

## ARTICLE

### **Empire and the Dispositif of Queerness**

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**ABSTRACT:** Thinkers heavily indebted to Foucault—such as Wendy Brown, Judith Butler, Jodi Melamed, and Jasbir Puar—are at the fore of a contemporary interrogation of queerness and racialized empire. This paper critically surveys this terrain, differentiates several strands of it, and attempts a theoretical reframing such that we may be better equipped to gain new vantage on the central problematic. I argue that the current conviviality of queerness and empire is best understood not only through a univocal ‘homonationalist’ lens, but also requires situating in the context of multiple languages of civilizational superiority and liberal tolerance. In particular, it requires the deployment of arguments about the ‘benchmark of civilization,’ in which whole societies are ranked along a unilinear trajectory of development according to standards set by the most powerful among them. One relatively recent addition to the criteria of civilizational adjudication is the capacity of societies to ‘tolerate’ new forms of societal difference. In this case, I argue, the most important of these are the strange pairing of sexual and religious dispositifs.

**Keywords:** Empire; queerness; dispositif; tolerance; liberalism; civilization.

*Love Covereth a Multitude of Sins.*

(1 Peter 4:8)

In one of his more famous and frequently-cited passages, Michel Foucault remarked that “My point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to a hyper- and pessimistic activism. I think that the ethico-political choice we have to make every day is to determine which is the main danger.”<sup>1</sup> The implication of Foucault’s relentless critical attitude is that no particular historical accomplishment can be read as immune from implication in power. It leads us away from a teleological view of social movements in which the challenges of the present are merely the logical extension of the (incomplete) struggles of the past. This is, of course, the familiar narrative of

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<sup>1</sup> Michel Foucault, “On the Genealogy of Ethics: an overview of a work in progress,” in *The Essential Foucault* (NY: The New Press, 2003), 104.

Enlightenment modernity: the achievement of bourgeois civil liberties for a small community of propertied, white men soon expanded to include women, racialized minorities, sexual minorities, the physically and developmentally disabled (and so on) in such a way that the new additions were commensurate with the logic of the original formulation. What Foucault's work recommends, by contrast, is attention to the ways that an 'accomplishment' at one level, or in relation to one kind of struggle, simultaneously produces new dangers and problems on other axes of experience and social organization. To ask whether a particular historical event was 'good' or 'bad' is to collapse the issue into an unduly flat question. Instead, with Foucault, we must continue to ask after what it is that the event *does*, what effects it has. To cite another famous passage from Foucault, "People know what they do; they frequently know why they do what they do; but what they don't know is what what they do does."<sup>2</sup> Attention to what 'what we do' does permits us to see exercises of agency in the past as simultaneously opening up and foreclosing possibilities of agency and resistance in the present. In this case then, the problems of the present are not mere 'residue', leftovers from the incomplete accomplishments of the past, but rather are themselves partially produced by those same struggles and accomplishments.

As a contribution to a special issue on Foucault and queer theory, this essay attends to that body of Foucauldian scholarship (broadly defined) that bypasses attempts to produce ideal theories of critique, power or autonomy, and instead takes up new tasks and questions of the present, continuing to ask the question of effect and function raised above. What are our theories, movements and critical practices doing here and now, regardless of whatever else they may have done in the past, independent from what they may have been designed or intended to do in other contexts? This scholarly-activist field adopts Foucault's ethico-political choice and style of problematization. This work employs such Foucauldian conceptions as biopower and governmentality, to be sure, but it does not ask after their theoretical adequacy in an intellectual vacuum. Rather, it is powered by such tools, measuring their adequacy in pragmatic, functionalist terms. What can we do with such tools that we cannot do without them?

More specifically here, we ask: what is it that queerness is doing today? In what ways has the emergence of queerness in the contemporary west produced new dangers, even though (and perhaps because) it has produced opportunities for agency and a certain form of emancipation for some? Finally, arriving at the specific focus of this essay's concerns, what form do these dangers take in a world structured by empire?

Thinkers heavily indebted to Foucault—Wendy Brown, Judith Butler, Jodi Melamed, Jasbir Puar—are at the fore of this interrogation of queerness and racialized empire. Thus, this paper critically surveys this terrain, differentiates several strands of it, and attempts a theoretical reframing of one element such that we may be better equipped to bring the central problematic into relief. The aim here is to complicate our understanding of the issue by exposing certain internal contradictions. The central argument will be that the current conviviality of queerness and empire is best understood not only through a 'homonationalist' lens—a

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<sup>2</sup> Cited in Hubert Dreyfus and Paul Rabinow, *Michel Foucault. Beyond Structuralism and Hermeneutics* (Chicago, IL: University of Chicago Press, 1982), 187.

normative revaluing of queerness through its linkage to nationhood—but also requires being situated within the context of older languages of civilizational superiority and liberal tolerance. In particular, it requires the deployment of arguments about the ‘benchmark of civilization,’ in which whole societies are ranked along a unilinear trajectory of development according to standards set by the most powerful among them. One relatively recent addition to the criteria of civilizational adjudication is the capacity of societies to ‘tolerate’ new forms of societal difference. In this case, I shall argue, the most important of these are the strange pairing of sexual and religious *dispositifs*.

I speak here of queerness as *dispositif* in the specific sense with which Foucault used the term, defined through three referents. First, to speak of queerness as a *dispositif* is to speak of it as a “thoroughly heterogenous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions.”<sup>3</sup> In this respect then, one avoids reducing queerness to an identity, a subject-position or a consciousness of a particular kind of agent, and rather shows how queerness is formed by a complex set of discourses and practices derived from popular culture, government policies, activist movements, literature, scientific research, etc., each with differing and oftentimes mutually conflicting aims, designs and techniques of application.

Amidst this complex heterogeneity, a second feature of queerness as *dispositif* is nevertheless identifiable. This, in Foucault’s words, is “the nature of the connection that can exist between these heterogenous elements.”<sup>4</sup> In this case, I want to highlight one salient feature of the connection between these elements—the construal of ‘free sexuality’ in liberal terms such that it is expressed in a presumptively antagonistic relationship to other forms of sociality, in this case, particularly opposed to the religiosity of ‘insufficiently modern’ peoples (examples of this are provided below).

The third and final aspect of treating queerness as *dispositif* is the examination of “its major function at a given historical moment... [in] responding to an urgent need. The *dispositif* thus has a *dominant strategic function*.”<sup>5</sup> This is the point (referred to above) about what ‘what we do’ does. In this case, again, I interrogate the possibility that a central function of queerness is imperial.<sup>6</sup>

‘Queerness’ then, is an admittedly loose and amorphous collection of contradictory discursive and non-discursive elements that nevertheless can be analyzed in terms of certain generalizable tropes and strategic functions. Central to the discussion here, for instance, will be the emergent consensus that, in the struggle to have queerness redefined beyond the pathological, the disgusting, or the reprehensible, a new form has emerged that is commensurate

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<sup>3</sup> Michel Foucault, “The Confession of the Flesh,” in Colin Gordon (ed.), *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (NY: Pantheon, 1980), 194-228, 194.

<sup>4</sup> *Ibid.*, 194.

