Neoliberal Modernity and the Ambiguity of its Discontents: Post/Anti-colonial Disruptions of Queer Imperialism

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Ours is the modernity of the once-colonized. The same historical process that has taught us the value of modernity has also made us the victims of modernity. Our attitude to modernity, therefore, cannot but deeply be ambiguous [...] But this ambiguity does not stem from any uncertainty about whether to be for or against modernity. Rather, the uncertainty is because we know that to fashion the forms of our modernity, we need to have the courage at times to reject the modernities established by others. In the age of nationalism, there were many such efforts which reflected both courage and inventiveness. Not all were, of course, equally successful. Today, in the age of globalization, perhaps the time has come once more to mobilise that courage.

— Partha Chatterjee

Neoliberalism hates disruptions. Let us explain this through an ordinary example. When watching a film, disruptions caused by scratches on the disc or in the transmission of a satellite broadcast annoy the viewer. Same is the case with YouTube videos that take too long to buffer or get stuck midway. Disruptions interrupt the pleasure of the progressive consumption of a linear narrative of moving images. Such disruptions are an affront to the desiring and choice-based modernity of the “consumer-spectator.” In our increasingly privatised forms of consuming images, if we are settled on a comfortable couch with

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a remote control in our hand and we change channels in the middle of watching a programme, or shift from one website to another, that however, does not qualify as disruption. Neither does a commercial break, because that continues to make us have faith in our hallowed consumer-spectator status. We continue to exercise choice and control as we channel or net-surf or enjoy the commercials during the break as much as the programme itself.

Interestingly, this choice and control over images and ideas that we have not authored but consume and circulate, and assimilate into, is also how disciplining structures function, not through diktat, but by making us neatly organise our everyday lives to reproduce these very structures of discipline, as if all this was completely voluntary and a celebration of our choice-based desires. We revel in the idea of being able to control the image and even feel excited about suspending agency to let the image control us. In bio-political terms, this is an experience in consumptive symbiosis in automedia mode.

In the 1980s, when we were in our pre-teens, there was no cable TV or broadband internet in India. *Doordarshan* used to broadcast programmes only during select time slots in the day, power-cuts were very regular, middle-class homes generally did not have power back-up or colour TV sets with remote controls, and TV programmes did not have commercial breaks. If the collective watching of *Chittrahaar* or *Buntyaad* was disrupted by a power cut that plunged the entire house into darkness, we would sit in the flickering light of candles or lanterns, to tell our own stories: building on the disrupted story on TV or fantasising about new stories or dissecting the stories with more rigour than fashionable critics. Disruptions proved to be productive: both as vehicles for voyages of fantasy as well as for troubling the narratives of linearity and discipline. The loss of choice and control over televisual images was not a cause for concern. Rather, it was not a loss at all; it was about gaining control. The disruption might have elicited some momentary disappointment,
but soon it transformed into an opportunity to ask hard questions, albeit never with the privatised shmuckness of what passes off today as trendy, postmodern academic critique. Our critique in the dark was a shared and democratic practice. Darkness was not the realm of the unknown but the space for re-imagination, a space that could be moulded and given shape to, collectively.

Lest we are accused of nostalgia (what Dipesh Chakrabarty would call, “the sin of sins”){6} let us put our cards on the table. We are not romanticising the past. Rather, we are offering a comment on four key terms that animate ‘our neoliberal modernity’: choice, control, consent and circulation. The agential exercise of our choice over what to consume, our control over what we desire, our consent to the forces that enable our choices and ignite our desires and the unbridled circulation of capital and knowledge that is meant for our accumulation are primary markers of middle-class modernity in India (as it must be in differing degrees elsewhere as well). We happily consent to the mobility – teleological, spatial, material, identitarian – that neoliberal modernity ushers into our lives, bodies and minds. That the choice and control we exercise and the circulations of power that we gain from can, in fact, be part of coercive structures does not bother us. This is the case because coercion of the neoliberal kind cajoles and caresses us into a slumber of submission.{7} It is necessary for us to mention that we do not characterise this as a state of false consciousness. It is rather a willing suspension of disbelief. It is like being on crack: where imagination and reality are “fucking” away to glory, and orgasms are constant, repeating, fast-slow, slow-fast. The consciousness that we are in control, and yet not, is what gives us the high.

This slumber of submission – the presentist inhabiting of a world ordered by the celebration of scandalous affluence and the virality of spectacular precarity – is disrupted only by death or devastation. Neoliberalism is the cause for such destruction, and it is also what neoliberalism thrives on. Elite and middle-class responses to standard disruptions of this neoliberal ordering of modernity – the tsunami, the financial crisis, a pogrom here, a genocide there, wars for ‘democracy’ – are akin to disappointment and bother that the scratched DVD or buffering YouTube video would elicit. With super-efficiency-driven speed, neoliberalism absorbs and appropriates the shock of disruption to profit from that very event of death and devastation. Naomi Klein has

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called this “the shock doctrine”\(^8\): the way in which capitalism organises disasters, and uses that moment of shock to manage its aftermath by cajoling and caressing us back into the slumber of submission to capitalism’s seductions. Neoliberal modernity makes us consent to and own a set of ideas and institutions of domination. But when these very ideas and institutions betray us, our response to the situation becomes deeply ambiguous. Neoliberal modernity capitalises on this middle-class ambiguity to renew its health and well-being.

