposition on the international community would constitute a violation of existing human rights law, which could call the whole human rights framework into question. As a result, the utopian cleavage between Liberal, traditional religious, and post-colonial/hyper-nationalist frameworks is not just about what place homosexuality has in the ideal society, but also about the nature of the role the human rights framework is supposed to play in securing it. To illustrate this, this section examines how anti-homosexuality advocates understand homosexuality and gay rights in relation to the wider human rights discourse.

5.2.1 The Inequality of Equality: Gay Rights as a Threat to the Global Human Rights Framework

Anti-homosexuality advocates, not surprisingly, reject the claim that gay rights are human rights. Their rejection has three aspects. First, they argue that rights claims based on sexual orientation (and gender identity) are not part of existing human rights law. Second, they counter with their own human rights claims, arguing that it is the forced imposition of gay rights that is the actual violation of existing human rights law. Relatedly, they also argue that talk of gay rights distracts the international

community from “real” human rights issues. As a result, gay rights threaten the entire human rights framework. Each of these arguments is examined in turn.

As discussed above, those who see gay rights as human rights argue at length that rights based protection for sexual minorities already exists in the human rights framework. This is key, because if sexual orientation constituted a new protected category it then becomes open to debate whether or not gay rights are in fact human rights. Conferring protective status on the category of sexual orientation would become something that must be negotiated between states, just like previous codifications and expansions of the human rights framework. It would also suggest that at present gay rights are not in fact human rights. In turn, this would give states that persecute sexual minorities a rhetorical edge in defending themselves from accusations that their behavior is inappropriate because it violates the rights of a protected group. Thus, it is no surprise that anti-homosexuality advocates stress that gay rights are not part of existing human rights laws, just as much as gay rights advocates stress that they are.

The argument that gay rights are not part of existing human rights law featured prominently in the justifications of those states that walked out on the 2012 UN Human Rights Council panel on the persecution of sexual minorities.¹⁵⁹ The blocs that walked out of the council were the African bloc, the Arab bloc, and the OIC (ILGA, 2012; Evans, 2012).¹⁶⁰ In a letter sent to the President of the Human Rights

¹⁵⁹ This panel was held to discuss the results of the High Commissioner’s study on the persecution of sexual minorities, which was authorized by Resolution 17/19. See the previous chapter for a discussion.

¹⁶⁰ Not all members of these blocs walked out (Evans, 2012). For instance, despite criticism from other African states, South Africa was instrumental in introducing the

Council to explain why OIC members walked out, the Pakistani UN Ambassador expressed how “deeply concerned” the OIC’s members were over “the introduction in the Human Rights Council of controversial notions like sexual orientation and gender identity.” He went on to stress that “The OIC countries have been consistent in their opposition to the consideration of these controversial notions in the context of human right at international fora.” The reason for the OIC’s opposition owes to the fact that these categories “have no legal foundation in any international human rights instrument. The international community only recognizes those rights enumerated in the Universal Declaration of Human Rights which were codified in subsequent international legal instruments...” The Pakistani Delegate also noted the OIC’s “concern” over “attempts to create controversial ‘new notions’ or ‘new standards’ by misinterpreting the Universal Declaration of Human Rights and international treaties to include such notions that were never articulated or agreed to by the UN membership” (Akram, 2012). Senegal, the leader of the African block, is reported to have echoed the OIC’s views, stating that homosexuality “was not covered by global human rights accords” (ILGA, 2012).

The above justifications are very similar to those voiced by OIC and Vatican representatives in objecting to the 2008 UN resolution co-sponsored by the French and Dutch, calling for universal decriminalization. Syria, speaking on behalf of the OIC, is reported to have said that “Rights based on sexual orientation and gender identity are ‘new rights’ that have no legal foundation in any international human rights instrument” (Sanders, 2008). Likewise, Archbishop Migliore, head of the Vatican

topic in the council. Note, also, that the blocs overlap to a significant degree. For instance, all members of the Arab block are part of the OIC.

Observer Mission, said that the proposal “add[s] new categories of those protected from discrimination”, and would likely lead to unintended negative consequences. In particular, Migliore feared adding sexual orientation as a protected category would lead to violations of already existing and widely accepted rights (Catholic News Agency, 2008). This is a common argument amongst anti-homosexuality advocates, with gay rights typically portrayed as leading to violations of religious rights, family rights, and cultural rights.

In the case of Archbishop Migliore, he feared that the French/Dutch resolution would lead to the discrimination of religious believers, saying that "If adopted, they would create new and implacable discriminations...For example, states which do not recognize same-sex unions as 'matrimony' will be pilloried and made an object of pressure." The Vatican Spokesman Fr. Federico Lombardi agreed, stressing concerns that the proposal will lead to the persecution of those who support the natural family (Catholic News Agency, 2008). Indeed, religious figures are quick to point out how little tolerance proponents of gay-rights show for their deeply held religious beliefs, and the names, such as homophobe and bigot, they are called as a result (Brom, 2004; Linker, 2014). For instance, David Clegg, the Deputy Prime Minister of the UK, issued an official press statement where he called opponents of gay marriage bigots, a statement which he later withdrew. Subsequently, Lord Carey of Clifton, a former Archbishop of Canterbury and SSM opponent, organized a meeting for the purpose of engaging in "a sensible debate" over plans to legalize SSM in the UK, which avoided name calling. According to press reports, approximately 60 gay-rights advocates gathered outside to protest the meeting, and chanted “bigots” at those entering the hall. Here we can clearly see the ranking dynamic of norms at work, even in instances

where one group is using the Liberal framework to make rights claims based upon individual equality (Towns, 2002; 2012).

The notion that institutionalizing gay rights can lead to the erosion of legal protections for religious freedom is a very common reframe in domestic debates. For instance, in the US debate over SSM, religiously oriented anti-homosexuality advocates often fret that gay rights are destroying 1st amendment religious freedoms, citing numerous instances of successful lawsuits against wedding businesses that have refused service to same-sex couples on religious grounds, churches that have lost their tax-exempt status for denying gay couples access to their facilities, and religious charities that have lost their operating licenses for similar reasons (Franck, 2013; Wilson et al., 2013). These concerns are raised by the United States Conference of Catholic Bishops in a letter to the US Senate to voice their objections to the Employment Non-Discrimination Act of 2013 (ENDA), which bars employers from discriminating on the basis of sexual orientation and gender identity. The Bishops object to the measure for a number of reasons, one of which is that it “Threatens religious liberty.” They argue that “ENDA could be used to punish as discrimination what many religions—including the Catholic religion—teach, particularly moral teaching about same-sex conduct.” They also see the religious exemptions the legislation contains as too narrow in scope and of ambiguous legal status given recent court developments. The Bishops also worry that based on “Recent experience...that even exempted employers may face government retaliation for relying on such exemptions” (USCCB, 2013).

Anti-homosexuality advocates also argue that gay rights contradict existing human rights law on the family. Specifically, they argue that offering legal protection

based on sexual orientation threatens the provisions of Article 16 of the Universal Declaration. The relevant provisions are contained in Section 1, which suggests that marriage is between a man and a woman:

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family...

