

Chapter 1

Out of Bounds and the Question of Coerced Invisibility

1.1 Introducing the Study

Our democratic polity is allegedly moving towards a matured form, in the sense that there is a widening of our understanding of the democratic principles governing the society. However, our society is still ridden with instances of inequalities and injustices. These inequalities and injustices flow through different spheres of the society and affect different groups in a different manner. The unfolding of the democratic processes, in the 21st century, has led to the rise of several social groups, which assert their democratic claims against the state and society. While some groups aspire for redistributive justice, others demand justice in terms of recognition. And yet, the demands of some stand outside the boundaries of mainstream conceptual academic discourse as well as of our normative ‘lived’ realities.

The concerns of the alternate sexualities appear as a challenge to the conventional discourse which attempts to understand these concerns through the lens of a heteronormative assumption. A major hurdle while studying the concerns of the alternate sexualities is this prismatic perspective of our discourse which filters our vision to view and understand everything through a heteronormative frame of reference. Thus, the spatiality of the alternate sexualities largely remains ‘out of bounds’ of the conventional discourse. This study seeks to understand the concerns of the alternate sexualities from this vantage of out of bounds and attempt to understand the changing dynamics of contemporary democratic society. In this attempt, this study endeavours to find a pedagogical breakthrough in the form of a foundational critique of the conventional discourse in such a way that the academic outcaste of the alternate sexualities may be addressed. While this epistemological pursuit holds the potential to bring

justice to the population of alternate sexualities, it also addresses an important gap in the conventional discourse.

The main concern of my study is to address the issues of exclusion and injustice experienced by the alternate sexualities. Such exclusion and injustice, I believe, is a cause of their stereotype and systemic outcaste. The aim of my study is to understand the nature of the injustice done to the alternate sexualities and propose somewhat preliminary possible solutions, at the philosophical as well as socio-political levels. The concerns of the alternate sexualities are viewed as unjustified by the heteronormative majority. However, an enquiry into the nature of these concerns acquaints us with the severity of the issue. The injustice done to the alternate sexualities is not only at a socio-politico-economic level, but also at a philosophical level. This makes the issues urgent both from an academic as well as socio-political point of view.

In doing so, I understand the injustice meted out to alternate sexualities as essentially foundational, which in turn requires a foundational critique of both societal and academic discourses. My study aims to address the concerns of the alternate sexualities¹ who, I believe, suffer from systemic outcaste and an academic neglect. It would be important to begin by clarifying the conceptual terrain and terminology which I have worked out and adopted in my study and elaborate the questions I seek to address.

In this study, I have attempted to understand the concerns of alternate sexualities by employing two conceptual arguments: first, what I call, ‘out of bounds; and second is what I refer to as “coerced invisibility”. Through a systemic ‘coerced invisibility’, emanating from the structures of the state as well as the society, the alternate sexualities have been forced to suppress their identity. This results in a grave injustice. Complimenting this suppression or invisibility is the politics of a distinct spatiality occupied

by alternate sexualities within our society as well as discourses, which render them “out of bounds”. I use these two conceptual arguments to help explain the outcaste and neglect of the alternate sexualities. There is a need to inspect this coerced invisibility as well as out of bounds status, and the reasons behind it, because it is what restricts the concerns of alternate sexualities from being accepted by the conventional discourse.

From this perspective, my study marks the alternate sexualities as an important constituent of the subaltern studies. The injustices done to the alternate sexualities range from existential issues to distributive concerns. This whole gamut of issues marks the wider subject of my research. My attention to the nuances of the concerns of the alternate sexualities does not, in any sense, seek to undermine the significance of the concerns of the other ethnic issues but highlight the lapses in our epistemic paradigms.

It is also important to highlight that my primary reference while discussing the nature of society and state is a democracy with a fairly open public sphere. One of the goals sought to be achieved through my study is to address the stereotypical portrayal of the alternate sexualities within our discourses as well as democratic structures. Although, setting up such goals is an overtly-ambitious exercise, such attempt would initiate a process of interrogation of some of the celebrated aspects of our political discourses such as- democracy and its foundational values, the public-private realms and issues of justice. While the achievement of concrete policy and ideological change might still be a distant goal, it is certain that the process of interrogation which I modestly attempt in this study would I hope result in a better understanding of several concepts and concerns.

