

Title: The limits of legislative change: Moving beyond inclusion/exclusion to create ‘a life worth living’

Abstract

Whilst the spatialisations of social exclusion have long been critically assessed, legislative responses to these exclusions have also been found to be limited. Addressing the exclusions of Lesbians, Gay men, Bi, Trans and Queer (LGBTQ) people, social inclusions in the form of equalities legislations have been used as a marker of ‘progress’ and development, creating neo-colonial geographic comparisons between the legal and policy regimes of different contexts. Taking a decolonial optic, this paper shows that even in one of the most progressive legislative contexts – England - equalities legislation is differentially implemented, and indeed resisted by some local government organisations creating what we term as an implementation gap. This paper uses liveability as an understanding of the importance of recognition that does not proscribe restrictions, while also seeking ‘a life that is a life’. It works across India and the UK to create transnational thinking that seeks commonalities without negating difference, showing that liveability enables both an articulation of LGBTQ people’s ongoing unease in England, and a counter-narrative to reductive readings of legislative oppression in India. In both countries, liveability refuses to negate the possibilities of legislation, but neither does it become beholden to them. Liveability, it is argued, has the potential to discursively unlink a naturalized linkage between sexual sub/ab/jects and a progress/backward binary. The paper concludes that liveable lives are fluid, contingent, and can be precarious even with recognition. A decolonial optic refuses to place precarity in the ‘Backward Global South’, and recognition in the ‘progressive Global North’. Instead commonalities between LGBTQ lives query these assumptions and associated hierarchical politics of ‘saving’ ‘backward’ nations. This has the potential to deepen demands for social justice, in ways that do not abandon legislative reforms, but go beyond them to seek lives that are ‘worth living’, including through transnational interconnections and solidarities.

1. Introduction

Academic interest in social exclusion has historically focused on identifying manifestations of exclusions. Since the 1990s geographers have argued that social exclusion requires a spatial lens showing how exclusion is not just created *in* space, but is also created by the *use* of space and exclusion *from* space (see for example Sibley, 1995). Geographies of sexualities in turn have explored how spaces are produced as heterosexual, such that heterosexual norms exclude and marginalize those who do not conform to specific heteronormativities (see for example Bell et al., 1995; Browne, 2006).

Later thinking also brought *inclusions*, particularly those obtained through equalities legislation, into question. For example, Duggan's concept of a new 'homonormativity' offered important insights into how once-deviant forms of sexuality have become included in certain contexts, specifically through normativities achieved via neoliberal articulations of 'equal rights' rather than wider sexual and gender liberation (Duggan 2002). Work has been undertaken in this vein to explore how wider power relations and social and political hierarchies intersect with sexual/gender deviancy, creating both privilege and marginalisation (Bryant, 2008; Lim and Browne, 2009; Hines, 2010). This body of work has illustrated how homonormalisations are differentially accessed in gendered, classed, racialised, aged and sexualised ways (see for example Hines, 2007; Seidman, 2002; Taylor et al., 2010; Taylor, 2007). Such normalisations are therefore inherently exclusionary, and supposedly inclusive legislation can reiterate existing power relations through the creation of new and stigmatized others (Duggan, 2002; Richardson, 2005; Richardson & Monro, 2012). We seek to work our way beyond the binary of inclusion/exclusion, an where the inclusion of some is revealed to be necessarily exclusionary of others but, simultaneously, exclusion itself is undesirable. In order to do so, we use socio-geographical thinking to argue that whilst LGBTQ (Lesbian, Gay, Bisexual, Trans* and Queer) inclusions via equalities legislations and decriminalization measures are important, they need to be augmented with considerations of *liveability*. Focusing on liveability rather than equality legislations and legal recognitions alone enables us to engage with the positive possibilities of legislation for diverse LGBTQ subjects, while still allowing for political insights and critiques articulating the unease many feel about legislative inclusions.ⁱ

The inclusion/exclusion binary has geographical manifestations and colonial imaginaries, most prominently in the differentiation of the Global North as 'progressive' and the Global South as 'backwards' (Halberstam, 2005; Kupla and Mizielińska, 2011; Kulpa and Silva, 2016). As Sabsay argues, this is part of a sexual rhetoric that "functions today as a marker that distinguishes the so-called advanced western democracies in opposition to their 'undeveloped others'", thereby justifying "the current re-articulation of orientalist and colonial politics" (2012, 606). These debates hierarchize Western democracies as spaces of inclusion, vilifying exotic 'others' as 'inherently homophobic' and synonymous with 'backwardness' (Kulpa and Mizielińska, 2011; Puar, 2007). Such sexualⁱⁱ politics can designate certain state practices as progressive and others as backward, and this can create forms of homonationalism where LGBT rights are used in the service of oppressive national projects, including war, and the celebrating and enabling of violent geopolitical agendas (see Puar, 2007). Moving towards an exploration of what makes life liveable for LGBTQ people enables us to theoretically and methodologically address this key temporal-geographical imaginary of sexual and gendered progress, where a backward 'periphery' (often former colonies) seemingly lags behind or is persuaded by a

modern 'core' (UK/EU/USA) in political and popular imaginaries and narratives of place. The concept of liveability, we argue, is best suited to address the 'colonial matrix of power'ⁱⁱⁱ that informs these sexual imaginaries and geographical ordering of nations along the lines of progress and backwardness. In this paper, we seek to address the linked inclusion/exclusion and the periphery/core binaries that underscore narratives of sexual progress through developing a decolonial liveability lens. We begin by introducing the concept of 'liveability' and link this to a decolonial epistemology (a point we further develop conceptually elsewhere, Authors, in preparation), and then outline the context and methods used. We begin the empirical sections by demonstrating the implementation gap that defines the enactment of equalities legislation in England. This questions the uniformity of national legal recognition for LGBTQ people, undermining the use of legislative measures as comparative tools that produce a nationalist discourse of progress. Using data gathered with LGBTQ people in the UK and India, we offer liveabilities as a tool for engaging with the complexities of LGBTQ lives in ways that refuse comparative neo-colonial frames. Illustrating the import and limitations of legal recognition, a liveabilities lens entwines the dichotomies of inclusion/exclusion and progress/backwardness. The paper concludes by arguing that liveability can enable demands for social justice to be opened up, without negating the need for judicial reform. In doing so, the paper critically engages with geopolitical imaginings of progress/backwardness that are rooted in the presence or absence of legislative equalities. Along the way, we develop theoretical connections between liveability and decolonial optics that seek solidarities to interrupt neo-colonial hegemonic discourses..