And Section 3, which places the natural family at the center of society:

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 16 is explicitly referenced in the OIC objection to the 2008 French/Dutch Proposal, with the Syrian delegate reported to have said that “We must protect the family as ‘the natural and fundamental group unit of society’ in accordance with article 16 of the Universal Declaration of Human Rights” (Sanders, 2008). The protection of the natural family is also contained in several regional/religious human rights documents, including those of the OIC, AU, and Arab League. For instance, the 1981 Universal Islamic Declaration of Human Rights establishes a human rights framework predicated on Sharia law, as opposed to the secular and Judeo-Christian understandings that OIC members see as influencing the formulation of the UDHR. The result of this, according to Habib (2010:xxiii), is the privileging of the heterosexual family and the preclusion of sexual orientation from the Islamic formulation of human rights. This heterosexual understanding of the family is formulated in Article 19 (Right to Found a Family...) and Article 20 (Rights of Married Women). Particularly relevant are paragraphs a and d of Article 19, which read as follows:

Every person is entitled to marry, to found a family and to bring up children in conformity with his religion, traditions and culture...

Within the family, men and women are to share in their obligations and responsibilities according to their sex, their natural endowments, talents and inclinations, bearing in mind their common responsibilities toward their progeny and their relatives

Paragraph a establishes that marriage and family are defined first and foremost by religion and indigenous cultural norms, and they cannot be redefined apart from them without constituting a violation of rights. Paragraph d outlines the naturalness of the heterosexual family and establishes the rights of husband and wife relating to their role specific obligations based on sex.

The natural family as a right is reiterated in Article 5 of the Cairo Declaration on Human Rights in Islam (1990), which states:

The family is the foundation of society, and marriage is the basis of making a family. Men and women have the right to marriage, and no restrictions stemming from race, colour or nationality shall prevent them from exercising this right.

The society and the State shall remove all obstacles to marriage and facilitate it, and shall protect the family and safeguard its welfare.

In the case of the Banjul Charter on Human Rights, the human rights document of the AU, there are no references to gender categories; however, Article 18 declares the centrality of the family in preserving traditional culture and the duty of the state to protect the family:

The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.

The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.

Finally, one can find similar emphasis in the Arab Charter on Human Rights (2004), where Article 33 reads as follows:

The family is the natural and fundamental group unit of society; it is based on marriage between a man and a woman...

The State and society shall ensure the protection of the family, the strengthening of family ties, the protection of its members...

Anti-homosexuality advocates also argue that the imposition of gay rights violates cultural rights and national sovereignty. For instance, in outlining the OIC's objection to the 2008 French/Dutch resolution, the Syrian delegate stated that "These matters fall essentially within the domestic jurisdiction of member states" (Sanders, 2008). Similarly, in objecting to the 2012 panel on discrimination toward sexual minorities, the Pakistani delegate cited provisions of the Vienne Declaration in defense of cultural relativism:

It must also be recognized that the international community agreed during the World Conference on Human Rights, held in Vienna in 1993, that while considering the issue of human rights, national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind. From this perspective, the issue of sexual orientation is unacceptable to the OIC (Akram, 2012).

Mauritania, speaking on behalf of the Arab delegation, reiterated this view suggesting that gay rights were a neo-colonial imposition of the West (Mail & Guardian, 2012).

The final rights based line of attack anti-homosexuality advocates make is to argue that gay rights are a distraction from "real" human rights violations. For instance, Mauritania was reported to object to the panel on discrimination of sexual minorities because it was a distraction from "real" violations of human rights, such as the rampant Islamophobia Western Muslims face on a daily basis (Mail & Guardian, 2012). Similar statements were made in the OIC statements in 2008 and 2012. In 2008, Syria stated that "The real problems are discrimination on the basis of color,

race, gender, religion and other grounds, which the Argentinean statement wholly ignores” (Sanders, 2008).¹⁶¹ In 2012, Pakistan said:

We are...disturbed at the attempt to focus on certain persons on the grounds of their abnormal sexual behaviour, while not focusing on the glaring instances of intolerance and discrimination in various parts of the world, be it on the basis of colour, race, gender or religion, to mention only a few (Akram, 2012).

In sum, anti-homosexuality advocates argue that not only do gay rights not exist as part of the existing human rights framework, their forced imposition actually constitutes a threat to an international society predicated on human rights. This threat results because gay rights distract from actual human rights violations. Additionally, their forced imposition, rather than creating a greater degree of equality in international society, leads to greater degrees of religious and cultural discrimination. Finally, gay rights constitutes a threat to the heterosexual family, which is established as the foundation of society in several human rights treaties, thereby creating a duty for states to reject gay rights and ensure the continued reproduction of a healthy society.

Proponents of gay rights, of course, steadfastly reject all of these arguments. This can be seen in the response of UN High Commissioner for Human Rights Navi Pillay to the objections raised by the Islamic, Arabic, and African blocs to the 2012 panel on the persecution of sexual minorities. She said they were free to express that gay rights "conflict with local cultural or traditional values, or with religious teachings, or run counter to public opinion". However, she continued, "That is as far

¹⁶¹ The French/Dutch resolution was read in the General Assembly by Argentina.

as it goes. The balance between tradition and culture, on the one hand, and universal human rights on the other, must be struck in favor of rights” (Evans, 2012). Of course, this is the crux of the matter. For those who reject gay rights, the primary purpose of the human rights framework is to protect religion, authentic indigenous culture, and the heterosexual family, and the balance must always be struck in their favor.

Thus, the issue of homosexuality and gay rights expose contradictions in how agents understand another shared referent: the human rights framework. Once again, the conflict surrounding the shared referents stem from contradictions between the utopian frameworks agents draw upon to understand how the referent in question relates to the ideal society. For proponents of traditional religious and post-colonial/hyper-nationalist frameworks the primary purpose of human rights are to protect religion and authentic indigenous values from potential threats like secularism and colonialism along with the utopian frameworks that support them. For proponents of the Liberal framework the primary purpose of the human rights framework is to protect individuals, including protecting them from the religions whose propositions they reject and the cultural values to which they do not conform.

Chapter 6

UTOPIAN CLEAVAGES IN A MULTIDIMENSIONAL INTERNATIONAL SOCIETY: IMPLICATIONS, LIMITATIONS, AND FUTURE RESEARCH

This project began with a puzzle and the promise of a solution. The puzzle: how to explain the fact that for members of the gay community, contemporary international society simultaneously represents the best of times and the worst of times? The solution: recognizing the existence of utopian cleavages in a multidimensional international society.

This final chapter proceeds in three sections. The first summarizes how utopian cleavages in a multidimensional international society solves the puzzle of the global divergence surrounding the issue of homosexuality. Section two looks at the implications of this project's argument and findings first for mainstream sociological IR, and then for the international LGBT politics literature. The final section examines some of the limitations of the present study and avenues for future research into utopian cleavages and the multidimensional aspects of international society.

6.1 Solving the Gay Rights Puzzle

As discussed in chapter 3, utopian cleavages have their roots in the multiple, contingently related utopian frameworks that constitute international society. Utopian frameworks are sets of propositional ideas regarding the ideal purpose(s) and organization of (international) society, which agents necessarily draw upon to interpret, evaluate, and navigate their shared socio-cultural environment. Chapter 5 identified three frameworks agents draw upon to understand the place of

homosexuality in the ideal (international) society: Liberal, traditional religious, and post-colonial/hyper-nationalist.

When agents draw on frameworks that have logically contradictory understandings of some shared referent's place in the ideal (international) society a utopian cleavage is the likely result. In order for a potential utopian cleavage to become manifest, agents must also recognize that they understand the shared referent in contradictory ways, and define the alternative understanding (and the utopian framework from which it is derived) as a threat to the welfare of (international) society (see chapter 3). Chapter 5 demonstrated that agents who subscribe to Liberal, traditional religious, and post-colonial/hyper-nationalist utopian frameworks share the referent of homosexual(ity). They also largely agree that the behavior of those who belong to this category are subject to the state, and that gay rights have implications for the wider human rights framework. However, due to contradictions in how they understand the ideal society, proponents of these frameworks come to rather different conclusions regarding the appropriateness of homosexuality, what types of policies states ought to adopt regarding homosexuality, and how exactly gay rights relate to human rights.

