

BRATISLAVSKÁ MEDZINÁRODNÁ ŠKOLA LIBERÁLNYCH ŠTÚDIÍ

**QUESTION OF IDENTITY AND LGBTQ RIGHTS
BAKALÁRSKA PRÁCA**

BRATISLAVA 2010

Eduard Mrva

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BAKALÁRSKA PRÁCA

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Eduard Mrva

Statutory Declaration

I hereby declare that this work is original, that I have produced this work alone, using my own ideas, with the help of primary and secondary literature, duly cited in text and referenced in the Bibliography section.

In Bratislava, April 30 2010

Acknowledgements

I would like to thank my tutor Mr. Egon Gál for all the help, aid in the concept and content making . I would also like to thank Ms. Dagmar Kusá for the immeasurable help she provided me with the formal side of the thesis, as well as tips for dealing with MS Word. I would like to thank all my friends for all the additional moral support in writing this thesis, as well as BISLA for providing the opportunity for this kind of work to be done.

Question of Identity and LGBTQ Rights (Otázka identity a LGBTQ práv)

Vypracoval: Eduard Mrva

Bratislavská medzinárodná škola liberálnych štúdií – BISLA

Vedúci bakalárskej práce: Ing. Egon Gál, CSc.

Rozsah práce: strán (slov)

Abstract (In Slovak)

V svojej práci by som sa rád zaoberal otázkou identity, práv LGBTQ komunity a ich spojitosťou s politikou. Tiež by som rád naznačil otázku skupinových práv.

Môj postup pri písaní práce bude zahŕňať základný úvod, myšlienkový experiment, naznačenie rozdielu medzi konštruovanými a nekonštruovanými identitami, pokračovať bude teóriou životných plánov, etiky a politiky identity. Zavŕšený bude konkrétnymi implikáciami v bežnej politike a odporúčaniami na ďalšiu literatúru v tejto oblasti.

Ako hlavné zdroje plánujem použiť diela Ethics of Identity (Etika Identity) a Politics of Identity (Politika identity) Anthony Kwame Appiaha, pomocou ktorých načrtnem úvod do problematiky identity v mojej práci.

V ďalšej časti sa budem venovať presahom na identite založených práv do politiky (manželstvá gayov a lesbičiek, rovnosť manželstva s hetero párami so všetkými príslúchajúcimi právami; výchova a starostlivosť o deti). Na záver uvediem možné implikácie pre politiku, keďže ako sa pokúsim dokázať, existujú práva, ktoré sú gayom upierané na základe identity a “inakosti” a tento fakt sa dá v politike pretaviť do agendy, ktorá by zaručovala rovnosť bez ohľadu na identitu a sexuálnu orientáciu.

Question of Identity and LGBTQ Rights

Author: Eduard Mrva

Bratislava International School of Liberal Arts – BISLA

Supervisor: Ing. Egon Gál, CSc.

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Abstract

In my thesis, I'd like to explore the question of identity, LGBTQ community rights and its interconnectedness with politics as well as to sketch the question of group-related rights.

My inquiry will proceed from basic introduction, thought experiment, outline of difference between constructed and non-constructed identities through life plans, ethics and politics of identity to the concrete implications and/or policy making and suggestions for further reading in order to acquire more information about the given topic.

As a primary literature, I will use Anthony Kwame Appiah's Ethics of Identity and Politics of Identity. On this background, I would like to sketch the concept of identity in my thesis.

Later on, I will pay attention to the identity-based rights in politics (such as gay marriage; equal gay marriage rights as compared to those of heterosexuals, LGBT parenting etc.)

In the end, I will try to point out that there are rights that are denied to gays because of their identity and perceived "otherness" and this fact could be used in political agenda that can ensure equality with the majoritarian society, no matter what sexual orientation one have.

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INTRODUCTION

Although homosexuality is older than existence of human beings itself, the existence, not to say the overall acceptance of this fact is present universally in the contemporary world.

The goal of this work is to point out the background of gay rights debate in contemporary society, the current status of political debate concerning the fundamental questions of the rights of gays (later on referred to as LGBTQ community to stress the emic perspective and gender equality; therefore all the notions of lesbian, gay, bisexual, transgender and queer people describe either the LGBTQ community as a whole or, where stressed, the specific gender-sensitive part of the community) focusing mainly on the questions of gay marriage and gay parenting.

In the course of the paper, it will become clearer that the traditional stereotypes behind present-day conservative agenda can not withstand the force of arguments provided by credible institutions all around the world, the everyday experience of countries and people promoting gay rights no matter of their sexual preference and last but not least – the common sense derived from independent, unbiased thinking.

To introduce the background of gay rights activism, its cause and actual need, I suppose we ought to begin with a small thought experiment in order to get in touch, at least with the contours of life forming the background in which there is the need for special identity and identity-rights related conduct.

CHAPTER 1: Thought Experiment

Suppose you are born to a traditional family. In the scope of Slovak society this would most likely mean that you are born to heteronormative, majoritarian self-defined Roman Catholic family. In the more favorable case, you'll be happy to be born to the unorthodox one. Moments after your birth, you are given first institutionalized treatment – you are given your first gender role – are dressed either in purple or blue in order to suit your “proper gender” and first expectations. Sometimes you even undergo your first sex-reassignment surgery – that is, when deemed “necessary and easy to operate” or possibly shocking for your parents even without their (not to mention your) consent.

When you finally arrive at home, there is this great possibility that in the beginning, you'll find yourself surrounded by either “gender-neutral” toys (while your gender-appropriate dressing would most likely continue as it began in the hospital). However, as you'll continue to grow up, more and more of the gender neutrality around you will disappear – you'll be given toys “appropriate” for you – ships, toy hand tools, toy cars, trains, guns or robots for boys and Barbie dolls, toy vacuums, kitchen, post office sets, costumes or beauty accessories for girls.

