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## **Cultural Moral Evolution: A Proposed Model and Application in a Review and Analysis of the Evolutionary Stages of Diverse Cultures and the Impact on the Emergence and Identification of LGBTQA+ Communities**

**Abstract:** The authors present a five-part initial examination of cultural moral evolution in several diverse cultures, looking specifically at attitudes towards LGBTQA+ communities and scrutinizing how societal attitudes shift from fear, animus, tolerance, and acceptance to integration. This evolution is gauged through various societal lenses, including laws, religion, human rights, and educational practices. In Part One, the authors discuss the concept of cultural moral evolution and how it differs from and shares some of the same traits as cultural anthropology. Part Two explores cultural moral evolution towards LGBTQA+ communities in three countries: Malaysia, the Netherlands, and Saudi Arabia. Part Three extends this analysis to four US states – Florida, Alaska, Hawaii, and Colorado. Part Four focuses on the US military, particularly the US Navy, analysing its cultural moral evolution towards the LGBTQA+ community. Finally, these observations are synthesized, with a summary of how the cultural moral evolution model is applied across different societal segments.

**Keywords:** acceptance, cultural moral evolution, integration, LGBTQA+ communities, tolerance

## Introduction

This article presents a five-part initial examination of cultural moral evolution in several diverse cultures, looking specifically at attitudes towards LGBTQA+ communities and scrutinizing how societal attitudes shift from fear, animus, tolerance, and acceptance to integration. This evolution is gauged through various societal lenses, including laws, religion, human rights, and educational practices. In Part One, we discuss the concept of cultural moral evolution and how it differs from and shares some of the same traits as cultural anthropology. Once a working definition of cultural moral evolution has been established, the stages of the evolution are identified, as neutral, apprehension, fear, anger, acrimony, acceptance, integration, and belonging, and each one is defined. Cultural markers are identified within each stage; for this proposed model, they are law, religion, human rights, and education.

Part Two explores cultural moral evolution towards LGBTQA+ communities in three distinct countries: Malaysia, the Netherlands, and Saudi Arabia. This section hinges on a historical analysis of each country's legal, religious, human rights, and educational institutions, especially noting their evolution over time. This historical perspective is then juxtaposed with key LGBTQA+ milestones within these countries, such as the establishment or abolition of relevant laws, religious practices, human rights, and academic dynamics.

Part Three extends this analysis to four US states – Florida, Alaska, Hawaii, and Colorado. Employing similar historical markers, we assess each state's stage of cultural moral evolution with its LGBTQA+ community. Comparisons are drawn based on factors such as the legislative intent behind laws that either support or oppose LGBTQA+ recognition and acceptance, offering insights into the moral progression or regression within these states.

Part Four focuses on the US military, specifically the US Navy, analysing its cultural moral evolution towards the LGBTQA+ community. This analysis also includes brief comparisons with other military branches to highlight similar or divergent patterns in their respective evolutionary stages. Finally, these observations are synthesized, with a summary of how the cultural moral evolution model is applied across different societal segments. This part emphasizes the significance of this model in pinpointing the current evolutionary stage regarding LGBTQA+ acceptance and integration. This section serves as a crucial capstone, underlining the broader implications of the paper and their relevance in understanding and fostering a more inclusive society.

## 1. Cultural moral evolution

### 1.1. Introduction

To provide a working model for cultural moral evolution (a conceptual framework), it is necessary to describe the stages through which a dominant culture interacts with and adapts to an emerging or marginalized subculture. This model delineates a suggested progression from indifference or ignorance (the neutral stage) to eventual acceptance and integration, and possibly to a deep sense of belonging. Each stage – neutral, apprehension, fear, anger, acrimony, acceptance, integration, and belonging – represents a shift in attitudes, policies, and interactions between the dominant culture and the subculture. This model is instrumental in understanding how cultural perceptions and interactions evolve over time within a societal context.

The definition of cultural moral evolution in this context differs greatly from what most understand as cultural anthropology, despite shared markers. Each is a dynamic process with an ultimate goal of adaptation, but process and timing create different paths to different adaptation. A brief comparison of cultural moral evolution and cultural anthropology will enhance understanding of the proposed working model.

#### *Cultural moral evolution:*

- Focus: This model, as conceptualized, primarily addresses how a dominant culture's perceptions and attitudes evolve in response to an emerging or marginalized subculture. It is structured into stages such as neutral, apprehension, fear, anger, acrimony, acceptance, integration, and belonging (Kottak, 2013).
- Approach: The model is theoretical, offering a generalized view of cultural adaptation and acceptance processes, recognizing the complexity of real-world interactions (Hofstede, 1980).
- Purpose: Its primary use is to understand societal shifts in attitudes and policies towards different cultural groups, focusing on moral and ethical evolution within societies (Tylor, 2010).
- Limitation: The model's generalization is both its strength and its limitation, as it may not always capture the unique nuances of each cultural interaction (Geertz & Darnton, 1973).

#### *Cultural anthropology:*

- Focus: Cultural anthropology explores the diversity of human cultures, studying norms, values, practices, rituals, language, religion, and social structures across societies (Boas, 1940).
- Approach: It employs qualitative methods like ethnography and participant observation, requiring extensive fieldwork for deep cultural immersion (Malinowski, 1922).

- Purpose: The goal is to understand and appreciate cultural diversity, exploring how various cultures function and the meanings behind their practices (Herskovits, 1955).
- Limitation: While it provides rich, detailed cultural insights, cultural anthropology can struggle with generalizing findings to broader contexts (Mead, 1935).

The cultural moral evolution model and cultural anthropology differ in several key aspects. In terms of scope, the cultural moral evolution model is more focused on the dynamics between the dominant culture and subcultures, while cultural anthropology examines all facets of human cultures more broadly. Methodologically, the cultural moral evolution model tends to be largely theoretical and follows a staged approach, in contrast to cultural anthropology, which is grounded in empirical, qualitative research methods. Regarding purpose and application, the cultural moral evolution model is primarily aimed at understanding and influencing policy and societal attitudes. On the other hand, cultural anthropology is dedicated to providing a comprehensive understanding of cultural practices and values. Finally, in terms of flexibility and adaptability, cultural anthropology's ethnographic approach allows for a more flexible and nuanced understanding of cultures. This stands in contrast to the more rigid, stage-based approach of the cultural moral evolution model. While both cultural moral evolution and cultural anthropology aim to understand cultural dynamics, they differ in scope, methodology, and application. The cultural moral evolution model provides a structured framework for understanding how societies adapt to cultural diversity, primarily from a moral and ethical standpoint. In contrast, cultural anthropology offers a broader, more detailed exploration of cultural practices and beliefs, grounded in empirical research and rich ethnographic traditions.

