3.1 INTRODUCTION

In the previous units of this block, you have been introduced to certain theoretical perspectives in the area of queer theory. While these could be useful lenses in examining queer issues within the Indian context, we would need to look at the specificity of Indian situations in order to arrive at a fuller understanding of Indian perspectives. In this unit we will look at queer politics and perspectives especially in the Indian context. Indian history, especially of the contemporary period, will bring to the fore many different contexts of class, language and political orientation, which impinge upon one another but are not reducible to each other. We will look at some examples from these different contexts to get an idea about the scope and work of queer theory in present day India. This will help you to see that theory and activism are intricately connected and that in order to theorize, it is important to speak from the location of the different ‘subjects’ that form queer theory in India.

3.2 OBJECTIVES

In this unit, you are going to learn more about ways of understanding (in other words, the ‘theory’ of) the contemporary queer politics and identities in India. After going through this unit now, you should be able to:
Indian Perspectives

- Explain how the language of ‘sexuality rights’ works in contemporary India;
- Explain how democracy works in terms of ‘sexual minorities’ and identities;
- Analyze critically the issue of difference and intolerance in the context of identity; and
- Arrive at an understanding of different Indian idioms which would help in foregrounding the differences between preferences and habits on the one hand, and sexual identities, on the other.

3.3 QUEER CONCEPTS IN INDIA

While theory and practice are sometimes set up as disparate and opposing sides, it is important to note, at the very outset, that theory often arises from ‘brainstorming’ or ‘strategizing’ within activist group meetings or as the chosen ‘angle’ in media debates. It influences the thinking that goes into deciding the specific pitch of a protest, the particular text of a slogan, as well as the range and ambition of the stated goals. Therefore, we need to enlarge our idea of the place of theory because it is present everywhere in unmarked yet remarkable ways. Its presence goes beyond places where it is considered ‘usual,’ that is, in the academia and in lengthy classroom discussions. Theory is, in fact, fundamental to the very ways in which we conceptualize our struggle; it resides in the methods we use to mobilize public opinion and in the fragments through which we dream up our ideal worlds. Queer theory in India, in this sense, finds itself dispersed outside the classroom in street actions and ‘pride’, in court-rooms, in activist-police dialogue, in NGO funding circuits and on endless banners.

Theory is, after all, as its Greek root suggests, fundamentally about ‘theros’ that is ‘spectatorship’ (‘horan,’ is ‘to see’). It determines the ways in which we see the world around us. A study of ‘theory’ quite simply implies understanding these ways of seeing and constantly revising them according to changing needs and situations.

Queer theory in India would find itself in an eclectic set of places. It might function as the bundle of ideas that become the driving force of an activist group, of a media campaign or of an academic enterprise. Queer theory is thus being formed at a variety of different places, which include small groups of female or male academics, scholars or activists who identify with, or wish to be associated with, issues related to non-normative sexuality and gender, as well as larger, more institutionalized gatherings of queer groups. Such groups may include not only those who identify as ‘queer’ based on
their sexual preferences or identities, but equally, others like parents, friends, or associates who may have some kind of personal or intellectual interest or investment in theorizing about queerness. You have already read about several such examples and case studies in the block on Queer Movements. Since it is not feasible to cover all such examples within the scope of one unit, we will use a select group of examples to illustrate the relationship of theory and activism in the Indian context. However, it is important to remember that the examples covered here present only one slice of the large and complex picture that composes the ongoing dialogues and debates around queer theory and practice in India. Before we turn to these examples, however, let us first try to understand the idea of sexuality rights.

3.4 SEXUALITY RIGHTS AND THE DEMOCRATIC CONTRACT

In this section, we will examine how the language of sexuality ‘rights’ works in our present day liberal democracies. The language of rights is intimately connected to the idea of ‘protest’ since protesting is a way of expressing dissatisfaction about rights not given, or snatched away from individuals and communities. In this context, K. Balagopal’s observations about protest and oppression are noteworthy:

“[Y]ou formulate a protest in terms of principle...you can never formulate a protest only in terms of an interest. You can never say: I am being oppressed. You have to say: oppression is wrong. That’s the only way you can formulate a protest. The moment you do that, the principle becomes universal. Not universal in the sense of 100% universal but it finds for itself a class which goes beyond you. Then what happens is that you will have to speak for many more people. Which again has its own further consequences. So a perpetual expansion of the principle concerned is unavoidable in the very fact that the protest has to be expressed in terms of universal values.”

