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# Rethinking sexual citizenship: Asia-Pacific perspectives

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The term 'sexual citizenship' was largely developed in the Anglophone capitalist liberal democracies of the UK, the USA, Canada, Australia and New Zealand. The concept is thus inflected by broader understandings of politics in these places. In this article, the author first considers the specificities of 'sexuality' and 'citizenship' in these Anglophone capitalist liberal democracies. She argues that we need to provincialize these local understandings, for configurations of sexuality and citizenship in the UK, North America, New Zealand or Australia are just as contingent and locally specific as they are in the Asia-Pacific region. She then considers whether the term 'sexual citizenship' can be transplanted into places in the Asia-Pacific region with different political and economic systems, welfare systems and social structures, distinctive cultural understandings of sexuality and citizenship and different taxonomies of sexes, genders and sexualities.

## **Keywords**

rethinking, perspectives, pacific, asia, sexual, citizenship

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## **Rethinking Sexual Citizenship: Asia-Pacific Perspectives**

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### **Abstract**

The term 'sexual citizenship' was largely developed in the Anglophone capitalist liberal democracies of the United Kingdom, the USA, Canada, Australia and New Zealand. The concept is thus inflected by broader understandings of politics in these places. In this essay, I first consider the specificities of 'sexuality' and 'citizenship' in these Anglophone capitalist liberal democracies. I argue that we need to provincialize these local understandings, for configurations of sexuality and citizenship in the United Kingdom, North America, New Zealand or Australia are just as contingent and locally specific as they are in the Asia-Pacific region. I then consider whether the term 'sexual citizenship' can be transplanted into places in the Asia-Pacific region with different political and economic systems, welfare systems and social structures, distinctive cultural understandings of sexuality and citizenship and different taxonomies of sexes, genders and sexualities.

### **Keywords**

Sexual citizenship, Asia-Pacific, Australia, New Zealand, Indonesia, Malaysia, Japan

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## Introduction

It is over twenty years since David Evans (1993) explored the concept of ‘sexual citizenship’ in his book of the same name.<sup>1</sup> Since then, the concept has gained a certain currency in Anglophone circles. The term ‘sexual citizenship’ served to reframe some of the discussion of sexuality and social justice, building on other paradigms such as ‘sexual liberation’, ‘sexual politics’, ‘sexuality and human rights’, ‘sexual rights’, ‘sexual justice’ or ‘freedom from discrimination on the basis of sexual orientation/ sexual preference’.<sup>2</sup> Needless to say, these different paradigms do not necessarily supplant each other. Rather, they exist in parallel and each may be deployed in different political, social, cultural, strategic and discursive contexts.

David Bell and Jon Binnie have done much to refine the notion of sexual citizenship. In their book, *The Sexual Citizen*, they focus on ‘the role of the market, the city as a site of citizenship, the place of notions of love, family and the social, [and] the globalization of sexual identities and politics’ (2000: 1). It would be easy to assume that ‘sexual citizenship’ largely refers to minoritized, marginalized or alternative sexualities. Bell and Binnie remind us, though, that we are all ‘sexual citizens’, but we are not all ‘*equal* sexual citizens’ (2000: 142). The same discourses which marginalise non-heterosexual, non-procreative and non-normative sexualities place heterosexuals in a position of privilege. Another way of expressing this is the concept of heteronormativity, ‘which focuses on the structures and beliefs that maintain assumptions that heterosexual relations are *normal* and that homosexuality is *deviant*’ [emphasis in original] (Altman, 2013: 37).<sup>3</sup>

Diane Richardson has refined the concepts of sexual rights and sexual citizenship, suggesting that we could do well to focus on claims associated with practices,

identities and relationships. The term ‘practices’ refers to the right to engage in particular sexual behaviours (for example, with a partner of the opposite sex).

‘Identities’ refers to the right to espouse a particular identity or lifestyle in the public sphere (notwithstanding poststructuralist critiques of the notion of ‘identity’).

