

Possessive investments at the intersection of race, gender and sexuality

Lesbian and gay rights in a 'postcolonising' context

Damien W. Riggs
The University of Adelaide

I think white gay people feel cheated because they were born, in principle, into a society in which they were supposed to be safe. The anomaly of their sexuality puts them in danger, unexpectedly (James Baldwin, cited in Bérubé, 2001, p. 256).

State racism has never been gender-neutral in the management of sexuality; gender prescriptions for motherhood and manliness, as well as gendered assessments of perversion and subversion are part of the scaffolding on which the intimate technologies of racist policies rest (Ann Laura Stoler, 1995, p. 93).

INTRODUCTION

The impetus for this paper comes from the challenge that the fact of Indigenous sovereignty represents to white lesbians and gay men in Australia (of which I am one). More specifically, I understand the disavowal of Indigenous sovereignty as being foundational to the claims of belonging and rights by white people in Australia. Yet as Fiona Nicoll, writing as a white queer woman suggests: "Indigenous sovereignty exists *because* I cannot know of what it consists; my epistemological artillery cannot penetrate it" (2000, p. 370, original emphasis). To write of what Indigenous sovereignty means for those of us who identify as white lesbians and gay men in Australia is thus not to attempt to *speak for* Indigenous sovereignty, but rather to recognise how it constitutes a fact that is formative of white identities in Australia. In other words, as a nation that may be defined as 'postcolonising'¹ (Moreton-Robinson, 2003), Australia continues to engage in the refutation of Indigenous sovereignty, and to claim rights for white people that come at the expense of Indigenous people. Yet, as Nicoll suggests, such rights claims never actually serve to fully overwrite Indigenous sovereignty, nor do they erase Indigenous rights to belonging and ownership. As I will elaborate throughout this paper, claims to rights by white lesbians and gay men may thus be seen in many ways to render us complicit with what Aileen Moreton-Robinson (2004) refers to as the 'possessive logic of patriarchal white sovereignty' – in pushing for rights, white lesbians and gay men may well affirm our commitment to the terms for belonging set by the white nation (Riggs, 2006).

The 2004 federal election in Australia provided me with one example of how Indigenous rights may at times conflict with or challenge the rights that white lesbians and gay men attempt to claim. This was particularly evident to me in the fact that the Family First party (who promote the belief that "family grows out of heterosexual relationships between men and women") was, at the time of the election, headed by an Indigenous woman, Andrea Mason. This challenged me to question the political implications of this as a white gay man living in Australia. How did Mason's rights as a (nominally heterosexual) Indigenous woman challenge my desire for rights as a white gay man? Moreover, how do Indigenous rights and white lesbian and gay rights intersect, and what are the implications of this for my research on racism, lesbian and gay parenting and white belonging in Australia?

¹ Moreton-Robinson suggests that she uses "the verb postcolonizing to signify the active, the current and the continuing nature of the colonising relationship that positions [Indigenous people] as belonging but not belonging" (2003, p. 38). Moreton-Robinson contrasts this with the more common term 'postcolonial', which she suggests is not appropriate in the Australian context, as "Indigenous belonging challenges the assumption that Australia is postcolonial because [Indigenous] relation to land... [what Moreton-Robinson terms an 'ontological belonging'] is omnipresent, and continues to unsettle non-Indigenous belonging based on illegal dispossession" (p. 24).

These questions again came up at a conference on race and whiteness held in Brisbane, Australia, in late 2004. In her keynote, Aileen Moreton-Robinson (2004a) examined a selection of speeches by Prime Minister John Howard, in which she elaborated how they evidence a 'possessive investment in whiteness'. Moreton-Robinson suggested that not only are Howard's speeches racialised so as to privilege white Australians and our claims to belonging in this country, but they are also sexualised, in that they often explicitly argue for the normative status of heterosexuality, and in particular, the heterosexual nuclear family. Yet, at the same time, Moreton-Robinson suggested that possessive investments may be unwittingly taken up by those who do not identify as heterosexual. Moreton-Robinson's analysis led me to question precisely how Howard's rhetoric may work to encourage those of us who identify as white lesbians and gay men to buy into the possessive investment that he promotes. In this way, debates over same-sex rights may be seen as one of the ways in which white lesbians and gay men are encouraged to voice a desire to be accepted as part of the white nation, and thus to reaffirm an investment in the possessive logic of patriarchal white sovereignty.

These two examples of the intersections between Indigenous rights and the rights of white lesbians and gay men (the group of people who are predominantly lobbying for 'equal rights' in regards to sexuality) demonstrate the fact that those of us who identify as white lesbians and gay men need to more adequately theorise our relationship to Indigenous sovereignty, both historically and presently. Thus as James Baldwin suggests in the opening quote of this paper, white lesbians and gay men are often 'surprised' by the discrimination that we face, so used are we to expecting safety as a result of our race privilege. This is not to suggest that discrimination or violence against white lesbians and gay men is any less real or dangerous, but rather to point towards the fact that our oppression is mediated by our privilege – we cannot simply presume therefore that our call for rights does not impinge upon the rights of Indigenous people, and that such rights may not serve to prop up the possessive logic of white belonging in Australia.

