

Gender and Economic Policy Discussion Forum

'The Queer Question: Socio-economic and Political costs of Exclusion'

FORUM XVI | 21 MAY 2015

BRIEFING NOTE 16

HIGHLIGHTS / KEY POINTS

- As the transgender community is the most alienated, there is a need to talk about transgender and hijras in the context of politics, identity and economics
- In our heterogeneous society, we cannot ignore intersectionalities of caste, identity, etc. as one person's freedom might mean another's oppression
- In order to reduce the social exclusion faced by the LGBT community, every heteronormative institution in the society needs to be questioned
- There is also an urgency to understand gender as a social construct holistically; where it is seen beyond binaries and beyond constructs of men and women
- There is a need to explore the concept of social/income inequality and consecutively build new ideas on poverty, sexual orientation and gender identities.
- A continued dialogic engagement is required because fluidity of concepts exists and the issue of queer and exclusion is entangled with other issues like domestic work and sex work.
- When it comes to inclusion of the queer community, the human rights argument needs to be emphasized rather than the economic argument

The queer community in India has been struggling for years to get their rightful place in the society. The contemporary Queer movement started off as a response to violence against the community or in the context of HIV/AIDS epidemic. Increasingly, however, the movement has begun to shift away from a discourse solely centered on violence and HIV prevention to one rooted in rights, identities and the celebration of one's desires¹.

The legal debate surrounding the Queer community centers on the Section 377 of the Indian Penal Code. This section criminalizes homosexual intercourse and was a basis for routine and continuous violence against sexual minorities by the police, medical establishment, and the state. However, in 2009, a Delhi High Court decision found Section 377 and other legal prohibitions to be in direct violation of fundamental rights provided by the Indian Constitution and repealed the draconian law. But again, on 11 December 2013, the Supreme Court set aside the 2009 Delhi High Court order, recriminalizing consensual homosexual activity².

The Gender and Economic Policy (GEP) Discussion Forum on 'The Queer Question: Socio-economic and Political costs of Exclusion' held on 21st May 2015 discussed the various forms of exclusion the Queer community still faces and the steps that need to be taken to make the society a more inclusive space for this community. The

speakers at the forum were Brinda Bose from Jawaharlal Nehru University, Rituparna Borah from Nazariya and Shubha Chacko from Solidarity Foundation. The discussion was chaired by Yamini Mishra from UN Women.

Historically, Queer theory emerged from poststructuralist feminist theory³. A lot of work was done around the concept of sexual identity in 1970's which led to the creation of work around the concept of heteronormativity. Queer theory, in turn, challenged this straight ideology and believed that heteronormativity cannot be the essentialised or enforced. Queer, by definition, is whatever that is at odds with the 'normal, the legitimate and the dominant'. The logic of heterosexual identity is so deeply embedded in our society and Queer theory is challenging these very notions. In common parlance, the term 'Queer' is used as a slang, but in recent years, has come to be used as a positive self-designation.

The chair of the forum, Ms. Yamini Mishra, initiated the discussion by pointing out that a lot of work has been done on costing of violence and Queer theory could look at these for insights. When it comes to violence against women, the cost to the GDP ranges from 2-10%⁴. However, the most important question that needs to be asked is: what are we trying to cost? Costs of action or inaction? Costs of inaction can be used to jolt the policy maker; that by not including a certain community, they are draining their own economy. It also indicates that not a particular community, but the whole economy bears these costs of inaction. On the other hand, costs of action estimates the amount that is required to invest in a certain community. These costs, in turn, lead to other multiplier costs. For instance, social multiplier costs include the costs of reduction in quality of life whereas economic multiplier costs include costs of reduced productivity at work. To add to this body of work, The World Bank initiated a study in 2013 which calculated the 'costs of homophobia'. Even

though the study did not see the light of the day, it estimated that the cost of homophobia to GDP is between 1-1.7% in India⁵. The study particularly focused on labour-related laws (which might lead to loss of productivity amongst the LGBT community) and health related costs⁶.

