

JOURNAL OF DEMOCRACY

July 2014, Volume 25, Number 3 \$13.00



The Maidan and Beyond

Lilia Shevtsova ■ *Ånders Aslund* ■ *Lucan Way*

Serhiy Kudelia ■ *Nadia Diuk* ■ *Olga Onuch* ■ *Sergii Leshchenko*

Anton Shekhovtsov & *Andreas Umland*

Gay Rights: Why Democracy Matters

Omar G. Encarnación

Forrest D. Colburn & *Arturo Cruz S.* on El Salvador

Jan Erk & *Wouter Veenendaal* on Microstates

Staffan Lindberg et al. on a New Measure of Democracy

Pål Kolstø on Russian Nationalism

Joan Nelson on Hegemonic-Party Regimes

Tarek Masoud on Islamist Parties

The End of the Transitions Era?

Marc F. Plattner

GAY RIGHTS: WHY DEMOCRACY MATTERS

Omar G. Encarnación

Omar G. Encarnación is professor and chair of political studies at Bard College. He is the author of Latin America's Gay Rights Revolution, forthcoming from Oxford University Press.

Even before the year 2013 was officially over, gay activists were already declaring it “the gayest year in gay history.” Barack Obama, hailed by *Newsweek* as “America’s First Gay President,” got the year off to an auspicious start in January by becoming the first U.S. president ever to make reference to gay rights in an inaugural address. “Our journey is not complete until our gay brothers and sisters are treated like anyone else under the law,” said the president as he opened his second term in office, adding that the struggle for marriage equality belonged in the pantheon of civil rights struggles in U.S. history, alongside those of women and African Americans. In June, in *United States v. Windsor*, the Supreme Court struck down the Defense of Marriage Act (DOMA), enacted into law in 1996 by veto-proof congressional majorities to prevent same-sex marriages from being recognized by the federal government, and also invalidated California’s ban on same-sex marriage (Prop 8), passed by popular referendum in 2008.

Post-*Windsor*, the political and judicial landscape has shifted dramatically in favor of gay rights in the United States. A virtual stampede of politicians—including some thirty U.S. senators (three of them Republicans)—has rushed to support same-sex marriage. New Jersey, Delaware, Hawaii, Illinois, New Mexico, and Pennsylvania have legalized same-sex marriage, bringing the total of gay-marriage states plus the District of Columbia to nineteen (or roughly 45 percent of the U.S. population), and federal and state courts in thirteen states, including deep-red Utah and Texas, have ruled that bans on same-sex marriage violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. All this suggests what was once thought impossible: same-sex marriage becoming the law of the land without it being imposed by the Supreme Court.

Some developments abroad in 2013 were just as favorable to gay rights, if not more so. Same-sex marriage became legal in England, Wales, and France, leaving Italy and Greece as the only West European democracies that have failed to allow either marriage or civil unions to same-sex couples. Brazil and Uruguay joined Argentina and several Mexican states (plus the Federal District of Mexico City) in legalizing same-sex marriage, and New Zealand became the first Asia-Pacific country to legalize same-sex marriage. These additions bring to fifteen the number of countries that have legalized same-sex marriage since the Netherlands was the first to do so in 2001.

Ironically, however, the year 2013 also featured a countervailing trend—the rise of some of the most odious anti-gay legislation in history. Uganda passed a law that calls for life imprisonment for some homosexual acts and a seven-year jail term for anyone who conducts a same-sex marriage ceremony. This was actually less severe than the original 2009 legislation, the infamous “kill the gays bill” that called for the death penalty for gay Ugandans and sentences of up to seven years for family and friends who failed to report them to the authorities. Russia enacted a law banning the promotion of “sodomy, lesbianism, bisexuality, and transgenderism,” a law so broad that it outlaws gay-pride parades, public displays of affection by same-sex couples, gay symbols such as the rainbow flag, and even a public admission of homosexuality, unless made in a way that casts homosexuality in a negative light. India’s Supreme Court reinstated a colonial-era ban on homosexual sex that doubled “the number of gay people in the world who can be imprisoned for their sexuality.”¹

The schizophrenic manner in which gay-rights politics played out in 2013 highlights the ambiguities in global trends: Gay rights are expanding in some countries while constricting in others. Moreover, the events of 2013 reveal the serious limitations of transnational factors in explaining the global spread of gay rights—like the growing acceptance of gay rights as a human-rights norm. It is apparent that we have to delve deep into the domestic environment to understand why gay rights are thriving in countries like Argentina and floundering in others such as Russia.