‘Relationships’ refers to the kinds of partnerships, familial relationships or other kinds of relationships recognised (or not) by society and the legal system (including, for example, same-sex partnerships, gay, lesbian and transgender parenting and adoption, gay, lesbian and transgender access to new reproductive technologies, and so on) (2000: 105–135).

### **Provincializing Sexual Citizenship**

The term ‘sexual citizenship’ was largely developed in the Anglophone capitalist liberal democracies of the United Kingdom, the USA, Canada, Australia and New Zealand. The concept is thus inflected by broader understandings of politics in these places. As I argue below, we need to consider whether this term can be transplanted into places with different political and economic systems, welfare systems, social structures and distinctive cultural understandings of sexuality and citizenship.

Before moving beyond the Anglophone sphere, however, it is also necessary to recognize the specificities of each of the abovementioned Anglophone systems. For this purpose, a brief mention of recent campaigns on ‘equal marriage’ is instructive. The discourse of rights is strongest in the US, with its Constitutional Bill of Rights. Activists for equal marriage in the US have been successful in using the Constitution to extend some rights to same-sex partnerships or marriages, and the US Supreme Court on 27 June 2015 ruled that it was un-Constitutional to deny marriage to same-sex couples. This was both aided and constrained by the Federal system, with

different outcomes in each of the states where marriage rights were contested before the Supreme Court decision.<sup>4</sup> The need to argue for ‘equal marriage’ has also been shaped by the specificities of, for example, the provision of medical benefits in the US. Without a universal medical insurance scheme, until recently, individuals were reliant on private medical insurance or employer contributions to insurance schemes. If such schemes were applicable to spouses and family members, then this could be an incentive to enter into a recognised partnership or marriage. Failures to extend medical insurance and other benefits to those outside the heterosexual marriage system have real material effects on individuals (Richardson, 2000: 127; Treat, 2013: 265–281).<sup>5</sup>

Canada was the fourth country in the world to legalise same sex marriage in 2005. Some Canadian provinces and territories had brought down decisions in favour of same-sex marriages from 2003 on; and same-sex cohabiting partners had been treated similarly to married partners for most purposes since 1999. In Australia and New Zealand, the prevalence of *de facto* marriage among heterosexuals, the provision of most rights and benefits to legally married partners as well as *de facto* partners and the extension of most benefits to those in non-heterosexual partnerships meant that the demand for ‘equal marriage’ had less urgency (Johnson in this issue; Dreher in this issue). Nevertheless, due to the vagaries of party politics, there have been different outcomes in the two neighbouring countries. New Zealand has recognised ‘equal marriage’,<sup>6</sup> while Australia still defines ‘marriage’ as occurring between a ‘man and a woman’.<sup>7</sup> In the United Kingdom, its membership of the European Union means that matters of rights and citizenship generally conform with the European Charter on Human Rights. Regulation of marriage is devolved in the United Kingdom, though, so that there are differences between England, Wales, Scotland and

Northern Ireland.<sup>8</sup> Needless to say, legal recognition of marriage and partnerships is just one aspect of sexual citizenship, as I explore below. Furthermore, many queer thinkers and activists resist being assimilated into normative forms of family and relationships (Cadwallader and Riggs 2012: unpaginated; Pendleton and Serisier 2012: unpaginated).

### **Sexual Citizenship beyond the Anglosphere**

The situation is more complex when we move outside the Anglosphere and outside the Euro-American centres, where there are distinctive political systems, social systems, understandings of rights and citizenship, understandings of the place of sexuality in culture and society, and different taxonomies of sex, gender and sexualities (Benedicto, 2014; Boelstorff, 2005; 2007; Chalmers, 2002; Jackson, 1997: 166–190; Jackson, 2011; Mackie and McLelland, 2014: 1–17; Manalansan, 1994: 73–90; Martin et al., 2008; McLelland, 2005; Morris, 1994: 15–43; Offord, 2013: 335–349; Yue and Zubillaga-Pow, 2012). In this collection of articles, we consider the current state and future prospects of the concept of ‘sexual citizenship’ in the Asia-Pacific region. Our case studies are from South Asia, East Asia, South East Asia and Australasia.