While neoliberal modernity thrives on the very deathly disruptions it meticulously curates, the kinds of disruptions that it hates are those enacted by “the precariat.”\(^9\) The middle-classes in an act of perverse sympathy mourn the death and devastation of the lives of the subjugated, even as they benefit from such destruction. But the precariat, who Guy Standing has called the “new dangerous class,” can “lead society into a politics of inferno.”\(^10\) While Standing understands the precariat primarily through the economist’s lens of work, for our purposes, we use this powerful figuration as one that is constituted by compounded and intersectional experiences of deprivation and disadvantage and a subjectivity marked by a state of being that Elizabeth Povinelli calls “the otherwise”: “forms of life that are at odds with dominant, and dominating, modes of being.”\(^11\)

The precariat speak, scream, paint, sing, dance, desire and fight. They even fuck and cum. They cannot be caressed and cajoled into the slumber of submission yet because their lives have been shaped by the betrayals of neoliberal modernity’s ideas and institutions. The precariats’ acts of disruption are aimed both against the corporeal architecture of neoliberal modernity as well as against its cerebral core. Ambiguity is not an option for the precariat. But that does not mean that the precariat cannot be ambiguous in their thinking and behaviour. However, unlike middle-class ambiguity which amounts to a form of apathy, for the precariat ambiguity is the action of self-reflection and transformation or simply of sabotaging the bogey of neoliberal modernity’s gravy train.

This condition of ‘our modernity’ that we have attempted to capture (in what we think are unambiguous, but purposefully indeterminate terms) is meant to serve as a political prefatory for what this second issue of the *Jindal Global Law Review’s* (*JGLR*) special double issue on

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10. *Id.*
‘Law, Culture and Queer Politics in Neoliberal Times’ offers. Carrying our commitment from the last volume ahead to understand the work queer theory does “when it leaves its home base of sexuality,” this volume aims to serve as a very modest disruption to the universalising, celebratory, imperialist narratives of ‘queer’ that have become comfortable bedfellows with the narratives of neoliberal modernity. It is this coming together, at this particular point in history, that we identify as the “decade of sex rights.” Buttressing the increasing spread of homonationalism, pinkwashing and its intimate collusions with Islamophobia, apartheid and reifications of settler colonialisms, is the recent rejoicing around the legalisation of same-sex marriages and decriminalisation of sodomy statutes and how these are used as markers for understanding civilisational progress. Alongside this rejoicing, the onslaught of neoliberal capital in devastating the lives of the precariat continues unabated through penetrative economic and military projectiles of the nation-state/transnational corporation compact.

Despite our intention to disrupt the production of knowledges within the neoliberal academy that contribute to strengthening the workings of queer imperialism, we must disclaim assuming any authentic role of representing the queer-precariat. We are not native informants for queer-precariat constituencies. Instead, the authors in this volume, from their range of cross-disciplinary locations, political predilections and anti/post-colonial ideological moorings, bear ethical witness to the struggles that the queer-precariat are relentlessly fighting and the freedom songs they are ceaselessly singing. That is not entirely a reflection of the courage of the authors but that of the precariat and their inventive strategies of disrupting the heteronormativity of neoliberal modernity. As a collection of academic work, more than being disruptive writings, what this second issue of the JGLR does is contaminate the disciplinary orderings of neoliberal knowledge production, whether on queer sex or the law. Doing this might not be enough to disrupt the complicities that each of the authors are culpable of as part of neoliberal universities across the world, but it allows for an occasion to disturb our privilege of remaining ambiguous and forces us to ask hard questions, directed not only at the condition of ‘our neoliberal modernity’, but also at our collective bourgeois investments in it.

This volume opens with Jasbir K. Puar giving us a glimpse into the viral journeys of homonationalism across the Euro-Americas, its mutated

version in pinkwashing in Israel, the discontents in the political project that she had inaugurated in her book *Terrorist Assemblages* and what it means to engage in a queer politics of affect rather than of identities. Jin Haritaworn goes beyond the “repetitive cycle of decolonial analysis” to ask, in the context of moral panics around the ‘homophobic Muslim’ in Germany: “What will happen to those phobic bodies that are forced to contain the racialised and sexualised violence of ‘tolerant’ and ‘diverse societies’?”

Dianne Otto builds on Puar’s work to queer International Law. She offers a very close reading of a report by the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, to unpack the ‘queer’ complexities that mark state responses to the report, which she contends, has reproduced hierarchical binaries and dualisms of race and civilisation.

Aeyal Gross provides an against-the-grain reading of photographs used in international LGBT rights campaigns raising critical questions on the globalisation of queer identities, demands for the recognition of family life and the (post)colonial contexts in which rights claims are being made in queer advocacy work. Ruth Vanita explores same-sex desires, meanings and imaginings through queer literature born out of the experiences of travel. She provocatively challenges left-wing queer theorists’ arguments about third world LGBT movements as mimetic of western neo-imperialism by foregrounding an entangled heterodoxy of same-sex cultures that have emerged through circulations of ideas across national boundaries, which cannot be reduced to being the property of civilisations or nations.

