Lesbian and gay rights in context: Colonisation, human rights and psychology

Damien W. Riggs & Gordon. A. Walker

Affiliation: The University of Adelaide and Monash University

Contact: Damien W. Riggs, Department of Psychology, The University of Adelaide, South Australia, 5005.

Abstract

Issues surrounding human rights occupy a particularly troubled location within colonial nations such as Australia and Aotearoa/New Zealand as a result of their ongoing histories of dispossession and genocide. This is no less the case for lesbian and gay rights campaigns within these countries, which have often failed to engage with the relationship between oppression based on sexuality, and oppression that results from racism. In this paper we explore these issues within the context of psychology, and argue that psychological advocacy, whilst representing an important intervention into human rights debates, must engage in an ongoing discussion over the particular constructions of subjectivity that are privileged both within psychology and within human rights discourse more broadly. In doing so we elaborate how white/Pakeha lesbians and gay men may be invested in colonising practices of ownership and belonging, and elaborate some of the ways in which rights activists and the discipline of psychology may engage more productively in examining the legacy of colonial laws.

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> Australia as a capitalist democracy based on invasion, dispossession, expropriation, attempted annihilation, racial exclusion and cultural extinctions carries a particularly complex set of human rights questions (Jakubowicz, 1998, p. 172).

> The starting point for this analysis is the acknowledgement that bisexual/lesbian politics [in Aotearoa/New Zealand] takes place in a context of ongoing colonization and institutional racism rather than in some pure space outside of Maori-Pakeha relations (Paulin, 1996, p. 116).

> The 'individual' in its extreme form is an essentially colonial model of the human subject… The 'individual' which human rights law recognises is largely a construction of the state and the relationship between citizens and states. This idea of the 'individual' implies that human beings owe not only their primary allegiance but also their very existence as 'individual citizens' to the modern nation-state (Wright, 2001, pp. 63-67).

> Human rights as the constitution of subjectivity is an important part of the urge to bring the Other into 'Western' discourse (Chesterman, 1998, p. 109).

These four quotes, from writers both within Australia and Aotearoa/New Zealand and abroad, demonstrate some of the key concerns that warrant consideration in regards to the human rights claims of lesbians and gay men, particularly those of us in Australia and Aotearoa/New Zealand who identify as white/non-indigenous/Pakeha/ non-maori. Human rights discourse, and the model of subjectivity that it presumes, is founded upon a long history of colonisation, which continues to shape the ways human rights are understood (Wright, 2001). This is particularly the case in nations such as Australia and Aotearoa/New Zealand where the coloniser has not left – where the imposition of colonisers and other migrants onto the land traditionally owned by Indigenous and Maori people continues to disadvantage Indigenous and Maori

people at the same time as it accrues (economic, social and political) advantage to non-indigenous/maori people (Moreton-Robinson, 2003).

Negotiating lesbian and gay human rights claims, and doing this within and through the discipline of psychology, thus requires close attention to the ways in which we understand the relations between ongoing colonial histories, discourses of rights, and the model of subjectivity that is presumed both within psychology itself and within human rights discourse more broadly. We focus on the discipline of psychology and its role in, and relation to, human rights for a number of reasons. First, it has long been the case that the discipline of psychology, and psychological associations themselves, have taken an active role in advocating for human rights, and in speaking out about particular issues that arise from histories of oppression (Bradley & Selby, 2001; Cooke, 2000). Second, psychological discourses circulate widely within Western societies, and thus both inform the ways we understand ourselves, and shape the responses we make to oppressive practices (Kitzinger & Perkins, 1994; Riggs, 2005). Finally, we believe that the discipline of psychology, and human rights advocates who employ psychological discourse more broadly, must be willing to engage with critiques of the discipline, particularly those that challenge its own role in histories of oppression. Framing this paper as being in a relation to psychology in regards to colonisation and human rights thus draws attention to this need for engagement, and outlines some of the shapes that such an engagement may take.

