
To what extent have queer people been included in the Indian state since Modi's election?

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Abstract:

This paper analyses queer people's inclusion into the Indian state since the election of Narendra Modi in 2014. Queer people have been increasingly included into the Indian state after the decriminalisation of homosexuality in 2018, with a rise seen in queer affinities with Hindutva and a growing logic of queer inclusion predicated on stratified 'consumer-citizenship'. Through analysing hijras and urban gay men and women, this research shows queer complicities with the Hindutva and neoliberalism that serve as the two key planks of the Indian state under Modi and thus define the extent and form of queer inclusion. This paper argues that queer people are included within the state to a *moderate extent*, where although formal legal inclusion is lacking, there is significant investment from queers in the ideological foundations of the Indian state and an inclusion into the symbolism of India's developmental future. The creation of a Muslim and low-class queer 'other' assists Hindu and middle-class queer inclusion by defining an idealised queer citizen that the state is safe to include.

Keywords: Queer, gay, trans, hijra, India, Hindutva, Hindu Nationalism, homonationalism, homohindunationalism, homocapitalism, consumer-citizen

Introduction

In recent years, Hindu Nationalism has swept India, coinciding with a shift in the relationship between queer Indians and the state. Narendra Modi was elected as Prime Minister in 2014, one month after the Indian Supreme Court ruled that trans people were a ‘third gender’, granting them important rights including relating to anti-discrimination (Mahapatra, 2014). Modi’s far-right Hindu nationalist Bharatiya Janata Party (BJP) has ruled since, during which time the Supreme Court ruled on Section 377 of the Indian Penal Code that decriminalised homosexuality in 2018 and the Transgender Persons (Protection of Rights) Act 2019 (TPA) (Chatterjee, 2023: 213-4). Increased queer inclusion within the legal framework questions the extent to which queer people are included within the state. Academic debates have proliferated, with the forces of Hindutva (Bacchetta, 2019; Bhattacharya, 2019; Upadhyay, 2020; Chatterjee, 2023) and neoliberalism (Rao, 2015, 2020; Boyce and Dasgupta, 2017; Strey, 2017; Shahani, 2021) identified as explaining queer inclusion’s cause and character in India. The state is a political unit with a “monopoly of legitimate physical force”, an “administrative and a legal order” (Weber, 1922 cited in Anter, 2020: 228) and is made up of ideological (i.e. schools) and repressive (i.e. police) apparatuses (Althusser, 1968). Queer can be defined as deviating sex/gender identities which contravene the dominance of heteronormativity (Duggan, 2002). This paper argues that queer people are included in the state to a *moderate extent*, with a lack of formal inclusion, but significant inclusion within the ideology of the state, as well as in its neoliberal developmental future. This research first conceptualises homonormativity and homonationalism, before viewing homohindunationalism and homocapitalism in India, which elucidate queer inclusion in the state in its specific context. Shahani (2021) identifies a triangle where Hindutva and neoliberal globalisation define queer politics. This research adapts the triangle, using homohindunationalism and homocapitalism to examine queer inclusion. The study examines

hijra activist discourses through the homohindunationalist lens, showing their increasing displays and discourses of nationalism as well as construction of the Muslim ‘other’. Following this, ‘consumer-citizen’ gays are analysed with a homocapitalist lens, where the market fills the inclusion vacuum left by the state on a consumption basis, leading to market-stratified inclusion. While the academic debate is healthy, with strong identification of inclusion within nationalism and culture, this research’s use of homocapitalism and homonationalism sharpens the view of political-economic foundations of queer inclusion.

