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## Mild Curry, Mildly Queer: India, Sex, and Slavoj Žižek

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### Namaste Žižek

The politics and poetics of this writing cut across borders and time, meeting at a place in which disparate theory, politics, and bodies touch. As activists tirelessly battled to repeal section 377 of the Indian penal code, the act which officially criminalises sodomy, fighting against rantings of “religious leaders” and the hypocrisy of the Indian state (See Bhan 2005, Menon, 2007, Joshi, 2009), Slavoj Žižek rang in the new year in New Delhi. Žižek’s visit to India happened in 2010 with a series of public lectures that marked the launch of his recent text, *First as Tragedy, Then as Farce*. Žižek spoke as part of a lecture series produced by Navayana, India’s first and only publishing house which focuses on caste from an anti-caste perspective ([www.navayana.org](http://www.navayana.org)).<sup>i</sup> Žižek arrived at a moment when radical thought is necessary. India stands at a particular political juncture in which it is currying favour with the United States to become the world’s preferred “Asian tiger” on the backs of the landless, the rural, the poor.<sup>ii</sup> At the same time, the nation defines itself against “terrorist” elements by demonizing Pakistan and pathologising Muslims within and outside the nation.<sup>iii</sup> Finally, as we waited for Žižek to obtain necessary documents to cross the border, the ironies of our moment became clear as the Indian

government opened its borders to the circus of greed called the Commonwealth Games while making visa requirements more stringent in the wake of the arrest of U.S citizen David Headley for his alleged connection to the 2008 Mumbai bombings (*the Guardian* 2009). This piece draws on Žižek's insightful work to re-frame debates about sexuality in India in relation to the global economy and the "war on terror."

In this paper, I draw on Žižek to discuss sexuality in India. Žižek offers a way to critique the framework of "human rights" that defines contemporary feminist, queer struggles. Žižek's work is important for discussions of sexuality precisely because it falls outside the canonical boundaries that police who speaks about gender, sexuality and postcolonial contexts and how they speak about it. His work allows one to move away from documenting violence or offering ethnographical spectacles of "Other" lives. His writings offer a necessary intervention by demanding that questions of gender and sexuality be thought of in relation to larger structures of capitalism. His psychoanalytic and Marxist positioning is crucial for studies of sexuality and post coloniality as this theoretical grounding allows one to examine the deeper issues that underpin contemporary political struggles. Without a broader analysis of the psychic and the capitalist realities that inform feminist and queer politics, one is in danger of valorizing ideas of individual freedom and agency that are grounded in occidentalist ideas of rational superiority.

I begin by discussing the repeal of Section 377 in Delhi. I then move to a discussion regarding "human rights" that draws on Žižek's writings regarding 'rights' and the disillusion of the political. I then move to an examination of 'queer rights' and sexual subjectivity in a time of 'terror', using Žižek's writings regarding "terrorism" and politics to problematise how emergent queer and feminist subjects might be used to support discourses of 'terror.' I then turn to a critique of the politics of sexuality from an anti-capitalist framework. Using Žižek's work, I argue that a broader politics that is fundamentally opposed to neo liberalism must provide the overarching narrative for any identity based claims. Finally, I conclude by using Žižek's insights regarding the "obscene underbellies" of power to discuss how we must be cognizant of how repressed sexual desires are foundational to nationalisms. My overarching argument lies in Žižek's assertion that "the Other" is tolerated in a gentrified, antiseptic form. He states for example that

...any 'real' Other is instantly denounced for its 'fundamentalism,' since the kernel of Otherness resides in the regulation of its jouissance. That is, the 'real Other' is by definition 'patriarchal' and 'violent,' never the Other of ethereal wisdom and charming customs. One is tempted to revive here the old Marcusean notion of 'repressive tolerance,' reconceiving it as the tolerance of the Other in its aseptic, benign form, which forecloses the dimension of the real of the Others jouissance (169).

My argument is that “the sexual Other” is tolerated to the extent that she appears in a benign saleable form that does not disrupt wider heteronormative nationalist discourse. Tied to this, the queer rights bearing subject is a safe, marketable Other against the bodies of assumed “terrorists.” As Jasbir Puar argues in *Terrorist Assemblages: Homonationalism in Queer Times*, at the precise moment that sexual dissidents become associated with the life of the nation, “terrorist” bodies are scripted as homo sacers who are disposable to national narratives. Žižek’s work allows one to move away from looking at the “rights” of some in isolation to an examination of the illusory nature of freedom in the context of capitalism.

While Žižek’s work may stand at a distance from queer, feminist, and postcolonial scholarship, it is a distance I believe we must cross. The disciplinary boundaries that quarantine issues of class struggle and war as being separate from those of sexuality and feminism threaten to pit individual ‘rights’ against broader appeals for political upheaval. There is something a little queer in fact about any political movement that would not welcome allies and see every struggle as being connected to a greater revolutionary will.