In this paper we also take as our starting point human rights claims made by or on behalf of white/non-indigenous/Pakeha/non-maori lesbians and gay men[1], and we explore some of the limitations that arise when such rights claims fail to adequately contextualise and historicise their location. The focus on white/Pakeha lesbians and gay men is chosen for three reasons. First, the majority of lesbian and gay rights work conducted in Australia and Aotearoa/New Zealand is done by white/Pakeha lesbians and gay men, and thus focuses primarily on the needs of this group of people. Second, this focus on the needs of white/Pakeha lesbians and gay men typically ignores the intersections of race and sexuality in the identities of lesbian and gay individuals, and thus fails to recognise the race privilege that white/Pakeha lesbian and gay individuals hold. Finally, as authors we are aware of the importance of recognising the positions from which we speak, and the limitations of claiming to speak for people of whose experiences we may know very little, or indeed whose experiences of oppression may well come as a result of our privilege (Kitzinger & Wilkinson, 1996; Riggs & Walker, 2004). We thus speak as two white gay men living in Australia, and we take this need to engage with privilege and the intersections of race and sexuality as our starting point within this paper.

In order to explicate the complexities of human rights in colonial nations, we provide extended discussions of the issues raised within this introduction. We begin by outlining some of the historical contexts that have shaped contemporary Australia and Aotearoa/New Zealand, with a particular focus on how the rights of Indigenous and Maori people are often curtailed by the framing

[1] Here after referred to as white/Pakeha lesbians and gay men.

of rights and sovereignty within a white Western framework. We then explore some of the ways in which psychology has been involved in advocating for human rights, with a focus on how psychological models of subjectivity may limit the ways we understand rights in relation to colonisation. Finally, we apply these understandings of rights and subjectivity to looking at how white/Pakeha lesbians and gay men may often invest ourselves in particular national/colonising practices simply by accepting the terms for human rights set within Western nations such as Australia and Aotearoa/New Zealand. We conclude by exploring the potentiality that may exist for both the discipline of psychology and lesbian and gay rights activism to engage in a 'socially accountable practice' that is mindful of both systemic racism and heterosexism, rather than focusing primarily on the latter.

Colonial histories: Treaties, sovereignty and universality

Histories of colonisation in Australia and Aotearoa/New Zealand both share many similarities, whilst also diverging at several key points. Primary among these divergences are a) the fact that Indigenous people in Australia are considered to be 'original inhabitants', whereas it is recognised that Maori people are not the original inhabitants of Aotearoa/New Zealand. Having said that, it is important to recognise that Maori people did hold ownership to the land prior to colonisation, and b) British colonisers (or more specifically, a representative of the Crown, William Hobson) negotiated a Treaty with Maori, which purported to recognise the sovereignty of the Maori people, and their rights to ownership of land (something that Indigenous nations in Australia do

not have). We use the term 'purported' here, as whilst an acknowledgment of sovereignty informed negotiations on behalf of the Crown, it was neither adequately recognised by those negotiating the Treaty, nor has it been satisfactorily adhered to as a foundation of Aotearoa/New Zealand society by Pakeha since colonisation (Begg, 2005; Yensen, Hague & McCreanor, 1989). Thus whilst Maori have recourse to the Treaty of Waitangi in regards to sovereignty and land rights claims, the colonising intentions of white/Pakeha people continue to impact upon justice for Maori people. This has been seen most recently in debates over access and ownership of the Aotearoa/New Zealand foreshore, and moves by the government to in effect deny property rights over the foreshore to Maori (Kendall, Tuffin & Frewin, in press). Such moves thus contradict the Treaty of Waitangi, and demonstrate some of the ongoing ways in which Maori sovereignty is denied or challenged by Pakeha.