The existence of the alternate sexualities, amidst the heteronormative constructs, remains a conditional affair. At the individual-level, these groups and individuals are forced to negate their own self, and at the socio-

political level, they are made non-existent in their capacity as an alternate sexuality. Acceptance and participation are offered with a proviso of suppressing any trait of alternate sexuality. While there have been some works done in the field of psychoanalysis to assess and evaluate the impact of heteronormativity on the perception of the self by a queer person,² such studies fail to make much impact in the social discourse due to their heteronormative presumptions and references. The primary frame of reference, for our discourses, remains confined to the heteronormative constructs, which limit the scope and conclusions of any study undertaken to address the concerns of the alternate sexualities.

These limitations of vision and understanding make the case of alternate sexualities worthy of study. The concerns of the alternate sexualities permeate through the political-social-cultural-economic aspects of the society. However, the redressal to these concerns does not lie in the redistribution of resources alone. Rather, the redressal to the concerns of the alternate sexualities lies more on a recognitive path of justice wherein the challenge lies in extending the normative frontiers of the society in such a manner that the alternate sexualities may be accommodated respectfully. This would require a thorough engagement with the contemporary discourse, which in turn would entail a revision of understanding of the foundational aspects of our discourses like the idea of liberty, equality, and moral worth of individual. It could also be suggested that the issues of the alternate sexualities do not seek to amend the procedural aspects of democracy as much as it seeks to revise the substantive aspects of democracy.

My study attempts to find a possibility of a democratic end to the stereotype and subjugation of the sections of the alternate sexualities. This is possible when the society would accommodate the equal rights of the alternate sexualities. Such recognition would make obsolete the very category of

sexuality as a subjugated identity, leading towards an end of a system of neglect and subjugation. The purpose of democracy would be served through such exercise as it would lead towards an open and mutually deliberative space, which would transcend the limitations of sexual orientation and gender identity (SOGI). Such a conception of a democracy inspires towards an ideal-type democracy which does not raise borders but sows the seeds of a collaborative culture.

Before indulging into the epistemic campaign of understanding and addressing the concerns of the alternate sexualities, it is imperative to clarify the goals and conceptual concerns that define the framework of my research. To begin with, the title of the study itself highlight two major issues: ‘*Democracy*’ and ‘*Alternate Sexualities*’. The title proposes to build an understanding of a ‘borderless democracy’³ in the sense that is more conceptual. A borderless democracy implies a democratic culture devoid of barriers of exclusion and neglect. While it might sound to be an ideal-type situation but the contemporary democracies strive towards such state. Such conception of a democratic society has been earlier contemplated by different thinkers in different forms. I have attempted to offer a different perspective to this democratic ideal by trying to bridge a few gaps in existing discourse.

Next, the primary subject of my study is the collectivity of alternate sexualities. Again, the choice of the term is carefully done to include the multifarious groups of the alternate sexualities, and avoid limitation of the understanding of the alternate sexualities to the LGBTQI⁴ group alone. With an awakening about the concerns of the alternate sexualities, there has been a change in the way these groups are seen and understood. The contemporary understanding of the alternate sexualities has grown from a parochial view of alternate sexualities as homosexual individuals to a kaleidoscopic universe of alternate sexualities. This universe of alternate

sexualities assimilates different trans-gender identities, queer, asexual individuals and several other self-perceived gender identities which fall outside the conventional understanding of the heteronormative society.⁵ The use of the term 'alternate sexualities' also captures the dynamic nature of these groups and identifies the possible fluidity of identities that a person might experience over time and space. The usage of the term 'alternate' suitably depicts the suppressed and sidelined status of these groups as it portrays the inherent unconventional trait associated with the alternate sexualities.

The stated purpose of addressing the concerns of the alternate sexualities requires defining the concerns and interests of such groups. Thus, the project of diffusion of the barriers of discrimination would first require a strategy of reification of queer identity. Such reification is necessary in order to bring the alternate sexualities within the ambit of democratic deliberation. While such strategy might appear to be full of paradoxes and ironies, it is, I somehow feel, the only practical way available.

