Que(e)rying political practices in Europe: Tensions in the struggle for sexual minority rights

Beger, N.J.

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CHAPTER SEVEN
A Process of Recognition: European Citizenship

The European Union is a product of the history of the Western nation state. Moreover, Europe as a political identity produces its own nationalist discourse through which it differentiates itself from "other" nations (both within and outside the geography of Europe). But it has also been argued that the new European order might serve as a forum for the reimagining of the nation state, if not to transcend at least reduce the dependence of identity on the construction of the national other.

(Stychin 1998:115)

...the value of rights to gays, lesbians, and others has been made to fluctuate with the politics of sovereignty, and can only be augmented with a renewed attention to the contours of state and economy.

(Jonathan Goldberg-Hiller 1998:520)

Europe will be a Europe for all, or it will be nothing at all.

(European Commission 1996)

During the press conference after the Judgement in the Grant case, Kurt Krickler—co-chair of ILGA-Europe—stressed that he saw the judgement as a political decision which "sent out the signal that lesbians and gays still are second class citizens in the EU." (EP Intergroup minutes 18.2.1998) Tatjana Greif from Slovenia—member of ILGA-Europe’s executive board—also connected rights to second class citizen status in the EU in an interview conducted as part of this research:

For me, the civil and consequently the social inequality is the most important case of discrimination of Lesbians and Gays. All citizens should have equal rights, but gay/lesbian citizens are mainly second grade citizens. The legislation should be the basic field to assure the formal equality for gays and lesbians, and later on their social position could change and public opinion toward homosexuality would change... (Tatjana Greif, e-mail interview January 2000)

To elevate lesbians and gay men into first class citizenship status—or to abolish all laws that create a first and second class citizenship—is a central theme of gay and lesbian rights politics. Citizenship is a crucial concept employed in political practices and it has also sparked a wealth of academic debate in various disciplines. In this chapter I discuss the complex and contradictory implications of citizenship argumentation as a political practice in Europe.

European citizenship is a complicated and hazy concept in political practices. Claims to equal citizenship are most commonly claims to participation rights based on a set of civil rights. On the level of lobby politics discussed in this book, they are almost never formulated as participation rights in the definition of citizenship.
culture and of the principle structure of democracy. (Questio 2000:21) As such citizenship rights draw on a specific historical development of that concept in Europe. They follow certain steps of argumentation to embed themselves within historical themes of citizenship and within previous struggles to recognition. Those themes, in turn, play upon liberal and occasionally republican ideals. After tracing these implications in specific quotations in the first part of this chapter, I go on to discuss other European histories and conditions that are invoked in political practices around citizenship: the construction of Europeanness in its strong bond to the ideology of nation states, transnationalism, and the Eurocentric exclusion of the racially marked outsider. Another central tenet of the history of citizenship in the EU specifically is the economic nature of EU citizenship, which I discuss in the third section. These three angles on the concept of citizenship in Europe illuminate the contradictory complexities in the call to citizenship from a political and historical view. Yet, claims to citizenship are also contradictory on a more procedural and philosophical level. Such claims necessarily involve a process of recognition that contains contradictory forces in itself. The fourth section of this chapter offers a close reading of the quotations used in part one that exemplify how the process of recognition becomes the key to understanding the procedural and structural problems of citizenship.

Citizenship in the context of rights politics never just applies to an inhabitant of a geographical unit. In a generalised formulation citizenship is a matter of inclusionary principles. Citizenship is a respectful contractual relationship between autonomous subjects and their state, symbolised and certified in a contemporary sense by passports and an understanding of sharing rights of freedom and equality as fundamental human rights. This sense of citizenship draws on the history of a distinction Hegel described—which was also used in a transformed way by Karl Marx—between a Bürger and a citizen. The first are participants—subjects for Marx—in the economic life of civil society, endowed with rights to freely participate in socio-economic relations. Citizens have a status conferred upon them by the rules of justice and political participation. (Binnie 1997:239) The rights of the Bürger or the individual—as a human right—can be denied irrespective of the political status. Citizenship rights can also be denied—for example to refugees and asylum seekers—but they cannot be guaranteed except in the context of a state that confers nationality.

Sexual citizenship—a term made relevant by David Evans (1993)—describes the relationship between states and sexualised citizens. The term emphasises that sexuality is regulated by the state and plays a role in the definition of what nationality entails. It also emphasises that sexual dissidents do not enjoy what is termed full citizenship in any state of this world. In the claim to change that fact, two aspects of citizenship are commonly implied: citizenship as a right to rights—as access to existing privileges given by legislative institutions to groups and individuals, such as marriage—and, simultaneously, as a claim to rights of full participation in the
decision process of how rights are designed and executed. Sexual dissidents have historically been excluded from both forms of participation. Therefore, it makes sense to assume that whenever citizenship is claimed, its historical inheritance of exclusion leaves its traces.

The post-enlightenment norm of the citizen was male, white, and middle class, a rational, wealth maximising, breadwinner as head of a family unit. (Flynn 1996:291) By definition citizenship excluded racial, ethnic and sexual minorities, slaves, criminals, the lower classes, women, children, or the elderly. (Stychin 1998:15) All of these groups have formed organisations and movements to combat their exclusion at some point in the 19th and 20th century. Considering the mixture of all these historical developments makes the concept of citizenship in political practices a very unstable and hazy concept at the best of times.

Taking into account that ILGA-Europe makes a claim to inclusion of sexual and gender minorities into concepts of European citizenship, citizenship rights are complicated even further. It is symptomatic of the European question in general that the name Europe is notoriously vague, malleable to many forms of individual, political or cultural inscriptions. The term Europe generally implies a lot of different meanings simultaneously: a geographic description—the mainland continent, whose geographical borders at the Ural are an ideological question; political affiliations with the history of parliamentary democracies; cultural heritage—the heirs of Bach, Shakespeare, Kant and Aristotle; lifestyle and cosmopolitan identities; national affiliations—the history of nation states that became the world’s colonisers; and economical values—free market and reign of the Euro. Generally speaking post-war E(U)ropean identity is attached to economic freedom and human rights. Wherever Europe is invoked it carries an excess of meaning that can never be fully captured in any one deployment, although every deployment moulds itself into a chain of citations of all those elements of meaning about Europe.

In the specific case of EU citizenship, there is a strong connection to the existence of a communal order of states. The EU lacks definite joint conceptions of its own principal polity structure that would make it possible to conceive of it like a proper state in itself. It connects, according to Jachtenfuchs, Diez, and Jung (1998:419) four polity ideas: intergovernmental co-operation, federal state, economic community, and network approaches. Any reference to the principle debate of what the EU is in terms of its polity structure is generally carefully avoided by NGOs, since the different national backgrounds of their member organisations would comprise differential national opinions or party alliances with different European models. Gay and lesbian citizenship claims, as non-governmental forces that shape forms of European constitutionalism, have strings attached to this debate. ILGA-Europe’s documents implicitly suggest a wide array of ideas and ideologies about the

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158 There is ample academic work on the creation of the idea of Europe and its connection to the justification of colonialism, othering and social stratification. See, for example, George Delanty (1995), Carl Stychin (1998), Etienne Tassin (1992), and Slavoj Žižek (1992).
EU and being European. They depend, in effect, little on a coherent policy idea about the EU and more on the common practice to argue sexual rights into any polity-idea that seems opportune at any one moment or towards any one political actor. ILGA-Europe participates in building European communities in a very diffuse, decentralised and fragmented way. Although this is a non-essentialist move, it further complicates an analysis of the stakes of citizenship.

Given the exclusionary history of citizenship and the complications of meaning any European citizenship implies, it is surprising how strongly the concept of citizenship features in rights argumentation, and it is not surprising how strongly it features in critical political theory. Citizenship discourse remains important in almost all discussion about rights. This speaks to the paucity of alternative languages about rights and civic participation. Citizenship discourse in the specific context of gay and lesbian rights campaigns towards the European institutions, therefore, warrants critical investigation in the context of this book. To this end, I will offer several close readings of two official ILGA-Europe statements on citizenship and of two quotations from the interviews conducted with active members of the executive board.

Implications of the Claim to European Sexual Citizenship

Two different kinds of citizens are called upon through the portrayal of gay men and lesbians as second class citizens in political rights practices: the sexual citizen emerging from gay and lesbian lobby politics, and the transnational European citizen of the European Union or of the human rights conception of the Council of Europe. Both kinds mould themselves into a chain of citations of the history of both the idea of Europe and the concept of citizenship.