Wealth and religion are the most discussed factors behind the so-called global divide on homosexuality. On the whole, the more affluent and secular the nation, the more likely it is to embrace gay rights; conversely, the poorer and more religious the nation, the more likely it is to repress homosexuality. Less studied and therefore less understood, however, is the effect of the political regime, especially whether the country is democratic or not. Although gay rights are not found in all democracies, gay rights are virtually nonexistent in nondemocracies. Among the many factors that make democracy an apparent prerequisite for gay rights are the opportunities that it provides for advocacy—including access to the courts, the party system, and the legislature—as

well as a social environment that permits gay people to live their lives openly and honestly, a critical but often overlooked factor in advancing societal acceptance of homosexuality.

Not surprisingly, the most favorable environment for gay rights is found in places where political freedoms, civil society, and the rule of law have taken root, especially in recent decades, as in Spain, South Africa, and Latin America. By contrast, gay rights are languishing where authoritarianism is on the rise and civil society is under attack, as in Russia, most of Africa, and virtually the entire Middle East. These findings are important for understanding not only how gay rights develop, but even more so for thinking about how best to promote gay rights globally.

The Rise of Gay Rights

Although often thought of as an overnight phenomenon—a point famously underscored by U.S. Supreme Court Justice Samuel Alito’s remark during the DOMA deliberations that “same-sex marriage is newer than cell phones or the Internet”—the struggle for gay rights has had a long gestation. Germany’s Scientific Humanitarian Committee, a Berlin-based organization founded in 1897 and shut down by the Nazis in 1933, is generally thought of as the world’s first gay-rights organization. It championed rights and equality for homosexuals. The organization’s long-term influence is reflected in the “homophile” movement ushered in by the Mattachine Society, a group founded in Los Angeles in 1950 and widely regarded as the first viable U.S. gay-rights organization, and the Daughters of Bilitis, founded in San Francisco in 1955 as the first U.S. lesbian organization. These groups called on homosexuals to “dial down the gay” by avoiding gender-bending behavior and clothing, in keeping with an assimilationist agenda premised on the idea that the only thing differentiating homosexuals from heterosexuals is what they do in bed.

New York’s 1969 Stonewall riots set off a second wave of gay activism. This series of violent clashes between the police and ordinary gays, lesbians, and transvestites erupted after the police raided the Stonewall Inn, a bar on Manhattan’s West Side. These riots are generally considered to have been the launch pad for today’s gay-rights movement. Post-Stonewall activism departed from the civility and passivity of the homophile movement by promoting an ideology of “sexual liberation.” Embodied most fully by New York’s Gay Liberation Front (GLF), this ideology held that only the outright destruction of the heterosexual patriarchy by means of a social revolution could end the oppression of sexual minorities. To that end, the GLF criticized dominant and restrictive mainstream values and prejudices and embraced gay pride as a key component of sexual liberation.

The GLF helped to engineer a fundamental reorientation in gay rights, away from “negative” rights and toward “positive” rights. While negative rights require little from the state other than allowing gay people to be themselves by ending legally sanctioned anti-gay discrimination, “positive” rights demand that the state extend civil rights to the homosexual population, including legal protections against discrimination and the recognition of same-sex relationships. In its pursuit of positive rights, the gay-rights movement took inspiration from other social movements. In the United States, groups like the National Gay and Lesbian Task Force emulated the U.S. civil rights movement and began to appeal to the courts to overturn discriminatory anti-gay laws, especially sodomy laws, arguing that they violated the U.S. Constitution’s guarantee of equal protection under the law.

In other countries, however, the campaign for gay rights was framed as part of a struggle for internationally recognized human rights. This was a pivotal development in the evolution of human rights, given that the 1948 Universal Declaration of Human Rights makes no mention of issues of sexual orientation, even while acknowledging things like housing, education, and leisure as “basic” human rights.² Nonetheless, gay activists have turned to several articles of the Declaration—especially Article 2, which states that every person “is entitled to the rights and freedoms set forth in the Declaration without distinction of any kind, including sex.” By the early 2000s, the human-rights strategy was paying dividends in spades, with courts in Europe, Canada, and Latin America ruling on issues of concern to homosexuals—especially adoption, immigration, and same-sex relationships—from the perspective that anti-gay discrimination was an affront to universal human rights.

Adding to the drive for positive rights that emerged after the Stonewall riots was the devastation wrought by the HIV/AIDS epidemic, which began killing gay males by the thousands from its very onset in the early 1980s. From this crisis emerged a keen awareness within the gay community of the need to attain state recognition of same-sex relationships. As never before, AIDS forced gays, especially gay males in the prime of their lives, to confront the legal limitations on their personal relationships with regard to such issues as hospital visitation, surrogate decisions regarding medical care, and estate inheritance. Fear of AIDS also turned anti-gay discrimination into an epidemic in its own right, as gay people from all walks of life faced unprecedented discrimination in government policies, housing, and the workplace.