Liveability and its epistemological potential

The sexual functions as a value-laden political object and project. States in the global north and international human rights and development organisations can place nations within a global democratic system by their ability to demonstrate inclusivity of LGBTQ populations through progressive legislations. At the same time, social groups and individuals associated with LGBTQ movements in the global south can rhetorically connect their demands for rights to the imagination of a globally modern democratic state located elsewhere in the 'developed world'. Expressing anxieties about stepping 'backwards' in a temporal logic of social justice, nation-states as well as social groups in their demands for rights (albeit in varied ways and for different reasons) can demonstrate aspirations to 'progress' into a favoured democratic league. Those who are unable to do so can face material consequences.^{iv} The progress/backward binary, tied to such democratic discourses, we argue, can influence the politics of sexuality both across and within national territories, as long as it is tied to an inclusion (via legislative reform)/exclusion conceptual frame. The inclusion/exclusion frame is rooted in intersecting racialized, casteist, gendered and classed

imaginings of local, national and global citizenship that reproduces an ideal sexual subject. Thus, progressive legislations and judgements with imaginings of, and directives for, an inclusive social need to be continuously scrutinized (even while being celebrated) for their manifest and latent desires that reproduce post 9/11 geopolitical and hypernationalist regimes. Drawing from decolonial analytics (Kulpa and Silva 2016; Mignolo 2000, 2016; Lugones 2010), we interpret progressive legislations and judgements as forms of rationalizing power that produce the 'colonial national-global subject'. Claims made for the recognition of this subject, within and across national territories may either de-recognize caste-ed, raced, and gender based marginalizations^v and/or have serious material implications for a politics of development (Authors 2018; Authors, 2015).

Liveability has the potential to challenge the inclusion/exclusion binary embedded within the contemporary geopolitical regimes, and hence can function as a decolonial optic. Its potential lies in its ability to focus on the lived experiences of those who are otherwise judicially unintelligible and abject^{vi}, as well as those who are supposedly recognised. In places where juridical recognition is guaranteed, liveability can facilitate discussions about the forms of living that are also constitutive of such recognition, and hence inside-outside the realms of legal rationality. In taking a decolonial optic, we do more than refuse the sole location of liveabilities within 'progressive' nations. Rather, we fundamentally question the supposedly geopolitical neutralities of inclusion/exclusion logic.

Liveabilities capture lives and forms of living that escape and/or exceed such categorisation.

An inclusion/exclusion binary cannot capture lives and forms of living that reside both *within and outside* juridico-political frames of intelligibility. Thus, whilst lives and materialities have undoubtedly been a focus of work with LGBTQ people since the late 20th Century, our conceptualisations of liveabilities moves beyond the either/or of legislative inclusion or social exclusion. While recognising the normalising impulses of legislative inclusion, we also want to explore their possibilities, and conversely in emphasising the limits of these very inclusions, we seek to move beyond them. In this paper, we argue that liveability enables these moves beyond inclusion/exclusion.

We conceptualize liveability through Judith Butler's thinking around 'what makes a life livable'^{vii} (Butler, 2004). Butler's articulation of liveability is connected to questions of precarity and vulnerability, both of which preoccupy much of her work around ethics, politics and resistance. Precarity, in contrast to precariousness as an existential condition, points to a politically induced condition. Vulnerability can mean a material state of being wherein one is exposed to bodily harm or injury. At the same time, it is part of a symbolic order that precedes us and guides our practices, roles and expressions. Some of us are therefore vulnerable precisely because our gendered and sexual lives come into being through such symbolic orders. In contrast to an existential, subjective,

and politically induced condition, vulnerability is “a relation to a field of objects, forces, and passions that impinge upon or affect us in some way.” (Butler, 2014: 16). Vulnerability and precarity – in their interrelationship – can frame the im/possibilities of what constitutes a liveable life, through regulatory norms of recognisability that determines who is worthy of recognition and who is not. As Butler states,

“When we ask what makes a life livable, we are asking about certain normative conditions that must be fulfilled for life to become life” (2004 : 39).

This has implications for the constitution of sex, gender, and the subject. Those who do not conform to the normative scripts of sex and gender are ‘abject’, unviable, and often relegated to the domain of space that are not liveable. In other words, those vulnerable lives that are not “‘recognisable’ as ‘human’ are more precarious than those who are” (Lloyd, 2015: 217). Norms then both facilitate and restrict lives by both enabling and restricting the possibilities of what constitutes a liveable life. As Butler says:

“Sometimes a normative conception of gender can undo one’s personhood, undermining the capacity to persevere in a livable life” (2004: 2).

While Butler argues that liveability is intimately linked to stability of recognition through identity categories, at the same time she also writes that the inflexibility of such naming categories imposes constraints on life itself and can paradoxically make it unliveable. The criteria that are used to grant the status of human to one individual may deprive another individual that same status.

Butler is clear that not all may seek inclusion in the same way, to counter the violence in creating and enforcing normativities. In other words, if I am outside the normative grid, my life may be made not liveable; but I may also choose to live without recognition, as I may see the terms of recognition as too restrictive; in such cases, the terms by which recognition is conferred may make my life not liveable, and I may thus choose not to be recognized at all. Hence:

“What is most important is to cease legislating for all lives what is livable only for some, and similarly, to refrain from proscribing for all lives what is unlivable^{viii} for some” (2004, 8).

In empirically investigating liveabilities, specifically in two contexts where legislative recognition has been achieved, and where it was not at the time of data collection (2015/2016), we explore the importance of being recognised in law, but also the limitations of this, analysing how lives are made liveable beyond legal recognition.

We also push Butler’s theorization of liveability around precarity and vulnerability to think about its decolonial potential. To this end, we turn to decolonial work on genders and sexualities that takes ‘coloniality of power’ (Quijano, 2000, 2007, cited in Kulpa and Silva 2016, 139) as a point of critique. Considered along with the question of ‘colonial difference’ (Mignolo 2000), decolonial work on

genders and sexualities goes beyond the “simple inclusion of those on the ‘academic peripheries’” and “rebuilding of epistemological foundations” of contemporary research practices (Kulpa and Silva 2016, 140-141). The inclusion/exclusion binary, as already suggested, resides within colonial renditions of democracy and nation-states. Such colonial renditions serve to conceal “the irreducible cultural, political, and economic dependencies in the inter-state system and, therefore, between nation and nationalities” (Mignolo 2016, xv). In other words, legal reforms, while promising to solve inequalities, are also consequential to dominant narratives of inter and intra colonial difference. An optic of liveability facilitates rethinking the epistemological foundation of gender-sexual politics. When deployed to critique hegemonic discourses around genders and sexualities, liveability through a decolonial lens, allows us to re-signify a field that is already marked by the colonial matrix of power.

We empirically further the epistemological potential of liveability to a decolonial understanding of gender-sexuality politics and lives, through a transnational methodology (see also Authors, 2017).^{ix} With our study to empirically situate liveability across the UK and India, we are attempting to put in circulation a conceptual vocabulary that will present an alternative to and resist hierarchizing of populations according to standardized hegemonic measures that are deeply embedded within colonial differences. Liveability has the potential to discursively unlink a naturalized linkage between sexual sub/ab/jects and a progress/backward binary. At the same time, we understand liveability to be a radical political concept with significant potential in addressing the limits of equality-based agendas which seek to recognize, codify and act for and upon marginalized subjects, often through policymaking and legislation. Liveability offers us opportunities to empirically explore the unease felt by many in the UK regarding the supposed completion of LGBTQ equalities agendas with the passing of same sex marriage and other legislation, and also the problematic assumptions of backwardness associated with India following the reinstatement of Section 377 of the Indian Penal Code.