This combination is visible in a speech made during the expert hearing for the Anti-discrimination Report of the Council of Europe and in the anti-discrimination report ILGA-Europe published in February 2000. Carlos Hernandez—coordinator of the youth work in the Spanish rights organisation Fundación Triángulo—expressed the hope that institutions such as the Council of Europe and the EU, “established to defend and promote fundamental rights, will have the courage to lead the way to progress and full citizenship for all Europeans without

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159 To name a very few of the long list: David Bell (1995), David T. Evans (1993), Morris B. Kaplan (1997a), Shane Phelan (1994 & 1995), Ken Plummer (1995), and Questio (Beger, Engel, Genschel, Hark, Schäfer eds.) (2000). Particularly the introduction to Questio addresses the complications of citizenship that rest in the conflict between citizenship as simply a set of civil rights and citizenship as the way in which a society thinks and organises membership, political participation, and social relations. This conflict becomes apparent once more at the point of translating the Anglo-American term citizenship into another language and cultural context, in this case German. (2000:16-22)

160 Human Rights Sub-Committee of the Parliamentary Assembly of the Council of Europe, 14th October 1999.
discrimination based on sexual orientation.” ILGA-Europe, in fact, places citizenship as an indivisible concept alongside human rights:

Lesbians, gays and bisexuals seek nothing more than this. They do not seek special privileges. They do not just seek tolerance, valuable though this quality is. They seek equal citizenship, an equal opportunity to live openly and freely, and to contribute equally in every area of their lives. Citizenship, like freedom, is not divisible. (Discrimination Report to the Council of Europe, February 2000)\(^{161}\)

The claim to “live openly and freely and to contribute equally” places sexuality in the public sphere through the assertion of participation rights while also implicitly cultivating and maintaining the right to separate subcultural spaces. Steffen Jensen— Danish member of ILGA-Europe’s executive board—formulated these connections astutely.

What I mean is that we are ordinary citizens in our societies taking part in mainstream politics, culture etc., BUT we are also lesbians and gay men with the right to live our lives our way. We demand the right to have other 'family' relations than father-mother-children, to have our own 'sub-culture' parallel to the other things we also take part in. (Steffen Jensen, e-mail interview February 1998)

Jensen develops a sense of sexual citizenship in which gay men and lesbians have a right to their own culture and to non-normative family relations while fully taking part in all other areas of citizens’ participation in the social, political, and economic world. Sexual citizenship here highlights the relevance of sexuality beyond the private sphere and beyond subcultural semi-publics to the public political domain. At the same time it creates the conditions for a normalisation of homosexual identities by claiming equal value participation in the public sphere through the claim to citizenship. (Stychin 2001:8)

Additionally, sexual citizenship is combined with a sense of Europeanness. Hernandez’s reference to a European tradition of fundamental rights highlights the relevance of sexuality to the question of historical exclusion from the national imaginary that fuels the idea of citizenship. It is this imaginary that subsequently defines the transnational solidarity among the excluded strongly evident in the European minority rights movements. Claiming European citizenship, not surprisingly, seeks inclusion into the imaginary of Europe and argues that deviance from the heterosexual norm should not be a bar to full citizenship in Europe and specifically in the EU. Thus, ILGA-Europe attempts in various ways to construct their constituency as good citizens—or “ordinary citizens” as Jensen calls it—for example, good tax payers and equal participants in all areas of life. European sexual

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\(^{161}\) This excerpt is drawn from ILGA-Europe's demands for recognition of partnership and custody of children. It continues: “It makes no sense to acknowledge the case for equality under the criminal law, but to deny recognition and protection to same-sex partners and their children.”
citizenship, thus, highlights something beyond the relevance of sexuality to the public political sphere. It highlights the pretended irrelevance of sexuality to the imagery of Europe: the difference of sexual orientation is not supposed to matter with regards to an Europeanness based on human rights. Thus, the historical roots of the imagery of Europe are highly relevant to any understanding of European citizenship or of any rights claims to European sexual citizenship. Sexual citizenship and European citizenship bond in the history of the concept of citizenship.

Bryan Turner (1992a) gives an account of this history. He argues that citizenship is bound up with the development of the city-state in the classical world of Rome and Greece, and in the course of European history became an important element of rationalism. (1992a:47) In his essay, a comparative analysis of the different developments of the concept in France and Germany in the 19th century as well as a consideration of citizenship in Hegel, Marx, and Gramsci leads to two historical dimensions implied in the concept of citizenship: the passive-active contrast depending on whether citizenship grew from above or below, and the tension between a private realm of the individual and the family in relationship to the public arena of political action. (1992a:52) The political negotiation of those dimensions—the transfer of sovereignty from the body of the king to the body politic of citizens—was, thus, a major turning point in the history of western democracies. It indicated a considerable expansion of political space, indeed the creation of political space. (1992a:57) Turner concludes:

We can suggest therefore that the historical development of citizenship requires certain universalistic notions of the subject, the erosion of particularistic kinship systems in favour of an urban environment which can probably only flourish in the context, initially, of the autonomous city. Citizenship is, as it were, pushed along by the development of social conflicts and social struggles within such a political and cultural arena, as social groups compete with each other over access to resources. Such a theory of citizenship also requires a notion of the state as that institution which is caught in the contradictions between property rights and political freedoms. Finally, the possibilities of citizenship in contemporary society are, or have been, enhanced by the problems of war-time conditions in which subordinate groups can make more effective claims against the state. (1992a:39)

Turner's summary of the outcome of a history of citizenship affirms the sovereign subject as a privileged political agent. The history of the concept of citizenship also affirms the sovereign state as a primary site of political struggle. The state is the principle and privileged location for the recognition, validation, and enforcement of rights claims on the part of those sovereign subjects, understood as members of a particular society. (McClure 1992:110) After Kant and Rousseau, European citizenship, thus, changed from a historical pact between king and subject to an abstract model of how political authority and the nation state were constituted and legitimated. Nation was no longer designated a pre-political entity, but some-
thing that defined the political identity of a citizen belonging to that nation. (Habermas 1992:3-4) The consensus achieved among citizens nominally conceived of as free and equal became bound to a set of rules based on democratic constitutions and law as well as on one dominant morality and ethic, identically applied to all in the same procedures.

Citizenship—as well as the French concept of citoyenneté and the German Staatsbürgerschaft—was historically seen as analogue to membership in a nation, which secures the legal status of a person as citizen, expressed in the right to vote and passports. Parallel to that conception, a model of achieved membership in a self-determining ethical community also developed. (Habermas 1992:2) As passport holders individuals remain external to the state, while in an ethical community they are integrated like parts of a whole. The latter conception also involves an extension into the realm of civil rights, a move that has only recently been the focus of critical theories of citizenship.162

In summary, what makes people fellow citizens in the dominant discourse of European liberal democratic regimes is a set of political principles specific to the tradition of citizenship: the ideological principles of freedom and equality and the membership in a nation state. To be a good citizen is to recognise the authority of those principles and the rules in which they are embodied. Thus, citizenship implies legal status as well as a form of identification, in this case a type of European political identity. ILGA-Europe’s political practices enter the circle of citizenship at precisely this point. They are constructing a sense of European citizenship that includes sexual minorities. The quotations from ILGA-Europe activists and documents above place sexual citizenship in an intricate relationship to both the idea of Europe and the history of the concept of citizenship. Eight elements can be traced in the quotations that shed light on how the intricate relationship between sexual citizenship and European citizenship is argued. I will trace these elements in two steps of four.163

The first element generally argued is the need for recognition of all individual sovereign members of a society and an enumeration of their rights, duties and powers. This element becomes evident in the argument that gay men and lesbians already are contributing equally to their societies and should, thus, have equal rights. As Steffen Jensen emphasised: “What I mean is that we are ordinary citizens in our societies taking part in mainstream politics, culture etc., BUT we are also lesbians

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162 Hannah Arendt was probably the first philosopher to establish that direction of thought. Recently this re-articulation has been developed particularly within feminist, gay and lesbian, and postcolonial studies.

163 These eight elements of argumentation were suggested to me by James Tully in a workshop on citizenship theory. (1999) He named them in the context of the Quebec issue in Canada and argues that if these eight steps are followed, problems of democratic participation for minorities can be solved. (1999:4-6) I do not agree to his conclusion, but rather argue that these elements of argumentation, which are also evident in claims for European sexual citizenship, partake in a problematic concept of citizenship.
and gay men with the right to live our lives our way”. (e-mail interview, February 1998) A second element of citizenship claims stipulate the relation of governance, the rules and procedures that guide the conduct of members in a fair system of social co-operation. Asserting that gay men and lesbians are still second class citizens calls into question the fairness of the rules applied in the EU. As Tatjana Greif stated: “All citizens should have equal rights, but gay/lesbian citizens are mainly second grade citizens”. (e-mail interview, January 2000)

In a third move, citizenship claims generally lay out a set of procedures and institutions for discussion and alteration of prevailing relations of governance among members of a society. ILGA-Europe addresses the European institutions as committed to the ideal of citizenship, who have an interest in changing the second class status and in extending prevailing rules of governance to include people with same sex relationships. If the Council of Europe is “established to defend and promote fundamental rights” then, it is hoped, as Carlos Hernandez suggests, that European institutions, “will have the courage to lead the way to progress and full citizenship for all Europeans without discrimination based on sexual orientation”. (Council of Europe Hearing, October 1999)

The fourth element includes an emphasis on the principles, values and goods of European democratic constitutions that are brought to bear on the identification of members, the relations among them and the discussion or alteration of their identities and relations over time. Hence, for the call on European citizenship to be fully applicable to sexual minorities, sexual orientation must be connected to the values and goods expressed in the treaties of the European institutions as political communities. For the EU this means equality and freedom for all as well as access to full participation in at least all economic relations, but also in social and political ones. This aspect fuels the statement of the anti-discrimination report: “Lesbians, gays and bisexuals seek nothing more than this. They do not seek special privileges. They do not just seek tolerance, valuable though this quality is. They seek equal citizenship”. (February 2000) Equality becomes the key principle to ensure the end of persistent discrimination of some citizens, which Tatjana Greif picked up: “The legislation should be the basic field to assure the formal equality for gays and lesbians, and later on their social position could change and public opinion toward homosexuality would change”. (e-mail interview, January 2000)