The trajectory of the social activism by alternate sexualities should invariably follow a democratic path, lest it should meet deadlocks and suppressions. Democracy has now become a universally acceptable paradigm of human society.⁶ Through various movements and revolutions, the democratic ideas have been tried and tested with several colors and shades. The democratic traditions have also responded well to the changing times and got thoroughly enmeshed with different ideas such as- socialism, liberalism and modern-day mixed economies. The unfolding of the democratic understanding can be seen in our political, economic, social and even cultural aspects of life. For these reasons, thinkers like Fukuyama and Fraser have accepted the overarching victory of the democratic paradigm in contemporary world.⁷ However, an attempt to explore the means and ways to address an issue under democratic paradigm should first start with a

revisit to the underlying values of such paradigm. Thus, a significant part of my research is dedicated to the introspection of the foundational values of a democracy and understanding the meaning of such ideals.

While trying to understand the nature of democracy as a guiding paradigm, it is important to understand the underlying set of principles, values and presumptions. The foundational ideals of a democracy are the values of liberty and equality. These values, in turn, celebrate the idea of an autonomous self, free-will and an equal moral worth of an individual. Michael Sandel has outlined the nature of such a regime in terms of an aggregation of free and equal individuals living in an organized society and capable of choosing what is best for oneself.⁸ However, Sandel also highlights the existence of the normative structures of the society which often have a decisive impact on the individuals. This framework of norms often sets the choices before us and marks the territory beyond which lies the domain of unacceptable behavior and conduct. The challenge before the contemporary discourse is to respond to the concerns of the groups who find themselves beyond the territory of acceptable conduct. This tussle between the individual choice and social norms gets translated into the celebrated ‘public-private’ dichotomy which is yet another conceptual tool to understand the concerns of the neglected groups.

There have been several debates and deliberations over the legitimate extent of control over the private affairs of individual life. The public-private dichotomy is indeed a celebrated aspect of the democratic paradigm. The liberal school has always seen the private sphere as that sacred aspect of life where the state and society should not interfere. However, the compartmentalization of the public-private aspects of individual life could never be absolute as there is always some degree of overlap between the two.⁹ The free will of individual is often subjugated under the dictates of

the public opinion and tradition. The tussle between the public and private often remained unanswered.

Another dimension which requires attention is the tendency to classify alternate sexualities as a distinct minority. However, a reference to the alternate sexualities as a 'minority' requires some introspection and revision. When compared to the other minority groups based on class, caste race or even biological-sex, the alternate sexualities are not a cohesive group, and are dispersed throughout the society, intermeshed with various other ethnic identities. The queer identity of an individual is often blurred when coinciding with other ethnic identities, such as caste or class.¹⁰ While the domain of one's sexuality is considered as a private affair, it is, at the same time, put under 'an arena of constant surveillance and control... and policed by a large range of religious, medical, legal and social institutions.'¹¹ The nature of injustice and subjugation done to the alternate sexualities is different from the case of other ethnicities. This might be because of the distinct spatiality of the alternate sexualities in our social discourses. The nature of sexuality as an identity is highly fluid and subject to change with time and space. This makes it a complex affair for the normative structures of society which then simply outcastes the behaviors that fall outside the heteronormative terrain. Thus, as a subject of enquiry, the issues of alternate sexualities are made non-existent for the social discourses; but when it comes to the lived experiences, the subjugation and outcaste becomes manifested in the most brutal ways.

It is important to remain indulged in the hermeneutic act of redefining the democratic principles and values to match to the changing needs of time. However, there appears to be a tendency, within our discourses, to accept the established interpretations of the principles and values. Such tendency often results in unsuitable inferences and judgements. A hermeneutic understanding of the democratic principles and values needs to be done in

the context of the evolving nature of the human society. Such act of revision is necessary because of our changing perspective towards the world. It is largely a result of this change in perspective that the sections which have been hitherto considered as underserving of equal treatment are now seen at par with other groups and treated as equal members of society. This also suggests that the unfolding of the democracy takes place through the revision of its founding ideals and processes. Thus, a churning of the understanding of our discourse is essential for a positive advancement of our society.