In advocating for positive rights, gay activists began to reorient their activism away from “sexual liberalization” and toward “social integration.” Key to advancing social integration was mainstreaming homosexuality by adopting the norms of society at large—most notably, marriage. This mainstreaming agenda, which constituted a third wave of gay-rights activism, was promoted by a new cadre of gay-rights orga-

nizations led by the Human Rights Campaign, founded in 1980 to elect gay-friendly candidates to state and federal offices, and by conservative gay intellectuals such as Andrew Sullivan, who argued that “gay marriage” was not a radical idea intended to destroy heterosexual society but rather a conservative one that would work for the betterment of both gays and society overall. A noticeable change in rhetoric accompanied the justification for same-sex marriage by advocates of mainstreaming. While early demands for marriage equality were couched in terms of equal rights, the new argument stressed that gay people’s desire for marriage was rooted in love, commitment, and responsibility—the same reasons that heterosexuals give to justify their own desire to marry.

Three distinct but complementary theoretical approaches can be drawn upon to explain how the arc of gay rights launched by the Stonewall riots managed to find its way around the world. Arguably the most suggestive is “socialization,” or the process through which countries are inducted into international society.³ This process does not happen in a vacuum but rather in close interaction with other states and international nonstate actors. Its main engines are Western-based “transnational advocacy networks.” Because of their status as “nonstate” actors, these networks have a unique ability to strategically mobilize information to persuade, pressure, and even shame countries into changing their behavior on a wide range of issues, but especially those concerning human rights. The most influential international advocacy network devoted to gay rights is the International Gay and Lesbian Association (IGLA). Since its founding in 1973, in Coventry, England, IGLA has been very successful in pressuring the international human-rights community and Western governments into embracing gay rights as a human-rights norm, and in exposing the horrid treatment of the gay population in many parts of the world.

A second approach is “policy diffusion,” which contends that policy making is often marked by extraordinary moments when a cluster of similar policies appears within a relatively short period of time in many different states.⁴ At work here is nothing short of “contagion,” meaning something that erupts in one or a handful of countries and is rapidly transmitted to many other countries. Policy diffusion is promoted by a variety of means, including technocratic exchanges between governments, transnational legalism, international consultants, interstate NGO activism, international think tanks, and multinational organizations. Recent examples of policy diffusion include democratization, economic reform (privatization in particular), healthcare reform, pension reform, and, of course, same-sex marriage.

Last but not least is “global queering.” Behind this idea is the notion that the gay community encapsulates a wide range of identities, cultures, and politics that are being disseminated around the globe by the internationalization of American homosexuality, as driven by U.S. cultural

imperialism and U.S. economic hegemony.⁵ Among the forces fanning global queering from the United States into the rest of the world is the popularity of American television shows such as *Modern Family* and the influence of “gay-borhoods” such as Greenwich Village in New York and the Castro in San Francisco. Since their emergence in the 1970s, the cultural practices of these gay enclaves, especially gay-pride parades intended to increase gay visibility and affirm a gay identity, have spread to other U.S. cities and towns and across the world as a consequence of global capitalism, the Internet, international trade, and tourism.

HIV/AIDS is another influential source of global queering. The legacy of the epidemic for the globalization of gay culture is complex and far-reaching, and it extends well beyond the professionalization (and even the homogenization) of gay-rights activism around the world. In particular, ambitious and often controversial safe-sex campaigns designed to curb the spread of the epidemic are credited with disseminating a “Western model of homosexuality.” These campaigns—which originated in the United States and Western Europe and were later exported to the developing world by NGOs, multilateral organizations such as the World Bank and the Pan American Health Organization, and private charities such as the American Foundation for Aids Research—shattered many taboos in regions such as Latin America by featuring images of same-sex couples, especially males, and frank sexual language about ways to prevent HIV infection.

A Global Divide

For all the transnational influence of socialization, policy diffusion, and global queering in fueling the spread of gay rights around the world, the contradictory developments in gay-rights politics in 2013 clearly demonstrate that gay rights are not spreading in an even fashion—far from it, actually. Indeed, for all the talk of a global spread of gay rights, the geographic span of this spread is a lot less impressive than is often assumed. Gay rights appear to be deepening more than spreading, intensifying in some regions while regressing in others.