### **Different mythologies: Somewhere over a rainbow...**

In 2009, Delhi was alight with the queerest of processions. The usual parades of religious and nationalist fervor that colour the streets were alight with rainbow colours of a different mythology. The government had repealed the sodomy law that criminalizes gay sex, and queer activists, feminists, and allies welcomed the ruling as a sign of progress (*the Guardian*, 2009). Throughout the South Asian diaspora, news of the verdict popped up over facebook, twitter, and various listserves. One caption that someone posted to accompany an article from *the Guardian* detailing the news read, “Decolonisation begins here.” The phrase referred to how legislation, prohibitions, and perhaps the character of contemporary anxieties towards same sex desire in India began with the advent of colonialism as the British instituted a bourgeois sexual morality that seeped into public consciousness. The specific bill that the Delhi High court overturned was section 377 of the Indian penal code which criminalises sodomy and was instituted 145 years ago during colonial rule. It was a time to celebrate not only the rights of queer Indians and visitors to India, but to see the decision as part of India’s efforts to redefine itself, shedding off yet an antiquated remnant of British rule(*The Hindustantimes*, 2009).

There was both an expected level of opposition, and a shocking tragedy that followed, pointing to the need to critically reflect upon sexuality in the region. Firstly, the decision to repeal Section 377 was petitioned by Hindu national Suresh Kaushal who relied on a

methodology of curious astrology and a delusional reading of ancient Hindu texts to argue that same sex desire was against religious beliefs. The second more shocking case was the tragic death of Dr. Sreenivas Siras. Dr. Siras was a lecturer at Aligarh Muslim University who was videotaped having sexual relations with another man. He was subsequently suspended from his post. In April 2010 Dr. Siras was found dead. It was reported that his death was a suicide, although circumstances surrounding this tragedy remain unclear.

This opposition between tradition and modernity is an old Orientalist fable challenged by many in India who fought for section 377 to be repealed. Nivedita Menon for example, points out that the criminalizing of non hetero-normative desire is not part of any Indian tradition but coincides with the birth of the modern nation and the colonial imposition of capitalism. Menon's work and the work of scholars such as Ashish Nandy and Partha Chatterjee speaks to the diligence of scholars who attempt to write against binaries of Orientalism/Occidentalism as they simultaneously advocate for strategic political changes at the level of the law. Gautam Bhan has written succinctly about Voices Against 377, the group that worked for the repeal of Section 377 in Delhi. The group was comprised of many sexual dissidents, feminists, and allies. Bhan points out that Section 377 not only polices queers, but criminalizes offences of obscenity and pornography, acting as a way in which moralistic conservatives can police any one deemed to act outside of the imagined sanctity of the nation. Menon and Bhan's work gestures to the possibilities of a "queerness" that troubles the logic of the nation state from within. However, the ways that "queer rights" are often represented by a largely white, affluent, secular middle class queer community, what Joseph Massad terms "the Gay International" require theoretical interventions that trouble disciplinary boundaries.

### ***Questions and Answers: Liberated from everything but poverty?***

I want to suggest as Žižek does, citing the work of Gilles Deleuze, that it is not simply a question of right versus wrong solutions to problems but also right and wrong problems (Žižek citing Deleuze, 2008). The "problem" of India's homophobia is clear. The repeal of the sodomy bill was a great victory both symbolically and politically. However, I want to ask what the costs are of not placing this debate in the wider geopolitical landscape on which India stands? It is not enough to simply say yes or no, but to also ask how and why. The celebration of the newly emancipated queer body happens at the same time that India is being touted within the mainstream Western press as a "global super power." While those who have engaged with these issues for decades within and outside the region know that sexual dissidence in India is nothing new, queers are increasingly being used globally to support modernist narratives of "progress" that align "sexual freedom" with market freedom. This rhetoric informs how queer

bodies are apprehended within our current “war on terror” to support the valorization of secular freedoms against the assumed anachronistic repression of Islam (See Puar 2008, Butler).

Aside from simply arguing that the decision to repeal or not repeal certain bills is about queers, the debate is also about India’s anxious place within the New World order, a symptom of what Žižek has termed the “post-political” (Žižek: 2008) age in which we live. Those that are pushed to the margins of nation states for dubious ideological reasons should revel in all instances in which their presence is acknowledged. However, we should also be fiercely critical. The inclusion of once abjected bodies into the national imaginary functions through processes of forgetting that necessitate psychic disavowals. As Žižek states,

This forgetting entails a gesture of what is called fetishist disavowal: ‘I know, but I don’t want to know that I know, so I don’t know.’ I know it, but I refuse to fully assume the consequences of this knowledge, so that I can continue acting as if I don’t know it (Žižek, 2008, 45).

The queer body is invited to forget the violence of the state and fetishise juridical power through a discourse of “human rights.” The fetishisation of ‘rights’ has strong political consequences, as what is disavowed are the bodies of those who remain queer to the nation — namely those of “terrorists” and the poor. The larger disavowal is of course that of capital. The ways that capitalism naturalises the fictions of the bourgeois hetero-normative, reproductive, patriarchal family must be actively forgotten to imagine that queer bodies can somehow take their role as proper citizens of the nation state.

The discourse of “rights” is deeply tied to the logic of capitalism (See Ranciere, 2004). Individuals are dealt out “rights” like welfare checks. The rationale being that it is the oppressed person, “without rights” who must be cut their fair share of the national curry of tolerance. Offering oppressed groups “rights” might produce narcissistic feelings of belonging to the nation, yet like some abusive partner who brings flowers the day after they break your jaw, the larger violence of ones relationship to nationalist identity and state power remains in place.

