

Negotiating Territory

ATEYA KHORAKIWALA

The act of naming a body is essential to its certified, documented existence, and to the deployment of rights and privileges registered to that body. The 'named' body's access to and use of public space is organised and coded by these rights, privileges, and laws. This essay is an attempt to understand how particular 'named' bodies negotiate the coded space they have been assigned, and their effort to claim public space.

The space the body inhabits is coded by the long and meticulous procedure of creating and amending the law. The categorised and compartmentalised 'self' is constructed through this process, and is the sum total of all its spatial allowances. The preamble of the Constitution of India begins in the unified voice of 'We', and then goes on to use the words 'socialist' and 'secular'. 'Socialist' attempts to deconstruct our class differences, and 'secular'¹ lifts us above our religious and therefore, in a sense, social differences. It goes on to use the words 'equality' and 'fraternity',² where fraternity implies the coming together of people who are the 'same'. It alludes to our differences in terms of belief, faith and worship, but refers to our basic sameness as human beings. It erodes our historical/embodied differences like caste, religion and sex, so what emerges is the construct of a unified person, one 'clean' body on which rules can then be imposed, applied or executed. It chooses to erase our sub-continental heterogeneity for a more colonial homogeneity.³

The idea of the basic similarity of human beings is continually used as a tool of rationalisation in the construction of the 'Indian' person. This mode of thinking colours the entire series of created laws, by allowing for a difference only in terms of belief, faith and worship, and not in terms of body or physicality.

The fissures in this methodology become evident, however, when certain laws need to be modified or applied differently for a group of people because of the body they inhabit. For example, gender or caste cannot be universally applied to all bodies.

One such law, Section 377 of the Indian Penal Code, reads: "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".⁴

How does one interpret such ambiguous phraseology? One can never know what is meant by "against the order of nature". This bare framework imposes itself on the

homosexual body, fundamentally altering the space that the sexual body inhabits. Since one's identity and desire tend to collapse into one another, one's sexual identity becomes the foremost identity.

Although our culture has traditionally been tolerant to a range of imaginations, our Constitution was borrowed from a culture that was not so tolerant. "By equating consensual sex between adults to 'delinquent behaviour', the government reinforces the Biblical strictures disapproving of any sexual activity undertaken for pleasure and not strictly procreation".⁵ The Biblically influenced, popular scientific construction of the body and its binary construction of the 'normal' and the 'deviant' uses medical technology as a tool of correction. An easily accessible example is the body of the eunuch, which, suspended between constitutionally constructed gender poles of medical normality, either becomes the subject of continuous experimentation/medical correction or is violently pushed into the fringe.⁶

This construction of the 'clean' body parallels the Constitutional construction of the unified self. The language that the law uses exemplifies the feminist argument that the 'free rational self' masks a 'healthy, youthfully middle-aged, middleclass, heterosexual man'. This extends further: postmodern feminism claims that all attempts to provide a single explanation for women's oppression not only would fail, but also *should* fail. They should fail because there is no one entity, 'woman', upon whom a label may be fixed.⁷ This has led to re-imagining the self and fragmenting it, for what it is worth, into kaleidoscopic combinations of class, race, sexuality, gender and so on. They imagined within their territory the conflicting voices of all the individuals that through some way became the 'other'. This mapping of the other fails at the level of a mass resistance because it shatters the mass into a multitude of extremely small, often contradictory voices.

Silence is Violence⁸

How can one then create a space for the margin to speak? For any collective to speak up against the overriding homogenising voice of the law, it requires a name, a registration, a tool with which it can lay claim to the rights that a legal system bestows upon it. The problem with naming oneself is that it fixes you onto the chart of classifications like a butterfly on a pin board (e.g., the word 'homosexual' and its categories such as *panthi*, *kothi*, queen, transsexual post-op., pre-op.; or 'eunuch' and its further subdivisions like *jankha*, *suhaagan* and so on).⁹ It seems that the language with which the law is written expects to encounter such voices, and it silences them by fragmenting them into a minority.¹⁰ For a group whose name (e.g., the name 'homosexual') guarantees its illegality, it becomes essential to maintain many parallel identities. In order to have a platform to speak from, the group needs to slide between its multiple names.

My case study of The Humsafar Trust, a male sexual health agency in Mumbai, looks at the tactical tools that the margin uses to locate itself within the mainstream. This forms a base from which the margin can penetrate and continually shift within a territory coded against it.