The concept of citizenship has the narrow meaning of a legal status involving nationality, the right to vote, the right to stand for public office, and concomitant duties. In its broader sense, citizenship refers to legitimacy to participate in politics, the ability to contribute to debate in the public sphere, and a sense of national belonging. Citizenship, in its narrow and its broad senses, is shaped by age, gender, class, caste, ethnicity, racialised positioning, indigeneity, religion, ability/disability and sexuality (Mackie, 2002: 245–257). Citizenship has historically been connected

with military service, originally expected of males only. Most militaries, until recently, prevented the participation of women or openly gay or transgender service personnel (Mackie and Tanji 2015: 60–73).

In liberal democracies, there is a particular view of the relationship between individual and state, where voting and standing for office are seen as the quintessential ways of exercising citizenship. This, in turn, shapes understandings of the place of sexuality in discourses of citizenship. Many countries historically prevented women from voting or standing for public office, or failed to extend the franchise to slaves, indigenous peoples, colonial subjects or other subordinated groups. Sexual orientation was rarely explicitly mentioned in terms of qualifications for voting or standing for public office. Nevertheless, the legitimacy of those of non-normative sexual orientation could be affected by laws which criminalized non-procreative sexual behaviour.<sup>9</sup> Where non-normative sexualities are stigmatized, this also affects an individual's legitimacy as an actor in the public sphere. It is only relatively recently that openly gay, lesbian or transgender individuals have been elected to public office. New Zealand had one of the first ever openly transgender members of Parliament; Australia has a few openly gay and lesbian members of national and state parliaments and local governments, including an openly lesbian former Cabinet minister. Japan has had a few openly gay, lesbian or transgender members of parliament or local government assemblies, while India has had some *hijra* members of local assemblies (Beyer and Casey, 1999; Mackie, 2001: 185–192; Baird, 2004: 67–84; McLelland and Sukanuma, 2009: 329–343).

Not all of the countries of the Asia-Pacific region, however, are liberal democracies. There are distinctive conceptions of citizenship in the People's Republic of China,



Singapore, Malaysia, Vietnam, Thailand and the Special Administrative Regions of Hong Kong and Macao. In places where democracy is circumscribed, discourses of citizenship may focus on broader senses of social participation and national belonging. It has been argued that, in places like Thailand, Singapore and Hong Kong, commercial spaces provide important sites of belonging for those of non-normative sexual orientation. Bars, cafés, dance parties and film festivals are spaces where queer identities may be affirmed and distinctive forms of sociality practised. Taking to the streets, whether in celebrations, demonstrations or pride parades, is a way of claiming citizenship (Suganuma 2005: unpaginated; Jackson 2009: 357–395; Yue and Zubillaga-Pow 2012; Kong, Lau and Li 2015: 188–201; Maree 2015: 230–243; Tang 2015: 218–229).

In many places, political mobilisation around sexuality starts with movements to overturn laws concerning sexual behaviour. Several former British colonies inherited laws which made sodomy a crime. Such laws have now been overturned in Australia and New Zealand, but still exist in India, Singapore and Malaysia. In Malaysia, the anti-sodomy law has been used to discredit opposition politician Anwar Ibrahim, but is otherwise rarely deployed (Sanders 2015: 127–149). Singapore's High Court recently ruled against a suit seeking to prove that the anti-sodomy law was unconstitutional (Reuters 2014: unpaginated). In India, the anti-sodomy law was overturned and then reinstated. In some places, like China and Vietnam, laws and policies concerning so-called 'social evils' have been used against those who do not conform to expectations of heteronormativity (Newton 2015: 255–267). In China, until 1997, laws on 'hooliganism' were used against sexual minorities (Kam 2015: 83). Japan has no prohibition of non-heterosexual sexual practices, but also has no national legislation prohibiting discrimination on the grounds of sexual orientation

(although there is some case law on the topic). Taiwan has specific laws prohibiting discrimination on the grounds of sexual orientation in employment and education (Sanders 2015: 127). Even in places where there are no laws concerning sexual behaviour, however, the nuclear family centred on the heteronormative couple is privileged in various ways in the law, social policy, welfare policy and social institutions. The family is also intimately concerned with discourses of nationalism (Mackie 2009: 139–163).