I take up these points within this paper by using Ann Laura Stoler's quote above as a starting point from which to examine some of the ways in which current white lesbian and gay rights claims are premised upon a number of historical events which have shaped a possessive investment in the white nation. In doing this, I examine the gendered and classed specificities of early colonial experiences of sexuality in the face of the law, and thus elaborate how racist policies rest upon a set of normative assumptions about masculinity, property ownership and heterosexuality. Having outlined how I use these particular terms, I go on to examine what I term 'aspirational practices' – some of the rhetorical tools through which white gay men (and later lesbians) have been encouraged to invest in the white nation, and the implications of this for current rights claims. Whilst I acknowledge that this is a somewhat contrary undertaking, in that it unsettles *a priori* claims to human rights, I believe that as white lesbians and gay men living in Australia "we need to acknowledge the ownership of the land we are living, working and playing on" (Garry Convery, cited in Nicoll, 2001, p. 210).

LOCATING RACE, GENDER & SEXUALITY IN IMPERIALISM

In this first section I briefly outline the terms that I use throughout this paper, and the implications of these terms for examining racialised, gendered and sexualised hierarchies in Australia. In doing so I allude to some of the similarities that I believe exist across a broad range of histories in Australia. My intention here is not to dismiss the specificities of individual experience, but rather to locate these subjective practices within a broader context of imperialism and colonisation. My work here draws on the broad literature on colonial desire, both in Australia and abroad (e.g., Aldrich, 2003; Lane, 1995; Stoler, 1995; Young, 1995), but adds what I think is a much needed dimension – a recognition of the relationship that white people in Australia always already have to Indigenous sovereignty (Nicoll, 2004), and an examination of the implications of this for studies of gender and sexuality.

Whilst in the introduction I used the terms 'lesbian and gay', I recognise that these terms have a relatively recent set of usages, and thus are not particularly appropriate for explaining the experiences of (primarily) same-sex attracted men in 'colonial Australia'. At the same time, however, the term more commonly used ('homosexual') is one that sits uncomfortably with my

own politics. I thus use the term homosexual to refer to the period in colonial Australia where the law recognised (or indeed created) the category itself. Prior to this time homosexual acts were considered simply to be that – individual, isolated behaviours, rather than as emblematic of an actually ‘type’ of person (Aldrich, 2003). It is only much more recently that same-sex attracted individuals have been identified (and adopted) the terms ‘lesbian’ and ‘gay’, amongst others. With this explanation of terminology in mind, I hope that the reader will accept my varied use of these terms.

In addition to the terminology of sexuality used within this paper, it is important to draw attention to their gendered nature. As I will elaborate in the following sections, laws governing homosexuality (or more precisely, ‘sodomy’) were primarily directed at men. Thus discussions of ‘homosexuality’ in the following section pertain primarily to white men. However, I continue to refer throughout this paper to ‘white lesbians and gay men’ as I believe that early colonial constructions of homosexuality have bestowed a legacy that is often taken up by both same-sex attracted men and women (albeit in highly differential ways). In order to draw out some of the boundaries of my argument, then, I draw attention to the fact that I make gender explicit in my analysis, and that I recognise the multiple ways in which white race privilege is shaped through discourses of gender.

In regards to imperialism and colonisation, I draw upon the work of Maori scholar Linda Tuhiwai Smith (1999), who suggests that the term imperialism may be understood as referring to the

Enlightenment spirit which signalled the transformation of economic, political and cultural life in Europe. In this wider Enlightenment context, imperialism becomes an integral part of the development of the modern state, of science, of ideas and of the ‘modern’ human person (p. 22).

Imperialism is thus a way of thinking about the world that is based upon the values of white people. Smith further suggests that colonisation is one specific mode of imperialism: the imposition of one set of beliefs onto another, regardless of the outcome. Indeed, within a binary framework of self and other (where the former is considered superior to the latter), the colonisation of those considered to be different from the majority or dominant group works to automatically position them as other, and thus as ‘naturally’ inferior. Colonisation is thus a practice of legitimation that is used to justify the worldview of white people, and one that continues to shape the subjectivities of all people in Australia. Thus whilst I use the term ‘colonial Australia’ to refer to the first hundred years or so of white invasion, this should not be taken as suggesting that Australia is no longer in the process of colonisation: white ways of knowing continue to be privileged, and Indigenous sovereignty continues to be disavowed.

It is important here to elaborate here how I use the terms ‘white’ and ‘whiteness’. To refer to someone as ‘white’, particularly in the context of Australia, is to refer to them as occupying a particular location in relation to racialised networks of power. To refer to someone as white is not to naively accept that race as a category is useful, or a biological fact, or internally coherent. Rather, to ‘recognise race’ (as in referring to someone as ‘white’) is to acknowledge that the assumption of racialised differences continues to inform how we relate to one another as people, and that this is the legacy of a long history of violence that has been perpetuated in the name of imperialism and colonisation against people classified as racial others. To speak of someone ‘being white’ is thus to unsettle the norm of white privilege - to refuse to continue to allow those of us who identify or are identified as white a position of normality – to challenge our assumptions of invisibility or ‘racelessness’, and to locate white people as benefactors within the discriminatory classificatory system that is ‘race’.