## **1.2. A proposed model**

The cultural moral evolution model, as outlined in this paper, delves into the progression a dominant culture might undergo in its interaction with an emerging or marginalized subculture, in this case the LGBTQA+ communities. The model serves as a framework to comprehend the evolving dynamics between different cultural groups over time. It is imperative to recognize that such models are generalizations and may not fully capture the intricate and unique nuances of real-world cultural dynamics. Each cultural interaction is distinct, embedded in its own context and complex history, and should be understood individually.

Below is an overview of each stage of the proposed model:

1. **Neutral:** The dominant culture is largely unaware or indifferent to the emerging or marginalized subculture. The subculture exists relatively invisibly, with no significant engagement from the mainstream.
2. **Apprehension:** As awareness of the subculture grows, the dominant culture may begin to feel apprehensive, often due to misunderstandings, unfamiliarity with the subculture's practices or beliefs, or perceived differences in values.
3. **Fear:** Apprehension can escalate to fear if the dominant culture perceives the subculture as a threat to its norms, values, or societal structure, usually based on stereotypes, misinformation, or a perceived challenge to the established order.
4. **Anger:** Fear may give way to anger, particularly in the face of incidents that exacerbate tensions. This anger is often directed at the subculture and can manifest in discrimination, hostility, and sometimes violence.
5. **Acrimony:** This stage is characterized by sustained bitterness and resentment. The dominant culture actively opposes and criticizes the subculture, attempting to suppress or marginalize it further, potentially harming social cohesion.
6. **Acceptance:** Through exposure, education, and dialogue, the dominant culture may gradually accept the subculture. This acceptance is a recognition of the subculture's right to exist and its potential contributions to society, rather than full agreement or endorsement.
7. **Integration:** In this stage, the subculture becomes an integral and valued part of the broader cultural mosaic. It is marked by mutual respect, collaboration, and often the blending of cultural aspects.
8. **Belonging:** The new stage of belonging represents a deeper level of inclusion and acceptance. Here, the subculture not only coexists but is fully embraced and celebrated within broader society. It signifies a stage where the distinct identity and contributions of the subculture are not just recognized but are also integral to the collective societal identity.

It is crucial to note that these stages are not strictly linear nor universally applicable. Cultural groups may experience these stages differently, and not all interactions may reach the stage of belonging. Furthermore, these stages can overlap or revert, influenced by various social, political, and economic factors.

### **1.3. Societal markers**

To enhance the cultural moral evolution model further, incorporating societal markers such as laws, human rights, religion, and academic teaching provides a more comprehensive understanding of how these elements interact with each stage. To further develop the model by integrating these markers, we can examine how these

factors influence and are influenced by each stage of the model. This approach offers a more comprehensive understanding of the interaction between dominant and emerging or marginalized subcultures.

The first stage can be described as neutral. At this stage, laws may not specifically address the subculture, reflecting a general indifference or lack of awareness in the legal framework. Human rights issues specific to the subculture might also be unrecognized or unaddressed, indicating a similar oversight in human rights advocacy. Additionally, religious institutions and teachings may neither acknowledge nor engage with the subculture, showing a disconnect or disinterest at the spiritual level. In academia, there may be a lack of research or courses related to the subculture, which mirrors the broader societal indifference. At the next stage, apprehension, legal systems might begin to recognize issues related to the subculture, often through conflicts or legal challenges, marking a shift towards greater legal awareness. Simultaneously, awareness of potential human rights concerns specific to the subculture begins to grow, indicating a budding recognition of its unique needs. In the realm of religion, discourse may start to address or debate issues related to the subculture, showing an evolving engagement at a spiritual level. Meanwhile, academia may begin to study the subculture, though often through a lens of otherness or difference, reflecting an initial but perhaps limited attempt to understand its complexities.

The third stage is fear. At this level, laws might be enacted that indirectly or directly target the subculture, often under the guise of preserving public order or traditional values, indicating a legal response that may not fully consider the subculture's rights. Alongside this, human rights violations against the subculture may increase, often justified with fearmongering, reflecting a concerning trend in societal treatment. In religious contexts, teachings may explicitly condemn or warn against the subculture, reinforcing societal fears and biases. Meanwhile, academic discourse on the subject may become polarized, with some scholars reinforcing stereotypes while others advocate for a more nuanced understanding, illustrating complex and varied academic responses to the subculture.

The next stage, anger, is marked by discriminatory laws, or law enforcement practices may become more prevalent, highlighting a troubling trend in legal approaches towards the subculture. Concurrently, instances of human rights abuses may escalate and receive more public attention, signalling an increasing concern for the well-being of the subculture. In the realm of religion, institutions may actively lobby against the rights or presence of the subculture, further intensifying societal divides. Meanwhile, academic debates on the topic may become more heated, reflecting the broader societal tensions and the polarized views within scholarly discussions. The anger stage finally softens at the acrimony stage. Here, legal battles may intensify as the subculture fights for recognition and rights, marking a period of increased legal activism. Concurrently, systematic discrimination and human rights issues concerning the subculture may become a central topic of concern, highlighting the need for broader

societal attention and action. In the religious sphere, some groups may engage in active campaigns against the subculture, further complicating the social dynamics. Meanwhile, academia may play a crucial role in challenging misconceptions and promoting understanding, serving as a pivotal force in shaping a more inclusive society.

As the culture evolves, anger and acrimony give way to acceptance. At this stage, the culture will begin to adopt laws, the beginnings of the cultural evolution to protect the rights of the subculture, reflecting a significant shift in societal attitudes towards greater inclusivity. Alongside this legal progression, there is greater recognition and protection of the subculture's human rights, indicating a more comprehensive approach to ensuring its welfare. In the realm of religion, some groups may begin to accept or even advocate for the subculture, showcasing a transformative shift in spiritual communities. Concurrently, there is an increased academic focus on the subculture, contributing to a broader societal understanding and facilitating deeper insights into its dynamics.