No country in the Asian region has recognised same-sex partnerships or marriages at national level. In several jurisdictions, however, it is now possible for someone diagnosed with gender identity disorder to undergo gender reassignment, to change their gender on official documents, and to marry someone of the opposite sex to their new identity. In Japan, a transgendered father who has undergone gender reassignment and married is now able to be recognised as the father of a child born to his wife through artificial insemination by donor. Such recognition, however, depends on conformity to mainstream gender norms and heteronormative family forms (cf: Aizura 2006: 289–309). Ambiguity is not tolerated in the legal sphere (Mackie 2001: 185–192; Mackie 2008: 411–423; Mackie 2010:111–128; Mackie 2013:1–18; Mackie 2014: 203–220; Sanders 2015: 127–149). At the time of writing, ‘X’ gender (indeterminate, unspecified or intersex) is not officially recognised in Japan, but has been in Australia and New Zealand. Nepal has recognised a third gender since 2007; Pakistan since 2009; and the Supreme Court of India recognised a third gender in April 2014.

In Japan, same-sex partnerships are not legally recognised at national level, but two local government areas in Tokyo are now willing to recognise same-sex partnerships

for some purposes (Tokyo Ward Certifies Same-Sex Partnerships 2015; Saito 2015). In the absence of recognition of same-sex marriage, some couples use the adult adoption system to create family-like relationships.<sup>10</sup> The adoption of one adult by another is an accepted way of making a familial relationship in Japan. Only legally married couples, however, can adopt a child; and new reproductive technologies are generally only provided to married couples. This limits the kinds of alternative family forms available to gays and lesbians (Mackie 2009: 139–163; Mackie 2013: 1–18; Mackie 2014: 203–220; Maree 2004: 541–549; Maree 2014: 187–202; Maree in this issue). In South Korea, it is reported that gay males and lesbians enter into ‘contract marriages’ with each other in order to secure some social legitimacy and evade scrutiny of unconventional lifestyles (Cho 2009: 401–22).

Much of the discussion of sexuality and citizenship focuses on the distinction between public and private. The International Council on Human Rights Policy argues that ‘...sexuality and therefore sexual rights arise at the point where public and private domains – the private body and the body politic – meet (2009: 2). Each society has a different configuration of ‘public’ and ‘private’, different degrees of state intervention in so-called ‘private’ matters, different degrees of ‘protection’ of privacy, and distinctive configurations of state, market, civil society and family.

Although issues concerning citizenship in general, and sexual citizenship in particular, are necessarily played out with reference to the government of a specific nation-state, there are also transnational dimensions to these discussions (Mackie and Pendleton, 2010; Pendleton, 2015: 21–34). Questions of sexual citizenship are particularly acute when individuals travel across national borders, sometimes as migrant workers or international students, sometimes seeking asylum, sometimes

hoping to be (re)united with their partners. In such cases, individuals move from one regime of sexual rights to another. If an individual's claim for asylum on the grounds that they would suffer persecution because of their sexuality is denied then the individual may be stranded between different rights regimes, without the 'right to have rights' (Mackie, 2009: 139–163; Offord, 2013: 335–349; Seuffert, 2013: 752–784; Yue, 2012: 269–287; on the 'right to have rights', see Arendt, 1951: 290). Most governments give preferential treatment to family members or marriage partners in immigration matters. If a state does not recognise same-sex partnerships, marriages or civil unions, then those in same-sex partnerships can be disadvantaged in immigration matters. In the Asia-Pacific region, only Australia and New Zealand officially recognise same-sex partners for immigration purposes (Mackie, 2009: 139–163).<sup>11</sup>