The Trust's strength lies in the way it chooses to define itself, or rather, in its ability to slide between definitions. By defining itself spatially as opposed to verbally, i.e., as a place rather than as an ideology, Humsafar can take on whatever garb the situation requires. For the police and the Bombay Municipal Corporation (BMC), it is an organisation that deals with

the HIV epidemic; for gay men it is a safe social and cultural space; for students it becomes a resource; for activist voices it becomes a platform. For it to keep up these multiple faces, the trust needs to maintain a successful relationship with the Corporation's governing body. Over the past 10 years, the trust has built up much goodwill through its community and outreach programmes. It is the only gay organisation in South Asia that is located within a government building.¹¹

The formation of a trust for gay men is only the first step. To assign it space is to cross over from ideology into spatial territory. Issues such as where it is located, who its neighbours are, how this space presents itself, what is allowed within its boundaries, suddenly enter the frame of discussion. Located within a government building, the trust is right next to a Shiv Sena office (the same Shiv Sena whose cadres stormed theatres screening *Fire* (1996), a portrayal of two sisters-in-law trapped in failing marriages who find solace in a lesbian relationship). There is a mosque close by, and the area is dominated by the right-wing Vishwa Hindu Parishad. How was a homosexual community space created in this highly volatile territory?

The Humsafar Trust, conceptualised by a group of gay men looking to create a community, was registered in 1994. In 1995, they moved into the old BMC building at Vakola. In 1998, they received their first grant from MDACS (Mumbai District AIDS Control Society) to make a sex map that attempted to collect data on the number of practicing gay men in Mumbai and establish what percentage had HIV/AIDS. In 1999, they started their first AIDS programme. The opening sentence of their 2003 website¹² read: "The Humsafar Trust is a male sexual health agency in Mumbai metro, which started as a support system for gay men and MSM (men who have sex with men)¹³ in the city as the HIV/AIDS crisis started gathering momentum in the early '90s. The Trust now is multi-faceted organisation serving various needs of the MSM community with several activities that would help the community in battling the epidemic". The Humsafar drop-in centre has posters advocating safe sex, and literature on safe sex practices and STIs (sexually transmitted infections) is made available.

The inauguration of Humsafar as a public space on Diwali 1995 is described in *Bombay Dost* (Vol. 5, Nos. 2 & 3, Pride Publications Pvt. Ltd.): "It wasn't easy...[but] Convincing the Executive Health Officer of the Mumbai Municipal Corporation (MMC) was the least of our worries".¹⁴ The article claims that doctors were aware of the damage that AIDS could cause, if left unchecked, in high-risk groups such as commercial sex workers and gay men. The civic health service was already so burdened with the "burgeoning population" that it made possible the formation of the Trust to help deal with issues of male sexual health. The report mentions the names of all the doctors that attended the opening and all those who were "sensitive to their needs". Then it quickly slips in a paragraph about its one-year anniversary where "more than a 100 gay men turned up without invitations and without expecting booze or drugs on the premises". Because homosexuality is connected to AIDS in public discourse, Humsafar chooses to front HIV for a large part of its representation in public media.

The trust spent three years lobbying to acquire a space within a BMC building in Vakola, slotted to be a support space by the corporation. The standard resistance by the municipal officials in charge of assigning that space based itself on the "against the order of nature"¹⁵

rhetoric. But the HIV/AIDS epidemic played an important role in driving the focus towards a collaborative space between Humsafar and the BMC. The AIDS crisis creates a schism within an existing legal scenario that does not know how to address what it chooses to deny. The BMC's inability to deal with the health crisis provided Humsafar an opportunity to address crucial issues such as visibility, homophobia and community. To identify a crisis and use it as an opportunity is an astute tactical method of operating within a city. Yes, the AIDS problem is real. Yes, prevention and treatment issues are top priority within extremely high-risk groups. But there are other important truths of gay life to consider: the social and the personal, creativity, cultural production, and so much more. 'Illegal' bodies become so inscribed by mainstream culture that 'other' identities become forgotten, negated or erased, in the context of a general lack of space for safe self-expression.

In such situations like these, the complex parameters of homosexuality and the modes through which it is signified get reduced to bad cinematic experiences like Karan Razdan's *Girlfriend* (2004). In popular culture, these homophobic representations of the lesbian as an angry, possessive, abused and closeted woman are display points of a generic, voyeuristic fetishisation of so-called 'different' bodies. How then can the valid histories, real stories, and authentic emotions of 'illegal' bodies be fully rendered?

In such a situation, crisis becomes an effective tool. Once a standard and rather uninformed majority voice is silenced through paranoia, be it real or imagined, marginal voices can be heard and recorded through this artificially cleared space of a 'crisis'.