### **The terror of “proper queerness”: Section 377 and the ‘war against terror.’**

The last decade has witnessed major political shifts in geopolitics, war, and concomitantly, in the regulatory marking of bodies. September 11 has become a bad joke of sorts, a stale buzz word thrown around to ironically justify North American and European imperialist economic interests and to produce a litany of new identity based discourses that obscure questions of class, gender, and nation, with the “Muslim” subject being carelessly recycled as an object of

study, pity, and excitement (See Žižek, 2002). As Žižek states in *First as Tragedy, Then as Farce*, the language of patriotism that followed the bombing of the World Trade Centre on September 11<sup>th</sup> bore an uncanny resemblance to the renewed patriotism that was called for in the wake of the recent financial crises of 2008. He states quite rightly that, “Both times Bush evoked the threat of the American way of life and the need to take fast and decisive action to cope with the danger. Both times he called for the partial suspension of American values (guarantees of individual freedom, market capitalism) in order to save these same values” (Žižek, 2009, 1). Žižek draws an important connection between the “crises” of September 11<sup>th</sup> and global capitalism, gesturing to how paranoia towards “terror” and a heightened culture of security has given rise to the creation of a new global middle class who increasingly live private lives complete with gated communities and privatized banking. He asks, “Are not these ‘global citizens’ living in secluded areas the true counter-pole to those living in slums and other ‘white spots’ of the public sphere?” (Žižek, 2009, 5). The creation of private lives is related to how debates concerning sexuality are framed within contemporary India. Both the language of private “queer rights” and the creation of privatized queer communities collude with the tragic paranoia of “terror” that has beset our age, and the farcical logic of commonsense capitalism. The queer body is being turned into the neo-liberal subject par excellence — one who defines itself against the religious and the poor through the consolidation of a privatized queer identity that is fettered to the marketplace.

Throughout the “War on Terror” and the “financial meltdown” I have watched and waited for India to take its role, wondering if it will become another blanket “brown” nation rife for bombs or an “Asian” nation, a harmless tiger that is too busy supplying cheap technological labour for the West to bomb anything. It might be hard to organize a major coup from a call centre. It seems that, a little bit of both has happened. By virtue of its proximity to Pakistan, its large Muslim population and the callous bigotry of Western powers who think a Sikh turban spells “Arab threat”, Indians have been targeted under the rubric of terror. It is worth noting that diasporic Indians have often found themselves detained, deported and under constant harassment and surveillance by the state and by citizens duped into believing that America’s economic ills and oil ventures are somehow the fault of their cab driver and 7-11 operator (See Ahmed, 2007, Puar, 2009, Ahmed, 2002). Indian Muslims have borne the brunt of this insidious, lazy invocation of “terror,” with increasing policing of Muslims by police and state powers globally. However, while having a brown face and name at the border isn’t pleasant, India as a nation state has remained somewhat unscathed as compared to the onslaught of violent bombings and sanctions against neighboring Pakistan and much of the Arab world.

India has actively tried to escape the pathology of terror by scratching its old partition itches, now currying favour with Uncle Sam rather than the Queen Mum. The cast of characters might have switched accents like some Mumbai call-centre coolie, but the narrative hasn't changed all that much. In 2008, India was in the press once again. Once again, as with the glittering front page images of queer Indian liberation, the barrage of Western media coverage that surrounded the Mumbai bombing was also striking. Again I wondered, Why now? India is no stranger to bombings. The violence that erupted in Kashmir also received media attention, yet the stories seemed quadroned to the pages of the International section or to specialty media regarding South Asian politics. The Mumbai bombing however was like a terrorist Tsunami, with the story reaching "world event" proportions(*the Guardian* 2009). In a time of manufactured, phantasmatic terror, India was resignified as a good guy against big bad Pakistan. This of course occurred at the same time that India appeared in the Western media as everyone's new favourite tiger, all claws and IT and sari princesses. India was open for business and the dreaded Pakistani Muslims were ruining the show with their bombs and guns.

Jasbir Puar draws a connection between acceptable queer subjects, and the proliferation of discourses of "terror" which pathologise "terrorist" bodies as regressive against the supposedly enlightened, sexually liberated Western subject. Puar argues succinctly that "... during this historical juncture, there is a very specific production of terrorist bodies against properly queer subjects" (Puar, 2007, xiii). The images of "queer India" that emerged leading up to and since the first verdict in July have been ones of secular, westernized, largely affluent men who act as poster boys for same sex desire in the region (See Massad 2007, Puar 2007). These bodies resignify India within a global imaginary. Gone are the usual Orientalist images of Sari clad women and religious deities. India has a new sexy, "liberated" face. The troubling thing about how queerness is posited as liberated, urbane, secular and consumptive is that these articulations happen on the backs of other bodies (See Puar 2007). Puar argues that there has been a massive shift throughout the United States in which queer bodies, once associated with the death of the nation through HIV/AIDS have become associated with the life of the nation through a class of upwardly mobile, "acceptable" queers, seen to aid the nation through their alignment with capitalist interests and liberal politics. She states that,

The emergence and sanctioning of queer subjecthood is a historical shift condoned through a parallel process of demarcation from populations targeted for segregation, disposal, or death, a reintensification of racialisation through queerness. The cultivation of these homosexual subjects folded into life, enabled through "market virility" and "regenerative reproductivity," is racially demarcated and paralleled by a rise in the targeting of queerly raced bodies for dying"(Puar 2007: xiii).