Of course at the same time it is never quite as simple as all that. Many white people will contest their location in regards to a white racial norm. The category white is one that is always changing, and we only need to look back a few decades to see how differing groups of people in Australia were often not considered to be white (Nicolacopoulos & Vassilacopoulos, 2004). This point highlights the utility of the term ‘whiteness’. To refer to the study of whiteness is not to refer to the study of an internal essence, or to posit a static social fact that is beyond challenge. Rather, to study whiteness is to study the interlocking, complex ways in

which white people benefit from white privilege, enshrined as it is in institutional networks that prioritise the values, behaviours and beliefs of dominant group members (Moreton-Robinson, 2000). Whiteness may thus be understood as a form of cultural capital that, whilst being differentially distributed amongst those variously identified as white, does nonetheless come at the expense of the oppression of those who are identified as not being white (Fine, 1997). In the case of Australia, the institutions of whiteness, and the privilege that accrues to white people as a result, may be understood as primarily coming at the expense of Indigenous people: through the genocide of Indigenous cultures, the theft of Indigenous lands, and the removal of Indigenous children from their families.

The above explications of imperialism and colonisation thus draw attention to some of the complex ways in which white men and women, heterosexual or otherwise, stand to benefit from racialised hierarchies. The importance of this argument for a reading of the possessive investments that homosexual white men have made since 1788 is that it demonstrates how a continued focus on the specificities of white lesbian and gay experience is not sufficient. In other words, whilst it is important to acknowledge and explore the multiple ways in which those of us who identify as white are located in relation to discourses of gender, sexuality and class (to name a few), it is also important to examine how white people are often very similarly positioned as a result of our racialised subject positions. This can be exemplified in the development of the term 'homosexual' in colonial Australia. Whilst the term came to be used to describe a group of people, who were labeled as deviant or pathological, it was not taken to be representative of the white race in general. This is in contrast to constructions of Indigenous people as 'sexually available', 'sexually deviant' and otherwise 'perverted', terms that were applied to *all* Indigenous people by white colonisers (Gays and Lesbians Aboriginal Alliance, 1994). Thus my argument in this paper is that since 1788 white same-sex attracted individuals have had access to privileges based on their race, and it is to these privileges (and their corollary oppressions) that we must be accountable.

COLONIAL CONTEXTS: POLICING (AND CONSTRUCTING) THE HOMOSEXUAL

In this section I provide a brief account of some of the laws that existed in regards to sodomy in colonial Australia, and I elaborate how these laws relate to the broader social morals and values that circulated at the time, particularly as they were configured through the ideologies of imperialism. This account focuses in particular on the three aspects that I elaborate in the following section in regards to possessive investments, namely; a) the normative gendered assumptions that informed colonial law, b) the varying constructions of sexuality that circulated within colonial Australia, and c) the racialised power dynamics that encouraged white colonisers to deny the fact of Indigenous sovereignty. These three aspects thus make visible some of the institutionalised practices that render white people complicit with the dispossession and genocide of Indigenous people, regardless of our 'well intentioned' claims (Riggs, 2004a).

As feminist scholars have continued to elaborate, the law is *a priori* designed to protect the status quo under heteropatriarchy. This fact is even more explicitly evident in early colonial law in Australia, which was premised on the assumption that only white men had the necessary faculties (i.e., rationality) required to access and decide law practices (an assumption that has again been asserted recently in the Yorta Yorta land rights claim. See Moreton-Robinson, 2004b). The law thus held only limited control over the lives of white men, as opposed to the laws that governed the rights of white women, and the laws that controlled the movement, rights and indeed lives of Indigenous people. Whilst it is true that white men's access to the law was mediated by their status in regards to class and sexual preference, this does not negate the fact that all white men stood to benefit from the normative assumptions of patriarchal law. An example of this comes from a case of sodomy in 1855 presented by Libby Connors (1994, pp. 98-99). In the case the complainant testified that the defendant had "attempt[ed] to commit an unnatural crime". Connors suggests however that "it seems likely that [the complainant and defendant] had had a homosexual relationship", and that the fight between them was a matter of jealousy. The intervention of the law thus only came on the invitation of the complainant: both men (as white men) were otherwise relatively free from the incursions of the law upon their lives. In other words, unless they were 'caught' engaging in sodomy, or brought accusations against one another, white men were presumed to be

heterosexual, and thus entitled to full sanction by the law. The institution of heterosexuality as a foundational assumption of colonial law also granted white women access to the law by defacto of their relationship to white men. Obviously this access was greatly mediated by discourses of white women's 'fragility' and 'delicate sensibilities', but, nevertheless, colonial law included statutes to protect the 'virtuousness' of white women. My point here is not to deny the misogyny of the law (colonial or otherwise), or how the law often continues to render lesbians invisible, but rather to point towards the benefits that white people gain(ed) under the auspice of the law.