<sup>5</sup> *Ibid.*, 195. (Emphasis added)

<sup>6</sup> Since my purposes here are to investigate the ways, and extent to which queerness is deployed for racist and imperial purposes, I am deliberately setting aside the various ways in which it functions to block, evade or disrupt imperialism. This is undoubtedly also important, but it is not my main concern here.

with the moral and physical vigour of the social body, and that this new ‘positive’ queerness is nationalistic, racist and imperial in design or effect.

This leads to the second complex and contested set of terms: empire and imperialism. The literature on modern empire and imperialism (much like that on queerness) is too large and internally diverse to attempt any kind of systemic overview here.<sup>7</sup> Let me merely refer to the classic definition of the terms as outlined by Michael Doyle:

‘Empire’, then, is a relationship, formal or informal, in which one state [or association of states] controls the effective political sovereignty of another society [or societies]... Imperialism is simply the process or policy of establishing or maintaining an empire.<sup>8</sup>

Undergirding the whole inquiry into whether, to what extent, and how the apparatus of queerness is bound up with contemporary empire is a general presupposition: that the relationship of governance of the countries of the ‘Global North’ over the ‘Global South’ is in fact one best characterized as ‘imperial’ in that it is a relatively stable relationship of governance in which one partner (or partners) controls the range of possible action of the other(s) in a radically asymmetrical and hierarchically-ordered manner. This vision of power as a dynamic and productive, yet structured and circumscribed, interactive relationship between differently-situated agents is, of course, deeply indebted to Foucault himself.<sup>9</sup> It has, for instance, been explicitly adapted by thinkers such as James Tully, who has combined it with Edward Saïd’s language of ‘contrapuntal ensembles’ to analyze the ways in which this relationship is articulated through a range of media—from direct military occupation to more indirect economic measures and even cultural production and representations.<sup>10</sup>

So, to restate the original question: is it the case that queerness is increasingly complicit in contemporary imperialism and, if so, how so? Let me provide some examples that beg the question, as well as one possible framework for analysis (a ‘homonationalist’ framework) before proceeding to discuss in more detail other aspects of this terrain, including the role of notions of tolerance derived from liberalism in its myriad forms.

### **The “Trojan Horse of Intolerance”: Borders, Immigration and Queerness as Filter**

An oft-cited example and cause of great consternation for queer activists and academics is that of the ‘Dutch Case.’ In the Spring of 2006, immigration authorities in the Netherlands introduced a new civic-integration examination, consisting of two parts: a Dutch language test and a test of applicants’ receptivity to Dutch ‘liberal values.’ This second component involved watching a movie or viewing photos in which homosexual couples are shown kissing.

<sup>7</sup> Recent texts that have influenced the reading of empire here include Brett Bowden, *The Empire of Civilization* (Chicago: Chicago UP, 2009); Michael Hardt and Antonio Negri, *Empire* (Cambridge, Mass.: Harvard UP, 2000), *Multitude* (NY: Penguin Press, 2004) and *Commonwealth* (Cambridge, Mass.: Harvard UP, 2009); James Tully, *Public Philosophy in a New Key, vol. II: Imperialism and Civic Freedom* (Cambridge: Cambridge UP, 2008), and; Ellen Meiksins Wood, *The Empire of Capital* (London & NY: Verso, 2003).

<sup>8</sup> Michael Doyle, *Empires* (Ithaca: Cornell UP, 1986), 45.

<sup>9</sup> See especially, Michel Foucault, “The Subject and Power,” in *The Essential Foucault*, 126-144.

<sup>10</sup> James Tully, *Public Philosophy in a New Key, vol. II: Imperialism and Civic Freedom* (Cambridge: Cambridge UP, 2008).

Applicants are then asked questions about their views on the topic and whether they are willing to live in a society that embraces the free expression of homosexuality. Critical responses to this have raised the objection that homosexuality is being used instrumentally and selectively. Critics argue that the test primarily aims at controlling immigration, rather than promoting certain values, and it does so in ways that are implicitly (and, at times, explicitly) racist and imperial, particularly vis-à-vis Muslims and Muslim societies.<sup>11</sup> In support of these claims, they point out that certain groups of people are “presumptively modern” enough to not have to take the test at all: European nationals, asylum-seekers and skilled workers earning more than €45,000 per year, as well as citizens from Australia, New Zealand, Canada, Japan, Switzerland and the United States.<sup>12</sup> They have also noted that Dutch homosexuals do not have to take a reciprocal form of examination, inquiring into their openness to the free expression of, for instance, Islamic religious symbols.<sup>13</sup>

Contextualizing these contestations, as always, is everything. In order to interrogate the strategic function of queerness in the application of immigration (and refugee) screening we must locate these techniques within a larger context. In the case of the Netherlands, this involves noting that the controversy over the immigration test comes, not coincidentally, in the wake of the assassination of two prominent and polarizing figures of gay politics in the Netherlands: Theo van Gogh and Pim Fortuyn.

In many ways, Pim Fortuyn represents a major fear of critical queer communities. Leader of a far-right populist party (built almost entirely around this one man himself and even carrying his name), Fortuyn represents either a clever inversion of liberal tolerance discourse or, depending on one’s interpretation (about which I will say more below), its radical extension. An openly gay man himself, Fortuyn made the defence of sexual diversity a central plank of his platform. The problem, according to Fortuyn, was that large numbers of immigrants (but especially those from Muslim societies) were intolerant. In defence of this claim, Fortuyn made constant use of the discourse of civilizational development. He claimed that because Islam had not undergone ‘modernization,’ Muslims lack the capacities of self-reflexivity and toleration required to live in diverse, multicultural, modern societies. Thus, critics charge, Fortuyn justified racist and anti-Islamic immigration policies on the grounds that Muslims were (presumptively) *intolerant*. He is even said to have “baited” Muslim critics by “flaunting his homosexuality” in order to expose their incapacity to tolerate radical difference. In an interview, Fortuyn elaborated:

[I] don’t hate Islam. I consider it a backward culture. I have travelled much in the world. And wherever Islam rules, it’s just terrible. All the hypocrisy. It’s a bit like those old reformed protestants. The Reformed lie all the time. And why is that? Because they have standards and values that are so high that you can’t humanly maintain them. You also see

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<sup>11</sup> Critics have also noted that there are obvious class issues involved here: the test, at least in its original form, cost €350 to take, thus helping to weed out applicants for whom this would be prohibitively expensive.

<sup>12</sup> Judith Butler, *Frames of War* (London & NY: Verso, 2009), 105-106.

<sup>13</sup> This is not to even mention the existence of explicitly white supremacist and anti-Islamic groups within the Netherlands.

that in that Muslim culture. Then look at the Netherlands. In what country could an electoral leader of such a large movement as mine be openly homosexual? How wonderful that that's possible.<sup>14</sup>

In 2002, Fortuyn was assassinated by a Dutch radical environmentalist who later cited *his* fears that Fortuyn was using stereotypes of Muslim immigrants in order to bolster the strength of the far right. Two years later, Theo van Gogh was also killed. Van Gogh was a friend of Fortuyn, a prominent film maker and a harsh critic of (what he understood to be) central features of Islam and of Muslim societies. He was killed by the Dutch-Moroccan immigrant, Mohammed Bouyari, who specifically attributed the killing to the defence of Islam.