Literature Review

Outlining key concepts within the literature is required before analysing queer-inclusive nationalism and citizenship. The Indian state under Modi’s BJP is fundamentally defined by the dual forces of neoliberalism and Hindutva (Whitehead, 2016; Bacchetta, 2019), which also impact queer inclusion (Rao, 2020; Shahani, 2021). Hindutva is the idea that historical Hindu religious rule legitimises Hindu rule today, and should define the citizenry (Ramberg, 2016: 226) to form a Hindu majority (Chatterjee, 2023). While it typically vociferously excluded queers (Ghosh, 2002), some Hindutva actors seek to reconcile queerness with the Hindu majoritarian state they are constructing (Upadhyay, 2020). In a context of expanding liberal rights for queers in India under Modi’s government, it is valuable to analyse the extent to which queer people have been included into the Indian state, analysing the role of its neoliberal and Hindutva planks. Before undertaking this, outlining the concepts of homonormativity, homohindunationalism and homocapitalism will help build an analytical framework as they provide a lens for queer inclusion into neoliberal capitalism and Hindu nationalism.

Homonormativity to Homonationalism

Neoliberal society has seen an adaptation in the sex-gender system to increasingly include queers, leading to a shift in focus among theorists from heteronormativity to homonormativity. Heteronormativity is defined by Berlant and Warner (1998) as the “institutions, structures of understanding, and practical orientations that make heterosexuality seem not only coherent [...] but also privileged,” (548). Therefore, it is the force of society’s sex-gender system, which inherently privileges heterosexuality. However, Duggan (2002) conceptualises homonormativity: a politics that buttresses heteronormativity by privatising, pacifying and depoliticising gay life, grounding it in consumer-spending and domestication (179). It offers citizenship, conditioned on emulation of heteronormative institutions such as marriage and military service (Duggan 2003). Neoliberalism therefore defines the battleground for queer movements, restricting them within capitalist, statist, and individual bounds. This embedding allows capitalism to form a queer subject that it can assimilate without challenge.

Building on homonormativity, Puar (2007) coined homonationalism as the joining of imperial nationalism with Western diversity discourse, including queers into the state while constituting Muslims as ‘other’. It features “US sexual exceptionalism”, “queer as regulatory”, and “the ascendancy of whiteness” (2), or in other words, a new homonormative sexuality, bolstered through the management of queer people into homonormative subjects (excluding racialised and unassimilable queers) (2-3). Here, the state offers *certain* homonormative queers inclusion, while justifying racialized state violence against non-normative queers. Homonationalism is an assemblage (Puar, 2007): an “arrangement” (Nail, 2017: 22) of components which together impact the world, typically alluding to “social formations and institutions” (Williams and Gilbert, 2022: 59). Its ‘arranged’ and

decentralised nature centres that rather than being purely statist, homonationalism is an amalgamation of agentic symbiosing and contesting forces.

Homohindunationalism

Homonationalism is often thought of as a Western concept, yet many theorists have noted its presence in India (Strey, 2017; Bacchetta, 2019; Bhattacharya, 2019; Rao, 2020; Upadhyay, 2020; Chatterjee, 2023; Dutta, 2023). Chatterjee notes the development of queer Hindutva activists, as Hindu queers want to be included in a state that defines them as anti-Hindu, so seek to prove their Hinduness by constructing an anti-Hindu queer/trans 'other' within their community (Chatterjee, 2023). Therefore, Hindu queers' majoritarian desires drive state inclusion by attaching themselves to the Hindutva plank of the state under Modi. Recently, some theorists have utilised the concept of 'homohindunationalism' (Upadhyay, 2020; Dutta, 2023), which Upadhyay (2020) argues has four aspects: (1) Hinduism is articulated as queer-inclusive (2) Islam/Christianity articulated as homophobic, with a focus on civilised/tolerant Hinduism vs uncivilised/intolerant Islam (3) High-caste Hindu queers are included on the basis of their upholding of the Hindutva conception of caste and Islamophobia (4) Hindu 'others' (Dalit, Muslim etc.) are branded queer and queerphobic concurrently, as they are discursively constructed as both 'other' to high-caste heteronormativity *and* queerphobic. Homohindunationalism supplements Bacchetta's discourses, expanding the queer-inclusive discourses of the state/queer activists, such as the idea of Hinduism as especially tolerant of queers. Homohindunationalism is unique due to this imagined past of precolonial Hindu queer tolerance, combined with less concrete state inclusion than other homonationalisms (Upadhyay 2020, 469). It is important to adapt concepts to their context, as in India both homophobia and homosexuality are articulated as colonial impositions (Rao, 2020).o As such, homohindunationalism differs from

homonationalism in that its ‘constitutive outside’ (Mouffe and Laclau, 1985) is not *only* its Muslim ‘others’, it is also its distorted appropriation of anti-imperialism.

