

# Queer Tradition in Indian Cultural Context: A Socio-Historical Overview

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Abstract:-Acceptance of pluralities of sexualities and sexual identities was the hallmark of ancient Indian culture. This is exemplified by concepts like *Tritiyaprakriti* and traditions like the *Siva-Sakthi* tradition. Vedic society is all encompassing and gender fluidity and gender bending are common tropes in myths and lore. Divine status attributed to the transgender people sanctifies their status in society. Homosexuality was regarded a minor offence by ancient law. Vestiges of homosexuality can be seen in rekthi poetry and Radha-Krishna tradition. Kamasutra vouches for the diversities of sexualities. The imposition of section 377 in colonial times stigmatized and criminalized homosexuality. The historic SC verdict decriminalizing homosexuality hopefully ushers in a new age of tolerance and acceptance of manifold sexualities.

Indian culture has a tradition of openness and acceptance of diversities of sexualities and sexual identities. This fact is elucidated by the archival data collected from the times. Amara Das Wilhem, who made notable research on gender variance in Ancient Indian civilization, in his work, *Tritiya-Prakriti: People of the Third Sex* maintains, the concept of *Purusprakriti* and *Striprakriti* as man and woman nature, wedded together, in Indian culture promoted a cohabitation of male and female principles. He propounds the concept of *Tritiya Prakriti* or Third Sex for people with varied gender expressions other than *Purusprakriti* and *Striprakriti* (2010). He further observes “Vedic society was all encompassing and each individual was seen as an integral part of the greater whole. Thus all classes of men were accommodated and engaged according to their nature” (17). Henrich Zimmer who has extensively researched in myths and symbols in Indian art and civilization observes that in

Vedic context Brahman or supreme lord is conceived as genderless (1972). To cite him; “Gender infers function, sex infers form; so that an individual may be masculine from one point of view and feminine from another” (123-128). Gender fluidity, gender bending and transgression are a common practice among Hindu deities as underlain in Mahabharata, Sivapurana legends and lore and in Jataka tales from Buddhist tradition, *Krittivasa Ramayana* from Bengali and the legend of Ayyapa from Malayalam, these are extensively detailed in Ruth Vanitha’s *Same -Sex Love in India: Readings from Literature and History* (2000), which to date is regarded the most extensive study of same-sex love in Indian literature. The work is in the form of a treatise on India’s socio- cultural, historical and literary pluralistic view regarding matters of sexuality, over a span of over two thousand years, done through a series of translations and interpretations, which researchers extensively rely upon as a handbook of reference on literatures and cultures, which may be distinct from their regional culture. Rohit. K. Dasgupta in his of research treatise on queer existences in India, *Queer Sexuality: A Cultural Narrative of India’s Historical Archive* aims to provide, in his words, “a brief historical overview of the Queer archive in India. The precolonial and colonial archive provides several possibilities for ‘authenticating’ the queer identity” Throughout the essay he subscribes to the views propounded by Vanitha and Kidwai, supplementing their examples, with his own observations in addition to providing further instances of queer cultures in Indian tradition. Dasgupta, in his comprehensive reading of *Same Sex Love* (2000), identifies three dominant tropes through which Vanitha and Kidwai codifies homoeroticism.

One of the dominant tropes of same sex love in ancient India is through friendship, often leading to a life of celibacy or the forming of some very intimate relationships. In the ancient Hindu epic, Mahabharata, Krishna and Arjuna, frequently referred to as ‘the two Krishnas’ reflect bonds of friendship which go beyond marriage and procreation. (Vanita and Kidwai, 2000:3) Another trope which is used to justify same sex love in

ancient India is through rebirth. In Somadatta's Kathasaritsagara, Somaprabha falls in love with the beautiful princess Kalingasena and attributes this love to her previous birth. 'I am sure she and I were female friends in previous birth. My mind which is overwhelmed by affection for her, tells me so' (Ibid:86) A third trope is sex change which is again brought through divine intervention. The Hindu deities were multidimensional and fluid in their form and one of their remarkable features was 'their multiplicity and variability. Thus a deity might appear in any form- male, female, neuter or even in a nonhuman form. Vishnu, one of the three primary Vedic gods in the Hindu pantheon was also known to take the form of a beautiful woman- Mohini. (Ibid:71)...Rupkatha pdf).

