

Between Queer Ethics and Sexual Morality¹

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The story behind this essay begins in January 2003, on the inaugural day of the Asia Social Forum (ASF) in Hyderabad. A Delhi-based NGO was hosting a seminar on sexuality, one result of the immense effort that queer and allied groups had put into ensuring that the politics of sexuality were given a stage at this forum that had traditionally excluded those politics. Appropriately enough, the seminar focused on the marginalisation of sexual rights movements by mainstream human rights groups. Approximately two dozen ASF participants gathered in a small tent for the seminar. The first person to speak on the main theme – the marginalisation of sexual rights – lauded how lesbianism poses a threat to the social order. Another speaker talked of the problems and processes of identity politics. The third speaker was a male activist from Andhra Pradesh, who stood up and said proudly and almost combatively, “I’m going to talk about sex workers’ rights as human rights!” He seemed to be challenging us to counter him.

However, he could not have been speaking to a more sympathetic audience; we were unanimous in our support. Smashing her fist into her palm for emphasis, one woman said, “Sex work is a totally legitimate form of work!” Another person nodded vigorously, adding, “Sex work is about pleasure and choice!” Then Tarunabh, another activist, commented seriously: “We are side-stepping a moral issue here. Sex work is a form of labour under capitalism. And aren’t all forms of labour under capitalism exploitative and morally problematic?”

People nodded hesitantly, wondering where this would lead. Tarunabh’s point was uncommon and vital. He was arguing that we must articulate a moral stance with regard to our politics. It is not just enough to celebrate and defend, for example, what is condemned by those who oppose us. That “they” say sex work is morally wrong does not require us to say that sex work is morally right. According to Tarunabh, the point of activism is critique and the creation of a *new*, not just a reversed, morality.

This was a powerful moment for me. As I listened to this conversation I recalled with startling coherence dozens of conversations that I had sustained over the past several months. These once disparate, though dutifully noted, fragments were now suddenly given shape through Tarunabh’s remarks on sex work and morality. In the activist groups I had

been working with, everyone had been talking about the relationship between means and ends; whether to accept funding and the compromises that inhere in doing so; the kinds of symbolic violence and the pragmatic advantages of consciously opting for identity-based politics; whether to strike strategic alliances with groups whose politics were suspect. There were also assertions that the ways in which we as queer people care for and relate to another in our everyday lives are as significant to our politics as any public, collective organising. Listening to the speakers that morning in Hyderabad – and particularly to Tarunabh – it became clear to me that the activism I had been witnessing and documenting for the past year was centrally about the search for and cultivation of *ethics*.

This was not the project that I had initially envisioned and set out to do. My first preliminary research trip to India was in the summer of 1999, six months into the heady aftermath of the BJP-led² violent political furore over commercial screenings of the film *Fire* (1996, dir. Deepa Mehta) that depicted a sexual relationship between two married sisters-in-law living in the same household. In July 1999, CALERI (Campaign for Lesbian Rights), a group that emerged out of the *Fire* counter-protests, was in the final stages of editing their manifesto titled “Lesbian Emergence”. I spent several evenings with them, listening and tentatively participating as they vociferously debated the finest points of language and strategy. I eventually decided to do a research project comparing CALERI, a non-funded, radical collective, with Sangini, an internationally funded helpline-cum-support group that resisted public engagement in order to protect those Indian women who accessed its services but could not risk being out, or could not risk being associated with a group that might be publicly identified as queer.

However, when I returned to India to do my fieldwork I found that CALERI had gone defunct – two of its central founding members had gone to the US for graduate studies while others had dropped out due to the strains and conflicts endemic to political organising. In CALERI's place, however, had arisen a new Delhi-based collective called PRISM, or People for the Rights of Indian Sexual Minorities. PRISM was another resolutely non-funded collective comprised of men, women, transsexuals, straight, queer, and non-identifying, all united in the cause of public queer advocacy and equal rights. I found myself at the home of two of PRISM's co-founders, a lesbian couple I had become friends with over previous summers. I would come to spend many days and nights with them outside of organisational meetings, basking in their exceptional hospitality. And their home was an exceptional place – something of a queer halfway house and a cooperative where friends from across the country and abroad would come and go, seeking solace from heartache, marriage pressure, suicide pacts, distant or abusive families, and all forms of loneliness.