In chapter 5, we saw that for advocates of the Liberal framework, gay rights are human rights, and respecting human rights is the primary mechanism for achieving their ideal international society, where all individuals, including gay individuals, are free and equal. Therefore, homosexuality is an appropriate behavior and good Liberal states adopt policies to protect the rights of sexual minorities. Further, any denial of gay rights constitutes a grave threat to the welfare of (international) society, because so long as some are not free and equal no one is, and the ideal remains unrealized.

For advocates of traditional religious frameworks, the natural heterosexual family is the constitutive unit of (international) society. All other societal institutions should be designed to strengthen the heterosexual family, because the natural family, i.e. one man and one woman bound together in a religiously sanctioned marriage, provides the ideal context for procreation and the rearing of healthy, well-adjusted children, who shall subsequently form their own families. Simply put, the natural family secures the succession of generations, and subsequently the reproduction of (international) society and the fulfilment of God's will. Based on this understanding, homosexuality is an inappropriate behavior, because it cannot produce children. Therefore, all God fearing states should adopt policies to eliminate homosexuality and/or institutionalize the superiority of opposite-sex relationships. For proponents of the traditional religious framework, gay rights constitute a new and controversial class of rights, which threaten well-established and uncontroversial rights regarding the freedom of religion.

Post-colonialist/Hyper-nationalist frameworks also tend to see the heterosexual family as the center of the ideal society. However, for post-colonialists/hyper-nationalists the heterosexual family's primary purpose is reproducing the collective and passing on the "authentic" cultural traditions that constitute it to succeeding generations. For them, homosexuality represents a foreign, typically Western, threat designed to destroy their cultural heritage, and gay rights are an attempt by neo-colonialist powers to deflect from their continued exploitation of their former colonies. Thus, for post-colonialists/hyper-nationalists advocates homosexuality is an inappropriate behavior and the state must adopt policies to protect indigenous culture from this pernicious outside influence.

As was discussed in chapter 3, norms are the primary medium through which agents are able to determine they share socio-cultural referents, but have contradictory understandings of them. By standardizing and defining appropriate behavior for agents of a particular identity, norms provide a behavioral litmus test for agents to recognize those who share their utopian vision. However, this means that norms simultaneously provide agents with a way to differentiate those who do not share their utopian vision, and therefore may pose a threat to its realization.

Owing to the contradictions at the heart of utopian cleavages, when one develops around a particular shared referent it will manifest in agents' policy preferences. Therefore, the existence of a utopian cleavage will produce rather distinct norm/policy diffusion patterns, assuming there is a minimum degree of power symmetry between the advocates of the competing positions. Specifically, a utopian cleavage will likely lead to selective and furcated diffusion. Selective diffusion refers to patterns in which types of agents do and do not adopt a particular type of norm. Simply put, agents will adopt norms/policies that are logically consistent with utopian framework and resist those that contradict it. Furcated diffusion refers to a situation where two antithetically related norms and their associated practices and policies are simultaneously diffusing *within* international society. Further, in the context of a utopian cleavage, furcated diffusion will often develop a reactionary character where each side is actively seeking to counter the other, and when one side achieves a successful outcome, the other seeks to roll it back.

Because Liberal, traditional religious, and post-colonial frameworks share the referent of homosexual(ity) and agree that the behavior of homosexuals is subject to the state, agents are able differentiate between those who share their ideal vision and

those who do not based on their policy preferences regarding homosexuality. This is because the frameworks lead to contradictory conclusion regarding the appropriateness of homosexuality, which subsequently leads their advocates to prefer rather antithetical policies. As we saw in chapter 4, this results in patterns of selective and furcated policy diffusion. Those states where the Liberal framework is dominant, including those of the West and Latin America have increasingly adopted policies designed to enhance gay rights, while rejecting policies designed to restrict gay rights. Conversely, where the traditional religious and/or post-colonial/hyper-nationalist frameworks are dominant, which includes most Islamic, African (except South Africa), Eastern European, and Asian states, gay rights policies have been resisted. Further, many of these states have actively advanced policies designed to restrict gay rights. As a result, the present period in international society concomitantly represents the best of times and the worst of times for members of the gay community.

While utopian cleavages can explain why contemporary international society simultaneously represents the best and worst of times for members of the gay community, arriving at this explanation required altering how mainstream sociological approaches to IR have traditionally conceptualized international society. We had to start with the concept of international society, because the concept of (international) society defines the object(s) of social scientific inquiry, and therefore regulates, without determining, our field specific theories and the way we conduct practical research (Archer, 1995; Layder, 1990). As chapter 2 demonstrated, the mainstream sociological approaches to IR, such as the English School, WPT, CNT, and Macrostructural Constructivism, utilize an integrated model of international society. According to the integrated model, international society is constituted by a single

utopian framework, which “members” of society generally agree upon. For the mainstream sociological approaches, in contemporary international society this framework is Liberalism or Western modernity. As a result of these shared values, relationships of similarity, consensus, and structural integration (complements) are the primary aspects of international society (Griswold, 1994; Dahrendorf, 1959).

The problem with the integrated model is that it *a priori* precludes the possibility of utopian cleavages in international society, since utopian cleavages arise from the contradictions between utopian frameworks. In other words, for utopian cleavages to exist in international society, international society must be comprised of multiple, contingently related utopian frameworks, the propositions of which can *complement or contradict* one another, and the relationships between their proponents can be consensual and cooperative, or coercive and conflictual. In order to create the ontological space for utopian cleavages in international society, chapter 3 developed the multidimensional model of international society.

The multidimensional model of international society has two core propositions. First, (international) society is simultaneously comprised of relations of similarity, difference, consensus, conflict, structural integration (complements), and structural disintegration (contradictions). Second, both sets of relationships are equally socio-cultural in nature. These two propositions incorporate both the integrated and conflictual aspects of society into a single account. Further, these propositions allow for the interplay between the integrated and conflictual aspects of society, and it is from this interplay that utopian cleavages emerge.

In order for international society to be multidimensional, it must also be inherently open and stratified. Simply put, if international society was not stratified in

terms of social (wealth) and cultural (prestige) capital there would be no means for agents to differentiate themselves into groups, and nothing for them to fight over. The stratified nature of international society ensures that some agents will always have a latent interest in changing the structures of society in order to improve their collective life chances, while others will have an interest in maintaining the status quo.¹⁶² Thus, stratification ensures that difference and conflict are always *possible* (Archer, 1995; Dahrendorf, 1959). An open system is one in which elements internal and external to the system can produce changes to the system itself. In the case of international society, openness results from the inherent power of people to imagine an infinite number of new societal forms (external) and use the positions and roles of international society itself to pursue them (internal) (Archer, 1995). If international society was not inherently open, agents with an interest in changing the structures of international society, would not be able to imagine an alternative vision of international society, nor would they be able to manipulate existing structures to pursue their alternative vision. International society's openness ensures that change is always possible and agents can interpret/value the same societal phenomena differently. In turn, this means that multiple utopian frameworks can be co-present in international society. It also means that even if one framework becomes dominant, alternatives can always be developed to challenge it, while the stratified nature of international society means that some agents will always have an interest in doing so. In other words, the multidimensional model of international society creates the ontological space for utopian cleavages in international society.