In the context of Australia, the concept of Terra Nullius has until recently been held as *prima facie* evidence for denying land rights to Indigenous people. Yet, whilst the 1992 Mabo2 decision demonstrated that native title is not extinguished as a result of colonisation, the outcomes for Indigenous people in regards to sovereignty rights and formal recognition of colonial violence are yet to fully materialise. Indeed, in a similar example to that of the foreshore in Aotearoa/New Zealand, the Australian government has (since the Mabo2 decision and the implementation of the Native Title Act, 1993, by the then Keating government) rolled back many of the rights recognised in Mabo2, so as to assure the property rights of white pastoralists. These examples of white/Pakeha governments dishonouring Treaties and government Acts

demonstrates the limitations of Indigenous and Maori sovereignty rights that arise as a result of their location within the confines of the Western legal system. Thus whilst the Mabo2 decision recognised that Indigenous rights and law operated in distinction to colonial law, Indigenous land rights claims are still required to make passage through the Western law system. It should be obvious that this predominantly serves the interests of the white Australian nation, whereby decisions about Indigenous land claims are made on the basis of Western law, which holds little precedent for such claims, and which upholds the status of Western evidentiary practices for substantiating what is considered to be proof (Moreton-Robinson, 2004).

However, at the same time as attempts within white/Pakeha law and politics in Australia and Aotearoa/New Zealand to manage Indigenous sovereignties and justify non-indigenous belonging and ownership, the challenge that Maori and Indigenous sovereignty presents to white hegemony thoroughly unsettles the supposed universality of white forms of knowledge (such as those represented within the law as discussed above). In other words, whilst it may appear at first glance that white knowledge always already exceeds Indigenous knowledge, this is not in fact the case. Instead, actions such as the Howard government's amendments to the Native Title Act, and the attempt to pass the Foreshore Bill in New Zealand, both reveal the instability of white hegemony (Riggs, 2004a; Riggs & Augoustinos, 2004). Both are examples of white governments seeking to universalise particular claims to ownership or belonging, yet both fail to extinguish Indigenous sovereignty: it exists precisely because it cannot be captured or subsumed within the boundaries of whiteness (Nicoll, 2000). Thus

whilst the imperial move represents an attempt to universalise European values, and impose them upon colonised cultures, the resistances made by Indigenous and Maori people deny any claims to universality (Smith, 1999). In the following section we take up this discussion of universality and apply it to understanding how particular conceptualisations of subjectivity are prioritised within psychology and human rights discourse.

Which subject? Psychology and human rights

There now exists a considerable body of literature that successfully demonstrates the limitations of human rights claims and their call for universal values (e.g., Chesterman, 1998; Offord, 2003; Wright, 2001). This literature challenges what Chesterman terms the "globalising violence of universalism" (p. 98). We may see such violence at work in the examples provided above where particular white ways of knowing are imposed upon Indigenous and Maori peoples, or where white law is taken as the appropriate arbiter of rights claims. Chesterman also suggests that these universalising practices are evident in human rights discourse through the particular model of subjectivity that is employed. This model of subjectivity typically presumes that we identify ourselves as individuals to the exclusion of all others – that we stand as autonomous individuals rather than as individuals who are thoroughly enmeshed in particular cultural and historical contexts. When this logic is extended to encompass human rights, it serves to effectively discount the experiences of self that arise from cultures that may not prioritise individualised accounts of subjectivity. Thus as Chesterman states in one of the opening

quotations to this paper: “Human rights as the constitution of subjectivity is an important part of the urge to bring the Other into ‘Western’ discourse” (p. 109). In other words, if human rights discourse is one of the ways in which we understand ourselves in Western nations, and if this discourse is based upon the understanding of subjectivity prioritised within Western nations, then the prioritisation of human rights discourse may well serve to co-opt those positioned as Other into dominant discourses of subjectivity and rights. Thus, whilst as Wright demonstrates, such acts of colonising the subjectivity of the ‘non-Western Other’ have been challenged by those positioned outside of the West, and whilst there continue to be calls to reformulate human rights so as to recognise particular contexts and histories, they continue to be used in ways that prioritise the values of Western society.

