

WE WHO FEEL DIFFERENTLY

INTERVIEWS

The worst thing we can do is to lean back and say: “The war is over. We won and now everything is good.” On the other hand, we can't ask young LGBTs to keep fighting. They also need to lean back and say: “I live in a society where I am accepted. I can relax. I can hold hands. I can live a very good life.” There are so many examples of gays and lesbians that live brilliant and very open lives.

An Interview with Kjell Erik Øie

October 31, 2009
Kjell's Home in Oslo, Norway

Kjell Erik Øie: My name is Kjell Erik Øie. I have been working on gay and lesbian issues from two different positions: I was the president of the *National Lesbian and Gay Task Force* in Norway for four years, from 1987 until 1991, a period in which we worked on advancing legislation regarding LGBT rights. Previously, I had held two positions in the Norwegian government, first as Deputy Minister at the Ministry for Children and Equality and later as a political advisor to the Minister.

Carlos Motta: When did you work at the *National Lesbian and Gay Task Force* and what were you working on at the time?

KE: We had two national gay and lesbian organizations in Norway at the time: A big one, which I was in charge of and a smaller, more informal networking organization. These organizations merged a couple of years later. There were two main pressing themes at the time: HIV/AIDS and the Partnership Law. When I resigned in 1991, I continued working on the latter issue, as a part of a group called the *Partnership Group*, a group formed by gay and lesbian activists that were appointed by the organization to coordinate and work on achieving partnership rights. In 1993 we managed to be the second country in the world to get such a law. The Partnership Law was similar to the Marriage Act Law, which came later, except for two things: We didn't get the right to adopt children and we were not allowed to get married in the Church. Besides from that, it stated that gays and lesbians that lived in partnerships had the same rights and obligations as heterosexual people that were married.

CM: When you arrived at the organization, what were the issues at stake?

KE: There had been a long political debate within the organization about legislations. The members of the organization didn't agree among themselves: There was a strong part of the organization that was against everything that could look like a marriage, because they said that marriage was a straight institution that oppressed women and that we should fight for a society where people have individual rights. At the same time, the gay and lesbian movement wanted to have a law that would regulate partnerships for same sex couples. The question that I and other

WE WHO FEEL DIFFERENTLY

INTERVIEWS

people started to ask was: What is going to be included in that law and what is going to be left out? Can you give us any examples of things that we don't want in the Marriage Law? And they couldn't give any, it was more of a rhetorical question, I think, because people hadn't actually looked into the law and didn't know much about the Marriage Law as such.

CM: Can you describe the law?

KE: The Marriage Law regulates the partnership and the couple, but also the relationship between the couple and society when it comes to inheritance, tax, being financially responsible for each other, marrying people from other countries, etc. It was obvious to me that we could not just take a part of the law; we had to take everything or nothing. It doesn't make sense to make one law for straight people and another one for gay people. Our opponents, both within and outside the movement, said that the big difference was that we didn't raise kids. That isn't always true; a lot of gay and lesbian couples actually raise kids these days. Additionally, the Marriage Law doesn't regulate the relationship between parents and children; there are other laws that do that. We had a lawyer within the group who was very good at this, and most of us became very good at those legislation issues, because they were political, but also legal, and we knew the arguments on both levels.

CM: Was the organization State funded or was it a private organization?

KE: It was a private organization, an NGO with members. We didn't get much money from the government at that point, actually quite little. I don't remember the amount, but in those years the government started to give us funding. As in other Western European countries, in the United States and in Canada, we got a lot of attention because of HIV/AIDS. There were discussions about gay and lesbian concerns in the media, and we had a lot of support from the public opinion. This was a very challenging time, because people were dying, we were scared and we had to deal with that terrible disease; but we also felt that we had become a well-organized movement that was actually pushing forward. When the law passed in 1993, the politicians in Parliament said that they had never ever met a group that lobbied so strategically and as well as we did.

CM: Can you describe the strategy that you used?

KE: We realized that people didn't know what the law was about. It was important for us to give them information.