As these people passed through, they would inevitably, if with some initial reluctance, become active participants in the political debates that formed the centre of our lives there: funding imperatives, the limitations and possibilities of identity-based politics; whether the ‘Indian’ in People for the Rights of Indian Sexual Minorities was too much of an appeal to nation and culture during a time when the BJP was on the ascendant; and whether the term

'sexual minorities' indicated that PRISM's vision extended only to gays and lesbians, rather than to social transformation on a wider scale.

All of these committed and sometimes accidental activists would become for me and for one another something similar to what anthropologist Kath Weston calls a "chosen family"³ – queer parents, brothers, sisters and daily companions. It was a responsibility to ethical engagement, a tireless grappling with the central question – how might we live, as queer Indians, socially unacknowledged and unschooled – that served as the moral foundation for the political life of that collective. My responsibility as an ethnographer was to grapple with an additional question – to understand and convey the complexities at stake in being a queer activist in India at this moment in time.

I thus began asking different questions from the ones I had originally formulated. Instead of analysing how one organisation functions in a particular political field, or how the strategies of one group compare with those of another, I began asking about the activists themselves: Why do activists do what they do? Why are activists, activists?

The answers I came to were within the realm of the ethical. People are drawn to activism because they have an ethical orientation to the world. They act because they nurture ethical ideals of what the world *ought* to look like. They act out of conflicted beliefs in the possibility of justice. They act in part because they desire the practice of new freedoms that they can only yet imagine, but still strive to enable. But the political institutions that activists must engage in order to effect these transformations are far from conducive to the cultivation of such radical imaginings.

I framed my research as an ethnography of precisely this tension – between the ethical and affective ideals that animate (in this case) queer activism in India, and the moral and political hegemonies in the postcolonial democratic nation-state that work to subsume that potential and render "unremarkable" and commensurate the most radical aspects of this emergent world.⁴

That constitutive tension, in other words, is between the embryonic and the ossified, between what might be and what must be.

Or in other words, between the ethical and the moral.

For this reading of the concept of ethics, and of the distinction between the ethical and the moral, I draw upon the later work of Foucault, a period I mark with the second volume of *The History of Sexuality (The Use of Pleasure)* (1985). Foucault's 'ethical turn' between the first and second volumes of *The History of Sexuality* was read by many critics as a radical, unsettling departure. His work on governmentality and modern discipline had demonstrated the ever-widening circulation and deeper penetration of power, such that subjects so formed come to exercise limits upon themselves within the space of ostensible freedom. The critique of this work, before Foucault's 'ethical turn', was that the relentless omnipresence of power left no space for resistance and hope. But given that it was Foucault who pointed out that "[w]here there is power, there is resistance"⁵, it was precisely his

recognition of the depth of power's penetration that led to a recognition of the depth of possibilities for transgression, critique and creativity.⁶ This depth of radical imaginary possibility within the workings of power is the space of the ethical. For a study such as mine, this understanding of ethics – of how people act within and against socially prescribed and enforced limits – has immense potential.

One of the problems, however, of arguing for the centrality of 'ethics' to subaltern activism relates to the conflation of 'ethics' and 'morality', in which the latter is (and thus both are) seen as the province of the unenlightened powerful – a system of codes, norms and rules, aspiring to universality and rooted in religiosity and positivism.⁷ Among the critical conceptual interventions in Foucault's later work is precisely his distinction between 'ethics' and 'morality'. Morality is here understood as a system of codes and norms, the space of the institutional and juridical, which mandates what *must* be done rather than what *could* be done. Ethics for Foucault, on the other hand, are those practices and techniques that we perform on ourselves to *become* moral subjects and (in an Aristotelian vein) to achieve happiness, brilliance and a full life. This "aesthetics of existence" involves an emphasis on invention, creativity and becoming that results from a profound recognition of the limits placed upon, and enforced through, the processes by which we come to understand ourselves as subjects.⁸

The concept of the ethical as a process of becoming was central to Foucault's later work and also to his increasingly programmatic views on contemporary gay politics. In a 1977 interview he argued that "[i]t's up to us to advance in to a homosexual ascesis that would make us work on ourselves and invent (I don't say discover) a manner of being that is still improbable"⁹. This "homosexual ascesis" was not a form of identity politics or a call to embrace a new code of what (homo)sexuality is and must be. Rather, Foucault understood homosexual ascesis as "the work that one performs"¹⁰ – the "work at *becoming* homosexuals" rather than to "be obstinate in recognising that we are"¹¹.