At the integration stage, the culture itself will experience an awakening. There is comprehensive legal protection and recognition of the subculture, indicating a matured legal framework that fully acknowledges its rights. This is paralleled by the full integration of human rights considerations for the subculture, ensuring well-being is a priority across societal domains. In the religious sector, there is significant acceptance and inclusion, with some groups even incorporating elements of the subculture into their practices, reflecting growing spiritual openness. Additionally, robust academic research and teaching on the subculture both reflect and contribute to its societal integration, highlighting the important role of academia in fostering understanding and acceptance.

At the stage of belonging, laws not only recognize and protect the subculture but also actively promote inclusivity and equality. Legislation is characterized by measures that ensure the full participation of the subculture in all aspects of societal life, including equal representation, anti-discrimination policies, and laws that celebrate cultural diversity. Human rights are fully realized for the subculture, emphasizing the rights to cultural expression, identity, and participation. This stage sees a society where human rights are a living reality, contributing to a sense of security, dignity, and equality. In terms of religion, the belonging stage is marked by interfaith harmony and respect, with religious institutions and beliefs incorporating understanding and acceptance of the subculture. This often leads to interreligious dialogues, collaborations, and celebrations of religious diversity, where differences are valued as part of the rich tapestry of society. Academically, institutions play a pivotal role in fostering a sense of belonging. Curricula are inclusive, reflecting the history, values, and contributions of the subculture. Research and academic discourse promote a deeper understanding and appreciation of the subculture, contributing to an environment where knowledge and learning bridge cultural divides. In the final stage, societal markers are not passive reflections but active agents in fostering a deep sense

of inclusion and acceptance. Laws, human rights, religion, and academic teaching all converge to create a societal environment where the subculture is not just integrated but is a fundamental and celebrated component of the social fabric. This stage represents the pinnacle of cultural moral evolution, where differences are not just acknowledged but are the basis of the society's strength, unity, and vibrancy.

In this expansion of the model, societal markers are dynamic elements that both reflect and influence the cultural forces at each stage. This proposed model emphasizes the complex interplay between cultural perceptions and societal institutions, highlighting the multifaceted and intricate nature of cultural moral evolution.

## **2. Application of the cultural moral evolution model to three countries**

### **2.1. Introduction**

The legal landscape surrounding LGBTQA+ rights and protections varies significantly across different countries, reflecting unique cultural, political, and religious influences. The Netherlands, Malaysia, and Saudi Arabia serve as intriguing case studies, each presenting distinct frameworks that shape the lived experiences of LGBTQA+ individuals within their borders. The Netherlands stands out for its progressive evolution towards LGBTQA+ acceptance, marked by inclusive laws and cultural shifts that foster an environment where individuals can express their identity freely. In contrast, Malaysia grapples with the complexities of balancing academic freedom with political and religious sensitivities, particularly concerning LGBTQA+ issues. Saudi Arabia operates as an absolute monarchy and does not have a legally binding written constitution; instead, the Basic Law of Saudi Arabia, adopted by royal decree in 1992, serves a foundational role. This document outlines the responsibilities and processes of the country's developing institutions, though it lacks the specificity typically associated with a formal constitution. Additionally, the Basic Law declares that the Quran and the Sunna, which are central religious texts, function as the nation's constitution (Immigration and Refugee Board of Canada, 2011).

### **2.2. The law: LGBTQA+ rights and protections**

Despite constitutional provisions for religious diversity, Malaysia's state religion of Islam and its conservative social attitudes pose challenges for LGBTQA+ rights and freedoms (Aldous, 2008; Tizmaghz, 2014). Meanwhile, Saudi Arabia's adherence to strict Islamic laws, including the prohibition of homosexuality under Shariah law, underscores the significant hurdles faced by LGBTQA+ individuals in a conservative religious and cultural context (Crystal, 2001; Eskridge, 2008; Kligerman, 2007). These contrasting legal frameworks and societal attitudes offer a nuanced understanding of the challenges and progress in LGBTQA+ rights advocacy worldwide.



The Netherlands, Malaysia, and Saudi Arabia showcase diverse legal frameworks regarding LGBTQA+ rights and protections, reflecting varying levels of acceptance and tolerance within each country. The Netherlands has evolved to embrace LGBTQA+ rights through inclusive laws and cultural shifts, allowing individuals to express their identity freely. The constitutional monarchy and parliamentary democracy provide avenues for citizens to influence policies, fostering a sense of inclusion and participation in governance. Malaysia, while making strides in higher education and development, faces challenges in maintaining academic freedom due to political and religious sensitivities. Despite Islam being the state religion, the Malaysian Constitution allows for the practice of other religions in peace and harmony, indicating a level of tolerance towards religious diversity (UCLA School of Law, 2020). Saudi Arabia, on the other hand, governed by strict Islamic Shariah laws, prohibits homosexuality, posing significant challenges for LGBTQA+ individuals. The country's conservative interpretation of Islam and adherence to Wahhabism limit the rights and freedoms of LGBTQA+ people, leading to discrimination and persecution (Zelin, 2016). This is further evident through of these precepts in the segregated educational system currently in place (Allmnakrah, 2019).

### **2.3. Education: LGBTQA+ integration and education policies**

The Netherlands' high-quality educational system promotes research, innovation, and collaboration, fostering an inclusive environment where LGBTQA+ individuals can express their identity without fear of discrimination. The cultural and moral evolution in the country has led to greater acceptance and support for LGBTQA+ rights within academic institutions (Huang, 2017). Malaysia's higher education sector has made advancements in research and development but faces limitations in academic freedom due to political and religious influences. While the Malaysian Constitution allows for religious diversity, LGBTQA+ issues may be subject to censorship or restriction within educational settings (Wittenborg University of Applied Science, 2014). Saudi Arabia's compulsory education system is governed by strict Islamic principles, limiting opportunities for LGBTQA+ integration and education. The conservative interpretation of Islam and adherence to Shariah law restrict discussions on LGBTQA+ topics, perpetuating stigma and discrimination within educational institutions (Maria, 2015).