CM: By people whom do you mean?

KE: Mainly politicians. When we started this work, we didn't seek public attention: We wanted to have meetings with many important people first, to tell them why we needed this law and why it couldn't be different to the (heterosexual) Marriage Law. We did this work for about one and a half years without any public notice, and then suddenly people realized what was going on. By then, we already had MPs supporting us, and those who didn't actually say: "Yes, we want that

WE WHO FEEL DIFFERENTLY

INTERVIEWS

law,” at least said: “This is something we have to discuss. Maybe it shouldn't be the law they ask for, but something has to happen.” We had meetings with more than fifty percent of the Members of Parliament; there are more or less 168 altogether. And we also had meetings with at least ten Ministers. We also realized something that this was going to be discussed within the government, which meant that other Ministers were also going to have an opinion. We had a Labor government at the time, so we found out who were the political advisors of those ministers. They were young people that often came from the Labor Youth Movement; and were some of the most important supporters of our work. We asked them to give us a list of other political advisors of Ministers that we should meet, and they did. We met them so they could brief their Ministers when the subject came up, and we succeeded.

CM: Did you fashion these strategies based on other countries' success or were you inventing the wheel?

KE: I think we invented most of it ourselves, because Denmark was the only country that had actually gone through this process and succeeded. We spoke with the Danish, of course, and the fact that the law actually passed in Denmark helped us, because it became obvious to everybody that this was actually possible, it gave us a lot of energy and an important argument: “Look, Denmark has done it, and it has not disappeared from the surface of the Earth. They are still there, people are living their lives!”

CM: This seems to be a critical moment. Can you describe the previous achievements that may have contributed to your success?

KE: The Secretary-General of the gay and lesbian movement, Kim Friele, was a very important person when it came to gay and lesbian rights in Norway. She was very well known in the mass media and by the general public. She was well spoken, made no compromises, and spoke very clearly about gay and lesbian rights. Thanks to her in 1972 the law that criminalized homosexuality was removed, in 1983 we got a law that made it illegal to discriminate gay and lesbian people, and then in 1993 we got a law that stated that It was not only okay to be homosexual, but that we should also celebrate it, protect it and support it. She was very important in this process. She was actually against the Partnership Law at the beginning.

CM: On what ground?

KE: She had two different approaches. In the beginning, she was one of those people who said that we didn't need to replicate the Marriage Act; she thought it discriminated individuals that lived alone. But when we challenged her and asked her: “What do you want? What is your idea of the law?” she couldn't give a good answer. Then she changed her mind, but her final argument against it, which I can understand was that since they would not let us adopt children, we should not accept this law. We should have everything or nothing. I think that was the wrong strategy. It was a good tactic to leave adoption out of the law at that moment, but it was important for us that they didn't state anywhere in the law or in any written proposal that gays

WE WHO FEEL DIFFERENTLY INTERVIEWS

and lesbians should not be allowed raise children; they just said that it is another issue. And we worked very hard for that sentence to be very neutral.

CM: You wanted to introduce the issue of adoption later?

KE: Yes. I remember a television interview I gave the night the law passed where I was asked: "What is your next fight? Don't you want to fight for adoption rights? And I said: "I don't know, but I am not going to be a part of that fight." I felt tired at that moment, but I came back.

CM: I am interested in understanding why Scandinavian countries are fertile grounds for this kind of legislation to develop. Does it have to do with the welfare State as a political system?

KE: There are the three main reasons why Scandinavian countries, and The Netherlands, managed to achieve this faster than other countries: First, we are very well educated countries; I think education is a key issue. People are knowledgeable. If people are ignorant, they are often fearful and have prejudices. Second, we have had very strong Labor movements and left-wing governments for many years. The conservatives in Norway, Sweden or Denmark, have not been the ones pushing this forward. Third, the Church is not so strong here. They are strong, they have some influence, but they are not a very conservative Church and they are not a very influential political power in these countries.

CM: I suppose it also has something to do with the foundational idea of equality amongst citizens?