These four elements of argumentation set out the apparent principles of democratic citizenship procedures in European tradition as reference point to the political context in which citizenship claims are made. They are followed on the heal by another four argumentational elements that relate to the struggle over recognition. First, in the claim to recognition the present is portrayed as a non-fulfilment of the ideal of equality. Kurt Krickler accuses the European Court of Justice of sending out the signal that “lesbians and gays still are second class citizens in the EU”. (EP Intergroup minutes 18.2.1998) This constitutes, second, a severe injustice as Tatjana Greif asserts: “For me, the civil and consequently the social
inequality is the most important case of discrimination of Lesbians and Gays. All citizens should have equal rights, but gay/lesbian citizens are mainly second grade citizens". (e-mail interview, January 2000) Third, the rights of inclusion wanted are portrayed as just and well-supported when ILGA-Europe affirms that lesbians and gay men do not seek special privileges, but simple equal citizenship. And, fourth, recognition by the other members of society would render the overall European identity a just and stable system of social co-operation that adheres to its own ideals as Carlos Hernandez envisages for the Council of Europe. (Council of Europe Hearing, October 1999) Thus, the demand for recognition as full citizens implicitly problematises not only the present status of those demanding recognition, but of all members of European societies and the relations among them as far as these are regulated by European law and moral ideology. Unwittingly and mostly unnoticed, citizenship claims as a set of civil rights reach far beyond minority groups into a negotiation about the nature of European culture, political history, and ideology.

Claims to European (sexual) citizenship adhere to a specific historical argumentation that references a specific political context: the idea of Europe and the concept of European citizenship historically has had strong bonds with liberal, humanist understandings of citizenship. Again, these bonds are well visible in citizenship claims made by ILGA-Europe documents and activists. Liberal citizenship designs human beings as autonomous, rational agents whose interests are ontologically prior to the society they belong to qua their citizenship. (Dietz 1992:64) Society—and the state as its representative—should ensure the freedom of all its members to realise their capabilities equally. (1992:64) This definition was predominantly voiced by John Rawls—one of the most prominent liberal theorists—who viewed citizenship as the capacity for each person to form, revise and rationally pursue his or her conception of the good. Citizens are seen as using their rights to promote their self-interest with certain constraints imposed by the exigency to respect the rights of others. (Mouffe 1992b:226) In this liberal conception the differentiation between Karl Marx’s Bürger—who has economic property rights and exercises his (sic) economic freedom—and the citizen as member in a national value community is erased. In liberalism, citizenship and rights with respect to capitalist economy are intrinsically connected.

The argument that gay men and lesbians cannot utilise all their capabilities in the economic sphere due to (partnership) discrimination, for example, attaches itself to a liberal concept of freedom as the possibility to realise all capabilities of the individual. ILGA-Europe portrays non-normative sexual orientation as a perfectly natural way of being and equal rights with regard to the freedom of movement in the EU are a rational economic self-interest that does not constrain the rights of others. ILGA-Europe asserts that “citizenship, like freedom, is not divisible”. (Discrimination Report, February 2000) Thus, if citizenship rights—such as freedom of movement—are granted then the differentiation on grounds of sexual orientation hinders the freedom to exercise work related choices.
Liberal citizenship speaks to individuals as averaged or normalised political persons, as individual bearers of the exact same formal rights designed to protect her or him—though the her was conveniently forgotten for centuries—from the infringement or interference of others and to guarantee him or her the same opportunities or equal access as others. (Dietz 1992:65) Becoming European citizens against the background of this liberal history implies the need to be a good citizen: a good worker or taxpayer who fits into the norm of those for whom citizen status was originally designed. Thus, ILGA-Europe does not ask for special rights, just for those rights that apparently apply to everybody. There is emphasis on lesbians and gay men being part of all mainstream society.

Moreover, as Carl Stychin convincingly argues, liberalism has constitutively connected the concept of citizenship to a number of binary constructs: public versus private, active versus passive, and body versus liberal-subject.164 (2001:1) Through the deployment of these, subjects not only could be included as citizens within the broader polity, but also excluded as non-citizens. (2001:2) The tradition of locating rights discourse on the private side of the public/private dichotomy and the existence of an active state that gives rights to passive citizens, cannot be so easily traced in current claims to lesbian and gay citizenship. While the enjoyment of rights, such as partnership rights, may be centred in private, de-politicised spheres, the pursuit of rights—i.e. the political practices that form the rights campaign and the life of the subculture—are an active and public endeavour. As Stychin maintains, there may well be radical potential in ILGA-Europe's claim to citizenship. (2001:2) Claims to citizenship even in a liberal discourse can correct the historical limitations and constitutive exclusions of liberal citizenship if the distinctions between public and private spaces and active and passive citizens are disrupted. While I agree that this potential is real and important, what remains problematic—for reasons of historical developments which I addressed in previous chapters—is the structural exclusion of the maintained dominant liberal concepts of equality, of freedom, of the nature of human beings and of autonomous, sovereign subjects of the law.

Liberal history is, however, not the only history of European citizenship. The prominent development of civic republicanism has had a stake in citizenship as well, although by no means as much as liberalism. Civic republicanism emphasises the value of political participation and attributes a central role to individuals' and groups' insertion into a political community. (Mouffe 1992b:227) Indeed many critical

164 What Stychin means here is the denial of bodily needs as relevant to the public political sphere in liberal thought. The right-wing argument that gay rights are solely concerned with gay nature, whereas liberal development is the historic victory of reason over nature, implies that gays are incapable of being fully reasonable subjects. (Goldberg-Hiller 1998:532) As Didier Herman argues, liberal thought is open for Christian right-wing arguments about the overconcern of gays and lesbians with their own bodies, a hyperindividualised identity that runs contrary to social and familial responsibilities and makes homosexuals undeserving of rights. (Herman 1997:82/115/128-131) This is an argument that potentially holds within liberal thought since liberalism maintains a dichotomy of body versus liberal subject of reason. (Stychin 2001:3)
thinkers have proposed republican concepts of citizenship as a solution to the political impasse created by liberal thought with regard to the historical exclusions along lines of race, gender, sexuality, and class. However, while liberalism has its well-argued exclusions, such as gender, the civic republican ideal has been documented as not necessarily any more inclusive. (Stychin 2001:2)

Richard Bellamy and Dario Castiglione (1999), for example, present a recent and advanced republican model in which fixed constitutions cease to be a precondition for politics and political debate. Instead debate becomes the medium through which a polity constitutes itself. Justice, then, is identified with the process of politics and audit alteram partem—hear the other side—forms the watchword of legal fairness. (Bellamy & Castiglione 1999:11) As a result, conflicts of values and interests can be confronted as problems to be resolved rather than as threats and a rationale is provided for creating multiple sites for decision making that reflect the plurality of political identities and the complexity and diversity of the problems requiring regulation. (Bellamy & Castiglione 1999:17) In consequence, the polity is seen as constituted in the processes of political debate and can, thus, never be constituted as true, natural and encompassing of human rights in advance.

When ILGA-Europe calls citizenship a “non-divisible” concept and addresses the European institutions as “established to defend and promote fundamental rights”, it deploys a belief in a true and natural polity encompassing human rights. Yet, the claim to be citizens of equal worth that participate equally in all areas of society while simultaneously maintaining a distinct historical difference that necessitates and justifies separate subcultural spaces, could be read to refer to civic republican thought. ILGA-Europe participates in the definition of citizenship by independently defining the status of lesbians and gay men in Europe as second class. This is an active demand to insert a historically excluded group into political communities that negotiate the definitions of citizenship. As a political goal the re-definition of citizenship through a claim to inclusion is close to a republican ideal.165

While these efforts of circumventing liberal assumptions provide a potential for political intervention into the history of liberal exclusions, the principle of audit alterem partem does not address the question who can speak and who is heard in relation to definitions of citizenship in the EU. For example, it usually takes an organised transnational NGO structured around traditional forms of representation of a constituency to participate in any lobby spaces opened at decision-making institutions. Additionally, the normatising effect of the idea of a good, normal citizens, for example, those living in long-term monogamous relationships, is perpetuated through the citation of European values embedded in civic republican morality. Bellamy and Castiglione’s recourse to “moral resources of deliberative democracy” (1999:12) will continue the invocation of a troubling sense of

165 It is actually close to a model of radical democracy based on republican ideas as Chantal Mouffe favours. (1992b:227)
Europeanness. All quotations I examined here contain a certain emphasis on a single we of European citizens borrowed from civic republicanism. This we inevitably produces—even if unintentional—exclusions and relations of dominance between those who are European and those who are not, it remains bound to national membership. As such, the we of citizenship claims preclude genuine dialogue between differently located subjects. (Fraser 1997:86)