### **2.4. Religion: Major practices and influence**

In the Netherlands, Christianity is predominant, but the country embraces religious diversity, allowing for the practice of various faiths. This inclusive approach reflects a cultural and moral evolution towards acceptance and integration of LGBTQA+ individuals within religious communities (US Department of State, 2022c). While Malaysia's state religion is Islam, the Constitution permits the practice of other religions, fostering a tolerant and inclusive society. However, the prohibition of

homosexuality under Shariah law may conflict with LGBTQA+ rights and freedoms, posing challenges for religious acceptance and integration (US Department of State, 2022a; Wittenborg University of Applied Science, 2014). Saudi Arabia's adherence to strict Islamic laws and principles influences societal norms and practices, including attitudes towards LGBTQA+ people. The conservative interpretation of Islam and adherence to Wahhabism contribute to the marginalization and persecution of LGBTQA+ individuals within religious and cultural contexts (Maria, 2015; US Department of State, 2022b).

### **2.5. Human rights and cultural moral evolution**

The Netherlands' commitment to human rights and LGBTQA+ equality reflects a cultural and moral evolution towards inclusivity and acceptance. The legal framework and societal attitudes prioritize equality and non-discrimination, fostering a sense of belonging for LGBTQA+ individuals (Government of the Netherlands, n.d.; US Department of State, 2022c). Malaysia's journey towards human rights and LGBTQA+ acceptance is complex, with progress tempered by political and religious sensitivities. While legal protections exist, challenges remain in achieving full equality and inclusion for LGBTQA+ people within societal and religious frameworks (US Department of State, 2022a). Saudi Arabia's strict adherence to Islamic laws and principles restricts human rights and freedoms, particularly for LGBTQA+ individuals. The lack of legal protections and societal acceptance perpetuates discrimination and marginalization, hindering progress towards cultural and moral evolution (US Department of State, 2022b).

### **2.6. Summary**

The legal and societal status of LGBTQA+ rights varies significantly worldwide, influenced by distinct cultural, political, and religious contexts. The Netherlands showcases progressive LGBTQA+ acceptance through inclusive laws and societal shifts. In contrast, Malaysia struggles to balance academic freedom with political and religious pressures, impacting LGBTQA+ rights. Saudi Arabia enforces strict Islamic laws, such as the prohibition of homosexuality, which poses substantial challenges for LGBTQA+ individuals in a conservative setting.

Regarding education, the Netherlands supports a high-quality, inclusive educational system that allows LGBTQA+ individuals to freely express their identities, reflecting the nation's progression towards greater LGBTQA+ acceptance. Conversely, Malaysia's higher education faces challenges in maintaining academic freedom amid political and religious constraints. In Saudi Arabia, the education system, guided by stringent Islamic principles, limits LGBTQA+ inclusion and perpetuates stigma within educational settings. These variations underline the complex relationship between legal, societal, and educational factors in determining the conditions for LGBTQA+ communities in different regions.

### 3. Application of the cultural moral evolution model to four states of the United States of America

#### 3.1. Introduction

When comparing the cultural, legal, academic, and human rights aspects in Hawaii, Florida, Alaska, and Colorado through the lens of cultural moral evolution, we observe distinct paths reflecting each state's approach to LGBTQA+ rights and broader societal issues. This comparative analysis incorporates the eight stages of cultural moral evolution and examines how each state aligns with these stages across the four cultural markers.

#### 3.2. The law: LGBTQA+ rights and protections

##### *Hawaii*

Prior to the 19th century, Hawaiian society was influenced by Polynesian culture, which recognized a spectrum of gender expressions, including the *māhū*, who embodied a third gender role. *Aikāne* relationships, intimate partnerships between members of the same sex, were also accepted and integrated into the social fabric of the time (Kekaulaohi, 1894; Malinowski, 1922). The arrival of Christian missionaries in the 19th century marked a period of significant change. Under their influence, King Kamehameha III enacted the Blue Laws in 1833, which imposed Christian moral standards on the Hawaiian population. This era saw the introduction of explicit sodomy laws in 1850, which criminalized homosexual acts with severe penalties. Over the decades, the legal system hardened its stance against LGBTQA+ individuals, culminating by 1876 in laws that allowed for convictions under broad interpretations of sexual offences (Kekaulaohi, 1894).

The legal environment began to show signs of leniency in the final days of the 19<sup>th</sup> century, with the Territorial Supreme Court's 1899 decision to release a defendant due to procedural errors setting a precedent for future cases (Judgment of the Hawaii Territorial Court, 1899). However, throughout the mid-20th century, laws such as the 1949 'disorderly conduct' statute continued to target LGBTQA+ individuals by prohibiting public expressions of homosexuality. The last reported sodomy case, *Territory v. Bell* in 1958 (Judgment of the Hawaiian Territorial Court, 1958), illustrated the ongoing challenges faced by LGBTQA+ individuals, though by the late 20th century, the legal system had gradually begun to evolve. The 1972 revision of the Criminal Code removed many archaic laws, and in 1978, Hawaii amended its Constitution to include privacy rights (US Department of Justice, 1972), although this did not initially extend to sexual privacy, as confirmed by *State v. Mueller* in 1983 (Native Hawaiian Justice Task Force, 1983).

A landmark period for LGBTQA+ rights in Hawaii occurred in with the *Baehr v. Miike* case. After initially being denied, the litigation eventually led to a 1993 Supreme

Court ruling that denying marriage to same-sex couples constituted discrimination based on sex (Judgment of the Supreme Court of Hawaii, 1996). This decision paved the way for further legal challenges and discussions regarding same-sex marriage. In 1997, Hawaii introduced reciprocal beneficiary relationships, providing legal recognition, albeit limited, to same-sex couples. However, the passage of Constitutional Amendment 2 in 1998 empowered the legislature to restrict marriage to opposite-sex couples, effectively halting progress towards same-sex marriage legalization (Judgment of the US Supreme Court, 2015).

The early 21st century saw continued advocacy for LGBTQA+ rights. In 2006, Joe Bertram became the first openly LGBTQA+ member of the Hawaii State Legislature (Lei Pua Ala, n.d.). Legislative efforts to recognize civil unions began gaining traction, culminating in the passage of Hawaii House Bill 444 in 2010, although it was initially vetoed by Governor Linda Lingle (Lambda Legal, n.d.). The election of Governor Neil Abercrombie in 2010 marked a turning point, leading to the eventual enactment of the civil union law in 2011, which Abercrombie signed into law. This act was a significant step forward, setting the stage for further advancements. On 17 December 2013, a historic moment unfolded as Genora Dancel, a plaintiff from the original 1990 case, married her partner in a ceremony presided over by Dan Foley, symbolizing the profound changes that had occurred over the decades. This marriage, held in the very courtroom where the battle for marriage equality had begun, underscored the progress made and the continued journey towards equality and recognition for all individuals, regardless of their sexual orientation or gender identity.