Puar's assertions, while marketedly different in India, where Western discourses of 'race' are supplanted by questions of religion and caste, might still be useful in analyzing the emerging "Indian queer" as a subject wielding "rights" within public law.

### **The right to be rich: "Queer India" and the question of capital**

What is concealed behind the emergent liberated queer body are those who are increasingly maligned by global capital. What is especially troubling about juxtaposing the "rights" wielding "free"(market) queer subject against the culturally bound religious figure at this particular moment lies in how this opposition aligns queers with American imperial interests. As debates continue regarding the "rights" of queers as opposed to the homophobia of religious leaders, major political shifts are taking place within the geopolitical landscape which pathologise the poor and religious in order to trump U.S. economic imperialism. Debates concerning section 377 arise at the precise moment in which North American and European powers are fighting a "war against terror" to justify the brutal neo-colonisation of middle eastern countries, and racial profiling, torture, and detention of brown bodies. Drawing upon Foucault's 1978 lectures, Giorgio Agamben discusses the connection between "security" and liberalism. He states that "Since the measures of security can only function within a context of freedom of traffic, trade, and individual initiative, Foucault can show that the development of security accompanies the ideas of liberalism"(Agamben 2001: online resource). Agamben uses Foucault to discuss how neo liberalism and the decline of the welfare state are tied to increased security measures, as the state shifts from offering a protective function to guarding against risk. The state's role is no longer to care for the needs of citizens but to guard against some imagined external risk. As he states, "In the course of gradual neutralization of politics and the progressive surrender of traditional tasks of the state, security becomes the basic principle of state activity" (Agamben 2001:1). We can see both Foucault and Agamben's assertions clearly unfolding in India, as increased security measures are enforced by way of new visa regulations for foreign visitors, and increased surveillance throughout Indian cities to guard against supposed "terror." Simultaneously, the World Trade Organisation is ceasing upon India's forests and farms, leaving rural farmers landless and at the mercy of tied aid schemes that will wreak havoc on domestic food production and India's already depleting natural resources (*Al Jazeera* 2009).

As Agamben and Foucault demonstrate, when the state's role becomes one of maintaining security, its role as a protector of its citizen's rights ceases. The two "crises points" of September 11<sup>th</sup> and the financial meltdown of 2008 justify an increased exploitation of the



poor, and specifically the racialised poor within and from the global south (see Žižek 2009). The bombing of the World Trade Centre has for example been used to justify the tightening of North American and European borders at a time when many migrants from impoverished, war torn countries attempt to cross borders as a means of survival. This creates the conditions for the heightened exploitation of migrant workers, producing larger populations who are at the mercy of the market. Simultaneously, the “financial meltdown” provides a justification for the further exploitation of the global south, and particularly the landless, rural, poor. As Žižek notes,

The financial meltdown made it impossible to ignore the blatant irrationality of global capitalism. Compare the \$700 billion spent by the US alone in order to stabilize the banking system to the fact that of the \$22 billion pledged by richer nations to help develop poorer nations’ agriculture in the face of the current food crises, only \$2.2 billion has so far been made available(Žižek 2009: 81).

Against all of this you have the mainstream media’s portrayal of “Gay India” whose “rights” are being curtailed by the bogey men of religion and tradition. In this orchestrated debate of young queers versus old religious zealots, the state emerges as a benevolent middle man. The fatherly government and its law making Uncles try to make peace in ways that don’t trample on anyone’s sacred “right” to be counted and surveilled as “properly queer,” or their sacred “right” to violently hate those who make the official gay books. In this push and pull between competing India’s, post-modern vs. pre-modern, young vs. old, secular vs. religious, gay vs. straight, the nation state divides their mythical discourses of freedom between bodies and is therefore unimplicated in how it profits off of the hollow nature of these “rights.” Drawing on the insights of Jean-Claude Milner, Žižek notes the distinction between permissions and rights. Milner states that,

Those who hold power know very well the difference between a right and a permission... A right in a strict sense of the term gives access to the exercise of a power, at the expense of another power. A permission doesn’t diminish the power of the one who gives it; it doesn’t augment the power of the one who gets it (Žižek 2009: 59).

Žižek points to contemporary queer politics as a battle for permissions, stating that “...the right to divorce, abortion, gay marriage, and so on and so forth — these are all permissions masked as rights; they do not change in any way the distribution of powers.” (Žižek 2009: 59) Officially recognizing same sex desire as ‘legal’ does not hold the state accountable for the violence its police force inflicts on queer bodies and particularly on poor queer bodies. At the same time, the religious Indian subject emerges as one whose backward beliefs must be managed. No attention is paid to how the Indian government relies on a religious, predominantly Hindu nationalist mythology that is wedded to colonial moralities to distance itself from Islamic nations and police sexualities, while selling the lives of the predominantly rural and religious to the highest global bidder, currying favour with the United States against the poor of many faiths.