So, in order to understand how the use of images of homosexual couples kissing might be construed as racist and imperial, we need to know this backstory. Fortuyn and van Gogh have come to represent a specific terrain of contestation in which (white, liberal) queerness seems locked in a struggle with (racialized, fundamentalist) Islam. Many fear Fortuyn and van Gogh (and, by extension, the whole picture of queerness they articulate) are covertly re-deploying old xenophobic, racist, nationalist tropes. The truly troubling thing about them, however, is that they are also subverting and recoding these tropes even as they deploy them. This is not a simple return to 'old nationalism' of the 19<sup>th</sup> or even mid-20<sup>th</sup> century variant. These men do not defend the exclusion of Muslim immigrants or denigrate whole societies on the basis of the inherent superiority of a Dutch, or even white-European, 'race' or nation. In fact, their argument functions just as well if they concede that no such nation or 'race' exists at all and argue instead that the Netherlands is, in fact, a post-national, multicultural collection of liberal individuals. They explicitly distance themselves from older discourses of societal cohesion and national, cultural or racial purity. And their arguments are fully commensurate with—indeed, often rely upon—the defence of traditionally left-liberal social goods (such as support of same-sex marriage, the relatively tolerant Dutch drug policy, and euthanasia). However, their defence of these social goods may nevertheless serve the strategic function of marking out racialized minorities and, especially, religious immigrants (read: Muslim) as singularly unable or unfit to participate in these 'post-national' liberal multicultural states, and thus also unfit for all the benefits that flow from citizenship therein.

### **Queerness as 'High water mark' in Civilizational Hierarchy**

There is another face to the question of queerness and empire, one that relates more to civilizational hierarchies between polities than to the policing of boundaries of entry to and exit from such polities. These two dimensions are interrelated of course: the immigration and boundaries question hinges largely upon the construal of specific (usually non-western, but especially Muslim) communities as uniquely unprepared or unfit for the benefits of citizenship in western liberal-capitalist states. However, they are analytically distinct, since we

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<sup>14</sup> Interview with Frank Poorthuis, 'De islam is een eachterlijke culturr,' *Volkskrant*, 09/02/02. Available at: <http://www.volkskrant.nl/vk/nl/2824/Politiek/article/detail/611698/2002/02/09/De-islam-is-een-achterlijke-cultuur.dhtml>. Last accessed on September 23, 2011 [Original in Dutch].

can examine cases in which the deployment of the *dispositif* of queerness proceeds without specific references to borders and immigration.

Recently, examples of this have come to the fore in relation to the criminalization of homosexuality in several African countries and the western reaction to it. A prominent example is Uganda.<sup>15</sup> In October of 2009, David Bahati of the ruling National Resistance Movement, presented a bill to the Ugandan Parliament that has become a synecdoche for many of the general issues related to 'imperial queerness.' The bill makes homosexuality punishable by imprisonment and, in the case of "aggravated homosexuality" (defined as any sexual act between gays or lesbians in which one person has the HIV virus), punishable by death. The law also requires a three-year prison sentence for anyone who is aware of another's homosexuality and fails to report it to the police within 24 hours. It allows for the prosecution of Ugandans who engage in homosexual acts in foreign countries, and it imposes a prison sentence of up to seven years for anyone who defends the rights of gays and lesbians. Although the bill was temporarily shelved in 2011, it has recently been reintroduced.<sup>16</sup>

Condemnation of the bill from western states has been swift and widespread. The governments of the United States and France expressed "deep concern"; the European Parliament is considering a resolution expressing its opposition; and in Canada, government officials stated that, "if adopted, a bill further criminalizing homosexuality would constitute a significant step backwards for the protection of human rights in Uganda."<sup>17</sup> NGOs and human-rights groups, such as Amnesty International, Human Rights Watch and the AIDS Coalition to Unleash Power, have been even more unequivocal. Several have called for Western nations to withhold aid from Uganda (about 40 percent of the country's budget) and suggested the United Nations reverse its decision to establish a major AIDS research institute in Kampala. The former United Nations envoy on AIDS in Africa, Stephen Lewis, even suggested that the bill "has the taste of fascism."

In reaction to the condemnation, many have suggested that western opposition to the bill amounts to cultural (or perhaps even more direct, economic) imperialism. In January of 2010, Uganda's government-sponsored Media Centre released a statement titled "Uganda is being judged too harshly." The statement claims that the backlash is tantamount to saying that "Ugandans (read Africans) have no right to discuss and no right to sovereignty." It goes on to state:

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<sup>15</sup> The following account of the Ugandan 'anti-homosexuality' bill is drawn from a variety of sources, notably, "Uganda's anti-gay bill causes Commonwealth uproar," by Geoffrey York, accessed at [www.globeandmail.com](http://www.globeandmail.com). Originally published on Wednesday, Nov. 25, last updated on Wednesday, Dec. 23, 2009; "Why is Uganda Attacking homosexuality?" By Saeed Ahmed, [www.cnn.com](http://www.cnn.com), last accessed on December 8, 2009; "Anti- Homosexuality Law Sets Off Firestorm in the West," Saratu Abiola, 5 Feb. 2010, [www.allafrica.com](http://www.allafrica.com); "Who will stand against Uganda's brutal anti-gay law?" by Kathleen Parker, [www.washingtonpost.com](http://www.washingtonpost.com), Last accessed Thursday, Feb. 18, 2010.

<sup>16</sup> <http://www.bbc.co.uk/news/world-africa-16928608>. Last accessed February 7, 2012.

<sup>17</sup> <http://www.theglobeandmail.com/news/world/ugandas-anti-gay-bill-causes-commonwealth-uproar/article4196948/>. Last accessed February 10, 2012.

It is unfortunate that Uganda is now being judged on the actions of opportunists whose ideas are based on violence and blackmail and even worse, on the actions of aid attached strings. (Homosexuality). It is regrettable that government is [sic] pretentiously expected to observe their 'human rights,' yet, by their own actions, they have surrendered their right to human rights.<sup>18</sup>

And to some degree the western response to the Ugandan bill *is* somewhat surprising. Homosexuality has been illegal in Uganda for some time now and it is not unique in this regard. Thirty-six African nations criminalize homosexuality in some way (globally, there are 80 countries that do so—a group that included the United States as recently as 2003).<sup>19</sup> And, of course, this only refers to official, state-sponsored control of those engaged in (or suspected of engaging in) homosexual or gender non-conforming activities—excluding the variety of informal means by which homosexuality is regulated, which may in fact be far more important to the lived reality of African LGBTQ communities. Thus, the most recent bill, while more explicit and overtly anti-homosexual, is not different in kind from what has gone on for some time in African law and appears to be more a formalizing and extending of existing practice. So even if one condemns the particular law, it does beg the question of why western governments, NGOs and aid agencies have been so particularly moved by this example, and why this case in particular has invoked the language of colonialism and empire so quickly and forcefully.