We are still left to ask: What precisely is this "becoming"? What is this "work"? And how does it relate to queer activism in India?

Philosopher and Foucault scholar Arnold Davidson points out that the "work" of "ascesis" requires, foremost, a form of philosophical labour.¹² Davidson refers to the first chapter of *The Use of Pleasure*, in which Foucault defines philosophy as "an 'ascesis'... an exercise of oneself in the activity of thought" and "the endeavour to know how and to what extent it might be possible to think differently, instead of legitimating what is already known"¹³. Davidson argues that this linking of ascesis with philosophical exercise is nowhere more vibrantly brought out than in Foucault's discussions of the radical potential of contemporary gay practice.¹⁴

Foucault's comments in a 1981 interview exemplify Davidson's view (1985, p. 135):

Another thing to distrust is the tendency to relate the question of homosexuality to the problem of "Who am I?" and "What is the secret of my desire?" Perhaps it would be better to ask oneself, "What relations, through homosexuality, can be

established, invented, multiplied, and modulated?" The problem is not to discover in oneself the truth of one's sex, but, rather, to use one's sexuality henceforth to arrive at a multiplicity of relationships.

This succinct articulation of a homosexual asceticism or, as I prefer to term it, a 'radical ethic', raises three issues that pertain directly to Indian queer activism. First, a commitment to philosophical exercise, to "think differently", to ask new questions of oneself in order to analyse (and surpass) the limits upon what can be said and done. Foucault refers to this aspect of ethical practice as "problematization", or a critical reflection upon norms.¹⁵ Second, an emphasis not on liberation from power or on a reversal of its existing structures, but on the imaginative labour of *inventing* formerly unimaginable possibilities. Third, the inherently relational quality of this radical ethic – an inhabiting of one's *distance* from moral norms such that the very remove from institutional power serves as the *condition of possibility* for the creative practice of new, and multiple, affective relational forms.

This triumvirate of affective exercise, I argue, constitutes the often under-analysed ethical center of any activism that seeks to transform and multiply existing social relations. Lesbian and gay activism in India is a case in point; and to demonstrate this claim, I briefly invoke the story with which I began this essay. We can recall Tarunabh's passionate *problematization* of the discursive norms by which either one mode of political speech or its opposite is intelligible – the language of for/against, right/wrong, moral/immoral, which militates against understanding the nuances of our subjections. Similarly, we can remember Tarunabh's call to not only reverse existing moral codes of proper behavior, but to *invent* an ethical language more closely approximating the hope for social justice, and not only for social power. Lastly, we can place ourselves back in the activist household described earlier in this essay – a space of invention in which the enforced remove from the morally disciplining centers of family, law and nation serve as the necessitating factor, as well as the *condition of possibility*, for the creative practice of new forms of affiliation and relationship.

These are not modes of simple "resistance", but of radical invention.

The triumvirate of affective exercise I posit as the ethical is distinct from moralism. I understand 'morality' as a system of imposed codes and norms, legitimised through texts, scriptures and custom, and deployed in order to maintain social stability and the reification of already existing relations of power. Morality is not just one, but is multiply manifested. My research examines the various moralities that queer activists engage: the disciplining thrust of community; the imperative of sexual identity; the global feminist concept of third world women as sexual victims, and not as sexually aspiring; the discursive hegemony of the nation and of 'Indian culture'; and the dualistic language of law. These and other moral discourses are characterised by normalising effects, by which I mean a narrowing of human possibilities.

'Ethics', however, I interpret as that which emerges from *within* subjections as a creative, disruptive response to the drive to normalisation. My central question, then, is: How do radical ethics – constituted by the problematisation of norms, the imaginative invention of alternatives to those norms, and the practice of new relational possibilities – emerge from,

and confront, the normalising processes that work to render the ethical impulse of activism commensurate with existing moral codes? **How do we understand, in other words, the struggle activism presents between imaginative possibility and moral imperative?**

My larger written work on this research is organised through the analysis of the abovementioned series of moral discourses and their normalising, and *productive*, relationship to the ethical possibilities of queer activist practice in India. Through these analyses, my attempt also is to critique an encompassing moral premise of activist labour: i.e., that the value of social engagement is rooted in any actor's ability to penetrate further and larger fields of influence. I thus move from lesbian women's creation of imagined and then local communities to the burgeoning desire to form institutions and organisations, to the mandatory forging of alliances between lesbian collectives and other more established movements, to the imperative of visibility and rights-claims in the public sphere, to engagement with legal reform and the state.