2. Liveable Lives in India and the UK: Context and Methods

This paper draws on the research [*removed for anonymity on request*]. The project looked at the ways in which different geographical spaces create and introduce liveabilities in the cracks and fissures of hegemonic gender-sexual practices and normative regimes. Our primary research objective was to move beyond the analysis of exclusion/inclusion of LGBTQ communities in the UK and India and to explore how, when and where lives become (not) liveable for LGBTQ people across the two places. In this section, we outline the transnational feminist queer methodology (authors, 2017) used in [*project name*] and the variety of data collection methods this involved. We then

provide more detail about our data collection and analysis used to review the implementation of LGBT-related equalities legislation in the UK, which informs the first part of our subsequent discussion.

2.1 India and Great Britain: Doing Transnational Feminist Queer Research

We investigated the liveabilities of LGBTQ people in India and the UK to their ongoing economic, social and cultural connections as well as legislative differences in the realm of LGBTQ equalities. In England and Wales, the wide-ranging UK-wide Equality Act in 2010, which listed sexual orientation and gender identities as ‘protected characteristics’, was seen as a culmination of changes around sexual and gender rights through the first decade of the 21st century. This was followed by the legalisation of same-sex marriage in 2015. In India, conversely, Article 377 of the Indian Penal Code (IPC 377) has its origins in British colonial law and criminalized ‘carnal intercourse against the order of nature’ (Sanders 2009). It was read down by the Delhi High Court in the Naz Foundation vs. Government of NCT of Delhi case on 2nd July 2009, but the Supreme Court reinstated it in December 2013. More recently, on 6th September 2018 the Supreme Court read it down again in the Navtej Johar & Ors. v UoI case. Our data collection took place across 2015/2016, during this ‘re-criminalisation’ period.

In metrics and comparisons which seek to identify places as ‘LGBTQ-friendly’, legislation emerges as the most significant form of evidence (Authors 2015). While the UK is widely seen as one of the ‘most advanced’ countries with regard to LGBTQ legislative equalities (see for example ILGA-Europe, 2017; Polchar et al, 2014; Spartacus World, 2018), India is rated poorly in both media-led and ‘official’ metrics of LGBTQ equalities due in no small part to this legislative context (ibid.). Indeed the decriminalisation and subsequent recriminalisation of homosexuality has been used to describe it as one of the ‘most homophobic countries’, ahead of countries in which homosexuality remains punishable by death (Batchelor, 2017; Nunez, 2017; Strasser, 2014). We seek to challenge some of the conclusions that might be drawn from a focus on legislation, namely the comparison between the UK and India that places sexual and gender politics ‘over there’ (in India and often by extension the Global South) where we are ‘losing’; and frames ‘us here’ (in the UK, and often the Global North) as ‘sorted’ and ‘winning’. This narrative is easily problematized - for example, the National Legal Services Authority (NALSA) v Union of India verdict gave trans people in India the ability to seek welfare on the 5th April 2014* – yet as we have already seen, it nonetheless plays a significant role in international sexual geopolitics.

Exploring the Global North/Global South divide usually involves looking at one place or another, or comparing one place to another through a series of pre-defined, comparative measures. In this study, we instead adopted a transnational feminist queer methodological approach, which works towards creating transnational knowledges through participatory research with activists and academics in different places (see authors., 2017). Our research creates theory across places - what we are calling transnational theorizing - by developing theory through transnational activist/academic engagements that question geopolitical comparative hierarchies. In the *[name]* project, we avoided comparative research that seeks sameness and difference among two data sets, and the assumption that objectivity and rigour are both desirable and reproduced by creating data that is comparable and focused instead on developing understandings of what makes life liveable for LGBTQ people where they are, through tools that worked for those places, which were developed through transnational dialogues between academics and activists across [names of cities]^{xi}. We did not neglect the context created a research design collaboratively, with shared research questions, but implemented differently in India and the UK (see Table 1 for a full list of methods). The analysis was undertaken jointly after coding, through two face-to-face meetings and also monthly Skype meetings where meanings, interpretations and implications of the data were discussed.

Table 1: [Name] Participatory Mixed Methods Research

<ul style="list-style-type: none"> • 5x UK Project Workshops (Brighton x1, Southampton x1, Leicester x1, Hull x2) <ul style="list-style-type: none"> ○ 51 LGBTQ participants engaging via: <ul style="list-style-type: none"> ▪ individual interviews and group discussions (n. 29) ▪ mapmaking (n. 43) ▪ lifelines (n. 13) ▪ collages, posters and illustrations (n.20) ▪ free writing (n. 12 + a collaborative multi-workshop scroll) • 5x India Project Workshops (Siliguri x1, Kolkata x2, Kolkata surrounds x2) <ul style="list-style-type: none"> ○ 43 LBT participants engaging via: <ul style="list-style-type: none"> ▪ individual interviews and group discussions (n. 6) ▪ lifelines (n. 35) ▪ collages, posters and illustrations (n. 33) • 26x In-Depth Interviews (India) • [Name] website (address) <ul style="list-style-type: none"> ○ 146 LGBTQ members engaging via: <ul style="list-style-type: none"> ▪ 5x online questionnaires (n. 115) ▪ online discussions via website forum (n. 141) ▪ pictures and photos uploaded (n. 87) • 6x street theatre workshops with performances (India & UK) <ul style="list-style-type: none"> ○ 35 LGBTQ participants • 3x desk-based reviews (India & UK) <ul style="list-style-type: none"> ○ Review of global indices relating to LGBTQ equalities (authors, 2015); ○ Review of media discussion of LGBTQ rights and legislation in India (authors 2016); ○ Review of the implementation of equalities legislation in England (authors, 2016).

2.2 Reviewing LGBTQ equalities legislation

In this paper, the specificities of the legislative context in the England^{xii} is the focus of the first analysis section which seeks to trouble the neocolonial imaginings of England. We review the implementation of implementation of the Equality Act 2010 and, to a lesser extent, the Marriage (Same-Sex Couples) Act 2013, both of which are supposed markers of the UK as ‘leading the way’. With regard to the Equality Act, we focus on the Specific Duties of the public sector (Equality Act 2010 Specific Duties Regulations, 2011). This offers direct insight into local governments tasked with implementing key areas of the legislation, and measuring and publicising their progress in doing so. The legislative demands are most clearly spelled out in the Act itself and in a set of guidelines produced by the Government Equalities Office (GEO, 2011; see Table 2, column 1). The data collected indicated a broader issue with the implementation of the Equality Act itself, of which LGBT specific provisions are part. Table 2 shows the criteria used to assess the extent to which local authorities were compliant with measurable requirements of the Equality Act 2010.