The acceptance and practice of these myths and legends as part of the larger culture, especially by the groups with alternate expressions of gender and sexuality, as their possible means of self-expression, in the context where the mainstream population marginalizes them, could in itself be taken as proof for their validity. Many transgender people follow Siva – Sakti tradition, expounding the androgyny of lord Shiva. A particular instance of this could be at the festival of Koovagam, the renowned transgender festival in Tamilnadu, where men regard themselves as wives of Aravan, who as per the Tamil version of Mahabharata was to be sacrificed for the victory of pandavas, this is Lord Krishna took the form of Mohini, got married to him for one night and was sacrificed the next day. A stronghold of mythology, lore and myth related practices as setting the tradition of alternate practices of sexuality are prevalent in Jogappa, Aravani and Kinnar communities in South India. Worshippers of Bahuchara Mata in Gujrat also practice ritualistic castration. In the case of many transgender people who are termed as "hijras" take pride in their culture and rituals. Many of them lead a highly marginalized existence. In the absence of proper social intervention, to provide them equal status as codified in Indian constitution, divine status accorded to them, aids to removes the

stigma attached to their existences and provides them agency to bless and dance at auspicious occasions, which often serves as their means of livelihood.

From her evaluation of gender fluidity in Indian context from a religious and philosophic point of view, Ruth Vanitha infers, “In Buddhist and Hindu (and somewhat differently in Jain) traditions, gender itself is questioned. The philosophical basis of this questioning closely resembles the deconstruction of gender in our times by such thinkers as Monique Wittig and Judith Butler. What these philosophers would call the social construction of gender that only appear to be “natural”, ancient Indian philosophers call illusion that only appears to be “real”(22).

The website of Hinduism today subscribes to the view of pluralistic practices of sexuality in Hinduism. To cite their reference on the tradition of same-sex marriage and Hinduism:

Politically and socially conservative factions in India claim that homosexuality or alternative gender identities are an influence of Western ideas. This idea is based on the false assumption that being a homosexual or alternative-gender individual is a lifestyle choice. In fact, gender identity is an inborn trait. Evidence suggests that prior to British legislation targeting what they regarded as “unnatural sexuality,” homosexual and transgender people coexisted with heterosexuals in pluralistic Hindu communities. Ruth Vanita, a scholar who has written extensively on South Asian LGBT themes, wrote in her book, *Love’s Rite: Same-Sex Marriage in India and the West*, “Under colonial rule, what was a minor strain of homophobia in Indian traditions became the dominant ideology.” Prior to the 19th century, historical sources that specifically refer to LGBT lives and lifestyles are relatively scarce. However, we can see a subtle intermingling of such perspectives and characters in Hindu legends and stories. Ancient Tamil Sangam literature compiled between the 3rd century BC to 4th century contains stories about transgender individuals, referred

to as *pedi*, and stories of deep love and attachment between men, such as the King Koperunchozhan and Pisuranthaiyar, and the King Pari and poet Kabilar. (<https://www.hinduismtoday.com>).

Though much historical data regarding the practice of law for homoerotic practices is not available, all previous studies unanimously agree that instances of imposition of stringent punishments for homosexuality are not found in any text. Instances of minor punishments for homosexuality could be found in Manusmriti which was considered the law book of ancient India. Manusmriti imposes context based punishment. To cite an instance “A twice born man who engages in intercourse with a male, or with a female in a cart driven by oxen, in water, or in daytime, shall bathe, dressed in his clothes” (*Manusmriti* 11.175).

Instances from history cite an open attitude towards sexuality. Dharma, Artha, Kama and Moksha are regarded as the four pursuits in human life. Kama, being the pursuit of sensual pleasure. Treatises on sexuality like Kamasutra, discusses manifold forms and varieties of sexual practices, which existed in ancient India. Rohit. K. Dasgupta observes in this connection.

Amongst the vast literary output of Ancient India, another work which has attained a universal recognition is Vatsyana's Kamasutra. In reference to non-normative sexual practices, the text responds, 'in all things connected with love, everybody should act according to the custom of the country, and his own inclination' (Burton, 1994:127). Classic texts such as the Kamasutra not only described but even prescribed 'queer' sexual practices such as 'auparishtaka' or mouth congress (Ibid: 70). What is important to consider about this text is that sexual practices discussed do not necessarily head towards procreation but rather pleasure. Thus non-procreative sexual practice, a form of non-normative or queer deviation from prescribed sexual practice is represented within ancient India (Rupkathapdf).

Alan Bodieu's translation of Kamasutra, as cited in Ruth Vanitha mentions the existence of "third nature" in chapter nine, "third nature" is of two types -those who take the form (rupa) or appearance of a woman and those who take the form or appearance of a man ( 50)." and she observes that the text takes a non- judgemental perspective on them.

Early foreign invasions in India, including the Persian invaders came to India till the close of twentieth century. Homoerotic passions are particularly prominent in Sufi tradition. Love is the crux of Sufism, where God is conceived as a male beloved and the Sufi saint imagines himself as a lovelorn male lover. The poetry often passionately captures the bereavement, the lover's experiences in the absence of the beloved and the deep yearning for communion with the beloved as exemplified by the poetry of Amir Khusro (Vanitha and Kidwai). As observed by Saleem Kidwai "In Sufi literature, the relationship between divine and human were often expressed in homoerotic metaphors. Many Sufis insisted that only same gender love could transcend sex and therefore not distract the seeker from his ultimate aim of gnosis" (Vanitha 115).