And yet, the whole framing of this issue as one of 'the West' versus 'Africa' is also clearly misleading, a fact that only the most superficial investigation discloses. This is highlighted by the fact, revealed recently, of the central role that U.S. Evangelical Christians have played in supporting and laying the groundwork for the Ugandan bill. Most famously perhaps is the involvement of Rick Warren (the pastor of the Saddleback Church who spoke at U.S. President Barack Obama's inauguration), Scott Lively (author of several anti-homosexuality books), Caleb Lee Brundidge (member of the 'ex-gay' movement) and Don Schmierer (member of Exodus International, an organization devoted to promoting "freedom from homosexuality through the power of Jesus Christ"). Holding workshops in Uganda attended by prominent members of the government and clergy, certain of these American Evangelicals have asserted repeatedly that homosexuality is akin to child molestation and bestiality, that it causes higher rates of divorce and HIV transmission, and that homosexuals 'recruit' youths. They have also encouraged the interpretation of the bill as an anti-colonial resistance to the 'homosexualization' of Africa by American and European gays.

Hence, this much is clear: queerness is increasingly a site of contestation for a host of

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<sup>18</sup> <http://www.monitor.co.ug/OpEd/Commentary/-/689364/839592/-/ak0cekz/-/index.html>. Last accessed February 10, 2012.

<sup>19</sup> Homosexuality is punishable by death in five countries (Iran, Mauritania, Saudi Arabia, Sudan and Yemen), plus some states in Nigeria and Somalia. In December 2009, Rwanda and Burundi have also seen proposals that would criminalize homosexuality. From Daniel Ottoson, *State Sponsored Homophobia: A World Survey of Laws Prohibiting Same Sex Activity Between Consenting Adults*, for the International Lesbian, Gay, Bisexual, Trans and Intersex Association (2009).

Available at [http://ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2009.pdf](http://ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2009.pdf). Last accessed April 13, 2010.

issues that raise questions of racism and imperialism, particularly through its confrontation with the presumptive religious fundamentalism of non-western peoples. Let me turn now to some theoretical frameworks to help us make sense of why this is the case.

### **Homonormativity & Homonationalism**

One of the primary lenses of analysis put forward to explain these issues is what I will refer to here as the 'homonationalism' thesis. A recent, highly influential account of this is given by Jasbir Puar, particularly in her *Terrorist Assemblages*.<sup>20</sup> The thesis here can be divided into two parts (at least as far as I reconstruct it).

First, thinkers such as Puar (in addition to central contributors such as Lisa Duggan and Michael Warner<sup>21</sup>) argue that a new form of queerness has emerged over the last few decades, but particularly since the late 1980s. These thinkers often deploy a quasi-Foucauldian analysis of biopolitical governance as a generative feature of this new queerness. They argue that while queer subjects primarily figured in liberal-capitalist states throughout the 20<sup>th</sup> century as subjects whose lives were less worthy of state protection, who were either direct targets of state-sponsored eradication or a more passive 'let die' form of biopolitics (e.g., via AIDS), this fundamentally changed towards the end of the 20<sup>th</sup> century and beginning of the 21<sup>st</sup>. Today, the biopolitical governance of queerness does not merely delineate *who* may die, but rather *how* we may live. In short, queerness has moved from being a primary enemy against which 'society must be defended,' to being largely commensurate with the defence of the social body, against other (oftentimes racialized) threats. This is due in part to a recoding of queers as useful to the health and prosperity of the nation-state because of their presumed desire to be incorporated fully into the model of productive citizenship. As Puar puts it:

The contemporary emergence of homosexual, gay, and queer subjects... is integral to the interplay of perversion and normativity necessary to sustain in full gear the management of life.<sup>22</sup>

This new, productive and useful form of queerness, so the argument goes, is no longer the target of expulsion and eradication, but is in fact normatively valued by the state and the market (albeit carefully confined to certain specific articulations). This positive reevaluation of queerness is the emergence of what Puar, following Lisa Duggan, calls 'homonormativity.'<sup>23</sup>

Secondly, this homonormativity has been integrated into nationalism and racist governance. As this particular variant of queerness is linked to the physical and moral vigour of the

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<sup>20</sup> Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke UP, 2007).

<sup>21</sup> See Lisa Duggan, *The Twilight of Equality?: Neoliberalism, Cultural Politics, and the Attack on Democracy* (Boston: Beacon Press, 2003); Michael Warner, *The Trouble with Normal: Sex, politics and the ethics of queer life* (Cambridge, Mass.: Harvard UP, 2000).

<sup>22</sup> Puar, xii.

<sup>23</sup> As Duggan defines the term, homonormativity is "a politics that does not contest dominant heteronormative assumptions and institutions, but upholds and sustains them, while promising the possibility of a demobilized gay constituency and a privatized, depoliticized gay culture anchored in domesticity and consumption." (Duggan, 50)

social body and no longer merely a contagion to it, it gains its normative value through nationalist and racist idioms and practices of governance. As Puar puts it,

National recognition and inclusion, here signaled as the annexation of homosexual jargon, is contingent upon the segregation and disqualification of racial and sexual others from the national imaginary. At work in this dynamic is a form of sexual exceptionalism—the emergence of national homosexuality, what I term ‘homonationalism’—that corresponds with the coming out of the exceptionalism of American empire.<sup>24</sup>

Puar thus warns of the new deployment of homonormativity for homonationalist (but especially *American* homonationalist) ends. Specifically, homonormativity has become a new benchmark for civilization, the standard by which various societies can be assessed as tolerable to Western powers (or not). Thus, it may also operate as a justificatory mechanism for U.S.-led sanctions and militarism (e.g., vis-à-vis Uganda or Iran). At the same time she criticizes the internal reconfiguration of the North American gay and lesbian community along increasingly white-supremacist, secularist and pro-capitalist lines. Finally, critics such as Puar also seek to demonstrate how homonationalism facilitates the internal criminalization of society (with all the racist and class-based injustices that come with this), citing, for example, how the decriminalization of sodomy in the United States, in the 2003 *Lawrence and Garner v. Texas* case, actually resulted “in accentuated state regulation of sexuality rather than a decline in such patrolling, commissioning many other actors to intensify other types of scrutiny.”<sup>25</sup> These three axes—the global extension of U.S. militarism, the internal configuration of American queer politics, and the governmentalization of broader society (but especially of racialized minorities)—form the complex terrain on which the problematic of the ‘imperial queer’ plays out for Puar. She writes that,

By underscoring circuits of homosexual nationalism, I note that some homosexual subjects are complicit with heterosexual nationalist formations rather than inherently or automatically excluded or opposed to them. Further, a more pernicious inhabitation of homosexual sexual exceptionalism occurs through stagings of U.S. nationalism via a pairing of sexual othering, one that exceptionalizes the identities of U.S. homosexualities vis-à-vis Orientalist constructions of ‘Muslim sexuality.’ This discourse functions through transnational displacements that suture spaces of cultural citizenship in the United States for homosexual subjects as they concurrently secure nationalist interests globally.<sup>26</sup>

In short then, the conviviality of queerness and racialized empire operates not only because of a reevaluation of the normative status of (an unmodified) queerness, but because the content of queerness has itself shifted, specifically, into a form that makes it more commensurate with already-existing heterosexist, American nationalist and white-supremacist formations.

The rubric of ‘homonormativity’ and ‘homonationalism’ contains much that commends it as a framework for analysis. It helps us understand why, for instance, Pride Parades across

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<sup>24</sup> Puar, 2.