Neville Hoad and Marc Epprecht take us to Africa and de-exoticise queer African sexualities as represented within the discourses of law, colonialism and disease. “Through a consideration of the history of repugnancy clauses in British colonial customary law and a critique

16. See in this issue, Jin Haritaworn, Beyond ‘Hate’: Queer Metonymies of Crime, Pathology and Anti/violence.
19. See in this issue, Ruth Vanita, *Sexual Exiles or Citizens of the World?: The Homoerotics of Travel* (in many ways Vanita’s arguments critique the political position that this special issue of *JGLR* had declared in its theme note. We are very happy to be able to carry this piece by Vanita as it opens the space for a conversation among the authors and also between the authors and the readers).
of contemporary theories of state sovereignty;” Hoad “disputes the universalist/cultural relativist, tradition/modernity dialectics that continue to frame the problem of African subjectivity and sovereignty.”20 Epprecht “examine[s] how precisely African men-who-have-sex-with-men but do not identify as gay or bisexual were written out of [...] [the epidemiological history of AIDS] and how in this way ostensibly objective science served to reaffirm old ethnographic stereotypes about ‘African sexuality.’”21

Fiona Kumari Campbell and Ani Maitra engage with ideas regarding the anti-social turn in queer theory. Campbell’s engagement concerns the interactions/contestations between crip theory and queer theory, and she asks: “Can queer theory be merely grafted onto thecripped body and dragged onto another inflection?”22 Maitra’s contribution aims to understand the cultural emergence and workings of the homoglobal subject through the filmic archive. He asks: “What does queerness mean once global capital begins to commodify homosexuality with a vengeance? How can queerness re-invent itself as an aesthetic and political optic to critique the commodity form and global capital’s production of unglamorous or discarded commodities?”23

Ummni Khan and Stu Marvel bring questions of familiarity into their critical-queer-feminist legal analysis of queer intimacies that powerfully disturb the boundaries of alterity. Khan uses both filmic and advocacy archives to comment on the practice of inter-cousin marriage and shows how questions of disability, race and homophobia come to occupy the realm of heterosexual incest, particularly among racialised cousins in North America.24 Marvel develops a queer legal analytic of queer biokinship in which she argues that “the intrinsically messy queer parenting projects of assisted reproduction demand a re-thinking of the alignments and arrangements pursued under the frame of biological kinship.” Marvel’s contribution aims to understand “the polymorphous reproductivity of queer biokinship [...] as challenging the central mythology of heterosexual normativity and genital reproduction.”25

22. See in this issue, Fiona Kumari Campbell, Re-cognising Disability: Cross Examining Social Inclusion through the Prism of Queer Anti-Sociality.
23. See in this issue, Ani Maitra, In the Shadow of the Homoglobal: Queer Cosmopolitanism in Tsai Ming-liang’s I Don’t Want to Sleep Alone.
24. See in this issue, Ummni Khan, Kissing Cousins: Racism, Homophobia and Compulsory Able-bodiedness in the Controversy over Inter-Cousin Marriage.
25. See in this issue, Stu Marvel, Polymorphous Reproductivity and the Critique of Futurity: Toward a Queer Legal Analytic for Fertility Law.
Carolina Ruiz Austria brings together feminist and queer legal theories to comment on the legal regulation of bodies in performances of baring (for lap dancers) and veiling (for Muslim women) in Canada. Her contribution “considers regulatory effects that lie outside of the formal rules that define the terms of exclusion from the nation, set the conditions for entry, police its borders or extend formal membership.” The volume closes with a piece by Paulo Ravecca and Nishant Upadhayay who offer political possibilities of assembling queer, Marxist, postcolonial and indigenous perspectives to engage in the project of “queering queerness.” “By employing ‘queer’ as a self-reflective, methodological tool,” Ravecca and Upadhayay “examine its integral role in the processes of capitalist, racialisation, heteropatriarchy and colonialism.”

In the rest of this introduction, we do not attempt to provide a summary of the broader issues that the essays in this volume cover. We do not to do so because that would be a poor and reductive attempt at capturing the remarkable diversity of arguments and perspectives that the authors bring to their analyses of sex-politics under neoliberalism. Summarising the articles under thematic heads would also be a violent way to force consensus on our authors, who, despite divergent views and locations of articulation and experience, have remained organically committed to the theme of the special issue. As editors, our aim in this introduction is to set out some ideas that concern the political practice of queer theorising in the time of neoliberal modernity.

I. ASKING AND ANSWERING HARD QUESTIONS

What does queer theory teach us about x?

When a new thing emerges, people want to know how it is going to solve problems. When it is called theory, it is expected to produce a program, and when the theory addresses the broad issues of queerness, the program is expected to explain queer life. But queer theory has not yet undertaken the kind of general description of the world that would allow it to produce practical solutions. People want to know what costs, risks, and tactics are involved in getting from this order of things to a better one. Asked for these reasons, the question of x is both a challenge and a hope. And it is a hard question.

— Lauren Berlant and Michael Warner

26. See in this issue, Carolina Ruiz Austria, Baring and Veiling: Sex, Politics and National Identity in Canadian Legal Discourse.
27. See in this issue, Paulo Ravecca and Nishant Upadhayay, Queering Conceptual Boundaries: Assembling Indigenous, Marxist, Postcolonial and Queer Perspectives.
Writing in 1995, Berlant and Warner were expressing concerns about how the buzz about ‘queer theory’, which was only a fledgling term at that time, had already amassed a voluminous body of academic work — “a virtual industry” — and was increasingly being asked to demonstrate its functional credentials. “Queer is hot,” but as they write in the quote above, this was “both a challenge and a hope,” and trying to answer what “queer theory teach[es] us about x, y or z,” wasn’t easy. Much has happened to queer theory between then and now. Almost two decades have passed since that article’s publication and this period has seen path-breaking works in an otherwise marginalised area of scholarship that has now received academic imprimatur as a more-or-less legitimate area.

That queer theory is not feminist theory, that it is not LGBT studies (but they share intimate epistemes), it would seem, is pretty apparent now. That queer theory’s insights can provide powerful critiques of the ways in which hegemonic materialities and symbolisms interact and order the heteronormative world is now well-established. Despite its theoretical valence, insights from queer theory have been influential in carrying forward human rights claims and campaigns internationally. In fact, queer theory has also provided the vantage point for mounting critiques against several such rights enterprises. Queer theory scholarship has also remained closely associated with the LGBT and feminist movements, a relationship which experiences intense collaborations and contestations.