These above points have important implications for the interventions that are made into human rights in the name of the discipline of psychology. It would no doubt be a relatively straightforward task to claim that psychology typically focuses on the autonomous individual, and that psychological research predominantly understands subjectivity as intra- rather than inter-subjective. In other words, subjectivity is conceptualised within psychology as an internal mechanism, rather than as something that is enacted in the relational nexus between people (Gergen & Walter, 1998). As a result, the locus for change within psychology is taken to be the individual, rather than the social, a fact that in effect allows for social injustice at the institutional level to go largely unnoticed due to this individualised focus. Human rights claims, within this logic, are thus seen as battles to be fought by individual people, rather than through collectives

of people (Wright, 2001). Whilst of course this focus on the individual may not hold true for disciplines other than psychology, our focus on psychology in this paper is an important one because a) psychological insights continue to be brought to bear upon human rights issues, b) psychologists and psychological associations continue to be involved in advocacy for human rights, and c) the discipline itself has, we believe, a responsibility for examining its role in perpetuating particular colonising understandings of subjectivity.

One example of the limits that arise from human rights discourse appears in a recent paper by Kitzinger and Wilkinson (2004) on same-sex marriage. Whilst engaging in a discussion of this topic is beyond the scope of this paper, it is important to briefly examine how the use of human rights discourse may ultimately do more harm than good in the broader social context of recognising rights. Kitzinger and Wilkinson elaborate some of the precedents that have been used to push for marriage reform within the US. One particular case that is used repeatedly in this area is that of Brown v. Board of Education, which sought to challenge the racial segregation that existed in the US at the time. The problem, as we see it, with using this case as a benchmark against which to contrast the exclusion of lesbians and gay men from marriage, is that it runs the risk that comes from trading on histories of racialised oppression to critique oppression based on sexuality.

The risks that arise from attempting to equate differing histories of oppression are twofold: First, it compares sexual and racial oppression, in ways that may not necessarily be conducive to maintaining a critical focus on ongoing race privilege

and discrimination. In other words, if white/Pakeha lesbians and gay men use legal challenges to racial oppression as a benchmark against which to measure oppression based on sexuality, then this may well serve to ignore the ways in which the privilege that white/Pakeha lesbians and gay men experience (as white people) may well come at the expense of Indigenous, Maori and other people variously labelled as 'non-white'. Second, the equation of sexual and racial oppression effectively sidelines the overlaps that exist between racial and sexual privilege and oppression (Barnard, 2003). In the context of Australia, for example, this could well work to position oppression based on sexuality at the forefront of human rights issues, which would obviously do little to engage with the unfinished Treaty business that exists in Australia currently (Haggis, 2005; Moreton-Robinson, 2000). Thus in counter to Kitzinger and Wilkinson's suggestion that "the struggle for equal marriage is about the right to full citizenship and equal human rights for lesbians and gay men", we would suggest that perhaps it may be just as important for lesbians and gay men (and particularly those of us who identify as white/Pakeha) to explore exactly what 'full citizenship' may mean, and how the category 'human' has been used to exclude certain groups of people from citizenship (see also Butler, 2002; Harding, 2005). It may well be a category that requires further critique, rather than incorporation.

Such critiques of the category 'human' have partly formed the basis of recent challenges to white heterosexual hegemony by Indigenous and Maori theorists. These challenges, which often focus on the intersections of race, gender, sexuality and class, draw attention to the ethno- and hetero-centrism of the

category itself, and thus encourage an engagement with the implications of the ongoing assertion of 'human rights' for lesbians and gay men. In the context of Australia, Moreton-Robinson (2003, p. 31) outlines some of the ways in which the Indigenous "ontological relationship to land" counters claims to white belonging and ownership. Moreton-Robinson suggests that whilst there has been considerable debate over the 'problems' with claims to cultural relativism in regards to rights (e.g., Okin, 1998), such debates enact a 'politics of silencing' which centre on "Western knowledge and its ability to be the definitive measure of what it means to be human and what does and what does not count as knowledge" (p. 32). Similarly, Smith (1999) suggests that Maori ways of knowing about the world have been routinely dismissed since colonisation as irrational and primitive, so as to deny Maori a location within the category of 'human'. In the context of Australia, the denial of Indigenous humanity continues to be contested by the relationship that Indigenous people hold to the land. Thus as Moreton-Robinson suggests; the Indigenous "ontological relationship to country was not destroyed by colonization" (p. 32). The ongoing Indigenous relationship to country thus challenges recent (Western) postmodern theorising that posits the self as always already fragmented and non-unitary. Whilst such claims may well serve a purpose for postmodern or queer theorists (as we will discuss in the next section), claims to fragmentation or multiplicity may well also represent the privilege of white individuals. Such issues around fragmentation, subjectivity and belonging thus challenge white/Pakeha lesbians and gay men to examine more closely our own investments in colonising practices.