Research into relations between white men in colonial Australia has emphasised the central role of discourses of 'mateship' (Aldrich, 2003; Nicoll, 2001). Whilst there continues to be debate over whether mateship as a form of homosociality engendered homosexual relations, or whether the opposite is true (i.e., that homosexual preferences led to mateship), white men stood to benefit in colonial Australia from the racialised sexualisation of non-white men as being inherently predatory and dangerous. Though an extended discussion of the 'politics of passing' is beyond the scope of this paper, it should suffice to say that unlike white women and Indigenous men and women, white men who engaged in homosexual practices had the 'choice' to engage with discourses of mateship, and thus potential hide their sexual preferences. Mateship thus represented for homosexual men the possibility of meeting other homosexual men, and also granted them the privilege that 'mateship networks' engendered. This is evident to some degree in the relative reluctance of colonial courts to convict men charged on accounts of sodomy, or if convicted, to impose the death penalty as the outcome. Thus as Robert Aldrich (2003, p. 238) suggests, the statistics on white men convicted on accounts of sodomy, or indeed executed, "do not give evidence of a particularly vicious campaign against homosexuals". This relative leniency may be contrasted with the sustained campaign of violence that was mounted against Indigenous people, and which continues to be evidenced in the laws and public policy that deny Indigenous sovereignty. Thus whilst colonial Australia was configured through a normative heterosexuality, it still provided privileges and protection for white men who engaged in homosexual acts.

The shifting dynamics of power under colonial law was another way in which white men maintained hegemony. Though it is true that homosexuality was not legalised in Australia until the late 20th century, previous amendments to sodomy laws translated into a range of implications for men who engaged in homosexual practices. Some examples of these include amendments to the law in the form of a) 1828: men convicted of sodomy ceased to lose their property rights, b) 1883: the death penalty was removed as a punishment for sodomy, and c) 1860: the increasing introduction of the category 'homosexual' as a means to understanding homosexual practices within the law. In regards to the last point, Aldrich (2003, p. 221) suggests that "by the last decades of the century, colonial society, or at least the judiciary, had constructed homosexual identity as a sexual orientation (rather than simply viewing sodomy as an aberrant act)". This came at a similar time to when white women were granted the ability to own property (in Victoria this occurred in 1883). These shifts in laws, whilst often accompanied by a relative greater or lesser level of prosecutions for sodomy (or for lesser offenses such as 'indecent exposure with a male', see Fogarty, 1992), translated into a shift from a "power based on discipline to one transfigured into normalization" (Stoler, p. 89). Thus the construction of the category 'homosexual', and its recognition within law courts, alongside the growing rights of white women, meant that white men and women, *regardless of sexuality*, were provided with examples of how to 'approximate the norm'. In other words, the (albeit gradual) extension or securing of rights for all white women and for homosexual white men translated into a context where these groups were able to access the privilege automatically accorded to white heterosexual men. In the following section I propose that this increased access to privilege translated into a range of 'aspirational practices' that allowed homosexual white men in particular an increased freedom in determining their status within colonial Australia, and one that was dependent upon the acceptance of normative ideals around race. Whilst this of course did little to challenge the centrality of heterosexuality, it set the scene for white homosexual men to gain 'equality with' their heterosexual counterparts.

POSSESSIVE INVESTMENTS AS 'ASPIRATIONAL PRACTICES': SHORING UP THE WHITE NATION

The previous section in regards to colonial law provides a framework within which to understand how a range of 'aspirational practices' were used to encourage white homosexual men and white women to invest in the 'logic of possession'. Whilst these practices were most likely not the explicit intention of the law, I believe that they were founded on the possessive logic of the patriarchal white nation, whereby individuals are positioned as either objects or subjects of the legal gaze. Amendments to sodomy laws thus produced 'the sodomite' (and later 'the homosexual') as agentic subjects – as intelligible human beings whose claims to rights were in some way acknowledged - which was directly contrasted with the construction of white and Indigenous women (and at times, Indigenous men) as being objects of white men's 'uncontrollable lust' (Fogarty, 1992). By elaborating this point, I hope to demonstrate how white homosexual men were invested in the white nation, and how this worked to recentre normative, masculinised white heterosexuality as the foundation of the nation.

The amendment of sodomy laws in 1828 to allow men convicted of sodomy to retain their property and property rights constructed these men as entitled to property. This, I would suggest, was founded on a possessive logic, whereby white men (albeit mediated by class and convict status) were *a priori* entitled to own land. Thus whilst men who were convicted may have had less symbolic capital, it still benefited both them and the white nation to include them as citizens (particularly those of wealth). Two examples from colonial law demonstrate how property rights encouraged homosexual men to engage in possessive investments. The first example comes again from Connors (1994) work, where she suggests that Courts were less willing to pursue claims of sodomy against men. She proposes that in the early colonial period this was due to the fact that as many white men as possible were needed in the workforce (to secure white possession of land, and to 'defend' this against Indigenous people). The law was thus reluctantly used to deny homosexual men's possessive investments, or their role in propping up the possessive logic of the white nation (even if the men themselves were not eligible to actually own land, and regardless of the prohibition on sodomy and homosexuality, it was important for the nation to secure sovereign rights to land, particularly as the fiction of Terra Nullius was actively contested by the fact of Indigenous sovereignty as evidenced by the ongoing resistances of Indigenous people).