National Legacies and the Idea of Europe

Etienne Tassin argued that the idea of Europe evident in all EU Treaties and political structures is not exhausted simply in the common affirmation by member states of a political will to defend the principles of democracy, human rights and social justice. (1992) He states that “if there is to be a political community, presumably it should be rooted in a common experience and a tradition of thought and history that reside equally in all the peoples of Europe.” (1992:171) Tassin concludes that the political Europe—as a political community with a possible future citizenship identity—saw the light of day as the Europe of the mind was collapsing. (1992:172) What he implies is that the shock of World War II and the Holocaust turned the cultural idea of joint European humanism into a philosophical farce: western metaphysics had been shaken to the bone and the idea of a historically superior European mind had been invalidated factually and conceptually. The idea of an European political community drew its meaning from an armed struggle and a humanitarian disaster. Thus, it broke to some extent both with the philosophical humanist idea of Europe and with a political tradition of purely sovereign and antagonistic nation states. This break led to a remodelled set of values, “ousting at a political level the traditional framework within which the history of Europe had developed over six previous centuries”. (1992:178)

Tassin explains how this historical framework had its beginning in an Europe of Christendom, replacing the juridical bonds of the Roman Empire with religious bonds. (1992:179) This was succeeded by a Europe of sovereigns and the slow birth of nation states grounded on the cultural and ideological cement of humanism. The Europe of sovereigns eventually replaced the principle of a Christian imperium with the principle of a community of nations. The peace of Westphalia in 1648 wiped the last idea of a Europe of Christendom in favour of ensuring a fairly peaceful equilibrium among slowly evolving nations. The French Revolution and the Napoleonic Wars then turned Europe into a Europe of nationalities, which was cemented by the ideology of the Treaty of Vienna 1815. The idea of a united political Europe became a contradiction to the concept of nation states. Napoleon’s conquest was not a uniting move but the first expression of the imperialist dimension of nation states. In this sense the wars of 1870-71 and World War One were national wars and it was the nationality principle that dominated the Treaty of

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Versailles. I would argue, then, that German Fascism was one way of taking the ideology of essential national values to a perverse extreme.

After 1945 the idea of a political Europe featured two elements in response to the total disaster: the federalist principle—a Europe of regions—and the national principle—a European community. Both ideas are visible in the structure of the European Union. The national principle of a community of sovereign nation states became the powerful, dominant and legally binding structure. The federalist idea became merely a symbolic structure in the advisory body of the Council of Regions and in the rhetoric of a “Europe of Regions”.

By the end of the 20th century, the idea of Europe expressed in the political community of the EU is both dependent on, yet also seeks in some sense to transcend, the historical construction of the European nation states. According to Stychin this tension proves to be at the heart of the newly emerging political and legal order. (1998:115) The European Union produces its own nationalist discourse through which it differentiates itself from other nations, both within and outside the geography of Europe. Stychin adds that originally the history of the EC has been characterised by a highly market-oriented conception of citizenship, but increasingly the carving out of an identity also means an extension to a more political and social concept of citizenship. (1998:116) However, the belief in the promise of this extension—expressed in calling on an indivisible concept of European citizenship and in calling to end the second class citizen status accorded to sexual minorities—often conveniently forgets another historical legacy of Europe: a deeply gendered and racialised nationalism embedded in the very idea of Europe and expressed in the imperialist history of Europe’s relation to the world.

The historical constitution of European identities was closely tied up with both Christianity and the Enlightenment. Through their metaphorical, ideological, and literal principles, borders and boundaries were created within which national identities could be consolidated.166 Gender, race, and sexuality coalesced and justified a European colonialism by virtue of the idea that femininity and sodomy were associated with other races who were, as a consequence, naturally inferior. This was a process which generated intricate bodies of discourses around gender inequality, class priorities, sexual privilege, and racial superiority that became the markers of national and European identities. (1998:119) Feminist theorists maintain that nationality depends on an obsessive representation of the nation as community up and against the difference of those excluded. Additionally, nationality depends on the only secondary subsumation of women into the nation and on homosocial bonding between men. (Parker et.al. 1992:5-6)

In the founding of the EU, the historical dominance of the imperialist nation state was left ideologically unchallenged. To this day, the concept of nation states provides the central locus of citizens’ identity and rights in the EU as well as within

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166 See Carl Stychin for an elaborate discussion of this feature in Europe and in other Western cultures. (1998)
the Council of Europe. The philosophical and political principles of the concept of citizenship in Europe are, thus, placed against the background of the historical development of the idea of Europe. According to Chantal Mouffe rights politics participate in the constitution of a political community, not only in what takes place within that political community. (1992b:235) Claims to European citizenship, therefore, involve the re-creation of several political communities with identities based on exclusions: that of gay men and lesbians in Europe, that of Europeans, that of citizens, and that of nation states.

ILGA-Europe strongly emphasises that the importance of equality discourse around rights and participation stems from the interrelationship of the social, political, and economical environment of which gay men and lesbians are a part. (ILGA-Europe, Equality Report 1998:15) Different kinds of discrimination are, therefore, interrelated. However, the meaningfulness of sexual identity is nevertheless asserted. A seemingly natural sexual identity traverses Europe—despite acknowledged differences according to race, age, gender, ability, and class—and this identity simultaneously invokes a natural state of Europeanness. The EU is sometimes implicitly addressed as a form of embodiment of Europeanness, the locus at which political communities are negotiated and at which identities gain rights. European citizenship for gay men and lesbians implies the assumption that cultural diversity can be suspended for the moment while at the same time national difference functions as a prominent justification of the argumentation.

The argument advanced runs approximately like this: by virtue of being European, all gay and lesbian citizens across Europe want the same rights as some citizens of the EU—for example, the Dutch, the Danish, or the Swedish—already have. In consequence, Europe becomes a project comprised of national achievements of rights and compromises between national differences. Transnational politics of citizenship reflect the idea of simultaneously merging and differentiating national differences. They usually accept national boundaries as decisive markers of culture and of analytical units, for example, as far as the description of discrimination is concerned. The claim to citizenship is, in summary, equally bound to discourses of national difference and achievement while at the same time claiming and enacting transnational politics that call on an Europeanness. It is a political

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167 According to Jo Shaw, however, the EU as political discourse also has some postnational features. Shaw critically engages with interdisciplinary theories of constitutionalism to subsequently make them applicable within a legal framework of the EU. (1999)

168 This was further elaborated by ILGA-Europe in its Project Proposal for “Road Blocks and Stepping Stones” to the EU commission, a project that was funded by the EU and conducted during 2000 through seminars and a report on the connection between racial, sexual orientation, and disability discrimination. “Road Blocks and Stepping Stones” was conducted together with UNITED for Intercultural Action—an European NGO against racism—and MOBILITY—an European NGO for disabled people. There exists an extensive report on the findings of this project, available in print and on the webpage of ILGA-Europe and the other NGOs.

169 The reports on discrimination are often structured according to nation states. If they are structured according to issues of discrimination, they obviously always have to refer to legal and cultural
practice locked in the need to still become citizens as Europeans and as gay men and lesbians, while claiming at the same time to already be citizens in the fulfilment of all other aspects of their lives. Some of the interviews explain this logic.

Understandably enough for the context of equal citizen rights, national achievements in legal rights are re-iterated in the attempt to export best practice to Europe as a whole. A good example was given by Steffen Jensen from Denmark again:

"ILGA’s main goals on the European level must be to create equality before the law and in everyday life for lesbians and gay men. I would not say to export the Scandinavian/Dutch way of life to the rest of the world – but something like that! (Steffen Jensen, e-mail interview February 1998)"

Here, Jensen clearly conveys several things: first, an insistence on legal rights as the centre of his conception of ILGA-Europe’s mission; second, a sense of achievement in Scandinavia and the Netherlands which figures as the example to strive towards; and third, he expresses a hope for progress within the European institutions which will eventually come to their senses and generalise the Scandinavian or Dutch model of equality all over Europe. Certainly Jensen does not display any easy sense of nationalism. Yet, he is proud that rights of partnership for homosexuals are part of what he can identify as Danishness. He explicitly does not want to export a way of life, just the legal recognition into an assumed common European legal order.

Nevertheless, it is clear to see that the combination of both—national difference and transnational political goal—creates the very spirit of an European political community. Hannele Lehtikuusi similarly reasserts the benefit of international co-operation in the learning procedures for the fight at home:

"My hopes are in co-operation in lobbying and pressure—when they are needed. The international ‘example’ seems to be very often effective and as well co-operation with other organisations clarifies a bit the goals/aims we are in"

difference among nation states to argue their point. There are many academic examples of this too. Berry Adam, Jan Willem Duyvendak, and André Krouwel’s 1999 collection *The Global Emergence of Gay and Lesbian Politics. National Imprints of a World Wide Movement* presents a good example of the dangers entailed in an unreflected ordering of analysis within national boundaries. Although they acknowledge the reproduction of dominant discourses through gay and lesbian political practices (1999:9), overall their anthology does not reflect on this critically. They justify their project on national gay and lesbian contexts through defying queer critiques and questioning the applicability of these critiques for third world national contexts. (1999:8) Yet, the anthology itself sadly misses the chance to discuss an unproblematised nationalism—almost a kind of nationalist imperialism of European colour—in the description of world wide gay and lesbian culture and politics. Political practices are described in terms of nation states only. In the face of this lack of problematisation their conclusion about the absolute impossibility of describing one world wide, or even an European, form of gay and lesbian politics, almost becomes a truism.