Questions of sexual citizenship also have a transnational dimension in the context of engagements with the institutions of global governance. The United Nations Human Rights Committee ruled in 1994 in the Toonen case that a Tasmanian law which criminalized homosexual acts was in violation of the International Covenant on Civil and Political Rights (Sanders 2015: 129). There is no United Nations Convention on sexuality, but some reports of the Committee on the Elimination of all form of Discrimination Against Women (CEDAW) do mention the issue of discrimination against *women* due to sexual preference/ sexual orientation. In other cases, sexuality is often subsumed under other categories to do with family, marriage, reproduction and health. In 2004, however, a United Nations Special Rapporteur, Paul Hunt, affirmed that,

[s]exual rights include the right of all persons to express their sexual orientation, with due regard for the well-being and rights of others, without fear of

persecution, denial of liberty or social interference... The contents of sexual rights, the right to sexual health and the right to reproductive health need further attention, as do the relationships between them (United Nations Economic and Social Council 2004).

Since 2008, there have been attempts to have the UN General Assembly pass a declaration on sexual orientation and gender identity (UN General Assembly, 2008). In June 2011, South Africa led a motion for the UN Human Rights Council (UNHRC, Resolution 17/19) to investigate the situation of lesbian, gay, bisexual and transgender (LGBT) citizens worldwide, and the report of the United Nations High Commissioner for Human Rights (UNHRC) was released in December 2011 (Human Rights Watch, 2011; UNHRC, 2011; see also UNHRC, 2012).

There are no overarching supranational human rights instruments in the Asia-Pacific region, let alone any mention of sexual rights and citizenship at the regional level, although ASEAN has in recent years re-opened the discussion of an ASEAN Human Rights Charter (ASEAN 2012).

### **Glocalizing Sexual Citizenship**

The case studies in this special issue place the discussion of sexual citizenship in the dynamic interplay between the local, the regional and the global. Carol Johnson, in her article in this issue, 'Sexual Citizenship in a Comparative Perspective: Dilemmas and Insights', applies the concept of 'sexual citizenship' in a cross-cultural perspective, with a particular focus on Australia and its place in the Asia-Pacific region. She begins by demonstrating how relatively easily the concept of sexual citizenship can be applied to gay and lesbian rights issues in Australia and the useful insights which such applications generate. She then asks whether the concept of

‘sexual citizenship’ is equally applicable to other countries in the region. Johnson argues that any comparative analysis needs to take differing priorities, conceptions of sexuality, gender, identity, rights, state and civil society into account but that, nonetheless, useful insights into common issues can be gained, while still acknowledging key differences. She argues that the concept of sexual citizenship is even more widely applicable if other conceptions of citizenship are incorporated, such as conceptions of ‘heteronormative citizenship’ (a subset of ‘sexual citizenship’), ‘intimate citizenship’, and ‘affective citizenship’. As with other authors in this issue, Johnson does not take the Anglophone liberal democracies as the norm, but rather shows that each society has a distinctive configuration of state, society, family, market and gendered and sexualised discourses of citizenship. This serves to ‘provincialize’ the Anglophone liberal democracies (cf. Chakrabarty, 2000: 3–16). That is, configurations of sexuality and citizenship in the United Kingdom, North America, New Zealand or Australia are just as contingent and locally specific as they are in Indonesia, Malaysia, Singapore, India or Japan (Mackie and McLelland, 2015: 3).