(K. Balagopal (1952-2009), Indian civil rights activist)

What we can understand from the above is that the language of human rights is theoretically a universal language. In one stroke, it considers all its subjects equal. It gives attributes to each of them that are formally similar. The French National Assembly, when declaring ‘the Rights of Man’ in August, 1789, had considered every individual to be implicitly endowed with ‘natural, unalienable and sacred’ rights. This endowment is based on
the simple incidence of their birth. It is ‘natural’ in each one of them and requires no qualifications other than existence.

The declaration of ‘human rights,’ written closer to our times and adopted by the United Nations in December, 1948 extends this particular vein of its French counterpart. “Everyone is entitled,” it announced at the Palais de Chaillot in Paris, “to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (‘The Universal Declaration of Human Rights’, www.un.org). At the heart of all ideas of liberal and legal citizenship is actually a matter of faith. You have to believe that everyone is inherently equal, their rights are a sacred given and that no distinction that might attach to them in the course of living can contradict this bedrock of rights that is implicit in these creatures. It finds in the moment of birth the commonality of all human beings and premises all its gifts on this incidence that is necessarily shared by all. “All human beings are born free and equal in dignity and rights” (‘The Universal Declaration of Human Rights’, www.un.org). Each of us, at the very least, is born free. We should understand that liberal citizenship has always been a matter of faith which requires a structure of belief.

Ever since the 1960s, the decade associated with the ‘sexual rights’ and ‘civil rights’ movements in the United States and Europe, ‘sexuality’ has been articulated as one of the universal ‘rights’ of human beings. Every time a pride march in Delhi or Mumbai, or a legal document in its higher courts, speaks of ‘sexuality’ as a ‘right’, they inadvertently link themselves to the more than two hundred year old idea of liberal citizenship, and bring ‘sexual orientation’ to bear upon this always aggregating idea of citizenship. Whenever statements like ‘My Sexuality, My Right’ or ‘Right to one’s own Sexuality’ are articulated in the public media, in petitions or on banners, it makes ‘sexuality’ into one of those inherent attributes of human beings as citizens.

Framed in this way, as a proper attribute, as an identifiable thing within legal matters, ‘sexuality’ itself becomes not something that people ‘do’ or ‘experience’ but something that people ‘have.’ It becomes a personal trait. It is thought of as a distinguishable asset among people. They are all equal in so far as they all have a ‘sexuality’; this sexuality itself could be of different kinds (for example, ‘homosexual’ or ‘heterosexual’).

Representative democracy, based as it is on the ideals of liberal and legal citizenship, depends on the strength of these ideals for the task of democratic
representation. It needs recognition of effective distinctions among people under the larger umbrella of equality, so that they can be represented as separate units as well as coherent groups. We should understand that it is within such a political and philosophic framework, that is, within the framework of liberal, legal citizenship, that matters of sexual desire become numbers in the hands of census-makers; they become computable within a public game of statistics. As famously declared by the famous Urdu poet Muhammad Iqbal, “Jamahuriyat ek tarz-e-hukumat hai jisme, bando ko gina kartein hain, tola naheen karte” (‘democracy is a form of government in which heads are counted, but never weighed’) (Iqbal, 2007, p. 98). It is precisely because of this kind of tendency that under the aegis of democracy, ‘homosexuals’ can be conceived as a ‘minority’ and placed against the ‘heterosexual’ majority. The ‘margin’ as a common expression used by civil society groups, when used to speak about ‘marginalized sexualities,’ becomes not only a separating threshold between those without rights and those with rights but also effectively a border between groups thought to be inherently different, that is, homosexuals and heterosexuals.