These poses first prerequisites on your behaviour while discouraging you from the inappropriate one: as a girl, you are encouraged to gradually help your mother with some of the household chores, to let your hair grow as long as you wish, you are introduced to the “women's world”, magazines, hairstylists and are encouraged to find fellow female friends with “common interests” while discouraging you from the others – you are being discouraged from “behaving like boys” – playing hockey, being loud and cheeky, climbing the trees or playing agents or shooting the air guns.

As a boy, you are encouraged to follow the example of your father as a “strong man”- you are encouraged not to express your emotions, talk to the point, be assertive, perhaps play some kind of “manly sport” like hockey or football, you are introduced to the “man's world” where you are supposed to take advantage of your masculinity and position to have “say” in the world around you – from the inequality you can experience

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at home – with mummy doing all the chores and cooking while father entertaining himself with his friends or perhaps watching TV or going to play football after work. At the same time, you are discouraged from “behaving like girls do” – you are discouraged from growing long hair, using make-up or dressing “inappropriately for boys” – wearing high-heeled shoes, navel-revealing t-shirts, etc.

After this basic family education you start attending school, where they try to impose this heteronormative thinking and subsequent gender roles upon you – you read and see in your primer that mommy cooks while daddy reads the paper or smoke pipe on the couch, mommy hangs out the washing, little Mary helps her while little Johnny is playing football with daddy, you are thought about the ideal mommy-daddy families, kids accepting them as their role models and, in the end, as you are confronted with such model both at home and in school – even among peers who have the same childhood experience.

Now everything out of this heteronormative ideal is condemned as wrong, eventually enforced by some kind of bible interpretation if your parents are part of orthodox religious community imposing the religious moral mores upon you. Now imagine that from the very beginning of your life your feelings are different from those accepted in this kind of background and you are brought before the task to seek and find means to express yourself without proper support. In order to do so, you have to look for means that were not passed to you by your background influenced by the heteronormative system you and them were born to.

One of the first problem you are to face will be the gap between your own identification and the labels the majoritarian society around you would like to impose on you with all clichés and stereotypes that go hand in hand with them, not to mention the restrictions you are expected to conform to following from your new status in the society.

In the following chapter, I’ll try to point out the basic difference between ascribed identity and self identification, as well as constructed and non-constructed identities and the extent to which any kind of identity could be constructed externally. In this task, I’ll use Anthony Kwame Appiah’s *Politics of Identity* as a main reference.

CHAPTER 2: Crucial Difference: Constructed and Non-constructed Identities

When speaking of identities, there is the natural question of what sort of “things” could be regarded as identities. Another meaningful question could be how an identity is “constructed”, that is, along what lines an identity is constructed and to what extent. Hand in hand with this question comes another one, concerning the identity as either personal or group- dependent. If the answer to such question will be unclear, we have to try to decide to what extent an identity is personal and to what it is an in-group construct.

To answer the first question we should define identity as a kind of individuality-constituting element crucial for one’s life plan and reflection of its success. I’ll try to assess the notion of life plan in greater detail later on in chapter 3. Identities often include notions that help to imply side-information about particular person (or people). They also serve the identification role as people tend to identify themselves with certain groups affecting their identity-consciousness and confidence in the conduct of their lives. People also tend to compare “their” group with those other ones, thus creating the “in-group” and “out-group” consciousness. In the identification and comparing we can often find the roots of labeling as well as stereotyping. Apart from that, each group strives to be different from the others while, at the same time, tries its best to be widely accepted by other groups. The sum of these groups could then be characterized as a particular society, the wholeness of its components – let us say state. Even though there could be identities that are particular state dependent only, there are lots of common identities all over the world that constitute international identities and communities across the world that deal with their issues via international cooperation.

In a way, we can describe the identities within a state on the example of the world as a sum of all its nations looking for cooperation and recognition.

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Therefore, although there are different lesbian, gay, bisexual, trans-, cross-, inter- and queer communities all over the world, facing different kinds of treatment, they can join other LGBTQ communities all around the world to fight for the common rights and support each in the process, much like the individuals of the same identity within the state do.

We also have to ask ourselves what kind of identities and along which lines are they constructed. We could make a difference of the types of identity based on the extent to which we are able to create, make or redo our identities. Let us claim that there are identities that we are able to change, construct or reconstruct according to our wishes. For example, I can change my religion or profession that was basis of my identity as lawyer, Jew and broadsheet reader and be let's say Christian grocery shop owner and tabloid fan. Let us call these kinds of identity constructed ones.

Then we have identities that we are not able to alter. I can change my religion, profession or favourite paper but it would not have any kind of impact on the fact that I was male gay at birth. Neither could intersex and transgendered people choose nor construct their sex according to gender they were born with, as well as heterosexual woman could not do much with the fact that she was not born man. Let us call these identities non-constructed.

Identities as such could be constructed around various realities of one's life, whether constructed or non-constructed and could end up as a part of one's life plan and later-on assessment of its success by either self, other people within group (society) or both. In this manner different groups could be assessed by the society. (In the domain of non-constructed identities we could speak, for example about gender identities, feminist gender-consciousness, lesbian, gay, bisexual, transsexual, intersexual, heterosexual etc. identities. Within constructed identities we can speak of identities constructed around religion, class, political affiliation, profession and different other preferences.)

The last question I want to address regarding this topic is whether identities are personal or group-dependent. My suggestion would be to think that identities are both

personal and both in- and out-group-dependent (on the construable level). This is because our identity-consciousness is turned on only in interaction with people around us, creation of our personal identities through our personal experiences in society while we partially give shape to the society, own in-group and out-groups through our acts in our lives, as well as the society as a whole, its in-groups and out-groups do shape ours.