“The Global Divide on Homosexuality,” a 2013 study by the Pew Research Center, examines the unevenness in the global spread of gay rights. Pew asked some 40,000 respondents from 39 countries, “Should society accept homosexuality?”⁶ The resulting data illustrate a stark split on the issue, with acceptance finding strong support across the Americas and Western Europe but lagging in the rest of the world (save for a few notable exceptions such as Australia, New Zealand, and Japan).

Topping the list of countries that believe society should accept homosexuality is Spain (88 percent), followed closely by Germany (87 percent), Canada (80 percent), the Czech Republic (80 percent), Australia (79 percent), France (77 percent), Britain (76 percent), Argentina

(74 percent), and Italy (74 percent). At the opposite end of the spectrum is Nigeria, where a whopping 98 percent of the public disapproves of homosexuality, followed by Jordan (97 percent), Senegal (96 percent), Uganda (96 percent), Ghana (96 percent), Egypt (95 percent), Tunisia (94 percent), Indonesia (93 percent), Palestine (93 percent), Kenya (90 percent), and Russia (84 percent).

Delving deeper into the Pew data gives us a more fine-grained view of the progression of societal acceptance of homosexuality across the globe. Since the mid-2000s, acceptance of homosexuality has steadily expanded in North America, Western Europe, and Latin America, with some countries, including the United States, registering double-digit increases. In 2007, less than half of Americans thought that gays should be accepted by society, compared with 60 percent today. By contrast, the Pew data show that societal attitudes toward homosexuality in Africa, the Middle East, most parts of Asia, and Russia have remained mostly unchanged. This consistency on the issue in so many parts of the world explains why the overall number of countries that criminalize homosexual behavior has declined only modestly in recent years, from 85 countries in 2007 to 76 in 2013. Understandably, decriminalizing homosexual behavior, rather than promoting same-sex marriage or civil unions, is the top priority for gay-rights activists at major international human-rights organizations.

According to Pew, at the heart of the global divide on homosexuality are two variables that often go hand in hand: wealth and the role of religion in public life. The richer and more secular the country, the higher the level of acceptance of homosexuality is likely to be; conversely, the poorer and more religious the country, the less likely it is that homosexuality will find acceptance among the public. These findings mirror some dramatic changes in religious patterns observed in several parts of the world. Across Western Europe and Latin America, a much-discussed “fading of Catholicism” has taken place in recent decades.⁷ Spain and Argentina are among the most extreme cases. In these overwhelmingly Catholic societies, less than a fifth of Catholics claim that faith is an important part of their lives.⁸ In the United States, one-fifth of the public and a third of adults under the age of thirty are religiously unaffiliated—the highest percentages ever recorded.⁹

By contrast, in recent decades, in many parts of Asia, Africa, and the Middle East, the rising popularity of Islam is boosting efforts to make state laws conform to Islamic law (*shari‘a*), which makes homosexuality a capital offense. The latest attempt comes from the small Southeast Asian nation of Brunei, where new *shari‘a*-inspired laws make sodomy and adultery punishable by death, including stoning. In parts of Latin America where gay rights are lagging, as in Central America and the Caribbean, there has been a rise of Protestantism, which is less approving of homosexuality than Catholicism. But the most surprising development

comes from Russia, where religion has made a spectacular comeback in recent years. According to Pew, between 1991 and 2008, the share of Russian adults identifying as Orthodox Christian rose from 31 percent to 72 percent.¹⁰ During the same period, the percentage of Russians who do not identify with any religion fell from 61 percent to 18 percent. There has also been an increase in commitment to religion. The share of Russians who claimed to be at least somewhat religious skyrocketed from 11 percent in 1991 to 54 percent in 2008, while the portion of adults who said that they believe in God rose from 38 percent to 56 percent.

The Difference Democracy Makes

A decidedly less-examined factor in the global divide on homosexuality is the presence or absence of democracy. Certainly, democracy is not an insurance policy against anti-gay discrimination, much less a guarantee that gay rights will be protected, even after these rights have been enshrined in law. Democracy can just as easily be used by foes of the gay community to undermine gay rights as it can by gay-rights advocates to advance them, a point underscored by the U.S. experience.