¹⁶² It is, of course, contingent whether or not any agent acts upon these interests.

6.2 Implications of Utopian Cleavages in a Multidimensional International Society

There are a number of important implications that follow from the conceptual moves I have made in this project. At the broadest level, switching from an integrated to multidimensional model of international society has the potential to greatly expand the theoretical and empirical scope of mainstream sociological IR, as difference, conflict, and structural contradictions are made part of the object of study—international society and its various aspects—along with similarity, consensus, and structural integration. Further, by including both sets of phenomena it also makes the interplay between them part of international society, and a potential object of inquiry for scholars. Since the phenomena in question are inherently relational, it follows that interplay between them is a key driver of what actually happens in society, and worthy of investigation

Some of the additional theoretical and empirical leverage the multidimensional model affords has already been put to good use in this project. The multidimensional model created the ontological space for utopian cleavages in international society and provided a “provisional pointer” to the role contradictions and norms play in their formation, which led to a fuller understanding of the myriad effects these aspects of international society can have. Further, by understanding contradictions and norms from a multidimensional perspective, I was able to derive the existence of novel diffusion patterns that should be present in the context of a utopian cleavage: selective and furcated. In turn, the concepts of selective and furcated diffusion provided a concrete starting point for the investigation of existing utopian cleavages in international society. This concluded with the empirical payout of demonstrating the existence of a utopian cleavage in international society surrounding the issue of

homosexuality between advocates of the Liberal utopian framework on the one hand, and advocates of traditional religious and/or post-colonial/hyper-nationalist frameworks on the other. This represents a significant degree of theoretical and empirical value added for mainstream sociological IR, and this is just scratching the surface. As I discuss in the following section, utopian cleavages in a multidimensional international society opens up a number of new avenues of theoretical and empirical inquiry. However, before moving onto to discuss future research, I want to talk more specifically about how the multidimensional model of society fits with the mainstream sociological approaches.

Between the English School, WPT, and CNT, the latter is most readily able to adopt the multidimensional model of international society. It also has the most to gain from doing so.¹⁶³ Indeed, much of the conceptual work of the preceding chapters was done with CNT in mind.

CNT is most readily able to adopt the multidimensional model for two reasons. First, since CNT draws its understandings of international society from the English School and WPT, it faces the fewest barriers when it comes to changing how it understands international society. This is made all the easier by the fact that CNT is not uncritical of the English School and WPT (e.g. Finnemore, 1996a, 1996b, 2001; Keck and Sikkink, 1998). Further, while CNT is affected by how its advocates understand the concept of international society, its primary focus is norms in international society as opposed to international society itself. This is sharp contrast

¹⁶³ I will not include Macrostructural Constructivism in this discussion, because it operates at a higher (different) level of analyses (or abstraction) than the English School, WPT, CNT, and the Multidimensional model I developed in chapter 3.

with the English School and WPT, which directly concern themselves with conceptualizing international society, and thus have more at stake in changing how they understand international society.¹⁶⁴ In other words, it would be hard to imagine the English School as the English School if it did not define international society in terms of the order that results from commonalities between international society's members. Likewise, a WPT that does not define international society in terms of the similarity resulting from universally valid, cognitively rooted cultural scripts is hard to imagine. While CNT has a well-known penchant for studying progressive Liberal norms, it is easy to imagine CNT without this bias. Illiberal norms cascade just like Liberal ones do, and TANs can just as easily advocate for illiberal ideas as Liberal ones. In fact, a number of scholars, myself included, would argue that a CNT with a Liberal bias is odder than one without it (Barkin, 2003; Jackson and Nexon, 2004).

The second reason why the multidimensional model fits best with CNT is because the multidimensional model is the logical extension of CNT's ontological starting point that all human interaction is socio-cultural in nature and needs to be investigated as such, a point I made in chapter 3 (Buzan, 2004). The integrated model, on the other hand, which privileges similarity, consensus, and structural integration, does not fit CNT's ontological starting point. However, the integrated model does fit with certain social theoretical positions found in the English School and WPT. For instance, there is a strong functionalist bent to the English School, which dates back to the work of Hedley Bull. One cannot have a functionalist understanding of society that is not also an integrated one (Griswold, 1994; Dahrendorf, 1959). Therefore, in

¹⁶⁴ Technically, WPT is concerned with world culture; however, for them world culture is international society. See chapter 2.

order for the English School to adopt the multidimensional model, it must abandon its functionalist roots. While some members of the school have advocated moving beyond functionalism, there has been no systematic attempt to do so (Dunne, 2005a). As for WPT, its whole aim as a theory is to explain similarity, which suggest an integrated approach to society (Meyer et al., 1997a). It sees the scripts of world culture are universally valid, which suggests that international society can have only one utopian framework. This is reinforced by WPT reified view of culture, which precludes the possibility of agents creating alternative frameworks.

None of the foregoing means that the English School and WPT cannot shift from an integrated understanding of international society to a multidimensional one; it just means it will be harder. Nor does any of the foregoing mean that those who utilize a multidimensional perspective cannot take the findings of integrated approaches and fit them into their own perspective, albeit with some modifications. After all, the integrated model does describe one angle of international society. Indeed, we have already seen how this can be done in chapter 3, where I recontextualized WPT's findings on the high degree of institutional similarity in contemporary international society from a multidimensional perspective. As for the English School, its detailed historical accounts have shown how the European collective pursued its ideal vision of international society in its interactions with other collectives, how the European collective expanded as non-Europeans accepted its framework, and how the European collective changed as a result. From the multidimensional perspective, the difference is that international society is not reducible to a single collective and its ideal vision, even if it succeeds in getting a large number other collectives to adopt its institutional forms.

Not only is CNT the approach that can most easily shift to a multidimensional model of international society, it is also the approach with the most to gain from doing so. Some of the specific advantages of the multidimensional model for CNT have already been mentioned. For instance, the multidimensional model is consistent with CNT's ontological starting point, unlike the integrated model. Further, it provides a fuller understanding of CNT's central concept, norms, and sheds light on new diffusion patterns. It also provides CNT with the concept utopian cleavages.

In addition to the above benefits, the multidimensional model removes the conceptual roots of CNT's persistent Liberal bias. Simply put, the multidimensional perspective, allows CNT to systematically study "good" norms and "bad" norms at the same time and understand them as part of the same societal whole. As a result, the conceptual tools of CNT, such as norm cascade (Finnemore and Sikkink, 1998), the spiral model (Risse and Sikkink, 1999), the boomerang pattern (Keck and Sikkink, 1998), etc. can be applied more readily to non-Liberal norms, such as the diffusion of *sharia* law. Further, the multidimensional model of society is consistent with the theoretical positions developed in the 2nd wave of the norms literature. For instance, it easily fits with Cortell and Davis' (1996; 2000) notion of cultural mismatch.

The multidimensional model also, for reasons discussed in chapter 3, decouples norm diffusion from norm displacement (Acharya, 2004; Hopf, 1998). This may lead scholars to discover more novel diffusion patterns in international society, like selective and furcated diffusion. One possibility might be partial diffusion, a pattern where governments adopt policies that comply with a new international norm, which are not supported by the population at large. This situation raises potentially

interesting questions regarding tensions between the domestic and international legitimacy of particular utopian frameworks and their associated norms and policies.

