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► **To cite this version:**

Coline Sénac. A lesbian world reconsidered: female homosexualities in contemporary India (and its diaspora). British Conference of Undergraduate Research (BCUR Conference 2015), May 2015, Winchester, United Kingdom. <10.13140/RG.2.2.16131.40488>. <hal-03104630>

HAL Id: hal-03104630

<https://hal.science/hal-03104630v1>

Submitted on 9 Jan 2021

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THE BRITISH CONFERENCE OF THE UNDERGRADUATE RESEARCH

A lesbian world reconsidered: female homosexualities
in contemporary India (and its diaspora)

Abstract

This conference presents the epistemological and moral perspectives of the section 377 of the Indian Penal Code in a postcolonial context.

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Supported by donations to the
FOOTSTEPS FUND
by alumni and friends of the University of Leeds



Conference for the British Conference of Undergraduate Research (2015)

“A lesbian world reconsidered”: Female homosexualities in contemporary India

Epistemological & moral perspectives of the section 377 of the Indian Penal Code in a postcolonial context

Summary: Broadly speaking, I’ve presented a conference about the lesbian homosexualities in the Indian communities, in the aim of presenting the main issues the LGBTQ+ communities in India and its diaspora are generally dealing with in a postcolonial context. First, I’ve demonstrate how the “lesbian” identity is epistemologically problematic by the way the term linguistically refers to an Englishness that makes female homosexualities wrongly appears as Westerner. Second, I’ve shown how the colonial law legislation have regulated Indian female homosexualities in the aim of incriminating them as a distinct sexual conduct. By these explanations, I defend therefore the idea that the decriminalization of the anti-sodomite law 377 of the Indian Penal Code could embrace the project of an Indian decolonization, from which the diversity of sexualities in the Indian society (and its diaspora) could be recognized, through the development of (1) an Indian postcolonial epistemology, and (2) an Indian system of social and legal regulations.

Focus on: the publication of a report by the Kaleidoscope Trust about building a constructive commonwealth approach to LGBT rights (financed by the Commonwealth Society).

To celebrate the promotion of undergraduate knowledge on the occasion of the British Conference of Undergraduate Research, I will invite you to open your mind to new paths of research in social sciences, from which researchers attempt to understand the historical, sociological, political and philosophical issues about the colonialization phenomena. For this event, my part of this academic challenge is specially to introduce you the general issues of the postcolonial perspectives of the female homosexualities in contemporary India (and more broadly its diaspora). For the need of my research thesis, I will present you an epistemological study of the lesbian question (rather than a sociological one). Perhaps you are already thinking ‘why has she decided to study this subject’, and maybe an explanation is effectively needed. One day, while I was talking with my friends about the social roles of sexual taboos, one of them, an Indian-British friend, came out. She told us she was a lesbian. And when she announced it, one of my male friends said spontaneously that it would be nice to have a three-sum with two lesbians. A lesbian, interested by women, having sex with a man?

However, this situation makes me suppose that my male friend is just a product of a random heteronormative society, and therefore he is not the only one who thinks that a lesbian could respond to the male fantasy. Just have a look on Google to know what people think at one moment, from one part of the world, but also what kind of assumptions you will have to overcome. If you google “Indian lesbians”, you find websites about ‘hot chicks’ or ‘sexy Indians’. These results normally refer to the heteronormative conception of sexualized and eroticized Indian lesbians, who are definitely kept maintained within the male sexual sphere. Obviously, you can keep looking on Google in case you find results that correspond to lesbians testifying their social experiences by designating themselves as such, but the results of your observations could be disturbing: while the reference of a lesbian as a sexual conduct is **visible**, the one as a sexual identity remains contrarily **invisible**. Well, you could say that Google doesn’t reference all the meaning the term ‘Indian lesbian’ could refer, and try to find representations of Indian lesbians as a sexual identity in Indian popular culture. Particularly in film representations in Indian film productions, lesbians only appear in *Fire* by D. Mehta, *The Journey* by L. Pullappally and *Girlfriend* by K. Razdan. And don’t be mistaken, this list of films is not far from exhaustive. In fact, the representations of lesbians’ lives are still almost inexistent that they are already compromised by the tyranny of the mainstream film industry that intend to keep them in