Witness the some thirty state constitutional amendments banning same-sex marriage enacted in the United States by popular referendum since 2004, making a mockery of democracy by putting the rights of a minority at the whim of the majority. The best known of these referenda, California's Prop 8, invalidated a 2008 ruling by the Supreme Court of California that found the exclusion of same-sex couples from marriage to be a violation of the state's constitution. The campaign left a poisonous cultural legacy. According to *Slate*'s Mark Joseph Stern, Prop 8 was "the most traumatic and degrading anti-gay event in recent American history." He adds that the campaign's tactics "were not merely homophobic. They were laser-focused to exploit Californians' deepest and most irrational fears about gay people, indoctrinating an entire state with cruelly anti-gay propaganda."¹¹

Yet, as several datasets show, there is a correlation between gay rights and democracy. The "Gay Friendliness Index,"¹² which quantifies respect for gay rights around the world, ranks 117 countries based on such criteria as legal toleration of same-sex sexual activity, recognition of same-sex relationships and same-sex adoptions, open participation by gays in the military, and whether the country has on its books legislation protecting against discrimination. According to this index, the nature of the political regime is a better predictor of gay rights than either economic development or cultural factors such as religion. Human Dignity Trust, a British NGO that works for the decriminalization of homosexuality around the world, reports that the absence of political freedoms is the one common feature shared by most of the 82 jurisdictions with laws criminalizing private and consensual sexual conduct between adults of the same sex.

A correlation between gay rights and democracy is also suggested by the fate of gay rights within the “third wave” of democratization—the spate of democratic transitions that took place in the last quarter of the twentieth century.¹³ It is notable that gay rights have progressed most in the very parts of the world where the third wave has been most successful, and that gay rights have struggled the hardest in the very places where the third wave itself has faced difficulty in advancing, or has not advanced at all. Spain—often regarded as the most successful of all third-wave democracies for having overcome the legacy of a brutal civil war and forty years of dictatorship—became in 2005 the first Catholic-majority country to enact a same-sex-marriage law. This law was a key component of the “second-transition” policies of the Zapatero administration (2004–11), which were intended to complete the unfinished “first transition” that began after Franco died in 1975. In 2006, South Africa, another democratization “miracle,” became the first country in the developing world to legalize same-sex marriage, after enacting a new constitution that bars discrimination on the basis of sexual orientation.

Across Latin America, where the third wave virtually wiped out authoritarian rule during the 1980s and 1990s, the rise of gay rights has been nothing short of spectacular. Since Panama removed sodomy as a crime from its penal code in 2008, homosexuality has been completely decriminalized in Latin America, and today virtually every Latin American country has on its books laws banning discrimination on the basis of sexual orientation. With the legalization of same-sex marriage in Brazil, in 2013, the percentage of the Latin American population that enjoys the right to same-sex marriage or same-sex civil unions is now near 50 percent. These developments put much of Latin America ahead of the United States in legislating gay rights at the national level. Indeed, the few spots in Latin America where gay rights have yet to take root are those rare places untouched by the third wave, such as communist Cuba, or where democracy is under extreme duress, as in Venezuela.

Tellingly, gay rights have had a difficult time gaining any traction where the third wave made relatively few, if any, inroads, as in most parts of Africa and the Middle East, and China, where homosexuality was decriminalized in 1997, but gay activism remains essentially outlawed, being viewed as subversive by the state. More telling, perhaps, are places where democracy has stalled, as in Russia. Gay rights got off to a promising start in Russia in 1991, following the collapse of communism, when the country decriminalized homosexuality and earned a Freedom House rating of Partly Free. Homosexual conduct had been banned under communism, in keeping with the view of homosexuality as the ultimate sign of bourgeois decadence. But gay rights began to falter as democracy started to backslide, a process marked by Freedom House’s demotion of Russia in 2004 from Partly Free to Not Free, where it remains today. Ever since, but especially during Vladimir Putin’s sec-

ond term as president beginning in 2012, political and civil freedoms in Russia have been under severe attack.

The Effects of Democracy

Of course, correlation does not imply causation. But there appear to be a number of ways in which democracy induces and undergirds gay rights. For starters, the process of democratization appears to go hand in hand with the evolution of “citizenship,” or membership in the polity. Citizenship protections for repressed or marginalized groups (such as the working poor, women, racial and ethnic minorities, and homosexuals) seem to be predicated on the consolidation of political and economic rights, a point first suggested by British sociologist T.H. Marshall, whose works link citizenship to the development of civil, political, and social rights.¹⁴

Democracy also facilitates gay rights by making possible a vibrant and robust civil society that can exist only within a political framework allowing for freedom of association. Even in socially and economically advanced societies such as the United States, gay rights have not evolved without considerable advocacy, contention, and even civil disobedience on the part of gay activists. Stonewall’s legacy readily comes to mind. Journalist Linda Hirshman, who has written about the gay-rights movement, argues that what gave Stonewall its fame was not the riot itself but what happened a year later: the world’s first gay-pride parade. According to Hirshman, “The march was a brilliant piece of political theater. . . . The march had everything—pageantry, national ambition, outing, crowd psychology, simplicity, existence precedes essence.”¹⁵

