

REVIEW ESSAY

FOR THE RECORD: ON SEXUALITY AND THE COLONIAL ARCHIVE IN INDIA

by **Anjali Arondekar**

Durham: Duke University Press. 2009. Pp.: 232. \$ 22.95. (PB)

Lakshmi Arya*

Anjali Arondekar's *For the Record: On Sexuality and the Colonial Archive in India* is pithy with insights on colonialism and sexuality in the subcontinent. Her work disturbs in many fundamental ways the historiographical script on colonial heterosexual masculinity. The story of colonial, heterosexual masculinity has been told in standard ways: the reordering of normative models of masculinity, femininity and androgyny in both the colonising and the colonised cultures,¹ the metaphor of the rape of the colony, cultural nationalism and its production of a particular native masculinity.²

Arondekar excavates instead the archive on homosexual practices: the male nautch, governmental brothels in Karachi where men lay for a price, cross-dressing hijras and the trope of homosociality between English and native men in Kipling's telling of Empire. Yet it may be questioned how far Arondekar's recuperation of the queerness of the archive destabilises the phallus as its signifier. We discover that natives deploy homosexual penetration to rape and punish the colonial intruder. "“Strangers” entering the “harems” of Persian women are stripped and thrown to the mercy of the harem’s grooms and “negro-slaves.””³ Another archival anecdote tells of a missionary whose “conversion-mania”⁴ so infuriated a Persian prince-governor that he was insulted and punished in similar ways. The metaphor of the India rubber dildo also figures in colonial pornography, as the female/ lesbian phallus. Conceptually, Arondekar does not distinguish a theory of gender from a theory of sexuality or illuminate the in/adequacy of one in explaining the other.

* Assistant Professor and Assistant Director, Centre for Women, Law and Social Change, Jindal Global Law School <larya@jgu.edu.in>.

1. ASHIS NANDY, *THE INTIMATE ENEMY: LOSS AND RECOVERY OF SELF UNDER COLONIALISM* (1983).
2. MRINALINI SINHA, *COLONIAL MASCULINITY: THE ‘MANLY’ ENGLISHMAN AND THE ‘EFFEMINATE’ BENGALI IN THE LATE NINETEENTH CENTURY* (1995); TANIKA SARKAR, *HINDU WIFE, HINDU NATION: COMMUNITY, RELIGION AND CULTURAL NATIONALISM* (2001).
3. ANJALI ARONDEKAR, *FOR THE RECORD: ON SEXUALITY AND THE COLONIAL ARCHIVE IN INDIA* 41 (2009).
4. *Id.* at 42.

Arondekar traces the shifts in the colonial discourse on homosexual practices between 1830 and 1860. These years, Arondekar demonstrates, are co-terminus with a turn in colonial discourse from a study of texts to an investigation of practices. Historians have remarked on this shift. Neeladri Bhattacharya, for instance, traces the shift from text to custom as a source of the law, in the latter half of the nineteenth century.⁵ The heavy reliance on the pundits and their interpretation of texts (the *Dharmasastras*) during the abolition of sati in Bengal in the 1820s is starkly different from the exercise of cataloguing oral traditions and practices so as to ascertain the customary law of Punjab in the mid-nineteenth century.

The enterprise of textualising India seems to give way to an inquiry into the lived customs and practices of the native peoples. Arondekar reads this as a turn from the British search for the origination of societies to a more practical understanding of how societies function. Or, in my view, from a normative conceptualisation of “what ought to be” to an empirical inquiry into “what is.” Historiography has shown us that the truth of texts always eluded the British and, furthermore, its pursuit necessitated a dependence on the Brahmins.⁶ Moreover, the British saw the discrepancy between “Hindu” texts (read as “what ought to be”) and actual “Hindu” practices (“what is”) as further proof of the cussedness of the wily Brahmins, who had hidden the original religion from the people, reducing them to their current state of degeneracy.

With the epistemic move to “knowing” practices, competing discourses of ethnography, ethnology and anthropology emerge during this time (1830-60) and produce truth-claims about race, customs, climate, geography, sexuality and colonialism. What is curious is the intersection of these truth-claims. The wheat diet of the “martial inhabitants of India,”⁷ who fill up the lower ranks of the British army, is contrasted with the rice diet of the “effeminate and intellectual Bengalis.”