The vestiges of same sex love among female courtesans can be found in Rekhti poetry. Ruth Vanitha describes Rekhti as a kind of Urdu poetry written in the female voice by male poets, including some major poets in Lucknow in the late eighteenth and nineteenth centuries (220-228). Vanitha (2000) through a series of translations in her work provides instances of same sex love in Indian literatures and culture across a time span of over two thousand years.

Rohit K. Dasgupta in his research on Vanitha's archival study on Indian culture details examples of same sex love during Mughal rule and in Bakhti Tradition. In the tradition of homoeroticism in Mughal Empire, one of the major examples he elaborates is one proposed by Scott Kugle (2000) who compares the relationship of Sultan Mahmud of Ghazna with his slave Ayaz. "He goes so far as to make a comparison of their love with some of the timeless

(heterosexual) lovers in South Asian history- Heer and Ranjha, Laila and Majnun”(Rupkatha India pdf). In connection with Bhakti movement, Dasgupta observes: “The Bhakti movement opened up new possibilities of reframing and discarding orthodox rigidity. Through a process of domestication, by making the deity a lover, new forms of intimacy beyond the confines of marriage and family were discovered.” (Rupkatha India pdf).

In a major turn of events, the crushing of 1857 rebellion was followed by the incorporation of India into British Empire with Queen Victoria. Stringent punishments existed for homosexual activity in many parts of Europe. The British Anti sodomy law was regarded progressive in Britain as it reduced the punishment of sodomy from execution to ten years of imprisonment; however, when it was introduced in India it was a regressive move and a backlash against Indian culture of tolerance and diversity.

The section 377 of IPC, which brought in the concept of sexual offences against the order of nature, the law reads thus:

Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

Explanation-penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section. (Section 377)

The imposition of section 377, which forbade homosexuality, could be taken as an instance of cultural imperialism. The section which criminalizes same sex activity puts queer lives under surveillance and suppression.

As Vanitha and Kidwai observe:

While doing laudable work for women’s education and against women’s oppression, social reformers tried to form an ideal Indian man, woman, child and family largely on

the model of Victorian nuclear family. Monogamous heterosexual marriage came to be idealized as only acceptable form of sexual coupling (196).

The Anti sodomy law was repealed in Britain in 1967; however, it appeared to have a stronghold in India, the largest democracy for more than one and a half centuries. In cultures like India, claims over sexuality are bound with notions of cultural authenticity and national identity. With the criminalizing of section 377, in Indian cultural context, homosexuality was rendered criminal and unspeakable. Heterosexuality is accepted as normal and part of social life, while homosexuality is regarded deviant and perverse. As Boyce Paul and Dasgupta observe in their study of the sociology of queer critiques in India; “The anxiety over non-normative sexualities espoused through colonial puritanism had a major influence on the development of Indian national identity (Aldrich, 2002; Ballhatchet, 1980; Dasgupta, 2017; Vanita and Kidwai, 2000)”(Sussex Research Online).

In the landmark verdict, the Supreme Court upheld the right to privacy as a fundamental right in its ruling on August 2017 and regarded it intrinsic to life and liberty of Indian citizens. The verdict also held that privacy includes at its core preservation of personal intimacies including sexual orientation. This came as a great hope and relief to alternate sexualities and further legal sanction opening windows to diverse manifestation of sexuality and identity were anticipated.

In the historic verdict on 6th September, 2018 a five- member constitution bench of Supreme Court of India, decriminalized homosexuality by partially altering provisions of Section 377. The judicial bench observed that history owes apology to the LGBT community for the age old exclusion and discrimination and called in for the need of inclusiveness and equality. Honourable SC Verdict, with impressive observations in profound prose upholds the spirit of humanitarianism, as underlain in Indian Constitution:



The Overarching ideals of Individual autonomy and liberty, equality for all sans discrimination of any kind, recognition of identity with dignity and privacy of human beings constitute the cardinal four corners of our monumental Constitution that has eluded certain sections of our society who are still living in the bondage of dogmatic social norms, prejudiced notions, rigid stereotypes, parochial mindset and bigoted perceptions. (Ref. SC Verdict 6 September 2018)

Dipak Misra, the then Chief Justice of India who pronounced the historic verdict, succinctly observed: “Respect for individual choice is the very essence of liberty under law and, thus, criminalizing carnal intercourse under Section 377 IPC is irrational, indefensible and manifestly arbitrary (bloombergquint.com).” Judiciary, by this step safeguarded the spirit and sanctity of the Constitution in ensuring equality and dignity of life to a vast, marginalized section of Indian society, the LGBTQ community.

Hopefully, SC verdict would stand as the necessary first step in ensuring queer peoples rights and privileges to keep them at a par with rest of the population. Many regard this judgement as a harbinger and progressive laws supporting gay marriage, adoption, right to ensure equal justice in matters of education, employability, health care and property rights.

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