## Against homophobia, against human rights: The problem with liberalism

In “Against Human Rights,” Žižek offers an intervention into liberal human rights discourse that threatens to overtake discussions of politics with a language of private rights. He states that,

...we must also examine the ways in which the ‘fundamentalist’ essentialisation of contingent traits is itself a feature of liberal-capitalist democracy. It is fashionable to complain that private life is threatened or even disappearing, in face of the media’s ability to expose one’s most intimate personal details to the public. True, on condition that we turn things around: what is effectively disappearing here is public life itself, the public sphere proper in which one operates as a symbolic agent who cannot be reduced to a private individual, to a bundle of personal attributes, desires, traumas, and idiosyncrasies (Žižek 2005: 1-2).

It is worth noting that the official decision of the Delhi high court to overturn section 377 made no mention of queer people, same sex desire, homophobia or sex. *The Naz Foundation* asked the supreme court to “read down” section 377 in order to decriminalize private sexual acts. The decision was made in deference to the Indian constitution on the grounds that criminalizing acts between consenting adults violates the rights of individual citizens. The nation state acts as a paternal power who manages the rights of religious subjects in ways that do not curtail the desires of queer bodies, desires that are supposedly liberated through “human rights” while also repressed into the private sphere.

Behind the tired binary of secular liberals versus religious fundamentalists is the logic of market capitalism. As Žižek states, “Human rights emerge as a false ideological universality which masks and legitimizes the concrete politics of Western imperialism and domination, military interventions, and neocolonialism” (Žižek 2005: 1-2). He then draws on Marx to discuss the obvious imbrications between “universal human rights” and capitalism. He states that, “... universal human rights are effectively the rights of white male property owners to exchange freely on the market and exploit workers and women, as well as exert political domination” (Žižek 2008: 149). However, Žižek argues that it is not enough to cynically dismiss the discourse of universality as an outgrowth of capitalism which only benefits the interests of the ruling class. Instead, he draws on Badiou to argue that we should not dismiss the sham of the universal, but rethink the concept of the universal itself. This lengthy quote from Žižek offers insight into the terms of the current debate concerning queer rights in India, and the potential of a more revolutionary stance that does not turn questions of desire into disputes about private property. He states,

The key moment of any theoretical — and indeed ethical, political, and, as Badiou demonstrated, even aesthetic — struggle is the rise of universality out of a particular life world. The commonplace according to which we are all thoroughly grounded in a particular, contingent life world, so that all universality is irreducibly coloured by and

embedded in that life world, needs to be turned round. The authentic moment of discovery, the breakthrough occurs when a properly universal dimension explodes from within a particular context and becomes “for itself,” and is directly experienced as universal. This universality-for-itself is not simply external to or above its particular context: it is inscribed within it. It perturbs and affects it from within, so that the identity of the particular is split into its particular and universal aspects (Žižek 2008: 149).

Reading the repeal of sodomy laws in India through Žižek and Badiou causes one to consider how a discourse of “queer rights” only supports the viewpoint of its opponents.

We are grounded in a life world in which political debates are reduced to private “rights” to engage in practices one can afford to the extent that they do not infringe on other property wielding subjects. In this sense, the “right” to be queer supports the “right” to be homophobic. These are private desires that one should be able to practice in so far as they do not intrude on the Other. This is not what Badiou sites as an ethical moment of struggle, as it emerges through an existing world of advanced capitalism in which India is steeped. What is needed is a moment in which the universality of desire is not inscribed as a “right” in ways that do not challenge desire in public space. What becomes radical about questions of same sex desire in similar ways as feminism was (and sometimes still is) are when questions of bodily difference, sex, and desire radically alter divisions between public and private, disturbing notions of an enlightened capitalist subject from within. The struggle for dissident desire loses radical political currency when it speaks in the language of capital. When queerness becomes *only* a matter of “rights” like the right to bear arms or mindlessly consume, it ceases to be *queer*<sup>iv</sup> and becomes another point at which the seeds of radical thought are harvested like cash crops, serving the interests of the dominant powers that be.

What is ironic about pitting queer “rights” against the “rights” of Hindu nationalists is that they are two sides of the same shiny coin. Both speak to a political moment in which affluent, predominantly male, gay culture and affluent male dominated Hindu nationalist interests collude with the interests of capital, the state, and neo-colonial regimes. To return to the thread of terror, what the alleged Pakistani terrorists in the Mumbai bombing were doing was disrupting public space. This is not to diminish the tragedy of lives lost. However, the “terrorist” is constructed as suspect not simply due to violence but the way this violence does not take place in the regulated ways in which state led murders do. The “terrorist threat” is a threat precisely because the faith and politics of “terror” refuse to be contained to the idiosyncrasies of the private. Like the sex worker whose dissidence is punishable through legalised detention and violence, the terrorist body does not have the capital in which to turn their politics into a form of private property they can express in t-shirts and esoteric academic papers alone. While I do not want to be mistaken as equating sex work with “terrorism,” my point is that both the “terrorist”

and the sex worker like the bodies of India's poor and landless, are out on the street. Yuvraj Joshi argues that the "reading down" of section 377 also fails to address other groups of sexual dissidents such as Hijras, whose sexuality is not simply a matter of private action but gender identity. Joshi states that,

...reading down also leaves existing sexual categories untouched. It fails to protect those who do not or cannot conform to limited definitions of sexual orientation. Hijra, for example, is a gender identity that is often regarded as a "third sex". It defies the notion of two sexes that is implicit in both heterosexual and homosexual orientations (Joshi 2009).