It simply won't help you much with your heterosexual identity-awareness activation were you stranded alone on a desert island as you would have no background with which you'll have to interact to express your sexuality towards them (and most likely will end up being asexual for the duration of your stay there). However, as soon as you'll get to the society, it would start to treat you in some ways and you will be expected to behave in some way, while partially influencing the part of the society you returned to.

Now imagine a lesbian, growing up in a heterosexual society. Until some age, say 10 or 15, she would grow up, knowing only about her "otherness" as she compares herself with the majority background she is exposed to and as she starts to be treated differently than others for not fitting in the heteronormative sets of behaviours and expectations. At the age of 15, however she will meet another lesbian and gay people and finds out that she is not "strange" or "weird", that there are much more people "out there" like her and that she is "quite normal" despite the fact she loves girls. Year later she would probably come out to her parents and most likely experience one of the first anti-in-group-leaving¹ pressures. Since her early childhood, however, she'll be working on making her own individual identity, given all her childhood experiences, dreams, life plans and life as she lived it herself and this would be the basis of her individuality that, apart from her gender and sexuality made her who she is. Now, however, both her self- and now-out-group status is rewritten to the new level as she considers and is considered lesbian. Now she is treated as lesbian both by her new in-group, the LGBTQ community and former in-group, the heteronormative majoritarian society. Now she has to respond to challenges she faces from the

¹ By the anti-in-group leaving pressure here I mean the presupposed heterosexuality heterosexuals do ascribe to any newborn member of the society given by their heteronormativity

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heterosexual society – the assaults on her personality, her rights to marry and have family etc., while she interacts with both the LGBTQ community, partially forming it with her individuality and in turn partially being formed by it as she is taking part in at least some of the LGBTQ events that shape her life and tries not to cast a bad light on fellow lesbians and their endeavour.

We found out what could be regarded as identity, how an identity is constructed (along which lines), to what extent, as well as whether it is simply personal or a result of in-group construct.

Now let us switch to the question of personal life plans and ethics of identity.

CHAPTER 3: Life Plans and Ethics of Identity

In this chapter, I would like to introduce Anthony Kwame Appiah's argument on construction of one's life and its interconnectedness with the issue of identity, identity politics and identity-related rights. Aside of that, it will serve as a basic argument for the question of government intervention in the private affairs of its citizens.

“One's own political preoccupations could be considered as politics. Identity politics, then is what other people do, based on their perception of self and their background. For example: when someone in France suggested that gay marriage was a good idea, some of the French people complained this was just an imposition of another American-style identity politics. (As in France “American-style” could be used as a synonym for “bad.”)

The question is why should “les gays” insist on special treatment. To answer such question, French policymakers created the Pacte Civil de Solidarité (PACS), whose points is that marriage is open to any two individuals, as sexuality has nothing to do with the government.” (Appiah, 2006, p. 15)

From this point, we can state question in this way: “how someone who, on one hand claims that sexuality as a private affair is of no state business (as some “economic-liberal” conservatives do) could say that civil marriage should not be open to gays (while still refusing to admit that he is following heteronormative politics)?” Or, on the level of government: “how can the government say that sexuality is out of state business while it is actively denying gays the right to marry?”

Because of such questions emerging, Appiah proposes his explanation why identity matters: The problem of identity is characterized by the fact that although it might not be the best word for bringing together the roles of gender, class, race, nationality etc. on play in our lives, it is still the one we use. The second main problem is that it suggests that the defined groups are internally quite heterogeneous, while there are, in

fact lots of different inter-group identities one can attach to (one mustn't be attached to schmaltzy songs, Roman Catholic religion, eat meat etc. while being gay for example). To answer such problem, we have to be aware of such diversity in our further debate (Appiah, 2006, p.15).

Another problem is whether the constructed identities have something in common. To answer this kind of problem, we could, for example, take the nominalist approach in order to try to explain how identities work by talking about labels (or names of identities) for them, as based on:

1) "Ascription (Properties under which people are sorted as X with traits not equally applicable to every one member. For example: Are F-to-M transgender people men? (there could be different conceptions between LGBTQ people, heterosexuals, transgender people and that particular person as such); Are Muslims really French? – such forms of identity politics involve negotiation (not necessarily by way of the state) of the boundaries of various groups).

On the other hand, this is not just a matter of what people say about you or whether they are polite or not, as it may affect what resources you have access to (for example, if secular gay marriage is not treated as equal to heterosexual one, you might not be able to adopt children or have any kind of marriage benefits, such as bank loans and mortgages for married couples or, if being a devout Muslim is inconsistent with being French, you might not be able go to a state school with you hijab on)" (Ibid., 2006, p.16).

2) "Identification (the mere ascription (labels given to X by Y) don't make X who they are. What makes classification a relevant social identity is partly that being an X figures in given people's thoughts, feelings and acts. For example, when a person thinks of herself as a lesbian in the relevant way, she identifies as a lesbian, which means she sometimes feels like or acts as a lesbian. This can exhibit itself in different ways. For example, she could help a fellow lesbian or LGBTQ community member (if she wants to openly identify herself with the LGBTQ community) with her coming out or any relevant issue because the other person is lesbian, too. In other words, to feel like a lesbian is to respond affectively in a way that depends on your identity as a

lesbian. You may feel proud of Mary, a fellow lesbian (or fellow Englishwoman, for that matter) who just scaled Everest by herself.

(Politicians mobilize this sort of feeling all the time, when they can – therefore, there is the is more open space for a politicization of identities)”

(Appiah, 2006, p. 16).

3) “Treatment (To treat someone as a lesbian is to do something to her because she is a lesbian). The treatment of other lesbians (or fellow Englishwomen, Englishmen or LGBTQ community) aimed at Mary or pre-coming out lesbian partly because she is lesbian (or English). Kindness of this sort is a common form of treatment directed toward fellow in-group members, as well as unkindness is an equally frequent form of treatment directed toward out-group members.