Possessive investments: Race in lesbian and gay activism and queer theory

Research in the area of queer theory often promotes the importance of understanding subjectivity as multiple and fractured: as ever-changing rather than fixed, and thus as flexibly deployed towards particular ends in everyday interactions. The purpose of such theorising is in part to demonstrate how particular (sexual) identities achieve hegemony, and how others are positioned as deviant. Queer theory also questions sexual and gendered categories themselves, and interrogates how they are involved in maintaining hierarchical relations. For example, Stoltenberg (1989) suggests that:

> Self-consciousness about one's 'sexual orientation' keeps the issue of gender central at precisely the moment in human experience when gender really needs to become profoundly peripheral. Insistences on having sexual orientation in sex is about defending the status quo, maintaining sex differences and the sexual hierarchy; whereas *resistance* to sexual-orientation is more about where we need to be going.

In Stolenberg's view, as long as sexual hierarchies exist, people who do not conform to the sexual identities most valued by society (hegemonic hetero-masculinities and femininities) will be marginalised and oppressed. The only way, therefore, of overcoming this is to reduce the import that is given to sexual orientation as a site of difference. The formation of the Australian Psychological Society's (APS) Interest Group for Gay and Lesbian Issues and Psychology (GLIP), the adoption of Guidelines for Psychological Practice with Lesbian, Gay

and Bisexual Clients, and the provision of an APS Information Sheet on Sexual Orientation are all obviously designed to do the opposite of what Stoltenberg suggests. All of these activities are based on the assumed importance of sexual orientation as a key aspect of individual identity (Riggs & Walker, 2004). In light of our previous discussion in regards to interactions of differing identities and the importance of locating race privilege in analyses of sexuality, we would also suggest that the primary focus by both GLIP and the APS more broadly on sexuality in regards to lesbian and gay issues fails to adequately engage with the ways in which sexualised bodies are also racialised. In other words, it is important to recognise that lesbians and gay men (who are the primary focus of GLIP) are also located within racialised subject position – ignoring race in the context of lesbian and gay issues may do little to challenge the privilege that many white/Pakeha lesbians and gay men experience. Whilst there exists some recent work utilising queer theory that examines the intersections of race and sexuality (e.g., Bernard, 2003; Nicoll, 2001), this has not largely been taken up within psychology, nor has it impacted to any great extent upon how lesbian and gay rights campaigns are formulated in Australian or Aotearoa/New Zealand (see also McDonald, 2001; Morgan, 1995). This suggests that lesbian and gay rights activism, both within the APS and beyond, requires a renewed examination of how such rights are understood in the context of colonial nations.

One of the effects of political movements that are organised around a particular singular aspect of identity (such as lesbian and gay human rights), is that in focusing on a particular form of dominance in our society (e.g., heterosexism), rights activists and their supporters are encouraged to identify primarily with

that aspect of identity. In other words, within a society that valorises particular understandings of identity, gender and sexuality, it is often necessary for those of us who identify as lesbian or gay to take up an intelligible subject position in relation to sexuality. As a result, identities such as 'lesbian' or 'gay man' become central to our self-understandings and to our politics. The unfortunate consequence of this is that those of us who identify as white/Pakeha are not challenged to question our race privilege and its relation to our experiences of oppression in regards to sexuality. As per our discussion of subjectivity and human rights, this suggests that those of us involved in advocacy for lesbian and gay rights, both in the context of psychology and beyond, need to examine the usefulness or otherwise of the construct of 'identity' for ourselves, so that we may come to understand when it is useful and when it is not; for example, the more tightly that the term 'identity' is defined, the more likely it will be that certain people will find that their experiences cannot fit into any one (or any at all) of the available subject positions (see also Riggs, 2004b).