Allocation into representative groups is a political convenience. It follows that, quite necessarily, the homosexual must then be seen as a ‘political’ creature in the deepest sense of the term rather than a ‘natural’ or a ‘scientific’ one. The ‘natural’ factor of one’s sexuality (remember all rights were framed as ‘natural, unalienable and sacred’) has to be staged as the ‘inherent’ quality in everyone to make sense of the processes that most civil society groups use for pursuing their dreams of change. They have to go through the route of legality. ‘Sexuality’ as ‘right’ is finally and fundamentally a political strategy and should always be understood as such. The difference that it institutes between ‘homosexuals’ and ‘heterosexuals’ is of a recent historical occurrence and cannot be read easily into the historical past or the future, or even into situations that are not exhausted by the language of rights. In the section which follows, let us look at the notion of difference in the context of (in)tolerance.

**Check Your Progress:** What are some of the links between ‘human rights’ and ‘sexual rights’? Explain with the help of examples.
3.5 DIFFERENCES AND (IN)TOLERANCE

One of the major slogans at the first Delhi Pride in 2008 was ‘Hindu, Muslim, Sikh, Isaai, Hetero-Homo Bhai Bhai’. It is a tribute to the song of equality. It was shouted and heard in joy. As observed by one of the participants of the march, slogans need to be direct and simple; they should hit you hard, not make you ponder. Slogans, she held, do not have footnotes. While slogans do not have footnotes, it is evident that they have implications. How do we get to the implications of any slogan?

Let us take an example from the life of the famous writer, Ismat Chughtai, about whose trial you read in the previous unit. The young Ismat Chughtai, at her neighbors’ house during a festival, once held an idol of Krishna in her arms with a love that only children are capable of. She writes of this experience when she tells the story of her life in Kagazi Hai Pairhan: “Resham aur Gote ke T akiyon par ek rupehali bachha leta jhool raha tha…aur surat is gazab ki bholi! Aankhon jaise lahakte hue diye! Zid kar raha hai, mujhe godi mein le lo. Haule se maine bachhe ka naram-naram gal chua. Mera roaan roaan muskura diya. Maine beikhtiyaar use utha kar seene se laga liya” (Chughtai, 1998, p. 12). (Translation: “On silk, adorned pillows lay a beautiful child, swinging lightly... and his face was of an incredible innocence! His eyes were like incandescent lamps... adamantly insisting that I pick him up. Gradually, I touched the soft cheeks of the child. I sensed a feeling of elation in each part of my body. Without any hesitation, I picked him up and held him close to my chest”).

But the narrator is immediately caught by one of the elders. While her Muslim family is outraged, her Hindu neighbors are in a state of panic. The result of the author’s blasphemy is that now she ends up being schooled into Islam with an ever greater degree of intensity. Discernment is the first step that unfolds with a relentless logic. Differences need ways to aggrandize themselves. “Isi silsale mein logon ko meri aakbat sambhalne ka khayal aa gaya. Mere dil mein Islam ki bartari koot-kootkar bhari gayi - Islam jo duniya ke har mazhab se arfa aur aala hai. Yah bhai-bhai ka naara apni jagah hai, magar hakikat yah hai ki musalmaan phir musalmaan hai” (Chughtai, 1998, p. 12). (Translation: “Due to this event, people took it upon themselves to improve my prospects in the world after. All the teachings of Islam were piled upon me -Islam, that which is above and superior to all other religions of the world. This slogan of bhai-bhai is one matter, but the reality is that the Muslim is after all a Muslim”). (Chughtai, 1998, p. 12). The fraternal bond between the Hindu and the Muslim, the hetero and the homo, does not deny the faculty to discriminate but may even serve to intensify differences.
The above example might help us to see that just as attempts were made to turn Ismat Chughtai into more and more of a Muslim, with stacks and stacks of rules and teachings, insistence upon adhering to differences of any kind can push people to cling more closely to their differences, whether they be defined in religious terms, such as Hindu or Muslim, or in terms of sexual identities such as homosexual or heterosexual. We call this the stereotype. Stereotyping, which is often used as a precondition for intelligibility, is also a method of discrimination.