In October 2003, some drop-ins at Humsafar formed a group called the *Natale Tumchaiya Sathi* (I Have Adorned Myself for You). They perform the *laavni* (a traditional, popular Maharashtrian folk dance) in drag, for public audiences in open spaces. Such forms of cultural expression draw from the personal experience of the homosexual/transvestite body. This subverts the mainstream construction of the body by making the spectator complicit in the self-expression of the 'named', 'illegal' (non)citizen.

Humsafar's sister organisation, *Bombay Dost* magazine, works on similar principles. It uses the motto of safe sex and, within this, addresses all the issues that any gay person might encounter. It publishes gay-authored/gay-content fiction, it has the stories and paintings of gay artists, it reviews plays and films with gay themes and storylines, and of course, it includes a long list of personals as well as an agony aunt (a.k.a Papa Passion). It thus becomes a public platform for the safe expression of an 'illegal' desire.

In Mumbai, the gay rights movement has tactically entered the city through the corrective medical¹⁶ and the clean city discourses,¹⁷ with particular reference to the AIDS crisis. By subscribing to these civic discourses it becomes, ironically, a partner in municipal campaigns against 'disease' and 'deviance'. It negotiates its visibility in the public sphere through these mechanisms, which both accommodate and subvert the legal framework.

All the information in this paper is courtesy Ernest Noronha, Advocacy Officer, Humsafar Trust. Interview dated 25 November 2004. I would like to thank Rohan Shivkumar for being a continuous inspiration.

NOTES

1. sec-ular; Function: *adjective*
(a) of or relating to the worldly or temporal <secular concerns> (b) not overtly or specifically religious <secular music> source: <http://www.m-w.com>
2. fra-ter-ni-ty; Function: *noun*; Inflected Form(s): *plural –ties*
(i) a group of people associated or formally organised for a common purpose, interest, or pleasure: as (a) a fraternal order (b) guild (c) a men's student organisation formed chiefly for social purposes, having secret rites and a name consisting of Greek letters (d) a student organisation for scholastic, professional, or extracurricular activities <a debating *fraternity*>
(ii) the quality or state of being brothers: brotherliness
(iii) persons of the same class, profession, character, or tastes <the racetrack *fraternity*>
source: <http://www.m-w.com>
3. Murthy, Laxmi. "Big Brother in the Bedroom: 'Unnatural' Offences and Section 377". Sourced from <http://www.infochangeindia.org/analysis08.jsp>; last accessed 30 November 2004. The Indian Penal Code (IPC), enacted in 1860, was based on the English law prevalent at that time. While English law has moved on, enacting, in 1967, the Sexual Offences Act which decriminalised homosexual acts between consenting adults, Indian law continues in its outdated form.
4. http://www.indialawinfo.com/bareacts/ipc.html#_Toc496765260, last accessed 30 Nov 2004.
5. Refer to Note 3.
6. Surty, M. Zubair. "Eunuchs: An Encounter". Design dissertation, Sem. IX, Indian Education Society's College of Architecture. Surty discusses the process by which the body of the eunuch is analysed and classified by its exact physical specifications.
7. Michel Foucault talks about institutions like the asylum and the prison that correct or normalise deviant/illegal bodies (*Discipline And Punish: The Birth Of The Prison*, Vintage; reprinted 1995), and minds (*Madness And Civilisation*, Vintage, 1988). Possibly, medical technology wields a similar power when attempting to 'normalise' the body that is declared legally and medically deviant.
8. Meyers, Diana. "Feminist Perspectives on the Self". In Edward N. Zalta (ed.), *The Stanford Encyclopaedia of Philosophy* (2004).
9. Refer to Note 6.
10. Difranto, Ani. "My IQ". In the album *Puddle Dive* (Righteous Babe Records, 1993).
11. In *The History of Sexuality* (Vintage, 1990), Foucault claims that discourse creates categories and uses them to exert control over a system. The very act of creating names produces deviances and then attempts to correct them, but Foucault's premise is that the power lies in the act of naming.
12. All data courtesy Ernest Noronha, advocacy officer, Humsafar Trust, unless specified otherwise.
13. www.humsafar.org, last accessed 30 November 2004.
14. Men who have sex with men (MSM) is a behavioural pattern, as opposed to homosexuality, which is a particular form of identity with complex variations and gender ambiguities.
15. Kavi, Ashok Row. "Our Own Home". In *Bombay Dost*, Vol. 5, Nos. 2 & 3, Pride Publications Pvt. Ltd.
16. Refer to Note 7.
17. Sennett, Richard. *Flesh and Stone: The Body and the City in Western Civilization* (W. W. Norton & Company, 1996).