Interestingly enough Leo Flynn, for example, offers an analysis of how a concept of Irishness became the decisive motor of the homosexual law reform in Ireland. (1997:503-506) National discourses are not necessarily always reactionary when it comes to minority rights. Their workings can be more complicated in this respect.

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different countries really heading for. (Hannele Lehtikuusi, e-mail interview July 1998)

For Lehtikuusi, the decisive point is not to export to Europe, but to import from Europe, leaving the focus of rights claims in the nation state. The difference is typical for activists from countries that do not have rights. It is partnership rights that are taken as the measure for what constitutes the have and have-not countries.

The importance of nationality and of import or export of rights was evident in all interviews I conducted, whether the interviewees were personally strongly in favour of European integration or rather critical of the EU in principle.\footnote{The critical ones were not only those that have rights and feared to lose them through EU compromises. Activists from the have-not countries were also occasionally very EU critical. The hope of export or import was expressed by eight of the interviewees. However the specificity of this hope depended on personal political affiliation and, particularly, on national EU perception.} What nearly all interviews illustrate is a simultaneous appreciation of transnationality while focusing on national impact and success.\footnote{This is a common attitude. In their analysis of transnational policy networks Keck & Sikkink state that “for almost all transnational campaigns, how the issue of nationalism is engaged is crucial to achieving issue resonance.” (1998:202)} On the one hand, the theme of transnationality evident in European citizenship claims creates an assumed commonality between all gay men and lesbians in Europe, ultimately regardless of their diversity. On the other hand, the language of citizenship never overcomes its own recourse to and constant re-iteration of nation states as the basis of rights and of gay and lesbian culture, which infuses every concept of European citizens with nationalist traits.\footnote{The Gay Games are another example of this kind of move. Becoming the largest gay, lesbian, and bisexual event in the world, they happily incorporate the idea of national sports competition while they challenge the general assumptions about the sexual orientation of athletes world wide.} The intricate connection between the possibilities of rights as membership and the ideology of nation states becomes a political tool with little to no capacity of interrogating itself. Steffen Jensen, yet again, provides a very insightful summary:

The impact of the EU, I think, can been seen in two different ways: a) Through EU-legislation and through the Court [European Court of Justice]... b) Political pressure. The fact that it is not accepted any more in most parts of the EU to discriminate g/lts, creates in the long run a political pressure on other parts of Europe to do likewise. You have to behave to be of the family! (Steffen Jensen, e-mail interview February 1998)

Indeed, the directives following Article 13 of the Amsterdam Treaty are one way to apply family pressure. However, l/g/b/t and feminist histories have surely proven that any family consensus needs a definition of family and will also apply to those children who do not fit its concept. In exchange for rights, gays, lesbians, bisexuals, and transgender people will have to learn how to behave to be of the family, too. Whether this normalisation is nation wide or Europe wide does not affect its potential for exclusion, marginalisation and maintenance of privilege for some: namely those who live the life of—polemically speaking—the good consumer and
obedient citizen in stable, long-term relationships. The family pressure, so to speak, is a move of divide and conquer.

While it will eventually provide the inclusion for some into existing citizenship orders, it is likely to split the gay and lesbian movement into those who fit in—who can successfully participate in the economic project of Europe as regulated workers moving across nation-states—and those who do not. As an historical event the split of former allies is nothing to be bemoaned since it has happened many times before and will simply result in shifting solidarities and movements, of which the political movement queer is one already. The exclusion of non-normative sexual life-styles in the concept of European sexual citizenship is problematic for lesbians, bisexuals, and gay men in Europe, but even more so is the racial and cultural exclusion this citizenship also implies.

ILGA-Europe most certainly insists on being an organisation of and for all l/g/b/t groups and people living in Europe who wish to be part of the umbrella organisation ILGA. It also insists on integration, diversity and a very broad concept of Europe. Its working efforts are significantly focused on Eastern and Central Europe. However, ILGA-Europe to some extent privileges the EU as the political community in which Europeanness is negotiated. The EU is in the day to day work for ILGA-Europe the location at which rights will be achieved first. This is a realistic and sensible approach and it is in no way particular to lobbying for gay and lesbian rights. In fact, it is clear that if the EU changes its rules the other Europe will eventually have to incorporate that change in its effort to become a member.

However, this practicality does more than participate in the possibilities of gaining rights from a transnational institution: it creates specific meanings of Europeanness and potentially inadvertently substitutes Europe with the EU. Thus, rights politics potentially colonise the Eastern European experience and relegate it to standing outside the garden looking in. In the course of this approach Eastern Europe becomes once again the non-Europe.174 In this respect Europe as ideological concept and concrete institution could become more an addiction than a model for critical activism. Thus, becoming European on the basis and virtue of national citizenship is potentially a replica of the old constructions of national self and other in their deeply gendered and sexualised fashion rather than a reimagining of new spaces. (Stychn 1998:116) This does not only affect Eastern Europe, but has a

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174 Not only NGOs sometimes take the EU as substitute for Europe as a whole, the EU as institution leads the march in this respect. The claim of the EU to represent Europe was particularly visible on a symbolic level in its solitary decision to take over the European flag from the Council of Europe, which preceded the EU and covers 41 member states. The Council of Europe flag—blue with the ring of yellow stars—was simply taken and promoted as the European flag symbolising the EC or EU and marginalising the Council of Europe as the first transnational European institution. Due to the much lower profile of the Council of Europe it ended up changing its symbol to that of yellow stars on a blue background with a C in the middle. I do not consider the issue of flags intrinsically important, but on a symbolic level this expresses a certain attitude. See Barbara Einhorn & Jeannie Gregory (1998:293) for an analysis of the fortress of Europe with regards to Eastern Europe and women, and Slavoj Žižek (1992) for an analysis of the othering of Eastern Europe and re-emerging nationalism.
severe impact on all those people in Europe who are not citizens of the EU, so-called third country nationals—a revealing terminology to say the least.

Sexuality across Western Europe is by no means as nationalised as it is, for example, in the US. In fact, the national discourses of we and them in most member states of the EU are not sexualised at all, but rather racialised. This racialisation is affirmed through the bulwark ideology of the EU at its outside borders, as well as through the severe restrictions on citizenship rights. In some Western European states, for example in Germany and France, xenophobia is, in fact, the most central turning point of national discourse and politics, the issue along which all parties rally and along which society is the most divided.

While ILGA-Europe explicitly supports citizenship rights for third country nationals, this aim is hard to achieve within the language of European citizenship. The EU is itself a polity in the making without precedent. In theory, it is a polity which does not have an a priori demos conceived of as a complete, self-reproducing and non-contestable body, one which views national boundaries as crossing points not as barriers as long as they are within the Union. Yet, to transcend the problem of severely racialised barriers within and outside the Union two aspects of European citizenship need to be dislodged.

On the one hand without a politically sound excavation of the past of the idea of Europe and of European citizenship, the production of a we in citizenship is inevitably placed against a them along lines of race and ethnicity rather than along lines of subscription to democratic principles. The test of the European integrative project is neither the establishment of an area of freedom, security and justice—such as the freedom of movement—nor the acceptance of the abstract legitimacy of political values—such as equal citizen status. Rather, it is the determination to build a heterogeneous polity in which the marker “European” is either an explicit and precise political value or only a geographic description. The marker “citizen” is consequently openly sexualised, gendered, and racialised to an extent that addresses the diversity of lives in Europe. Considering the history of both terms—European and citizenship—however, this will be hard to achieve.

On the other hand, the borders of citizenship in a political community need to be defined beyond a functional meaning. Beyond passports they regulate one’s belonging to a historical community united by a perceived common fate and political life from which the identity of its citizens takes its meaning. As such, those borders are permanent political capital, neither finite nor finished. However, the concept of

175 This was illustrated again through the prominence of the Monika Lewinsky affair. In EU countries such an affair could never have had the political impact it had in the US.

176 ILGA-Europe’s submission on the Charter of Fundamental Rights reads, for example: “ILGA-Europe supports the complete and express recognition of the fundamental rights of third country nationals within the territory of the European Union.”

177 Severely racialised since the situation is not the same for all third country nationals. In all EU states white immigrants from North America or Australia and Aotearoa/New Zealand are in practice treated very differently from non-whites from other continents.
citizenship in Europe has historically not developed as permeable political entity at all, but is, at least as far as the EU is concerned, firmly rooted in the logic of a capitalist market citizenship. The economic citizen of the EU is a crucial part of understanding the historical implications of European sexual citizenship.

**Economic Citizens**

The Maastricht Treaty of 1993 established the concept of EU citizenship, with every national of an EU Member State becoming a citizen of the Union. This was of greater symbolic than real significance, as the status of Union citizens would only apply to the limited civil and political rights defined in the Treaty. These included the right to live and work anywhere in the EU, and the right to vote and stand as candidates in European Parliament and local elections, both subject to certain limitations. Maastricht also coined the term “the peoples of Europe”. It raised the question of European identity but never went beyond the nation state as the basis for citizenship. Maastricht, thus, missed a historic chance. Instead of designing a pluralistic and heterogeneous political community which would then issue disturbing calls to national constituencies to redefine themselves in a pluralistic way, European citizenship made national citizenship more valuable. The implications of this for the values underpinning the EU and its legitimacy were not seriously considered.

