



Waites, M. (2019) Global sexualities: towards a reconciliation between decolonial analysis and human rights. In: *SAGE Handbook of Global Sexualities*. SAGE: London

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Deposited on: 24 January 2019

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**Global Sexualities:
Towards a Reconciliation Between Decolonial Analysis and Human Rights**

Matthew Waites. University of Glasgow

Chapter Abstract

The invocation of the 'global' in sexuality studies has involved some problematic universalizing claims from privileged positions; hence sexuality studies needs to engage with decolonizing knowledge, while also continuing engagement with the universal concept of human rights. This chapter reviews how concepts of the global and globalization have been used in sexuality studies, before focusing on the tension between decolonial analyses of sexualities and human rights approaches. The first section 'Sexualities and Global Theorizing' provides a discussion of the emergence of the 'global' as a prominent category in sexuality studies. The second section 'Decolonizing Sexualities' then outlines postcolonial and decolonial studies in relation to sexualities, focusing on the work of Maria Lugones to emphasize decolonial challenges. The third section 'Global Historical Sociology and Sexualities' suggests how transboundary themes from the nexus of new international studies, sociology and history can assist in making sense of colonialisms and their legacies. A fourth section 'Sexualities and Human Rights' discusses how the universalist concept of human rights has been engaged in transnational sexual politics and sexuality studies; then puts this in dialogue with decolonial criticisms. The Conclusion argues for the need for sexuality studies to engage with decolonial agendas, while also renegotiating rather than abandoning human rights. This may assist critically minded researchers to conceptualise their approaches in relation to activism in global sexual politics.

Keywords

Global, globalization, sexuality, decolonial, human rights

Bio

Dr. Matthew Waites is Senior Lecturer in Sociology, in the School of Social and Political Sciences at the University of Glasgow. He is author of *The Age of Consent: Young People, Sexuality and Citizenship* (Houndmills: Palgrave Macmillan, 2005); and co-editor, with Corinne Lennox, of *Human Rights, Sexual Orientation and Gender Identity in the Commonwealth: Struggles for Decriminalisation and Change* (London: School of Advanced Study). He is co-editor—with Patricia Hynes, Michele Lamb and Damien Short—of three special issues on sociology and human rights, including 'The Sociology of Human Rights' special issue of *Sociology* in October 2012 (Vol.46, no.5). He also co-edited, with Kelly Kollman, 'The Global Politics of LGBT Human Rights' special issue of *Contemporary Politics* (Vol.15, no.1, March 2009). Recent journal articles include 'LGBTI Organisations Navigating Imperial Contexts: The Kaleidoscope Trust, the Commonwealth and the Need for a Decolonizing, Intersectional Politics' in *The Sociological Review* (Vol.65, no.4, 644-662).

Introduction

Colonialisms have historically been a crucially important structuring feature of global social life, and contemporary sexuality studies is grappling with how to come to terms with the legacies of these power relations. Postcolonial and decolonial studies have emerged as vibrant bodies of thought challenging the legacies of colonialisms and contemporary coloniality (Said, 1978; Quijano, 2000; Mignolo, 2007), including for sexual life and for sexual knowledge-production (Lugones, 2008; Corrêa et al, 2014); with the engagement between modern thought and decolonial thought now the most important site of intellectual debate in global studies, including global sexuality studies. Hence the focus of this chapter on 'Global Sexualities' is on how theorists and researchers in sexuality studies are seeking to come to terms with these critical challenges that demand reorientations and reversals of power and knowledge, from West to East and from North to South—while simultaneously rethinking global 'human rights'. It will be argued that the widespread perception of a conflict between decolonizing politics and human rights disguises their overlapping and mutually constituting elements; and the chapter suggests ways to interpret and negotiate their relationship, a relationship that will be central in the future of sexuality studies, and of sexual politics.

In the past decade some of the most important challenges for rethinking sexualities have come from postcolonial and decolonial feminist scholars. A leading example is the decolonial feminist work of Maria Lugones, from Argentina, who has interrogated European colonialism's imposition of social structures of heterosexuality and gender dimorphism (Lugones, 2008; 2010). Such decolonial analyses resonate with a new wave of global historical sociology, in which the concept of the 'nation-state' from Europe is replaced by the concept of the 'imperial-nation', with an emphasis on 'transboundary' social processes highlighting the relational constitution of 'imperial-nations' and colonies (Go and Lawson, 2017: 1-34; Patil, 2017). Such theorising in the wider social sciences and humanities challenges sexuality scholars to ambitiously rethink our analytical frameworks.

Yet on the other hand, global status has been claimed for human rights since the Universal Declaration of Human Rights of 1948, proclaimed by the United Nations. It can be suggested that much of global sexual politics in the present is structured by tensions between the universal discourse of human rights, and the anti-colonial perspectives that often challenge the content or interpretation of human rights. Sometimes anti-colonial criticisms of human rights are expressed in cultural relativist terms, though more often with affirmation of one specific culture. Yet much anti-colonial political rhetoric favouring nationalisms or cultural particularisms in fact comes from actors steeped in colonial culture, and hence is not 'decolonial' in the sense used by decolonial theorists—for example in Zimbabwe, former President Robert Mugabe's Catholicism influenced his opposition to homosexual human rights (Erasmus, 2017). Nevertheless, the tension between anti-colonial perspectives and advocacy of universal human rights is a crucial theme for sexuality studies globally and will thus be the central focus of discussion.

The chapter will take the following form. The first section 'Sexualities and Global Theorizing' discusses the emergence of the 'global' as a prominent category in social theorising, and commenting on ways in which the 'global' is now invoked in interdisciplinary sexualities scholarship and highlighting transnational perspectives. The second section 'Decolonizing Sexualities' then outlines postcolonial and decolonial studies in relation to sexualities, focusing particularly on the decolonial feminist work of Lugones to emphasize deep challenges facing researchers. The third section, 'Global Historical

Sociology and Sexualities' suggests how themes from international studies, sociology and history focused on transboundary processes can assist in making sense of colonialisms and their contemporary legacies, including through engagement with postcolonial sociology that is rethinking modernity (Bhambra, 2007). A fourth section 'Sexualities and Human Rights' discusses how the universalist concept of human rights has been engaged in sexual politics and sexuality studies; then puts this in dialogue with decolonial criticisms of human rights, suggesting that discourse theories of articulation may assist in negotiating divisions. The Conclusion argues for the need for sexuality studies to engage with decolonial agendas, while also renegotiating rather than abandoning human rights. This can assist critically minded researchers with conceptualising their approaches to knowledge, in relation to activism in sexual politics.