One way in which we may productively examine investments in particular identity categories is to think through the ways in which particular identities are valorised within Western societies. Moreton-Robinson (2004) provides a useful framework for understanding access to rights in colonial nations such as Australia and Aotearoa/New Zealand. She uses the term 'possessive investment in patriarchal white sovereignty' to elaborate how individual white people may be invested in maintaining the hegemony of whiteness. The utility of this approach is that it seeks to understand how practices of racialisation are central to our identities, and it draws attention to the considerable privilege that

white/Pakeha people experience in Australia and Aotearoa/New Zealand as a result of our racialised subject positions. This is of particular relevance to lesbian and gay rights campaigns that are primarily predicated on the experiences of white/Pakeha lesbians and gay men. Thus as Moreton-Robinson (2000, p. 45) suggests; "white lesbian women do not give up all of their race privilege because of their sexuality". One of us has also suggested elsewhere that "white lesbians and gay men often seek to gain rights that may come at the expense of the rights of others. Such attempts to gain rights encourage those of us who identify as white to reaffirm our belonging by accepting the legitimacy of the Australian nation" (Riggs, in press). These two quotes demonstrate how white/Pakeha lesbians and gay men hold possessive investments in patriarchal white sovereignty – it allows us the privilege to claim an intelligible subject position within colonial nations (i.e., the subject who desires to belong within the white nation), and it provides us the voice with which to speak out about our experiences of oppression and to *expect them to be heard* (Riggs, 2004c).

To return to our point about queer theory, then, it is necessary to maintain a focus on how claims to multiplicity in relation to identity may well be of use to white/Pakeha lesbians and gay men who find gender and sexuality norms to be oppressive, but it may not necessarily be useful (or useful in the same way) for those lesbians and gay men who do not identify as white/Pakeha. In addition, a focus on *sexual* multiplicity and instability does not necessarily require white/Pakeha lesbians and gay men to examine our own complicity with whiteness, nor the benefits we receive from white hegemony. Whilst focusing on complicity and privilege may not necessarily be high on the priority list for those

involved in activism, we believe that it is important that this focus is given greater consideration, both by human rights advocates and by the discipline of psychology itself. Thus, whilst approaches such as those advocated by queer theorists may be useful for challenging heterosexism and patriarchy, it is important to incorporate a focus on how subjectivities in Western nations continue to be shaped through discourses of race. Otherwise, as Bernard (2003, p. 4) suggests; "no matter how coalitional its compass, [any rights campaign] that identifies itself in terms of gender and/or sexual orientation only… will be a white-centered and white-dominated politics, since only white people… can afford to see their race as unmarked, as an irrelevant or subordinate category of analysis". As we will discuss in our conclusion, the intersections of race and sexuality within human rights claims in the context of colonial nations requires an engagement with a socially accountable practice that acknowledges both complicity and resistance.

Conclusions: Towards social accountability

Throughout this paper we have continually returned our focus to the complex ways in which the status of the Australian and Aotearoa/New Zealand nations as colonial nations shapes how those of us who identify as white/Pakeha understand ourselves. We have also sought to maintain a focus on how discourses of human rights and constructions of subjectivity (as they are played out within psychology and beyond) evidence particular white Western understandings of the individual and the social. These two foci have thus allowed us the necessary theoretical space to examine how lesbian and gay rights claims

(made primarily by white/Pakeha people) may at times demonstrate an investment in the possessive logic of patriarchal white sovereignty by failing to adequately engage with issues of race privilege. Our suggestion is thus that lesbian and gay human rights must, in order to engage in socially accountable practice, first examine the foundations of colonial law in Australia and Aotearoa/New Zealand.