(Here, there is a room for government intervention as people are trying to use government to enforce their likes and dislikes)” (Ibid., p.16).

4) “Norms of identification (are partially useful because once we ascribe an identity to someone we can often make predictions about her behaviour on that basis. This is not just because members of the group have, or tend to have, certain properties, but also because social identities are associated with norms of behaviour for them. People don’t only do and avoid things because they are gays; there are things that, as gays, they ought and ought not to do (in ordinary, not moral sense) – for example: in formal conduct, men ought not to wear dresses, gays ought not to fall in love with women, Jews ought not to eat pork).

To say such norms exist isn’t to endorse them. The existence of a norm that one ought to do something amounts only to its being widely thought and widely understood to be thought that one ought to do something” (Ibid., pp.16-17).

“But if we are going to deal with identity, it is reasonable to ask how large a part these identities should play in our political lives, whether we take politics in the narrow sense of our dealings with the state, or more broadly, as our dealings in social life with one another” (Ibid., p.17).

We also should take a look on the division between constructed and non-constructed identities.

To assess the problem, Appiah proposes it could be helpful not to start the inquiry with politics, direct social life assessment but rather with the “ethical life of individuals”. Ethics reflects here what it means for human lives to go well, for us to have eudaimonia (a kind of flourishing) (Appiah, 2006, p.17).

Ethics, in this sense, has important connections with morality. Richard Dworkin’s distinction between the two is that while ethics includes convictions about which kinds of lives are good or bad for a person to lead, morality includes principles about how a person should treat other people (Ibid., p. 17) citing Dworkin, *Sovereign Virtue*, 2000, p. 485).

It is important to keep in mind that each of us have a life to live. Even though we face many moral demands, they are leaving us many options. We mustn’t be cruel, for example, but we can still live our lives without these vices. “But even though we have to take into account our physiological and mental constraints, each human life begins with many possibilities, as everybody has (or at least should have) a great variety of decisions to make in shaping a life. The philosophical liberal’s point of view then is that these choices belong, in the end, to the person whose life it is” (Ibid., pp. 17-18).

The standard for personal assessment of self-flourishing is partially set by aims I define for myself, partially by managing my life on my own provided that I gave others their moral due, with any kind of coercion or intervention apart from advice offers (whether state or from other group or individual being bad).

From the liberal standpoint, such as that of the Mill based on Wilhelm von Humboldt’s *Limits of State Action*, people need other people to fulfill their individual wants and capacities, to participate in the rich collective resources of the others that could be accomplished without tampering one’s individuality (Ibid., p.18).

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For Humboldt, counting the non-constructed identities among identities is an advantage as they are as important as constructed social identities in our lives. In Humboldt's opinion, for example, marriage should be defined as ““the union of the sexes”, which goes very close to discussing gay relationships, too. “Spouse”, in such classification is only relational word (like “father” (not to say that such role is constructed from outside in its heteronormative bias)) that fits the given model” (Appiah, 2006, p.18).

For Appiah, it is equally important “to put the social identities we normally talk about in the context of all these others, because the feature they all share, from the point of view of ethics, is that people make use of them in seeking eudaimonia.” (Ibid, p. 18) One of the answers that might arise because of diversity of social identities might be answered etiologically as a response to our evolution as a social species designed for the game of coalition building in search of food, mates and protection constituting the basis for in-group solidarities and out-group antagonisms, as well as it is used to construct our human lives with identities playing the role of central resource heap in this process.

Morality - what we owe to each other - is also part of support on which we make that construction, as well as various projects of life we are undertaking are.

Identities could be said to be so diverse and extensive in part because, in the modern world, people need an enormous array of tools in making a life and there is a need constantly to create new identities (the identity “gay” as we know it nowadays with all its features being basically 50-90 years old; punk being younger (there is the need to say that what was enough to construct identity hundred or thousand years ago simply is not enough nowadays)) (Ibid., p.19).

Mill's notion on this subject includes notion that if it were that people only had diversity based on taste, even this would be enough not to shape them after one (officially accepted) model. However, because different people also require different conditions for their spiritual development and can no longer exist in the same moral,

then the same things which are helps to one person towards the cultivation of his higher nature could be perceived as hindrances to another.

Unless there is a corresponding diversity in their modes of life, they neither obtain their fair share of happiness, nor grow up to the mental, moral and aesthetic statures of which their nature is capable.

To assess the problem of identities in politics in some way, philosophers such as Hegel proposed the project of “politics of recognition”, as the responses of other people obviously play a crucial role in shaping one’s sense of who he is.

According to Charles Taylor, this process begins in the intimate life: “on the intimate level, we can see how much an original identity needs and is vulnerable to the recognition given or withheld by significant others”. Relationships for him are “crucial because they are crucibles of inwardly generated identity” (Appiah, 2006, p. 19).

However, our identities don’t depend on interactions in intimate life alone. Law, school, church, work and many other institutions also shape us. However, this fact doesn’t tell us what role (if any) state should play in the regulation of such acts of recognition (Ibid., p. 19).

Unfortunately, we live in societies that have not treated certain individuals with respect because they were, for example, women, gays, blacks, Jews and so on. Because, as Taylor implies, our identities are dialogically shaped, people who have these characteristics find them central – often negatively in their everyday experience – to their identities. The politics of recognition is starting, then when we grasp that this is wrong (Ibid., pp. 19-20).

One of the forms of approaches pursued by those who have these identities involves seeing them not as sources of limitation and insult but as valuable parts of who they are. And since a modern ethics of identity (which goes back to Romanticism) requires us to express who we centrally are, moving to society recognize them as women,

gays, African Americans or Catholics and do the cultural work necessary to resist the stereotypes, challenge the insults and lift the restrictions (Appiah, 2006, p. 20).