<sup>25</sup> Puar, 114.

<sup>26</sup> Puar, 4.

North America (originally very radical anti-establishment political protest marches) now feature all of those traditionally very homophobic institutions, long associated with nation building: the police, the army, churches and official political parties. It helps us explain the diverting of radical queer social movements towards legal reform, non-discrimination legislation and 'equal access' to institutions such as marriage and the military industrial complex, which not only fail to critique state, capital and military power, but frequently augment them.<sup>27</sup> Nevertheless, complications arise in too uniformly applying this analysis, particularly beyond the U.S. context.

Puar expressly (and rightly) foregrounds the logics of American exceptionalism in her own analysis. By this, she intends the framing of the U.S. experience as both unique and exemplary. However, building from (while modifying) the 'homonationalist' frame requires thinking beyond this conjunction at the heart of exceptionalism. That is, it requires decoupling the specificity of the American formation from its supposed exemplarity, carefully attending to the former while remaining critical of the latter. In order to do this, I suggest, we must situate the question against a larger backdrop, one not confined by the American horizon.

For instance, undue attention to a linking of homonormativity to homonationalism may serve to obscure the ways in which the deployment of queerness for racist and imperial ends does not necessarily depend upon fundamentally altering the normative status of queerness itself. Queerness may paradoxically remain a denigrated field of sexual and gender-identity anxieties *and* be used as a valuable tool in 'culture wars,' civilizational hierarchies and imperial governance. In fact, as I will elaborate upon more below, I think it most often still occupies this space and it is something specific to the discourse of *tolerance*, not homonationalism that helps us understand this.

Second, we would do well to avoid a common slippage between American nationalism and western, liberal imperialism generally. Indeed, although there is certainly a case to be made for the collusion of queerness and western, racialized imperialism, the American case might be taken as more exception than rule. In the case of the Netherlands or Canada, for instance, it is much easier to see how tolerance of queerness has become a badge of honour with which to exclude and govern racialized minorities beyond a strictly 'homonationalist' framework. In these cases, as is evident with Pim Fortuyn for instance, the defence of queerness and its use in racist, anti-Islamic policies does *not* hinge upon construing queerness as commensurate with productivity, prosperity or national purity. Rather, it is through an idiom of (supposedly) *post-national, cosmopolitan liberalism* that queerness functions to these ends, which does not seem to be the prevailing discourse in the American context where a different sense of national (and Christian) identity prevails and inflects debates on queerness and its possible conviviality with imperial projects. The specificity of American nationalism (as distinct from a more general liberal-universalism) is another axis of analysis that complicates the story, and is not reducible to the more general discourse on toleration and civilizational development (which has formulations that push *against* American nationalism, for instance).

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<sup>27</sup> For a broad critique of this transition, with particular reference to critical trans politics, see Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics and the Limits of Law* (NY: South End Press, 2011).

In fact, American nationalism has often situated itself against the supposedly more effeminate and queer European societies. An example of this was the homophobic and misogynistic language that was mobilized in the United States against the French opposition to the second war in Iraq. The point here is that queerness in France or the Netherlands can be both racist (or anti-Islamic) *and* opposed to U.S. nationalism because of cleavages between western European languages of civilizational superiority (which trade more on the language of tolerance and liberal social values) and their American counterparts (which are dependent more upon U.S. nationalism and exceptionalism, even vis-à-vis Europe).

A case in point is the debate in the United States leading up to the repeal of the 'Don't Ask, Don't Tell' policy, which prohibited the service of (openly avowed) gays and lesbians in the American military. During a set of hearings revisiting the policy, U.S. retired General John Sheehan told a Senate Armed Services Committee that the presence of gay soldiers in the Dutch army was partially to blame for the Srebrenica massacre in July 1995, in which the Dutch were overrun by Serb forces, leading to the killing of nearly 8,000 Muslim men (the worse massacre in Europe since WWII). General Sheehan referred to the introduction of gays as part of the larger project to "socialise" and "liberalise" the military, which he also characterized as "social engineering."<sup>28</sup> General Sheehan mobilizes the old American trope of European societies (but especially western European societies such as the Netherlands, France, the Scandinavia countries) as overly refined, decadent societies in which a liberal approach to sexual and gender identity has been allowed to corrode the (masculine) power of the state, up to and including its capacity to wage war.<sup>29</sup>

Likewise, the role that religious (specifically Christian) discourse plays in the construction of American nationalism vis-à-vis the regulation of sexuality is quite distinct from most other liberal European nations.<sup>30</sup> In the U.S. context, mainstream gay and lesbian politics has frequently posited itself over against religious conservatism, struggles against the encroachment on (supposedly) formally secular state institutions by the Christian right and its allies in the Republican party. In an attempt to combat and co-opt this force, queerness has been reformulated as, contradictorily, commensurate with the basic underlying values of the Christian civilizational model and, at the same time, with neoliberal privatization and elision of such value-laden frameworks (i.e., a bracketing of morality in favour of market indexes of productivity, efficiency, etc.). This has meant that the U.S. can produce such figures as conservative commentator Andrew Sullivan, who reassures his readers that homosexuality is not incommensurate with the highest values of Catholicism, while at the same time launching an invective against 'liberationist' queer activism (which Sullivan explicitly labels "Foucauldian"<sup>31</sup>). The point here is not merely to point out the contradictions of U.S. neoliberalism and its strange, occasional marriage with Christian conservatism. Rather, it is to highlight something unique about the American formation.

<sup>28</sup> 'Dutch fury over claim gay soldiers to blame for Srebrenica,' *The Globe and Mail*, Friday, May 19, 2010.

<sup>29</sup> On the relationship between U.S. militarism and (neo)liberal formations of sexuality, see Chandan Reddy, *Freedom with Violence: Race, Sexuality, and the US State* (Durham: Duke UP, 2011).

<sup>30</sup> For an analysis of precisely this question, see Michael Cobb, *God Hates Fags: The Rhetorics of Religious Violence* (NY: NYU Press, 2006).

<sup>31</sup> For a discussion of Sullivan (and relevant quotes citing the "Foucauldian" threat), see Duggan, 55-66.

In a non-U.S. context, however, an imperialized queerness operates less through explicit (Christianized) nationalism and more through neoliberal privation arguments. Thus, someone like Pim Fortuyn, for instance, *could agree* with Gen. Sheehan that the Netherlands is especially socialised, liberalised and then proceed to use this very fact as a vehicle for his anti-Muslim immigration policies. The point here is simply that whatever 'convivial relations' exist between queerness and militarism in, say, the Netherlands, and whatever complicity might exist between queerness and American nationalism, these seem to be phenomena not wholly reducible to one another. In short then, the 'homonationalist' lens of analysis does not give us the analytic tools to distinguish between articulations of queerness and empire in different contexts because it takes the predominantly American idiom of (Christian) nationalism and extrapolates from that, obscuring the ways in which, for instance, imbrications of queerness and empire in the European context are not iterated primarily in the language of nationalism, but instead that of a liberal-cosmopolitanism which is often directly situated against the U.S. model. Puar's fears of a possible 'queer imperialism' are well-founded, particularly when we look at cases of explicit anti-Islamic rhetoric in the queer communities of the West. When she suggests that "we are witnessing, from vastly different corners, the rise of homonormative Islamophobia in the global North, whereby homonormative and queer gay men can enact forms of national, racial, or other belongings by contributing to a collective vilification of Muslims,"<sup>32</sup> she is undoubtedly correct. However, if we leave things here, we risk flattening out our analysis, failing to properly articulate the differences between this kind of direct homonationalist Islamophobia and the more complex, in some ways more insidious form this takes when articulated by, for instance Pim Fortuyn. A more complex framework for bringing together these diverse phenomena than 'homonationalism' would be one that situates a discussion of queerness as a vehicle of militant, western imperialism into a much larger story, one in which the regulation of difference-tolerance (not only sexual, but ethnic, linguistic, gendered, etc.) has *long* been a key link between the governance of populations in normalized, liberal societies, on the one hand, and, on the other, the vilifying of 'barbarous' outsiders against whom 'society must be defended.'