Questions of acceptable and unacceptable sexual identities are intimately connected with discourses of nationalism, for the heteronormative nuclear family is often seen as the very basis of the nation (Mosse, 1985; Parker et al., 1992). Recently, however, expressing support for sexual diversity has been seen as a marker which can distinguish between more and less progressive societies. Tanja Dreher, in her essay in this issue on ‘The “Uncanny Doubles” of Queer Politics: Sexual Citizenship in the Era of Same-sex Marriage Victories’ explores recent challenges for sexual citizenship campaigns. Dreher refers to Jasbir Puar’s argument that the ‘woman question’ is currently being supplemented or supplanted by the ‘gay question’ as a marker of a

nation's modernity, democracy and 'civilisation'. Puar has coined the term 'homonationalism' to refer to this phenomenon (Puar, 2007; Puar, 2013: 336–339). In the context of widespread support for marriage equality, an urgent challenge is how to respond to such emerging 'homonationalism' in public culture. According to discourses of homonationalism, the 'West' is positioned on 'the right side of history' in contrast to perceptions of homophobic Islam, and a liberal version of gay rights is thereby proposed, obscuring ongoing discrimination and injustice. Dreher demonstrates how discussions of sexuality can work to affirm particular forms of nationalism, at times aligned with Orientalist or Islamophobic discourses.

Annie Pohlman, in 'The Spectre of Communist Women, Sexual Violence and Citizenship in Indonesia', shows how discourses of nationalism and anti-Communism have shaped the possibilities for sexual citizenship for women in Indonesia. Pohlman examines the legacy of sexual violence against women during a period of mass social conflict. In the aftermath of an attempted coup in October 1965, the Indonesian military embarked upon a genocidal campaign against its mass-supported political rival, the Indonesian Communist Party (PKI), also destroying the Communist women's group *Gerwani*. In the months that followed, perhaps one million 'Communist sympathisers' were killed and over one million more were arrested and detained as political prisoners under General Suharto's 'New Order' military regime (1966–1998). Civilian participation in the killings was incited by an elaborate propaganda campaign designed to inculcate fear and hatred of PKI supporters. Central to this propaganda were allegations that Communist Party women had carried out sexually licentious and sadistic violence. Partly as a result of this propaganda, sexual violence during the killings of 1965–66 was widespread and affected predominantly women and teenage girls suspected of being PKI supporters. To highlight this

connection between the destruction of Communist women and the creation of a discourse which posits politically-active women as ‘unnatural’ and even monstrous in Indonesia today, Pohlman investigates the legacy of the military’s misogynist propaganda and the sexual violence of the killings on modern Indonesian citizenship. She argues that the eradication of the Left during the killings was a markedly gendered process. The reconfiguration of bodies through sexual violence in the violence of 1965 had a profound effect on gender ideology and sexual politics. The upheaval which displaced the former Sukarno regime with Suharto’s New Order was built upon these violent changes in sexual politics and the re-inscription of more conservative and conformist gender roles. Despite the end of the regime in 1998, the legacy of the violence of 1965 continues to shape gender ideology and sexual politics in Indonesia, particularly through the prescription of more traditional, heteronormative roles for women’s political participation. By examining this case of how violence against women creates a legacy for their full and equal participation, she focuses on how bodies and the discourses which shape them become the locus for political and gendered practices of citizenship, even after the democratisation of Indonesian society since 1998, and even though half a century has passed since the events of 1965 (see also Pohlman 2015).

Claire Maree, in “‘Weddings and white dresses’: Media and sexual citizenship in Japan’, examines mainstream and social media reports of the wedding ceremony of two women at Tokyo Disney Resort in 2013. The two women were unable to marry legally, but wanted to affirm their commitment with a public ceremony. They chose Tokyo Disney Resort, which is often used for heterosexual wedding celebrations. Tokyo Disney Resort at first demurred, but eventually agreed to host their ceremony. Maree analyses media representations of the women’s struggle. She argues that,



through a range of what she calls ‘citational practices’, these media representations demonstrate a tension between inclusion and exclusion. Media stories situate the lesbian wedding in the context of international trends for marriage equality, but at the same time the story is untethered from local LGBT activism. In reporting on LGBT issues and rights, domestic events are recontextualised as belonging ‘elsewhere’. The possibility of public discourse surrounding sexual citizenship is thereby projected into a non-domestic, non-specific future time. One of the conditions of sexual citizenship, the ability to participate fully in public discourse and to be represented in public discourse, is thereby circumscribed.