I regard this teleology of activism as *itself* a moral norm that imposes certain limits on what can be said and imagined.

In addressing the confrontation between potentiality and norms, one of my central narratives concerns the founding of Sakhi and the movement from 'imagined' to 'real' lesbian communities in the early 1990s. My narrative features a series of letters given to me by the activist/writer Giti Thadani who started Sakhi in 1991. One of Sakhi's most enduring services was the creation of a correspondence network among same-sex-desiring women. They wrote to Sakhi in many languages and from all over the country and the Indian diaspora. Interestingly, the woman who wrote back on behalf of Sakhi was a British expatriate based in India and committed to local activism here. Many writers expressed that this cherished point of contact with her and Sakhi, often made with difficulty and from a place of near-isolation, had literally saved their lives. This circulation of letters and hope was an instance of the invention of a new form of relationality, based on the nascent availability of 'lesbian' subjectivity. Significantly, the women writing to Sakhi called themselves "lesbian" without obvious tension regarding what was essentially a foreign or previously unknown word to many of them. They were relieved to simply be able to connect through these letters, and to know that on the other side of the words were women 'just like' them. This hopeful creative practice enabled the beginnings of the formation of an *imagined* Indian lesbian community.

Meanwhile, groups of lesbian women began locally trying to transform those imagined relations into 'real' face-to-face communities. Paradoxically, as the community began to coalesce, and as the politics around identity and sexuality intensified, the discursive terms of connection began to be policed. Significantly, in these policing practices the word 'lesbian' was variously rejected, the argument being that it was not an indigenous term and hence not valid to 'Indian' experience. In place of the word 'lesbian' new vernacular phrases were sought out and insisted upon. In addition to the regulation of language, foreign and non-resident Indian women who identified as lesbian were actively excluded from these nascent communities, in the supposed interest of protecting 'Indian' lesbians from the imposition of

'Western' politics and language. What I examine here is precisely this dynamic between the possibilities catalysed by the unexpected circulation of the word 'lesbian', and its regulation by laws that would begin to emerge around what 'lesbian' *could not*, and yet *must*, be.

Just as the move from imagined to 'real' communities entailed the normalisation of radical imaginings, so did the institutionalisation of 'face-to-face' communities into formal organisations. A central contestation among these groups was whether they should practice a 'Western' mode of lesbian identity politics such as Sakhī's, or focus on formulating a more culturally 'authentic' framework for same-sex desire in 'Indian' women. As this emergent community moved steadily and unexpectedly towards wider societal recognition, the drive to authenticate lesbianism – to render it intelligible within and to the nation – became a high-stakes proposition. But this push for authentication was exacerbated and in fact partly produced by international funders interested in supporting a diversity of niche causes across the globe. Consequently, the premium international funders place on the danger, solitude, and invisibility of being lesbian in the developing world cultivates a moral discourse of cultural victimhood and cultural incarceration that is experienced as antithetical to the ethical aspirations of lesbian activism.

My final example here of the play between possibility and norms relates to the moral discourse of law. During the two years of my fieldwork, queer activists in India were hotly debating the merits of two legal reform measures with potentially serious consequences for queer politics and lives. One was a judicial effort led by Naz Foundation, a Delhi-based NGO involved in HIV/AIDS outreach work. Their public interest litigation aimed to decriminalise same-sex sexual activity between consenting adults in 'private' by limiting the reach of India's anti-sodomy statute, Section 377 of the Indian Penal Code, instituted by the colonial administration. The second was a primarily legislative effort spearheaded by Sakshi, a Delhi-based women's group, seeking to make sexual assault laws gender-neutral, thus potentially bringing same-sex sexual assault within the ambit of the law.