1. Sexualities and Global Theorizing

In contemporary academic and critical debates, including in sexuality studies, the concept of 'the global' has been increasingly invoked, with varying effects. To approach this, we can note the historical emergence of a global consciousness in European social theory; in the mid-nineteenth century, Karl Marx drew attention to international commerce associated with the spread of capitalism 'over the whole surface of the globe' (Marx and Engels, 1952: 45). However, a good place to start in thinking 'the global' is the invaluable analysis of decolonial theorist Anibal Quijano (2000), from Peru, providing a sensitising overview of the emergence of a global imaginary with European colonialisms. This analysis combines consideration of material relations in 'capitalism' with analysis of the 'coloniality of power', and 'Eurocentrism' as a 'mode of producing knowledge' associated with modernity, thus also capturing 'intersubjective' social relations (Quijano, 2000: 544-545, 549). Quijano identifies how it was European colonialisms fundamentally structured by 'race', that created a 'model of global power' which was 'the first effectively global one in world history' (Quijano, 2000: 544). This analysis, which we will clarify in section two, initially enables us to historicise and contextualise all references to 'the global'.

Yet sexualities scholarship has until recently tended to remain within specific cultures. Some sexologists in the early twentieth century initiated global movements and research agendas – notably Magnus Hirschfeld in Germany founded the World League for Sex Reform in the 1920s (Weeks, 2003: 118). However, despite such cross-cultural engagements, most sexualities scholarship only later began to focus on 'global' analysis.

To reprise widely known discussions briefly, from the late 1960s some sexuality scholars associated with the transnational movements of feminism and gay liberation were raising international concerns (Millett [1969] 1971: 23-58; Third World Gay Revolution, 1970; Altman, [1971] 1974); and this consolidated, for example, into international feminist work on sexual rights, forming north/south networks (Petchesky and Weiner, 1990). However, it was with the end of the Cold War that came a more conscious focus on 'the global', associated especially with the emergence of literatures on 'globalization' (for a review, see: Held et al, 1999: 1-31). Influentially at the time, the sociological works of Ulrich Beck and Anthony Giddens sought to connect issues of intimacy, gender relations and relationships to globalization and other themes such as individualization (Beck, 1992; Giddens, 1991; 1992). This work originating in Europe in some ways expressed a privileged western experience of globalization emphasizing choice, but nevertheless highlighted how transnational social experiences

change relationships to time and space—for example as electronic communications shape people's lives in new ways (Giddens, 1991: 4, 16). However, we can note that the claiming and deployment of 'the global', that has become pervasive in the naming of books, degree programmes and conceptual frameworks, tended to originate in western academia. Hence there are grounds for a wariness that some invocations of a 'global' perspective or analysis may depend on an undue over-confidence about possibilities for generating global knowledge from privileged vantage points.

In Anglophone sexualities research literatures, the encounter with the global tended to occur together with the engagement of globalization as a concept. Two significant texts published soon after the millennium capture different approaches. Dennis Altman's work from the 1990s, culminating in the book *Global Sex*, captured the need for many sexuality academics (perhaps not all), together with activists, to think and act with a global consciousness (Altman, 2001). Altman has been a leading public intellectual of the gay liberation movement since its inception, when he authored the founding text *Homosexual Oppression and Liberation*—already capturing his transnational consciousness as an Australian activist and academic working in San Francisco and New York (Altman, 1971). Altman's longstanding engagement with international HIV/AIDS research and activism is only one of the factors that led him to emphasise a need for global analysis of global problems.

However, Altman's work prompted debate over whether or how to use the concept globalization, and how to conceptualise 'the global' and transnational processes in the field of sexualities research. In particular Altman tended to associate 'globalization' with socio-cultural westernisation, and sometimes more particularly Americanisation as the spread of United States culture (Altman, 2001). Hence, Altman's understanding drew attention to aspects of economic and cultural homogenisation, but it was similar to the understanding of globalization as 'global extension' from a particular core (Albrow, 1996); somewhat different to that of social theorists who defined it in terms of intensifying 'interconnectedness', without any necessary direction (Held et al, 1999: 2, 16-17). In the gender and sexualities literature, Altman's approach to 'global queering' that had suggested the 'global gay' as 'the expansion of an existing Western category' had already been challenged by David Halperin among others emphasising more cultural variation; and Peter Jackson used his empirical fieldwork in Thailand to emphasise local responses to globalization that expand gender and sexuality variations (for an overview see: Jackson, 2000). Hence critics of Altman adopted a similar analysis to Roland Robertson's account of 'glocalization', referring to the co-presence of universalizing and particularizing tendencies, sometimes in reaction to one another (Robertson, 1992: 173-174). More recently Altman's analysis of global 'queer wars' has suggested 'polarization' between opposing parties, with governments and movements that endorse human rights in relation to sexual orientation and gender identity conflicting with the anti-homosexuality of some African governments and Russia, for example. The global analysis of polarization seems to over-state the interdependence of diverse regional and national developments (Altman and Symons, 2016).

A somewhat different approach was put forward in Jon Binnie's book *The Globalization of Sexuality* (Binnie, 2004). Drawing on social and cultural geography and works from many disciplines that emphasise specificities of spaces and cultures, Binnie described the book as 'trying to resist a globalizing discourse of sexuality', emphasising the need to pay close attention to specific contexts, citing a range of international literatures from different national, local and transnational settings (Binnie, 2004: 3). Binnie's work, while produced from the privileged context of the United Kingdom (as with the present author's chapter), points the way to cross-cultural approaches more attuned to

the construction of nations, and local specificities in relation to transnational processes—and challenging the effects of colonialism.

At this point it is helpful to introduce the concepts ‘Global North’ and ‘Global South’ that have increasingly come into use to address global power relations and inequalities. Importantly these terms have emerged in political discourses, with political meanings that many have found more important than their clear geographical imprecision and shortcomings—for example, when we consider how Australia has many privileged social features of the North and West. Theorists using the concept Global South almost always refer to a social rather than strictly geographical phenomenon; for example, Alfred J. Lopéz as initial editor of the journal *The Global South* commented in the opening issue that the Global South should be thought of as ‘less a place [...] than a condition’ (Lopéz, 2007: v). The account from Lopéz emphasised that in a world of migration, cross-cultural communication and transnational processes it was increasingly necessary to think of ‘the South in the North’, for example, although perhaps to refer to the South as a single ‘condition’ is too restrictive.