Despite the constraining effects of some mainstream media representations, for two women who could not legally marry, having such a public celebration of their relationship was a way of affirming their identity and their relationship in a public manner, an important dimension of sexual citizenship. Bringing representations of non-normative families and relationships into the public sphere can be particularly important where mainstream legal and medical discourses are resolutely heteronormative. In Japan, there is a long lineage of popular cultural explorations of relationships involving same-sex partners, transgendered characters and diverse family forms (Mackie, 2013: 12–13; Dasgupta 2009). Koyuki and Hiroko (two of the women discussed in Maree’s article) have contributed to this visibility with recent texts on lesbian married life and on the possibilities of lesbian parentage, while manga artist Tagame Gengorō has brought a narrative involving and international gay male marriage into a relatively mainstream manga magazine (Higashi and Masuhara 2013; Higashi, Masuhara and Sugiyama 2013; Tagame 2015). These local cultural interventions may be seen as vernacularised forms of sexual citizenship.

Mark McLelland, in ““Not in front of the parents!” Young people, sexual literacies and intimate citizenship in the internet age’ considers rights to sexual self expression, reminding us that sexual rights and sexual citizenship also depend on the age of the individual. Clause 13 of the *UN Convention on the Rights of the Child* states that children have the right ‘to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in art or in any other media of the child’s choice’. There is one area, however, where this directive is constrained in various countries by domestic regulations curtailing children’s access to information. That area is human sexuality. The arguments for and against children’s access to sex education are well rehearsed. McLelland pursues a different angle, looking instead at the increasing restrictions placed upon young people’s ability to imagine and communicate with each other about sexual issues, particularly in online settings. The advent of the internet and a range of social networking sites have not only enabled young people to access previously quarantined information about sexuality, but also to actively engage in forms of ‘intimate citizenship’ online. McLelland focuses on young people’s online fan communities which use characters from popular culture such as Harry Potter or a range of Japanese manga and animation to imagine and explore sexual issues. ‘Child abuse publications legislation’ in Australia and elsewhere now criminalises the representation of even imaginary characters who are or may only ‘appear to be’ under the age of 18 in sexual scenarios. Hence these children and young people are in danger of being charged with the offense of manufacturing and disseminating child pornography. Despite research into these fandoms that indicates that they are of positive benefit to young people in developing ‘sexual literacies’, there is increasingly diminishing space for young

people under the age of 18 to imagine or communicate about sexuality, even in the context of purely fictional scenarios.

### **Conclusion: Rethinking Sexual Citizenship**

Taken together, these case studies attest to the diverse configurations of sexuality, citizenship and sexual citizenship in the Asia-Pacific region, reminding us that legal issues are only a small part of what constitutes sexual citizenship. The articles here focus on rights to sexual expression, the possibility of proclaiming and celebrating non-normative sexualities in the public sphere, the affirmation of nationalism through dividing the population into those who practise 'good' or 'bad' forms of sexual citizenship, and the paradoxical affirmation of nationalism through criticism of the supposedly less 'enlightened' sexual regimes of other countries, cultures, religions or ethnicities. The term 'sexual citizenship' brings together two terms which are contested in their meanings and connotations. The idea that there is a separate sphere of life known as 'sexuality' or the 'sexual' is relatively modern and culturally specific (Foucault, 1978: 152–3; Mackie and McLelland, 2015: 5). The term 'citizenship' has different meanings, connotations and material effects depending on the political system in which it is embedded. Any attempt to apply the concept of 'sexual citizenship' beyond the economically advanced Anglophone capitalist liberal democracies must take this diversity into account. The articles in this special issue discuss the local specificities of sexuality, citizenship and sexual citizenship in selected sites in the Asia-Pacific region. They not only expand on what sexual citizenship might mean in these places; they also invite us to reflect back on the specificities of sexual citizenship in the Anglophone capitalist liberal democracies.