This leads me to the second, more specific example. In the case mentioned earlier, the defendant ended up escaping prosecution for sodomy, as the complainant failed to appear in court. However, the defendant was still subjected to scrutiny by the court as a result of the accusation. As Connors (1994, p. 99) reports, "since [the defendant] was a ticket-of-leave holder, the mere allegation of attempted sodomy was damaging and the crown solicitor directed that he be returned to the bench of magistrates to decide the fate of his ticket". A ticket of leave entitled a convict to work and live within a given area before their term had expired, and it also entitled them to own property. This again demonstrates how colonial law operated through a possessive logic, whereby it was beneficial for the law to be lenient in order to grant white men (regardless of their sexual acts) the right to own land (Lane, 1995). I would also suggest that this logic similarly underpinned the granting of property rights to white women. This is not to negate the campaigns that white women were involved in to win these rights (and later rights to vote and hold office), but that the granting of these rights served a purpose for the white nation: it allowed more white people access to land ownership, and thus encouraged an investment in such ownership on the terms set by the white nation (which was anxious to refute Indigenous sovereignty). Obviously the granting of such rights presumed a nominal heterosexuality for white women, much the same as the invisibility of white homosexual women within colonial law (as opposed to the relative visibility of white homosexual men) equated the category 'homosexual' with 'homosexual male'. This failure to 'see' white homosexual women within colonial law suggests to me the centrality placed upon the reification of a normative gender order that whilst potentially according a space to white homosexual men (albeit as 'pathological others'), was unable to accord a similar space to white homosexual women. The recognition of such a space would potentially have required a recognition of the anxieties that shape white heteropatriarchy, founded as it is upon the disavowal of white women's sexuality (Stoler, 1995).

The contradictory applications of the law described above (whereby white men were at times convicted of sodomy, but at the same time they were granted clemency in the form of a ticket or leave, or where allowed to maintain property rights following conviction) can be reconciled if viewed as constructing a range of 'aspirational practices'. These practices served to reinforce a series of hierarchies, within which homosexual white men and many white women could gain access to traditionally heteropatriarchal institutions. Such aspirational practices not only outlined for homosexual men how to access certain privileges, but also directed the white heterosexual majority as how to 'stay white' (i.e., how to maintain their privileges). This racialisation of property rights thus encouraged all white people to adopt normative white values in relation to ownership, and to do so via the disavowal of Indigenous sovereignty. The central understanding of power that informs colonisation is thus a "discourse of [white] sovereignty in which the fact of domination is hidden in a language of legitimate rights" (Stoler, 1995, p. 64). The challenging or repealing of sodomy laws and the ongoing challenges by white lesbians and gay men to gain 'equality' thus implicitly contain reference to what is effectively white gay and lesbian equality with the unmarked white majority. This logic continues to inform lesbian and gay rights movements in Australia.

(WHITE) LESBIAN AND GAY RIGHTS WITHIN INDIGENOUS SOVEREIGNTIES

Recent attempts by white lesbians and gay men to gain access to rights (such as to reproductive technologies and superannuation) may be understood as yet another form of aspirational practice, wherein our rights as lesbians and gay men display our willingness to take on board the possessive logic of the white nation. This suggestion goes some way to answering the questions that I raised in the introduction in regards to Andrea Mason's involvement with the Family First party, and demonstrates the need for white lesbian and gay rights activists to engage with the fact of Indigenous sovereignty. In this final section of the paper I provide an example of how lesbian and gay equal rights campaigns in Australia effectively ignore the racialised nature of their claims, and therefore fail to examine the differential access that Indigenous lesbians and gay men (amongst others) have to the rights that are currently under contestation.

The Let's Get Equal campaign in South Australia represents itself as "a lobby group for equal rights for same sex couples" (2004). Though the campaign embodies an important intervention into heterosexist practices in state policy, it fails to recognise the racialised nature of the law itself, and thus the particular amendments that it recommends. Some of the examples of legislation identified in conjunction with the Equal Opportunity Commission as discriminatory include the fact that "if you are in a same sex relationship, unlike married or heterosexual de facto couples,

- You will not inherit your partner's assets if they die without a Will.
- You have to pay expensive stamp duty when transferring property between yourselves.
- If your relationship ends, you cannot get access the same cheap and easy court assistance to disentangle finances and divide property.
- You are not entitled to be paid compensation for the grief you suffer if your partner is killed as a result of a criminal injury.
- You may be denied access to your sick partner if they are hospitalised. You may be denied access any information about their condition.
- You cannot access assisted reproductive technologies."

