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Decoding Desire:

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A Postcolonial Reading of Madhavi Menon's

A History of Desire in India

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Address for Correspondence: serviceheb@gmail.com**ABSTRACT**

Desire and sexuality are among the most discussed, theorised and contested issues in contemporary India, especially in the wake of the LGBTQ movement and the recent Supreme Court judgement on Article 377 that decriminalises homosexuality. A closer look at the intense and often militant debates about sexuality reveals that we understand desire and sexuality within fixed frames. On the one hand, we have a rigid heteronormative tradition that dismisses, condemns and punishes all non-normative desires by labelling them unnatural and Western imports; and on the other, there is a powerful colonial discourse that polices desire by codifying them, slotting them into watertight compartments. And the postcolonial State has adopted these classifications and a draconian colonial law to further marginalize sexual minorities. Even the LGBTQ movement has largely adhered to these fixed categories. Madhavi Menon, in her path breaking book *Infinite Variety: A History of Desire in India* argues that India, a land of multiple desires, has never named desire; that desires are so fluid and diverse that they defy classification of any kind. She takes us through the complex histories and contemporary cultural landscapes of India to demonstrate the immense, sometimes unfathomable aspects of desire in India that resist regulation. At a time when the vast cultural heterogeneities of the country are being suppressed by power structures, it is all the more important to preserve and celebrate multiple, unnameable desires that are part of our rich cultural heritage, a heritage that has come increasingly under threat from sectarian forces.

Key Words: desire, sexuality, rigid classification, regulation, multiplicity and decolonise**Access this Article Online**<http://heb-nic.in/cass-studies>

Quick Response Code:

Received on 20/05/2019
Accepted on 29/05/2019@HEB All
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Desire and sexuality are among the most discussed, theorised and contested issues in contemporary India, especially in the wake of the LGBTQ movement and the recent Supreme Court judgement on Article 377 that decriminalises homosexuality. The debates have drawn people from across the socio-political spectrum. On the one hand, we have a rigid heteronormative tradition represented by religious groups that dismisses, condemns and punishes all non-normative desires; on the other, there is an outdated, yet powerful colonial discourse that polices desires by codifying them, and slotting them into neat categories. And we are governed by a postcolonial State which adopted these classifications and retained a draconian colonial law to further marginalize and disenfranchise alternate sexualities. Even the LGBTQ movement that protests against the heterosexism of mainstream society and fights for the constitutional and social rights of sexual minorities has largely adhered to fixed categories such as gay, lesbian, bisexual, transgender and queer. In fact the political movement itself is named after these categories.

A closer look at these divergent and opposing views would reveal that, irrespective of ideological positions, we understand desire within narrow and set frameworks. And these frameworks are invariably products of the colonial encounter, although today they masquerade as Indian culture and values. However, despite a strong tradition of compulsory heterosexual marriage, India has always accommodated multiple sexualities and non-normative desires. One of the most prominent contemporary myths about sexuality in India is that homosexuality is alien to Indian culture, it's a Western import and a sign of moral degeneration. However, this myth has been dispelled by reputed scholars who carried out extensive research in this area. Ruth Vanita and Saleem Kidwai, in their seminal work *Same-Sex Love in India*, draw on the literary traditions of India from ancient to the modern which affirm that homoeroticism has been an integral part of Indian culture. Madhavi Menon, in her path breaking book *Infinite Variety: A History of Desire in India* takes a step further by linking desire to the everyday. She says that desire is everywhere in India; it is fluid, multiform and tends to overflow boundaries. In fact, India, a land of multiple desires, has never really named or defined desire. Desires are so fluid, unfixed and diverse that they defy classification of any kind. Gurcharan Das echoes Menon's Views:

"... my Hindu ancestors realized that Kama (desire) is the source of action, of creation and of procreation, they elevated it not only to the status of God, but also saw it as one of the goals of human life. They thought of it as a cosmic force that elevates all life". (xiv)

In her meticulously researched book, Menon takes us through the complex histories of desire and contemporary cultural landscapes of India such as temples, Dargahs, cinema, parks, education and army to demonstrate the immense, sometimes unfathomable aspects of desire in India that fervently refuse to be contained within fixed parameters and categories.