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<sup>2</sup> For some reflections on different understandings of sexual liberation since Dennis Altman's (1971) *Homosexual: Oppression and Liberation*, see D'Cruz and Pendleton (2013); for Altman's own reflections on the forty-odd years since his first book, see Altman (2013); on 'sexual justice', see Kaplan (1997). On 'sexual rights' and 'sexual citizenship', see Richardson (2000, 105–135).

<sup>3</sup> See also Adrienne Rich's concept of 'compulsory heterosexuality' (Rich 1980), and Gore Vidal's discussion of the 'heterosexual dictatorship' (Vidal 1981, cited in Pendleton and Serisier, 2012).

<sup>4</sup> As the time of the Supreme Court decision, 36 states in the USA had legalised same-sex marriage, while 14 states still prohibited it. Information available at <<http://gaymarriage.procon.org/view.resource.php?resourceID=004857>> last accessed 5 September 2015. Nevertheless, there is still some resistance to same-sex marriage, with a County Clerk in Kentucky refusing to issue licenses for same-sex marriages for some months after the decision (Bittenbender, 2015).

<sup>5</sup> Some have also pointed out that the recognition of same-sex marriage might also mean that companies which had earlier been flexible about extending benefits to same-sex partners might now require them to be legally married in order to gain these benefits.

<sup>6</sup> The Marriage (Definition of Marriage) Amendment Bill was passed in the New Zealand Parliament on 17 April 2013, and took effect on 19 August 2013.

<sup>7</sup> In Australia in 2004, the (conservative) Howard Liberal government enacted the Marriage Amendment Act, an amendment of the Marriage Act of 1961, which specifies that "[m]arriage means the union of a man and a woman to the exclusion of all others, voluntarily entered into for life. Certain unions are not marriages. A union solemnised in a foreign country between: (a) a man and another man; or (b) a woman and another woman; must not be recognised as a marriage in Australia". Subsequent governments have left this law in place, but the Rudd-Gillard Labour government removed most forms of discrimination against same-sex partnerships. The Howard government legislation was similar in intent to the US Defense of Marriage Act, Pub. L. No 104–199, 110 Stat. 2419, of September 1996. Since 2009, there have been several unsuccessful attempts to pass legislation in favour of same-sex marriage in the Australian parliament.

<sup>8</sup> In 2014, Britain's Conservative Party threatened to repeal the Human Rights Act, curtail the influence of the European Court of Human Rights and make the UK Supreme Court the country's supreme legal authority (Bowcott, 2014). As for same-sex marriages, these are recognised in England and Wales under legislation passed in July 2013 and effective on 13 March 2014; are about to be recognised in Scotland under legislation passed on 12 March 2014 and effective 16 December 2014; and not yet recognised in Northern Ireland.

<sup>9</sup> When the Malaysian government charged opposition leader Anwar Ibrahim with sodomy, it not only gave him a criminal record, it also challenged his legitimacy as an actor in the public sphere. As noted below, Malaysia is one of several former British colonies which inherited British anti-sodomy laws and which has not repealed them.

<sup>10</sup> The strategy of creating family-like relationships through adoption of an adult partner is not unknown in other jurisdictions. See Mackie (2009: 156, n. 45) and Pavano (1986–1987: 251–277).

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<sup>11</sup> Australian domestic law, as noted above, recognises same-sex partnerships for most purposes but marriage is defined as between a man and a woman. In immigration matters, however, same-sex partners, de facto partners and marriage partners are treated the same. New Zealand also recognises same-sex partners for immigration purposes. A recent newspaper article reported that, although the Japanese government does not officially recognise same-sex partnerships, some discretion has been exercised in granting visas to same-sex partners of holders of Japanese working visas, with the partner being listed as a ‘dependant’ (Buckton 2015)