Since the old restrictions suggested substantially negative forms of identification, constructing a life with dignity entails developing positive norms of identification instead. For example, an American gay after Stonewall and gay liberation takes the script of the closet, and works, in community with others, to assemble a series of positive gay norms of identification. This new conception recodes being a faggot as being gay, which requires, among other things, declining to stay in the closet (Ibid., p.20).

But if one is to be out of the closet in a society that deprives gays of equal dignity and respect, then one must constantly deal with assaults on one's dignity. Thus the right to live as an "open homosexual" is not enough. It is not enough to be treated with equal dignity despite being gay; for that would mean that accepting that being gay counts to some degree against one's dignity. Instead, one must ask to be *respected* as gay (Ibid., p. 20).

Such project could be easily ascribed to conduct in one's individual life. However, the question remains what could this mean for the state? On one side lies the individual oppressor whose expressions of contempt may be part of whole or she is, and whose rights of free expression are presumably grounded, at least in part, in the connection between individuality and self-expression. On the other, the oppressed individual, whose life can go best only if his or her identity is consistent with self-respect. How, if at all, is the state to intervene? (Ibid., p. 20)

There are undoubtedly all sorts of things that might be done here: laws against hate speech or verbal harassment in the workplace, state education for tolerance, public celebrations of the heroes of the oppressed etc. But it is important to see that, while members of groups that have experienced historical exclusion, contempt, or obloquy may indeed need new social practices in order to flourish, what they are seeking is not always recognition. When lesbians or gays are asking for the right to marry they are

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not actually asking for recognition of their identity but, more precisely, for the right to marry itself – it is the act of asking for rights that would be worth having even without recognition (Appiah, 2006, p. 20).

In social life, too, it is equally important not to pursue a politics of recognition too far. If recognition entails taking notice of one's identity in social life, then the development of strong norms of identification can become not liberating but oppressive.

Even though my sexuality may be one of the elements of my individuality, someone who insists that I organize my life around it is not an ally of individuality (Ibid., pp. 20-21).

One of the criticisms of identity politics consists, then in pointing out that there's much more than recognition when people ask to be recognized. This, according to Appiah, resembles the old-school Marxist criticism that identities other than class-based get in the way of seeing where our real interests lie. The point here is not just that recognition isn't all that matters. Indeed, because our identities shape our aims and our aims help fix our interests, we can have real identity interests as well (Ibid., p. 21).

For example, many people in the United States voted for George Bush in part because they wanted someone who was, like them, an Evangelical Christian, in the White House. They voted as evangelicals. Now, many of them would possibly not get along his policies that they value because of who they are – for example health care, pension provisions for the poor, tax policy, VAT taxation, not losing their daughters and sons in foreign adventures and so on.

To add to such inconsistency, even though being evangelical Christian, Bush could not have done anything in the field of so-called social issues hard core Evangelical Christians are thought to care about: stopping abortions, refusing to recognize lesbian and gay relationships in any way and getting lots of mentions for god in public life. (So what Bush says about homosexuality or abortions is what draws them to him,

even though they should have picked somebody else if they cared about actual policies rather than identity) (Appiah, 2006, p. 21).

Such kind of policy affiliation is actually a deep feature of modern political life. We identify with people and parties for a variety of psychological reasons, including identifications of this prepolitical sort and then we're rather inclined to support the policies of that person or party. This is, in part, because Lakoff's sensible (and lightly manipulable) 70 to 80 percent of the population have better things to do than work out (all by themselves!), what the proper balance should be between different pension system or if they are asked about gay rights, they often pick policies (if they even think about them) they think they would pick had they enough time to think about them.

So here, as in many places of life, it seemed to be sensible to make a cognitive division by creating political parties reflecting political identities – right, left-wing, Republican, Democrat, Christian, Liberal, Tory, Socialist, Social-Democrat, Greens, Marxists, Labour parties, various religious movements, political sects of all sorts and so on.

“In many of the advanced democracies, party affiliations are less strong than they used to be, and other identities are bearing more political weight. This is partly because many of the older party affiliations were close-based, and social class as defined by one's work has declined in significance in people's identifications. One could have witnessed this kind of shift in the American politics after the 60s, for example. (Ibid., p. 21).

To sum up this argument, we can speak about identity politics in at least seven different ways:

- 1) Political conflicts about who is “in” and “out” of particular group
- 2) Politicians can mobilize identities
- 3) States can treat people of distinct identities differently
- 4) People can pursue a politics of recognition
- 5) There can be a social micropolitics enforcing norms of identification
- 6) There are inherently political identities manifested as party affiliations
- 7) Social groups can mobilize to respond collectively to all of the above”

(Appiah, 2006, pp.21-22).

Now, I would like to turn your attention to the questions of identity, identity-based political rights, arguments and their implications for the actual political life on the example of Slovak republic. From this kind of example, implications could be drawn for the actual political realities in different countries all around the world, as there are striking similarities (as well as differences) in treating LGBTQ community present all around the world. My attempt here would be to point out these in the clearest way possible.

CHAPTER 4: Politics of Identity and Its Implications

As we have seen, the policy-sensitive questions of LGBTQ identity include the conflicts between various groups on the issues of in and out-group membership, political mobilization of identities, different (often discriminatory) treatment aimed at different groups and communities within society. In process, these modes of treatment are often institutionalized in the school system, various institutions responsible for human well-being, (thus creating the heteronormative standards, according to which the “otherness” is treated) and in the society by creating “otherness stigma” and misrepresentations of the LGBTQ community.