Political exclusion

Historically, the movement of Queer rights in India emerged in the public domain during the release of Deepa Mehta's film Fire in 1997 which was tagged as the first lesbian film in India. The film raised the ire of the Shiv Sena who then had set fire to the theatres in which the film was playing in Delhi and Mumbai. Strangely, this brought together, for the first time, the mostly closeted LGBT community and the general public in a demonstration of resistance against the right wing attack on freedom of expression and identity rights. Along with the screening of this film, the Naz foundation legally challenged Section 377 in the courts and wanted a reading down of the article so that homosexuality can be decriminalized. The Delhi High court did read down Section 377 in 2009 however the Supreme Court recriminalized homosexuality as 377 was upheld again in 2013.

This long-drawn political movement against Section 377 has had both good and bad effects. Its best overall effect has been that it raised the consciousness amongst the general public regarding the range of sexualities practiced and possible. It also reiterated the fact that fighting for anyone's non-normative sexual rights is a necessary and legitimate battle. The bad effects of this movement include the waste of energy, of costs, lowering of morale, insecurities and horrors that come from the phobic masses. Dr. Brinda Bose also believes that most of us are 377 offenders; in reality, or at least in fantasy. If we agree that we all are Queer, at least ideologically, politically or imaginatively (even if we do not identify with LGBT or any other specific queer

practice), it makes political sense to build solidarity rather than to fragment the movement into numerous isolated communities in our battle against 377 as it is really a battle against intolerance, moralism and vigilantism.

What the Supreme Court ruling of December 2013 has revealed is a complexity about vigilantism. Even though vigilantism is always aspirational and conservative, in the case around 377, vigilantism is born out of fear and shame. The reigning vigilante (the state) is destabilized by inner contradictions as a result of this cross between two impossible desires; to be ethical and to be erotic. But it is the other kinds of vigilantism we are less wary of; the kinds found not in the right wing, but along the racy continuum that stretches from the left to the left-center, the liberal and the neoliberal. They are comprised of people who secretly, silently and righteously believe in a life of stability, in living responsibly and reluctantly by doing the right thing set by society. Where then is the space for desire, passion and transgression among them?

This second category of vigilantes consists of heterosexuals who are either proud of being normative and/or would like to distinguish/distance themselves from those who practice alternative sexualities; even if they are not disapproving of them. Practicing LGBTs, on the other hand, are skeptical about Queer solidarity from 'non-Queer' and of an ideological politics that undermines the lived realities of LGBT existence as it dilutes the differences of sexual choice and identity. Hence, Dr. Bose believes that a notion of Queer solidarity (which would work towards politics of inclusion rather than exclusion) is worth addressing in the context of massive inequalities and discrimination in the context of India.

While rejecting the right wing moralism, many Indian feminists have begun to embrace a troubled ethical feminism. Queer theory may

also be viewed with mistrust by mainstream feminism because it tried to dissolve the concept of 'women' as a valid category. Hence, queer theory has grown out of feminism, it can in fact be seen as the 'risk' factor that feminism ought to extend rather than curtail.

Ms. Bose laid emphasis on the need to talk about transgender and hijras in the context of politics, identity and economics because the transgender community is the most alienated. She contends that if we could find a way to be inclusive about the transgender and sex worker communities, we would go far in establishing a more inclusive society. Many a times, these categories overlap as the Hijra deploys his/her sexuality to make a precarious livelihood; either by selling sex or by threatening through sex. This Hijra identity is something the state and the normative society has difficulty in accepting. The Hijra is the epitome of risky business so all capital that emanates from or is invested in her is risky. She is feminized but not female, she is male but is impotent and her impotency makes her feminine. She dresses as alluringly female but addresses her masculinity to threaten and intimidate her patrons. A Hijra participates in a structure of adopted kinship in her own community, a structure which sometimes mimics patriarchal structures of gender and family life. The state's interventions in Hijra identities and economies including offering identity card, the third identity for eunuchs on the passport promises to be progressive but may end up being meaningless if it makes no attempt to understand capital, sex and body together.

Recently, a mother had put a matrimonial ad in a leading newspaper for her gay son and it has been celebrated for being the first gay matrimonial ad in India. This is a definite sign of progress amongst the conservative tradition of arranged marriage in India. However, it came under the scanner for its caste bias as it said "Iyer preferred". In our heterogeneous society, we

cannot ignore intersectionalities as one person's freedom might mean another's oppression. We cannot celebrate inclusion and gay matrimonials, for example, without being conscious of or being shamed by corresponding exclusions (non-brahmins/Iyers in this case). We can take pride only when we as a society can move freely across boundaries; not just of sexuality but of caste, class, race, location, education and occupation. It, however, makes the task of inclusivity much more difficult, but that is the goal which we should set for ourselves⁷.