However, some theorists disagree that homonationalism is present. While Chatterjee (2023) caveats that it is currently ‘aspirational’ (214), Shahani (2017) explicitly states that it does not apply to the Indian context, arguing that using homonationalism in India omits the globalising effects that undermine Indian sovereignty (209-10). In other words, India’s inclusion of queers within the state is *not* completely state-driven. Shahani builds on this critique, cautioning that implanting American concepts perpetuates global power into queer epistemologies (Shahani, 2021), arguing instead for a focus on the political-economic specificities that define liberal-rights manifestations of queer politics (Shahani, 2017: 210). This critique challenges the dominant strain within the literature, contributing to a constructive debate, although the consensus remains strong that homonationalism has reached India. Yet these critiques show the importance of using Upadhyay’s homohindunationalism, which is context-specific in its adaptation to Hindutva and the acknowledgment of state inclusion as emergent. As homonationalism is an assemblage of heterogeneous multiplicities, so too is homohindunationalism, giving it more rigour than examining cultural or political dynamics narrowly.

Indian Homocapitalism

Rao (2020) builds on homonormativity and homonationalism, identifying ‘homocapitalism’, where queers are, through a liberal non-redistributive politics of recognition, included/excluded from capitalism on the stratified logic of productivity (163-4). While homonationalism centres the ‘civilisational’, homocapitalism centres political economy (12), combining “efficiency and empowerment” by building a queer-inclusive capitalism that simultaneously pacifies queer anti-capitalism (Rao, 2015: 47). This is a contribution from homonormativity, that the neoliberal epoch has seen a co-option of queer

politics, by using inclusion strategies that embed it within the disciplining forces of capitalism. Homocapitalism is born of the shift from capital and the state's suppression of queers to neoliberal inclusion, as in capitalism's era of dominance the demands/opportunities have shifted. Homocapitalism adapts homonationalism's conceptualisation as an organising notion of world politics where states are judged by their acceptance of queer people, to one where the judgement is states' value within the global capitalist market, rather than relative sovereignty.

Warner once commented that "urban gay men reek of the commodity" (Warner, 1993: xxxi), referencing homosexual complicity within capitalism. Many theorists have since contributed to identifying a developing consumer-citizenship within India, especially for queers (Lukose, 2009; Patel, 2012; Sircar and Jain, 2012; Kumar, 2020; Shahani, 2021). Even if citizenship's heteronormativity limits full inclusion (Strey, 2017: 251), consumer-citizenship sees the 'civic' increasingly marketised and tied to consumption (Kumar, 2020: 164), meaning that the more one consumes, the more one is granted citizenship. Rao explicates that consumption forms a method of queer self-articulation in India, with dual effect: (1) it offers access to societal spaces (2) it offers access to queer identity forms that are predicated on the market and define what it means to be queer, excluding other non-normative forms (Rao, 2020: 149-150). This reifies the queer subject and further entrenches that queer inclusion in the state requires consumer-citizenship. However, Kumar contrasts gay 'consumer-citizenship' with trans 'counter-publics', arguing that rather than a queer community, there is an 'urban corporate gay' which is ingratiated within the market versus trans people who are refused rights, excessively policed (Kumar, 2020) and economically disadvantaged (Boyce and Dasgupta, 2017; Loh, 2018; Dutta, 2023). Here, state inclusion is constituted by market stratification, with 'queer' divided into consumer-citizen gays and trans communities that form outside the body politic. Thus,

queerness is situated within the intersections of caste, class, religion and locality in India (Roy, 2022: 48) The neoliberal logic that those who consume the most are the most valuable citizens renders certain non-normative queers' citizenship less valid. This is compounded by the Indian states' desire to portray itself as advancing (Strey, 2017; Upadhyay, 2020) which homocapitalist development offers (Rao, 2020). The consumer-citizen forms a key plank of development (Patel, 2012), meaning that to have a stake in the future of the Indian state, consumption is a central requirement.