KE: Yes, that is a socialist democratic idea. In Norway, we have had a very strong left government for many years that has voted for equality. To be fair, I must say that the Conservative Party is not so conservative here as the Republicans in the United States; they are more like the Democrats. They have supported a lot of gay and lesbian issues; they have never pushed them forward because every time they have been in government, they have shared it with the Christian Democrats. But for example, their Minister of Finance was an openly gay man, and one of the main politicians in Oslo, a very well known conservative, is also gay. Besides, they helped us to get a huge majority within the parliament when we passed the Marriage Act two years ago.

CM: During your tenure how did you converse with the more academic and ideological sectors of gay and lesbian movement? In other words, how did you deal with the ideas stemming from queer studies?

KE: These have never been major issues in Norway. They have been debated amongst a small group of people that do gay and lesbian within the gay and lesbian community, but it has never been a political force as such. They tried to create a new platform for *The Gay and Lesbian Task Force* four or five years ago, where they actually tried to introduce queer thinking, but they failed.

WE WHO FEEL DIFFERENTLY

INTERVIEWS

CM: Why do you think they failed?

KE: One of the reasons is that many gay and lesbian people feel these ideas are not connected to their lives. People don't understand these theoretical issues. Personally, I have to admit that I don't find that debate very interesting. Not because I don't like intellectual or theoretical debates, I think they could be very challenging, but because they are far from people's actual lives.

CM: What do you mean exactly?

KE: If you ask gay and lesbian people what their concerns are, they will tell you: "I don't know how to be open at work; I don't have a lover, I am lonely; I am HIV positive; or I would very much like to have a baby." Queer studies doesn't deal with those issues, it doesn't deal with the everyday lives of gays and lesbians; it deals with issues that are important for some gays, lesbians, bisexuals or people that don't want to define themselves. It is obvious that you can argue and say that homosexuality as a category has failed or is too rigid.

I can say that society pushed me towards homosexuality: When I felt I had those feelings, it was obvious that I must be clear about them and I must fight for them. For me to say: "I think I am gay" or "I think I might be gay now, but I might fall in love with a woman later on," would have been catastrophic.

CM: Do you mean in terms of your career?

KE: No, I mean in terms of my personal development, because when you are insecure and you fight for something, you need a platform to stand and fight from. Many of us felt that we needed a platform to have a clear identity, and queer theory made that identity unclear.

CM: This is the same kind of clarity you need as a movement, politically, in order to achieve things?

KE: Exactly. I think that if we had introduced queer theory as an argument in the debate, people wouldn't have understood what we were talking about.

CM: What is the relationship between the legislation that you have managed to accomplish, and the way that people actually live their lives? Do you find that legislation has had an effect on the way teenagers are open about their sexuality for example? Are people out of the closet? Do they feel that they are equal citizens, or are there a gap yet to be bridged?

KE: Of course there is a gap to be bridged. Many people still feel insecure, many people are still bullied in schools and many feel uncertain or ashamed about their sexuality. But there are two good things about legislation: One is that the government has said, "It is okay. We support it. We think it is great that you find each other." The other thing is that especially after we achieved the Partnership Law, we became very visible. Now that actually has changed because we have one law for everybody, but before for example, when we had to fill out official forms we had to state

WE WHO FEEL DIFFERENTLY INTERVIEWS

whether or not we were married or lived in a partnership. Everybody knew the word *partnership* implied the difference between straight and gay people. After the Partnership Law came into effect suddenly people talked about partnerships, legalized their partnerships and straight people celebrated their gay and lesbian friends that wanted to live together. But now that we have the Marriage Act, and the Partnership Law is dead, we are now invisible again.

CM: What do you mean?

KE: Now we are either married or not married, but forms don't specify whether you are married to a man or to a woman. The difference between gay and lesbian couples and straight couples that was so visible before disappeared from the forms. I think that is a good thing in a way, but...

CM: Do you find that is an issue politically?

KE: No, it is an issue to me. I find it amusing. The fact that the Partnership Law made us so visible was positive. But this was a side effect; it wasn't the main reason for the law.