Related to the concept of the Global South, recent years have also seen moves to develop ‘epistemologies of the south’, as suggested by Boaventura de Sousa Santos (Santos, 2014) or ‘southern theory’ as suggested by Raewyn Connell (Connell, 2007). Both in different ways suggest the need to think, research and theorize with due attention to the experiences and perspectives of people of the South. What this means remains subject to ongoing debate (Bhambra and Santos, 2017).

In this light we may consider the literatures that have been emerging in the sexualities field which adopt a global frame. A forward-looking example is the collection *Understanding Global Sexualities* (Aggleton et al, 2012). Here the editors are each in different ways engaged in their own theoretically-informed empirical research in contexts in the Global South, several in anthropology, and their collection provides a range of valuable concepts, theories and methodologies. The book includes chapters covering contexts such as Mexico, Iran, China, South Africa and India. Yet the editors are all based at universities in the West and North, though the contributing authors are from more diverse contexts. In this sense the book captures central features of the current moment in research on ‘global sexualities’. It tends to be researchers in the West who are in a situation with resources to produce high profile texts that have power in a world where the English language is privileged. However, we should avoid essentialism and allow for the ways social researchers (especially many anthropologists and sociologists) develop multiple belongings and political identifications.

A chapter by Tom Boellstorff on sexuality and globalisation concludes that ‘there is simply no way to understand sexuality that does not take globalisation foundationally into account’ (Boellstorff 2012: 183). This judgement seems true at the level of discourse, in the sense that the meaning of sexuality is itself a social construct, but it seems less convincing if we allow sexuality to refer to subjective experiences emergent from the body, if we think for example that some uncontacted peoples or individuals (perhaps Amerindian tribes in the Amazon rainforest) might still not be contact with other cultures. Nevertheless ‘the global’ often works as a frame that is helpful to facilitate cross-cultural dialogues, as suggested in the excellent discussion by Corrêa, Davis and Parker (2014).

Similar issues arise in more specific thematic areas within the literatures of sexuality studies and sexual politics. As indicative examples, from around 2009 there emerged literature explicitly defining and addressing *The Global Politics of LGBT Human Rights* (Kollman and Waites, 2009) referring to lesbian,

gay, bisexual and transgender claims while also raising ‘global queer politics’ (Waites, 2009)¹; and more recently we have seen publication of a volume concerned with *Global Homophobia* including chapters concerning Uganda, Ecuador and Iran, as well as the United States (Weiss and Bosia, 2013). Again, these volumes have been concerned with facilitating intellectual and activist engagements across borders, and the Meredith L. Weiss and Michael J. Bosia volume includes important work from Africa by Kapya Kaoma for example; yet the editors and authors remain disproportionately based in the West. These, then, are the structural characteristics of the present field, related to racial, ethnic, economic and cultural inequalities of various kinds. Such structural inequalities require ongoing efforts to change the present power relations, although equal representation is also inhibited by the lack of government support for critical sexualities research in many societies, for example in much of Africa and in China. One crucial way to engage with these challenges is through deepening engagement with analyses of colonialisms and decolonization, especially from theorists in formerly colonized contexts, as in the next section.

2. Decolonizing Sexualities

The body of work known as postcolonial studies, associated with originator Edward Said and subsequent innovators including Gayatri Chakravorty Spivak, was engaged with sexual politics from its beginnings. As is well known, Edward Said commented in *Orientalism* on how the Orient was frequently feminised for male conquest in orientalist discourses, elaborating in later works such as *Culture and Imperialism* (Said, 1978, 1993), although it has since been suggested that the analysis implied a ‘conspicuously heterosexual interpretive framework’ that left insufficient space to conceptualise same-sex desires and wider sexual dynamics (Boone, 1995: 90). Spivak’s classic postcolonial feminist essay ‘Can the Subaltern Speak?’ came to stand for her body of work that brought a feminist analysis more centrally into the field (Spivak, 1988). However postcolonial analyses focused on sexuality tended to come later.

Partly for reasons of space, the focus here is on specifically decolonial analyses which have more recently become such a central and vibrant feature of critical analysis. Of particular significance are the theoretical works associated with the South American grouping of decolonial theorists including Anibal Quijano ([1999] 2007; 2000), Walter D. Mignolo (2007, 2017), Maria Lugones (2008, 2010) and others. It is useful to focus particularly on decolonial feminism, especially the work of Maria Lugones as a response to the decolonial scholarship of Quijano, then turn to recent decolonial queer analysis.

Anibal Quijano’s theoretical framework, previously introduced, has been influential particularly in its focus on the concept of the ‘coloniality of power’, as analytically distinct from Eurocentrism in knowledge, and capitalism (Quijano, [1999] 2007, 2000). ‘The coloniality of power’, it can be said, has emerged as the central critical concept in global social theory to name and conceptualise how the power structures of European colonialism have continued to operate after colonialism and legal/formal decolonization. Subsequently, Walter D. Mignolo from the 1990s developed an analysis of the coloniality of modernity, and hence somewhat merged Quijano’s distinct conceptions of the ‘coloniality of power’ and ‘Eurocentrism’ into the formulation ‘modernity/coloniality’, to capture an

¹ In this chapter different acronyms will be used with specific meanings as necessary, sometimes LGBT or possibly also including ‘I’ (‘intersex’) and/or ‘Q’ (‘queer’).

argument that modernity is inherently and inescapably colonial—though one might pose ongoing questions about whether there might be some exceptional national cases (Mignolo, 2007; 2017). Mignolo sharply distinguishes postcolonial thought from decolonial thought, regarding the former as ‘a project of scholarly transformation within the academy’ while the latter is a project of ‘de-linking’ from ‘Eurocentred’ thought, moving to endorse diverse cultures: ‘pluriversality as a universal project’ (Mignolo, 2007: 452-453).