Table 2: Criteria Used To Address Specific Duties

Duty as detailed by the GEO	Criteria used in this research	Explanatory Notes
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Set and publish measurable Equality Objectives by deadlines stated in the Equality Act.	<ol style="list-style-type: none"> 1. Has the authority published specific, measurable Equality Objectives by the first and second deadlines? 2. What are these objectives? 	<ul style="list-style-type: none"> • The first deadline (for setting the first Equality Objectives) was April 2012. • The second deadline (for reviewing and updating the Equality Objectives) was April 2016.
Publish information to show compliance with the Equality Duty, at least annually.	<ol style="list-style-type: none"> 3. How is compliance with the legislation demonstrated? 4. Has the authority published annual equalities monitoring of employees? 5. Are there any LGBT staff groups or staff champions? 6. Is the authority accredited by Stonewall? 7. Does the authority provide LGBT-related staff training or development? 8. Does the authority have any other LGBT-related policies, activities or initiatives? 	<ul style="list-style-type: none"> • Government advice does not specify how compliance should be demonstrated. • Criteria 3 and 4 respond specifically to the guidance for public sector organisations set out by the GEO (GEO 2011). These guidelines note a wide array of policies, actions and initiatives which might be part of demonstrating compliance. To ensure that attempts to demonstrate compliance were captured, and to address LGBT-specific actions, criteria 5-8 were developed. • Monitoring is not required to include sexual orientation or gender identity.

Data were initially gathered by visiting all of England’s local government websites (n.353) in turn (following Browne, 2011). The initial website search involved a visual survey, internal searches of the website via embedded search tools^{xiii} and an external search via Google. The latter often returned information not found by the embedded search tool, suggesting that LGBTQ equalities information may be difficult to locate. Where insufficient or no data was found, direct contact was made with the council and a follow up email or Freedom of Information request was sent. The review took place over two phases of data collection, first in late 2014/early 2015, and second in mid 2016, in order to capture changes. However at the second phase of data collection 136 councils (39% of all councils) either did not respond to the researchers’ requests for information or did not provide sufficient information in their answer; and 12 councils (3% of all councils) had virtually no equalities-related information on their websites.

The Marriage (Same-Sex Couples) Act 2013 is also significant in placing the UK as ‘progressive’ in terms of same sex rights and equalities. Although there is no legislative requirement for local councils to provide details about same-sex marriage on their websites, this review also examined how same-sex marriage, civil partnerships and conversions of civil partnerships to marriage were presented on councils’ websites, examining details of how to have a Same-Sex Marriage, how to

have a Civil Partnership and how to convert a Civil Partnership to Same-Sex Marriage. The data regarding public sector equality duties and same-sex marriage were analysed against the criteria outlined in Tables 2 and 3. Local authorities were then assessed as matching one of 5 hierarchical categories (from ‘unaware of legislation’ to ‘full compliance’) (see Table 4). For full details of the review methodology see authors, 2016. The next section will explore the results of the data gathered in relation to geopolitical positions of the UK.

Table 3: Same-Sex Marriage and Civil Partnerships

Civil Ceremony	Criteria used in this research
Same-Sex Marriage	Has the authority provided details about how to have a Same-Sex Marriage?
Civil Partnership	Has the authority provided details about how to have a Civil Partnership?
Converting a Civil Partnership to a Same-Sex Marriage	Has the authority provided details about how to convert a Civil Partnership to a Same-Sex Marriage?

Table 4: Categories of Complying With the Specific Duties

Category	Details
Category 1 (full compliance)	Councils clearly met each of the eight key criteria above, within the specified deadlines
Category 2 (full compliance but April 2016 deadline missed)	As above, but the councils consulted on and produced revised Equality Objectives <i>after</i> the April 2016 deadline (see Explanatory Notes in Table 1).
Category 3 (weak compliance)	Councils met the key criteria but there were a) notable difficulties in identifying or accessing the relevant information ^{xiv} , or b) councils were doing the ‘bare minimum’ in their Equality Objectives ^{xv} or demonstration of compliance ^{xvi}
Category 4 (not demonstrating compliance)	Councils did not meet one or more of the key criteria
Category 5 (unaware of legislation)	Councils did not appear to mention the Equality Act or the Public Sector Equality Duties, or were using outdated legislation instead

Mind the Gap: Implementing Equalities Legislation

There can be little doubt that dichotomies that position certain countries as ‘progressing’ and others as moving ‘backwards’, or as needing to ‘learn’ from particular Western democracies are powerful geographical tropes. These spatio-temporal imaginaries have been extensively critiqued (Puar, 2007; Kulpa and Mizielinska 2011); nonetheless they continue to form an important part of how LGBTQ

politics are globally reconstituted to inform neocolonial imaginaries across and within nation states. In this section, we seek to augment these critiques empirically, by demonstrating that national legislation does not easily, or necessarily, translate into local discourses or associated practices, even while they attempt to be models of global LGBTQ rights.

In our review of English local authorities' implementation of their LGBTQ-related duties under the Equality Act 2010, more than half of local authorities (53%, n. 188) were not demonstrating compliance with the Specific Duties of the Equality Act 2010 and associated Government Equalities Office guidance (2011). Moreover, there was temporal decline in compliance and table 5 shows that the majority of local authorities (53% n. 182) moved down a category towards less compliance in Phase 2 (mid-2016) compared to Phase 1 (early 2015). There was some limited evidence that central government cuts to UK public sector funding and specifically local government played a role, however some local authorities themselves challenged or resisted equalities work rather than blaming funding cuts. Others took pains to emphasise actions they were **not** required to take under the Equality Act. The emphasis in our data appears to be on councils reducing workload, addressing accusations of political correctness, and indeed 'treating everyone the same'. More broadly this lack of compliance, and indeed resistance, indicates an implementation gap in the legislation that questions the impact of the legislation and in turn the categorisation of England (and the broader UK) as inherently and uniformly 'progressive'.

Table 5: Categorising Compliance of Public Sector Equality Duties of the Equality Act 2010

	Phase 1 (Nov 2014 - Jan 2015)	Phase 2 (Aug 2016)	Change within and between the categories
Category 1 – full compliance	68% (n. 239)	27% (n. 95)	22% (n. 21) improved, 78% (n. 74) remained the same
Category 2 – full compliance but April 2016 deadline missed	N/A	16% (n.55)	15% (n.8) improved; 85% (n.47) worsened
Category 3 – weak compliance	8% (n. 30)	4% (n. 15)	40% (n. 6) improved, 60% (n. 9) worsened (Note small numbers)
Category 4 – not demonstrating compliance	22% (n. 78)	50% (n. 178)	1% (n. 2) improved, 30% (n. 53) stayed the same and 69% (n. 123) worsened
Category 5 – unaware of legislation	2% (n. 6)	3% (n. 10)	30% (n. 3) stayed the same, 70% (n.7) worsened (Note small numbers)