the margins. As P. Parmar have said: “the more we assert our own identities as historically marginalized groups, the more we expose the tyranny of a so-called center”¹. For example, the Indian Censor Board simply muted the term ‘lesbian’ in the Bollywoodian film *Dum Laga Ke Haisha* in February 2015. Wait a minute. Does anyone think that suppressing the word ‘lesbian’ will signify the end of the lesbianism? By strict analogy, if the word ‘race’ was suppressed, would it be the end of the racism? If the word ‘sex’ was suppressed, would it be the end of the sexism? What it’s important to remember here is that you can not make a sociological phenomenon disappear by simply not saying its linguistic reference. As the philosopher L. Wittgenstein claim by his theory of pragmatic language: “when we say: ‘every word in language signifies something’, we have so far said nothing whatever; unless we have explained exactly what distinction we wish to make”². In other words, the language makes sense of something, like the term ‘lesbian’ corresponds to the lesbianism as a social phenomenon. So, the Indian Censor Board have deliberately decided to not recognize the existence of female homosexualities by refusing to use this specific term. Therefore, the language need to be employed in the aim of recognizing those kinds of romantic and sexual experiences. However, the main problem is that ‘lesbian’ has always been kept in English, without being translated in any vernacular Indian languages. Consequently, the Englishness of the term wrongly implies that female homosexuality is historically a ‘western’ conception. But do you think homosexuality is a Western conception? Well, you are both right. First of all, the designation of ‘homosexuality’ is a Western modern conception that takes account of the sexual and romantic relationships that the term involves. However, historians have proven the recognition of the sexual practices, desire, romance and love between females in Indian cultures since the Classical Age, as proves the Second Part of the Eighth Chapter of the Kama Sutra. Nevertheless, a term has been invented not to refer to the female homosexual practices, but rather to the sexual type that these kinds of experiences imply. Therefore, the person who has sexual and romantic female homosexual relationship is a *svairini*, which is literally speaking – an independent woman that frequents her own kind. But by considering rather the social practices rather than the social type, it leads to a

¹ Wittgenstein, L. (1986), “#13”, *Philosophical Investigations*. Oxford: Blackwell Eds.

² PARMAR, P. (1993), “That Moment of Emergence”, *Queer Looks, Perspectives on Lesbian and Gay Film and Video*. London: Routledge. *Open cit.*

misunderstanding about what the *svairini* identity is related to. A *svairini* is not considered as a homosexual woman but rather as a person with a singular way of having intimacies with specific women. Nevertheless, the way the words are referring to the subject defines the way you perceive and define it. From these linguistic considerations, you could say ‘lesbian’ to refer to the social practice, or the social type. But the political considerations in which are intricately power relations leads to a different analysis about the way you can define subjects. As E. Povinelli claimed, sexual types – such as the *svairini* one – have been transformed from forms of intimacies to types for a social governance that finally develop a “social matrix out of which types and their divisions emerge”³. In fact, the political governance could build up a social system from which a multitude of other sexual and romantic practices – such as the ones from a *svairini* type – are divided into codified social types. In fact, the codification of a social type modifies the way you generally consider the female homosexual practices.

In the modern sciences, epistemology transforms phenomena that compose your reality into units of knowledge built from a classificatory system of knowledge. This way of building knowledge is based on the Kantian premise that phenomena is presumed to have a transcendental existence as entities according to a subject. And when the subject transformed the phenomena into a unit of knowledge, it becomes the product of an object-subject relation. From this object-subject relation, it results that the sexual practice, love, desire and romance between females – which have been considered as female homosexuality – are therefore englobed into one typology, considered as ‘the female homosexual type’. However, this epistemological ontology reduces the consideration of the social type to its systematic way of defining the related sexual and social practices. As Michel Foucault claimed, this classificatory system of knowledge “diverts mechanisms of exclusions and discrimination by developing systematic grammars that package populations into ontologies, which perpetrates epistemological violence”⁴. Therefore, I argue that in a colonial context, these ontologies have been established in a broader field to calibrate domination. When India was controlled by the British Empire, Lord Macaulay created the section 377 of the Indian Penal Code (1860) that considers homosexuality – and more