In India sexual liberalism and repression have always co-existed. For instance, the sexually open *Kamasutra* and the sexually punitive *Manusmriti* exist side by side. Though the *Manusmriti* pronounces minor punishment for same-sex relationships, at least it acknowledges that homosexual

attachments existed. The images on the walls of Khajuraho celebrates desire in all its forms and varieties. And Lord Ayyappan, the offspring of two male Gods Vishnu and Shiva, is among the most widely worshipped deities in the country. Menon observes,

“Consistency is not the favoured mode in India, especially in relation to desire.... The history of desire in India reveals not purity but impurity as a way of life. Not one answer but many. Not a single history, but multiple tales cutting across laws and boundaries.” (12)

Unfortunately the long held tradition of tolerance towards sexual diversity is gradually vanishing from contemporary political and cultural discourses. Sexuality is being perceived increasingly in moral terms, and any form of sexual non-conformity is penalized. A concerted effort is being made, with State endorsement, to homogenise desire and forcibly squeeze it into predefined compartments. Ironically, it is the attitude of intolerance and the law against alternate sexualities that is Western, not subaltern sexualities.

Article 377 in chapter XVI of the IPC was introduced during the colonial regime. It was drafted in 1838 by Lord Macaulay, the then president of the Indian Law Commission, and implemented in 1860. It was modelled after the infamous Buggery Act of 1533 which was introduced during the rule of Henry VIII in Britain. The law not only reflects deep seated British homophobia but also colonial desire for political and cultural control of the native population.

The history of homophobia in the West can be traced back to the middle ages. In the medieval period, the Church emerged as the most powerful institution in Europe, surpassing even the monarchy. It controlled every aspect of people's private and social lives. During this time, the sexual freedom of the classical age gave way to a stringent regulation of desire and sexual relationships. Hierarchical marital and social relationships, and unquestioned submission to religious doctrine were the foundational principles of the church. Multiple Sexualities were collapsed into socially acceptable categories. Sexual non-conformity was seen as a threat to the established order and ruthlessly punished. In spite of political and social changes, these inflexible attitudes prevailed during the Victorian era.

Michel Foucault in *History of Sexuality* states that Victorian age saw an enormous proliferation of new scientific theories and disciplines such as psychology, anthropology, sociology and sexology. Under the influence of these new developments, individual behaviour now became an academic subject. People needed to be observed, analysed and theorised; and the *experts* promulgated theories on marginalized groups such as non-whites, women, the working classes, the criminals, religious minorities and the sexual deviants. All were evaluated against the norm of the white, middle class, Christian men. The new ideologically loaded theories, under the disguise of science, endorsed and consolidated deep rooted prejudices. Certain forms of desire, therefore, became naturalized and privileged and others vilified as deviant, unhealthy and criminal. (Hall 108-113)

In *Orientalism*, one of the foundational texts of post colonialism, Edward Said says that colonial discourse sets up an uneven dichotomy between the East and the West, usually in oppositional terms.

While the West is represented as economically and morally superior, the East is constructed as its inferior Other. The dichotomy reinforces the West's sense of superiority. In the nineteenth century, deeply negative stereotypes about the orient were in circulation throughout the West. In the realm of sexuality, the Orient was represented as a land of moral degeneracy, perverse desires and sexual promiscuity. In contrast, the West was morally upright, self-controlled and ascetic. Oriental people, therefore, had to be civilized and contained by making them conform to the Western standards of morality. These representations based on colonial assumptions and prejudice, also served to legitimise colonial rule. One of the most effective strategies of political domination adopted by the colonizers was to impose political and judicial structures on the colonies, after systematically erasing native cultures and institutions. (McLeod 45-46)

A charter of 1833 set up a series of law commissions that worked to codify a uniform civil and criminal law for the whole of India. Although the British claimed to consult scriptures, both Hindu and Muslim, and scriptural experts while devising personal laws, the source of the IPC was the British law, disregarding numerous and complex regional and cultural variations that existed in the subcontinent. Interestingly, Macaulay passed the law that criminalizes alternate sexualities without a public debate, so fixed was he in his views on sexual permissiveness in India. He decided that all Muslims are governed by the Quran and all Hindus by *Manusmriti*. Madhavi Menon says, "We might consider how different our laws on desire would have been today had the British chosen the *Kamasutra* as the text on which to base its laws for Hindus" (167). But the British lawmakers chose the more conservative *Kamasutra*, because it resonated their own worldview.

The British, governed by a strong sexual puritanism, found some of the more liberal traditions of India so unsettling that they mounted a massive legal and moral attack against these systems. The age old practice of *Sambandam* among the Nairs of Kerala is an example. The Nairs were a prominent matrilineal community in which the family name and property passes down through the female line. Therefore, the financially independent Nair women could choose the partners of their choice. The relationship was not binding on any of the partners, and there was no limit to the number of relationships a woman could have. While in Britain and the rest of Europe marriage was a State-approved institution which placed men in a position of privilege and domination in terms of both name and property. Marriage was used by men as a means to control women's property and body. Man's authority was recognised by the State as the head of the family. The Nair women had agency without having to surrender their bodies or property to men. That is why the British looked down upon it and unequivocally condemned the practice through the state-controlled media and education system. Under the British, temple dancers in South India and courtesans in the North, traditionally respected, had become prostitutes and Malayalee women who entered into *Sambandam* were branded concubines.

