

The methodology of this study is grounded in a comparative historical analysis of sexual rights organizing in the United States and South Africa, with a particular focus on the tension between state recognition and grassroots mobilization. In tracing the development of state-centric LGBT rights in both contexts, this study interrogates the ways in which state institutions have historically functioned not as vehicles of liberation but as mechanisms of exclusion – granting legal protections in a manner that is contingent, selective, and ultimately insufficient in addressing the material needs of the most marginalized members of the queer community. Given these insufficiencies, this research rejects a state-centric framework in favor of an approach that centers the lived realities of those who exist outside of legal recognition, demonstrating that queer political organizing emerges not through state sanction but in direct response to state failure. By critically engaging with both legal reforms and community-driven activism, this study situates itself within a broader body of scholarship that challenges assimilationist models of LGBT advocacy, aligning with theorists such as Dean Spade and Cathy Cohen, who argue that the pursuit of inclusion within existing institutions has often reinforced the very structures of inequality it seeks to dismantle.

The United States and South Africa provide a compelling lens for this analysis due to their distinct yet intersecting trajectories of LGBT rights advocacy, each shaped by histories of legal exclusion, grassroots mobilization, and the limits of state recognition. In the U.S., legal recognition has been the dominant framework for LGBT activism, often prioritizing inclusion within existing institutions rather than challenging the systems that produce inequality in the first place. While victories such as marriage equality and the repeal of sodomy laws have been celebrated as markers of progress, they have done little to address the economic insecurity, racial disparities, and healthcare inaccessibility that disproportionately impact queer and trans people of color, sex workers, and unhoused individuals. Similarly, South Africa's reputation as a global leader in LGBT rights, bolstered by its constitutional protections and early adoption of same-sex marriage, obscures the persistent realities of anti-queer violence, economic marginalization, and gaps in state-led healthcare initiatives—particularly in the context of HIV/AIDS. In both cases, legal advancements have often functioned as symbolic gestures rather than substantive transformations, benefiting those already closest to power while leaving the most marginalized to seek alternative – and often queer-coded – forms of survival.

With this in mind, this study draws on a diverse set of sources, including legal and policy documents, archival materials from activist organizations, NGO reports, and academic literature on queer political movements. The case of the United States is examined through a study of key legal rulings such as *Lawrence v. Texas* (2003) and *Obergefell v. Hodges* (2015), which are positioned as milestones in the trajectory of mainstream LGBT advocacy yet serve to illustrate the limits of legal equality in securing substantive protections for queer individuals. Beyond legal reforms, the study of the U.S. includes an analysis of community-led initiatives such as ACT UP and For the Gwols, which have provided life-saving support where the state has failed to intervene, redistributing resources and constructing alternative networks of care in alignment with the principles of queer resistance.

Similarly, in South Africa, this study engages with the post-apartheid legal landscape, tracing the inclusion of sexual orientation in the 1996 Constitution and subsequent policy developments such as the legalization of same-sex marriage in 2006 and the implementation of state-led HIV/AIDS interventions. However, rather than framing these legal advancements as evidence of a progressive trajectory, this study interrogates the persistent economic precarity, racialized inequalities, and gaps in state response that have necessitated the emergence of grassroots organizations such as the Treatment Action Campaign, Gender DynamiX, and the Triangle Project. In doing so, this analysis highlights the extent to which legal victories often function as symbolic gestures that fail to translate into material security for those most at risk.

Methodologically, this study approaches these case studies through a critical queer theoretical lens, one that is skeptical of rights-based frameworks and instead focuses on the ways in which queerness operates as a mode of resistance beyond the bounds of state recognition. Rather than measuring progress through legal milestones, this research prioritizes an analysis of who is left behind in these legal advancements and how non-state actors mobilize to address the exclusions perpetuated by state-led reforms. By analyzing not only what the law provides but also where the law remains absent, this study traces how queer organizing emerges not as a demand for state inclusion but as a strategy for survival, one that builds independent systems of support and redistribution in direct response to the failures of state intervention.

Through placing these two case studies in conversation with one another, this study ultimately seeks to challenge the assumption that queer political organizing must be articulated

through the language of Western legal frameworks in order to be understood as such. While mainstream LGBT movements in both the U.S. and South Africa have often sought legitimacy through legal and institutional channels, the reality remains that the most transformative work has taken place outside of these frameworks. This research demonstrates that queerness, when examined not as a formally named identity but as a naturally occurring political practice, is fundamentally about resisting normative power structures, rejecting state dependency, and constructing new modes of collective care and survival. In doing so, this study repositions queer activism not as a struggle for inclusion within existing institutions but as a radical challenge to the very structures that have historically sought to regulate, contain, and exclude queer life.