We have also observed queer theory’s turn away from ‘the political’, and its turn towards what can be called ‘the affective’. Evident in someone like Eve Kosofsky Sedgwick’s work, this body of queer theory scholarship has been heavily influenced by psychoanalysis, particularly the work of Melanie Klein. Along with Sedgwick, Judith Butler is considered the founding voice of queer theory, who made us think, drawing on Foucault (among others), of queer as critique, understand the performative dimensions of identities, and look beyond identity politics in our analyses of heterogendering orders. The surplus of work — academic, aesthetic, political, literary — that is built on the traditions of Sedgwick and Butler and several others have indeed acquired actual industry status; it is not virtual any longer. By treating the hard questions asked of it seriously at its inaugural moment, queer theory has created critical, self-reflexive, rigorous, ethically grounded political work on the acts and ideas of ‘otherwise’ sex.

29. Id. at 343.
30. Id.
32. See Judith Butler, Gender Trouble: Feminism and the Subversion of Identity (1999); Judith Butler, Undoing Gender (2004).
Yet, if one paid attention to the political economy of queer theoretical knowledge production over the last two decades, it would not be too difficult to deduce that it remains primarily a preserve of white queerists (if there was ever such a word), located at universities in the West and published by predatory names in academic publishing. Names of queer-of-colour scholars like E. Jacqui Alexander or Gloria M. Anzaldúa will seldom be heard or will only find passing mention when discussing the queer canon. The subjects and objects of queer critique are also pervasively Western. On occasions that queer theory offers a “hegemonic listening” ear to non-Western sexualities, it has either lost its edge of critique or turned to identity and culture or ended up (perhaps unintentionally) exoticising non-Western sexualities or it has tried to fit non-Western sexualities within the universalist nomenclature of LGBTI identities. This is neither to take away from the importance of queer theory’s powerful political insights nor is this about hatching an identitarian or nativist conspiracy against queer theory. This is rather about foregrounding the need for asking another set of hard questions at this moment of queer theory’s history, where its status as an industry walks the corridors of power within the neoliberal academy.

Queer theory was asked hard questions to establish its worth and credibility at a time when functional disciplines were gaining legitimacy within the academy. As Joan Nestle has astutely commented on this trend in the late 90s in the U.S.:

Look what has happened since we let queer theory into the gates of academia – that is the subtext of repeated articles bemoaning the decadent state of late twentieth-century literary and cultural discussions. Now, leading academic historians who once knew better are urging us to bring history back into the professional fold, away from the people who suffer its consequences. In the 1980s it was grassroots lesbian and gay scholars who showed the potential for new sources of historical knowledge and more egalitarian ways of sharing the resulting insights. In the battle over funding for the arts, we have seen a nation willing to

34. See, e.g., Readers in Cultural Criticism: Queer Theory (Iain Morland & Annabelle Wilcox eds., 2005); Social Perspectives in Lesbian and Gay Studies: A Reader (Peter M. Nardi & Beth E. Schneider eds., 1998); The Lesbian and Gay Studies Reader (Henry Abelove, Michele Aina Barale & David M. Halperin eds., 1993); Queer Theory/Sociology (Steven Seidman ed., 1996) (for the marginal space accorded to non-Western queer theorists in these collections).
36. See, e.g., Joseph Massad, Desiring Arabs (2007) (for a critique of the universalising politics of the "Gay International").
dismantle its program of support rather than signal its acceptance of the gay imagination.\textsuperscript{37}

The neoliberalisation of the academy worldwide has entrenched technocracy in disciplines and an assault on the humanities has further marginalised genres of critical thought that ‘do theory’. At the same time, we have seen the ways in which certain radical theoretical projects have been used to serve the ends of technocracy and problem-solving – like “governance feminism” for example\textsuperscript{38} – with troublingly conservative and regressive consequences. Queer theory’s appropriation by the neoliberal and global governance agendas\textsuperscript{39} that shape international economic, health and militaristic foreign policies is reason enough to return to asking and answering a new set of hard questions. Only now, instead of others asking these questions, it is integral to queer theory’s own acts of resistance and survival.

What does queer theory teach us about colonialism?\textsuperscript{40} What does it teach us about neoliberalism?\textsuperscript{41} What does it teach us about things not apparently connected to sex? In teaching us about what it does, over the last couple of decades, has queer theory met with risks of being co-opted and appropriated by the very hegemonic normativities that it set out to destabilise? How can we bring politics back into queer theory?\textsuperscript{42} Can we completely let go of identity categories? What role is queer theory going to play in protecting the political turf of Humanities education within the neoliberal academy? Are we asking too many hard questions for queer theory to answer? The need to ask these questions in no way suggests queer theory’s failure or demise: rather they attest to queer theory’s continuing potential as a radical and transformative body of knowledge. The need to answer these questions can enable the charting of strategies and agendas to resist the neo-con co-options and appropriations that queer theory is under threat from. These questions