When examining local government's commitment to LGBTQ equalities through compliance with the Equality Act 2010, or indeed the other LGBTQ-related work that they were undertaking, only 20 councils (6% of all councils) had Equality Objectives specifically aimed at LGBT people during the first phase of data collection (2014/2015). Only one council had set an Equality Objective specifically with regard to trans people (as opposed to more general LGBT equalities work). In contrast to LGBT equalities work, and linking directly to debates regarding homonormativity, of 153 councils (43%) who provide marriage services in 2014/2015, 62 (41% of eligible councils, including 4 that lacked details even on civil partnerships and/or same-sex marriage) had no details on converting existing civil partnerships to same-sex marriages, an option available in the UK from December 2014. During the second phase of data collection (2016), many of these councils had updated their websites and only 24 (16% of eligible councils) were found not to provide details of civil partnerships, same-sex marriages, and conversion of the former to the latter. Of those councils providing full information regarding same-sex marriages, civil partnerships and the conversion of civil partnerships to same-sex marriages (129 out of the 153 eligible), 21 did not report any LGBT equality work and 19 are doing weak/limited LGBT equality work. Thus, 31% (n. 40) of those councils fully promoting same-sex marriage are either doing no LGBT work or only very limited LGBT work. This demonstrates an inconsistency in response to different pieces of legislation addressing LGBTQ issues, and reveals that while some legislation is widely celebrated and implemented, other LGBTQ work that is more complex and that involves issues of multiple and ongoing marginalisation may be side-lined through poor implementation of supposedly mandatory legislative duties.

Analysis of differences in sexual (and gender) progress can be premised on national assumptions of legislation as creating local change, such that those with legislation are seen as more 'progressive' and creating 'better' lives than those without. These can become crucial in the circulation of progress/backward narratives in global LGBTQ politics and policies. Yet this section has highlighted an implementation gap and disjointed engagement with legislation that poses fundamental questions to those measures of progress. Thus, 'progressive' national legislation may be passed but not implemented locally, or implemented weakly, questioning comparative measures that rely on these laws to evaluate social justice. It has also demonstrated that local government engagements with equalities legislation can deteriorate over time, and in this way challenge the presumed trajectory towards and completion of sexual and gendered equalities. This brings into question the limits of legislative change when examining what makes lives liveable. Whilst there can be little doubt that academics have been critical of legislative changes and the normativities they bring, investment in legislative change has driven some aspects of LGBT politics. Such a spatio-temporal analysis augments work that has sought to query hierarchies based on sexual progress (Kulpa and

Mizielinska, 2011; Puar, 2007), illustrating not only that legislative change can have differential impacts on lives, but also that its implementation is not uniform and that it does not go uncontested.

We are not arguing however that the legitimacy of progress measures ought to be dependent on their full implementation. Instead, we are questioning the very *premise* of progress measures and the oppositions that they rely on and create. Whilst they may be used to ensure accessibility to rights and opportunities – such measures can also become the basis of global development policies that are informed by neocolonial imaginations. Whereas India can remain one of ‘the most homophobic countries in the world’, despite progressive trans legislation, England remains progressive, despite the failures and resistances of local government in implementing and monitoring equalities legislation. .

3. Legislative Limits and Liveability

Recognising the limits of juridico-legal measures, is a crucial part of analysing the limits of legislative change, but implementation, alongside the presence of legislation, is not sufficient to understand what makes lives liveable. The concept of liveability enables a refocusing on lives and lived experiences, beyond and yet including legislation and its implementation. Liveable lives are lives that are more than just ‘bearable’ (Butler 2004) and they transcend normative routes to happiness (Ahmed 2010, McGlynn et al. under review). Judith Butler has posed the question “what is a life” (Butler 2010: 1) in order to throw a critical light on the ‘value’ of human lives, what we consider as ‘human’, and which lives count and which do not. According to Butler (2010), the “good life” is what is available and/or granted only to people whose lives are already possible. For a life to become a life, Butler (2004: 39) asks us to consider ‘what humans require in order to maintain and reproduce the conditions of their own livability’. The notion of liveable life deals with figuring out ways to survive and persist, “to become possible” (ibid, 31), but also moves beyond this towards understanding what is ‘really living’. Following Butler, legislation, (we would add including implementation) and legal recognition are key parts of liveability, as to achieve it one needs be recognized as having a life, but we emphasize that legal recognition alone is not sufficient for liveability. In this section we draw on data generated through the project’s other methods – the project workshops, the in-depth interviews, and the Liveable Lives website (see Table 1) – to empirically demonstrate how that which makes life liveable is created in relation to, but not determined by, legislative contexts.

This framing of liveability enables an exploration of the enactment of legislation, illustrating that recognition may not be afforded locally or in everyday life, even if it is ostensibly given nationally

(and of course vice versa). Yet the importance of legislation, as well as its limitations, is clear when asking LGBTQ people what makes life (not) liveable in India and the UK:

Researcher: If you are unwell then what keeps you so?

Prerna: On a personal level I am not unwell. On a political level I am really unwell. Political and social saffronization is not letting me stay well. Gender-discriminating social structure is also not letting me stay well—and 377. I think, my sexual orientation is not something I will talk about with everybody, and neither will I want to hide it. So actually maybe 377 is not something that waits beside my bed—but the fear is still there, that I am being forced to be something, I'm pushed to carry something heavy! This pressure, these norms are what keeps me unwell.

(Project Workshop 9 – Kolkata, India)

For a number of participants from West Bengal, right-wing and conservative national politics that regulate gender and sexuality and keep checks on deepening democracy in general push individuals 'to carry something heavy'. These impact on liveability or, in Prerna's terms, what keeps them un/well. However, at the same time, progressive legislation is not the panacea for 'lightness' and 'wellness' - the same participant mentioned that on a *personal* level, she was well. The concept of liveability can enable a consideration of this complexity both well and unwell, not recognized, heavy but also 'not unwell' personally. Liveability in our conceptualization refuses the binary or either /or, and instead considers the possibilities of both.

In the UK, legislation was not seen to be enough to make life liveable. Even if it might create viable lives that are 'possible', they may not be lives that are a life – that 'feel like living'. Liveability allows us to account for broader cultural changes, as well as individual's experiences of gender and sexual discriminations that can otherwise be overlooked in categorisations of progress:

Respondent #6: The law may have changed but we continue to play catch up with 'hearts & minds'

(Online Questionnaire 1, UK)

Sarah: Legal things changing, people can think that everything is okay just because people are married obviously, but you're living next door to a bigot or somebody that thinks it's disgusting. The issues still remain for people.