The struggle for gay rights also reveals the importance of intra-civil society collaboration, a point underlined by the successful marriage between the gay-rights movement and the human-rights movement. Nowhere in recent history have these movements worked together more creatively and effectively than in Argentina. By July 2010, when the Argentine Congress approved a same-sex-marriage bill, gay-rights organizations were fully incorporated into the fabric of the human-rights movement. That process had begun in the mid-1980s, when gay activists joined the effort to bring accountability to the military regime for the thousands who “disappeared” during the country’s infamous “dirty war.”¹⁶ One of the most influential developments in the same-sex-marriage debate was a letter written to national legislators by some seventy human-rights organizations—including Las Madres de la Plaza Mayo, the world-famous group of mothers and grandmothers that turned the issue of the disappeared into a *cause célèbre*. The letter made the case for same-sex marriage and against civil unions, which, human-rights organizations argued, condemned gays to second-class citizenship.

Gay rights also depend on a strong judiciary and the rule of law,

hallmarks of any healthy democratic polity. The role of the courts in advancing gay rights historically has been ambiguous since judicial rulings can go in many directions, a reason why gay activists generally have been leery of approaching the courts, especially on the issue of marriage. Yet across the West, court rulings have been pivotal in advancing gay rights. The 1981 *Dudgeon v. United Kingdom* ruling by the European Court of Human Rights decriminalized male homosexual acts in Northern Ireland, the only part of the United Kingdom where such acts were still illegal. This ruling set the legal foundation for demanding that no member state of the Council of Europe could criminalize homosexual behavior and influenced the U.S. Supreme Court's 2003 landmark decision in *Lawrence v. Texas*, which struck down the last remaining sodomy laws in the United States.

But the real surprise comes from Latin America, where high courts without any history of progressive jurisprudence have helped to usher in gay rights. Reflecting a cascade of constitutional reforms intended to enhance judicial independence that accompanied the democratization process, the high courts of Brazil, Colombia, and Mexico have in recent years found a constitutional right to same-sex marriage, something the U.S. Supreme Court has yet to do. In ruling in favor of same-sex marriage, these Latin American high courts have relied on decisions from the European Court of Human Rights and, ironically enough, the U.S. Supreme Court. The 2010 ruling by the Mexican Supreme Court that affirmed the constitutionality of a same-sex-marriage law passed by Mexico City officials in 2009 pointedly drew on *Loving v. Virginia*, the landmark case that ended the ban on interracial marriage in the United States. The U.S. case, the Mexican ruling noted, "was relevant because the historical disadvantages that homosexuals have suffered create an analogy with the discrimination that interracial couples endured in another era."¹⁷

All this said, the most compelling way in which democracy facilitates gay rights is to provide gay people with the most socially tolerant environment in which to live their sexuality openly and honestly. The opportunity to live "outside the closet" is a key factor in accounting for rapidly changing public attitudes toward homosexuality. According to the World Values Survey, between 1993 and 2006, the portion of the world's population that thought homosexuality was never justifiable fell from an average of 50 percent to 34 percent.¹⁸ The same survey found that in 2006, the percentage of the public that objected to having a gay neighbor stood at 16 percent, versus the 44 percent who objected to having a neighbor of a different religion. Not by happenstance, the period covered by the survey coincides with the emergence of the first generation of gays and lesbians choosing to live their lives in the open, with results that broadly confirm the argument attributed to slain gay-rights leader Harvey Milk, one of the first openly gay people elected to public

office in the United States. Milk held that the most politically powerful thing that gay people can do is to reveal the truth about their sexuality to relatives, neighbors, friends, and coworkers.

Milk's thesis is supported by a wealth of surveys showing that those who know gay people are more likely to be accepting of homosexuality than those who do not. They are also more likely to support gay rights, including same-sex marriage. A 2009 Gallup study confirmed that "many views toward gay and lesbian issues are related—in some instances, strongly so—to personal experience with individuals who are gay or lesbian." The study raises two plausible explanations. One is that exposure to gays and lesbians leads to greater acceptance of them, regardless of one's ideological leanings. The other is that people who are more accepting of gays and lesbians are more likely to put themselves into situations in which they are exposed to gays and lesbians. Regardless of the direction of causality, the data strongly support the proposition "that knowing someone who is gay or lesbian fosters more accepting attitudes on many of the issues surrounding gay and lesbian relations today."¹⁹