This narrative of Hawaii's LGBTQA+ legal history reflects broader trends in societal acceptance and the ongoing struggle for equal rights. It highlights the importance of both advocacy and legal challenges in achieving significant milestones in the quest for equality.

### *Florida*

Florida presents a mixed trajectory, initially moving towards acceptance but recently showing signs of regression or acrimony through restrictive laws affecting discussions about LGBTQA+ issues in schools and youth rights. LGBTQA+ rights in the state have evolved over time, influenced by federal rulings and state legislation. Since the early 2000s, significant legal changes have occurred, particularly relating to same-sex relationships and discrimination protections. Same-sex sexual activity in Florida was legalized following the US Supreme Court's decision in *Lawrence v. Texas* in 2003 (Judgment of the US Supreme Court, 2003). Despite this, the state's sodomy laws were not repealed, rendering them unenforceable yet symbolically present. The legalization of same-sex marriage on 6 January 2015 marked a pivotal shift, following a district court ruling against the state's ban as unconstitutional. Additionally, discrimination based on sexual orientation or gender identity in employment, housing,

and public accommodations has been illegal under federal law since the Supreme Court's 2020 ruling in *Bostock v. Clayton County*. In *Brenner v. Scott*, the US District Court ruled that Florida's same-sex marriage ban was unconstitutional (Cohen, 2014).

Local governments in Florida have also played a crucial role in extending protections: various cities and counties have enacted ordinances that prohibit discrimination, with approximately 55% of Florida's population living in areas that enforce such laws. Furthermore, certain locales have prohibited conversion therapy for minors, reflecting a growing recognition of LGBTQA+ rights at the municipal level (Radson, 2013).

The landscape for LGBTQA+ rights in Florida has recently faced challenges, however, particularly under the administration of Governor Ron DeSantis. Since 2021, there has been a notable pushback against rights for transgender individuals, including legislation that restricts transgender women and girls from participating in female sports, and laws that hinder access to gender-affirming healthcare for both minors and adults (Florida Senate, 2023a). The state has also seen the introduction of laws that potentially criminalize the use of bathrooms in public buildings by transgender individuals in accordance with their gender identity. The Medical Practitioner's Discrimination Law, passed in May 2023, allows medical practitioners to deny service based on personal belief, while Florida Senate Bill 254 (Florida Senate, 2023b), allows child custody modifications based on a child receiving gender-affirming care.

The rights of LGBTQA+ individuals to adopt and parent have also seen significant changes. Until 2010, homosexuals were explicitly prohibited from adopting children in Florida. This ban was overturned when an appeals court upheld a lower court's decision that the law violated constitutional protections (Judgment of the Florida Third District Court of Appeal, 2010). Since then, LGBTQA+ individuals and couples have the right to adopt children. *Lofton v. Secretary of the Department of Children and Family Services* (Judgment of the US Court of Appeal, 2004) upheld Florida's ban on homosexuals adopting children, but was later overturned. In the case of *In re: Gill*, Judgment of the Florida Third District Court of Appeal, 2010, (ACLU, 2010), the state appeals court ruled that the ban on same-sex adoptions violated equal-protection rights.

Although, in 2015, the state passed reforms repealing the 1977 ban on homosexual adoption, Florida was also one of the US states to limit medical access to gender-affirming surgery for minors (Florida Senate, 2023).

In opposition to the new discriminatory and restrictive state laws, local communities have enacted ordinances and legislation to protect the LGBTQA+ community (Radson, 2013). These local actions and community responses have significantly influenced the landscape of LGBTQA+ rights in Florida (Lopez, 2023). For instance, some cities, like Lake Worth, have declared themselves as sanctuaries for LGBTQA+

individuals, aiming to provide greater protections against discrimination. Community responses and legal challenges continue to play a crucial role in shaping the state's policies and the rights of LGBTQA+ residents (Radson, 2013).

While there has been substantial progress in recognizing and protecting LGBTQA+ rights in Florida, significant challenges remain, especially concerning transgender rights and the recent rollback of protections. The ongoing legal and legislative battles highlight the complex landscape of LGBTQA+ rights in the state, reflecting broader national debates over these issues. These cases and statutes represent significant legal benchmarks in the evolution of LGBTQA+ rights in Florida, addressing a range of issues from marriage equality and employment discrimination to adoption and transgender rights.

### *Colorado*

LGBTQA+ individuals in Colorado have the same rights as non-LGBTQA+ residents. Since 1972, same-sex sexual activity has been legal, and since October 2014, the state has recognized same-sex marriage. In 2013, Colorado implemented civil unions, granting many marital rights and benefits. Discrimination based on sexual orientation or gender identity is banned in areas such as employment, housing, and public accommodations. Additionally, the state prohibits conversion therapy on minors. One very onerous defence of violence against the LGBTQA+ community was that of 'gay panic', an actual example of which claimed that 'a gay man came on to me, so I beat him senseless, because I find homosexuality offensive'. As of July 2020, Colorado eliminated the 'gay panic' defence, becoming the 11th US state to do so (LGBTQ+ Bar, n.d.)

Colorado ranks highly for LGBTQA+ rights within the Mountain West region, second only to Nevada according to the Movement Advancement Project (n.d.). A 2019 survey by the Public Religion Research Institute indicated that 77% of Coloradans support anti-discrimination laws for LGBTQA+ people. Historically, the state's treatment of LGBTQA+ individuals has evolved significantly. In the early 20th century, punishments for homosexual acts were severe and socially humiliating. The indigenous Arapaho people, however, recognized a 'third gender', known as *haxu'xan*, which included male-bodied individuals living and behaving as women, underscoring a historical acknowledgment of gender fluidity (Eskridge, 2008).