In Quijano’s work colonialism and coloniality are slightly distinct as concepts; coloniality ‘does not just refer to “racial classification”’ but is ‘an encompassing phenomenon’ describing social experience (Quijano’s focus on race is similar to the view of race as the fundamental category of biopower in Foucault’s (2004) lectures published as *Society Must be Defended*). For Quijano modernity is associated with a Eurocentric ‘universe of social relations’ with both ‘material and intersubjective dimensions’; and Quijano characterizes modernity with a focus on a way of knowing, labeled ‘rationality’ (Quijano, [1999] 2007).

Maria Lugones has subsequently mobilised this decolonial thought for feminist analysis, including in her key articles ‘Heterosexualism and the Colonial/Modern Gender System’ in 2007, ‘The Coloniality of Gender’ in 2008 and ‘Toward a Decolonial Feminism’ in 2010 (Lugones, 2007, 2008, 2010). Here we have a body of work that is lucid, perceptive and profoundly insightful as it expounds the relationship of coloniality to gender and sexuality. Lugones states a concern not only with gender but rather with ‘the intersection of race, class, gender and sexuality’ (Lugones, 2008: 1); they describe ‘the modern/colonial gender system’, in which conceptions of sex and gender, and ‘patriarchal and heterosexual organizations of relations’ are structurally embedded (2008: 2).

Lugones convincingly criticises Quijano for reducing the politics of sex and gender to the issue of ‘sexual access’, arguing that Quijano thus assumes ‘patriarchal and heterosexual understandings of the disputes over control of sex, its resources and products’ (2008: 2). She claims: ‘there is no gender/race separability in Quijano’s model’, nor does it offer ‘a characterization of gender’, since while Quijano refers to gender he ‘restricts gender to the organisation of sex’ (Lugones, 2008: 4, 5, 6). Lugones instead argues there is a need to understand the central ‘features of the organization of gender in the modern/colonial gender system’ as being ‘the biological dimorphism, the patriarchal and heterosexual organizations of relations’ (2008: 2).

Lugones offers a fascinating discussion of several examples from different contexts. These include how intersex issues became framed through sex dichotomies in the US. Particularly striking is Lugones’ use of research on the Yoruba society in Nigeria, by Oyèrónké Oyèwùmí in *The Invention of Women: Making an African Sense of Western Gender Discourses* (Lugones, 2008: 8-9). This appears to convincingly demonstrate how a binary model of gender was superimposed by western colonialism. However, Lugones provides no claim to representative sampling in the selection of pre-colonial cultures chosen. Hence, a methodological criticism can be levelled—demonstrating the absence of a patriarchal gender system prior to colonialism in specific selected cases is different from demonstrating a general absence of patriarchal gender systems. Such issues about case selection required for representative claims surely cannot be dismissed as Quijano’s ‘rational’ ways of knowing, characterising modernity.

Lugones’ analysis is suggestive of the need to develop comparative research on colonialisms. Currently much of the English history literature on colonialism and homosexuality either focuses only on the

British empire (Hyam, 1990), or where discussing two colonialisms alongside (such as British and French), lacks systematic comparative methodology and sociological investigation (Aldrich, 2003). This might illuminate how different European colonialisms addressed sexuality.

Turning to leading decolonial theorist Walter Mignolo (2016), his Foreword to the volume *Decolonizing Sexualities: Transnational Perspectives, Critical Interventions* demonstrates important engagement with sexuality studies (Bakshi, Jivraj and Posocco, 2016). Mignolo cites Jamaican cultural theorist Sylvia Wynter—and affirms how Wynter uses the concept of the ‘Man/Human imaginary’ (Mignolo, 2016: x). Mignolo comments: ‘Wynter’s argument in a nutshell is....: Human is an overrepresentation of Man invented in the European Renaissance and established during the European Enlightenment. She calls Man₁ the Renaissance overrepresentation of Man as Human; Man₂ the Enlightenment version’ (2016: x). The first emerges from patriarchal Christianity, the second emerges in association with secularisation. To quote Mignolo ‘both share Man overrepresentation as human’ (2016: x). From these understandings of Wynter, it is clearly implied that from a decolonial perspective, the concept of the ‘human’ in ‘human rights’ has a colonial heritage, with implications and limitations. There seems to be little focused attention to human rights in decolonial work generally; yet there are clear problematisations of enlightenment reason that underpinned the emergence of rights, and of the ‘human’, that seem to suggest human rights are associated with both modernity and coloniality. It is clear that decolonial advocacy of pluriversality poses a profound challenge for human rights.

Let us consider the wider contents of the same recent volume *Decolonizing Sexualities*, which includes more specifically queer decolonizing perspectives (Bakshi, Jivraj and Posocco, 2016). Generally, this volume shows a continuing tendency of decolonial queer writers to omit close attention to human rights, on the basis of assuming human rights to be associated with modernity and coloniality. These decolonial theorists either are just not interested in human rights; or define it implicitly or explicitly from the outset as part of what they are writing against.

Disappointingly we find that *Decolonizing Sexualities* shows hardly any interest in human rights or rights generally, as is revealed by the absence of both these concepts from the index of the volume. For example, in the opening chapter Sokari Ekine provides a valuable discussion of how African queers are ‘caught in the in-betweens of western imperialism, African patriarchy and religious fascism’, among other factors; but while focusing on citizenship and its problems, she has nothing to say on human rights (Ekine, 2016: 19). Only in Chapter 6 do rights begin to be addressed, by one of the editors, Sandeep Bakshi. Yet this occurs only by dismissing rights from the start; in fact, the aim of the chapter is defined against rights, as being (quote) ‘to develop tools for a decolonial critique of global queerness that obliterates specific gender and sexual arrangements which cannot be subsumed under the over-arching language of queer rights, same-sex marriage and kinship’. Support for this position is relegated to a footnote (Bakshi, 2016: 95) referencing only one article as support (Douglas, Jivraj and Lamble, 2011); the footnote tells us that:

Recent studies expose the recuperation of queer rights discourse for neoliberal agenda. For instance queer scholars suggest that ‘sexuality, in the form of gay rights, is increasingly taken up by both liberal and conservative forces as a dominant marker of “western values” which then serves as a key trope in the global war against terror’ (Bakshi, 2016: 95, quoting Douglas, Jivraj and Lamble, 2011).