\textsuperscript{38} Janet Halley et. al., From the International to the Local in Feminist Legal Responses to Rape, Prostitution/Sex Work, and Sex Trafficking: Four Studies in Contemporary Governance Feminism, 29 Harvard J. of L. & Gender 335 (2006).
\textsuperscript{39} Ashley Tellis, Disrupting the Dinner Table: Re-thinking the ‘Queer Movement’ in Contemporary India, 4 (1) JOURNAL OF GLOBAL L. REV. 123 (2012); Josephine Ho, Is Global Governance Bad for East Asian Queers?, 14 (4) GLQ: A J. OF LESBIAN & GAY STUD. (2008); Martha McCluskey, How Queer Theory Makes Neoliberalism Sexy, in Feminist and Queer Legal Theory: Intimate Encounters, Uncomfortable Conversations 115 (Martha Fineman et. al. eds., 2009).
\textsuperscript{40} See, e.g., S. L. Morgenstern, Spaces Between Us: Queer Settler Colonialism and Indigenous Decolonization (2011).
\textsuperscript{41} See, e.g., McCluskey (2009), supra note 38, at 115.
\textsuperscript{42} With specific regard to this question, see Hegemony and Heteronormativity: Revisiting The Political in Queer Politics (María do Mar Castro Varela et. al., eds., 2011) (this book has also been critically reviewed in this volume by Ashley Tellis who cautions against too-easy and elite forms of ‘politics’).
are indeed a cause for hope and challenge in this phase of neoliberal modernity.

Queer theory's project of asking and answering hard questions in this context has been re-invigorated by several identitarian and ideological queer-of-colour scholars from within and outside the Western academy, who have both provincialised and decolonised the genre. Some of their names now feature prominently, though at the symbolic margins of queer theory anthologies. This equation changes only when queer theory scholarship particularises its identitarian or locational foci. The work of this issue of the JGLR is to take, in its own very modest way, this project of provincialising and decolonising queer theory ahead. All the authors committedly take on the task, among others, from anti/post-colonial, anti-racist, anti-imperialist, anti-apartheid, sex-positive feminist, anti-ableist, Marxist political positions, of asking hard questions, attempting to answer hard questions asked of them, and, we believe, to open up a combustible and disruptively productive space for queer critique. If the conversations in such a space lead us to the realisation that queer theory has failed, that wouldn’t be a sad eventuality. It would only be, in the way Judith/Jack Halberstam has provocatively said:

Failure suggests a historiographical method within which we must write queer history not simply as a record of heroes, martyrs, forebears, but also as a record of complicity, cowardice, exclusion and violence — in other words, any history, LGBT history included, contains episodes that are shameful, racist, complicit with state power, orientalist, colonial and so on. To leave that history out is to commit to normative models of self, time and the past/future.


44. See, e.g., The Routledge Queer Studies Reader (Donald Hall & Annamarie Jagose eds., 2012).


If this is the courage that is required of queer theory today, the authors in this volume reflect that in as unambiguous a fashion as possible. A queer theory of this kind might not teach us anything about $x$, but it certainly does teach us a hell of a lot about queer theory as idea, ethics, politics, praxis.

II. BREAKING OUT OF THE WAITING ROOM OF HISTORY

According to Mill, Indians or Africans were not yet civilised enough to rule themselves. Some historical time of development and civilization (colonial rule and education, to be precise) had to elapse before they could be considered prepared for such a task. Mill’s historicist argument thus consigned Indians, Africans, and other “rude” nations to an imaginary waiting room of history. In doing so, it converted history itself into a version of this waiting room. We were all headed for the same destination, Mill averred, but some people were to arrive earlier than others. That was what historicist consciousness was: a recommendation to the colonized to wait. Acquiring a historical consciousness, acquiring the public spirit that Mill thought absolutely necessary for the art of self-government, was also to learn this art of waiting. This waiting was the realization of the “not yet” of historicism.

– Dipesh Chakrabarty 47

J.S. Mill’s ideas on limited government almost universally form the basis of constitutional rights guarantees in most post-colonial liberal democracies and most certainly in the countries that colonised them in the first place. His “harm principle” 48 provides an explanation for when the powers of an individual can be restrained by the state or the limits that can be put on the exercise of individual liberties, and this forms one of the foundational bases of normative ideas of liberal rights, responsibility and accountability. Mill is known for his pro-women political position (many call him Victorian liberalism’s first female feminist), and also for challenging the public/private divide that has been cause for much feminist debate. Interestingly, Mill comfortably carried his progressive beliefs about representative government, individual liberty, free speech and women’s emancipation alongside his deeply held racist beliefs. To read Mill without attention to how liberalism’s originary ideals are connected to a history of violence, as Anthony Bourges says, “silences the ways in which racial slavery, empire and colonialism were integral to modernity and modern political thought.” 49 This is apparent in this quote from Mill’s On Liberty:

Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end. Liberty, as a principle, has no application to any state of things anterior to the time when mankind has become capable of being improved by free and equal discussion.\textsuperscript{50}

So it was the barbaric peoples of the “rude nations” who were relegated to the “waiting room of history” by the colonisers to be trained and tamed into civilisation. Yet their training and taming would make them mimic the ways of the coloniser but never yield them as completely civilised. In Homi Bhaba’s words: “almost the same, but not quite.”\textsuperscript{51} This logic of seducing mimicry out of the barbarians that drove the colonial project continues through the neoliberal present and is central to the ways in which international humanitarian and human rights projects are aimed at ‘saving’ ideal victim subjects of the non-West: women, children, the poor, diseased and now the queers. With the circulation of capital taking on unencumbered mobility beyond sovereign boundaries of states and the movement of disposable labour creating a diasporic precariat, we have also seen the training/taming project take on both transnational and domestic forms through the workings of violent imperialisms and nationalisms. Queer theory from post/anti-colonial perspectives has made visible these violent workings in the forms of homonationalism and pinkwashing. The waiting room is on a precipice, waiting to explode. Yet, neoliberal modernity’s cajoling and caressing tactics have contingently kept it from turning into an inferno.