### **Liberalism, Tolerance, Civilization**

In order to provide a more complete analysis of what I mean by this, let me return to the examples given above. Extrapolating from these cases, I think it is fair to say that queerness has become a crucial hinge point in the demarcation and governance of the spatial-temporal divide between the 'civilized' and the 'uncivilized,' the modern and the barbaric. By this, I am referring to the long history of construing differences *across* societies in developmental terms, i.e., as differences between more or less advanced versions of the universal trajectory of human development.

It has long been noted that Euro-American imperialism, particularly of the 19<sup>th</sup> and 20<sup>th</sup> centuries, has been explained and justified in a 'stages' language of civilizational develop-

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<sup>32</sup> Puar, 20-21.

ment.<sup>33</sup> Given its first full-blown articulation in 18<sup>th</sup> century Scottish Enlightenment social theory, these theories are characterized by a developmental historical-anthropology, which were then given complex reformulations by, for instance, such major figures as Kant, Hegel, Marx, Mill and Darwin. Commonly, the name 'Enlightenment' is given to the historical period in which humanity grasps the 'purposiveness' of this historical development, thus either completing history as we know it, or at least ushering in a qualitatively different epoch in which progress is consciously grasped as such. It was this sense of Enlightenment that Foucault grappled with, echoing yet overturning Kant. Foucault famously sought to disentangle Enlightenment comprehended as "the internal teleology of time and the point toward which history of humanity is moving... history as humanity's passage to its adult status," from Enlightenment as a philosophical ethos and permanent critique of ourselves.<sup>34</sup>

One feature of this complex host of developmental languages which Foucault only noted tangentially but which has guided much postcolonial theory subsequently,<sup>35</sup> is that they have all been employed to buttress European imperial projects on the ground by rationalizing the attempts of 'higher' societies to 'civilize' 'lower' societies through prolonged periods of despotic tutelage. Almost without exception, European philosophers of the 18<sup>th</sup> and 19<sup>th</sup> centuries found their contemporary society (often their specific nation) to be at the pinnacle of human development, while indigenous, non-European societies were relegated to lesser, barbaric or savage forms, often understood as a kind of 'living anachronism': frozen moments of Europe's own past caught in the present.<sup>36</sup> Differential placement along the axis of universal development necessitates and justifies differential treatment under the law of nations, guided by the greater powers.

The central hypothesis here is that we cannot fully understand the function of queerness today with respect to imperialism without situating it in the context of this civilizational discourse, along the spatial and temporal axes. For instance, in the Dutch example, the spatial axis is most literally visible. Queerness is clearly deployed here as a means of filtering the semi-porous boundaries of the liberal polity (via immigration screening). And yet, even here, this spatial regulation (inside/outside) is linked to and supported by the temporal axis (modern/pre-modern). Recall the language of Pim Fortuyn, as quoted above. He not only refers to Islam as 'intolerant' and 'backward', but explicitly links it to the "old reformed protestants," implying similarities between 'antiquated' modes of life struggling to survive in the present. Border controls, in other words, are regulated through the language of temporally-ordered scales in which the entrance requirements of potential new citizens are calibrated according to the ranking of whole societies along a linear axis of progressive development. Those from relatively 'modern' societies are subjected to different entrance criteria than those

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<sup>33</sup> In this section of the paper, I have drawn from another essay of mine, "Of First and Last Men: Contract and Colonial Historicity in Foucault," in A.E. Swiffen and J. Nichols (eds.), *The End(s) of History* (NY: Routledge, 2012). For a general survey of the development of this language and its contemporary use, see Brett Bowden, *The Empire of Civilization*, 7.

<sup>34</sup> Michel Foucault, "What is Enlightenment?," in *The Essential Foucault*, 48.

<sup>35</sup> See Robert Nichols, "Postcolonial Studies and the Discourse of Foucault," *Foucault Studies*, No. 9 (Sept. 2010), 111-144.

<sup>36</sup> Cf. Dipesh Chakrabarty, *Provincializing Europe* (Princeton: Princeton UP, 2000).

from 'backward' societies—and queerness has clearly become another tool in this ranking/screening process, though one never handled evenly or uniformly. Furthermore, a key block to the 'backward' and 'uncivilized' from exercising critical self-reflection on their own traditions and tolerance towards others is their incapacity to accept the deep truth of human sexual diversity, itself paradoxically valorized and denigrated as what emerges when we finally abandon "standards and values that are so high that you can't humanly maintain them." The complexity of the convergence of the tolerance and civilizational discourses here is important to note, in ways that may be obscured for instance by the 'homonationalist' frame of reference. Muslims (and 'traditional' religious subjects more generally, including here 'old reformed protestants') are actually said to have *higher standards* than Dutch liberals. Yet their standards are *too* high, so high they are beyond the "human." As I will attempt to explain below, it is the incapacity of 'traditional' religious subjects to properly come to terms with the ineradicability of queerness (which leaves the normative evaluation of this queerness in limbo) that is at stake more often than not. And this has to do with religious subjects presumed incapacity to gain a proper critical distance from themselves and their social order.

With Uganda, the temporal idiom is more prevalent. We are constantly warned of 'sliding backward' or 'regressing to a previous time.' As the Washington Post put it, the proposed law is simply "barbaric" and threatens to place Uganda "beyond the pale of civilized nations."<sup>37</sup> And yet, the cases here clearly trouble and expose the instability of such frames. The Ugandan bill is not captured by the language of a movement backward through time to a pre-modern barbaric state, not unless the moment to which we are regressing is the original introduction of laws prohibiting homosexuality by the British colonial governors in the late 19<sup>th</sup> century, which was itself justified at the time through the language of modernization and civilizational development.<sup>38</sup>

Of course, none of this predetermines any particular evaluative stance on the legal practices in question. A critical foregrounding of the central work being done by the discourse of civilizational hierarchy does not mean we should uncritically accept the Ugandan bill, for instance. The important thing that is revealed here, however, is that one must avoid simply collapsing the issue into a conflict of 'modern and queer' vs. 'pre-modern and religious' in such a way that not only fuels the underlying racist and imperial projects this framework underwrites but also serves to obscure the conditions of possibility of this contest in the first place. It is in this vein and in this context that Sara Ahmed reminds us,

The language of sexual freedom and sexual rights can thus be exercised as if they are political gifts (imperial histories are those in which force is narrated as gift). When freedom or rights becomes a justification for war and empire, they become cultural attributes: what we have, what we give them, what we must force them to have. To become aware of this process is not to withdraw from a commitment to freedoms, but it must mean acquiring a certain caution about turning our commitments into our own attributes or even ego ideals

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<sup>37</sup> 'Uganda's bill to imprison gays for life is an outrage that should be rejected,' *The Washington Post* (January 7, 2010). Retrieved from <http://www.washingtonpost.com/>. Last accessed on Jan. 8, 2010.