The contemporary understanding of democracy finds the application of democratic principles in the social, cultural, economic and political spheres. Rather than describing democracy merely as a form of institutional arrangement, the contemporary discourse views it as an evolving concept. Gutman and Thompson emphasize upon, what they refer to as, deliberative democracy as a dynamic process where every decision is provisional and ‘open to challenge at some point of time in future.’¹² Lefort, on the other hand, has described democracy as ‘an empty place’ which cannot be comprehended in static terms. He viewed it as an ever-evolving concept which is accommodating in nature.¹³ The dynamism of the democratic tradition has been similarly recognized by Fraser when she conceptualizes the idea of a ‘radical democracy’ which is based on plurality of public spheres and an on-going process of deliberation between such sub-public spheres.¹⁴

The expanding project of democratization is leading to a spurt in the democratic activism by different social groups. The subaltern school has emerged as a field which specializes in studying the activism of suppressed and subordinated groups. The case of alternate sexualities is a distinct example of such activism as it has repercussions for the democratic processes as well as our discourses. The issues raised by the queer politics

have important leads for our understanding of conceptual issues like liberty, equality and moral worth of individuals. In fact, Jagose has referred to the 'queer' as a 'zone of possibilities' which have not yet been realized.¹⁵ However, this unexplored reality is not allowed to come to the fore under the heteronormative discourse. As a result, the alternate sexualities are not allowed to realize and express the idea of selfhood or personhood.

The 21st century has witnessed an upsurge of the LGBTQI movements, in India and the world.¹⁶ The progression of the movement has again presented an interesting case of civil society activism, wherein, the queer groups have been able to articulate some changes at the politico-legal level, before experiencing similar reforms at the socio-cultural plain. This might be partially because of the proactive role of the state, which has remained instrumental in upholding the democratic claims of the alternate sexualities. The case of the alternate sexualities presents a peculiar case of 'top-down' flow of change, wherein the process of reform is taking place through the sponsorship of the state rather than being pushed through the societal base. The last few years have indeed brought some milestones for the queer activism in India. While the State seems to have started to accept the possibility of the third sex,¹⁷ the scrapping of the draconian Section 377¹⁸ is also a welcome change. The activism of the alternate sexualities, however, needs to remain innovative and proactive, in order to press their claims for democratic inclusion and justice. With the doing-away of the institutional stereotyping (at least to some extent in terms of law), the next and bigger challenge is to effect a change at the socio-cultural fabric of the society. The queer groups seem to be doing right in not putting focus on the redistributive claims at the moment¹⁹. The future, however, for these movements does entail an assertion for redefining the definitions of the social constructs like- family, which might interestingly bring in the second wave of the rights for alternate sexualities.

While these piecemeal reforms might appear to be having a small impact, the trajectory of the change certainly appears to be moving towards a stage of deliberative democratic. Gutman and Thompson have discussed the nature of deliberative democracy in terms of an expansive potential with regard to who is included in the process of deliberation.²⁰ When the trajectory of the queer movement is studied in terms of democratic processes, it certainly hints towards a deepening of democracy.

1.2 Understanding the Bases of Conventional Social Discourse

The purpose of my study is to understand and uncover the multifarious injustices done to the alternate sexualities, and to arrive at a possible strategy to address these injustices. But in order to do so, it is pertinent to develop an understanding of the nature of the discourses and trace the spatiality of the alternate sexualities within the social discourses. Any social science discourse carries a set of values and presumptions at its foundations which shape its framework. An inquiry into the nature of discourses should indispensably take into consideration such values and presumptions that constitute the premise of the discourse. These foundational presumptions often cause a normative inclination of the discourse, and creates a condition of *ceteris paribus*,²¹ wherein the set of presumptions becomes a prism through which all social facts are filtered. Young identifies such stance of the discourses as ‘positivism of political theory’ and holds it guilty of assuming ‘sameness over specificity and difference.’²² However, such presumption becomes a problematic for the discourse as it fixates the foundational premise to a certain perspective which is removed from the eye of scrutiny. Our discourse ought to be necessarily built over the conditions of *mutatis mutandis* rather than *ceteris paribus*.²³ A revisionary stance allows for the discourses to adapt to the changing times. Such a change is urgently required today because the democratic claims of certain groups are being suppressed in the name of democratic practices itself. Abramson has compared such blind pursuit of democratic ideals as akin to adhering to a dogma, which often maligns our democratic principles.²⁴ Thus, a revisit to our understanding of democratic ideals becomes indispensable if we are to maintain its relevance.

