

Remarks to the Equality Forum World Summit 2012 Panel on Legal Issues

May 4, 2012

---

Hi, I'm Katherine Franke from Columbia Law School, and I'm sorry I can't join you today in person at the Equality Forum's panel on legal issues, I want to thank you for indulging my presence by video.

As you no doubt know, the Equality Forum has chosen Israel as it's featured nation this year, and for that reason I thought this was a good opportunity to talk a little bit about the state of gay rights in Israel/Palestine. Last January, I was part of the first lgbtq delegation to the West Bank – 16 of us, academics, artists, journalists, community leaders, and even a lesbian rabbi – visited Palestine and Israel in order to get a first hand sense of lesbian, gay, trans and queer politics in the region. While we were there Tel Aviv was voted in poll to be the “world's best gay city.” Lesbians and gay men have been openly serving in the Israeli military for years, same-sex couples' marriages have been recognized by the state for some time, and Israel has much better sexual orientation discrimination laws than we do. The Israeli Ambassador to the U.S. Michael Oren often notes that, in his words: Israel “provides shelter to Palestinian homosexuals seeking safety from Islamists in the West Bank.”

Given all of this, I was really curious to hear what queer Palestinians had to say about the struggles they face. I met with Israeli gay activists in Tel Aviv, as well as the members of Al Qaws, the Palestinian lgbtq group based in Ramallah, and Aswat, an organization of Palestinian lesbians who are citizens of Israel and is located in Haifa. What they told us, and what I witnessed, complicated the story of gay rights in the region considerably. Here are some highlights of what I learned:

While Tel Aviv may have a hot and hunky gay bar scene – the tolerance or acceptance of homosexuality is not as common elsewhere in the country. Israel, like the U.S. is a complex place, and is increasingly religiously conservative – in fact when I was in Jerusalem I saw that many of the public busses are now sex segregated, men sitting in front, women in the back, and in one Jerusalem neighborhood women are banned from walking on the main streets entirely so as to avoid men having contact with them. A recent report documented that almost half of the out gays and lesbians serving in the Israeli military have been sexually harassed by other servicemembers, and a member of the Knesset and Education Minister recently said that gays “are not people like everyone else,” that we are an abomination. Ambassador Oren was mistaken when he said that Israel gives asylum to gay and lesbian Palestinians. Israel does not grant asylum to any

Palestinians, regardless of their sexual orientation, and in fact won't even let an Israeli who marries a Palestinian share their Israeli citizenship with their spouse. Tel Aviv may have a great gay scene, but most Palestinians will never see it since, regardless of their sexual orientation, because they are not allowed to pass through the checkpoints and the Wall to enter Israel from the West Bank.

What I learned from the queer Palestinians I met was that gay rights organizing in Palestine has to be understood within the context of the Israeli occupation. The Occupation is a totalizing experience – permeating all parts of life for Palestinians. It is impossible for them to isolate their gay or lesbian selves for special legal and political treatment, but rather the fight for sexual rights is part of a larger struggle for Palestinian self-determination and freedom. Let me give you a particularly salient example: Since 2000 Shin Bet, the Israeli security service, has had a policy of blackmailing Palestinians who are gay or who are perceived to be gay and threatening to out them unless they become informants against their own people. For this reason, gay people in Palestine have a reputation as collaborators with Israel – so some of the homophobia gays and lesbians in Palestine experience is the direct product of the occupation itself.

The Palestinian queers I met made clear that the last thing they want is to be rescued “as gays and lesbians” by the international human rights community. In a region that’s already so defined by identity-based binaries, such as Israeli/Palestinian, Jew/Arab, peaceful/terrorist etc, to introduce another identitarian form of politics, gay/straight, is dangerous and does a kind of violence precisely to the people the “gay rights” movement wants to help. They see their work as necessarily queer in so far as they are seeking to break down these binaries in favor of a kind of shared humanity, and shared territory that isn’t split up based on identity. I found the Wall to be an incredible metaphor for the way people and land are separated from one another based on identity.

The last thing I want to say is to explain why I’m not attending the panel today. You may or may not know that the Equality Forum has come under strong criticism for its selection of Israel as its featured nation, and particularly its selection of Michael Oren as the keynote speaker. Palestinian Queers for Boycott, Divestment and Sanctions of Israel, or PQBDS, has urged the gay community in the U.S. to become more aware of how we have become an unwitting partner in Israel’s efforts to improve its much-criticized human rights record – especially with respect to the Palestinians. Through a policy that some have called “pinkwashing,” Israel

has self-consciously sought to rebrand itself as less religious, less militaristic and less hostile to its neighbors, and in so doing wants to deflect attention from the International Court of Justice and UN Human Rights Council's findings that many of Israel's policies with respect to the Palestinians violate international law. Through events such as the Equality Forum's celebration of Israel this week they have enjoined the U.S. gay rights community to become cheerleaders for Israel. It's one thing to express our solidarity with gays and lesbians in another country such as Israel, it's quite another to become pawns in that country's foreign policy strategy.

While it may seem natural for gays to side with Israel, after all they have such good gay rights laws, this support reflects a major weakness of so many human rights movements that tend to prioritize their own struggles without considering the ways in which all forms of discrimination are linked. In Israel/Palestine gay rights and human rights more broadly are necessarily connected to one another, and treating one domestic minority well does not excuse or diminish the immorality of the state's other rights-abridging policies. Had South Africa enacted good gay rights laws during the Apartheid era no one would have seen that as excusing their treatment of black and colored people. For this reason I have chosen to honor PQBDS's request that we boycott the Equality Forum.

To uncritically celebrate Israel at a conference organized around notions of equality and liberty, and have Michael Oren serve as the keynote speaker at the “international equality dinner,” is taken as a slap in the face by our queer brothers and sisters in Palestine as well as by the queers within Israel who are actively seeking a just resolution of the Israeli/Palestinian conflict. By avoiding any programming that offered a balanced view of the human rights record of its “featured nation” the Equality Forum lost an important opportunity to be a leader in the international gay human rights movement, and instead allowed itself to be used as a part of Israel’s larger efforts to deflect criticisms of its human rights record.

I say these things mindful that when I have talked in other venues about our trip in January and have tried to paint a picture of the complexity of gay rights in the region my comments have been met with some of the most intense criticism in my career – I have discovered how hard it is to express any criticism of Israeli state policy or any sympathy toward the plight of the Palestinians without being called anti-semitic. There must be some room in our community to have a mindful and critical conversation about the politics of this region that does not get immediately labeled racist or hateful. While not all of you may want to support the BDS movement as I have, I do hope you’ll take the time to learn more about al Qaws, Aswat,

PQBDS, and attend the panel on lgbtq rights in the region being held at 3:00 tomorrow at the William Way Community Center.

Thank you.