Whilst the challenging of these discriminatory practices is important work, it is not located within a framework that acknowledges Indigenous sovereignty, nor does it pay significant attention to the ways in which the logic of 'equality' in effect justifies the possessive logic of patriarchal white sovereignty. Thus, for example, questions of 'assets' and 'property' are rendered problematic if we are to examine them through the lens of racialised ownership in Australia (Moreton-Robinson, 2004; Riggs, 2004b). For many Indigenous lesbians and gay men, property ownership, or indeed access to the means to owning property (i.e., a secure job, lack of financial debt, support from financial institutions) is mediated by racialised assumptions. It would be erroneous to believe that an Indigenous gay man and a white gay

man (for example) would be given equal standing when applying for a home loan, or approaching a real estate agent. This again draws attention to the politics of passing – those of us as identify as white gay men may well ‘choose’ to strategically remain in the closet in order to access certain privileges. Indigenous gay men may not have this option. The focus on questions of ‘assets’ and ‘property’ also fails to recognise that white lesbians and gay men who do have such privileges do so as a result of the benefits that are gained from a possessive investments in the white nation, and that result from ongoing histories of dispossession. Seeking equality in regards to property does not challenge white ‘ownership’, nor does it draw attention to the ways in which race impacts upon socio-economic status (tied as it is to ‘assets’ and ‘property’).

The assumptions about ‘criminal injury’ and ‘hospitalisation’ that appear in the list provided by the Let’s Get Equal campaign are also mediated by race. The evidence presented in the 1991 Aboriginal Deaths in Custody report highlighted the fact that Indigenous people are disproportionately incarcerated for allegedly ‘criminal activities’, and that *a priori* assumptions about ‘Indigenous guilt’ often come to bear upon the outcomes of court cases. Similarly, access to hospitalisation is mediated both by the accessibility of hospitals for Indigenous people living in remote regions, and also by the racism that Indigenous people often encounter in (white run) hospitals. Thus the base issue here for Indigenous lesbians and gay men may not be solely about whether they can access ‘compensation’ or ‘sick partners’, but rather how the legal and medical professions have worked against the rights of Indigenous people in regards to justice and health care. Similarly, assumptions about ‘criminal injury’ and ‘hospitalisation’ do not give explicit attention in the campaign to discourses of race. Thus the campaign fails to recognise that states of health and illness in Australia are directly related to ongoing histories of colonisation. The vast disparities between white and Indigenous health in Australia demonstrate the fact that whilst white lesbians and gay men may be “denied access to [a] sick partner if they are hospitalised”, we have a far greater likelihood of enjoying good health in general, which is in direct contrast with all of the statistics on Indigenous health. Our ability to enjoy such good health is a result of our privileged access to health care services that are designed for, and run by, white people. The campaign does not draw out these disparities in any way.

Finally, issues surrounding reproductive technologies have received considerable attention within the media. Many white lesbians and gay activists have called upon discourses of ‘human rights’ in order to justify access for lesbians and gay men (e.g., Kitzinger and Wilkinson, 2004). Yet, recent analyses of human rights discourses (e.g., Harding, 2005) have suggested that such discourses may be of little use to lesbians and gay men in fighting for access to reproductive technologies, as they are reliant upon the interpretative judgement of the law. Moreover, recourse to notions of ‘human rights’ again ignore the racialised nature of the category ‘human’, and the attendant presumptions which often normalise the values and experiences of white men and women. In this regard, Indigenous and African American scholars (e.g., hooks, 1981; Moreton-Robinson, 2000) have drawn attention to the fact that at the same time as white women have advocated the ‘right to choose’ whether or not to get pregnant or to carry through with a pregnancy, Indigenous and African American women have been fighting against involuntary sterilisation and the removal of their children. This again draws attention to the challenge that Andrea Mason’s rights as an Indigenous women present to white lesbians and gay men who call for access to property or visitation rights (for example): in calling for a national apology to Indigenous people, Mason demonstrates the centrality of issues of sovereignty in Australia, issues that must necessarily precede rights for other groups such as white lesbians and gay men. In addition to the fact that Indigenous women have had to fight against sterilisation and the forced removal of their children, Steinberg (1997) points out that access to reproductive technologies, even in the light of human rights claims, are still mediated by economics *in conjunction with race*. Thus many Indigenous lesbians or gay men seeking to access reproductive technologies may not be able to do so even if the laws were changed – their socio-economic status may prevent access to these costly procedures. This is of course not to deny that many white lesbians (in particular) are denied access to reproductive technologies, but rather to highlight the differential ways in which race impact upon access to such technologies for lesbians and gay men, dependent on their identification as white or Indigenous.

As this brief analysis of the Let's Get Equal campaign shows, fighting for 'equal rights' may well render white lesbians and gay men complicit with the possessive logic of the law under heteropatriarchy, in that it ignores the racialised nature of the law, and thus fails to acknowledge how race mediates access to possessive investments (Lipsitz, 1998; Moreton-Robinson, 2004b; Riggs, 2004a). Thus as Matthew Loader (2004), a white gay member of the Let's Get Equal campaign suggests:

It is axiomatic for any poststructuralist that language is a site of power. Terminology and the wording of legal definitions must be accommodating of relationship diversity and consistent with our model of hierarchy-less equality. It goes without saying that terminology must in particular be gender neutral.