There is no mention of how human rights discourse includes elements of anti-racism, religious rights or indigenous people's rights. For example, it would be relevant to refer to United Nations human rights instruments including the *Convention on the Elimination of All Forms of Racial Discrimination* (1965); the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* (1981); and the *Declaration on the Rights of Indigenous Peoples* (2007). Obviously, aspects of the content of human rights instruments, the limited signatories and lack of implementation have been widely criticised; yet these international instruments tend to suggest rights discourse is not always or entirely recouped for 'neoliberal agenda'. In methodological terms, by defining their chapter's aim apart from rights, Bakshi effectively rules out possibilities for investigating whether rights language might be compatible with decolonial critique.

It has been important here to focus primarily on decolonial thought. However, it is clear that queer research on homonationalism by Jasbir Puar (2007) and their followers is another crucially important, and somewhat related, body of research that is relevant in this discussion. Puar's pivotal contribution *Terrorist Assemblages: Homonationalism in Queer Times* opened important analytical possibilities related to the workings of human rights where selectively associated with western nationalist projects (Puar, 2007). However, the author somewhat sidestepped not only normative debates over the human rights project, but also political questions in its avowedly political analysis. The book offered innovation by exploring and revealing aspects of the dark side of human rights—how human rights are operationalised through articulation with specific identities including 'LGBT' identities, in ways which have othering effects on those with queer experiences that do not fit categories of the powerful. Yet the work tended to evade rather than confront the good that human rights can do.

Subsequently Puar has offered a little helpful clarification of their position in a short comment titled 'Rethinking Homonationalism' (Puar, 2013). In this piece Puar describes homonationalism as follows:

It is [...] a facet of modernity and a historical shift marked by the entrance of (some) homosexual bodies as worthy of protection by nation-states, a constitutive and fundamental reorientation of the relationship between the state, capitalism and sexuality. [...] homonationalism is fundamentally a deep critique of lesbian and gay liberal rights discourses and how those rights discourses produce narratives of progress and modernity that continue to accord some populations access to citizenship—cultural and legal—at the expense of the delimitation and expulsion of other populations (Puar, 2013: 337).

Puar thus clarifies that rights are the other for the critics of homonationalism, and unequivocally associates rights with modernity and progress, in a manner that resonates closely with decolonial analyses. However, in the following section it will be suggested that the new wave of scholarship on global historical sociology, and on connected sociologies, offers potential to engage with decolonial critiques while also enabling us to live in a complex contemporary world of hybridity, where a return to pure pre-colonial cultures is unrealistic and often undesirable. A subsequent section will then question challenges to human rights.

3. Global Historical Sociology and Sexualities

In contemporary social theory, a new wave of global historical sociology is emerging that is challenging existing analytical categories and approaches (Go and Lawson, 2017). While this work has not been led by scholars centrally concerned with sexuality, the approach has been fundamentally shaped by a concern with colonialisms, and hence has obvious implications when we consider how colonialisms have shaped sexualities. From a collective project, the pivotal book *Global Historical Sociology* has emerged, and including a chapter that applies wider themes to the study of gender and sexuality (Patil, 2017).

The new wave of global historical sociology centrally targets the nation-state as a central analytical unit, and hence it is the discipline of international relations that is most disrupted. But the work emerges at the juncture of international relations and world politics, history and sociology, with implications for each. For sociology a central implication is the need to think more historically about the formation of contemporary patterns and structures of power and inequality, especially through the influence of colonialisms. The research programme of the new global historical sociology involves rethinking European nation-states in terms of having been 'imperial-nations', with a central focus on identifying and analysing transboundary social processes of all kinds, that can only partly be captured through the concept 'transnational'. It is the limitations of the concept of the 'nation' implicated in 'transnational' analysis that lead advocates of the new global historical sociology to adopt the 'global' as a 'strategic sign', yet they are at pains to emphasise this does not mean an ontological commitment to globality:

The 'global' in our title *Global Historical Sociology*, therefore, is a strategic sign under which this project can be gathered rather than an ontological commitment or a claim about a particular set of theoretical categories. [...] Rather than starting from the assumption of methodological nationalism, global historical sociology starts from the assumption of interconnectedness and spatially expansive social relations (Go and Lawson, 2017: 5).

The chapter by Patil (2017), drawing on Lugones, illustrates the application of the general themes to issues of gender and sexuality. Patil notes how European colonial racialisation of African women's bodies, in terms including toleration of pain, were used to justify dehumanization and enslavement in the 1700s; and she highlights Stoler's important work, discussing how European colonial women took domestic roles in the nineteenth century as part of the imperial civilizing mission, managing 'mixed race' children born from inter-racial sexual relations (Patil, 2017: 148; Stoler, 1995). Clearly previous scholars have explored such transnational themes; hence what makes the collective *Global Historical Sociology* project significant is that it defines and pronounces a shift in trans-disciplinary research programmes.

Gurminder Bhambra was initially involved in the development of this project, and it is apparent that there are similar and complimentary features between the work collected by Go and Lawson (2017) and Bhambra's own work developing a postcolonial sociology. In a series of publications Bhambra has been developing a project that translates insights from postcolonial studies and decolonial thought into sociological analysis, in dialogue with the sociological canon. Particularly since her book *Rethinking Modernity*, Bhambra (2007) has been a key interpreter of works including by Said, Spivak and Lugones in terms of their implications for global sociology and social theory (Bhambra, 2017; Bhambra and Santos, 2017). As Bhambra argues, decolonial thought is now an essential element in contemporary social theory and has contributed to challenging western notions of modernity,

capturing how expansionist colonialism was an integral feature of many—if not all—modern societies. Hence as Bhambra has argued, the central features of modernity—industrialisation, capitalism, the nation state and modernism all need to be rethought as integrally related to colonialism.

An important example in relation to political modernity and the formation of human rights discourse relates to the Haitian revolution of slaves, where revolutionaries influenced by the Declaration of the Rights of Man and of the Citizen (1789) in France contributed to developing a humanist language of individual rights (Grovgoui, 2009). The new Constitution of Haiti in 1801 defined entitlements in ways shaped by such ideas of rights and made occasional explicit use of the concept ‘right’ (The Louverture Project, 2018). Most interestingly, Bhambra argues that Haitian revolutionaries in turn influenced the formation of rights discourse during the French Revolution, when a delegation travelled to France to ensure that a right to be free from slavery should be included in the Declaration of the Rights of Man and of the Citizen.

The key clause within that Declaration, the clause abolishing slavery, and I would suggest the most radical clause within that Declaration, was actually inscribed into the Declaration as a consequence of a delegation coming from Haiti to Paris and making the argument in the constituent assembly (Bhambra, 2017).