Analytical Framework

Homohindunationalism and homocapitalism are distinct, but interrelated concepts that correct for each other's blind spots. In homohindunationalism the value of sovereignty is judged by the treatment of queers, to advance the Indian state as liberal while targeting Muslims as a 'constitutive outside', while homocapitalism sees states judged on their competitiveness within the world market based on their treatment of queers. Additionally, homohindunationalism focuses on racial exclusion, while homocapitalism identifies how market stratification includes/excludes. Most theorists have only focused on homonationalism or homonormativity within India, with homocapitalism and homohindunationalism lacking usage, reducing contextual specificity and India's position as a neoliberal developmentalist state.

Shahani (2021) identifies a triangle of queer politics, Hindutva and neoliberal globalisation, where queer politics is "refracted through" the struggle between deterritorializing globalisation versus renationalising Hindutva (27). The 'pink triangles' formed out of this initial conceptualisation "refract, bend, and divert" queer politics, in a non-linear and discordant way, with Shahani using one such triangle of 'pink revolutions' (neoliberal sexual reforms), 'neoliberal modernity' and 'domestic sovereignty' (5, 28). While

these seem oppositional, they are instead mutually supporting, as “logics of local and global, old and new, traditional and modern [...] ultimately work in tandem with one another so that in each instance, their neoliberal logics can be harnessed in the service of pink revolutions” (29). Therefore, contradiction supports and drives ‘pink revolutions’, as Hindutva’s nationalistic sovereignty logic can ground the rapid change of neoliberal modernity in tradition. As this research seeks to answer, “To what extent have queer people been included in the Indian state since Modi’s election?” Shahani’s triangle can be adapted. Firstly, queer politics becomes queer inclusion, as the mode of politics determines inclusion. Next, homocapitalism – with its focus on global competition and stratification – represents neoliberal globalisation. Finally, Hindutva’s shaping of queer politics is replaced by homohindunationalism. Thus, the research question will be explored through applying this adaptation of Shahani’s triangle, showing how queer inclusion is ‘refracted’ through first homohindunationalism and then homocapitalism.

Analysis

Beginning the analysis, homohindunationalism will study hijras through activist discourses and the TPA¹, as this illuminates the reconstitution of a homohindunationalist imagined past to bolster inclusion. Following this, homocapitalist inclusion of gay consumer-citizens is tackled through anthropologies of consumption, as analysing the most privileged queer sub-group shows the market-stratification of inclusion.

Homohindunationalist Hijras

Hijra is a South Asian term that encompasses feminine, yet male-at-birth people including feminine men, trans women and ‘third gender’ people (Dutta, 2023: 12), who tend to also be low class/caste, although this is not universal (Phukan Bisawas, 2020 cited in Dutta, 2023: 12). They have a ‘symbolic value’ to Hindutva, as they allow it to project a

¹ Recall page 1: Transgender Persons Act, 2019

tolerant image while still fitting into Hindu sex/gender structures (Loh, 2018: 52). The hijra is a crucial homohindunationalist figure as their role in Hindu traditions, combined with the Indian state's desire to project itself as liberal, places hijras at the nexus of India's neoliberal development and the imagined Hindu past. This makes them a prime candidate to be folded into the state, which some hijras have capitalised on.

Increasingly, public displays of nationalism have been made by hijras seeking to gain access to state inclusion. Shortly before Independence Day, an Indian LGBT rights organisation called the Humsafar Trust published a video of hijras singing the national anthem (Bhattacharya, 2019). This has been described as 'nationalist drag' due to its performativity of nationalist citizenship by queer people (Shahani, 2021), who have typically been excluded. Here, the hijras are attempting to prove their worthiness as citizens, driving their own inclusion within the Indian state by adopting its symbols and the logic of pledging to the nation. As well as these nationalistic displays, hijras have campaigned to gain affirmative action privileges through being designated as a 'Backward Caste' (Rao, 2020). In doing so, they follow the logic of appealing to the state for liberal rights, and therefore preclude the possibility for destabilising radicalism. They are constituting themselves as liberal citizens, eliminating their potential oppositional role to the state, instead pursuing inclusion.