The seduction of the teleological ‘same destination’ – “the Promised Land,”\textsuperscript{52} as Susan George would put it – has been a difficult one to resist, especially for the queer homo-economicus,\textsuperscript{53} the neoliberal avatar of Mill’s “economic man,”\textsuperscript{54} who is now being assimilated and disciplined into the folds of citizenship through the pink market,\textsuperscript{55} marriage equality rights and through the globalisation of the decriminalisation of anti-sodomy laws. Interestingly these laws, which were originally authored by the colonisers’ church, are now projected as the preserve of the conservative


\textsuperscript{51} Homi K. Bhaba, The Location of Culture 127 (2004).


\textsuperscript{54} See Allen Oakley, Classical Economic Man: Human Agency and Methodology in the Political Economy of Adam Smith and J.S. Mill (1994).

and backward cultures of the barbarians in the South. While the neo-colonisers reproduce civilisational hierarchies using such projections, the fundamentalist nationalists happily embrace the neoliberal virtues of capital while at the same time violently protecting the imagined-space of an essentialist and pure native culture from outside contamination. The modernist twist to this condition is that even the queer fundamentalist-nationalist in the waiting room is part of this process, embracing a perverse concoction of neoliberalism and nationalism.56

The script, across historical time, is scarcely identical. Queer readings of this script enable us to read the coloniser’s project of liberating the queer-precariat to declare the backwardness of the non-West, as one of neoliberal/ imperial penetration. As Teemu Ruskola comments in his insightful article “Raping like a State”:

> It is a remarkable yet surprisingly unremarked upon fact that rhetorically the state is gendered male, while state-on-state violence is continually represented as sexual in nature [...] [where] the injury of colonialism [...] [is] a kind of homoerotic violation of non-Western states’ (would-be) sovereignty. [...] [N]on-Western states’ variously deviant masculinities, together with their racial and civilizational attributes, render [...] them capable. [...] [A] queer analysis suggests that the homoerotic violation of non-Western states is a condition of possibility of fully realised (Western) sovereignty.57

This script manifests itself not only through the masculinist projectiles of neoliberal capital, military aggressions, but also through the symbols and imagery of the good gay, the deranged faggot and the act of sodomising him. We illustrate these phenomena by doing queer anti-colonial readings of three images of American imperialist and homonationalist penetrations.58

The first image appeared in a t-shirt ad soon after Iraq invaded Kuwait in 1990 and while the U.S. was getting ready for the first Gulf War against Iraq. The advertisement’s copy urged U.S. Americans to buy the t-shirt. It said: “Americans Make a Statement... Express Your Patriotism,” and the image on the t-shirt showed a U.S. flag in the background, on which was the rear of a camel and on the camel’s posterior was Saddam Hussein’s smiling face with Arab headgear on. A statement that accompanied the

image on the t-shirt read: "America will not be Sadda-mized." At this time in the U.S., the faggot was the pervert, Muslim outsider. The faggot in Saddam had already sodomised Kuwait (by invading it), and the U.S. would resist him from doing the same to 'America'.

Post-September 11, 2001 this imagery makes a drastic shift. In the wake of the attacks on the World Trade Center in New York, a poster started circulating in Manhattan and went viral on the internet. The image on the poster showed a naked Osama Bin Laden leaning on a bar stool being sodomised by the Empire State Building. The caption read: "You like skyscrapers, huh, bitch?" The message gets completely inverted in comparison to the previous image and in this Osama, unlike Saddam, is cast as the homophobic, barbaric outsider and the act of sodomising him is meant to be one that humiliates him as a Muslim. The logic is similar to the forced sodomy that male and female U.S. soldiers made male Iraqi prisoners in Abu Ghraib perform on each other with the intention of humiliating their religion. In reading this shift in U.S. culture and foreign policy where the queer gets embraced and assimilated into the narrative of the nation, Puar provides an explanation: "[...] there is a transition under way in how queer subjects are relating to nation-states, particularly the United States, from being figures of death (i.e., the AIDS epidemic) to becoming tied to ideas of life and productivity (i.e., gay marriages and family)." While the transition was already under way, September 11 provided that opportunity where queers could be mobilised in furtherance of the war on terror's objectives, and symbolic images of sodomising the homophobic Muslim enemy was the most potent way of furthering it.

After Osama's extra-judicial killing by the U.S. Navy Seals in Abbottabad, Pakistan in May 2011, the U.S. required another 'living' figure to symbolically sodomise. And this time it was the Iranian president Mahmoud Ahmadinejad. At the 2011 San Francisco Pride Parade, a photograph circulating on the internet showed a float carrying two people – one was a leather wearing, whip-lashing gay man ('a dungeon master') who uses a nuclear missile (which is symbolically his penis) to sodomise Ahmadinejad with his pants down. The float was organised by a group called 'Iran 180' formed by the New York Jewish Community Relations Council and claimed to bring attention to Iran's so-called nuclear belligerence.

60. *Puar, supra note 14, at xii.*
61. To view this photo, see http://electronicintifada.net/blogs/benjamin-doherty/israel-lobby-group-iran180-sodomizes-ahmadinejad-effigy-nuke-san-francisco.
62. For detailed analyses of the photo and the politics surrounding it, see Benjamin Doherty, *Israel Lobby Group Iran 180 "Sodomizes" Ahmadinejad Effigy with Nuke at San Francisco*
Among the many reasons for the U.S.' strained relationship with Iran, one is that Iran executes 'gay' people. We use the term within quotes because the attempt by several non-governmental organisations both in North America and Western Europe have constantly attempted to capture human rights violations against queer people in Iran by reducing their experiences to meet western identitarian constructs like 'gay'. In effect, they have always represented Iran as barbaric and homophobic, on most occasions with catastrophic consequences for queer people and queer rights activists in Iran. Such representations have caused a systematic erasure of methods of negotiations and resistance from within Islamic societies that testify to a much more layered understanding of the lives of queer people and the relationships they share with their religion and state.