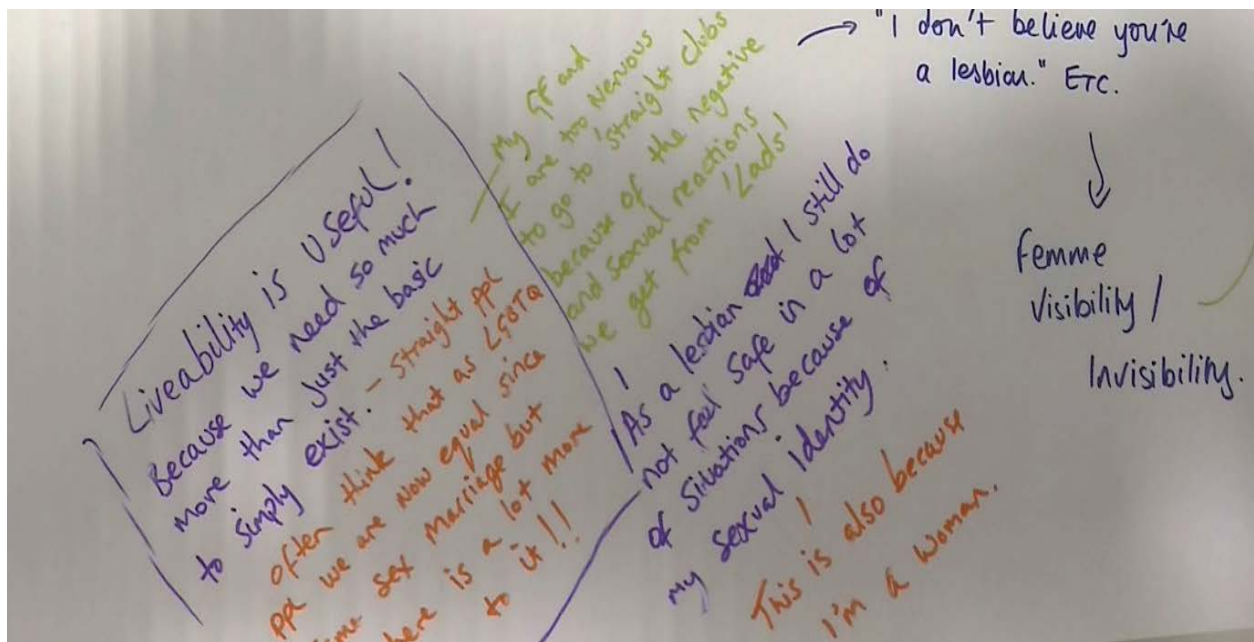
(Project Workshop 1 – Brighton, UK)

As many academics have argued, changing legislation does not necessarily change all LGBTQ people's lives for the better (Browne and Bakshi, 2013; Warner, 1999; Duggan, 2002). In Sarah's words 'issues remain'. 'Hearts & minds' create an other that needs to be changed, everyday realities of 'living next

door to a bigot' are not reflected in discourses of progress (and indeed may not be accounted for in discussions of homonormalisations where privileged positions do not protect you from everyday homo/bi/trans-phobias). Exploring what makes life liveable, however, can engage with multi-layered recognition that address legalities, personal relations and ongoing cultural prejudices, including that manifest in and by your next-door neighbour.

Figure 1 also illustrates a number of key issues from 'straight people' believing 'we are now equal', with 4 different sets of writing noting the inequalities relating to lesbian experiences because of the intersections of gender and sexual lives. The presumption of legislative equality as a panacea is shown to be an illusion for these UK participants. Indeed, in Figure 1, the concept of liveability is highlighted as necessary because 'we need so much more than the basic[s] to simply exist'. Moving beyond a bare life of legal recognition focuses on a life that is a life.

Figure 1: Excerpt from Free Writing sheet (UK Project Workshops)



Academics and activists have increasingly stressed the fact that along with identifying and documenting instances of exclusion it is also important to question selective *inclusions*, particularly those obtained through legislative reforms. Supposedly inclusive legislations can reiterate existing power relations creating new (stigmatized) others, and/or demand sameness/normalisations that undermine the differences that constitute vibrant societies (Duggan, 2002; Richardson, 2005; Richardson & Monro, 2012). The criteria that are used to grant the status of 'human' to one individual may deprive another individual that same status (Butler, 2004, 2009):

“I want to maintain that legitimisation is doubled- edged: it is crucial that politically we claim intelligibility and recognisability; and it is crucial politically that we maintain a critical and transformative relation to the norms that govern what will and will not count as an intelligible and recognisable alliance and kinship.” (Butler, 2004: 117)

Or as Marisa argues:

Marisa: This so-called progress that we make in time, I feel like it's always to the detriment of other people. So if we think of like gay marriage is great and like I'm really happy it exists in some places, but like yes then what about people who don't want to get married and who don't fit that also monogamous way of living, the nuclear family as the one place in society that remains indestructible and what does it mean if you actually consider your family a social sphere that is broader than actually the nuclear family? Then how do you make your life liveable that way? In social change activism you actually push for things but I know that by pushing some things, I'm actually acting for the detriment of other people. It's like you're othering people by creating yourself or your group or your community as acceptable and yeah I find it really hard to accept.

(Project Workshop 7 – Hull, UK)

Some who were once sexual and gender dissidents can become part of a 'new normal', leaving others who remain outside such norms potentially more vulnerable because LGBTQ people are now seemingly as equal in the eyes of the law. Marisa and others in England noted that the same sex marriage legislation is core to supposed societal acceptance - for some. Their happiness about its existence in 'some places' was tempered against the ways in which it reconstructed normative coupled family relations (see also Gorman-Murray 2007; Oswin, 2010; Wilkinson, 2014). This data points to the complexity of legislative inclusions, which are deeply desired and fought for in India (as they were and are in the UK), but do not lead to utopia or necessarily liveable lives in the UK, nor lives that are not liveable in India.

The assumptions that legislation necessarily eliminates violence directed at sexual or gender minorities (by your next-door neighbour and others), or deals effectively with conditions of neglect and abjection have been critiqued (Perry, 2001) and, as Gavin Brown and others have argued, *geographically* assessed (Brown, 2009; Oswin, 2008). LGBTQ people in our research across different legislative contexts continued to be subject of humiliating experiences, often brushed off as a 'joke' and therefore rendered difficult to challenge:

Heidi: There's homophobia in totally different ways. Like at work. I always feel the need now to go into work and you're like, 'Hi. How are you?'. I'm like, 'Hi. I'm a

lesbian.’ It’s just out there then and then the banter can commence where I will happily join in in taking the piss out of myself because it’s easier than being like, ‘Please don’t offend me because that’s really hurtful’. I had a manager, refer to me always never by my name, but always as lezzer, and I laughed at that but then I look back at that and I’m like, ‘That’s not fine. That’s really not fine’, that type of homophobia absolutely exists. As one person you’re vulnerable. You go along with it because you’re like, ‘I don’t know how to challenge this in a way we don’t come across as an angry lesbian’.

(Project Workshop 3 – Southampton, UK)

Ishika: At my work space, my sexuality...because I have never been very shh shh about it... it has turned into kind of a private joke sometimes. Like, sometimes everybody is okay...you are like this, very good, we are like this supportive people, but suddenly...some below the belt jokes and you know they are about you. At that point you feel very hurt. it’s very insensitive, it’s uneducated and I absolutely get very furious about it.