The purpose of exploring the nature of the social discourse is, thus, two-folds: firstly, to identify the possibility of a set of foundational presumptions within the conventional social discourses which might be

responsible for shaping the discourses in a heteronormative manner. Secondly, to understand and discuss the role of the discourses in the subjugation and outcaste of the alternate sexualities. This exercise is particularly important in the context of the emerging discourse on queer politics and subaltern school of thought, which has seen a sudden upsurge since the late 20th century.²⁵

Scholars like Fraser and Fukuyama have argued that the close of 20th century has brought a universal acceptance of the culture of democracy. As a result, it is not surprising to observe non-democratic regimes trying to prove their democratic linkages. While Fraser calls this development as the arrival of a ‘post-socialist era,’²⁶ Fukuyama tries to declare it as the conclusion of the ideological advancement for the individual.²⁷ However, this alleged undisputed acceptance of democracy comes with a never-ending exercise of interpretation of the meaning and values of democracy. This ongoing exercise is due to the ever-changing needs and aspirations of the human society. This epistemic dynamism maintains the relevance and need of revisiting the nature of our discourses. If the process of contemplation is carried through an unexamined acceptance of the foundational aspects of our discourses, it would remain incomplete and might also lead to several unintended consequences. Habermas considered such uncritical acceptance of any tradition as a dogmatic position.²⁸ If left unchecked, an unexamined trajectory of a discourse could become biased and discriminatory in nature. Thus, it is important to ensure that our social discourses are subject to an open examination. A suppression of such activity is akin to the Socratic trial and represents a tendency to curtail the search for a better understanding of the society.

The rise of the New Social Movements and subaltern school of thought has acted as a catalyst to the project of revision of foundational aspects of political discourses. By bringing to the fore, the hitherto subjugated

identities and the discriminatory aspects of the conventional discourse, the subaltern school of thought has offered an alternate reading of the social discourse. My attempt, in exploring the possibility of a foundational critique of the conventional political discourse, is to identify the areas which might be responsible for the prevailing injustices and coerced invisibility of the alternate sexualities. This attempt to offer an alternate reading of the discourses has been undertaken by several other scholars. Feminist scholars like Carole Pateman and Wendy Brown, for instance, have tried to uncover the position of patriarchy which is simply assumed as a natural condition by the conventional political discourse. While Pateman has examined the latent project of subjugation of women within the liberal framework of social contract;²⁹ Brown has engaged with the nature of political theory from a feminist perspective to argue that the conventional political discourse has been construed to suppress women.³⁰ I do not claim to offer a whole new perspective to the social discourses. Rather, my attempt is to revisit those foundational ideas which shape the perspective of our discourse. In doing so, my discussion would remain limited to the area of my concern and thus it becomes all the more important to limit the expand of my curiosity while exploring the expands of our social discourses.

The purpose of revisiting the foundational aspects of the social discourses is to understand their normative character. This normative character emanates from the human nature itself, which ascribes values and judgements to everything. These values and judgements are often the result of the set of presumptions which shapes our perspective as well as understanding. An examination of the major schools of thought gives an impression that the celebrated frameworks of political ideology did presume some facts and positions. The earlier reference to Pateman who outlined the manifestation of patriarchal mindset in the ideological construct of the social contract theory is a good reference to show the

presence of a set of presumptions.³¹ Foucault has also argued that the conventional discourse portrays the family as a heterosexual communion for the purpose of procreation. This logic ensures that the communion of individuals for any other purpose is delegitimized or frowned upon. The communion of unmarried but heterosexual individuals is still accommodated- to some extent- as it holds the potential to become the ideal-type family; but the communion between same-sex individuals is outrightly denied due to its counter-heteronormative logic.³² Similarly, under the Marxian framework of understanding, the discussion on historical materialism gives an impression that the sexual division of labor tends to fixate the roles and expectations of the individuals, which are to be performed forever.³³ Thus, it appears that the foundational presumptions have a prismatic effect on the discourses as they affect the resultant perspective and understanding of our social discourse.