In response to this kind of treatment, affected communities, such as the LGBTQ community pursue a politics of recognition and (or) equal rights. These rights include areas such as equal marriage rights - with the same employment rights as those of the heterosexual people with leaves when the partner is ill, the right to be informed on his or her state of health and other medical conditions accessible to heterosexual partners. Also housing rights, for example the couple loans for buying a common place to live, heritage and parenting rights - from the right to adopt children through agreement-based third party pregnancy, sperm donations according to personal arrangements between consenting parties (with the right to use male sperm-male egg and female sperm-female egg reproduction in the near future if the partners chose so) and subsequent non-heteronormative family arrangements are of great importance.

Apart of that we should be aware and open to any kind of “otherness” and our reaction to it, perhaps employ our deliberative thinking and think suspiciously about existing “given truths” about “other people”. Knowledge of diversity and broader contacts as an enhancement of both social and cultural capital ought to be taken at least for its social advantages) – we can think of the advantage of knowing more languages in our everyday life or the importance of contacts we made during our lives. This means that rather to judge someone according to existing majoritarian

standards, we should educate ourselves more, be active – create networks of likely minded people and pursuit (work) on the common goals. It will be also helpful to employ our trust to enhance cooperation with one another– one day you’ll help help someone you know, tomorrow he or she might help you with something you need, too.

So the question may seem to be “What to do about it? How To achieve this goal?”. In the course of this work, I tried to point out the importance of history – from personal to the overall that is crucial in telling others about self, as well as in the end it serves as a common expression of a group and message to the others – be it groups, communities, peoples or “states”.

Therefore there is the need for LGBTQ history to be included and strengthened in every country in order to strengthen the identity consciousness, the idea of a common group and give insights to the majoritarian society about own community. In this undertaking of great help could be the net of LGBTQ and LGBTQ-friendly institutions and individuals. This means for example to encourage gay or gay-friendly historicists to cooperate more closely with the community and do more community-oriented research. Then there will be the space for them to produce well-founded accounts of their own community and via channels of their expertise help to add to the existing knowledge and produce a new history book for example or open some history-related question.

This implies the need for bilateral education and field for cooperation between LGBTQ people and the majoritarian society in a kind of two way relationship, based on growing number of highly-educated, openly gay people in the public sphere – whether media, research, academia or think-tanks that would be able to help present the community more realistically and address the most relevant problems as they are a part of the community and have the best touch with it.

Via this kind of interaction, gay people are more likely to prove that the prejudices majoritarian society have towards them are solely in some minority peoples heads and has nothing to do with reality. Thanks to these LGBTQ-friendly channels common

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people could know LGBTQ people, their real problems and way of life more and would not be afraid of the unknown and in the end will realize that after all they are all just human beings, no matter who they love.

This brings us to the fundamental point and implication of the debate of politics of identity and its implications. Majority of LGBTQ issues are demands for basic human rights – the right to live happily with one's loved ones, the right to private property, the right to live in and have a family if he or she feels like having one.

Therefore the debate is no more just about a question of human right acceptance, going along or their violation as when unfulfilled, it is deprivation of full accomplishment and life of a human being if some people are deprived of them and there is no authority in this world that should be given the right to select whose life is worth fulfillment and whose is not.

Thus the struggle for equality is the struggle for basic human rights that should be accepted in any democratic country as there should be no distinction being drawn between its citizens just because of their sexual orientation in matters that affect the fulfillment of their lives and deny them some of the things that can make it even better while it is obvious from their human nature that they are able to carry on such life.

In the process of self-reflection and studying in order to acquire more deep and background information, one will steadily become more and more aware of the difference between hetero- and non-heterosexual treatment in its deeper, more subtle form. As a heterosexual, no one questions the heteronormative model you impose on the whole of society and no one takes your sexuality as a transitional step in your development. Also, no one questions the normality or morality of your sexuality and have the urge to study yourself as a prime sociological or psychological example, looking for your difference from the others and provide comments on your behaviour. It is also quite uncommon among heterosexuals to question the preference of fellow heterosexual's partner or the urge to have a family. It is also unquestionable given that state should provide financial help in creating a common household, give heterosexual couples loans and provide them support at their workplace in order to

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care for partner in the case of illness, as well as no medical personnel can deny you the right of information about your partner was he at the hospital.

Sexuality and parenting concerned, as a heterosexual no one questions your right to marry your loved one and obtain the same rights, being it the above-mentioned material rights, sexuality and reproducing rights and parenting rights – no one asks is able to question why have you chosen this particular partner, why do you want to live with him or her for the rest of your life and why do you want to have and raise a child together or how many children should you have (Regarding LGBTQ people, we can even think of countries that impose “norms” to the extent of legal claims of what kind of intercourse is more “sinful” than another).

Also it comes hand in hand with this that the state actually denies thousands of left-alone kids from state and private child-care institutes the right to loving parents and happier childhood, be it among lesbians, gays, bisexuals trans-, intersex people or even heterosexuals that are not officially married and we have to ask ourselves a question – wouldn't that particular child be really better off with a loving “queer” family than without any family at all?

In our quest of personal development, it should be our goal to identify and cope with the arguments of our opponents in a civilized manner, through public life activities such as discussions and political activism in order to show the preparedness for the dialogue and showing to the world that our case is defensible, filled with argumentation while there is the possibility that the conservative agenda will prove to be insufficient given their irrational fears, prejudices and from this originating hate speech.

However, the conservative arguments must be studied and accessed with great care and good deal of effort is to be invested in proving their faulty character, while, at the same time, there will naturally come the need to create own agenda, on which LGBTQ rights and political issues can stand firmly in a kind of cornerstone of a debate.

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In this kind of debate, the above mentioned equal right claims could be used, such as the inherently human character of LGBTQ people with inalienable rights to live happily, creating community and peer groups as they wish, the family while enjoying the same needs heterosexuals have in their lives in order to be able to construct comparably good life.