One interesting aspect of the confluence of these two struggles is the problem posed for queer theorisations of the relationship between law and society. Activists who opposed the Section 377 litigation did so on the basis that it vested too much power in the law to change ground realities of queer marginalisation. Most of those same activists also opposed the gender neutrality legislation, but for a radically different reason: here they argued that the law is *too mighty* a thing to play dreams with; and that since Indian society is still not gender-neutral, the law must not be gender-neutral either. A close reading of these linked debates reveals the constitutive ethical problematics of legal activism: first, the manner in which a person's perceived vulnerability to a law then determines a larger political philosophy about the efficacy of that law; and, second, the relationship between the new, often risky, imagined practices of justice that radical politics seek to effect, and the moral fixity of legal discourse that brings order to aspiration.¹⁶

All these questions work together in my analysis of the primary tension between the ethical and affective ideals that animate, in this case, queer activism in India, and the

normalising processes of political engagement that work to subtly absorb that potential, rendering commensurate that which is most radical about this new social world. And though moments of fraught commensuration do make up the bulk of that narrative, its spirit is derived from those many moments of radical possibility – those moments in which we do not yet know in advance the limits of what might be.

Editors' Note

This essay is an edited transcript of a presentation by the author as part of a discussion on activism relating to queer issues and sexuality, held at the Alternative Law Forum, Bangalore, on 11 June 2007.

For other perspectives on queer activism in India, see Siddharth Narrain, "The Queer Case of Section 377" in *Sarai Reader 05: Bare Acts* (CSDS, Delhi, 2005), pp. 466-69.

Reader 05 online text: <http://www.sarai.net/reader/reader_05.html>

See also Gautam Bhan, "Seeking Chaos: The Birth and Intentions of Queer Politics" in *Sarai Reader 06: Turbulence* (CSDS, 2006, Delhi), pp. 401-06.

Reader 06 online text: < http://www.sarai.net/journal/reader_06.html>

Notes

1. For an elaboration of the ideas in this essay, see Naisargi N. Dave, *Between Queer Ethics and Sexual Morality: Lesbian and Gay Activism in New Delhi, India* (UMI ProQuest, 2006).
2. Bharatiya Janata Party, associated with right-wing and Hindu nationalist politics.
3. Kath Weston. *Families We Choose: Lesbians, Gays, Kinship* (Columbia University Press, 1991, New York).
4. Elizabeth A. Povinelli. "Radical Worlds: The Anthropology of Incommensurability and Inconceivability". In *Annual Review of Anthropology* 30, pp. 319-34 (2001).
5. Michel Foucault [1978]. *The History of Sexuality, Volume 1* (Vintage, 1990, New York), p. 95.
6. James W. Bernauer and Michael Mahon. "Michel Foucault's Ethical Imagination". In (ed.) G. Gutting, *The Cambridge Companion to Foucault, Second Edition* (Cambridge University Press, 2005, Cambridge), pp. 149-75. See also Arnold I. Davidson, "Ethics as Ascetics: Foucault, the History of Ethics, and Ancient Thought", *ibid.*, pp. 123-48.
7. Zygmunt Bauman. *Postmodern Ethics* (Blackwell, 1993, Cambridge).
8. Michel Foucault. *The Use of Pleasure: The History of Sexuality, Volume 2* (Penguin, 1985, London).
9. ————. "Power and Sex". In (ed.) L. Kritzman, *Politics, Philosophy, Culture: Interviews and Other Writings, 1977-1984* (Routledge, 1988, London), p. 116.
10. ————. "Friendship as a Way of Life". In (ed.) Paul Rabinow, *Michel Foucault: Ethics, Subjectivity, Truth, Vol. 1* (New Press, 1994, New York), p. 137.
11. *ibid.*, p. 136, emphasis added.
12. Arnold I. Davidson, in Bernauer and Mahon, *op. cit.*, p. 131.

13. Michel Foucault (1985), op. cit., p. 9.
14. Arnold I. Davidson, in Bernauer and Mahon, op. cit., p. 133.
15. James D. Faubion. "Toward an Anthropology of Ethics: Foucault and the Pedagogies of Autopoiesis". In *Representations* 74, pp. 83-104 (2001).
16. This is elaborated upon in Dave (2006), op. cit. See also the author's essay "Ordering Justice, Fixing Dreams: An Ethnography of Queer Legal Activism", in (eds.) Arvind Narrain and Alok Gupta (Yoda Press, forthcoming).