Policing Sexuality: Sex, Society and the State


Why do states regulate sexuality? This is the question Julian C.H. Lee asks at the beginning of this wide ranging discussion of the legal and social regulation of sex and sexuality by the state. Using case studies from countries as diverse as Malaysia, Turkey and the UK, Lee provides an introduction to sexuality and its regulation which should be accessible even to laypeople and does certainly provide some interesting insights even to those with an academic background in law, politics or sexuality. In its intention to illustrate the regulation of sexuality with case studies from different countries this book is comparable to Rosie Harding’s recent book Regulating Sexuality: Legal consciousness in lesbian and gay lives (2010) which explores some of the more recent legal reforms affecting Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning (LGBTIQ) people in Britain, the US and Canada. However Lee’s book distinguishes itself by including women’s rights in his analysis of sexuality and also considering a much wider range of countries and issues.

Inspired by his academic research about the regulation of (sexual) morality in Malaysia (p. 2), Lee set out to give a brief outline of the ways in which states seek to regulate the sexuality of their citizens and the social and political reasons for why they might wish to do so. He begins his analysis by providing an overview of some of the main theories about sex, gender and sexuality from authors such as Butler (p. 17), Foucault (p. 22) and Levi-Strauss (p. 31). These first two chapters are probably the densest and most complicated parts of an otherwise very readable book, as it is understandably very difficult to summarise the entire works of Foucault or Levi-Strauss and their criticisms in two pages without presuming at least some foreknowledge about the subject matter. However for a text aimed at laypeople rather than academics, these chapters certainly provide a good foundation and summary of the main theoretical issues which impact the case studies in the latter chapters of this book.

Chapter three provides an introduction to some of the issues that are discussed later on in the specific case studies. Lee briefly outlines factors that can influence the way in which states regulate sexuality and focuses in particular on the impact of religion. The case studies about the regulation of sexuality in India, the USA, Malaysia, Turkey and Britain discussed in chapters four to eight are certainly the most interesting part of this book. Considering the fact that texts about sexuality generally focus on either a western context or on one specific example from a non-western country, Lee’s analysis of such a wide variety of phenomena, such as impact of technology on the emancipation of women in Malaysia (p. 103) and the effect of the EU on the legal regulation of honour killings in Turkey (p. 116), is almost unique. Lee provides some fascinating insights into the diverse elements which influence politics and governmental regulation and which many readers may not be aware of such as his analysis of the increasing dominance of conservative Islam over the political discourse of Malaysia as a response to colonialism and westernisation which is now leading to a much stricter regulation of sexuality and gender roles than was the case 200 years ago.

In chapter nine of the book Lee provides a summary of some of the themes which have emerged in the specific case studies. This chapter neatly compares and contrasts the different issues he discusses in the previous chapters which can at other times appear somewhat disjointed. He cites concerns about the nature of marriage (p. 134), religion (p. 135), socio-economic changes (p. 136), the disparate nature of states (p. 137) and the impact of other states (p. 140) as the main factors which influence the regulation of sexuality in one way or another. Due to the different nature of the wide range of case studies it is obvious that they are not all comparable in the same way, as such Lee acknowledges that the impact of religion on politics for example is very different in Britain than in Turkey. Nevertheless, this variety of case studies also allows him to consider issues such as the rights of women and LGBTIQ people from many different angles without necessarily going into too much depth or requiring a lot of theoretical knowledge on behalf of the reader. Even for those not
interested in the theoretical foundations discussed in the first chapters these case studies are certainly worth a read as they provide an insight into a range of non-Western countries and their approach to the regulation of sexuality which shows some interesting differences and similarities to the approach taken by most Western countries. In the final chapter Lee provides a brief summary of the advances made by advocates for LGBTIQ and women's groups and the regulation that is being created to protect people from discrimination on the basis of their sexuality or gender such as the Yogyakarta Principles.

Lee himself acknowledges that he generally does not differentiate between issues and laws affecting one group in a specific way, for example a ban on male homosexual conduct and issues which are affecting a variety of groups in different ways, such as rigid gender roles as the basis of a society (p. 3). This is perhaps one of the main criticisms that could be made of this book; due to the brevity and introductory nature of this text, the case studies tend to focus on one specific issue or law to the exclusion of all others, e.g. the discussion of the Wolfenden report in chapter eight (p. 122), which primarily deals with the regulation of male homosexuality in the UK. However, due to Lee's stated aim to provide an introductory text which would be accessible to non-academics and students (p. 2) and the sheer breadth of the subject matter it is understandable that he had to prioritise some issues over others. As a result this book is not as detailed in its analysis as for example Family Law, Gender and the State (Diduck and Kaganas, 1999) which provides a more thorough analysis of the regulation of sexuality, however it only focuses on English law rather than comparing different jurisdictions as Lee does.

In Policing Sexuality Lee certainly achieves his aim of creating an introductory text for people interested in this area but who do not have an academic background in it. He very efficiently outlines the ways in which different states regulate sexuality and the diverse reasons behind such regulations. He provides a good overview of the most important issues and theories within this area without presuming a lot of prior knowledge. Additionally due to the diverse and interesting nature of his case studies this book also provides some insights into issues with which even experts are unlikely to be entirely familiar. Although his analysis mainly constitutes a summary of some of the prominent debates in this area rather than an entirely new theory or interpretation, his comparison of multiple countries and a variety of issues around sexuality makes this book much more than just a good introductory text.

Bibliography