Likewise, any critique of terminology must also examine the racialised nature of the language and concepts that we use, and must be wary of the ways in which claims to neutrality can effectively contribute to the invisibilisation of racialised oppression. As Rea Saunders (in Gays and Lesbians Aboriginal Alliance, 1994, p. 7-8), writing as an Indigenous lesbian suggests:

I feel that coalition politics is important, but first we need to have an understanding and acceptance of differences. We have to confront honestly our own racism, sexism, homophobia and classism and acknowledge the differences between us. Only then can we work together towards a real sense of coalition. Coalition politics can only be effective if people involved are on an equal level. I mean, I am not interested in coalition politics where men still run things.

In order to more honestly engage with a praxis of lesbian and gay rights in the context of Indigenous sovereignty, those of us who identify as white lesbians and gay men must critically examine how we continue to benefit from the possessive logic of patriarchal white sovereignty, and how our 'equal rights' campaigns may only serve to prop up the institutions of white heteropatriarchy. Changing heterosexist laws does not automatically mean critiquing race privilege (Stoler, 1995). Instead, we must actively explore how histories of legal practices that have been used against lesbians and gay men have also been made possible through the denial of Indigenous sovereignty, and by the corollary possessive investment in whiteness within Australia.

CONCLUSIONS: 'UNEARNED MORAL AUTHORITY'?

In his work on the whiteness of gay cultures, Allan Bérubé (2001) suggests that white gay men often lay claim to an 'unearned moral authority'. As the quote from James Baldwin at the beginning of this paper suggests, those of us who identify as white lesbians and gay men (amongst others) are often so focused on the heterosexist violence that we encounter in our lives we fail to examine our location within racialised hierarchies. Thus our use of moral authority in campaigns for equality often demonstrates our ignorance of unearned race privilege: maintaining our outrage at heterosexism does very little to recognise our relationship to Indigenous sovereignty (cf., Riggs & Riggs, 2004). Thus as Bérubé (p. 235) suggests, "gay visibility successes at times exploited and reinforced a racialized class divide that continues to tear our nation apart, including our lesbian and gay communities" (p. 235). By continuing to prioritise the values of white, often middle-class lesbians and gay men in our equal rights rhetoric, we contribute to the ongoing oppression of non-white lesbians and gay men.

By examining some of the historical precedents that have shaped laws in Australia surrounding same-sex attracted individuals, I have demonstrated how the white nation has fostered an allegiance amongst white lesbians and gay men to the possessive logic of patriarchal white sovereignty. Thus every time the government threatens to curtail our rights, we reaffirm our possessive investment by conforming to the 'aspirational practices' which suggest we can have 'equality with' the white heterosexual majority. In contrast to this, I would propose that maintaining such investments perpetuates a disavowal of Indigenous sovereignty.

In order to speak out from an ethical moral position, those of us who identify as white lesbians and gay men need to work with Indigenous people to develop a shared ground from which to

challenge racism and heterosexism. If we continue to leave the normative position of our whiteness unexamined, then our moral authority remains complicit with white heteropatriarchy. By examining our possessive investments, and by looking at what we can bring to a coalition with Indigenous people, we as white lesbians and gay men may more reflexively engage with multiple axes of privilege and oppression, rather than simply focusing on our sexuality (Riggs & Choi, 2005). In this paper I have made a step towards this by examining how the aspirational practices harboured in the white nation require us as white lesbians and gay men to critique our privileges at the same time as we push for rights.

ACKNOWLEDGEMENTS

I would first like to acknowledge the sovereignty of the Kaurna people, upon whose lands I live in Adelaide, South Australia. I would like to thank Aileen Moreton-Robinson and Fi Nicoll for their insights and comments that helped shape this paper (and also for help with the title!). I am also very grateful to my fellow participants at the Body Politic conference for engendering an environment in which I could develop these ideas. Thanks to Marg Allen for inviting me to write for this issue, and finally thanks as always to Greg and our foster child Gary, for providing a safe and supportive space within which I have been able to work on this paper.