Finally, the multidimensional model makes the norm diffusion process much more dynamic. Since it is no longer just Liberal norms that are being advocated for in international society, the multidimensional allows for non-Liberal agents to have a greater effect on international society. Thus, the multidimensional model also opens up the possibility of investigating how utopian cleavages effect the frameworks involved, and agents' commitment to them, such as al-Qaeda's impact on how committed Liberal states are to respecting human rights values in a new security environment.

6.2.1 Implications for the International LGBT Politics Literature

Solving the puzzle of the global divergence surrounding homosexuality was first and foremost about demonstrating the existence of a utopian cleavage in international society and the benefits of the multidimensional model of society. However, the empirical portions of this project do have implications for debates in the LGBT politics literature about how to best understand the persistence of anti-homosexuality positions. Weiss and Bosia (2014) identify five common explanations for this persistence in the LGBT politics literature. The empirical findings of this project directly relate three of them.

The first of these is the Liberal/Human Rights perspective, which was briefly mentioned in chapter 1. The reader will recall that this approach sees anti-homosexuality "(if at all) as constraint...a local backdrop, not what is diffused" (Weiss and Bosia, 2014: 7-8). This understanding of anti-homosexuality does not fit

with what we saw in chapter 4 and 5. Anti-homosexuality is clearly a transnational phenomenon that is diffusing in contemporary international society.

A second approach posits a kind of “sexual modernization theory.” According to this approach, anti-homosexuality is “unnecessary to theorize, as it belongs to a social past we will eventually overcome” (Weiss and Bosia, 2014: 7-8). More specifically, this approach sees anti-homosexuality as characteristic of traditional religious societies. As they develop, they will become less religious and more tolerant to sexual minorities (see, for instance, Boswell, 1980; Wald et al, 1996). This explanation, too, fits poorly with the empirical findings of chapters 4 and 5, because it cannot account for states adopting new anti-homosexuality policies. Simply put, for this approach things should always be getting better, never getting worse.

Finally, a third account for the persistence of anti-homosexuality sees it as a “contest between LGBT advocates and their antagonists, framing state homophobia as a reaction to the diffusion of an ‘American’ model of LGBT activism” (Weiss and Bosia, 2014: 7; see, for instance, Massad, 2007). This approach tends to suggest a “sexual ‘clash of civilizations’” (Weiss and Bosia, 2014: 9). At first glance, it appears that this approach fits with the empirical findings of chapters 4 and 5. For instance, there is clearly a geographical pattern to which states adopt gay rights policies and which adopt anti-homosexuality policies. Further, some of the frameworks discussed are often portrayed in civilizational terms, such as the Islamic framework (Huntington, 1996). However, it would be a mistake to interpret the findings of chapters 4 and 5 in civilizational terms. First, as I mentioned at the outset of chapter 4, not all members of the gay community accept the Western understanding of sexuality and gay activism as the ideal (see, Chou 2000). Further, the Western understanding of sexuality has its

roots in the ideas of anti-homosexuality advocates. Second, chapters 4 and 5 clearly show that support and resistance to homosexuality clearly crosses civilizational lines. To give but one example, American Evangelical Protestants and Islamic Fundamentalist, despite their antagonisms in other areas, are united on their opposition to homosexuality.

What all of the five common approaches to understanding the persistence of anti-homosexuality have in common, according to Weiss and Bosia is that “none directly addresses the process and implications of the global spread of politicized homophobia.”¹⁶⁵ Weiss and Bosia suggest that addressing this gap requires “trace[ing] the roots of homophobia as a state strategy, political movement, and transnational phenomena” (2014: 15). The approach they develop for this purpose:

proceeds through four core dimensions: exhuming the purposeful, conscious dimensions of political homophobia, especially as practiced by state actors, and of the ‘fear of small numbers’ that drives politicized homophobia more broadly; examining the role of transnational influence peddling and alliances; probing questions of collective

¹⁶⁵ In terms of the two approaches I did not directly address, the first is similar to the sexual modernization theory approach. It turns to normative theory to explain the persistence of anti-homosexual attitudes, and is exemplified in the work of Martha Nussbaum, 2004; 2009; 2010. According to this approach anti-homosexuality is a feature of individuals and rooted in primitive notions of disgust and corruption (Weiss and Bosia, 2014: 11). We saw in chapter 5, that notions of disgust and corruption were present in the early development of anti-sodomy laws and their spread to European colonial possessions; however, I was not concerned with origins of individual anti-homosexuality beliefs. The second approach, is queer theory and those influenced by post-modernism/post-structuralism more generally. According this approach anti-homosexuality is the result of a discourse of heteronormativity and masculinity (see, for instance, Sedgwick, 1990; Warner, 1993). As Weiss and Bosia point out, the problem with this approach is that heteronormativity and masculinity are not inherently anti-homosexuality (2014: 14). Recall, for instance, from chapter 4 that ancient Greeks saw homosexuality as a masculine behavior (Crompton, 2003).

identity; and weighing the legacies of colonialism for subsequent trajectories (Weis and Bosia, 2014).

This understanding of anti-homosexuality is clearly in line with the narrative of chapters 4 and 5. Further, these chapters provide a significant contribution to this literature by providing a systemic global overview of anti-homosexuality policies and the utopian frameworks agents draw upon to justify them in different parts of the world, which supplements the case study analysis of Weiss, Bosia, and those who contributed to their project.

6.3 Limitations and Future Research

This section examines some of this study's limitations and how they can be addressed by future research into utopian cleavages and other multidimensional aspects of international society.

The first limitation of this project is that it focused primarily on one utopian cleavage. However, this limitation is not as great as it might appear and it is easily corrected. The effects of this limitation are mitigated by the fact that utopian cleavages are general societal phenomena, like norms or roles. While we cannot say how widespread this phenomena is in contemporary international society, and it likely varies over time, we can be reasonable confident of two things. First, that Liberal, traditional religious, and post-colonial/hyper-nationalist frameworks share common referents besides homosexuality and likely understand many of them in contradictory ways. This is because the Liberal framework privileges the individual, while the other two privilege the collective, and this colors how proponents of these frameworks evaluate almost everything in their socio-cultural environment. Indeed, we already saw this to a degree when examining how the three frameworks understand the relationship of gay rights to human rights. Second, we can be reasonably confident

that there are or have been other utopian frameworks in international society and there are or have been utopian cleavages between them.

Further, any limitations that follow from focusing primarily a single dyad, i.e. one referent, of a utopian cleavage can easily be corrected through future research. Specifically, research that examines other shared referents between the Liberal, traditional religious, and post-colonial/hyper-nationalist frameworks, including those they might have complementary understandings of, and also examinations of utopian cleavages between other historical or contemporary utopian frameworks. As additional utopian cleavages are examined in the future, it will become increasingly possible to distinguish the necessary features of utopian cleavages, i.e. aspect common to utopian cleavages regardless of issue area or frameworks involved, from the contingent features, i.e. those aspects which are case specific.

Another benefit of examining additional utopian cleavages is that it will become possible to examine how they relate to one another, i.e. whether they cross-cut or reinforce one another, and what effects these relationships have. For instance, a potentially cross-cutting cleavage can be found in the gay rights TAN between Western and Arab advocates. This tension is the result of the former's tendency to portray Israel as a beacon of tolerance in an intolerant region. Arab advocates are acutely aware that an attitude of intolerance towards homosexuality prevails within the Arab world. Their problem is with the portrayal of Israel as a champion of rights and equality, which does not fit with the Arab experience of Israel's treatment of the Palestinian people (Itaborahy and Zhu, 2013).