<sup>38</sup> Cf. Marc Epprecht, *Heterosexual Africa?: The History of an Idea from the Age of Exploration to the Age of AIDS* (Athens: Ohio UP, 2008).

(as if we as activists know in advance what is good or right for ourselves or for others).<sup>39</sup>

Thus, as Ahmed suggests, contextualizing the debate over ‘non-western’ approaches to homosexuality within the long history of imperial justifications—in this case the language of civilizational development—opens up new avenues for critique. Our aim therefore ought to be to foreground this language and inquire into its conditions and space of activation: pace Foucault, to engage a form of critique that operates not through “the search for formal structures with universal value but, rather, as a historical investigation into the events that have led us to constitute ourselves and recognize ourselves as subject of what we are doing, thinking, saying.”<sup>40</sup>

In order to contextualize the larger historical connections between the discourses of civilization, tolerance and liberal imperialism, it is helpful to return to a set of insights articulated recently by two other thinkers who also draw upon (and modify) Foucault: Wendy Brown and Jodi Melamed. For her part, Brown has tracked the slow emergence and development of the discourse of tolerance in modern, western, liberal-capitalist societies. Analyzing this discourse in its application to groups as distantly related as, for instance, 19<sup>th</sup> century European Jewry and 21<sup>st</sup> century American Muslims, she shows the role that tolerance has played as a mode of late modern governmentality. Tolerance, she argues, “regulates the presence of the Other both inside and outside the liberal democratic nation-state, and often it forms a circuit between them that legitimates the most illiberal actions of the state by means of a term consummately associated with liberalism.”<sup>41</sup> This operates through a three-part structure.

To ‘tolerate’ a practice is *first* to confer a certain protected status upon it. And yet, this conferral has a dual and contradictory circulation. Conferring tolerance upon some person or practice is to provide a justification for a continued presence, but to do so in a way that is nevertheless agnostic (at best) as to the normative status of the thing in question: worthy of ‘tolerance’, yes, but not necessarily of respect or value. (For instance, although the consumption and possession of cannabis is still technically illegal in the Netherlands, the non-enforcement of the law and option not to prosecute those found in possession of under five grams (0.18 ounces) of the drug has been in place since 1976. This is officially termed the ‘*gedoogbeleid*’ or ‘tolerance policy’.)

Second, this act also marks *the agent of conferral* in a paradoxical way. The granting of tolerance is an admission of the limits of power on the part of she who grants it and yet it also nevertheless accrues a certain moral superiority through this admission. This is why the

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<sup>39</sup> Sara Ahmed, ‘Problematic Proximities, Or why Critiques of “Gay Imperialism” Matter,’ Nov. 9th, 2009 at <http://www.alanalentin.net/2009/11/09/problematic-proximities-or-why-critiques-of-gay-imperialism-matter/>; Last accessed April 15, 2010.

<sup>40</sup> Foucault, “What is Enlightenment?,” 53.

<sup>41</sup> Wendy Brown, *Regulating Aversion: Tolerance in an Age of Identity and Empire* (Princeton: Princeton UP, 2006), 8. Other important contributions to this literature are the essays collected in *Toleration and Its Limits* edited by Melissa Williams and Jeremy Waldron (NY: NYU Press, 2008) and *The Culture of Toleration in Diverse Societies*, edited by Catriona McKinnon and Dario Castiglione (NY & Manchester: Manchester UP, 2003).

capacity for tolerance is often linked to the language of magnanimous benevolence. When liberal democratic regimes are said to be uniquely capable of 'tolerating' queerness, queerness can be marked here as a necessary vice in our midst, which demonstrates the limits of the state's power to eradicate it altogether (which it has tried to do for centuries) and yet also confers a moral superiority to the state in this act of recognition/affirmation. In this way, the capacity to tolerate operates as the hallmark of the sophisticated, civilized subject and society.

Third, the act of tolerating marks out the intolerant and intolerable. If the first two points above hold, then it is also true that those who do not relate to societal difference in the same way are said to be incapable of the same magnanimous gesture of conferral. They are incapable of accepting into their midst this morally ambiguous set of persons or practices and, as such, are marked out as intolerant. It is this incapacity to tolerate that is most often rendered in the idiom of civilizational hierarchy. Finally then, the incapacity to tolerate is what renders some as *intolerable* and thus justifiably expelled from civilized society and/or ruled despotically from afar.

Mediating between Puar's critique of American homonationalism and Brown's more general genealogy of the classical liberal language of tolerance is Jodi Melamed's contributions to an analysis of racial liberalisms. In her *Represent and Destroy*, Melamed employs, criticizes and revamps Howard Winant's classical theory of the racial break. Melamed theorizes a significant break in post-WWII liberalism, permitting the emergence of a formally antiracist, liberal-capitalist language of modernity. She shows how the U.S. achieved hegemony after the Second World War in large part due to its capacity to resolve its 'Negro problem' in ways that confirmed, rather than challenged, the basic tenants of liberal-capitalism, signifying that "racial domination (past and present) was not constitutive of liberal freedoms but in contradiction with them."<sup>42</sup> What is most useful for the discussion here, however, is Melamed's insights into how this general formation underwent two subsequent modifications. In the 1980s and 90s, racial liberalism took on a multicultural form, in which societal difference was given a (ostensibly) positive valuation. This would seem to confirm a 'homonationalist' thesis, which also observes a positive valuation of queerness as societal difference which nevertheless functions to augment the vitality of the nation. However, Melamed contributes a further refinement. She observes that liberal multiculturalism was recoded in the 2000s in a neoliberal form, writing:

Like past official racisms, neoliberalism multiculturalism provides a restricted sense of anti-racist equality and codes U.S.-led global capitalist developments as beneficial. Yet in contrast to the earlier official antiracisms, which were in the weave of nationalist discourses that dissimulated capitalist development as part of racial equality *for people*, here a multicultural formalism is abstracted from anything but an ideal relation to concrete human groups and instead directly codes an economic order of things.<sup>43</sup>

Among Melamed's central contributions then, is the insight that neoliberal formations enable a

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<sup>42</sup> Jodi Melamed, *Represent and Destroy: Rationalizing Violence in the New Racial Capitalism* (Minneapolis: University of Minnesota Press, 2011), 9.