REFERENCES

- Aldrich, R. (2003). *Colonialism and homosexuality*. London: Routledge.
- Běrubě, A. (2001). How gay stays white and what kind of white it stays. In B.B. Rasmussen, E. Klinenberg, I.J. Nexica & M. Wray (Eds.) *The making and unmaking of whiteness* (pp. 234-265). Durham: Duke University Press.
- Connors, L. (1994). Two opposed traditions: Male popular culture and the criminal justice system in early Queensland. In R. Aldrich (Ed.) *Gay perspectives 2: More essays in Australian gay culture* (pp. 83-114). Sydney: University of Sydney Press.
- Fine, M. (1997). Witnessing Whiteness. In M. Fine, L. Weis, L.C. Powell & L. Mun Wong (Eds.) *Off white: Readings on race, power and society* (pp. 111-122). New York: Routledge.
- Fogarty, W.J. (1992). 'Certain habits': The development of the concept of the male homosexual in New South Wales law, 1788-1900. In R. Aldrich & G. Wotherspoon (Eds.) *Gay perspectives: Essays in Australian gay culture* (pp. 59-76). Sydney: University of Sydney Press.
- Gays and Lesbians Aboriginal Alliance (1994). Peopling the empty mirror: The prospects for lesbian and gay Aboriginal history. In R. Aldrich (Ed.) *Gay perspectives 2: More essays in Australian gay culture* (pp. 1-62). Sydney: University of Sydney Press.
- Harding, R. (2005). Psychology, human rights and law: The case of planned lesbian families. *Lesbian and Gay Psychology Review*, 6, 23-34.
- hooks, b. (1981). *Ain't I A Woman: Black Women and Feminism*. Boston: South End Press.
- Kitzinger, C & Wilkinson, S. (2004) Social advocacy for equal marriage: The politics of "rights" and the psychology of "mental health". *Analyses of Social Issues and Public Policy*. 4(1).
- Lane, C. (1995). *The ruling passion: British colonial allegory and the paradox of homosexual desire*. Durham: Duke University Press.
- Let's Get Equal campaign website (2004). Available at: www.letsgetequal.org.au
- Loader, M. (2004). *A recipe for recognition of same sex relationships*. Available at: <http://www.letsgetequal.org.au/FeministLegalAcademics.doc>

Lipsitz, G. (1998). *The Possessive Investment in Whiteness: How White People Profit from Identity Politics*. Philadelphia: Temple University Press.

Moreton-Robinson, A. (2000). *Talkin' up to the white women: Indigenous women and feminism*. St. Lucia: University of Queensland Press.

Moreton-Robinson, A. (2003). I still call Australia home: Indigenous belonging and place in a white postcolonizing society. In S. Ahmed, C. Castañeda, A. Fortier & M. Sheller (Eds), *Uprootings/regroundings: Questions of home and migration*: 131-149. Oxford: Berg.

Moreton-Robinson, A. (2004a). Indigenous Sovereignty and the Politics of Race: A possessive Investment in Patriarchal White Sovereignty. Keynote presented at the Body Politic conference, Brisbane, Queensland, 24-26 November.

Moreton-Robinson, A. (2004b). The Possessive Logic of Patriarchal White Sovereignty: The High Court and the Yorta Yorta Decision. *Borderlands e-journal* 3(2). Available at: http://www.borderlandsejournal.adelaide.edu.au/vol3no2_2004/moreton_possessive.htm

Nicolacopoulos, T. & Vassilacopoulos, G. (2004). Racism, foreigner communities and the onto-pathology of white Australian subjectivity. In A. Moreton-Robinson (Ed.) *Whitening race: Essays in social and cultural criticism* (pp. 32-47). Canberra: Aboriginal Studies Press.

Nicoll, F. (2001). *From diggers to drag queens: Configurations of Australian national identity*. Annandale: Pluto Press.

Riggs, D.W. (2004a). Benevolence and the management of stake: On being 'good white people'. *Philament: A Journal of the Arts and Culture*, 4. Accessed 14 August, 2005, from http://www.arts.usyd.edu.au/publications/philament/issue4_Critique_Riggs.htm

Riggs, D.W. (2004b). Constructing the national good: Howard and the rhetoric of benevolence. In *Conference Proceedings of the Australasian Political Studies Association Conference*. The University of Adelaide. Available at: http://www.adelaide.edu.au/apsa/docs_papers/Others/Riggs.pdf

Riggs, D.W. & Choi, P.Y.L. (2005). Intersections of privilege and oppression: Heterosexism and racism in psychological research and practice. In M. Katsikitis (Ed.) *Past reflections, future directions: Proceedings of the 40th Annual APS Conference*. Melbourne: APS.

Riggs, D.W. & Riggs, L.D. (2004). Talking about heterosexism: Politics, complicity and identification. In D.W. Riggs & G.A. Walker (Eds.) *Out in the Antipodes: Australian and New Zealand Perspectives on Gay and Lesbian Issues in Psychology* (pp. 416-434). Perth: Brightfire Press.

Riggs, D.W. (2006). 'What's love got to do with it?' Ambivalence and the national imaginary. *International Journal of Critical Psychology*, 16, 35-55.

Smith, L.T. (1999). *Decolonizing Methodologies*. London: Zed Books.

Steinberg, D.L. (1997). Technologies of heterosexuality: Eugenic reproductions under glass. In D.L. Steinberg, D. Epstein & R. Johnson (Eds.) *Border patrols: Policing the boundaries of heterosexuality* (pp. 66-97). London: Cassell.

Stoler, A.L. (1995). *Race and the education of desire*. Durham: Duke University Press.

Young, R.J.C. (1995). *Colonial desire: Hybridity in theory, culture and race*. London: Routledge.