Joshi points to the classism present within a discourse of private "rights." He states that, "Privacy is not the reality for most Indians outside the upper and middle classes. They simply cannot afford it. Since the homes of hijras are viewed as public "brothels", police can walk in without even a warrant" (Joshi 2009). At a time in which identities that once bore a trace of radical thought (queer bodies, racialised bodies, women's bodies) have increasingly become commodified, the visceral nature of public acts of defiance face even more brutal forms of criminalization. The state needs the "good homo" to pathologise and police the sex worker or the bad queer whose body disrupts the hetero-normative sanctity of public space in the same way that it requires the good religious subject to pathologise the radical "terrorist."

### **Dr Sreevinas Siras: Private Terrors and Public Desires**

It is here that I turn to the tragic death of Dr. Sreevinas Siras. This case needs to be remembered, written about and reflected upon for the political lessons it teaches. For now, I offer it as another example of the problems that arise when justice becomes a matter of "right," when the foundations of a repressive neo-liberal state are held in place while one is offered the "permission" to express themselves in private. Dr. Sreevinas Siras was a lecturer of Modern Languages at Aligarh Muslim University in Aligarh, a small town outside New Delhi. On February 9<sup>th</sup> 2010 Dr. Siras was suspended from his position as a lecturer at AMU after he was videotaped by students engaging in "sexual acts" with another man, who has been referred to repeatedly in the Indian press as a 'rickshaw puller.' Rahat Abrar, a public relations officer at Aligarh Muslim University states that

Dr Siras lived in a house allotted to him in the medical colony on the AMU campus. On February 8, he was home in the company of a young rickshaw-puller from Jamalpur area of the town. Since the door was open, two reporters from a local TV channel barged into the house and filmed him and his companion. The video clippings were then sent to

AMU authorities who were constrained to proceed against Siras (Mishra, *The Times of India*, Feb. 18 2010, online).

Dr. Siras was close to retirement and initially it was reported that he would not challenge his suspension. He later decided to challenge his dismissal, using the repeal of Section 377 to argue that he was unjustly fired. Shortly following this decision he was found dead, with the cause of death being attributed to suicide. There is still a great deal of mystery surrounding the circumstances of his death. What the Dr. Siras case speaks to is how the 'private' right to desire that is afforded through law does not touch the violent regulation of bodies in the public sphere. Furthermore, it speaks to how "rights" cannot fully protect those whose bodies are constructed in ways that rupture divides between the public and the private. The suspicion regarding Dr. Siras's sexual behavior was a reading of his private acts and behavior in institutionally owned space. The supposed privacy of desire and bodily integrity was violently regulated through discourses of hetero-normativity and morality. What the case might also speak to is a pattern that has occurred in other contexts in the global south, in which the increased visibility of queers, often incited through a discourse of "queer rights" actually increases the violent policing of dissident desire. As Foucault argued, the discourse of "homosexuality" works to construct "the homosexual" as a body that can be known, studied, and violently regulated.

Consider that at the same moment when queer rights activists were fighting to repeal section 377, Delhi sex workers were asking that the state legalise their work in order to prevent harassment from pimps and grant them equal access to social services. Writing in relation to efforts to decriminalize sex work in India, Shohini Ghosh states that,

All people employed in worksites of the informal, unorganized and invisible sectors of the economy have their rights routinely violated. The more illegal or invisible the work-site, the greater its exploitative character. This is the generic condition of the informal economy and is not exclusive to sex work. But it is only in the case of sex work that demands are made for the abolition of the trade (Ghosh 2006: online reference).

Žižek writes of subjects who exist outside of the formal rules of capital — slum dwellers, informal workers, undocumented migrants--not as perversions of capitalism but as symptoms of its ruthlessness. Again, one can draw a parallel between the terrorist and the sex worker. Both function as what Agamben has termed homo sacers, "the one excluded from the civil order who can be killed with impunity..."(Agamben 2005) These subjects operate in a state of exception in which the rule of law is suspended. The sex worker and terrorist disrupt the order of public space and law through their constructed deviance. One could argue that the ways sex workers are ignored or maligned by liberal feminist and mainstream queer movements is also symptomatic of how social movements have been co opted by a logic of rights and capital.

Rather than arguing for the “right” to have sex in private (as if this did not already happen) perhaps one needs to focus on how sexuality is regulated in public space based on distinctions of class, caste, and gender. The ‘right’ to have sex in the privacy of ones home, does not challenge how public spaces are governed by the logic of patriarchal, heteronormative, bourgeois norms. As Ghosh states,

Many of us who support sex workers rights believe that the struggle to empower sex workers involves us all. All women who have fought battles for custody, rape or sexual harassment know that the ‘whore stigma’ is used to regulate and discipline all women. Victims of rape and sexual harassment continue to be told that they ‘asked for it’. The sex workers movement demands that the right to equality should have nothing to do with sexual conduct. That unquestionably, is a major feminist issue (Ghosh 2006: online reference).