Hence, the colonised were active participants in the construction of what became human rights discourse (Bhambra, 2017). Therefore, we need to understand a decolonial element of human rights from their inception, suggesting possibilities for a new reconciliation.

4. Sexualities and Human Rights: Can the Boomerang Effect be Decolonized?

What needs to be discussed here, then, is the relationship between the postcolonial or decolonizing perspectives, and bodies of research literature and thought on human rights in relation to sexualities. Let us first consider an optimistic body of research literature from political science, international relations and social movement studies which can be seen to begin with Margaret E. Keck and Kathryn Sikkink’s work *Activists Beyond Borders: Advocacy Networks in International Politics* (Keck and Sikkink, 1998). This introduced the concept ‘transnational advocacy networks’ and viewed international human rights as what political process theorists call a ‘political opportunity structure’ (Kitschelt, 1986) enabling skilful local activists to cunningly access and deploy international norms to challenge national governments, through ‘boomerang effects’ (Keck and Sikkink, 1998: 12-13). Keck and Sikkink describe ‘the boomerang pattern of influence characteristic of transnational networks’ whereby, ‘domestic NGOs bypass their state and directly search out international allies to try to bring pressure on their states from outside’; ‘this is most obviously the case in human rights campaigns’ (Keck and Sikkink, 1998: 12). This work can here be characterised as promoting an ‘opportunities perspective’ on human rights, to suggest the one-sidedly positive and uncritical view of human rights processes.

Sidney Tarrow has subsequently unpacked how Keck and Sikkink’s boomerang model defines one model of ‘externalization’ of claims, ‘informational politics’; he identifies two additional forms of action, related to ‘institutional access’ and ‘direct action’ (Tarrow, 2005: 143-160). Yet, while Tarrow’s expanded analysis is useful, for this chapter’s purpose in engagement with decolonial theory, let us maintain focus on the ‘boomerang effect’ as a metaphor also potentially suggestive of how wider

externalization processes are conceptualised. Let us focus here, then, on the ‘boomerang’—as a cultural object originating with the aborigines, the indigenous people of Australia. We can see that the boomerang has been culturally appropriated from its original context into wider social use, and into the pages of international political science. In this context, and in light of decolonial perspectives, the central question to raise and address in the remainder of this discussion, is: *what would it mean to decolonize the boomerang effect?*

To develop and illustrate arguments, the focus here is primarily on debates over sexual orientation, though the issues relate to broader sexuality and human rights debates. The opportunities perspective on human rights from international politics literature has positive conclusions about using human rights, similar to a group previously described as the ‘LGBT Progressives’ including former gay liberationists such as Jeffrey Weeks, Dennis Altman and Ken Plummer (Waites, 2017: 646-647). However, Keck and Sikkink claim to offer an empirically-based model of social process, whereas the former group focus more on normative and political humanist arguments to underpin human rights.

More recent scholars showing signs of the opportunities perspective, clearly supporting LGBTQ human rights, examine human rights opportunity structures from political science and the constructivist school of international relations. These include Philip Ayoub and Jeremiah Garretson (2017), Kelly Kollman (2013) and Manon Tremblay, David Paternotte and Carol Johnson (Tremblay et al, 2011). These western politics and international relations scholars, discussed below, offer some social analysis of the structures and processes through which human rights norms are claimed and institutionalised. However, this group of analysts, like others from the opportunities perspective, have not been in conversation with decolonial feminist and queer theorists. Therefore, it is necessary to argue that both these bodies of work have some insights, and that there is a need to draw on both to develop transnational queer politics. It seems useful to suggest some ways forward.

Generally, while there has been considerable critical debate among LGBTI and queer scholars over human rights, much of the debate has focused on the normative issues. The major focus has been on the normative universalism of human rights discourse, and on wrestling with this in relation to cultural relativism and the contextualist tendencies of post-structuralism, especially those of Foucault. Hence the tension between foundationalist universalism and cultural relativism seems to have become a place where, for many, debates over human rights in sexual politics have got stuck.

The best sustained engagement with these debates in the broad context of sexual politics is to be found in the vital book *Sexuality, Health and Human Rights* from 2008, co-authored by Sonia Corrêa, Richard Parker and Ros Petchesky (Corrêa, Parker and Petchesky, 2008). While taking on board post-structuralist theory and cultural diversity, Corrêa, Parker and Petchesky nevertheless influentially argue for the both ‘the indispensability and insufficiency of human rights’ (Corrêa, Parker and Petchesky, 2008: 151). However, while Corrêa, Parker and Petchesky spend much time doing necessary valuable work in making a normative and political case for the defensibility of a universal rights discourse, their work left scope for further development of the sociological analysis of human rights as suggested elsewhere (Hynes et al, 2010; 2012a; 2012b). That is, how do we conceptualise and assess how human rights-related social processes are occurring?

While the western political science and international relations research from LGBTQ scholars does not present itself as offering normative theory—but rather as providing empirically-based models of how the world works—it seems that data on how human rights operate is viewed through rose-tinted

glasses. This has led to obscured confluences of empirical observation with normative endorsements. Referring to international relations scholarship on transnational socialisation processes, Philip Ayoub and Jeremiah Garretson comment that: 'A core premise of this line of constructivist research is that international norms can spread from areas where they are more accepted to areas where they are not' (2017: 1063). Their article 'Getting the Message Out', analyses the effects of media on attitudes using quantitative analysis of international values surveys, beginning with the comment that 'Global attitudes involving homosexuality are changing rapidly', and referring to a 'global sea change' (2017: 1056). This research expresses a positive view of the 'diffusion of new norms' (2017: 1063), particularly from the West to elsewhere; yet the association of human rights with the United States is problematic, especially regarding the Trump era; and the analysis lacks sufficient attention to the sparsity of serious cross-societal dialogues when media ownership is concentrated in western states.

Kelly Kollman in *The Same-Sex Unions Revolution in Western Democracies* (2013) has analysed same-sex marriage policy change in western states with reference to the 'spiral pattern' model from the wider human rights norms theory of Risse and Sikkink (1999); yet while the spiral pattern is ostensibly a model discerned from empirical observations, the original model itself conflated human rights with 'western powers', regarding the power of western states as supporting endorsement of human rights. Hence, we cannot find here a sound basis for analysing North/South relations. The spiral pattern model cannot accommodate Puar's insights into the selective uses of certain human rights (related to gender and sexuality) and not others (related to race, religion and migration) that has been apparent at least since the 'War on Terror' began.