The result of Maastricht had an impact on sexual citizenship. The free movement has facilitated the ability to move between geographically distinct gay and lesbian spaces, to create connections between them, and to re-imagine their relationship to European space and national restrictions. (Stychin 2001:8) For single gay and lesbian EU nationals and for those in a relationship with EU nationals who have jobs in high demand areas, the freedom of movement has created a new right. In terms of European lesbian and particularly gay history, high mobility is nothing new.

Gay men and lesbians privately consumed services created for them and developed distinct life styles, albeit in monitored secondary markets and subcultural community territories. (Evans 2000:5) These spaces and markets—often called villages—are to be found in large urban territories, such as London, Paris, Amsterdam, and Berlin. Mobility has been a strong feature of European gay and lesbian history and according to David Bell and Gill Valentine one can today literally “map desire” in any European metropolis. (1995) Many gay men and perhaps fewer lesbians have embraced a consumer citizenship in a fetishisation of subculture commodity as identification—at least we shop and are recognised as consumers.

As David Evans elaborately explains, the so-called homosexual liberation in Europe was and is a history of the “moral state” allowing “amoral consumption”. (2000:1) Post-war European states first legalised previously illegal and thus non-consuming sexual status groups, most spectacularly, male homosexuals. Thus, they released considerable specific minority commodity markets. Yet, the state had to safeguard absolute moral sexual standards. Manoeuvring between sexualised
consumerism and state managed morality, the market was deregulated whilst the
state secured fetishised moral authority by only granting those legal rights which
made consumption possible. (Evans 1993:52) According to Evans, degrees of
citizenship or non-citizenship in Europe incite the fragmentation of communities
with sectionalised access and specialised markets, degree and forms of consumer
status and lifestyle. (1993:6 & 44) To him, consumerist leisure markets and the
heterosexual principle of moral sexuality are dialectically interrelated through the
practices and ideologies of sexual citizenship. (2000:1) Thus, every claim to
citizenship incorporates the wish to maintain rights to lesbian and gay services and
subcultural spaces, which Steffen Jensen expressed so aptly in his demand to have
“other family relations” and our own subculture accepted.

Subcultural space is a decisive feature of the enactment of sexual citizenship and
it plays on the tradition of public versus private distinctions. The EU has tra-
ditionally refrained from regulating private gender and sexual relations since the rule
of subsidiarity has left all family issues to the power of nation states. The freedom of
movement is tied to a promotion of the economic integration of the Union, and the
creation of a transnational capitalist society. Citizenship rights are geared towards
economic integration not the ideal of equality qua equality. It is, therefore, not
surprising that the first anti-discrimination directive that covers many grounds of
discrimination is an employment directive.

The issue of gender equality is another good example: the justification for gender
equality—equal pay for equal work—early on in the European Economic Com-
unity was not concerned with women's equal access to the economic sphere. The
reasoning behind it was concerned with levelling the cost factors of production,
particularly between France and the Federal Republic of Germany, to ensure equal
market competition between the member states.178 The rights of gay and lesbian
citizens are the rights of economic actors that move production freely across
national boundaries of EU member states, providing they are EU nationals and are
gainfully employed. It is the employed citizen in a transnational marketplace that is
the focus of much official rights discourse in the EU. Market mobility is the liveliest
construction of an European, or EU citizens' identity.179

The discovery of the so-called pink pound has surely created market visibility for
a certain section of gay men and occasionally some lesbians, which increased the
range of economic argumentation that political organisations could use.180

178 This was explained to me by an EU commission official working for gender equality in 1997.
179 Carl Stychin asserts in this respect that “citizenship in the context of the EU historically has been a
legalistic, market-centred concept”. (2001:6) He argues that although the idea of citizenship in the EU
has been overwhelmingly rights based, with little official conception of duty, the rights articulated have
and Carl Stychin (2000) on this matter.
180 Interestingly enough research has recently shown that gay men are not as rich and middle class as they
are made out to be. In fact, as Amy Gluckman & Betsy Reed's collection shows, there is a
disproportionate percentage of poverty evident in gay and lesbian communities in North America.
Therefore, gay men and lesbians as a group have long been entangled in a contradictory relationship with capitalism. Open homosexuals face occupational segregation and discrimination, but they also owe much of their new found freedom to economic trends. Gay commodity culture makes clear that heterosexism in the economic system is not a seamless web either. Visibility and a sense of a community of sameness—not to mention a long list of specific products and services—is a strong attraction of the more open consumer citizenship available in the Europe of the 1990s.

It is, therefore, not astonishing that despite its clear critique of economic exclusion ILGA-Europe occasionally deploys economic arguments in relation to equal citizenship. The Equality Report states, for example:

There is already a degree of recognition that discrimination and harassment adversely affects (sic) the efficiency and performance of public and private sector organisations, through a climate which precludes employees individually or collectively from developing to, or operating at, their maximum potential. (Equality Report 1998:19)

Similar argumentation appears when partnership rights and freedom of movement are defended. There is surely success attached to economic reasoning within the climate of the EU. However, this argumentation also translates the discrimination against lesbians and gay men into a disturbance of the smooth running of the market, whose welfare should be at the heart of all EU citizens. The need to participate in this European logic sheds light on the intricate complexity of an EU-based European citizenship. There is a connection of Europeanness to the EU and to the logic of capitalist market economy, and, in turn, that chain of logic becomes connected to sexuality, sexual citizenship, and nation states.

(1997) Similar research has been done for some European contexts (Binnie 1995:199) and it is a fair guess to assume a similar trend throughout Europe. Any economic argument in relation to rights campaigns, though, is fraught with problems. See Didi Herman for an analysis in the context of the anti gay agenda. (1997:120-128)

181 Even taking into consideration the strong critiques of consumerism within gay and lesbian cultures, how many lesbians can honestly say they didn’t run out to buy a copy of Vanity Fair with k.d. lang on the cover; or that they did not subscribe in the mid 90s to the new lesbian life-style magazines in their languages or at least bury their noses in a friend’s copy? How many gay men can honestly say they do not visit local gay pubs and clubs virtually on the night they arrive in a new city? As much as the Pride Parades in Europe have become a largely de-politicised event of fun, games, and shopping, for many they are nevertheless an extremely important outlet of visibility, community, and friendship.

182 See, for example, the ILGA-Europe guide to the Amsterdam Treaty.

183 Here the inevitable structure of argument in political practices comes into play. See for an analysis of this my elaboration on Frans van Eemeren’s et.al. argumentation theory in Chapter Two. (1993)

184 Rosemary Hennessy has analysed a similar effect in the US context. According to her, the often invisible links between nationhood and public sexual discourse as well as the public spaces in which a (hetero)-sexualised national imaginary is constructed in people’s everyday lives need to be addressed. (1995:51)
Claims to equal citizenship for sexual minorities in Europe focus on a set of rights and not on re-negotiating the principles of democratic participation. Through this focus citizenship claims reify certain interconnected histories of the idea of Europe, of nationalism, of capitalism, and of citizenship. The historical exclusions those claims revive are problematic on an ideological level. However, there exists another problematic and contradictory aspect of citizenship claims that is rather procedural. European sexual citizenship necessarily involves a contradictory process of recognition. The recognition that is sought remains contradictory because, on the one hand, the claim to become first class or simply equal European citizens is connected to a problematic history of European citizenship, and, on the other hand, this claim simultaneously maintains a distinct sexual form of citizenship fitted with identities and specific markets that already exist. The contradiction of this claim to become something rests in the assertion to already be full citizens.

The Process of Recognition

The process of recognition implied in citizenship claims can be untangled through yet another reading of two of the document and interview excerpts:

Lesbians, gays and bisexuals seek nothing more than this. They do not seek special privileges. They do not just seek tolerance, valuable though this quality is. They seek equal citizenship, an equal opportunity to live openly and freely, and to contribute equally in every area of their lives. (Discrimination report February 2000)

What I mean is that we are ordinary citizens in our societies taking part in mainstream politics, culture etc., BUT we are also lesbians and gay men with the right to live our lives our way. (Steffen Jensen, e-mail interview February 1998)

The phrase “they seek” clearly refers to a quest for acknowledgement and for recognition in the legal, social, and economic realm. Citizenship claims—like rights claims in general—are built on the quest to become visible and recognised. That quest is necessarily followed by the quest to have inhuman conditions revoked through a second move of recognition that results in legal, economic, and social change. This logic contains four elements that are characteristic of a process of recognition in rights claims.

First, the equal contribution “in every area of their lives” implies that the recognition sought only acknowledges what is already there: gay men and lesbians contribute to social and economical relations on all levels. Steffen Jensen’s words are even more explicit in this respect. The we he implies is already there, recognised as ordinary citizens, taking part in ordinary relations, and living a life that is particular

185 The understanding of recognition as a process not a property or state of legal rights is an idea that Johannes Fabian advanced for anthropology. (1999:68)
to a sexual identity in certain respects. He directs his statement to heterosexual society, the state, and the law, which according to him do not acknowledge the fact that gay men and lesbians contribute equally to society. The claim is based on the vision that recognition of already existent facts will lead to incorporation as well as to maintenance of the separation in specific life-style.