The taxonomy of races and peoples collapses between geography and climate. This poses a challenge to the racial separation of the Britishers and natives: do Englishmen give in to sexual excesses in the hot, damp tropics? Such a question reflects the anxiety surrounding British pederasty and their relations with native wo/men: phenomena that Richard's Burton's Karachi report amply unearths in the valley of

5. Neeladri Bhattacharya, *Remaking Custom: The Discourse and Practice of Colonial Codification*, in *TRADITION, DISSENT AND IDEOLOGY: ESSAYS IN HONOUR OF ROMILA THAPAR* 20-51 (R. Champakalakshmi & S. Gopal eds.) (1996).

6. See Lata Mani, *Contentious Traditions: The Debate on Sati in Colonial India*, in *RECASTING WOMEN: ESSAYS IN COLONIAL HISTORY* 88-126 (K. Sangari & S. Vaid eds., 1989).

7. ANJALI ARONDEKAR, *FOR THE RECORD: ON SEXUALITY AND THE COLONIAL ARCHIVE IN INDIA* 47 (2009).

the Sindh, phenomena that disrupt the “heteronormative teleologies of colonialism.”⁸ Or, do bodies not matter, as cultural practices (such as a diet of wheat/ rice) determine physiology and constitution even within the same tropical zone?

The enactment of the Indian Penal Code (IPC) in 1860 follows upon this systematic production of colonial anthropology. Section 377 of the IPC is thus born in 1860. Arondekar mentions that it is unclear whether “the jurisdiction of Section 377 extended to European subjects.”⁹ She discusses a few notable cases of unnatural vices among the Indian populace, most remarkably *Queen Empress v. Khairati*. Arondekar's reading of this case brilliantly illustrates how Khairati becomes knowable through the discourses of ethnography, legal medicine and sexuality. There is scarce evidence to prove when, where and with whom Khairati's unnatural offence was committed, which makes a conviction unsustainable. Evidence only shows that Khairati habitually wore women's clothes, sang and danced and that he had a subtended anus. The forensic evidence established that he was a habitual sodomite. Khairati was, according to colonial anthropology, a *hijra*.

Arondekar talks of the increasing reliance on medical evidence in the colonial legal system, in the face of the irregularity of witnesses, codification, etc. This is, after all, the time of Chevers' Indian medical jurisprudence. The truth-claims of medical jurisprudence are, interestingly, buttressed by the disciplinary force of colonial anthropology. The state of Khairati's subtended anus, mucous membranes and anal lesions, are discursively corroborated by ethnographic descriptions of the appearance, dress and behaviour of *hijras*.

What is noteworthy here is that Khairati is not an individual criminal. He is part of a collective, a community of habitual sodomites, a criminal group. Ethnography meets legal medicine to produce the habitual offender or rather a class of such offenders. Much historiographical ink has been spilt on the subject of colonial governmentality and its discursive delineation of criminal tribes. Criminal tribes are located where the disciplines of ethnography and criminology intersect: where native practices meet the criminal offences of dacoity and theft. The *hijras* are one such group that collectively represents native perversion or crimes against nature.

In my reading, the category of criminal tribes disrupts the neatness of the division of colonial law into “public” and “private.” The “British public law,” Arondekar suggests, was embodied in the Indian Penal

8. *Id.* at 41.

9. *Id.* at 82.

Code.¹⁰ The “universality” of its principles stemmed from the implicit notion that all nations would agree on questions of “what acts constituted crimes against the community.”¹¹ The “private” law, on the other hand, included the difficult, incomprehensible terrain of communities, of Hindu and Islamic Law. Arondekar invokes Kunal Parker's argument that the premise of the criminal law was a “legal solicitude for the subject firmly located within a knowable British ‘public law,’” whereas that of the private law was the “legal recognition of the community firmly located within a fundamentally unknowable Indian ‘private law.’”¹² The distinction between a culturally-neutral public law and a culture-specific private law seems to reiterate the idiom of the universalism and reasonableness of Western epistemes as against the coloured-cultural peculiarities of the colony.

It is also a distinction between the individual subject and the community. I would like to posit that the universalistic lexicon of the public or criminal law and the individual subject it presupposes meets its limit in the criminal tribe or the *hijra*. In these collective figures, the “community,” hitherto relegated to the confines of the private law, re-surfaces as the criminal community within the public law. Furthermore, the individual modern criminal—the psychologised, pathologised subject, the “I”—of Western criminology finds an antithesis in this collective “We.”

How do we understand this collective criminality? Arondekar raises an interesting question: Who is the “*hijra*”? Do *hijras* have no referentiality other than their sexuality? How do we recover the *hijra* as subject if the only idiom in which the subject is recoverable is through the North American or European category of gender/sexual difference? Arondekar reflects on this sexual hypervisibility of the *hijra* as third gender which elides the material histories of capital and colonialism. Hijras, Arondekar tells us, “were often powerful figures in Sultanate and Mughal courts and had the prerogative to collect taxes and duties in particular areas.”¹³ These other histories and practices become erased or invisible when the subject is mediated solely through the category of gender/sex.