Contemporary queer movements can learn important lessons from feminist failure. A division of public and private divides virgins from whores. While women have the “right” to assert their sexuality, female sexuality is still violently regulated in public space. Similarly, while queer “rights” might grant people permission to act as “private, consenting adults,” this does not address issues of systemic power which regulate how sexuality appears in mainstream Indian social life. Finally, legal permission does not change the sexism and homophobia imbedded into the psyches of those who enact violence on queer bodies despite legal equality.

It is interesting to note that in an appeal to the Delhi High Court sex workers on GB Road adopted the language of contemporary global capital, arguing that legalization would be useful given the 2010 Commonwealth games that were held in the city, and the high number of foreign visitors who solicited their services (*The Times of India* 2009). While these appeals are temporally necessary and strategic, like queer “rights”, the danger lies in the distinction between permissions and rights. While the state may grant “properly queer” subjects permission to have sex privately(as if permission was needed) and may even grant sex workers permission to conduct business, this does not address the hierarchies of power that are inherent within the structures of capital, structures that are based on disavowing those who exist out of the boundaries of the hetero-normative bourgeois family. Žižek makes a case against the rhetoric of inclusivity that governs identity politics. He states that,

Liberals who acknowledge the problems of those excluded from the socio-political process formulate their goal as being the inclusion of those whose voices are not heard...The obsession of this democratic discourse is the protection of all kinds of minorities: cultural, religious, sexual....The formula of democracy is patient negotiation and compromise. What gets lost here is the proletarian position, the position of universality embodied in the Excluded(Žižek 2009: 102).

Turning dissident desire into a “special interest” or private practice fails to examine how gender and sex are tied to class structure, creating a sexual proletariat such as hijras and sex workers whose queer bodies and acts are economically exploited.

Almost directly after appealing to the state to decriminalize sex work in preparation for the Commonwealth games, sex workers on GB Road complained that the contraception provided to them by governmental NGOs is faulty (*The Times of India* 2009). This is a perfect example of the hollow nature of “rights” for the poor. While courts sanction queer rights to put forth an image of a new, secular India that is open for business, there are still holey condoms littering the red light districts. The permission to engage in certain sex acts does not address systemic factors that force poor queers to rely on a state that does not value their lives, and a global capitalist system in which the global south is used as a trash bin for the faulty contraceptive devices of the West. The condom conundrum points to the impossibility of conceiving of questions of sex in India as private idiosyncrasies divorced from the wider geopolitical system.

### **Bath houses, Houses of Parliament, and happy homes: Of publics and privates**

“Religious” bigotry gestures to how sexuality is never matters of private expression but deeply connected to politics. The commonsense capitalist, liberal answer would be to argue that the queer Indian has a `right` to have sex and the “religious” nationalist has a right to hate them for it. These positions not only support one another, they support a nation state that can deal out these rights, pat itself on the back and smile for the world’s cameras. Once the cameras have turned their eye elsewhere, the state can actively put the lives and livelihoods of people at risk, criminalizing sex workers, stripping farmers of their land, and supporting the detention and torture of supposed “terrorists.” I want to return to the caption that someone chose to accompany a photo of happy “properly queer” subjects following the initial repeal of the sodomy bill. Happy, affluent, urban, gay men celebrating their “rights” with the caption “decolonization begins here.” But does it really begin here? Can such a thing really exist when the entire debate about and cultivation of “proper queerness” in India and among an emerging global gay upper middle class is so deeply tied to a logic of commonsense capitalism? Žižek states that,

Capitalism’s umbilical link to Europe has been cut. The critics of Eurocentrism who endeavor to unearth the secret European bias of capitalism fall short here: the problem with capitalism is not its secret Eurocentric bias, but the fact that it really is universal, a neutral matrix of social relations(Žižek 2009: 156).

Decolonisation cannot begin “here” when the “here” leads one back to a circular argument of “human rights” in which freedom is simply the freedom to own an identity like insurable property against the insurable identities of Others that one can hate ad nauseum as long as it is not done loudly enough to be heard.

### **Obscene underbellies: queering the nation**

Quarantining sexuality to the realm of “rights” enables the continued existence of the “obscene disavowed underside...” (Žižek 2008: 171) of public institutions. Žižek draws on the example of homosexuality in the military to discuss the *institutional unconscious* of public life. He states that, “...explicit homosexuality is brutally attacked, those identified as gays are ostracized, beaten up every night, and so on. However, this explicit homophobia is accompanied by an implicit web of homosexual innuendos, in-jokes, and obscene practices” (Žižek, 2008, 171). He further argues that “The truly radical intervention in military homophobia should therefore not focus primarily on the explicit repression of homosexuality; it should rather ‘move the underground,’ disturb the implicit homosexual practices which sustain the explicit homophobia” (Žižek 2008: 171).

The other example Žižek offers which is worth mentioning is that of pedophilia and the Church. Rather than being antithetical to the institution of the Church, this sick underbelly helps the institution function. As he says of the Christian church, “What this means is that identifying oneself with this secret side is a key constituent of the very identity of a Christian priest: if a priest seriously (not just rhetorically) denounces these scandals, he thereby excludes himself from the ecclesiastic community” (Žižek 2008: 171). Institutions sustain and feed off of elements that are antithetical to their official ethos. The deeply patriarchal, masculinist world of the military actively supports a culture of covert homosexuality just as the moralistic world of the Church contains the dirty secret of child sexual abuse. The purpose of gesturing to this underbelly is to argue that political and ethical struggles should not ignore this public unconscious, working only at the official institutional level. Turning queerness into a matter of “rights” does nothing to expose the disavowed sexualities that function as the underside of the Indian state and Hindu nationalism.