Therefore, second, seeking recognition will result in a situation in which lesbians and gay men can “live openly and freely”, which is presumably not fully realised yet. There is a clear before and after in these claims to citizenship. Now, before the change towards inclusion, there is discrimination and second class citizen status evident in all European societies, although the excluded group has existed for a long time and contributed to society. Through this argument society becomes a unity that grants rights of inclusion if they are deserved. Afterwards there is the recognition of same, equal rights, while the distinct life of the group is maintained and given acknowledged specificity although—presumably—the need for that specificity has ceased to exist.

Third, the existing excluded group is seeking inclusion into another existing group, in this case society, which in turn needs to first realise and ultimately judge the valuable existence and contribution of the group that seeks inclusion. Once that inclusion has taken place, there is no more need for two groups, the principal relation of the groups as oppositional fades. Finally, fourth, the fight of those agents is concerned with an as. They seek to be recognised as something, namely as European and simultaneously as sexual citizens, two things shall become one and remain nevertheless separate. These four elements of the process of recognition highlight the contradictory nature of citizenship claims on yet another, theoretical, level. Alexander García Düttmann’s philosophical investigation of recognition in his book *Between Cultures* is helpful in this respect.

For what I have so far termed recognition Düttmann uses mainly the German term *Anerkennen* or *Anerkennung*, but also *erkennen* and *wiedererkennen*. These terms, taken from Hegel, imply a range of meanings in English: recognition, acknowledgement, appreciation, tribute, legitimisation, legalisation, or approval, and in a philosophical sense identification of something as such and an identifying act through which one finds oneself in the other. I will follow through with the term recognition here, which has also been used by Düttmann’s translator, while emphasising that the processes involved indeed incorporate aspects of all those meanings.

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186 For the following I have used the 1997 German original. Page references, therefore, apply to the German book. There exists, however, a translation into English, published in 2000, which I have used for the direct quotations and for clarification of the German terminology in English.

187 In his translation Kenneth B. Woodgate distinguishes the German terms through using the terms recognition, re-cognition and repeated re-cognition. (Düttmann 2000:ix) The concept of recognition is not new, nor is it reduced to one discipline or one theorist such as Düttmann. The concept has been deployed in feminist analysis, anthropology, postcolonial studies, and certainly philosophy. It has been inspired by Hegel and Fichte and extended by Frantz Fanon and Jean-Paul Sartre. My deployment of
In a nutshell, Düttmann argues that any political practice which calls on an already existent *we*—a given, definable group with shared experiences that constitute identities—crosses out the process of recognition as a process of interpretation and labelling, which it necessarily is. (1997:110 & 118 & 122) If the *we* in a right claim is already there contributing to society and maintaining historically specific identities and spaces then there is no real recognition of that fact necessary—besides, maybe, an issue of broad social awareness and visibility. The process of recognition sparks a continuity between three identities: between the not yet recognised identity—the identity that is in the process of formation through the struggle for recognition; the identity that is self-recognised in the struggle as a free and self-confident pre-existing subjectivity; and the discriminated identity, which needs the recognition that significantly results from the struggle. (1997:182)

Therefore, there is no recognition possible without a group or a self that seeks to fulfil her or his wish, but that wish can never be completely fulfilled. The process of recognition makes citizenship claims deeply contradictory. The claims to citizenship simultaneously include an already existent group and a group in the making, namely the equal European sexual citizen. Düttmann asserts that recognition is necessarily an act of interpretation. To him the claimed category—in this case the equal European sexual citizen—is open for political negotiation. He concludes:

The struggle for recognition turns into a struggle of the subject which attempts either to include otherness within itself, or else to exclude it from itself. The politics of recognition becomes a fundamentalist and immanentist politics, regardless of the intentions and instruments with which it operates. (2000:120)

Düttmann comes to this conclusion by identifying in detail that recognition reproduces the connection or the relation of the person who recognises towards the one who asserts recognition.\(^{188}\) What is to be certified is at the same time that which is produced by the claim to recognition. (1997:53) Recognition is the pre-condition of acknowledgement: in order to attain a right, a group needs to be recognisable as deserving that right. The dilemma of acknowledgement for citizenship as participation right, thus, rests in a dilution of the difference between acknowledgement as legitimisation, legalisation, or tribute, and recognition as remembered image of otherness. As such it rests between an *Anerkennen* and a *Wiedererkennen*—recognition and repeated re-cognition.

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\(^{170}\) Düttmann's analysis could easily incorporate the concept of the performativ here. Since he does not use this concept I will also refrain from incorporating it here. It could, however, serve the analysis well if not located on the side of the subject nor on the side of language, but on the interconnection between them as in Judith Butler's work.

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the concept is admittedly limited. See Johannes Fabian for an overview of the utilisation and discussions of the concept in philosophy and its possibilities in anthropology. (1999:63-69) Fabian particularly emphasises the distinction between the German terms *anerkennen, erkennen*, and *wiedererkennen* as an important entry point into utilising the concept of (re-)recognition. (1999:53 & 68)
The group to be recognised by the recognising majority is also already a recogniser of the authority of those set up to decide and judge whether the demanded recognition is justifiable and legitimate. In consequence, lesbians and gays are to be recognised by the heterosexual majority or the rights-granting institution which is assigned the status of the recogniser. Through their own political practices, gay men and lesbians become the recognisers of the authority of those institutions or a majority to conduct the recognising. Therefore, whenever we want to speak about recognition or acknowledgement we need to speak about a fight—a principled and never-ending fight—about the terminology of recognition and about the interpretation and maintenance of difference in the relations which processes of recognition and acknowledgement produce. (1997:54)

What Düttmann implies here is that any simple understanding of the process of recognition portrays a unity of that term which ignores the circular erasure of recognition through its own processes. Or to explain it more concretely: if recognition is defined as purely a relation of inequality—excluded citizens demand recognition of their second class status—we would have no answer to the question of how a society can relate to this inequality without adhering to the illusion of equality. (1997:66-67) Thus, despite its exclusionary history, the illusion about an equal concept of European citizenship is re-iterated. If recognition is defined as purely a relation of equality—the already equal participation in society as tax payers is asserted—we would again have no answer to the question of how one can relate to equality without re-asserting existing inequality. We lack an explanation of the fact that equality is not realised for all European citizens, although the ideal of equality is nailed into all democratic European constitutions.

If we are, then, to define recognition as a dialectic relation of equality and inequality, this would give no answer to the question of what differentiates a form of recognition that results in the destruction of inequality, from a form of recognition that eventually destroys the specific identities and their subcultures forcing gay men, bisexuals, lesbians and transgender people into sameness and normativity. Recognition as the functional process of citizenship claims illustrates the evasive citational circle that characterises any form of European sexual citizenship and political practices towards it. The recognition that can be achieved through citizenship rights is neither a state nor a result nor, in fact, a solution. This becomes evident once more in the idea of a before and an after which is included in all claims to citizenship.

Struggles for recognition do not come from outside, they live within the processes of recognition and is self-perpetuating. No recognition is conceivable which sets an end to the struggle around it. Or, as Johannes Fabian puts it in the context of anthropology: recognition “is an agonistic relationship; it involves participants in confrontation and struggle... it is achieved through exchanges that

189 Düttmann calls any struggle for recognition a fight that is necessarily about life and death. (1997:183) I do not think this logic is applicable to citizenship and I will, therefore, not elaborate on this point.
have startling, upsetting, sometimes profoundly disturbing consequences for all participants.” (1999:66) Recognition remains entrapped in its own struggle, which Düttmann eventually calls a polemic. (1997:69) The struggle is not ended through the inclusion into an exclusionary European citizenship. The result of that recognition is not a lasting state of being recognised. The struggle pushes rights to the borders of any recognition conceivable and only comes to an end by exhausting itself. (1997:68-69) I would argue that fundamental rights claims could not be made if they were easy to recognise in European democratic societies and were truly achieved by brief legal amendments. The hope to end a second class citizen status once and for all intrinsically locks itself to the wish for an end to the culturally meaningful historical prohibition of homosexuality. This claim contains something immeasurable, something excessive and boundless: it calls for an end to a fundamental prohibition which forms a pre-condition of European political thought, of the very epistemology of Europeanness.