I do not argue that every philosopher holds some vested interest while having any presumptions. But this set of presumptions plays a decisive role in setting the course of our discourses. Thus, a valid question arises: how far are these ‘naïve’ presumptions responsible in setting the character of the social discourses as exclusionary to the certain groups? And, if such impact of the presumptions is realized, how could we address such issues? I believe that these questions become relevant factors for any social enquiry.

[Heteronormative order and the Ideal-family](#)

Having argued that the contemporary social discourses have accepted the paradigm of democracy over other forms of political order, it is important to trace the foundational ideas that characterize the democratic paradigm.³⁴ The liberal discourse generally commences from a basic premise that- each individual is the master of oneself. The proviso of an autonomous and rational individual translates into liberty and equality being the sacred

values of the liberal discourse as well as the democratic framework.³⁵ Over the years, there have been some hermeneutic variations in the understanding of these values which is largely on account of their interpretation. Mahajan has read the underlying values of our discourse in terms of the association of freedom with the private sphere and equality with the public sphere.³⁶ Together these two values constitute the foundations of our democratic tradition. The different interpretations and understandings of the democratic tradition are inspired by the central theme of liberty and equality and thus the value of moral worth of individual becomes a cherished asset today.

However, such description appears flawless at a metaphysical level alone. The real picture is often maligned by the social conventions, traditions and beliefs of the dominant groups. The social norms exercise great control over the individual which sometimes become so strong that it rips the individuality from a person. Mill compared such instances of loss of individuality due to pressure from social order as a threat to individual moral worth.³⁷ When the society and the epistemic community ignores such instances of injustice and accepts the normative order set by the dominant group, it leads to a systemic subordination, exploitation and neglect of the voices that does not abide by the aspirations of the dominant groups. In this manner, an empowering social unit, such as a family or social circle, often turns into a restrictive force. Altman has captured this janus faced impact of variables such as ‘community’ and ‘identity’ and referred to them as ‘slippery concepts’ as they hold potential to be simultaneously ‘liberatory and restrictive.’³⁸ We need to ensure that the restrictive aspects of the community do not trespass upon the aspects of individuality.

Butler suggests that the conventional discourse is premised upon a phallogentric and heteronormative presumption which portrays the heteronormative family as the ideal-type of social arrangement.³⁹ This

portrayal of the heteronormative family is, again, premised upon a utility-driven logic which ties the purpose of a family to procreation alone. Foucault has further discussed the genesis of such ideal-type heterosexist-family, and highlighted the various ways in which it puts severe restrictions upon the sexuality of the individuals.⁴⁰ The utilitarian aspects of procreation, along with the drive to control sexuality, turned the ideal of a heteronormative family into a presumed starting position of all social and political contemplation. Pateman and Brown have analyzed and extended this line of argument to explore how the institution of a heteronormative family was used to perpetuate the subordination of women and control their sexuality.⁴¹ In this manner the foundational aspects of our discourse become laden with biased values and vested-interests. These vested interests disrupt the value-neutral position of our discourses by creating a prismatic filter which puts the bias within the sphere of foundational presumptions. Such framework hides the instances of bias and discrimination and creates an illusion of *ceteris paribus* for all further enquiry. This carefully fabricated arrangement ensures that the sphere of foundational presumptions is not questioned or revised.