CM: When you conceived these kinds of laws, did you also develop an educational program to go along with them, to be taught in schools, etc.?

KE: Norway has done many things regarding to those issues. When I was in the government (I resigned in April), I was responsible for developing programs to be implemented in schools and health centers, and we made a plan of action. It was the first government plan of action ever, I think, that stated how we should deal with the discrimination of LGBTs. Because now the formal regulations are there except in the Church, but they will come around, they just need some time. The laws are equal for everybody, we can adopt, and we can't be fired from work or expelled from schools... But we still need to educate people about homosexuality, what is it like to be a homosexual, because there is a heterosexual assumption out there: everybody assumes you are heterosexual until you say otherwise. That continues to date. I work in some southern countries where it is difficult for me to say that I am gay. My lover and I were in Gambia on one occasion, when the President had just stated that gay people should be beheaded. In an atmosphere like that, I couldn't say: "Hello, I am gay. I am happy to be gay." I sometimes have to adjust, not because I am not safe when I am out there, but because if I tell my colleagues in Rwanda for example that I am gay, I don't know what kind of reaction they will have, and I don't know if that is going to destroy the work I want to do there, and that work is the reason why I am there. I think it is a difficult issue.

CM: What will come next after the Marriage Act, in terms of legislation?

KE: Nothing. I don't see anything in the legislation at the moment that should be changed.

CM: Anything that should be added?

WE WHO FEEL DIFFERENTLY INTERVIEWS

KE: When it comes to foreign policy and to who has a reason to seek asylum in Norway, we still have a lot of things to do, but when it comes to the national legislation, I can't see what that should be.

CM: What are the most pressing challenges for the LGBT community in Norway? It seems like the 'G' and the 'L' are equal citizens in this country, is the 'T' also so?

KE: Very good question. I hear myself saying gay and lesbian all the time, mainly because it is so difficult to say all those letters at once. The 'T' is somehow a different discussion in Norway to the one taking place in all the other countries, because Tone Maria Hansen, the leader of *The Transgender Task Force* has chosen another path. She is concerned with not talking so much about transgender, but about gender. She says: "I am a woman, not a transgender person. I have changed, I am a woman." That is important for her. There has been a debate within Norway because they don't agree to be linked to gay and lesbian issues, not because they are against them or don't support them, or because we don't talk to each other; but they say: "We are women, we are men, and we would like to be seen as women and men, nothing in between."

CM: It is not an issue of sexual orientation really...

KE: Exactly. It is more a biological issue, and because of that, they didn't want to be a part of the plan of action that we made for gays, lesbians and trans in the government. They were actually left out because they wanted to. But the transvestites were part of the plan.

CM: What is this plan of action that you are talking about?

KE: The government made a plan of action on how to deal with different issues when it comes to these communities: School, healthcare, criminal justice, hate crimes, etc. The 'T' was a part of that plan, but the 'T' as it is defined in that plan is mainly the transvestites, not the transgender population: They didn't want to be a part of that plan. We had a lot of debates and many meetings with them about that. On the other hand, one of the first things we did in the government was to give them money to support their organization, because they had just received a governmental funding from the Health Department, which made them very much a health issue. I disagreed with that. I said: "They are our responsibility. This is a matter of equality and discrimination, etc." So they were moved to our Ministry, and we gave them government grants to support their organization. It is a small organization, so they need support to establish an office. But they have chosen to be left out.

CM: Strategically, I suppose...

KE: Yes, and that is their choice. I told Tone Maria Hansen that I don't understand that choice, I think they are isolating themselves.

WE WHO FEEL DIFFERENTLY

INTERVIEWS

CM: It is a very common debate internationally: It is an issue of gender identity and not of sexual orientation.

KE: I can understand that, but what is different here is that they have made a decision, and I think the sad part about it is that it has created a gap between the gay and lesbian community, and the transgender community. It isn't hostile situation, but we don't work together. I actually support queer theory in this respect. There are so many people that feel they are "in-between" and they shouldn't be forced to choose one gender.