In order to create such LGBTQ agenda, one needs to assess the conservative agenda. I'll try to briefly assess the conservative agenda, proving the most faulty and stereotypical notions it contains.

One of the most profound conservative arguments is that homosexuality is unnatural and inherently human, trying to draw lines of argument between psychology of individuals, "the possibility to choose that is inherently human" and a kind of "gay-supportive environment" theories that, according to them have no precedence in the reality of Animal kingdom.

Quite to the contrary, there is several documented evidence of lesbian, gay, bisexual and transgender behaviour in animals as well as there are documented cases when gay animals were able to take active role in fostering care of the young ones of their species were they given the opportunity to do so (in the cases of death of the biological parents or were the young ones rejected by the biological parents, or by the zookeepers when in non-natural environment) as there are no possibilities for gay animals to have own babies.

"The range of behavior, from same-sex cooperating to pair bonding [a couple-like arrangement] among some animals, including cheetahs, bottlenose dolphins, and silver gulls, can last temporarily or a lifetime...Over the years, some scientists have used double standards when observing sexual behavior in animals...If they couldn't tell the gender or genders of the animals involved, they would assume the pair were of opposite sexes. When observed, homosexuality has been dismissed as aberrant, unnatural, even criminal...Courtship, sex, affection, gathering food, finding a home--they have all been observed among a range of partners, from heterosexual to

homosexual to somewhere in between...And there are some animals who don't have sex at all...Same-sex couplings occur in the presence of the opposite sex, in and out of captivity, and in and out of mating season..." (Bagemihl, In. The Advocate..., by Max Harrold, 1999).

Their second main line and most common reaction is that homosexuality is only an recent phenomenon related to some kind of rotting morals.

In order to counter this kind of argument, we have to return to archaeology and history that provides us with the accounts of homosexuality as old as the humanity itself and its visual and material records.

The first evidence of homosexual couple comes from ancient Egypt from the depiction of Khnumhotep and Niankhkhnum, royal servants to the King Niuserre during the Fifth Dynasty of Egyptian pharaohs around 2400 BC., discovered by Egyptologist Ahmed Moussa in the necropolis at Saqqara, Egypt in 1964, during the excavation of the causeway for the pyramid of King Unas (Dowson, 2006, p.96; Rice, 2001, p.98).

From accounts such as this one we can see that the homosexuality was perceived as normal, as something so natural that it was not even worthy to comment as distinct phenomena within society as it was its inherent component.

The change in the relation to gay people came in my opinion hand in hand with the outbreak of certain forms of monotheist religions, mainly the influence the future Roman Catholic Church exercised over the Roman empire during the period of its split and later downfall.

The first great purge against LGBTQ people took place in the year 390, by the Christian emperors Valentinian II, Theodosius I and Arcadius who declared that homosexual sex to be illegal and those who were guilty of it "were condemned to be burned alive in front of the public" (Theodosian Code 9.7.6).

From this kind of account we can see that the acceptance of homosexuality was widespread in the pre-Christian world as we will be forced to admit that the non-European countries before contact with Christian missionaries tended to be more gay-friendly than the Christian ones. A very good example of this fact could be the Pre-contact Americas, where there were even a special social roles for transgendered people and these people were kept in great esteem while occupying the highly-respected positions of shamans, healers, religious and personal mediators or warriors within given society to include only some of the examples. In this regard we can speak about the native North American tribes with their concept of Two-Spirits.

„Berdache (from French, from Arabic bardajo meaning "kept boy") is a generic term used by some for a third gender (woman-living-man) among many, if not most, Native American tribes. There are terms for these individuals in the various Native American languages, and the term "berdache" is frequently rejected as inappropriate and offensive by Native Americans, many of whom prefer Two-Spirit, which usually implies a man spirit, and a woman spirit, living in the same body.

These individuals are often viewed as having two spirits, and two sexes, at the same time. Their dress is usually mixture of male and female articles. They have distinct gender and social roles in their tribes. For instance, there was one ceremony during the Sun Dance that was performed only by a member of this group. (See winkte.)

Two-spirit individuals perform specific social functions in their communities. Some are counselors, therapists of sorts, while others are shamans or spiritual functionaries. They study skills including story telling, theater, magic, hypnotism, healing, herbal medicine, ventriloquism, singing, music and dance.

The word "berdache", though not universal, is most often used today to signify a traditional cross gendered "male" performing in a shamanic function in any society from Native American (with the above semantic caveat) to Siberian to Island-Pacific. Some examples of Berdache or Two-Spirit tradition in history include the Spanish conquistadors who met a two spirit shaman in every village they entered in Central America and whom they then killed. The Hopis used to hold a ritual in which a 16 year old boy was dressed as the Corn Goddess. All the men of the village then performed anal sex with him in order to bring fertility to the corn crop for the year. Subsequently a huge feast was held in the youth's honor.

There are descriptions of two-spirit individuals having strong mystical powers. In one account, warring braves of a rival tribe ride up to attack a group of foraging women when they perceive that one of the women, the one that does not run away, is a two-spirit. They halt their attack and retreat after the two-spirit counters them with a stick, determining that the two-spirit will have great power which they will not be able to overcome.

Today, groups of cross gendered male bodied persons have picked up the tradition of the two-spirit and put them into practice. These groups include the Radical Fairies, the Sisters of Perpetual Indulgence and others “ (Unknown, Native American Shamanism..., 2005).

One of the last major subgroup of arguments radical conservatives often propose in dealing with LGBTQ community is that they found homosexuality to be a kind of psychiatric disorder, environmentally based and development-related, reflecting childhood experience and upbringing. However, these “theories” are either based on personal bias, early pseudo-psychological studies based on 19th century theory that they conserved in time or they follow the theory of individual psychologists out of academically accepted community that try to “cure” homosexuality by ridiculous combination of social environment change experiments, substitution of existing peer networks with “more heterosexual” ones and shift of hobbies to the “more manly” (or “more feminine”, respectively) or assuming gay people should seek “help and support” in the hands of their religious communities.