Laws regarding sodomy (Kane 2007) have shifted dramatically over the years. While it was initially criminalized in the 1860s with severe penalties, the legal stance softened gradually until 1971, when Colorado decriminalized sodomy between consenting adults in private (Colorado Senate, 1971). Following this, further progress was made with the decriminalization of other acts and the striking down of discriminatory laws, largely due to activism, such as efforts by the Gay Coalition of Denver (Movement Advance Project, n.d.). The recognition of same-sex relationships has

also seen significant changes. In 1975, Boulder County issued marriage licences to same-sex couples, a move later contested but significant in its challenge to traditional definitions of marriage. Although a state referendum in 2006 restricted marriage to opposite-sex couples, by 2009, Colorado was enacting laws to recognize same-sex partnerships in various legal contexts, including inheritance and decision-making in medical emergencies (Movement Advance Project, n.d.). Civil unions were formally recognized in 2013, providing comparable rights to married couples, following endorsements and legislative efforts supported by state leadership. The legalization of same-sex marriage in 2014 marked a pivotal moment, as it came about through both judicial decisions and legislative adjustments. Examples of changes in laws affecting the LGBTQA+ community in Colorado include the decriminalization of sodomy in 1971 for private acts between consenting adults (Eskridge, 2008);

Designated Beneficiaries Law of 2009, which allows individuals to designate a same-sex partner for rights such as inheritance and medical decisions (Colorado Bar Association (2009) legal recognition of same-sex marriage in 2014 following the Tenth Circuit Court's decisions and state directives; legal establishment of civil unions offering comparable rights to marriage in 2013 (Moreno, 2013); It was not until 2024, the Colorado Senate amended to the state constitution which defined marriage as between a man and a woman. It should be noted, the amendment to define marriage was only in 2006.

Adoption rights for LGBTQA+ individuals and couples in Colorado are comprehensive, allowing petitions for adoption by single persons and same-sex couples. Access to assisted reproduction services and legal recognition of parental rights, regardless of biological connection, highlight the state's progressive stance. However, certain religiously based adoption agencies still impose restrictions. Examples of changes in Colorado laws granting protection to the LGBTQA+ community in a familial setting include LGBTQA+ individuals and couples being able to adopt children, with laws facilitating second-parent adoption (2013); state law acknowledging non-biological parents in same-sex relationships as legal parents under certain conditions (2022); and Marlo's Law (State of Colorado, 2022), which simplified the adoption process for non-gestational parents in cases of IVF.

Discrimination protections have been solidified over the years, with Colorado prohibiting discrimination based on sexual orientation or gender identity in several domains since 2008. These protections extend to bullying in schools, which must have specific policies and prevention strategies. Despite some historical setbacks, such as the 1992 approval of a discriminatory constitutional amendment, which was later overturned, the legal landscape has largely moved towards inclusivity (Law Week, (2018). Examples of Colorado laws granting protection to the LGBTQA+ community are the Anti-Discrimination Law of 2008, which prohibits discrimination based on sexual orientation or gender identity in employment, housing, and public accom-

modations, and the Anti-Bullying Law, which mandates schools to have policies preventing bullying on the basis of sexual orientation or gender identity, among others.

Colorado also has hate crime laws that enhance penalties for offences motivated by the victim's sexual orientation or gender identity. In recent years, these protections and recognitions have been extended to address emerging issues such as algorithmic bias and online discrimination. Notably, Colorado passed HB20–1307, the Abolition of Gay Panic Defense (Burness, 2020), disallowing this defence in court cases of violence towards members of the LGBTQA+ community; prior to this, a defendant could raise the defence of 'gay panic', an irrational fear of the gay community which drove the defendant to violence. The rights of transgender individuals have also progressed, with Colorado removing surgical requirements for changing gender markers on identification documents in 2019. This inclusivity extends to health insurance, which, since 2023, must cover gender-affirming surgeries. Examples of Colorado laws granting protection to the LGBTQA+ community in this area are the laws on gender marker changes (2019); removing the surgery requirement for changing gender markers on identification documents (One Colorado, 2023); Inclusive Health Insurance (Colorado General Assembly, 2023a), which mandates coverage for gender-affirming surgeries in health insurance policies; and Gender-Affirming Healthcare legislation, enacted to safeguard access to gender-affirming healthcare (Colorado General Assembly, 2023b).

Finally, Colorado's legislative environment reflects a continued commitment to the rights of LGBTQA+ individuals, evident in the banning of conversion therapy for minors and efforts to ensure freedom of expression and equal treatment under the law. The state serves as a model of progressive change, fostering an environment of acceptance and equality. Examples of these protections and other notable milestones are the Conversion Therapy Ban (2018), prohibiting conversion therapy for minors and making it illegal for licensed therapists to attempt to change a minor's sexual orientation (Colorado General Assembly, 2018); the Veterans' Benefits Restoration law (Colorado General Assembly, 2021a), restoring benefits to LGBTQA+ veterans dishonourably discharged under the 'Don't Ask, Don't Tell' policy (see below); and freedom of expression cases related to the expression of LGBTQA+ identities, such as a ban on rainbow flags (Colorado General Assembly, 2021b). These laws and regulations demonstrate Colorado's progressive stance on LGBTQA+ rights and protections over the years.

### **3.3. Education: LGBTQA+ integration and education policies**

In the educational sphere, Hawaii indicates stages of integration and belonging, suggesting an inclusive educational environment free from censorship on LGBTQA+ issues (Hawaii Department of Education, n.d.). Florida's recent policies, such as the 'Parental Rights in Education' bill, suggest a regression to fear and acrimony, limiting



LGBTQA+ discussions and impacting inclusivity (Florida House of Representatives, 2022). Alaska and Colorado are in stages of acrimony or acceptance, with efforts aimed at addressing educational disparities and improving systems to foster a more equitable environment.

### **3.4. Religion: Major practices and influence**

First-Nation people in Hawaii, Colorado, Alaska, and Florida have long recognized a third gender as a part of their individual cultures; for example, the Creek Seminole people of Florida recognize four genders (Lang, 1998; Lei Pua Ala, n.d.; Malinowski, 1922)(Live Journal, 2012). In all states, this changed with the arrival of Western European settlers bringing the Protestant and Catholic faiths and conservative views towards sex and sexuality. With the exception of Florida, the other states are moving towards acceptance of and belonging for the LGBTQA+ community. There appears, however, to be continued resistance from conservative members of the Protestant and Catholic religions. For example, Catholic charities will not allow gay couples to adopt(Rittiman 2013). In 2023, Pope Francis presented an edict allowing the blessing of gay unions, short of marriage; in response, many of the United States' Catholic bishops have refused to allow for such a blessing, stating '[a] sin cannot be blessed' (Gramon & Harmon, 2023).