Article 14 of the Indian Constitution guarantees equality to all citizens. In doing so it separates these citizens according to what it terms as ‘reasonable classification’. Additionally, it advises a test for judging the reasonability of any classification. To pass this test, it says, “…the classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from those that are left out of the group” (quoted in Shah and Murlidhar, 2009, p. 73). It is foregone that equality proceeds only on the basis of an intelligible differentia.

The above may lead us to ask: what is this intelligible differentia between the homosexual and the heterosexual? How does it become reasonable, make sense to us? And what might be the history of such a discernment, of such a separation? Of the margins that have been drawn and the people that have been grouped on either side? In the politics of sexuality, to be marginalized is also to be relegated to a difference. By this we mean a particular kind of difference, that which first makes place for, and then adjudicates your inner truth. For instance, the right to employment might not say anything particular about your ‘inner self’ or personhood, unlike the right to one’s own sexuality which is more obviously connected to a definition of the self. The idiom of human rights makes strange demands on its objects. It considers them to have certain inalienable attributes: sexuality or sexual orientation now being one of them.

3.6 DIFFERENCE, IDENTITY FORMATION AND BEYOND

Based on your reading of Unit 3 (“Legal Issues”), in Block 3, you would already have an understanding of some of the legal issues surrounding queer sexuality in India, especially the significance of the judgement delivered on the reading down of Section 377. Before moving further into our discussion of difference and its relation to identity formation, it would be worthwhile to look at an excerpt of the 2009 Naz judgement (see Box 3.1 below):
Box 3.1: Excerpt from 2009 Naz Judgement

“The notion of equality in the Indian Constitution flows from the ‘Objective Resolution’ moved by Pandit Jawaharlal Nehru on December 13, 1946. Nehru, in his speech, moving this Resolution wished that the House should consider the Resolution not in a spirit of narrow legal wording, but rather look at the spirit behind that Resolution. He said, ‘Words are magic things often enough, but even the magic of words...sometimes cannot convey the magic of the human spirit and of a Nation’s passion....... (The Resolution) seeks very feebly to tell the world of what we have thought or dreamt of so long, and what we now hope to achieve in the near future’...If there is one constitutional tenet that can be said to be underlying theme of the Indian Constitution, it is that of inclusiveness. This Court believes that Indian Constitution reflects this value deeply ingrained in Indian society, nurtured over several generations...Those perceived by the majority as ‘deviants’ or different are not on that score excluded or ostracised...Where society can display inclusiveness and understanding, such persons can be assured of a life of dignity and nondiscrimination. This was the spirit behind the Resolution of which Nehru spoke so passionately. In our view, Indian Constitutional law does not permit the statutory criminal law to be held captive by the popular misconceptions of who the LGBTs are. It cannot be forgotten that discrimination is antithesis of equality and that it is the recognition of equality which will foster the dignity of every individual...We declare that Section 377 IPC, insofar it criminalizes consensual sexual acts of adults in private, is violative of Articles 21, 14 and 15 of the Constitution. The provisions of Section 377 IPC will continue to govern non-consensual penile non-vaginal sex and penile non-vaginal sex involving minors. By adult we mean everyone who is 18 years of age and above...Chief Justice AP Shah and Justice S Muralidhar / JULY 2, 2009” (Shah and Muralidhar, 2009, pp. 104-5)

In this regard, the 2009 Naz judgment, as quoted above, does something peculiar. Suddenly every Indian citizen - as rendered intelligible within this legal document - has a sexual-orientation. A historical idea suddenly becomes a universalism. What was in 2005, in the words of two young editors of a volume on queer politics in India, only “beginning to enter the consciousness of the nation” is now firmly ensconced with its hook into the highest document of the nation-state: the Constitution (Bhan and Narrain, 2005, Back Cover). The basis of sexual-orientation becomes an unquestioned basis.
‘What is your sexual-orientation?’ becomes a sensible question. A body of people becomes quantifiable on the basis of their sexuality, hetero or homo. All the maneuvers of the margin-as-border find a perfect playground. We need to ask when did it begin to make sense and how. When did sexual orientation become the thing everyone has? When did it become as obvious as breathing?