The potential for cross-cutting cleavages, speaks to a second limitation. This project's major focus was on demonstrating the existence of multiple, contingently

related utopian frameworks in international society and a utopian cleavage between them. As a result, the empirical portion of this chapter portrayed the individual frameworks and their proponents in overly integrated terms. Thus, I only hinted at utopian cleavages *within* frameworks. For instance, contradictory understandings of what some shared referent means for the ideal religious society, or moving down another level, the ideal Christian society. Indeed, those who share a particular type of framework, will have more shared referents, which means more potential points of agreement *and conflict* (Geertz, 1973). To correct this in the future, a line of research should investigate utopian frameworks for internal cleavages. This would also enable us to determine the similarities and differences between cleavages within a utopian framework and between utopian frameworks.

The final limitation I want to discuss also results from this project's focus on demonstrating the existence of a utopian cleavage between frameworks. Specifically, it led me to pay insufficient attention to non-Liberal justifications for pro-gay positions, i.e. pro-gay justifications based on appeals to authentic indigenous culture and religious values. Thus, the way I presented the case could lead to the erroneous conclusion that the Liberal framework is always a progressive force, and that non-Liberal frameworks are always regressive and reactionary. However, this is far from the case. For instance, we saw in chapter 5 that Pakistan is a vocal opponent of gay rights as human rights. Yet, in 2012 the Pakistani Supreme Court ruled that the transgender community is entitled to equal rights (The Express Tribune, 2012). This sets Pakistan ahead of many Liberal states in terms of rights granted to the transgender community. One factor that enabled Pakistan's high court to take this progressive step is the long historical tradition of a 3rd gender in the region (Vanita and Kidwai, 2001).

In fact, the 2012 ruling built upon a previous ruling in 2009, where Pakistan's Supreme Court granted official legal recognition to the 3rd gender category (Misra, 2009). For those subscribing to the Liberal utopian framework, such a move is more difficult owing to its tendency towards strict categorizations and dichotomies.

In sum, the treatment of the multidimensional model of international society and the concept of utopian cleavages provided in this project is far from complete. Of course, it was never my intention to provide the final word on either of these concepts. Quite the contrary, this project has always been envisioned as an opening statement. The goal was to demonstrate the ability of the multidimensional model and the ontological space it created for utopian cleavages to provide a fuller, more accurate understanding of international society, and it did this. Simply put, utopian cleavages in a multidimensional international society, while no guarantee, offers the best chance for our theories and empirical investigations to “remain faithful to reality.”

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Appendix

POLICIES ON HOMOSEXUALITY IN INTERNATIONAL SOCIETY: AN OVERVIEW¹⁶⁶

Table 1: States & Political Entities Where Same-Sex Acts Are Legal by Year of Decriminalization

Country	Region	Decriminalization Year	OIC Member	Commonwealth Member
Burkina Faso	Africa	Never Illegal	Yes	
Central African Republic	Africa	Never Illegal	Yes (observer)	
Congo	Africa	Never Illegal		
Chad	Africa	Never Illegal	Yes	
Cote d'Ivoire	Africa	Never Illegal	Yes	
Democratic Republic of Congo	Africa	Never Illegal		
Gabon	Africa	Never Illegal	Yes	
Madagascar	Africa	Never Illegal		
Mali	Africa	Never Illegal	Yes	
Niger	Africa	Never Illegal	Yes	
Rwanda	Africa	Never Illegal		Yes
France	Europe	1791		
Monaco	Europe	1793		
Belgium	Europe	1795		
Luxemburg	Europe	1795		

¹⁶⁶ All data from the tables comes from ILGA's 2013 annual report on state-sponsored homophobia (Itaborahy and Zhu, 2013), except for OIC and Commonwealth memberships status.

Table 1 continued

Netherlands	Europe	1811		
Dominican Republic	Latin America & Caribbean	1822		
Brazil	Latin America & Caribbean	1831		
Peru	Latin America & Caribbean	1836-1837		
Turkey	Europe	1858	Yes	
San Marino	Europe	1865		
Suriname	Latin America & Caribbean	1869	Yes	
Mexico	Latin America & Caribbean	1872		
Paraguay	Latin America & Caribbean	1880		
Japan	Asia	1882		
Argentina	Latin America & Caribbean	1887		
Italy	Europe	1890		
Taiwan	Asia	1896		
Honduras	Latin America & Caribbean	1899		

Table 1 continued

El Salvador	Latin America & Caribbean	1800s		
Guatemala	Latin America & Caribbean	1800s		
Haiti	Latin America & Caribbean	1800s		
Venezuela	Latin America & Caribbean	1800s		
Poland	Europe	1932		
Denmark	Europe	1933		
Uruguay	Latin America & Caribbean	1934		
Iceland	Europe	1940		
Switzerland	Europe	1942		
Sweden	Europe	1944		
Jordan	Asia	1951	Yes	
West Bank	Asia	1951	Yes	
Greece	Europe	1951		
Thailand	Asia	1957	Yes (observer)	
Mongolia	Asia	1961		
Check Republic	Europe	1962		
Hungary	Europe	1962		
Slovakia	Europe	1962		
United Kingdom	Europe	1967-2001		Yes
East Germany	Europe	1968		
Bulgaria	Europe	1968		

Table 1 Continued

Canada	North America	1969		Yes
West Germany	Europe	1969		
Austria	Europe	1971		
Finland	Europe	1971		
Costa Rica	Latin America & Caribbean	1971		
United States	North America	1971-2003		
Norway	Europe	1972		
Australia	Oceania	1972-1997		Yes
Malta	Europe	1973		Yes
East Timor	Asia	1975		
Bahrain	Asia	1976	Yes	
Croatia	Europe	1977		
Montenegro	Europe	1977		
Slovenia	Europe	1977		
Spain	Europe	1979		
Cuba	Latin America & Caribbean	1979		
Colombia	Latin America & Caribbean	1981		
Portugal	Europe	1983		
New Zealand	Oceania	1986		Yes
Israel	Asia	1988		
Liechtenstein	Europe	1989		
Andorra	Europe	1990		
Ukraine	Europe	1991		
Bahamas	Latin America & Caribbean	1991		Yes

Table 1 continued

Estonia	Europe	1992		
Latvia	Europe	1992		
Guinea-Bissau	Africa	1993	Yes	
Ireland	Europe	1993		
Lithuania	Europe	1993		
Russia	Europe	1993	Yes (observer)	
Belarus	Europe	1994		
Kosovo	Europe	1994		
Serbia	Europe	1994		
Albania	Europe	1995	Yes	
Moldova	Europe	1995		
Macedonia	Europe	1996		
Romania	Europe	1996		
China	Asia	1997		
Ecuador	Latin America & Caribbean	1997		
South Africa	Africa	1998		Yes
Kazakhstan	Asia	1998	Yes	
Kyrgyzstan	Asia	1998	Yes	
Tajikistan	Asia	1998	Yes	
Cyprus	Europe	1998		Yes
Bosnia Herzegovina	Europe	1998-2001	Yes (observer)	
Chile	Latin America & Caribbean	1999		
Azerbaijan	Europe	2000	Yes	
Georgia	Europe	2000		
Armenia	Europe	2003		
Cape Verde	Africa	2004		
Marshall Islands	Oceania	2005		
Vanuatu	Oceania	2007		Yes
Tokelau	Oceania	2007		