This analysis does not detail the direct influence of religious practices in Hawaii, Alaska, Colorado, and Florida on LGBTQA+ rights. Each state has a diverse tapestry of faiths. Despite this diversity, Alaska's, Colorado's, and Hawaii's religious landscapes, including a significant presence of evangelical Christians and conservative Catholics, seem to moving 'backward' from embracing and codifying early First Nations' attitudes towards the LGBTQA+ community, which was one of acceptance and inclusion. The populations of all four states have seen increased secularization, a factor which should also be considered; secularization of the community can limit the influence of religious faiths in the formation of laws and the creation of an educational curriculum.

### **3.5. Human rights and cultural moral evolution**

Regarding human rights, Hawaii demonstrates a trajectory towards integration and belonging, fostering community and equality for LGBTQA+ individuals, considering the legislative authority passed to protect and ensure the rights of the LGBTQA+ community in the state. Florida shows a complex path, with recent legislative actions suggesting shifts towards the earlier stages, fear and acrimony, challenging previous gains in acceptance and integration. Nonetheless, statewide protections against discrimination based on sexual orientation or gender identity align with acceptance. Alaska and Colorado are seen as moving towards integration and belonging, with efforts to recognize and integrate diverse populations' rights, fostering a sense of belonging for all community members. In 2023, Alaska's human rights

record included several notable efforts and initiatives by the Alaska State Commission for Human Rights, which updated its LGBTQA+ employment discrimination guide, reflecting a policy to investigate workplace sexual discrimination complaints, particularly related to transgender employees and issues of gender identity and expression in the workplace. This guide is based on federal and state laws and aims to provide clarity for both employers and LGBTQA+ employees (Alaska State Commission for Human Rights, 2024). Additionally, the Commission has been actively involved in various initiatives and resolutions, for instance adopting resolutions concerning disability rights, public accommodations, and human trafficking. These include efforts to support the rights of people with disabilities, encouraging the procurement of braille printers for state agency offices, and advocating for state agencies to cooperate in combating human trafficking (Alaska State Commission for Human Rights, 2024).

### **3.6. Summary**

A comparative analysis within the cultural moral evolution framework reveals varied approaches to LGBTQA+ rights and societal issues across Hawaii, Florida, Alaska, and Colorado. Hawaii exemplifies a progression towards inclusivity and equality, whereas Florida's path reflects a fluctuating approach influenced by recent restrictive legislation. Alaska and Colorado demonstrate a commitment to integrating diverse societal needs and promoting inclusivity, aligning with the latter stages of cultural moral evolution. This comparison underscores the dynamic nature of cultural and moral attitudes towards LGBTQA+ communities and broader societal issues, highlighting the importance of continuous advocacy, policy refinement, and social engagement to foster inclusive and equitable environments across the United States.

## **4. Application of the cultural moral evolution model to the United States Navy**

### **4.1. Introduction**

The United States Navy, a branch of the US Armed Forces, has historically reflected broader societal attitudes towards the LGBTQA+ community. This section of our comprehensive study delves into the US Navy's intricate journey, as it navigates the evolving cultural and moral landscapes concerning LGBTQA+ service members (Naval Historical Foundation, n.d.). From the stringent policies of the past to the more inclusive approaches of the present, the Navy's transformation offers a unique perspective on the intersection of military culture, policy, and societal change. The history of the US Navy is rich with examples of how laws and internal policies have both reflected and influenced the status and treatment of LGBTQA+ individuals

within its ranks. This analysis aims to explore these changes, understanding them not just as isolated policy shifts, but as indicators of a deeper evolution in cultural morals and attitudes. By examining key legislative and administrative milestones, changes in training and education, and the shifting attitudes of service members and leadership, we can gain insights into the broader narrative of LGBTQA+ integration and acceptance within the military.

Moreover, this part of the study aims to place the Navy's journey in the context of the wider US military, drawing comparisons with the cultural moral evolution of other branches, like the Army, Air Force, and Marines. These comparisons will highlight both the shared paths and unique trajectories of each branch, offering a comprehensive view of the military's progress towards LGBTQA+ inclusion and acceptance. Through this analysis, we seek not only to understand where the Navy stands today in its treatment and acceptance of LGBTQA+ individuals but also to trace the path it has taken to reach this point. This exploration is crucial for comprehending the broader implications of military policies and culture on the integration and acceptance of the LGBTQA+ community within one of the nation's most fundamental institutions.

#### **4.2. Historical context**

The historical trajectory of the LGBTQA+ community within the United States Navy is a compelling reflection of broader societal and policy shifts. Initially, the Navy, in line with other military branches and societal norms, enforced strict prohibitions against LGBTQA+ individuals serving openly. This stance was deeply influenced by the predominant views of the mid-20th century, which regarded homosexuality as a disorder and a security risk. Such perceptions led to stringent investigations and the discharge of service members suspected of homosexual behaviour (Naval Historical Foundation, n.d.).

The introduction of the 'Don't Ask, Don't Tell' (DADT) policy in 1993 marked a major turning point (Naval Historical Foundation, n.d.) This policy excluded openly gay, lesbian, or bisexual people from military duty, while forbidding military personnel from discriminating against or harassing closeted homosexual or bisexual service members. Reflecting the social and political issues surrounding the presence of openly homosexual people in the military, DADT was a difficult and divisive compromise (Naval Historical Foundation, n.d.). The repeal of DADT in 2011 marked a pivotal moment in the Navy's history, signalling a transformative shift in approach. For the first time, LGBTQA+ service members were permitted to serve openly, a change that was both a result of and a catalyst for evolving societal attitudes. This policy shift signified an important move towards greater acceptance and integration of LGBTQA+ individuals within the military (Stillwell, 2011).

However, the journey towards full acceptance and integration of LGBTQA+ individuals within the Navy has continued to face challenges. Key issues have included the rights of transgender service members and the provision of benefits to same-sex

partners. These ongoing debates and policy changes underscore the complexity of the Navy's evolving stance on LGBTQA+ issues. This historical evolution is not just a tale of changing policies; it encapsulates the dynamic interplay between the Navy's internal culture and broader societal attitudes towards the LGBTQA+ community.