The attitude to the transgenders or *Hijras* or *Napunsakas* as they are called in India further demonstrates British prudery and colonial mindset. Transgenders, revered and shunned in varying

degrees, were nevertheless an important sub culture in India. *Napunsakas* were mentioned in ancient Sanskrit texts such as the Ramayana. According to tradition, Rama granted them the special powers of benediction, which is why their presence is a must in auspicious ceremonies. The Mughal courts understood '*hijra*' etymologically as a term recounting the Prophet Mohammed's flight from Mecca to Medina in 622 AD. They were appointed to high positions in the Mughal court such as keepers of the harem, soldiers, and body guards. The British were so startled by the gender 'confusion' presented by the *hijras*, they passed the Criminal Tribes Act in 1871, under which the *hijras* were classified as belonging to a 'criminal caste', a category of caste invented by the British. The *hijras* were forced to register and were arrested for dressing like a woman or dancing on streets or in private spaces, things that they had been doing for ages. *Hijras* prove that India had always acknowledged more than two genders/sexes. But now they came to be seen as deviants, at odds with the Western gender binary of male-female. We inherited this parochial attitude from the British. The terms used in the Rights of Transgender Persons Bill, 2016 which ensures equal rights to transgenders, still defines them as biological males who identify themselves as women or not-men, or in-between men and women. These definitions, though give them constitutional rights, keep intact the separate categories of men and women. (Menon 111)

The Bhakti movement that arose in the 12th century stressed the necessity of shedding masculine identity to experience union with the divine. In Bhakti poetry, which has a history of over 900 years, the erotic love of Krishna is narrated from the woman's point of view, especially by the male poets. Krishna himself takes on the female form in a number of poems. Male devotee adopts a female persona and moves from being male to female. This movement, however, does not demand genital change. The devotee assumes that he is a woman without physical transformation. The devotee's gender and desire are beyond conventional classification. Muslim rulers of Awadh dressed as women during festivals and special occasions; Nawab Nasiruddin Haider on the birth anniversary of each Imam¹ pretended to be a woman in childbirth and other men imitated him by dressing and behaving like women. British men viewed it as unmanly and a sign of depravity. (Menon 223-232)

Article 377 was stuck down in Britain in 1967, but continued in India for more than sixty years after independence. India's constitution and Penal code are largely modelled on the Western nations. The new State, which was largely governed by British educated leaders and reformers, incorporated Article 377 into the Penal Code.

One of the most disturbing aspects of the law is that it does not distinguish between consensual and non-consensual sex. Homosexuality was a criminal offence, irrespective of consent, and was equal to rape, bestiality and perversity. Moreover, sexuality came under State purview and State had the authority to intervene in matters of personal choice and regulate sexual behaviour of its citizens. And Judiciary legitimized the State's power to prosecute sexual subalterns, forcing people to hide their sexual identities, rendering them vulnerable to social ostracism, discrimination, persecution and violence. In case of the sexual minorities, their sexual identities collide with their identity as citizens.

Their fundamental rights were denied in order to uphold “morality” and public sentiment. Post-independence, we accepted regressive colonial morality and rejected our own heritage. The only legitimate desire now was marital, reproductive and heterosexual. Marriage is privileged and protected by the State in the form of institutional support, legislations, health and educational benefits. The Indian State, we can say, has consistently failed to protect the sexual minorities.

In a landmark judgement on 06th September, 2018, the Supreme Court of India finally struck down Article 377, decriminalizing homosexuality. This is undoubtedly a huge step forward for the rights of sexual minorities. However, both the law and people of alternate sexual orientations, used modern and largely Western constructs such as gay, lesbian, and bisexual which are essential for political mobilization, but also overlook the history of gender and sexual fluidity, multiplicity and pluralism. It should also be remembered that legislation and political rights would have little impact if these are followed by social change. In spite of abolition of Article 377, NALSA² and other progressive legislations, people of alternate inclinations still battle stigma, exclusion, humiliation and violence on a daily basis. Only a change in attitude would ensure equality and dignity to sexual subalterns. At a time when the vast cultural heterogeneities of the country are being suppressed by power structures, it is all the more important to go back to our roots, preserve and celebrate multiple, unnameable desires that are part of our rich cultural heritage, a heritage that has come increasingly under threat from sectarian forces.

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Imam – a title for various Muslim leaders

NALSA – National Legal Services Authority

It's a landmark judgement by the Supreme Court of India that affirmed in 2014 that the fundamental rights guaranteed by the constitution of India would be equally applicable to the transgender people.

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