While hijras are becoming included into the aesthetics of the state, in terms of the law the result is mixed. The TPA provides the right to freedom of discrimination such as in employment and the right to change legal gender through applying to the District Magistrate and proving sex-reassignment (Bhattacharya, Ghosh and Purkayastha, 2022: 681). This formally includes hijras into the state through legal recognition and the granting of an initial set of rights, showing the state's interest in defining the queer subject in law, promising fledgling citizenship yet legally demarcating hijras as non-normative. However, through the

District Magistrate it seeks to regulate the form of this inclusion by formally restricting the right to self-determination to only people that conform to the state's narrow conception of valid trans experience. Inclusive citizenship is not granted on hijra terms, but through the state-as-arbiter, showing 'nationalist drag' as insufficient, with the Hindutva state seeking to regulate its queer bodies into normativity (through sex-reassignment surgery) before including them into the citizenry. Full state inclusion is limited by sex/gender stability anxieties that still usurp hijra self-positioning within state ideology.

The state also includes/excludes through establishing a Muslim 'other', crucial to the Hindutva state in its allowing for the consolidation of a Hindu majority, which certain hijras have sought to strengthen. Laxmi Narayan Tripathi, a hijra activist who supports Modi, articulated in 2016, after the Indian military entered Pakistani territory, that Modi should form a hijra battalion to assist in destroying Pakistan (Upadhyay, 2020). Here, homohindunationalism is displayed not just in the desire to be included into the military of the state, but also the homohindunationalist Islamophobic discourse, that elevates the Indian state as progressive enough to include hijra soldiers while denigrating the Pakistani nation as unworthy on account of its position as a state of Muslim 'others', uncivilised and queerphobic. These discourses include hijras into the Hindutva state precisely to define it against Muslims, showing these temporary discursive inclusions do allow hijras some inclusion. However, as a result of being the 'constitutive' outside by which the Hindutva state reinforces itself, Muslim hijras face discrimination, including inside their own community (Dutta, 2023). The state has inducted Hindu hijras into a role of policing the bounds of the hijra subject, making it more palatable for inclusion within the state. However, class and caste affect the level of exclusion that Muslim hijras face (Dutta, 2023), showing the need for homocapitalism to complete the analysis.

Homocapitalism: Gay Consumer-Citizens

While analysing hijras illuminates the character of homohindunationalist inclusion, gay consumer-citizens best show homocapitalist inclusion. While contesting same-sex marriage in court before a constitutional bench, Modi's government has referred to gay marriage as an "urban elitist view for the purpose of social acceptance" (Singh, 2023), showing that the state is excluding gays from one of its most foundational institutions. It also constructs homosexuality as urban, new, and bourgeois, placing it outside the 'real' Hindu citizenry, reducing state inclusion. However, this discourse points to the phenomenon of urban gay consumer-citizens and the impact of the market on state inclusion. The market was quicker to include consumer-gays, affording them pseudo-rights on the basis of their consumption (Rao, 2015: 43), such as a 'right' to access market spaces or to consume. This is exemplified by the proliferation of gay-inclusive advertising (Patel, 2012; Rao, 2015; Strey, 2017; Shahani, 2021), with businesses seeking to access the "Pink Rupee" (Ghildial, 2010). Rather than formal state inclusion, market forces provide the liberal right to non-discriminative consumption, in the absence of state equality. For example, India's \$210bn marriage industry has started to plan gay 'social' weddings, despite them not having state recognition, with one wedding planner noting "there's honestly no limit to the spending potential in India," (Mittal, 2023). The profit-driven logic of the market sees it granting the pseudo-right to 'marriage' in the context of state exclusion. New 'matrimonial apps' such as 'Umeed' and 'RainbowLuv' (which has 100,000 members) have been launched (Mittal, 2023), compounding the privatisation of the gay desire for marriage and the state inclusion that affords. This desire in itself drives inclusion of gays within the state as they accept the state-market construction of the bourgeois family. Consumer-citizenship is grounded in the family unit, which is seen as a driver of development through its consumption, intertwining the family and the state's future (Patel, 2012). By accepting the pre-eminence of the married

family, gays reinforce the state and articulate themselves as disciplined sexual citizens, including them within the ideology of the state.