The basis such theories tries to operate tend to be the cases such as single sex prisons where, according to them, a shift of sexuality is evident. However, they tend to overlook the fact that the “shift” is not present in each and every prisoner in a given setting as should be expected from their theory that could be summarized as “taking advantage of the only possibility to satisfy their sexual needs in this way”. Also, they are unable to deal with the counterarguments pointing out the possible suppressed bisexuality or bi-curiosity of those engaging in same sex relationships in prisons.

It not need to be noted that such theories are not defensible as they have no evidence nor background behind them to support such “treatment”, aside of observed fact that it only brings untold suffering for those exposed to it with no effects in the end as each (not only) human beings’ sexuality is naturally innate and any attempt to alter it ends only in cognitive dissonance that must be consequently treated by real experts in the field and that could have been avoided.

The scientifically confirmed, evidence-based position of institutions such as APA, American Psychiatric Association, Association of American Psychoanalysts, American Academy of Pediatrics, National Association of Social Workers or Royal College of Psychiatrists is clear:

Currently, there is no scientific consensus about the specific factors that cause an individual to become heterosexual, homosexual, or bisexual — including possible biological, psychological, or social effects of the parents' sexual orientation.

However, the available evidence indicates that the vast majority of lesbian and gay adults were raised by heterosexual parents and the vast majority of children raised by lesbian and gay parents eventually grow up to be heterosexual (APA, 2006; “In re Marriage...”, 2007).

To the speculations about nature of possible developmental influences on one's sexuality, the Royal College of Psychiatrists stated in 2007 that:

*...Despite almost a century of psychoanalytic and psychological speculation, there is no substantive evidence to support the suggestion that the nature of parenting or
early*

childhood experiences play any role in the formation of a person's fundamental heterosexual or homosexual orientation. It would appear that sexual orientation is biological in nature, determined by a complex interplay of genetic factors and the early uterine environment. Sexual orientation is therefore not a choice...

(Royal College of Psychiatrists, 2007, p.2).

CONCLUSION

In the course of this work, I tried to slightly touch the vast majority of themes behind the debate of identity in relationship to LGBTQ rights.

Although homosexuality is as natural and commonplace as diversity of opinions and fine preferences we have in our everyday lives, it is still dealt with through a taboo of ignorance and stereotypes created by the majoritarian society.

However, as I tried to point out, this taboo exists from a given time only, could be traced as corresponding with religion while the exact reason remains unknown to me to this day.

I also tried to show the importance of personal stories adding to the overall history of a LGBTQ community as a factor contributing to the construction of own identity.

I tried to touch the question of what is identity and how is it constructed. In this exercise I was led by Anthony Kwame Appiah's works *Ethics of Identity* and *Politics of Identity* and insights found in these works.

I tried to point out the difference between in and out group consciousness and its impact in constructing an identity – for example, gay people have some notions about themselves as well as the majoritarian society has some about them, too. The identity is, then, taking inputs from both self-perception and the background towards which it constructs itself as something special and unique and I tried to point out the importance of this interaction as a kind of neverending process that adds to the concept of identification with a particular group.

I also tried to make a basic distinction between constructed and non-constructed identities. To the constructed ones you can count identities such as those based on your job affiliation, membership in an academia, profession, social class or your faith.

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The non-constructed ones are inherently yours and that you cannot change by your will.

To oversimplify it, you can imagine them as being biologically given – these are your gender, skin colour or sexual orientation.

The identities create a kind of norms and expected patterns of behaviour and compliance as you are born in a particular setting. (Let's say being born in a middle class family where education is valued put a pressure on you as some point of your life to follow the example of highly educated parents and ancestors; while being born to a heterosexual family implies expectations that one day you will find a heterosexual partner and have a family).

Also of great importance to each individual since his or her birth is the concept of innate life plans, according to which individual plans her future and access the fulfillment of her life and also gets inputs from her background if she verbalizes them, for example.

These life plans should be individual-specific as any kind of intrusion to them might in the end, lead to a cognitive dissonance over fulfilling someone else's expectations while not living one's own life as one wish. This is not to say that the background of a given individual is not to help him or that it should stop giving the individual some sorts of advices (such as warnings against substance abuse etc.), but rather that the social background of a given person should leave the final decision concerning his life to him, even though he could have made objectively better life from someone else's perspective.

The conflicts do arise on the line of who is "in" and who is "out" of the community, while the states do have different treatment towards people with different identifications of the self. These people, most often the minority groups, seek the politics of recognition. In the work there is the force to enforce some kinds of identifications over another ones and support conformity. These kinds of actions,

however, tend to bring people together in a collective response and could mobilize given community in civil and political action.

In the end, I turned my attention towards political implications of these facts. It came to me that the LGBTQ community's search for equal rights is the search for basic human rights that ought to be summarized in a kind of agenda as follows in order to prevent from constantly defending self to the progressive participation.

The very basic outline could be drawn as follows – every human being should be allowed to live as happy life as possible – or at least comparable to those available to the majority of citizens. Some of the basic human needs are having the same rights, having somewhere to live – preferably with one's loved one had he or she chosen so, with the same amount of state support the heterosexual couples are able to enjoy, let's say the state-provided loans for married couples.

In order to get this far, they need the equal rights and duties in marriage, their work, as well as to be able to have access to the family rights had they chosen to have kids.

This all is not because someone need special rights because he or she is gay– its just simply because we are all human and should have the same right of human happiness. It just needs some reflection on things one have for granted that other people are deprived of, as well as it could prove helpful to know as diverse people as possible for one's life.

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Transgender Issues Resources

Books and documents that may be of help in self-education about the transgender communities and issues.

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