The above questions and issues call our attention to one important strand of what is happening in queer organizing in India today. However, we need to note that beyond the debates around categories of identities, there are also other debates which are not dependent on identity politics alone. These include questioning structures—social, political and cultural—and destabilizing them. If identity formation and demands as citizens of a democratic state make for certain strategies, there is also a whole body of work going on around questioning hetero-normativity, family, kinship, class, caste, and gender. A lot of this work is being done at the intersections of queer and feminist politics. You have read about some of these issues in other units of this course, especially in the unit on ‘Queer Movements’ (Unit 2, Block 3), and in the unit on ‘Feminism and Non-Normative Relationships’ (Unit 4, Block 5). It may be useful to review those debates in the light of the issues raised here.

Further, talking of identities and difference also serves another important function—that is, of making visible those persons who have remained marginal and invisible in the public eye. This is especially true for lesbian and bisexual women, who have had no access to public space or discourse. Although, in the above sections, we have been using the general category of the ‘homosexual,’ we need to remember that our gaze must shift to include those that are often invisibilised under this generic ‘homosexual’ category. The generic term can often still remain male and gay and cis-gendered (where the last term implies those people who never experience any difficulty in matching their gender identity and roles to what is considered the social ‘norm’). The theorizing of the movements, queer and feminist, have now moved beyond such a generic representation. While the creation of “homosexual” as a category is important, what is equally important is a critique of it as an identity that erases difference. So it becomes even more significant to take note of the differences that are being expressed, even if they do not form the ‘mainstream’ of queer discourse.
3.7 LET US SUM UP

We have looked at Indian perspectives in relation to queer theory in the light of the relationships between theory and practice. The discussion around sexuality rights and the democratic contract would have helped you to locate the issues of rights of citizens regardless of their sexual preferences or identities. We have briefly examined the relationship between difference and intolerance through examples, and seen how identity formation is one of the strands of discourse that may be used by queer activists in the struggle for equal rights. Finally, we have also noted that while this is an important route taken by some groups, there may be others whose experiences are not included here. For example, we could have talked about the concept of ‘homosexuality’ through the experience gained through specifically ‘lesbian’ and ‘bisexual’ women’s activism in India, to see how it differs from the ‘gay’ male activism; we could have talked about the relationship between ‘sexuality’ and ‘dis/ability’ - how is the disabled body often desexualized in popular discourse about it, how can we counter this - and, we could have talked about how Hijra activism over the last several years in India has given us other models of doing ‘sexuality activism’, one that is not driven by ‘homosexual’ identities, one that has a wider class fabric, is not entirely ‘secular’ and one that brings the concerns of the trans-gendered individuals squarely to the centre of the sexuality debates. All of these are current and important examples in contemporary India and can be used to ‘theorize’ sexuality in different, relevant and exciting ways. You would be reading about some of these in other units of this course, or of other courses in this curriculum. Let us conclude with the observation that there are several different activisms that are currently simultaneous in India. Each of them is interrelated but not the same. Each of them is a bundle of ‘political strategies’ and that their political interpretation - the way they get used politically by activists - gives us the most incisive way of understanding them.

END NOTES

1As told to the author by one of the participants at the Delhi Pride March in 2008.
3.8 UNIT END QUESTIONS

1) Do you think the concept of the ‘homosexual’/‘heterosexual’ is the best way for activists to conduct their work on ‘sexuality’? What other ways are possible?

2) What are the different ways in which same-sex desire can be talked about in the contemporary Indian context?

3) Do you think that differences in identity lead to intolerance? What is the relationship between the two? Think of examples from your own experience and use these examples to formulate your argument.

4) How is identity formation used as one way of theorizing about sexuality in the Indian context? Discuss with the help of examples.

3.9 REFERENCES


3.10 SUGGESTED READINGS


www.labiacollective.org
www.nigahdelhi.blogspot.com
www.voicesagainst377.org