(In-Depth Interview – Kolkata, India)

These quotes invoke the everyday realities of being ‘other’ and ‘not normal’, the slow and continuous effects of being the butt of the joke. Experiences such as these structure your daily life, such that you may not even notice. Indeed, you can presume them to indicate true ‘acceptance’. But being the butt of the joke can have damaging effects (see Burn et al, 2005; Nadal, 2013; Shangrila, 2015) - the idea of a sexual or gender identity as part of a joke indicates how these differences continue to be seen. In spaces where people are ostensibly ‘supportive’, there continue to be issues with who is ridiculed, and how. Moreover, in working across India and the UK we see commonalities that move beyond legislative inclusions/exclusions. (Supposed) acceptances in workplaces are apparent in both narratives, challenging stereotypical views of ‘backward’ India, conversely Heidi and Ishika share the limitations of these acceptances. The limits of LGBTQ acceptances and inclusions was highlighted by other participants:

Patricia: ‘So I feel like they all feed each other and I do feel like, yeah, maybe there’s less to fight in terms of you have less chances to get murdered in the street because you’re gay, but in the meantime there are less things I feel they’re just more subtle and people tend to give up about it because they feel like it’s becoming okay but I feel like this one is actually going to come back.’

Tim: 'I think you're absolutely right. I think that's when people say to us about, you know, we've got an LGBT forum, we've got Pride, you know, 'Why do you do that anymore? Don't need that anymore. You don't march, okay, have a party instead'... We have some people sort of think, 'Well you don't need that kind of support anymore. You've got what you need. You're where you want to be', but we do need to keep an eye on things... I think we need to just watch that plate spinning on the stick and just keep that going because as soon as we take our eyes off that, it's going to crash, and that's what worries me.'

(Project Workshop 7 – Hull, UK)

Patricia and Tim's concern that 'this one is actually going to come back' regarding the stigmatisation of LGBTQ people is a necessary counterpoint to the idea that there has been successful and *irrevocable* social, legal and political change to the benefit of all LGBTQ people, in the geographic context of the UK. The idea that LGBTQ people don't need support, and the image of a plate on a stick, indicates the precarious feelings associated with legislative change, as well as challenging the experiences of legal equalities as negating all forms of support that currently exists. In contrast to the legal recognition that Patricia and Tim enjoy, this precarity rests on unresolved tensions and prejudices that have been driven underground, but are 'actually going to come back'. In this sense it differs from the precarious lives in Butler's discussions, nonetheless this precarity creates a symbolic order that guides practices moving the relationships between vulnerability and precarity that create the conditions of liveable lives within recognition.

It is clear that legal changes alone do not make lives more liveable. Similarly, the *absence* of legal protections did not necessarily make life *not* liveable. The desire to live a life that is worth living is not always tied to the presence *or* absence of legislation. In our study, it was also tied to individual circumstances and the need for recognition, acceptance and support from family, community and collectivities, as Subhra argued:

Subhra: So my liveability depends initially on this support system. And only then I can take on the structure. I cannot think about bringing structural changes all alone without any anchor. It must be on an organizational level... As important as waiting for the law to change, the government to overturn its policies—acceptance in the family...[is] inhabiting those small spaces...it gives us more air to breathe.

(In-Depth Interview – Kolkata, India)

Subhra points to the place of support systems in fighting for and engaging in social change and structural change. Creating support that may be beyond legislation points to an important rejoinder to the limits of legislative implementation. Subra's engagement with micro spaces to create national

and global changes points back to the place of 'hearts and minds' in creating social change that UK respondents discussed, emphasising commonalities across difference. Subhra believes that in breaking the heteronormative imaginations in small ways, to be able to poke holes in dominant orders, opens up spaces that can not only disrupt hegemonic and repressive normativities, but also make lives more liveable. Indeed engaging in the process of disruption can make lives more liveable through creating meaning:

Sumita: Living is something meaningful, a meaningful life...it need not be all sunshine and puppies, but something, good or bad, that adds a new meaning to my life, then even if I lead a hard life, it would be a life worth living for. And as for surviving, we cannot just divide life into good and bad, the world is not black and white...so surviving is the daily life I lead, a strategy to go on...I cannot live the way I want to at this moment, it's wishful to think everything will go my way whenever I want it to. But I live on hope, and that's how I survive. I ready myself, and I go right back up no matter how many times I have fallen down. So it's a positive thing for me.

(In-Depth Interview – Kolkata, India)

The struggle to in Butler's words (2004: 31), 'become possible', may not create a happy life (McGlynn et al., under review), but it may make a liveable one. For Sumita even a hard life can become a life worth living for, a meaningful life. Questioning the binary of living/surviving, Sumita points to how life can be simultaneously liveable and bearable. A meaningful life may not be an easy life, and indeed legislative progress may hinder the creation of a meaningful life even if you are legally recognisable. Our data shows that in the UK LGBTQ people were relegated to the butt of jokes that you need to 'get over' because 'you have everything you need' in legislative terms. Butler (2004: 39) asks us to consider 'what humans require in order to maintain and reproduce the conditions of their own livability'. This can be understood in two senses: one that indicates the *bare minimum*, and another that indicates the *optimal* conditions required by humans to maintain and reproduce life favorably. Here, Sumita queries the divide between the optimal and the bare minimum, seeing these as mutually dependent and also as varying temporally and spatially. A liveable life may neither offer recognition nor be good, but may still be meaningful and positive. Emphasising the fluidity, precarity and mobilities of liveabilities is not to preclude legislative acceptance as a means of making those recognizable, who were once unrecognized. Instead it is to point to the problematic assumptions that legislative change is a panacea for all, even those who may ostensibly benefit from it.

Engaging with everyday and ordinary^{xvii} life-worlds through a concept of liveability pushes against the binaries of inclusion/exclusion and precarity/vulnerability, but also survival/livability. Conversely

developing the concept of liveability as fluid means investigating when and where lives become liveable in ways that cannot be predicted or proscribed and can vary across lifecourses. This section has worked transnationally to create insights into the commonalities across difference. It has done this by putting UK participants into conversation with those from India, showing how liveability can be thought through respective participants' narratives without negating cultural differences. This in turn queried the linear ordering of nations and populations along the progress/backwardness discourses, seeking to disrupt neo-colonial hierarchies. The empirical data refused to see the UK as inclusive and India as exclusionary, instead exploring liveability's decolonial potential recognised the import of legislative inclusions, as well as their limitations.

Conclusion

England and India can be set as opposites in neo-colonial measurements of sexual progress. These are not geopolitically neutral quantifications, instead they reflect neo-colonial power relations that see some countries as progressive and others as backwards. This paper sought to move beyond these oppositions to develop new ways of exploring sexual and gender lives through developing decolonial thinking alongside liveabilities. To do so, it began by deconstructing English claims of legislative superiority by empirically demonstrating a geographically specific implementation gap. This develops decolonial engagements with sexualities by focusing on those who have seemingly 'progressed' illustrating that the spatio-temporal specificities of legislative recognition (and local resistances to equalities legislation through not implementing it) defy national narratives of superiority. This implementation gap opens up a space to investigate the limits of legislative change *within* the Global North, as it demonstrates that recognition is geographically contingent.