### **4.3. Policy evolution**

The 1993 implementation of the DADT policy marked a significant change in the system. Despite appearing to be a compromise, this policy kept LGBTQA+ service personnel at a total disadvantage. DADT forbade service members from revealing their sexual orientation, hence compelling LGBTQA+ people to serve with a secret. Many people believed that the policy was just a less onerous version of the discriminatory practices that had been in place before. The repeal of DADT in 2011 was a watershed moment for the Navy, fundamentally altering its approach to LGBTQA+ service members. The repeal allowed for open service by LGBTQA+ individuals, a move that was both a reflection of and a contributor to changing societal attitudes. The post-DADT era in the Navy marked the beginning of a more inclusive environment, though the transition was not without its challenges. The repeal necessitated the revision of numerous policies and training programmes to ensure the integration and fair treatment of LGBTQA+ service members.

The evolution of Navy policy took another significant step with the inclusion of transgender service members. The decision to allow transgender individuals to serve openly, initially made in 2016, was a progressive move that acknowledged the diversity within the LGBTQA+ community. However, this policy has been subject to reversals and reinstatements, reflecting the ongoing political and social debates surrounding transgender people.

Currently, the US Navy continues to grapple with the complexities of integrating and supporting LGBTQA+ service members fully. Policies are continually being reviewed and updated to address issues such as equal opportunity, anti-discrimination measures, and healthcare provisions for transgender service members. The current policy trajectory indicates a growing recognition of the rights and contributions of LGBTQA+ individuals within the Navy, but it also highlights the need for ongoing advocacy and policy refinement (USS Constitution Museum, n.d.).

### **4.4. Cultural shifts**

The repeal of DADT in 2011 marked not only a policy change but also a significant cultural shift within the US Navy. This repeal heralded a new era of openness and, gradually, a shift in attitudes among service members and leadership (USS Constitution Museum, n.d.). The Navy's emphasis on education and training has been a major contributor to this sum of cultural change. The Navy created extensive training programmes after DADT, with the goal of fostering respect and understanding for LGBTQA+ service members (USS Constitution Museum, n.d.). The goals of these

training sessions were to inform Navy personnel about the new regulations, the value of diversity, and how to stop harassment and discrimination. The eradication of stereotypes and promotion of an inclusive atmosphere have been greatly aided by this teaching strategy.

Leadership within the Navy has also played a pivotal role in guiding this cultural evolution. Leaders who openly support LGBTQA+ inclusivity set a tone of acceptance and respect. Additionally, the presence and advocacy of LGBTQA+ service members and allies within the ranks have been instrumental in driving change; their voices have helped to challenge prejudices and encourage a more accepting and supportive culture (Stromko, 2022). The social dynamics within the Navy have also completely evolved in response to these policy and cultural shifts. The increasing visibility of LGBTQA+ service members has normalized their presence, leading to more inclusive interactions and relationships among service members. This normalization has been a gradual process, with the Navy community learning to embrace diversity in sexuality and gender identity as part of its broader commitment to equality and respect for all personnel.

Despite these positive trends, challenges remain. Issues such as persistent biases, the need for ongoing education, and the integration of transgender service members illustrate that cultural evolution is an ongoing process. The Navy continues to work towards a culture where all service members, regardless of their sexual orientation or gender identity, are valued and can serve without fear of discrimination or prejudice.

#### **4.5. Summary**

The examination of the US Navy's journey towards the integration and acceptance of LGBTQA+ service members reveals a profound evolution in policies, attitudes, and cultural dynamics. This evolution reflects a broader narrative of change, not only within military institutions but also in societal perceptions and legal frameworks regarding LGBTQA+ individuals (Naval Historical Foundation, n.d.). The Navy's transformation, particularly since the repeal of 'Don't Ask, Don't Tell', mirrors the shifting societal attitudes towards the LGBTQA+ community. It underscores how changes in public sentiment and legal rights can influence and be influenced by military policies and culture. This interplay between societal trends and military policies highlights the Navy's role as both a reflection of and a participant in broader cultural shifts. The evolution of inclusive policies in the Navy has significant implications for the morale, cohesion, and effectiveness of the force. By embracing diversity and promoting an environment of respect and acceptance, the Navy not only adheres to fundamental principles of equality but also enhances its operational capabilities. Inclusivity in the ranks ensures that the Navy benefits from the talents and skills of all service members, irrespective of their sexual orientation or gender identity.

Despite significant progress, the journey towards full acceptance and integration of LGBTQA+ individuals in the Navy is ongoing. Challenges related to biases, ongoing

education, and the complete integration of transgender service members persist. Addressing these challenges requires continuous effort, advocacy, and policy refinement. The future direction of the Navy's policies and culture will likely continue to evolve in response to both internal and external influences, striving towards an increasingly inclusive and equitable institution. The Navy's journey towards LGBTQA+ acceptance and integration offers valuable insights into the dynamics of cultural moral evolution within large, structured organizations. It serves as a case study in managing change, balancing tradition with progress, and the importance of leadership in shaping inclusive cultures. As the Navy continues to evolve, it sets a precedent for other military and civilian institutions, highlighting the vital role of inclusivity and respect for diversity in any organization's moral and operational fabric.

## Summary

We have proposed a model of cultural moral evolution which seeks to describe the stages through which a dominant culture interacts with and adapts to an emerging or marginalized subculture. In this particular case, the subculture is defined as the LGBTQA+ community within the dominant culture. The model delineates a progression from indifference or ignorance to eventual acceptance and integration. Each stage represents shifts in attitudes, policies, and interactions between the dominant culture and the subculture. This framework is compared to cultural anthropology, highlighting differences in focus, approach, purpose, and limitations. It also presents an overview of each stage of the proposed model, from neutral to belonging, emphasizing that these stages are not strictly linear and may vary based on societal, political, and economic factors. Additionally, the integration of societal markers such as laws, human rights, religion, and academic teaching enhances the understanding of each stage's dynamics.

This philosophical model should be construed neither as qualitative nor quantitative in nature. Nothing should be construed as judgemental. It can, however, be used as a starting point to examine how cultures and subcultures respond to those who have always been here and among us. The proposed model of cultural moral evolution provides a structured framework for understanding how societies adapt to cultural diversity, primarily from a moral and ethical standpoint. It acknowledges the complexities of cultural interactions and emphasizes the importance of societal markers in shaping these dynamics. However, it also raises questions about the potential for de-evolving and the reversal or directional shifts of cultural trends. While the model offers valuable insights into societal evolution, it is essential to recognize its limitations and the diverse perspectives that exist regarding cultural change. Ultimately, the model serves as a starting point for conversations about cultural dynam-

ics and the complexities of human interaction, encouraging further exploration and dialogue.

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