Similarly, a 2013 Pew study found that "more people today have gay or lesbian acquaintances, which is associated with acceptance of homosexuality and support for gay marriage." The study further noted that nearly nine in ten Americans (87 percent) know someone who is gay or lesbian, up from 61 percent in 1993, and that almost half of Americans (49 percent) have a close family member or close friend who is gay or lesbian. The study concluded that "the link between these experiences and attitudes about homosexuality is strong." Roughly two-thirds (68 percent) of those who know many people who are homosexual favor gay marriage, compared with just 32 percent of those who do not know any gays or lesbians.²⁰

Promoting Gay Rights Abroad

With gay rights now well ensconced in the developed West, it is only natural that efforts are underway by Western nations and organizations to seek to bridge the global divide on homosexuality. The Netherlands, Denmark, Norway, and Sweden have suspended their foreign aid to Uganda, with the intention of forcing that country into rescinding its draconian anti-gay legislation. The World Bank has put a hold on a US\$90 million healthcare loan to Uganda as part of a new policy meant "to eliminate institutionalized discrimination," including anti-gay discrimination, which the Bank has deemed an "urgent task." More significant, perhaps, is that the West's leading powers have already announced that promoting gay rights is a priority of their foreign policy.

In a 2011 speech to the UN Human Rights Commission, Secretary of State Hillary Clinton made an impassioned case for gay rights. Bor-

rowing from her famous 1995 Beijing speech in which she argued that “women’s rights are human rights and human rights are women’s rights,” she intoned, “Gay rights are human rights, and human rights are gay rights.” She added that gay rights are “not a Western invention but rather a human reality.” Soon thereafter, Clinton instructed U.S. embassies across the globe to make gay rights a diplomatic priority. Not to be outdone by the Americans, British prime minister David Cameron announced in 2013 that he wants the team of ministers and officials who worked on the bill to legalize gay marriage in England to “now work on exporting same-sex marriage around the world.”

The West’s newfound stress on gay rights faces an uphill battle. Given the West’s own checkered history with homosexuality, many countries targeted by the West for their anti-gay policies have pointedly questioned whether Western leaders have the moral authority to lead the world on the issue of gay rights, as Obama discovered during his 2013 visit to Africa. Although the president was greeted like a rock star everywhere he went, he was pointedly rebuked whenever he raised the issue of gay rights. A memorable clash with Senegal’s President Macky Sall took place at a joint press conference. After Obama urged the country to decriminalize homosexuality, he was told that Senegal was in no hurry to do so. “On homosexuality, Mr. President, you did make a long development on this issue,” Sall noted. The retort alluded to the fact that Obama did not officially embrace same-sex marriage until the 2012 presidential campaign.

It is also the case that within the West the issue of homosexuality remains far from being settled, a fact demonstrated by the rise of a robust international anti-gay-rights movement. Having experienced significant setbacks at home, U.S. organizations opposed to gay rights have been fanning the flames of homophobia abroad, and their handiwork is evident in the string of anti-gay legislation currently making its way through several African states. According to *Mother Jones*, “perhaps the biggest actors in Uganda’s gay rights drama are American evangelicals who travel there every year by the thousands to spread their Gospel from the far pastures of Charismatic Christianity.” Principal among these groups is the International House of Prayer, a Kansas City-based mega church that since 1999 has “poured millions of dollars into Uganda—much of it filtered into local churches and missions with explicitly anti-gay agendas.”²¹

But even supporters of gay rights have found the West’s push for gay rights problematic. The *Economist*, which brands itself as “one of the earliest supporters of same-sex marriage,” notes that there is “a rainbow of reasons” why the global push for gay rights is “misguided.” The magazine highlights the fact that some countries, such as Uganda, are penalized by the West for their assault on homosexuals, whereas other countries that are equally severe in their treatment of homosexuals suf-

fer no similar retribution. Nigeria's recently passed anti-gay law is just as odious as Uganda's, but so far it has received little international criticism. Moreover, notes the *Economist*, "Of the many forms of bigotry the [World] Bank could battle, it is not clear that anti-gay laws are the most harmful to the poor. The bank lends to plenty of places that discriminate against women under Islamic law." Finally, the magazine cautions that the World Bank's new lending policies could have "perverse" results, sending Uganda and other African countries into the arms of the "no-questions-asked Chinese."²²

There are also many other unintended yet negative consequences of promoting gay rights abroad, including, most notably, putting at risk the very lives that international gay-rights promoters are seeking to improve. Media reports noted a spike in homophobic legislation and anti-gay violence in several African countries following Clinton's calls for the end of anti-gay discrimination. Attempts by the West to export gay rights, especially across Africa, also often play directly into the hands of local politicians eager to brand gay rights as "foreign values" and to rationalize their anti-gay policies as a defense against "Western influences." Ironically, in some African countries, the laws criminalizing homosexuality are actually a legacy of British colonialism—in other words, a direct product of Western influence.