The idea of nascent gay consumer-citizens and developmental futurities extends further, as homocapitalism offers modernity (Rao, 2020: 12). Queer inclusion is presented as a growth strategy by homocapitalist institutions (Rao, 2015: 41), with a World Bank report finding that 0.1% - 1.7% of India's GDP in 2012 was lost due to LGBT exclusion (Badgett, 2014). As the Indian state has sought to present itself as a rising power (Strey, 2017), this opens avenues for inclusion. Middle-class lesbians have been presented in advertising as idealised queer subjects of Indian modernity, where their position in the new (state ideology-reinforcing) middle-classes inducts them into the developmental state, their femininity makes them a site of tradition and their queerness projects a tolerant India (Strey, 2017). Their triadic identities embody past and future, satisfying the Hindutva and neoliberal planks of the state, by providing the modernising symbol of new wealth and liberalism, while their femininity inculcates the Hindutva mythos. This privileging of the middle-class gay sees market stratification logics expand into an urban gay scene that ties itself to neoliberal globalisation, making it inflected by class (Boyce and Dasgupta, 2017). A story is told of a gay man called Sagar, who was rejected from the nightclub Roxy in Kolkata on account of his low class, making him a 'failure' in his inability to assimilate into the class-inflected gay scene (Boyce and Dasgupta 2017, 218-9). Rather than just seeking inclusion within the Indian state, Indian gays seek inclusion within the globalised gay community, mediated through queer-friendly businesses. This dependence on neoliberal globalisation creates a situation of stratified inclusion, where class-privileged gays gain access to the globalised gay subjecthood that positions them within the Indian state's homocapitalist development. Yet, those that are excluded from these spaces are prevented from embodying globalised gay consumer-citizenship and thus withheld from the neoliberal developmentalist state's

citizenship altogether. Thus, gay consumer-citizens claim increased inclusion by excluding undesirable ‘others’, creating a disciplined gay subject. This exclusion is conscious, with the prominent activist Ashok Row Kavi accusing a trans-activist group of ‘politicising’ the LGBT cause by criticising the state (Rampal and Singh, 2018). Transness lies outside the idealised gay consumer-citizen that seeks to present itself as safe for inclusion to the state, rather than a challenger to its power. Trans people are often excluded from queer consumptive spaces, yet cannot afford privacy and are extra-visible, especially to the state, such as trans sex workers (Kumar, 2020). Trans people do not have the luxury of Kavi’s apolitical queerness as their classed bodies are imbued with a challenge to the neoliberal state, making it harder to include them as they do not fit the idealised consumer-citizenry that included gays have joined.

Conclusion

This paper has sought to answer the question, “To what extent have queer people been included in the Indian state since Modi’s election?” Through utilising the lenses of homohindunationalism and homocapitalism from within the literature, this research has analysed queer inclusion within the state by studying hijras and urban gay consumer-citizens, illuminating both the Hindutva and neoliberal forces which define queer inclusion. First, growing hijra involvement in homohindunationalist displays and discourses has seen hijras present themselves as valuable citizens, with Hindu hijras using the Muslim ‘other’ to realise state inclusion through absorption into the Hindu majority. For urban gays, inclusion is predicated on consumer-citizenship, with a lack of formal state inclusion replaced by market forces that see gays uphold state ideological institutions such as the family and marriage. Inclusion is also attained through adopting a market-stratified gay identity embedded within the Indian state’s developmental future. However, queers are only included within the state to a *moderate extent* as to create an assimilationist idealised queer subject, non-normative and

trans queers remain excluded and there is still a lack of formal, legal inclusion. Future research should explore how neoliberalism and Hindutva shape the queer identities they include/exclude, allowing for a better assessment of how increasing attachment to the Indian state's development promises homohindunationalist and homocapitalist inclusion in the future.

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