In the important volume *The Lesbian and Gay Movement and the State: Comparative Insights into a Transformed Relationship* edited by David Paternotte, Manon Tremblay and Carol Johnson, the Introduction foregrounds political science literature on political process theory from the US and Western Europe, noting that this gives 'centrality' to the concept of 'political opportunity structure' (Paternotte et al, 2011a: 4). Here Tarrow's understanding of political opportunity structure is deployed, with four dimensions: formal access to political institutions, presence of influential allies in state institutions, shifting political alignments, and cleavages between and among elites (Paternotte et al, 2011b: 219-220). Previous uses of political opportunity structure to analyse lesbian and gay issues are also noted, by Jan Willem Duyvendak and Miriam Smith. While Paternotte and colleagues did not prescribe the use of political opportunity structure, some authors in their book deploy it, including in chapters on Australia, and in the UK where the 'boomerang pattern' is used to describe rights claims to the Council of Europe and the European Union, encouraging UK government shifts such as to equalise employment discrimination laws (Kollman and Waites, 2011: 187). However, some chapter authors tend to equate political opportunity structure with the state, while others allow more for international opportunities and multi-level governance, or for non-governmental and multi-institutional opportunity structures. Paternotte et al significantly centre the 'boomerang pattern theory' in their Conclusion (2011b: 216), commenting:

Following Margaret Keck and Kathryn Sikkink's boomerang pattern theory (1998), activists increasingly try to use favourable international environments to increase pressure on reluctant states and to gain rights domestically. International courts are playing an important part in this process (Paternotte et al, 2011b: 216).

Keck and Sikkink's influential 'boomerang pattern', involving local activists accessing international support in order to influence their state, is thus proposed by Paternotte et al as a general theory applicable to international contexts. Yet this conceptualisation risks generalising an inappropriate metaphor and theory beyond Europe, into wider North-South relations where it might fail to capture coloniality in power relations.

Paternotte and colleagues then problematically conclude their book with an explicit call to shift from a vertical to a horizontal understanding of how the state and social movements interact:

it is necessary to revisit the idea that the state and social movements interact with each other vertically, that is to say the state acts as an umbrella that controls civil society and subjects social movements to the state's power. Rather ... we have defended an interactive and horizontal account of the dynamics between the state and the lesbian and gay movement, in which they influence each other. (Paternotte et al, 2011b: 225)

This theorizing of the boomerang effect as horizontal process does not seem to capture power relations involved, particularly if we consider how differently positioned queer groups experience the state in light of multiple inequalities related to racism, coloniality, economic inequalities and other factors.

Emergent from this body of scholarship is a social structural understanding of human rights norms, encompassing relations between local actors with national and international institutions. The picture that emerges is of local actors using human rights framing to access international political opportunity structures of rights, generating sometimes spectacular 'boomerang effects' (Keck and Sikkink, 1998). But analysis of the UK's relationship to Europe is problematically implied to be extendable across Europe, and globally. The problem with the opportunities perspective on boomerang effects is that it obfuscates and disguises power relations. To return to the question of what it would mean to decolonize the boomerang effect, let us reconsider the boomerang metaphor. Perhaps western LGBT politics and international relations scholars have been imagining the boomerang travelling in a horizontal exchange between local activists and elite activists in transnational advocacy networks (or perhaps the judges in international courts adjudicating human rights). Borne on the air as if weightless, the boomerang metaphor disguises resources and structural supports needed, and emphasises individual creative agency without cultural context. By contrast, we need to imagine the boomerang effect as if from the perspective of one of the aboriginal Australians, the indigenous people who invented this object. We need to understand how many activists and people in formerly colonised societies often experience engagement with the global human rights system as hierarchical and embodying power relations often associated with coloniality, even when engaging for support.

The opportunities perspective literature tends to assume and dovetail with wider human rights literatures which the UK's leading sociologist of human rights, Kate Nash, has characterised as 'global constitutionalism' (Nash, 2012). The global constitutionalist perspective tends to equate human rights with the United Nations human rights system, its various legal forms, instruments and institutions at global and regional levels. In this perspective the normative content of human rights is largely undiscussed and effectively assumed as simply good, while the implied understanding of social processes is of a top-down model, whereby UN human rights will gradually be transferred down to various peoples. This obviously tends to ignore significant critical questions raised about human rights from postcolonial and decolonial perspectives.

However, the body of research and analysis associated with the opportunities perspective does nevertheless provide some research evidence in the form of data and data-analysis, that social norms are being changed through such local actors engaging in transnational activism. This is shown in both legal and wider political forms. There is a substantial and growing body of literature (eg. Tremblay et al, 2011) demonstrating through methodologically sound empirical studies that—in general terms—utilisation of international human rights opportunities and related boomerang effects have been features of social life for some time. Of course, in the medium term this has applied less in formerly colonised regions such as Africa; but over the long term one could say that developments in the African Commission for Human and People’s Rights or the Association of South East Asian Nations (ASEAN) tend to suggest that global level human rights norms seem now to be gaining some influence in all regions (Langlois et al, 2017).

There is a need for theorists of transnational queer politics to move beyond using the boomerang effect alone, and to use wider frameworks to think about externalizing and transnational processes (Tarrow, 2005). Yet western politics and international relations literature usually subtly assumes as a premise that international human rights norms from the UN system are simply and entirely good and can thus be foundational; and lacks sustained attention to the issues of transnational colonialism and transnational racism. By not having an understanding of how categories and omissions in human rights discourse have operated in exclusionary ways, this literature has largely assumed human rights as an unproblematic foundation, ignoring its social and discursive construction (Hynes et al, 2012; Waites, 2009), and its historical inter-relatedness with colonialisms.

Conclusion

In concluding I want to suggest that there is an extremely important ongoing engagement between decolonial thought and modern thought, which is an essential point of reference for global sexualities scholars. While Mignolo proposes de-coloniality as a ‘planetary critical consciousness’ associated with ‘delinking’ from modern/colonial thought, his foundational essay draws from Horkheimer’s critical theory and recognises ‘important disciplinary studies’ by Europeans (2007: 500, 489), thus pointing to ongoing engagement. An ongoing conversation is needed, including in sexuality studies. To emphasise that need for an ongoing conversation, conclusions here suggest several ways forward for understanding the relationship of decolonial perspectives and human rights.