The singling out of the U.S. is merely illustrative of the politics of liberation/penetration. Many of the essays in this volume take on the task to offer queer post/anti-colonial readings of other symbols and images of homonationalism and pinkwashing that are not restricted to the U.S. In doing so, the authors also challenge binaries in which "queer critics [...] [are] resistant to the seemingly deeply ingrained homophobia of much postcolonial culture and discourse; [and] many of those in postcolonial studies decry [...] [queer theory] as "white" and "elitist." Yet the authors remain attentive to the matrices of power that organise queer academic knowledge production, the state/corporate appropriation of that knowledge, and post/anti-colonial queer resistance to imperialist homonationalism and homophobic nationalism.

III. QUEER FREAKS STRIKE BACK

...The heart,
An empty cistern, waiting
Through long hours, fills itself
With coiling snakes of silence. ...
I am a freak. It’s only
To save my face, I flaunt, at
times, a grand, flamboyant lust.

— Kamala Das


63. For an excellent analysis of this, see Scott Long, Unbearable Witness: How Western Activists (Mis)Recognize Sexuality in Iran, 15 (1) Const. Pol. 199-36 (March 2009).
64. A Jihad for Love (Channel Four Films, 2007) (for a commendable representation of how Muslim homosexuals negotiate with their religion).
65. Hawley (ed.), supra note 42, at i.
The queer freaks inhabiting "the waiting room of history" and embodying the postcolonial condition are a deceptive lot. Their experiences of precarity and continued betrayal by the promise of civilisation that colonialism brought with itself has made them treat the waiting room as a space for resistance, critique and solidarity rather than a form of civilisational incarceration, penetrated at will by the colonising/imperialist, state/military/corporation compact. Unlike the postcolonial middle class' mimicry of the coloniser's ways, radical queer freaks have responded with menace. Some of the most rigorous works in queer theory – those not necessarily considered part of 'the canon' – that have powerfully confronted and challenged the penetrative forces of western imperialism, homonationalism/pinkwashing as well as homegrown homophobic fundamentalisms, have come from post/anti-colonial and anti-racist political positionings. Some of these works, in their courageous attempts to take on the big bullies of queer imperialist and homonationalist agendas, have even faced censorship and defamatory personal attacks.

It is the presence of a post/anti-colonial sensibility that enabled many of us in India, much before we became acquainted with the term homonationalism and its manifestations abroad, to identity similar tendencies which were very much visible within the queer movement. Historical works by many queer scholars and activists on same-sex relationships in Indian history argue that Hindu culture has been open to homosexuality but it was only when the Muslim 'invaders' plundered


68. See Long, supra note 62; Haritaworm et. al., supra note 66; Jasbir Puar, Citation and Censorship: The Politics of Talking About the Sexual Politics of Israel, 39 (2) FEM. LEGAL STUD. 133-142 (2011).
India that India's tolerance with sexual diversity took a plunge.\textsuperscript{69} Irrespective of whether such an argument is historically accurate or not, it uses the same logic as that of the Hindu Right about 'Indian' culture, and sustains itself on the creation of the Muslim homophobic outsider.

The demonstration of nationalist pride at Pride parades since the reading down of sodomy by the Delhi high Court in 2009 is palpable. At the Delhi Pride March in 2009, there were passionate cries of "Jai Hind" (Hail the motherland!); and as an activist from Mumbai mentioned, at the Mumbai Pride March that same year, participants held hands at the end to sing the national anthem despite resistance from many other participants. How would a Muslim/Northeastern/Christian/Dalit/ adivasi/Kashmiri homosexual feel at such a moment? How would she reconcile her feeling of alienation by the Indian state, with the feeling of solidarity that she seeks at a Pride march?

A classic illustration of 'the nationalist resolution of the homosexual question\textsuperscript{70} in India was a talk show on the English news channel CNN-IBN discussing whether independent India is open to homosexuality, aired during the Independence Day week, just a few days after the Delhi High Court judgment in the Naz Foundation case in 2009. The 'experts' invited to speak were responding to a CNN-IBN and Hindustan Times survey in which almost 70 per cent of the respondents felt that homosexuality should be 'illegal' in India.\textsuperscript{71} The speakers fairly represented liberals, fence-sitters and conservatives.

The discussion was fierce, if hackneyed. The repetitive arguments and same defences are not worth repeating here. Yet the unprecedented openness with which the audience was engaging with the issue of sexuality, and alternative sexuality, on prime time television was an encouraging sign. The findings of the survey (even if statistics are graver than damned lies) did throw light on the societal prejudice that queers face in India, despite progressive judgements like \textit{Naz}.

The sharp divide in beliefs and perspectives among the panelists on issues of sexual morality finally reached a climax through a moment of nationalism-induced catharsis. Sagarika Ghose, the anchor, abruptly


\textsuperscript{70} This phrase is derived from Partha Chatterjee, \textit{The Nationalist Resolution of the Women's Question, in Recasting Women: Essays in Indian Colonial History 238-239} (Kumkum Sangari & Sudesh Vaid eds., 1999).

ended the show by asking everyone to stand up to the national anthem. As per her instructions everyone did— the conservatives, the liberals, the fence sitters, the homosexuals, the heterosexuals, the non-heterosexuals—everyone stood upright soaking in the buoyant verses of “Jana Gana Mana” (India’s national anthem) and it seemed a perfect end to the crisis of India’s morals, culture, sexuality and religion where nationalist pride erased all differences and made us realise that, after all, we are all ‘Indians’ first.