<sup>43</sup> Melamed, 139.

shift away from the positive pluralism of official multiculturalism, which “celebrated the co-existence and irreducible diversity of different social groups within the nation-state”<sup>44</sup> (truncated and detached from socio-economic matters as this was). In place of official multiculturalism is a distinct neoliberal regime of governance in which the nation-state (formally) abstains from conferring positive valuation on social difference, not because such difference is no longer positively valued, but because its production, protection and governance is ideologically represented as best realized through market forces. As a “market ideology turned social philosophy,” neoliberal multiculturalism abstracts away, and formally abstains from the game of normative evaluation of group-differentiated social and political life altogether.<sup>45</sup> At the same time, it can nevertheless avail itself of discourses of civilizational superiority as indexed to pluralism and diversity (contra backward, ‘mono-cultural’ societies), because this pluralism is now coded in economic terms, i.e., as the product of sufficiently complex and fluid market forces. In this, Melamed provides us then with a key link between homonormativity and the reemergence of a classical liberal language of tolerance, a circuit between Puar and Brown. Tolerance discourse can reemerge in an era of neoliberal multiculturalism because it provides an important vocabulary for speaking of societal difference that remains agnostic on questions of normative evaluation.

Of course, this formally agnostic, neoliberal tolerance discourse framework does not explain *all* of what we see at work in imperial formations today. But it does serve us well when analyzing the conjunction of sexuality and religiosity. It would be tempting to present the toleration-civilization framework as a general rubric that renders intelligible almost all conflicts between western and non-western societies, to then interpret queerness as merely one instantiation of this general formula which could, at least in principle, be applied to an almost endless host of other points of conflict (on, for instance, issues related to the treatment of children, the developmentally disabled, other animals and non-human life, etc.). But that would be a mistake. For this would obscure the specificity of the tolerance-civilization language here, the ways in which it is particularly (though not exclusively) bound to questions concerning sexuality and religiosity and, most importantly, the mirroring logic of these two supposedly contrasting *dispositifs*. Sexual diversity and religious diversity are both to be ‘tolerated’ in very specific, yet complementary ways; it is often in relation to one that the case for the toleration of the other is reinforced. In the contest over the issue of an ‘imperial queerness,’ it is most often the strange pairing of sexual and religious difference that is at stake, in particular their common status as tolerated but (presumptively) mutually antagonistic.

By way of conclusion, let me provide an example of this pairing of sexual and religious difference through their governance under liberal tolerance. In her recent study of sexual orientation and constitutional law in the United States, Martha Nussbaum explicitly makes this case. She argues that,

As with religion in the early days of the republic, so with sex today: many people view the practices of some of their fellow citizens with profound aversion. But they ought to respect the practitioners as their equal; respecting them as their equals, they should conclude that it is

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<sup>44</sup> Ibid., 111.

<sup>45</sup> Ibid., 138.

wrong to deny them the chance to search for meaning in their own way.<sup>46</sup>

What is striking about this passage is the way that Nussbaum simultaneously trades on several of the central motifs at circulation in the larger issues at hand. She (1) relegates the time of deep religious diversity to an antiquated past (“the early days of the republic”), now presumably resolved; (2) explicitly links sexuality to religiosity through their common regulation under a regime of tolerance by their sophisticated, morally superior fellow citizens who may view their ‘practices’ with ‘profound aversion’ and yet nevertheless ‘respect the practitioners as their equals’ (echoing the familiar refrain, ‘love the sinner, hate the sin’), and; (3) suggests that this would result in a governance of difference through its privatization (i.e., what is required is for us to leave others alone so that they may ‘search for meaning in their own way’). Nussbaum’s reconstruction of the slow emergence of a more tolerant, ‘Millian’ society (that she both reads into the American past and advocates for its future) is also fascinating for the way it explicitly confers agency for this progress to the dominant, majoritarian communities and their expanding imaginative capacities. Consider, for instance, the following account:

[T]hough the practices of others (whether Jews or Baptists or Native Americans) might still be rejected as sinful and bad, [these] people were increasingly approached in a spirit of imagination and understanding. From that point of view, they seemed relevantly similar... The ability to imagine what the other person is pursuing and that it is indeed a person (not a monster) pursuing it, is an indispensable step on the way to the thoughts about equal liberty that have become central to our American tradition.<sup>47</sup>

Note how this formulation literally places the subjugated groups (Jews, Baptists, Native Americans) in the passive voice, and stakes their emancipation upon the expansive imagination and magnanimity of the dominant communities, replicating the dual structure of the agent of conferral I sketched above, whereby the granting of tolerance is simultaneously a recognition of the limitations of power *and* an enacting of that power. Likewise, Nussbaum’s goal in reconstructing this narrative of expanding religious toleration is to argue for a similar logic in the regulation of sexual diversity today. If I am correct to suggest a pairing here, what needs to be investigated then are the historical conditions of possibility for this specific tying

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<sup>46</sup> Martha Nussbaum, *From Disgust to Humanity: Sexual Orientation and Constitutional Law* (Oxford: Oxford UP, 2010), 40. Nussbaum draws on this analogy elsewhere too, where she points out its use in American jurisprudence: “The dissenting opinion by Justice Blackmun makes interesting use of the religion analogy, arguing that a ‘necessary corollary of giving individuals freedom to choose how to conduct their lives is acceptance of the fact that different individuals will make different choices.’” Citing *Wisconsin v. Yoder*, which recognized that the distinctive nature of the religion of the Amish required respect and accommodation even though it was different, the dissenters write, ‘A way of life that is odd or even erratic but interferes with no rights or interests of others is not to be condemned because it is different.’ So too here, they argue: the “fundamental interest all individuals have in controlling the nature of their intimate associations with others’ cannot be abridged for a minority just because a majority doesn’t like them.” (Ibid., 83) Note that the analogy indicates that queerness, like religious diversity, may be ‘odd’ and ‘erratic,’ but nevertheless tolerable because it is ‘harmless’.

<sup>47</sup> Nussbaum, 47-48.

of sexuality and religiosity under a broadly imperial form of governance, itself characterized by conflicting elements drawn from, not merely nationalist idioms (homonationalist or not), but also from liberalism (classical and neo).

We began by recalling Foucault's spurring us towards the ethico-political choice we have to make every day, namely, to determine which is the main danger. Here, we have been exploring the fear that a certain form of queerness in the liberal-capitalist west is at least not without its dangers. Specifically, the dangers of complicity and implication within contemporary forms of imperial governance. We might summarize the analysis above in the following way then: (1) Forms of racist and imperial governance in western, liberal capitalist societies can increasingly draw upon queerness as one vehicle for the articulation and adjudication of spatial and temporal boundaries between civilized, modern peoples and barbarous, inferior others. (2) This operation does not assert itself uniformly, manifesting uniquely in a changed normative evaluation of queerness within western societies, or through the linking of queerness to discourses of explicit national or racial superiority (though these features are certainly present in certain specific cases, just not necessarily so). (3) Rather, queerness as *dispositif* exhibits productive internal contradictions which resist reduction to ideological unity. Thus, while queerness undergoes normative reevaluation, it also functions as a vehicle for the articulation of racist and imperial governance because it makes operational a whole discourse of agnostic tolerance, marking out those with the capacity to accommodate themselves to diverse sexual and gender-identity practices (independent of their normative status), while also simultaneously marking those who are incapable of this tolerance practice and therefore intolerable. (4) Thus, it is not queerness itself ('homonormative' or not) that is at stake, but the *capacity to absorb and tolerate queerness* and the related incapacity of non-liberal, but especially non-liberal *and* religious societies and subjects to do so.

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