CM: What does the decision made by the trans organization mean practically? Does the law not support them? Is there an anti-discrimination law that supports them?

KE: They are not supported by any anti-discrimination law. There is another important debate going on in Norway, because we have a very fragmented anti-discrimination legislation. A law protects gays and lesbians, another one protects ethnic minorities, and a third law protects disabled people. This is very chaotic. The government has convened a group of people that is looking into the possibility of having one law for everybody. Should the legislation say that we shouldn't discriminate gays and lesbians, ethnic minorities and disabled people? Or should it just say that nobody should be discriminated against, and all persons have the right to housing, work, etc. I think that if we are going to make a law for everybody, it has to be like that. You cannot mention everyone: What if suddenly fat people are discriminated against, for instance? Those people would protest because they would feel invisible. While I was in government, we made a law that prohibits discrimination against disabled people. They would be furious if this law is now withdrawn and replaced with a more general law, even if it gives them the same legal protection, because it is also a matter of identity and visibility. Therefore, it is going to be a hard and difficult debate.

CM: Can you break down some issues that are part of this plan? Can you tell me what happens with HIV/AIDS?

KE: HIV/AIDS is a plan on its own.

CM: Can you discuss this plan? Has the narrative about it changed since the AIDS crisis in the 1980s to now?

KE: I don't think I know enough about it, because this was the responsibility of another Ministry. I wasn't dealing much with it and I haven't been an AIDS activist since I was really young. There has been a major debate over the last couple of years because Norway has a very strong and, some people would say, hostile and repressive legislation on that issue, because you can be punished in this country if you have unprotected sex and you infect a person without telling him/her previously that you are HIV positive.

CM: What is the punishment?

WE WHO FEEL DIFFERENTLY

INTERVIEWS

KE: Up to three years in prison. I think that is a difficult issue, because I agree with those who say that it is everyone's responsibility. You have the responsibility to protect yourself and you have the responsibility not to infect others. I also agree with those who say that it is unfair to punish a person that knows he or she is HIV positive, and not to punish a person who hasn't been tested.

Another issue that is pressing now is what to do about kids. Lesbians in Norway are allowed to have artificial insemination; a lesbian couple can get kids without involving a man. They get birth certificates stating that they are equal mothers. But gay men don't have that opportunity. My partner and I, for instance, have two boys with a lesbian woman. We have been fathers for many years; my oldest son is 18 years old. But lesbians don't do that anymore, because they don't have to. They don't have to bring a gay man into their relationship.

Gay men often go to the United States and get kids through a surrogate mother, but this is not accepted in Norway. Here the law states that the woman that gives birth to the child is the mother. So these men come home with the kid and even if they have a U.S. certificate, the Norwegian authorities say: "No, there must be a mother somewhere. Where is she?" This has created a lot of trouble. There is a debate within the gay and lesbian community on whether Norwegian legislation should open to surrogacy or not. It has divided the gay and lesbian movement into two groups: The boys say they want the legislation to open to surrogacy; and the girls say no, because that is using another person's body to achieve something that you want. What everyone agrees upon, though, is that those kids the men bring home from abroad should have the right to the same legislation as other kids. This means that if you are a single father and you have a boyfriend you live with, he can adopt the child. But then you need a paper from the mother saying: "I accept that this child is adopted and I give up my parental rights." Some gay men in Norway are furious about this. They ask: "Why should we adopt our own child? This is my child." My answer is: "What do you do if this woman changes her mind, if she comes to Norway and claims the child? Because if you adopt a kid, you have to be absolutely certain that there is nobody else that can claim him or her. In Norway the surrogate mother is legally the mother of the child. What if the other mother comes and says: "I am the mother, and I have a DNA test that can prove that." Therefore, we need legislation for this. It is a new area, and it is kind of chaotic at the moment.

CM: Are hate crimes an issue in Norway?