In the struggle between majorities that grant rights and excluded minorities that seek them, the excessive immeasurable factor needs to be countered by a measure, a quantitative factor (1997:122): ILGA-Europe demands no special rights, but the institutions are held up against their own fraught ideology of measurable equality. This potentially disruptive and anarchic quality of claims to European citizenship as homosexual citizenship is the blind spot of the process of political recognition. The after remains bound to the before; there is no after that erases the before, what is actually claimed cannot be achieved without dislodging Europe’s epistemological and ontological history. Yet, that is, indeed, an entirely unachievable aim. Not because the heterosexual majority does not want to be challenged, but because the actual fulfilment of an end of discrimination against sexual minorities is also the end of homosexual identities as the deviation from the norm. (Scott 1997:21)

If we nevertheless engage in struggles over recognition, which are nominally one of the more successful political practices concerning rights, then these struggles ought to focus on the as: the meaning production of what it is one wants to be recognised as and the structure of this as. This focus is indeed the most interesting aspect of the process of recognition in political practices. Any absolute recognition contains an annihilation of difference.190 (Düttmann 1997:124) Yet, since that is not achievable, the best result of citizenship claims remain in principle preliminary. (1997:192) The recognition possibly achieved—for example partnership rights as a preliminary end to a certain struggle—remains unequal, unfinished and one-sided for all its obvious exclusions, continually falling short of its own equality aims. However, if we politically emphasise the process not the result, recognition as acknow-

190 Politically Düttmann concludes that the contradictions of recognition can only be followed by a politics of rescue, since one has to rescue that which is not yet existing and which is, therefore, particularly present. He terms politics then an irony of rescue and a rescue of irony. (1997:212) However, I prefer Fabian’s response of emphasising the re in recognition and concentrating on recognition as an epistemological problem to avoid certain positivist problems of recognition. (1999:67)
Acknowledgement, re-recognition, and repeated recognition—Anerkennen, Erkennen, and Wiedererkennen—can become a mobilisation of memory with a chance of producing different knowledge and identifications. (Fabian 1999:68)

Practically speaking this means that the achievement of an unequal equality in a problematic concept of European citizenship would not deliver its own aims of equality. Yet, it would appease those who believe equality is delivered by legal changes and who, consequently, feel recognised and acknowledged enough to drop their political mobilisation. This, again, will clear the field for other struggles of recognition under different solidarities and identifications. Citizenship claims are, therefore, not wasted at all, but could be seen as the first step towards a different set of political aims and practices. They are a necessary part of politics that involves processes of recognition which are, in turn, fundamentally connected to any perception of the personal and the political. Or as Düttmann formulates it:

Politics is a politics of recognition to the extent that self-consciousness, identity, difference, culture, society, the state and the legal system cannot be formed and thought without recognition, whatever one’s concept of recognition may be. (2000:190)

Conclusion

So far I have presented a theoretical analysis of the histories cited in political practices concerning citizenship, and a detailed problematisation of the process of recognition involved in these practices. Beyond re-defining the process of recognition involved in citizenship claims I have not offered a thorough re-conceptualisation of citizenship capable of circumventing at least some of those problems. I have not done so for two reasons.

Firstly, I am not sure a re-definition of the concept of citizenship in the specific context of lobby politics would be a tenable escape from the contradictions analysed. As a claim to a set of civil rights, citizenship is too intricately enmeshed in historical relations of exclusion. I would rather suggest that the theoretical concept of recognition as the principle formation process of social and legal relations—critically separated from its positivistic and universalising philosophical tendencies (Fabian 1999:67)—has to become the future focus of political re-conceptualisation. Thus, the nature or target of citizenship claims would change away from rights to a struggle about the possibilities of social and political participation and the very nature of democracy. However, once that change has occurred, the kind of political practices I investigate would not be the same anymore either. Secondly, the existing literature offers quite a few elaborate re-conceptualisations already. These include a wide array of approaches from re-definitions of citizenship as simple participation
rights in social and political relations, to the focus on legal and rights definitions, or a conceptualisation of citizenship with regards to space. I will briefly summarise a few of those re-conceptualisations that taken together with my above claim offer at least a creative starting point to countering the nature of citizenship claims.

Within the attempts to conceptually re-define citizenship Chantal Mouffe and Bryan Turner are two of the best known theorists. While Mouffe postulates the impossibility of a final realisation of her radical democracy, she also re-introduces the principles of freedom and equality as concepts in tension. (1992b:13) To be a citizen is to recognise the authority of those principles and the rules in which they are embodied; to have them informing our political judgement and our actions. This implies seeing citizenship not as a legal status but as a form of identification, a type of political identity: something to be constructed, not empirically given. (1992b:231) Turner defines citizenship as: "that set of social practices (juridical, political, economic and cultural) which define a person as a competent member of society, and which as a consequence shape the flow of resources to persons and social groups." (1992b:2)

Both Turner and Mouffe offer a non-static and non-empirical concept of citizenship capable of acknowledging historical exclusions. Turner’s emphasis on citizenship as practice comes close to my own understanding of politics as practices: a social, economic, and historical construct that involves many levels of engagement beyond the juridical definition of citizenship and that defines competent members with a view to specific social structures and political movements. Citizenship, thus, becomes a meaning-creating act of participation.

Considering the question of European citizenship, Etienne Tassin insists citizenship ought to lose any reference to general will or supranational identity, as well as to individualised European bodies and minds. (1992:189) The political ambiguity of Europe can, then, be resolved through the development of a European fellow-citizenship broken away from nationality. Whatever the citizen’s cultural or national identity, his or her insertion in public political space needs to become elective and not native. It derives from a political choice and not from birth or from an identity passed on by history. This replaces the idea of a European fatherland with that of a public space of disparate communities.

With particular respect to sexuality Carl Stychin (1998, 2001) and David Evans (1993, 2000) have taken the concept to the test of recycling after analysing many of its problems in their field of interest. Stychin underscores how political activism around citizenship is not a lost cause, and argues that “actors within civil society can

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192 See, for example Jo Shaw (1998), Morris Kaplan (1997a), and Leo Flynn (1997).
193 This approach stems mainly from critical and feminist geography. See, for example, Jon Binnie (1995 & 1997), David Bell & Gill Valentine (1995), and Eleonore Kofman (1995).
always, through the language of rights and participation, breathe active life into what may appear to be static citizenship constructs.” (2001:10) To him the power of rights discourses lie in their claim to universality—as contentious as that might be—with no inherent limits on who can make those rights claims, potentially broadening the horizon of citizenship in the process. (1998:17)

Stychin’s model of citizenship recognises communities characterised by rights. Yet, the boundaries of those communities are sites of contestation in which the disciplining force of the history of European citizenship is resisted while recognising democratic politics as vital:

The possibilities of European citizenship lie in the potential to synthesize rights and belonging, in the creation of opportunities for democratic contestation in the interstices between liberal rights, the disciplinarity of the free market, and across the differences between and within national identifications. (Stychin 2001:12)

This concept challenges the historical construction of public and private and problematises the distinction between active and passive citizenship, all of which have been crucial elements of the exclusionary history of citizenship. Stychin’s approach is a balanced appraisal of the indeterminacy of citizenship and rights (2001:10), close to Shane Phelan’s model of coalition and affinity, rather than identity (1995:345).

David Evans’ concept of sexual citizenship—mainly employed to critique forms of commodification of identities and rights—adds another relevant point to Stychin’s re-appraisal. The way to resist economic organisation and control of sexualities through political and economic citizenship institutions and practices, is not only to question the dominant assumptions of what citizenship as participation rights have historically meant. It is rather to deeply trouble the exclusionary citizenship culture practised in the gay villages and to defy the claim of fundamental cultural and identity difference. Evans calls this project to “queer the queer”. He identifies three linked political fetishes that are equally troublesome for his definition of citizenship: the essential gay individual, equal rights, and the gay community. (2000:7-8) In conclusion, as Davina Cooper emphasises, citizenship has a multiplicity of valences. It contains “different traces of meaning”, including both duty and empowerment, and it always has the potential to be re-articulated, depending “upon the precise historical circumstances” in which it is voiced. (1993:168)

Stychin’s and Evans’ works are two of the many academic texts that point to possible political and theoretical ways out of the impasse brought about by the critical deconstruction of citizenship concepts. However, with respect to the kinds of mainstream lobby politics that are the object of my investigation, those reconceptualisations are to some extent unrealisable. Up until now it has been the lived crisis of sexualised identities in national locations that continues to mobilise inclusionary citizenship rights claims. This crisis certainly also fuels the resistance
against heteronormativity and binary gender regulation among gays and lesbians. Yet, the former is not exactly the same project as the latter. Collapsing one into the other—even if desired from a queer perspective—is not likely to happen in the current political climate. And maybe this is not even necessary.

The rights claims staged by NGOs such as ILGA-Europe, will most likely—in due course—be successful unless Europe returns in its majority of countries to a period of extreme right-wing governments. Yet, the movements behind rights claims will just as likely collapse the moment after the big pride party to celebrate those rights has ended. Gay and lesbian identity will be less meaningful to most after that point, while the actual hierarchical conditions of why they became meaningful in the beginning remain in place. As a matter of political and theoretical practicality this will potentially be the point at which critical citizenship concepts gather around them larger movements which work together according to identifications different from gay and lesbian identities. The decisive political move, will be a move of content with respect to struggles around citizenship. Understood “as the way in which a society thinks and organises social membership, political participation, and social design” (Questio 2000:22 translation mine), citizenship becomes a conceptual framework that problematises social relations and historical conditions and re-thinks the nature of democratic participation.

Partly, activists position themselves clearly in relation to this dissolving of rights movements through their claim to end a second class citizenship status. They want to become and be recognised as part of the family and to some extent they are explicitly aware about the reformation of solidarities and identities this move implies. It is part of their agentic choices to pursue certain forms of citizenship and not others and to hopefully deal more explicitly to the exclusionary aspects of those models that are currently on offer in Europe. Yet, predictably, potential new solidarities will, in turn, produce another set of problems of exclusion that become the objects of future critical analysis.