So what is the West to do? The most sensible approach would be to fortify existing programs to promote democracy, civil society, and the rule of law. These programs have a twofold advantage over more targeted policies aimed at promoting gay rights: First, these programs are less likely to be attacked as "foreign meddling." Second, and even more important, a robust democracy provides the best environment for nurturing the rise of gay rights.

NOTES

1. Uri Friedman, "How Sochi Became the Gay Olympics," *Atlantic.com*, 28 January 2014, www.theatlantic.com/international/archive/2014/01/how-sochi-became-the-gay-olympics/283398.

2. Omar G. Encarnación, "Human Rights and Gay Rights," *Current History*, January 2014, 36.

3. See Thomas Risse and Kathryn Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices," in Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights* (New York: Cambridge University Press, 1999).

4. See Everett M. Rogers, *Diffusion of Innovations* (New York: Free Press, 2003).

5. See Peter A. Jackson, "Capitalism and Global Queering: National Markets, Parallels Among Sexual Cultures, and Multiple Queer Modernities," *Gay and Lesbian Quarterly* 15, no. 3 (2009): 357–95.

6. Pew Global Attitudes Project, "The Global Divide on Homosexuality: Greater Acceptance in More Secular and Affluent Countries," Pew Research Center, 4 June 2013, www.pewglobal.org/2013/06/04/the-global-divide-on-homosexuality.

7. Omar G. Encarnación, "The Catholic Crisis in Latin America," *Foreign Affairs*, 19 March 2013, www.foreignaffairs.com/articles/139066/omar-encarnacion/the-catholic-crisis-in-latin-america.

8. See Ronald Inglehart and Christian Welzel, *Modernization, Cultural Change, and Democracy: The Human Development Sequence* (New York: Cambridge University Press, 2005).

9. Pew Research, Religion and Public Life Project, "'Nones' on the Rise," 9 October 2012, www.pewforum.org/2012/10/09/nones-on-the-rise.

10. Pew Research, Religion and Public Life Project, "Russians Return to Religion but not to Church," 10 February 2014, www.pewforum.org/2014/02/10/russians-return-to-religion-but-not-to-church.

11. Mark Joseph Stern, "Just a Reminder: The Campaign for Prop 8 Was Unprecedentedly Cruel," *Slate*, 4 April 2014.

12. Javier Corrales, Mari Crook, and Mario Pecheny, "Argentina: World Champion in LGBT Rights: How Did This Happen?" Paper presented at the annual meeting of the American Political Science Association, Seattle, September 2011.

13. Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991).

14. T.H. Marshall and Tom Bottomore, *Citizenship and Social Class* (London: Pluto Press, 1987).

15. Neal Broverman, "The History of Gay Rights in 348 Pages," *Advocate.com*, 3 July 2012, www.advocate.com/arts-entertainment/books/2012/07/03/victory-author-linda-hirshman-discusses-meaning-stonewall-and.

16. Omar G. Encarnación, "International Influence, Domestic Activism, and Gay Rights in Argentina," *Political Science Quarterly* 128 (Winter 2013–14): 687–716.

17. Omar G. Encarnación, "High Courts Have Taken a Stance," *New York Times*, 29 January 2014, www.nytimes.com/roomfordebate/2014/01/29/why-is-latin-america-so-progressive-on-gay-rights.

18. Charles Kenny, "The Global Gay-Rights Revolution," *Bloomberg Business News*, 31 March 2013, www.businessweek.com/articles/2013-03-31/the-global-gay-rights-revolution.

19. Lymari Morales, "Knowing Someone Gay/Lesbian Affects Views of Gay Issues," *Gallup.com*, 29 May 2009.

20. Pew Research Center for the People and the Press, "In Gay Marriage Debate, Both Supporters and Opponents See Legal Recognition as 'Inevitable,'" 6 June 2013, www.people-press.org/files/legacy-pdf/06-06-13%20LGBT%20General%20Public%20FINAL%20Release.pdf.

21. Jeremy Lybarger, "Foiled in the United States, Anti-Gay Evangelicals Spread Hate in Africa," *Mother Jones*, 9 July 2013.

22. "The World Bank: Right Cause, Wrong Battle," *Economist*, 12 April 2014.