KE: This was an issue many years ago but nobody took it seriously. In a period of four years, nine gay men were killed. These were hate crimes: Someone took a boy home, got angry and killed him; or somebody was knocked down in a park and killed. A few years later, a black boy was killed. Everybody went marching with candles and crying, the whole nation was weeping. To some of us this was very offensive, not because they went to that march –we all went, but because this had been happening with gay men for many years, and nobody cared.

CM: People were marching because it was a racial issue?

WE WHO FEEL DIFFERENTLY INTERVIEWS

KE: It was a racial issue, not a gay issue, but it was very difficult to stand up at that time and say: “Why do you march for Benjamin, when you didn't march for us?”

The government I worked for was the most progressive government for gays and lesbians ever. We increased the budget for LGBT issues from three million per year to twenty two million per year, we achieved the legislation goal, we made the plan of action, we started to deal with hate crimes, and the Foreign Minister recognized LGBT rights as human rights and it started to promote that view internationally. We were a very good government for the gay and lesbian community.

There was an openly gay MP who was leading the gay and lesbian group within the Labor Party. He went to the Minister of Justice and asked him: “What are we going to do about hate crimes?” The first thing they did was to make clear that that type of crime had to be registered as a hate crime. We then went to Sweden with a group from the gay and lesbian movement to study and see what they have done there in that regard. After that, the legislation was changed, and now hate crimes are more punishable. The government has also given money to the *The Gay and Lesbian Task Force* to find out how many people have experienced hate crimes, because they didn't have any data and didn't know how to deal with it before, and also to raise awareness in the Police. All these things are part of this plan of action.

CM: Before this happened, were these kinds of crimes punishable under the anti-discrimination law?

KE: No. It was simply illegal to hit someone, but it wasn't more punishable if you hit a guy because he was gay. Now it is. We have had a sad issue, which is that very often; the guys that hit lesbians and gay people are Muslims. That brings up the issue of how to deal with gay and lesbian questions within the Muslim communities, which is a very difficult matter.

CM: What is the situation of immigrants within the LGBT community?

KE: Much worse. I think we have just seen the tip of the iceberg. This had not been addressed until the last couple of years. Now there is a part of *The Gay and Lesbian Task Force* that is working on this because it is a matter of legislation. We had a terrible debate within the government on whether being gay is just a matter of holding hands in the streets or a more political issue. I was shocked to realize how little people knew and understood this. They would say: “You can just go back to Iraq, and don't hold hands in the streets. That is not an issue of human rights, because women and straight couples can't hold hands in Iraq either.” We tried to explain that it is much deeper than that. I think this is slowly changing and people understand more and more. It is not only a Muslim issue. It is also a Jewish, Hindu and Christian issue...

Members of these communities tend not to be very open, they live in the closet, and they hide and are scared. They receive education when they come to Norway if they say that they are gays and lesbians. Certainly, many of them don't say it at first, and it is held against them if they come back after three months and say: “I didn't tell you I was gay.” “Right, you didn't tell me

WE WHO FEEL DIFFERENTLY

INTERVIEWS

when you came. That is new information. You should have told me then, because now I don't believe you.”

CM: It seems like the most pressing issues for Norwegians have been accomplished and you are on very good ground, in comparison to most countries; but is there a possibility that these achievements could be reverted were there to be a change in government?

KE: Yes.

CM: Is there an opposition?

KE: Yes, there is an opposition. At least two of the opposition parties would actually reverse the Marriage Law if they could. I don't think they will manage to do that because they won't get a majority in Parliament: The Conservatives won't change it. Nevertheless, the worst thing we can do is to lean back and say: “The war is over. We won and now everything is good.” On the other hand, we can't ask young LGBTs to keep fighting. They also need to lean back and say: “I live in a society where I am accepted. I can relax. I can hold hands. I can live a very good life.” There are so many examples of gays and lesbians that live brilliant and very open lives. So we have to do both. We have to remember that before the War, Berlin lived a more or less great gay and lesbian moment. They were happy, and look what happened. I am not saying that this is going to happen here, I just say that we have to be aware that there are people out there that don't like us, and that think we are perverts. Consequently, you shouldn't take support for granted, but you should be happy that you have support.