In another discussion on a news channel in 2011, a few days after gay marriage was legalised in New York state, representatives from the Christian congregation Church of North India and a Muslim cleric were invited to represent the ‘minorities’ and they were pitted against well-known gay rights activist Ashok Row Kavi, whose Hindu nationalist, anti-minority views are well-known. The planning of the discussion was such that Row Kavi came to represent the ‘unmarked homosexual’, with his own religious/ideological affiliations hidden from view and the creation of this unmarked homosexual was continuously being posited in contradistinction to the illiberal minority other.72

In strategising the legal battle against Sec. 377 of the Indian Penal Code (India’s anti-sodomy law), we have borrowed heavily from the progressive jurisprudence on gay rights in the West, especially the U.S. But we must bear in mind the racist prejudices that (white) queers in those very countries have practiced against their (non-white) immigrants and Muslim citizens, and non-white queers. There is no need to over-emphasise that borrowing from the legal legacy of the West does not have to extend to borrowing their despicable racist practices. Right through the 2012 Pride month the American Centre in New Delhi sported a huge banner with the melting colours of the Pride rainbow and a quote by Hillary Clinton on it saying: “Gay Rights are Human Rights.” U.S. embassies organised pride events as well as marches in other parts of the non-western world, notably in Kenya last year and in Pakistan the year before. While Clinton’s claim (a garb for U.S. foreign policy interventions?) might be worthy, we did not require her to remind us of this. It marks a perverse erasure of queer struggles in our part of the world, as well as of the struggles of queers of colour in the U.S. Our understanding of the U.S.’ support for gay rights cannot afford to be a pinkwashed vision that erases its deeply racist and imperialist accompaniments.

In many ways queer theory’s political positioning against hegemony and heteronormativity has always been a little ambiguous, more so

72. This incident was brought to our notice by Saptarshi Mandal, a legal researcher from Delhi.
when it goes through “continental drifts.” Yet queer theory has been able to, we believe successfully, remain committed to what Janet Halley would call a “politics of theoretic incommensurability.” Gayle Rubin in her influential article “Thinking Sex” had alerted us to the need for developing a theory of sexuality separately from the theory of gender as produced by feminists; Halley declared the need to take a break from feminism and to invest in and draw on the hybridities of queer theory.

But much before queer theory attained the currency of theoretical knowledge in the West or in India, there were some indications of why falling back on Marxism – the almost biblical source for every precariat’s struggles – was not entirely an option for the queer-precariat. Not only did Marx himself disregard who he called the ‘lumpenproletariat’ (which would include sexual subalterns like sex workers) as ones who cannot contribute anything to the revolution, several Marxists have quite dismissively side-lined queer struggles as bourgeois/bourgeois past-times. This is unlike Frantz Fanon, whose belief in the lumpenproletariat, has in many ways been a reason for the archive of anti-colonial thought being used in the articulation of queer struggles. Rustom Bharucha, in a long and detailed footnote to his article “Towards a Politics of Sexuality,” recollected a homophobic response by H. Srikanth, a Marxist, to an article titled “Gay Rights in India,” published in the renowned leftist journal Economic and Political Weekly in 1996. Bharucha writes:

Reducing homosexuality to an aberrant pathology (for which there is always a room for a healthy heterosexist cure through marxist ‘education, socialization, advocacy, and if necessary, psychiatric treatment’), Srikanth emphasized that the ‘social recognition of sexual preferences’ cannot be accepted because this would amount to ‘asking for a privilege, not a right’. [...] Resisting any support for the ‘reactionary’ and ‘backward’ nature of homosexuality, which intrinsically works against the ‘progressive’ and ‘social’ necessity of a marxist agenda [...]  

This is what H. Srikanth, the Marxist, had written:

[I]f some people, much against public conscience, take to the streets on the plea that they have the right to gratify their sexual urges in any way they like, Marxists do not hesitate to use force against such homosexual activities.

We can certainly dismiss Srikanth’s absurd reading of Marx, but in

77. Id.
1996, it would have been the cause for the condition of deep ambiguity that Chatterjee’s opening quote in this introduction suggests. In 1996, it was feminism which could have been the only home for solidarity for queers. Yet, even within the feminist movement in India, signs of homophobia were more than apparent. It seems the only option was to turn to the inspirational stories of gay liberation from the West. When the Western narrative of queer liberation turned imperialist, post/anticolonial politics provided the ground for non-Western, queer solidarity. Now, when queer imperialism is an amalgam of not just the cultural demonisation of the non-west but also the neoliberal onslaughts of the state/market/military/complex, what body of theoretical knowledge can the queer-of-colour call home?

To resist and confront the banality of neoliberal modernity’s brutal violence on the precariat, is queer theory enough for the freaks to strike back? Is it time for queer theory to take class seriously, much like the way the same has been asked of postcolonial theory in recent times? In this struggle, both within and outside the academy, can we completely transcend the binaries of East/West, pleasure/danger, homo/hetero, white/black? Can we completely let go of identities? What would it take to fight and fuck with ‘flamboyant lust’ that is not just to save face but to seduce or force neoliberal modernity into a slumber of submission? Can we resist neoliberal modernity’s penetration into the waiting room of history by making neoliberalism “lose its erection?” How do we do that in pedagogy and activism?

We hope that the essays in this volume will provide some unambiguous disruptive directions in this regard.

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78. In fact, feminist Sharmila Rege wrote a very powerful reply to counter H. Srikanth’s drivel. See Sharmila Rege, Homophobia in the Name of Marxism, 31 (22) Econ. & Pol. Weekly 1359-1360 (Jun. 1, 1996).