

“QUEER ANARCHY”: State Oppression and the Rights of “Sexual Minorities”

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“Queer is an umbrella term for sexual minorities which are not heterosexual, heteronormative or gender binary” (Wikipedia)

The state itself is a form of oppression.

In a modern-day context this may seem like a false statement, however it is quite true. The state oppresses and restrains us every day, keeping us back from our full potential through its laws and security apparatus that enforce the whims of the state. Yet, this is not only done on a physical and economic level, but is also done based on one’s sexuality and gender identity. Yet, to get a fuller understanding of how the state oppresses us based on sexuality or gender identity, it is first necessary to ask the question: What is the state?

The state can be defined in many ways; however there are several definitions that are accepted such as Max Weber’s definition that the state is “a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory.” It can also be defined in a geographical sense using borders. However, at its heart, the state is made up of people. While these people may be of different genders or racial/ethnic groups and hold different positions in the state apparatus, they still make up the state itself. Merriam-Webster defines the state as “a politically organized body of people usually occupying a definite territory.” This “politically organized body of people,” in a modern context, refers to what is called the federal government.

However, we must take a deeper look at Weber’s definition. He states in his definition that the state has a “monopoly of the legitimate use of physical force.” What does that say about the state, that it needs the use of physical force in order for its creation? It says that the state itself is inherently violent and that it needs the consistent use of force in order to maintain its validity, for without the use of force, the state will no longer exist. In this, there comes the realization that the concept of the state is in many ways forced down the throats of the individual and they are forced to accept it.

In the United States and Western nations in general, the federal government has the power to create laws and initiatives that may seem as if they are in the best interest of the public, but are in reality much more about continuing the power of the state. In order to better understand this, one must look at the state not as some faceless entity, but rather as a gang of political elites and their financiers. The entire purpose of these political elite is to further their own power. One may be familiar with this in the examples that can be seen under the Bush and Obama administrations.

After 9/11 Bush used the tragedy as an excuse to further centralize power in the Executive Branch, but on a larger level to expand the power of the state, allowing for the state to intrude on the lives of private citizens and to begin the creation of the surveillance state that is so prevalent today. Obama furthered the power of the state when he signed the National Defense Authorization Act which allows for the indefinite detention of US citizens and argued that the President has the power to engage in extrajudicial assassinations of US citizens. Yet, while the state is biased towards expanding its own power, it must also be examined in the framework of sexuality and gender identity and how that plays into the role of oppressing others.

The state recognizes and validates the relations of heterosexual couples by allowing them to get married and giving with them a number of benefits. [1] The state have even gone so far as to define heterosexual marriage as the legal marriage, one only need to look at the Defense Of Marriage Act (which is still in effect) to see this. This oppresses queer people in a legalistic and psychological sense. queer people are oppressed psychologically as not only are they viewed in a negative manner and ostracized on a regular basis and by not allowing queer marriage (this also includes polyamorous relationships), it only serves to reinforce the notion that they are underprivileged citizens and alienates them from the larger society.

There is economic oppression in the form of wage gaps and hiring discrimination. Currently, it is legal in 29 states to fire an employee based on sexual orientation and the number increases to 34 if they are transgender. [2] While there is a law that aims to end this so far nothing has been put into place and actually the situation is getting worse. A 1995 study revealed that “between 16% and 46% of [lesbian, gay, or bisexual people surveyed] reported having experienced some form of discrimination in employment (in hiring, promotion, firing, or harassment).” [3] Today the situation has little changed. [4]

This has a major negative impact on queers on both an individual and group level as their earnings are lower than a heterosexual person’s would be, thus contributing to them being more likely to be poor, especially if they are same sex couples. [5] In the state now enacting legislation to deal with this problem, they are, at most, engaging in oppressing queers, or, at least, acting as an accessory to their oppression.

The state is further oppressing queers in the form of voter suppression, especially transgendered individuals.

Georgia, Indiana, Kansas, Mississippi, South Carolina, Pennsylvania, Tennessee, Texas, and Wisconsin have all passed laws requiring voters to present a government-issued photo identification before casting a ballot. But the laws impose unique barriers on transgender individuals, since many do not have an updated identification — such as a driver’s license — that lists their correct gender. [6]

This would deter queer individuals from making attempts to end their oppression in a manner consistent with the current status quo, that of legalistic reform than actual radical change.

Yet, this oppression by the state is not only in the West but can be seen all over in the world. In the African country of Uganda, there was originally a bill brought up in Parliament that argued that anyone who was caught engaging in homosexual activity should receive the death penalty. While this particular part of the bill was retracted, the bill still generally

criminalized the “promotion” of homosexuality. In the country of Indonesia, an LGBT rights advocacy website was banned, with the government deeming it “pornographic.” [7] Even the much-touted Europe isn’t safe for all members of the queer community as 17 European countries force transgender sterilization. [8]

Throughout the world, members of the queer community are actively under attack by the state. The state has always betrayed us and continues to be a source of oppression for the queer community. We need to realize that while it seems that the oppression may end with the passing of same sex marriage or the criminalization of discriminatory practices against queers, it will only be a first step in a battle against the state. The oppression could still take different forms, such as institutionalizing discrimination. The only way we may every truly be free is with the destruction of the state.

Notes

1: Nolo, *Marriage and Rights Benefits*,

<http://www.nolo.com/legal-encyclopedia/marriage-rights-benefits-30190.html>

2: Human Rights Campaign, *Pass ENDA Now End Workplace Discrimination*,
<http://sites.hrc.org/sites/passendanow/index.asp>

3: M. V. Lee Badgett, “The Wage Effects of Sexual Orientation Discrimination,” *Industrial and Labor Relations Review* 48 (July 1995): 728

4: Crosby Burns, Jeff Krehely, “Gay and Transgender People Face High Rates of Workplace Discrimination and Harassment,” Center for American Progress, June 2, 2011

http://www.americanprogress.org/issues/2011/06/workplace_discrimination.html

5: Lauren Keiper, “Children of gay families more like to be poor: study,” Reuters, October 25,

2011

<http://www.reuters.com/article/2011/10/25/us-gays-families-idUSTRE7907MC20111025>

6: Eric W. Dolan, “Voter ID laws could disenfranchise more than 25,000 transgender voters: study,” Raw Story, April 15, 2012

<http://www.rawstory.com/rs/2012/04/15/voter-id-laws-could-disenfranchise-more-than-25000-transgender-voters-study/>

7: International Gay and Lesbian Human Rights Commission, *IGLHRC Website Banned*,

<http://www.iglhrc.org/cgi-bin/iowa/article/pressroom/pressrelease/1481.html> (February 7, 2012)

8: Nicole Pasulka, “17 European Countries Force Transgender Sterilization,” Mother Jones, February 16, 2012

<http://motherjones.com/mojo/2012/02/most-european-countries-force-sterilization-transgender-people-map>

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