There has been significant critique of legislative inclusions as a response to social exclusions that require systemic change (often framed through Duggan's, 2002 discussion of homonormativity). In seeking a lens through which to explore transnational sexual lives beyond inclusion/exclusion, the concept of liveability was developed as an epistemological optic to understand the heterogeneity and thereby different marginalizations around LGBTQ lives, both across and within nations. Following Butler, who sees the import of recognition, but rejects restrictive recognitions, this paper showed that legislative inclusions are valued and sought, and disregarding the possibilities it affords is problematic. In Prerna's terms legal exclusions 'keep her unwell'. The answer to the limits of legislative inclusion is not exclusion or a lack of recognition, but neither is juridico-legal change a sufficient engagement with sexual and gender inequities.

Conceptually then liveability enables us to name and explore more than inclusion, without negating legislation, overlooking the precarity Tim and Patricia feel or presuming everything is 'sorted' for those

who benefit from legal recognition. Liveabilities names what is desired beyond legislative inclusions, because we have argued that it enables a focus on more than a 'bare life', more than legal recognition and local government implementation, and seeks in Sumita's terms 'a life worth living'. Yet as Sumita notes the separation of liveability and survival can also be brought into question indicating the precarity that can wait around the corner. Lives made meaningful through struggle may well be liveable, contesting the binary of bare/liveable lives, and asking for more in the conceptualization of complexities of what makes life liveable. Liveable lives then are conceptualised here as mobile, fluid and contingent, they can be informed by legislation, but they cannot rely on legal recognition.

Liveable lives can be achieved socially, and viability does not only exist in the legal realm, and for example being given 'air to breath' by support systems (Subhra), indicating that recognition is multifaceted and layered. Such a move opens up questions of social justice and how a liveable life is, and might be, pursued collectively within and beyond political and social movements, emphasising the importance of connections in recognition and making lives liveable.

These connections can be local, but in disrupting the hierarchies of progress/backwardness, we would also argue that they can be transnational. Reading liveability through a decolonial optic not only augments contemporary engagements with what makes lives liveable, and where. It also shows that commonalities exist in ways that might not be countenanced where one country is seen as 'in need of help' and another as a 'beacon of progress'. Yet our data highlighted, for example the similarity of discussions of being a 'joke' in Heidi and Ishika's lives. Transnational decolonial frames of liveabilities that do not seek sameness, but instead explore shared experiences can be used to create transnational connections that contest the neo-colonial hierarchies of progress. This refuses a politics of here versus there, them versus us, and a colonial desire to 'save' LGBT people elsewhere. A decolonial optic on liveable lives thus has the potential to rework geographies of socio-sexual justice through seeking commonalities and connections, rather than comparisons and oppositions.

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ⁱ The nature of this unease has been variously described by xxx

ⁱⁱ Trans and genderqueer inclusions are rarely referenced in this context.

ⁱⁱⁱ The colonial matrix of power is an assemblage of various relations of power, including gender, sexuality, race, capitalism (Lugones 2010; Bacchetta 2016) and caste; these relations while characterizing colonialism, is extended into current discourses and practices (Bacchetta 2016).

^{iv} See Banerjea and Browne 2018, Boyce and Dasgupta 2018, Boyce and Dutta 2013, Browne and Banerjea, et.al. 2015, Rao 2014.

^v See Boyce and Dasgupta 2018.

^{vi} It could be argued that much sexual politics has been located in the realm of liveability, where the focus has for many been beyond and outside of judicial rights. One reviewer of this paper pointed to the parallels between liveabilities discussed here and the 'vast majority of empirical research focused on liveability in the absence of legal protections, including avoidance of homophobic or transphobic violence, passing, and of course the AIDS crisis. Moreover, early gay liberation movements had varieties of demands that spoke to liveability, like being able to hold hands in public.' This is an important insight and although beyond the scope of this paper, it is clear that such an examination of the materialities and would augment the literature in rethinking liveabilities through historical social movements and sexual liberation politics before legal recognition was perhaps conceivable. This paper takes a different focus in engaging with contemporary geopolitical landscapes that define inclusion/exclusion and progress/ backwardness through current legislative frames.

^{vii} Throughout the research project on which this paper is based, we have used the spelling liveable rather than Butler's livable. This 'e' whilst minor for us indicates a focus on lives, materialities and contexts, drawing on the crucial theoretical insights developed by Butler.

^{viii} We would query the potential binary between liveable/unliveable, where life may be both simultaneously. Instead we speak about what makes life (not) liveable.

^{ix} We use transnational as a methodology to put in operation our decolonial critique as a way to dialogue and create knowledge from our places of colonial difference. An elaboration of this methodology can be found in our other writing (see Authors, 2017; authors, under review).

^x Yet this verdict was explicitly worded so as not to interfere with the recent re-criminalisation of IPC 377 (Sheikh 2014 - http://orinam.net/content/wp-content/uploads/2014/04/nalsa_summary_danish.pdf).

^{xi} Removed for anonymity

^{xii} The focus on England as the most populous of nations within the UK, also enabled insights into a country that sits between the legislative programmes of Northern Ireland which refuses to create certain legislation, such as same-sex marriage, and Scotland, which can often be ahead in terms of legislative equality reform. We did not include Wales as it has the same legislation in this area as England, but was beyond the scope of data collection parameters.

^{xiii} Search terms included LGB, LGBT, lesbian, gay, bisexual, trans*, queer, Stonewall, Equality Framework for Local Government, EFLG, Public Sector Equality Duty, PSED, Equality Act and equalit*. An asterisk (*) indicates a wildcard search which would find the searched term plus all possible suffixes – therefore 'trans*' would find trans, transsexual, transgender etc. Not all embedded search engines permitted wildcard searches and therefore manual searches for key suffixes were necessary. Note that EFLG searches proved particularly important as these results sometimes included valuable equality-related information which was not available on councils' main equalities webpages.

^{xiv} This includes many (but not all) councils which said that their Equality Objectives had been 'mainstreamed' via their overarching corporate or institutional objectives. The Equality Act 2010 (Specific Duties) Regulations 2011: 3.3 require that set objectives be 'specific and measurable', and when 'mainstreamed' in such a

manner it often became unclear which of these corporate objectives were to be taken as Equality Objectives (thus not specific) and therefore also unclear how these were to be engaged with and accounted for with regard to Protected Characteristics (thus not measureable). Not all councils which 'mainstreamed' their Equality Objectives fall into this category, as some did clearly identify them and show how they were to be engaged with (thus specific and measureable).

^{xv} This includes councils which set only one or two extremely broad and dubiously measureable objectives; objectives which simply repeated the three General Public Sector Equality Duties; or objectives which did not appear to address the protected characteristics of the Act specifically (such as commitments to reduce obesity or support business).

^{xvi} This includes councils which produced only cursory evidence such as a single short Equality Impact Assessment.

^{xvii} We use 'everyday' as a temporal marker and 'ordinary' as a state of being.