Research on colonial law in Australia (Aldrich, 2003) and Aotearoa/New Zealand (Begg, 2005; Williams, 1989) has shown the continued influence that colonisation and British law has had on the two nations, long after federation. In regards to lesbian and gay rights, colonial laws directly imported from Britain were used to justify the oppression of 'homosexuals' in the early colonies, despite the fact that Indigenous or Maori law may not have held the same prohibitions on same-sex relations (Connors, 1994; Laurie, 2004). As a result, this imposition of British law into colonised spaces has had long lasting implications for same-sex attracted individual, whether they be Maori or Pakeha, white or Indigenous. This suggests, therefore, that the foundation of colonial law as it continues to inform the law in both Australia and Aotearoa/New Zealand requires ongoing challenge, rather than attempting to simply claim rights under the law, or to attempt to modify the law to better include those who are excluded from its sanction. Obviously this has long been the work of Indigenous and Maori land claims, but our suggestion here is that this work should not be restricted to Indigenous and Maori people. White/Pakeha lesbians and gay men need to develop alliances with Indigenous and Maori lesbians and gay men, as well as Indigenous and Maori people more generally, in order to challenge the status of

colonial law and the control that it holds (in varying ways) over our lives. Otherwise, as Bernard (2003) suggests, single issue politics in relation to sexuality will continue to prioritise the needs of white/Pakeha lesbians and gay men, without actually engaging in a critique of race privilege.

Whilst it may well be the case that laws in most nations generally hold control over the lives of lesbians and gay men, the particularities of the law in colonial nations such as Australia and Aotearoa/New Zealand, and its foundation upon assumptions about land ownership and possession, would suggest to us that human rights campaigns in colonial nations need to have an explicit focus on the implications of these assumptions. Whilst an in-depth discussion of colonial laws and their ongoing effects is beyond the scope of this paper (but see Aldrich, 2003; Begg, 2005; Riggs, in press), it is still important to point out here that human rights claims in Australia and Aotearoa/New Zealand are located within ongoing histories of colonisation.

Our call for engagement with colonial law and its relation to current human rights claims also challenges rights advocates and the discipline of psychology more broadly to examine how we conceptualise the role of the state as well as the role of psychology in such rights claims. In other words, it is important to examine what the potential outcomes may be from simply amending laws to include lesbians and gay men, whilst leaving the racism of the law unchallenged. In his analysis of lesbian and gay human rights claims, Bamforth (1997) outlines some of the potential that law reform may hold for public education and raising the awareness of heterosexual people in regards to lesbian and gay rights. He

suggests that academic and public spaces, such as those provided within and through psychology, may be useful for educating people about rights, and generating discussion about histories of oppression. Yet, at the same time, Bamforth also calls into question the assumption that public education will necessarily result in social change. This point is thus applicable to psychology, and its role in social advocacy and education. In other words, if psychology or the law makes available to people certain ways of interpreting the world, then this can always be used to justify particular practices (Riggs, 2005). Whilst this may result in 'positive outcomes', such that supportive images of lesbians and gay men (for example) are promoted within legal cases and by the discipline of psychology in general, it may not necessarily be the case that these are the only representations of this group available within these spaces (for example, consider the representations of lesbians and gay men provided in the work of 'reparative therapists').

What is required, then, is not that psychology or the law disengage from social advocacy *per se*, but rather that they are more explicit about their own moral investment in particular constructions of the 'good society', and are thus more transparent about their own involvement in legitimating oppressive practices (both historically and in the present). Likewise, it is important that any approach to social advocacy acknowledges the specificity of its claims. Otherwise, there is always the risk that the promotion of one particular form of rights (e.g., for lesbians and gay men), may effectively silence or marginalise the rights of another group (such as bisexual or transgendered individuals). This suggests that rather than continuing to solely engage in single issue politics that do not

explicitly talk about their attendant moral assumptions, we need to engage in a socially accountable practice that explores histories of oppression and is thus mindful of how these histories continue to shape the ways we engage in advocacy and rights today (Riggs, 2004d). By examining the similarities and divergences between experiences of colonisation and rights campaigns in Australia and Aotearoa/New Zealand, it may be possible to build upon existing methods of engagement so as to challenge oppression at multiple levels, rather than perpetuating the exclusions that have shaped our colonial histories.

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