Social exclusion

Ms. Rituparna Borah initiated the discussion around social exclusion by explaining how LGBT is an umbrella term covering a very heterogeneous group of lesbian, gay, bisexual, transgender people who often appear with a joint political discourse in the local and international political arena (for common goals like better social representation and political support). While there are significant differences between the individuals under this umbrella term, their main uniting force is their social minority group membership (community of people who are marginalized on the basis of gender and sexuality). When we place the LGBT in our judicial context, the NALSAR judgment⁸ on transgender rights elaborate on how people can choose their gender; men, women, transgender, or whatever they want to choose.

Social exclusion is the process by which individuals or a group of people are systematically blocked from or denied full access to various rights, opportunities or resources that are normally available to another group. These right, opportunities or resources are fundamental to social integration for example, house employment, healthcare, demographic participation, etc. Social exclusion of people happens also because of the many identities that they carry within themselves⁹.

This form of exclusion can happen in two ways: direct and indirect. At times, direct exclusion is much better than indirect exclusion because in indirect exclusion, it is the environment which creates exclusion. It can also happens at various levels: family (questioning your 'normalcy', taking you to doctors, forced marriages), schools (assigned skirts/salwar kameez for girls at school, toilets, heteronormative curriculum/playground), workspaces (different types of sexual harassment, HR policies, dress code) and lastly while accessing services (opening bank accounts, starting your own businesses and accessing spaces like the metro, bus, etc.). Social recognition in society (especially in the case of the LGBT community) is also closely connected to citizenship status (especially with the notion of full citizenship).

The extension of certain rights towards the LGBT community, especially the one associated with citizenship and justice, are done in compliance with heteronormative mainstream values and practices. To access those rights, you need to be a 'good queer', a 'good citizen' who links sex to love, marriage and relationship, defend family values, personify economic individualism and display national pride. Consequently, while same or different gender preference is one issue, many other dimensions of sexuality are used to separate the 'good queer' from the 'bad queer': norms of age of sexual partner, commercial or non-commercial, casual or intimate, etc.

Social exclusion does not only happen vis-a-vis the majority community. It also happens within the LGBT community. For example, it happens on the basis of which class or religion one belongs to, if one is working or non-working and also in the form of entry costs to parties/events etc. (economic exclusion). On the other hand, the process of inclusion is restricted to tokenistic attempts as Ms. Borah believes that in various programs, lesbian/bisexual people have become etcetera/add-ons. To counter

these tokenistic attempts, there is a need to Queer the mainstream, instead of mainstreaming the Queer. The economy also benefits by including the LGBT community. For example, in some countries, there exists a concept called DINK¹⁰ (Double Income No Kids). These include homosexual couples without children who are seen as an asset to the economy (compared to their heterosexual counterparts with only one partner in employment).

Ms. Borah also believes that sometimes right wing activists are correct. They claim that section 377 will destabilize the conventional notions of a family. Even though LGBT activists gave a counter argument, homosexual relationships will most definitely change the entire notion of marriage. In the same context, it has become easier to talk about LGBTs in the public domain because it is just associated with the concept of love and relationships. So, the reasoning is it 'is all about love so let us give them some rights'.

Therefore, to reduce the social exclusion faced by the LGBT community, every heteronormative institution in the society needs to be questioned. Firstly, the concept of queer should engage with norms in a broader way, rather than just challenging norms of sexuality. Instead of adding more programs and resorting to mere tokenism, how can we actually learn from queer lives and hijra families? There is a need to understand the negotiations, the arrangements and the different families that are created amongst the LGBT community. Consecutively, can we change our development policies and advocacy strategies in order to understand families and relationships in these different ways? Secondly, instead of women and development, how can we talk about gender and development? There is an urgency to understand gender as a social construct holistically; where it is seen beyond binaries and beyond constructs of men and women. There is also a problem with quantifying

the queer community. Because homosexuality and same sex desires are stigmatized, the line between queer and straight is hazy, making the community extremely invisible.

Economic exclusion

Ms. Shubha Chacko contends that queer people pay an economic price for being sexual minorities or just for being different and this economic price is not recognized or is invisible. She talked about this price in the context of withering real wages, jobless growth, shrinking of social spending and reduction of public spaces. For example, traditional bazaars and markets spaces are giving way to malls, which are only 'open' to a certain class of people. New spaces that are open to sexual minorities—unions, NGOs and CBOs are also under surveillance.