Table 1 continued

Nepal	Asia	2008		
Nicaragua	Latin America & Caribbean	2008		
Panama	Latin America & Caribbean	2008		
Fiji	Oceania	2010		Yes
Lesotho	Africa	2012		Yes
Benin	Africa	No Data	Yes	
Djibouti	Africa	No Data	Yes	
Equatorial Guinea	Africa	No Data		
Cambodia	Asia	No Data		
Indonesia (most parts)	Asia	No Data	Yes	
Laos	Asia	No Data		
North Korea	Asia	No Data		
Philippines	Asia	No Data		
South Korea	Asia	No Data		
Vietnam	Asia	No Data		
Vatican City	Europe	No Data		
Bolivia	Latin America & Caribbean	No Data		
Micronesia	Oceania	No Data		

Table 2: Equalized Age of Consent

Country	Region	Year
Monaco	Europe	1793
Brazil	Latin America & Caribbean	1831
Peru	Latin America & Caribbean	1836-1837
San Marino	Europe	1865
Mexico	Latin America & Caribbean	1872
Japan	Asia	1882
Turkey	Europe	1885
Argentina	Latin America & Caribbean	1887
Italy	Europe	1890
Taiwan	Asia	1896
Equatorial Guinea	Africa	1931
Poland	Europe	1932
Uruguay	Latin America & Caribbean	1934
Jordan	Asia	1951
West Bank	Asia	1951
Thailand	Asia	1957
Mali	Africa	1961
Mongolia	Asia	1961
Netherlands	Europe	1971
Norway	Europe	1972
Malta	Europe	1973
Australia (Most of)	Oceania	1975-2003
Denmark	Europe	1976
Montenegro	Europe	1977
Slovenia	Europe	1977
Sweden	Europe	1978
Spain	Europe	1979
Colombia	Latin America & Caribbean	1981
France	Europe	1982
Belgium	Europe	1985

Table 2 continued

New Zealand	Oceania	1986
Germany	Europe	1989-1994
Check Republic	Europe	1990
Slovakia	Europe	1990
Ukraine	Europe	1991
Iceland	Europe	1992
Luxemburg	Europe	1992
Switzerland	Europe	1992
Guinea-Bissau	Africa	1993
Ireland	Europe	1993
Burkina Faso	Africa	1996
Macedonia	Europe	1996
Russia	Europe	1997
Ecuador	Latin America & Caribbean	1997
China	Asia	1997-2006
Kazakhstan	Asia	1998
Kyrgyzstan	Asia	1998
Tajikistan	Asia	1998
Croatia	Europe	1998
Bosnia Herzegovina	Europe	1998-2001
Finland	Europe	1999
Latvia	Europe	1999
Costa Rica	Latin America & Caribbean	1999
Israel	Asia	2000
Azerbaijan	Europe	2000
Belarus	Europe	2000
Georgia	Europe	2000
Albania	Europe	2001
Liechtenstein	Europe	2001
United Kingdom	Europe	2001-2008
Austria	Europe	2002
Bulgaria	Europe	2002

Table 2 continued

Cyprus	Europe	2002
Estonia	Europe	2002
Hungary	Europe	2002
Romania	Europe	2002
Armenia	Europe	2003
Lithuania	Europe	2003
Moldova	Europe	2003
Cape Verde	Africa	2004
Kosovo	Europe	2004
Democratic Republic of Congo	Africa	2006
Serbia	Europe	2006
South Africa	Africa	2007
Nepal	Asia	2007
Portugal	Europe	2007
Vanuatu	Oceania	2007
Nicaragua	Latin America & Caribbean	2008
Panama	Latin America & Caribbean	2008
East Timor	Asia	2009
Fiji	Oceania	2010
Djibouti	Africa	No Data
Cambodia	Asia	No Data
Laos	Asia	No Data
North Korea	Asia	No Data
Philippines	Asia	No Data
South Korea	Asia	No Data
Vietnam	Asia	No Data
Andorra	Europe	No Data
Vatican City	Europe	No Data
Bolivia	Latin America & Caribbean	No Data
Cuba	Latin America & Caribbean	No Data
Dominican Republic	Latin America & Caribbean	No Data

Table 2 continued

El Salvador	Latin America & Caribbean	No Data
Guatemala	Latin America & Caribbean	No Data
Haiti	Latin America & Caribbean	No Data
Honduras	Latin America & Caribbean	No Data
Venezuela	Latin America & Caribbean	No Data
United States (Most of)	North America	No Data
Marshal Islands	Oceania	No Data
Micronesia	Oceania	No Data

Table 3: Prohibition against Incitement to Hatred based on Sexual Orientation

Country	Region	Year
Norway	Europe	1981
Denmark	Europe	1987
Ireland	Europe	1989
Netherlands	Europe	1992
Australia (Parts of)	Oceania	1993/2004
Iceland	Europe	1996
Spain	Europe	1996
Luxembourg	Europe	1997
South Africa	Africa	2000
Romania	Europe	2000
Belgium	Europe	2003
Croatia	Europe	2003
Lithuania	Europe	2003
Sweden	Europe	2003
Uruguay	Latin America & Caribbean	2003
Canada	North America	2004
United Kingdom (Parts of)	Europe	2004-2010
France	Europe	2005
Monaco	Europe	2005
Mexico (Parts of)	Latin America & Caribbean	2005/2009
Estonia	Europe	2006
Portugal	Europe	2007
San Marino	Europe	2008
Serbia	Europe	2009
Ecuador	Latin America & Caribbean	2009
Bolivia	Latin America & Caribbean	2011
Colombia	Latin America & Caribbean	2011
Malta	Europe	2012
Albania	Europe	2013

Table 4: Hate Crimes based on Sexual Orientation Considered an Aggravating Circumstance

Country	Region	Year
Spain	Europe	1996
Canada	North America	1996
New Zealand	North America	2002
Belgium	Europe	2003
France	Europe	2003
Netherlands	Europe	2003
Sweden	Europe	2003
Uruguay	Latin America & Caribbean	2003
Denmark	Europe	2004
United Kingdom	Europe	2004-2010
Croatia	Europe	2006
Romania	Europe	2006
Portugal	Europe	2007
San Marino	Europe	2008
Nicaragua	Latin America & Caribbean	2008
Ecuador	Latin America & Caribbean	2009
United States	North America	2009
Bolivia	Latin America & Caribbean	2011
Columbia	Latin America & Caribbean	2011
Georgia	Europe	2012
Malta	Europe	2012
Chile	Latin America & Caribbean	2012
Albania	Europe	2013
Honduras	Latin America & Caribbean	2013
Greece	Europe	No Data
Mexico (Parts of)	Latin America & Caribbean	No Data

Table 5: Prohibition against Discrimination in Employment based on Sexual Orientation

Country	Region	Year
Israel	Asia	1992
Netherlands	Europe	1992
Finland	Europe	1995
Slovenia	Europe	1995
South Africa	Africa	1996
Denmark	Europe	1996
Iceland	Europe	1996
Spain	Europe	1996
Luxemburg	Europe	1997
Norway	Europe	1998
Check Republic	Europe	1999
Ireland	Europe	1999
Sweden	Europe	1999
Romania	Europe	2000
Switzerland	Europe	2000
France	Europe	2001
Belgium	Europe	2003
Bosnia Herzegovina	Europe	2003
Croatia	Europe	2003
Italy	Europe	2003
Lithuania	Europe	2003
Portugal	Europe	2003
United Kingdom	Europe	2003
Austria	Europe	2004
Cyprus	Europe	2004
Estonia	Europe	2004
Hungary	Europe	2004
Kosovo	Europe	2004
Malta	Europe	2004
Poland	Europe	2004
Slovakia	Europe	2004
Andorra	Europe	2005
Greece	Europe	2005
Macedonia	Europe	2005