First, as suggested by Bhambra, it seems that there was a decolonizing presence at the formation of enlightenment ideas of human rights, such as in the Haitian revolution. For sexualities scholars, however, we may note that the first constitution in Haiti forbade divorce, so preserved a European model of family and relationships with an absence of sexual rights. This suggests we should acknowledge that decolonizing and human rights overlapped and were in some ways mutually constitutive from the beginnings of human rights, which we should continue to explore, with attention for the particular status of sexualities.

Secondly, rather than focusing only on the tension between the process of decolonisation and the apparently static form of human rights, it may be useful to keep in mind that for most of their advocates, both decolonization and human rights are means towards more important ends. Both approaches tend to be conceived and argues for as bases for a ‘free life’ (Mignolo, 2007: 500). In that

respect both are mechanisms for reaching goals, and perhaps we should spend more time recognising how they might work as different formal means to reach life goals, in specific cultural contexts.

Third, what can here be called the ‘articulation theory of human rights’ that I have developed (more specifically emerging as an approach from the sociology of human rights: Hynes et al 2010; 2012), become particularly valuable when seeking to address the issues raised by decolonial thought. This is an approach previously used (Waites, 2009; 2010; 2017) but demanding fuller exposition. The central point to grasp is that both mainstream human rights universalist discourse and cultural relativist criticisms have tended to share ontological assumptions that human rights have a fixed content or meaning, ontologically. By contrast what discourse theory illuminates is that signifiers in human rights conventions, for example male pronouns like ‘he’, or concepts of ‘family’, ‘privacy’ or ‘marriage’, can be articulated in relationships with many signifiers, including many outside human rights discourse, in ways which make their meaning profoundly uncertain and subject to change. For example, in the Universal Declaration of Human Rights, ‘he’ is now widely understood to encompass ‘she’; ‘Men and women of full age [...] have the right to marry’ (Article 16) is frequently now invoked to support same-sex marriage (Waites, 2009). Thus, the articulation theory of human rights transcends, or at least considerably displaces, the standard debate between universal foundationalism and cultural relativism. This opens profound possibilities for addressing decolonial pluriversality by re-articulating human rights with more various cultural meanings.

Having suggested these broad approaches to reconciling decolonial thought with human rights, what can we say more specifically about the view of the global human rights system as a political opportunity structure: is it possible to decolonize the boomerang effect? Regarding the Opportunities perspective, the strength is that this work clearly identifies social processes that are happening and are significant. For example, this illuminates how in Nepal the Blue Diamond society invoked the Yogyakarta Principles to win legal recognition of a third gender in the Supreme Court; or how in India the Naz Foundation and Voices Against 377 also invoked much international case law to win an initial decriminalisation of same-sex sexual behaviour in 2009 (Waites, 2010), later reversed in 2013 but eventually upheld by the Indian Supreme Court in 2018. The accounts of significant southern actors in global queer politics, such as Caleb Orozco from Belize who launched a human rights challenge against criminalisation and engaged the UN Human Rights Committee, with support from both regional Caribbean and wider international actors including in the UK, suggest that sometimes the boomerang effect can work to yield ‘free life’ (Orozco, 2018: 250-256; Mignolo, 2007: 500). So, the opportunities perspective resonates with and captures significant empirically observable examples and the evidence of some empirical research. However, the weaknesses of the opportunities perspective are substantial. In particular, due to the emergence of the model from western universities, particularly in western Europe and the United States, there is a lack of interest in, or analysis of, human rights norms as culture.

How do decolonial analyses suggest we should re-imagine the boomerang effect from the perspective of indigenous peoples, those who have been colonised? The first and most obvious point would be that the boomerang often does not come back. This is revealed in the growing body of empirical research that shows how local actors feel compelled to engage human rights in efforts to access resources, especially in relation to western development initiatives, yet often feel dissatisfied by the outcomes.

The main problem with how the boomerang effect (and the spiral pattern) analyses of human rights have been imagined has been their insufficient focus on the hierarchical power relations experienced by those involved. This has largely occurred because of narrowly technical models, concerned only with access to norms (human rights), giving insufficient attention to wider social processes, contexts and experiences involved, especially how actors experience the process. For example when a local activist experiences the return of the human rights boomerang, with a post-structuralist analyst of gender and sexuality we might imagine the catcher as a subject experiencing what Foucault called *assujettissement*, a process of subjectivation (Butler, 1997: 5, 11) where perhaps categories like ‘sexual orientation’ used in human rights discourse (Waites 2009) might contribute to re-shaping the subject’s self-understandings and experiences. We could ask, for example, in what ways was Caleb Orozco reconstituted as an LGBT subject due to the strategies they were required to adopt to claim international human rights. Such investigations would help to apply the decolonial analysis of coloniality to understand the full social processes related to human rights, beyond formal institutional mechanisms.

Rethinking the boomerang effect in this way helps us to shift our perspective from the most highlighted cases in existing global queer politics literature. Perhaps the most legally significant case globally was that of Nicholas Toonen, the Australian who invoked human rights in the International Covenant on Civil and Political Rights via the United Nations Human Rights Committee, to win a globally ground-breaking case in 1994 (Willett, 2013: 224-225; Lennox and Waites, 2013: 516). This established sexual orientation as a status that could be used to oppose discrimination in relation to human rights including the right to privacy. However, Toonen was an individual who had been racialised and nationally defined as a white Australian. How would an aboriginal Australian ever have been likely to have had the resources and confidence in law to take the case, even if they had wanted to? How would it be necessary to challenge power and inequalities, redistribute resources and change culture, for an indigenous person in a formerly colonised society to be able to own and utilise the ‘boomerang effect’?

Metaphors carry meanings and so Western scholars in political science, international relations and social movement studies need to problematise the meanings that models such as the boomerang effect hold. The boomerang’s flight, apparently carried by nothing but the air, is suggestive of how international human rights have been imagined as benign and supportive. Missing from this metaphor are the ways in which engaging human rights can be experienced in relation to coloniality. As we consider sexualities in relation to the global, there is a need to acknowledge the colonial histories of human rights as a way to re-imagine human rights in the present. Sexuality studies working transnationally must learn from decolonizing politics and intellectual agendas, while also re-interpreting and contesting the meanings of—rather than abandoning—human rights.

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