Ms. Chacko elaborated on the idea of economic exclusion by delving into the concept of social income which she borrowed from a recent book by Standing, Unni, Jhabvala and Rani¹¹. Ms. Chacko spoke about social income in relation to sexual minorities and thus showing their lack of economic wellbeing. The authors have conceptualized social income as a sum of five factors.

$$SI = OP + W + CB + EB + PB$$

The first factor OP (own production) is the income produced at home from selling, consumption, barter etc. In case of a trans person, the concept of own production becomes difficult as, for them, getting a house in the first place is an uphill task. They also have to shift often (because of the various kinds of discrimination they face in a particular area) and the income one brings in this category of own production is restricted. The second factor is W i.e. wages which is a sum of three factors.

$$W = \text{Wages (Wb + Wf + Wd)}$$

Wb is the wages one expected to receive before one gets into the workforce and Wf is the flexible

wages. In case of sexual minorities, there is no stability of wages (for example, in the case of sex work, the client might pay sometime and might not other times). Wd is what one pays off. In this context, sexual minorities lose significant amounts of money as they have to make exorbitant payments to brokers, and face extortion by the police and goons. In addition, finding work is a problem for this community because of the deep seated discrimination, prejudices as well as the high school dropout rates (as many of them face harassment/discrimination in educational institutes). Overall, W (wages) becomes low.

Going back to the first equation, CB is the community benefits that one gets from families, community, NGOs or any other benefit one receives by belonging to a particular community. But for many sexual minorities, belonging is a far-fetched dream as many families reject them (due to social pressure and various other reasons). Hence, they lose out on all the benefits that accrue by belonging to a family or a particular caste group. Community benefits that one can receive by being a part of a NGO are also negligible as, according to Ms. Chacko, NGOs sometimes end up using sexual minorities as cheap labour under the garb of volunteers and sexual minorities end up doing far more work and put themselves at risk of harassment by the police¹².

EB is the employment benefits that one accrues by joining an organization which includes transport or insurance (medical) benefits. However, many sexual minorities do not find employment in the formal sector and even if they do, are invisible, making it difficult for them to receive these benefits. To avail these benefits, one also needs some documentary proof of identity and these documents cease to exist for many trans people. PB is the public benefits one accrues through public goods like roads, parks, buses and metros. These public goods are quickly

being privatized, making these spaces extremely contested especially for transgenders. In addition, as gay/lesbian relationships have no validity in front of the law, it is extremely difficult to claim widow pension in case of the death of one partner. One does not receive these benefits as they do not fall into the state's idea of 'who needs these kinds of things'. And again, there is a requirement of identity cards to avail such public benefits.

For sexual minorities, limited employment opportunities exist as the labour market is extremely gendered. Moreover, the occupations in which many of them engage in are criminalized (specifically, sex work and seeking of alms), making them more vulnerable to HIV. Respiratory illnesses are also alarmingly increasing for the transgender community (as many stand on the road for hours and inhale toxic fumes) and it is difficult to quantify these health hazards. In order to achieve a sense of belonging, many sexual minorities also try to buy support from their families, partners, temples/religious places, slumlord and end up paying a lot more, and that also has an economic cost.

In totality, social income (SI) for sexual minorities shrinks because all the subsequent benefits get affected. In a way, the whole social income structure seems to be embedded in a system of inequality as societal structures are made in a way that they privilege a certain group of people. So, it is not by accident that the social income for the marginalized section is very small. In the end, sexual minorities do not receive a lot, but additionally are forced to pay huge amount of money for everything. And there is always a sense of insecurity; about identity, income, about the kind of violence one may face and this insecurity in itself has a big price.

Ms. Chacko stressed on exploring the idea of social/income inequality and consecutively

building new ideas on poverty, sexual orientation and gender identities. There is also a need to explore the freedoms and spaces available for sexual minorities. For example, traditionally the Jogappa community¹³ (in Northern Karnataka) had some space (peripheral) as fortune tellers, dancers, etc. and their earnings came from this. Now, in our constantly modernizing world, the space for such communities is shrinking. Even though globalization has opened spaces (through the medium of internet, dating websites, mobile phones), it has also increased vulnerability.