³ POVELLINI, E. (2006), *The Empire of Love: Toward a Theory of Intimacy, Genealogy and Carnality*. London: Duke University Press. p.3

⁴ FOUCAULT, Michel. (1977), *Discipline and Punish*. New York: Pantheon books. *Open cit.*

specifically sodomy – as a crime. Categorized as an unnatural offence, the law specifies that sodomy is a ‘carnal intercourse against the order of nature with any man, woman or animal’. Although sodomy is the explicit forbidden sexual practice, the story tells that the Queen was so outraged by the idea of sexual relationships between females that she refused the explicit reference in the law. So, because of the ban on female homosexuality, the British colonial governance has defined these sexual practices, desire, love and romance between females as a distinct sexual orientation that had to be incriminated. Yet this ‘order of nature’ is based on Victorian moral values issued from the Judaeo-Christian tradition. And even if India obtained its independence since 1947, it remains that female homosexuality is still controlled by this colonial legacy, and these Victorian values are still conveyed through the Indian tradition.

But as you suppose well, India is not the unique country from Commonwealth in the same situation: The Kaleidoscope Trust report claims that 41 of the 53 Commonwealth member states still criminalize homosexuality. More recently, it turns out in India that section 377 was in the process of being revoked by the High Court of Delhi in 2009, but was eventually put aside by the Supreme Court in 2013. From now on, the current politics are trapped in an in-between situation while the political spheres and private spheres are ruled by the ‘game of silence’. Meanwhile, the two camps – mainly Muslim religious communities and LGBTQ+ communities – are mobilizing their resources and building support within the Indian society (and its diaspora).

Now, it’s time to play to a ping-pong moral game. Should same-sex marriage be legalized or not (and thus the recognition of same-sex relations)? I could say ‘no’ as the institution of marriage is traditionally the union between a man and a woman, and you could reply ‘yes’ as there is no moral ground on which to support the tradition of marriage as a heterosexual institution. I could say ‘no’ as institution of marriage involves procreation. And you could say ‘yes’ as there is no prohibition for unions between a sterile woman and a fertile man (or vice versa). I could say ‘no’ as the sexual complementarity in these unions is necessary for the normal development of children. And you could say ‘yes’ as scientific studies and psychologists have recently demonstrated that the love and commitment of the parents make a difference. Who wins? No one apparently: when it concerns moral issues, there is no question about being ‘right’ or ‘wrong’, it’s just a question of accepting the answers in the name of tolerance. Consequently, it

would be conceivable that same-sex sexuality and its recognition could be understood strategically from a humanitarian ground. Lesbians are individuals that should be recognized as such and have rights as any other individuals. So, by stepping aside moral considerations, you could accept this humanitarian ground by considering these individuals to have a legal status which would permit them to obtain their recognition within the Indian society.

By an epistemological study of the lesbian question, I have demonstrated that **the term ‘lesbian’ is that it refers to social type which have been ranged into one typology, in the aim of criminalizing female homosexualities by having distinct sexual and romantic orientations than heterosexual ones. Moreover, these terms have confined these individuals within a colonial-heteronormative matrix that is still conducted today on the moral ground on which the tradition is supported.** Rather, female homosexualities should be rather considered as normal sexual identity as the heterosexual one, in the name of human freedom and choice. Therefore, the epistemological considerations of their social type have directly impacts on the social realities they are confined in, which can be refuted by the recognition of (1) a new postcolonial epistemological that could take account of the redefinition of the Indian female homosexuality in a postcolonial context, and the suppression of laws that are detrimental to their recognition of rights. With these epistemological and legal readjustments, the Indian society (and its diaspora) could develop a new register of social and legal regulations which would disentangle their normative system from the colonial and heteronormative matrix, in the aim of contributing to the development of new post-colonial identities.

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