Table 5 continued

Serbia	Europe	2005
Seychelles	Africa	2006
Georgia	Europe	2006
Germany	Europe	2006
Latvia	Europe	2006
Mozambique	Africa	2007
Taiwan	Asia	2007
Cape Verde	Africa	2008
Mauritius	Africa	2008
Botswana	Africa	2010
Albania	Europe	2010
Montenegro	Europe	2010
Moldova	Europe	2012
Philippines (parts)	Asia	No Data
Namibia	Africa	Repealed in 2004

Table 6: Constitutional Prohibition against Discrimination based on Sexual Orientation

Country	Region	Year
Brazil (parts of)	Latin America & Caribbean	1989-2003
Germany (parts of)	Europe	1992-1995
South Africa	Africa	1994/1997
Argentina (parts of)	Latin America & Caribbean	1996
Switzerland	Europe	2000
Sweden	Europe	2003
Portugal	Europe	2004
British Virgin Islands	Latin America & Caribbean	2007
Kosovo	Europe	2008
Ecuador	Latin America & Caribbean	2008
Bolivia	Latin America & Caribbean	2009
Fiji	Oceania	1997 (repealed 2009)

Table 7: Joint or Second Parent Adoption for Same-Sex Couples

Country	Region	Year
Canada	North America	1996-2009
Netherlands	Europe	2001
South Africa	Africa	2002
Australia (parts of)	Oceania	2002-2010
Sweden	Europe	2003
Spain	Europe	2005
United Kingdom (parts of)	Europe	2005
German	Europe	2005
Belgium	Europe	2006
Iceland	Europe	2006
Israel	Asia	2008
Norway	Europe	2009
Finland	Europe	2009
Denmark	Europe	2010
Slovenia	Europe	2010
Argentina	Latin America & Caribbean	2010
Brazil	Latin America & Caribbean	2010
Mexico (parts of)	Latin America & Caribbean	2010
New Zealand	Oceania	2013
United States (parts of)	North America	No Data

Table 8: Degree of Recognition for Same-Sex Relationships Relative to Opposite-Sex Marriage

Some of the Same Rights as Marriage		
Country	Region	Year
Israel	Asia	1994
Australia (parts of)	Oceania	1999-2007
Croatia	Europe	2003
Luxemburg	Europe	2004
Andorra	Europe	2005
Czech Republic	Europe	2006
Slovenia	Europe	2006
Ecuador	Latin America & Caribbean	2009
United States (parts of)	North America	No Data
Most of the Same Rights as Marriage		
Country	Region	Year
Germany	Europe	2001
Finland	Europe	2002
United Kingdom	Europe	2005
Switzerland	Europe	2007
Mexico (parts of)	Latin America & Caribbean	2007
Australia (parts of)	Oceania	2008-2010
Hungary	Europe	2009
Colombia	Latin America & Caribbean	2009
Austria	Europe	2010
Ireland	Europe	2011
Liechtenstein	Europe	2011
Brazil	Latin America & Caribbean	2011
United States (parts of)	North America	No Data
Full Marriage Equality		
Country	Region	Year
Netherlands	Europe	2001
Belgium	Europe	2003

Table 8 continued

United States (parts of)	North America	2004-2013
Spain	Europe	2005
Canada	North America	2005
South Africa	Africa	2006
Norway	Europe	2009
Sweden	Europe	2009
Iceland	Europe	2010
Portugal	Europe	2010
Argentina	Latin America & Caribbean	2010
Mexico (parts of)	Latin America & Caribbean	2010
Denmark	Europe	2012
France	Europe	2013
Uruguay	Latin America & Caribbean	2013
New Zealand	Oceania	2013

Table 9: Homosexuality Illegal

Country	Region	OIC Member	Commonwealth Member
Algeria	Africa	Yes	
Angola	Africa		
Botswana	Africa		Yes
Burundi	Africa		
Cameroon	Africa	Yes	Yes
Comoros	Africa	Yes	
Egypt	Africa	Yes	
Eritrea	Africa		
Ethiopia	Africa		
Gambia	Africa	Yes	
Ghana	Africa		Yes
Guinea	Africa	Yes	
Kenya	Africa		Yes

Table 9 continued

Liberia	Africa		
Libya	Africa	Yes	
Malawi	Africa		Yes
Mauritania	Africa	Yes	
Mauritius	Africa		Yes
Morocco	Africa	Yes	
Mozambique	Africa	Yes	Yes
Namibia	Africa		Yes
Nigeria	Africa	Yes	Yes
Sao Tome and Principe	Africa		
Senegal	Africa	Yes	
Seychelles	Africa		Yes
Sierra Leone	Africa	Yes	Yes
Somalia	Africa	Yes	
South Sudan	Africa		
Sudan	Africa	Yes	
Swaziland	Africa		Yes
Tanzania	Africa		Yes
Togo	Africa	Yes	
Tunisia	Africa	Yes	
Uganda	Africa	Yes	Yes
Zambia	Africa		Yes
Zimbabwe	Africa		
Afghanistan	Asia	Yes	
Bangladesh	Asia	Yes	Yes
Bhutan	Asia		
Brunei	Asia	Yes	Yes
Gaza	Asia	Yes	
Indonesia (parts of)	Asia	Yes	
Iran	Asia	Yes	
Kuwait	Asia	Yes	
Lebanon	Asia	Yes	
Malaysia	Asia	Yes	Yes
Maldives	Asia	Yes	Yes
Myanmar	Asia		
Oman	Asia	Yes	

Table 9 continued

Pakistan	Asia	Yes	Yes
Qatar	Asia	Yes	
Saudi Arabia	Asia	Yes	
Singapore	Asia		Yes
Sri Lanka	Asia		Yes
Syria	Asia	Yes	
Turkmenistan	Asia	Yes	
United Arab Emirates	Asia	Yes	
Uzbekistan	Asia	Yes	
Yemen	Asia	Yes	
Antiguan and Barbuda	Latin America & Caribbean		Yes
Barbados	Latin America & Caribbean		Yes
Belize	Latin America & Caribbean		Yes
Dominica	Latin America & Caribbean		Yes
Grenada	Latin America & Caribbean		Yes
Guyana	Latin America & Caribbean	Yes	Yes
Jamaica	Latin America & Caribbean		Yes
St. Kits & Nevis	Latin America & Caribbean		Yes
St. Lucia	Latin America & Caribbean		Yes
St. Vincent & the Grenadines	Latin America & Caribbean		Yes
Trinidad & Tobago	Latin America & Caribbean		Yes
Cook Islands	Oceania		
Kiribati	Oceania		Yes
Nauru	Oceania		Yes
Palau	Oceania		
Papua New Guinea	Oceania		Yes
Samoa	Oceania		Yes

Table 9 Continued

Solomon Islands	Oceania		Yes
Tonga	Oceania		Yes
Tuvalu	Oceania		Yes
North Cyprus	Europe	Yes (observer)	

Table 10: Homosexuality is a Capital Offense

Country	Region
Mauritania	Africa
Sudan	Africa
Nigeria (parts of)	Africa
Somalia (parts of)	Africa
Iran	Asia
Saudi Arabia	Asia
Yemen	Asia

Table 11: Unequal Age of Consent

Country	Region
Benin	Africa
Chad	Africa
Congo	Africa
Cote d'Ivoire	Africa
Gabon	Africa
Madagascar	Africa
Niger	Africa
Rwanda	Africa
Indonesia	Asia
Greece	Europe
United Kingdom (parts of)	Europe
Canada	North America
United States (parts of)	North America
Australia (parts of)	Oceania