To summarize the discussion, Ms. Mishra questions the ways in which we want the state to intervene. For instance, Tamil Nadu had a social welfare board for transgender which provided services and addressed some issues of discrimination and identity cards faced by transgenders but the board does not function anymore. However, we should aim at making existing programs work and not fall into the trap of forming more administrative boards. The

World Bank makes an economic case for including queer in the economy. However, it should be seen as a human rights issue because even if including queer is seen as bad economics; there is still a requirement that the government addresses the issue. This fundamental debate between the instrumentalists versus the human rights argument still remains.

In the end, there is a need to continue the dialogic engagement because fluidity of concepts exists and the issue of queer and exclusion is also entangled with other issues like domestic work and sex work. There is also a need to explore the impact of neo-liberalism on Queer economics. Ms. Mishra believes that neo-liberal economics is premised on unpaid work within the heteronormative family. In this context, where does the queer fit because often times queer labour is unpaid and gets capitalized on. Neo-liberalism is also premised on privatization and withdrawal of the state and there is a necessity to question how these issues will impact the queer community.

Endnotes

¹Arvind Narrain and Gautam Bhan 'Because I have a voice: Queer Politics in India'

²http://en.wikipedia.org/wiki/LGBT_rights_in_India

³Poststructuralist feminist theory resists universalist or normalizing conceptions of women as a group or altogether dismisses the category of 'women'. They share with psychoanalytic feminist a skepticism about 'phallogocentric' language and social structures, as well as the French feminist rejection of metanarrative explanations and prescriptive norms of gender and sexuality. An important contribution of this branch was to establish that there is no universal single category of 'woman' or 'man' and to identify the intersectionality of sex, race, ethnicity, class, sexuality, nationality, to name a few.

⁴www.worldbank.org/en/news/press-release/2013/11/25/violence-against-women-exacts-high-economic-price-world-bank-says

⁵<http://www.worldbank.org/content/dam/Worldbank/document/SAR/economic-costs-homophobia-lgbt-exclusion-india.pdf>

⁶Yamini Mishra at GEP Discussion Forum XVI, May 2015

⁷Brinda Bose at GEP Discussion Forum XVI, May 2015

⁸A two judge bench of the Supreme Court of India, after hearing the petition filed by the National Legal Services Authority, passed a historic judgement on Transgender Rights on April 15, 2014

⁹Rituparna Borah at GEP Discussion Forum XVI, May 2015

¹⁰DINK refers classically to heterosexual couples without kids, with both partners working and earning high incomes. The homosexual category of DINKs has been added later only.

¹¹Guy Standing, Jeemol Unni, Renana Jhabvala and Uma Rani, 2010, Social Income and insecurity: a study in Gujarat, London: Routledge

¹²Shubha Chacko at the GEP Discussion Forum XVI, May 2015

¹³Jogappas are young male children usually from dalit or other 'backward' castes, sometimes even from Muslim families in northern Karnataka, who are dedicated to the Goddess of Yellamma. They wear female clothes and act as mediators between devotees and the Goddess. They are forbidden to marry. The Jogappa is not a category exclusively for transgenders but is a traditional space that permits cross-gender expression. This provides a lot of transgender women with a legitimate space to express their non-normative identities in society.

References

1. "Because I have a voice: Queer Politics in India" edited by Arvind Narrain and Gautam Bhan (October 2006)
2. Ashley Tellis "Disrupting the Dinner Table: Re-thinking the 'Queer Movement' in Contemporary India, Jindal Global Law Review, Volume 4, Issue 1 (August 2012)
3. Brenda Cossman "Continental Drift: Queer, Feminism, Postcolonial" Jindal Global Law Review Volume 4, Issue 1 (August 2012)
4. Pushpesh Kumar "Queering Indian Sociology: A Critical Engagement" CAS Working paper series, Centre for the Study of Social Systems, Jawaharlal Nehru University

Speakers at the Forum

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INSTITUTE OF SOCIAL STUDIES TRUST

Core 6 A, UG Floor, India Habitat Centre, Lodhi Road, New Delhi - 110003

Phone: +91-11-4768 2222 Website: www.isst-india.org

in association with



**HEINRICH BÖLL STIFTUNG
INDIA**

C-20, Qutab Institutional Area, New Delhi - 110 016

Phone: +91 11 26854405, 26516695 Website: <http://in.boell.org>