Both Shohini Ghosh and Gayatri Gopinath use mainstream Bollywood films to argue that queerness has always been present within Indian social life. Ghosh discusses films such as *Kal ho na ho*, *Sholay*, and *Saathi* in which a typical Indian film scenario of two men fighting over a woman that neither has success with, opens up a space for homo-eroticism between the male



characters. She also discusses how female friendship carries traces of eroticism, citing films like *Paisa Vasool* which seem rooted in hetero-normative logic but offer scenes of female intimacy that can be read as amorphous forms of sexual desire. Finally, she offers examples of how directors create scenes with queer spectators in mind (Ghosh cited in Malhotra and Liang 2006: online resource). Gopinath also demonstrates how straight sex and oedipal angst in Indian film and South Asian diasporic texts are undercut by the nagging presence of dissident female sexualities. The anxious joke that runs through the usual familial drama of these texts is the unspeakable, yet always present possibility of same sex desire (Gopinath 2005). These authors gesture to how queerness is not antithetical to “India,” but a foundational anxiety that simmers beneath the surface of national narratives. India has always contained a queer desire that it both officially represses and unofficially revels in. The exposure of desire and anxiety that colours nationalist and religious mythology threatens to rupture hetero-normative fictions and the capitalist relations from within.

### **His and His Towels: Decaffeinated queers and a plea for politics**

In “A Permanent Leftist Emergency: What is the Left to Do?” Slavoj Žižek surmises the paltry ambitions of current leftist politics,

...the misery of today’s left: there is no positive programmatic content to its demands, just a generalized refusal to compromise the existing welfare state. The utopia here is not a radical change of the system, but the idea that one can maintain a welfare state *within* the system (Žižek, Oct 2010, online).

The misery of today’s identity based movements lies in this same inability to envision radical political transformation. As affluent white yogic lesbians run to India to adopt babies, the rates of child malnutrition in the country skyrocket. The dystopian utopia of queerness lies in ‘His and His’ towels upon which rights wielding subjects can wipe their hands of any traces of deviance and any political responsibility. Žižek’s work offers a possible liberation from the banalities of inclusion into the neoliberal state. His work asks us to consider why one wants to be included within a deeply exploitative system and how a larger political vision might put the ‘queer’ back in ‘queer.’ In a recent interview with Al Jazeera Žižek discusses the notion of “tolerance” in relation to his famous metaphor of products that are stripped of their substance. He stated that,

we have products deprived of their poisonous substance; decaf coffee, beer without alcohol, fat-free chocolate and so on -- and it seems to me that people also want

'decaffeinated other'; this mythic, holistic 'good other' and so on and so on. (Žižek, online 2010)

The marketable queer has become a sexual body without the sex. The visceral, dirty, disruptive sexual body has been neutered to be tolerable to the nation. Against this decaf queer you have poor and public bodies whose violent abjection is supported by the inclusion of fat free queers into the national script. Without a larger critique of neo-liberalism, decaf sex not only supports economic genocide, it sells the soul of sexual dissidence in exchange for gay bars and mainstream television coverage. As Žižek argues, tolerance is not good enough, 'I don't want tolerance, I want military spirit; struggle -- but for a good cause ... The only way to light is courageously confronting darkness" (Žižek, 2010, online).

<sup>i</sup> Note, I began writing this piece before Žižek arrived and spoke in India. Since completing this article, I had the pleasure of seeing him speak in New Delhi. A good time was had by all.

<sup>ii</sup> For a more thorough discussion concerning the ways in which India's supposedly booming economy is not trickling down to the poor see: Roy, Arundhati. *The Cost of Living*. London: South End Press, 1999, Rajgopal, SS. "Reclaiming Democracy? The Anti-Globalisation Movement in South Asia." *Feminist Review*, 2002. Riz Khan interviews Arundhati Roy. *Al Jazeera*. November 2, 2009. Available at: <http://www.youtube.com/watch?v=6KyKMsjORT0>. Accessed January 10, 2010.

<sup>iii</sup> In the interests of conserving words and keeping to the topic at hand I have not been able to offer a detailed account of how India is participating in the global war against "terror." For further references regarding the country's collusion with American forces and its Islamophobia, the writings of Arundhati Roy are particularly useful and insightful. See: Roy, Arundhati. *An Ordinary Person's Guide to Empire*. London: South End Press, 2004, Roy, Arundhati, *Power Politics*. London: South End Press, 2001, Roy, Arundhati. *Public Power in the Age of Empire*. London: South End Press, 2004, Roy, Arundhati. *War Talk*. London: South End Press, 2003).

<sup>iv</sup> I use the term 'queer' in this instance, and throughout this paper in the spirit in which it was originally intended by many queer activists and theorists. The "queer" I want to recuperate in this essay and in the world at large is not based on discrete lesbian and gay identities, communities, and products. Rather, 'queer' disrupts the logic of heteronormative, bourgeois romance by politicizing sexuality, desire, and gender rather than privatizing and commodifying it.

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