And herein lies my dissatisfaction with Arondekar's analysis. The poststructuralist frame is limiting. It cannot adequately address the questions that Arondekar encounters in recovering the *hijra* as subject.

10. *Id.* at 78.

11. *Id.* at 79.

12. *Id.* at 78.

13. *Id.* at 91.

The only answers that emerge are those of archival loss, displacement and irretrievability.

I would suggest that we perhaps need to ask why the discursive lenses of European/ North American academia are unable to retrieve. And what is it that they seek to retrieve? Sexuality? Foucault's path-breaking work on the history of this entity tells us that no such thing existed until the nineteenth century. The *scientia sexualis* produced sexuality as a domain that bespoke a truth about an inward-looking, introspecting subject.

It is this deployment of "sexuality" that provides us with a truth about the *hijra*, which makes the subject knowable. It establishes a certain relation between subjectivity and truth that enables us to understand practices (homosexual, practices, in this case) as a manifestation of this subjectivity.

Therefore, it does not matter if we replace the individual subject with the collective subject/ community, the "I" with the "We," the individual homosexual/ pathological criminal with the *hijra* or "criminal tribe" as community. The "We" continues to be the "I" writ large. It presumes the same relation between subjectivity, truth and practices. The practice could be cross-dressing, dacoity or thuggee. Our only way of understanding the *hijras*, who collect taxes, have power in the court and cross-dress, is with recourse to the explanation of (homo) "sexuality."

Can we perhaps develop a paradigm to comprehend practices which is not mediated through a recourse to the subject, sourced either through the interiority of the recesses of the individualised mind or the exteriority of the body? In Foucault's later work, there are the beginnings of a theorisation of an alternative configuration of the fields of practices/ action and the self. In his revisiting of pagan Greek culture and its comparison with Christianity, Foucault develops the concept of *askesis* which he explains as a 'practice of the self.' *Askesis* is a process of self-transformation, whereby one adopts a practice in order to become a self. This configuration reverses the known relation between acting and being, wherein there is a self that acts. S.N. Balagangadhara takes this forward in this theorisation of action-knowledge and of culture as a configuration of learning.¹⁴

Foucault traces the genealogy of the modern Western self through an exploration of the domain of 'sexuality'. 'Sexuality' provides a truth about the subject, a truth spoken through discourse, as confessions of the flesh in pre-modern times and as the modern confessions on the

14. S.N. BALAGANGADHARA, THE HEATHEN IN HIS BLINDNESS: ASIA, THE WEST, AND THE DYNAMIC OF RELIGION 31-53 (1994).

analyst's couch. It is the discourses of the analyst's couch that produce the *scientia sexualis*. Arondekar adds an intriguing new perspective to Foucault's work on the history of sexuality by suggesting that the *scientia sexualis*—the sciences of sexuality (such as psychoanalysis)—actually emerge from what lies beyond Europe, in the colony.

Drawing upon the work of Ann Laura Stoler, Robert Young, and Anne McClintock, Arondekar posits that the histories of empire, “rather than being peripheral to the cultivation of the nineteenth century bourgeois self, were in fact constitutive of it.”¹⁵ She takes the instance of the emergence of sexuality and the *scientia sexualis* in nineteenth century Europe. In her formulation, the foreign landscape of the colony is a space of otherness. It becomes the space of discourse, perversion and incitement, as opposed to the silence, prohibition and regulation of the metropole. Pornography, sexology and, I may add, anthropology are the sites of this discursivity.

She substantiates her argument with an engagement with Victorian pornography. It is to the elsewhere-place of the colony that Victorian pornography is relegated: the imagination of the sexually perverse flourishes in this elsewhere, which is spatially, discursively, or economically, not England. This justifies discursively the evangelical civilising mission. Arondekar adds to this existing discursive analysis demonstrating how the material histories of production—of the India rubber dildo, produced in India, for example—are inseparable from the histories of sexuality and race. She further outlines the dents that Victorian pornography makes in colonial ideology — the consumption of white women as pornographic vignettes by native brown men, or the spectre of interracial sexual relations.

This engagement, interesting in itself, does not adequately tell us how the material history of empire disturbs the genealogical excavation of Foucault's *History of Sexuality*. The reader is left wondering how the *genealogy* of sexuality that Foucault so masterfully unearths is destabilised by the imperial histories of Europe and otherness of the colony. This perhaps would be a question worth exploring.



15. *Id.* at 104.