Problem begins when there are attempts to revisit the foundational premise of our discourse. Instances of normative variations, in the form of the claims of the homosexual groups, begin to emerge against the prevalent norms and traditions and problematize the integrity of the conventional discourse. Altman highlights the stereotypical tagging of such normative variations as ‘unmentionable crimes’⁴² which are to be suppressed silently. However, Altman is optimistic about the possibility of changes in the social institutions like family due to the contemporary trend of economic progress and urbanization as these contemporary trends cherish the aspects of love and personal fulfillment rather than performance of conventional roles.⁴³

The example of the ideal-family is illustrative of the manner in which the views of the dominant group are cautiously attached to the set of foundational values of the social order. However, it is the responsibility of the social researcher itself to question and revise the sanctity of such presumptions. Thinkers like Foucault and Butler, have raised questions over the assumption of the logic of procreation as the sole purpose of family.⁴⁴ Such assumptions ignore the aspects of emotion and human-will which drive the individuals to come together into a communion. The conventional practice of focusing on the procreative aspects of family has severely restricted the sexuality and functions of the family. As a result, the discourse on sexuality has never been able to develop in a wholesome manner. Altman has rightly underlined that sexuality is wrongly construed as a subject of surveillance and control. It is rather ‘an area of human behavior, emotion, and understanding which is often thought of as “natural” and “private”.’⁴⁵

Logic of ‘Binary’

A prominent trait of the conventional social discourses is the romance with the logic of ‘*Binary*’. The conventional discourses have a tendency to represent any social fact through the prism of good/bad, legitimate/illegitimate and beneficial/harmful. Lefort captures this aspect of our vision and interprets the unfolding of the discourses in terms of ‘distinguishing between the real and the imaginary, the true and the false, the just and the unjust, the permissible and the forbidden.’⁴⁶ This inclination towards the logic of binary might be to make the understanding of otherwise-complex facts of life simpler, but in doing so the discourses often neglect and sideline the possibility of realities that lie beyond the frontiers of the binary. The world of possibilities that is ignored by the logic of the conventional discourse becomes ‘out of bounds’ for the discourses and turns obsolete and pathological for the academic and social world.

The tendency to segregate and judge everything is natural to the human society. Such practice could be traced back to the works of Aristotle who is often celebrated as the ‘father of Political Science’ for drawing a boundary to the discipline and setting a demarcation for the public and the private aspects of life. He defined man as a social animal, and politics as the sphere of man. He discussed about the distinction between the *oikos* and the *polis*. *Oikos* referred to the private realm of the household and comprised of three main relationships- husband and wife, parent and child and master and slave. This sphere was ruled by the master in accordance with his judgement. In contrast, the *polis* represented the public sphere where decisions were made collectively by the citizens.⁴⁷ Thus, the very first attempt at the demarcation of the public and private took place with sex being an important factor.⁴⁸ In Aristotle’s times, the question of alternate sexualities was removed from the discourses by simply ruling them out as abnormal pathology. There is a separate literature on the nature of sexuality and practice of homosexuality in the Ancient Greek societies⁴⁹ but pursuing it would drift me from my primary area of concern. Thus, I desist from prolonging the discussion on Ancient Greek traditions. However, the name of Aristotle, in particular, and Ancient Greek philosophers, in general, is important to mention while tracing the role of sex and sexuality in our political traditions.

The social discourses continue to adhere to the logic of binary in most aspects of life. The language of the discourses remains limited to the discussions about the oppressor and the oppressed, and the ruler and the ruled. This mode of understanding has led Altman to view our discourses as a sort of ‘binary essentialism’ which makes it necessary to fixate and name the identities.⁵⁰ However, such framework fails to take into consideration the areas and lives that lie outside the reaches of the binary perspective. As a result, the struggles of the unrecognized and the invisible

never become a part of the conventional discourse. Butler has also discussed about the deplorable fate of groups which appear to struggle at the fringes of the mainstream culture.⁵¹ The logic of binary does not allow us to look outside the box of social reality that it sets for us. In fact, the deeply rooted logic of binary tends to reinforce itself by refuting any attempt to displace it. Thus, anything that emerges in contradistinction to the logic of binary becomes paranormal and pathogenic, and thus eligible to be categorically refuted. Menon has outlined some of the traditional ways in which the society imposes the heteronormative ideals upon an individual as ‘bringing up children in normative ways, punishing them for not adhere to the social norms, staring or sniggering at people who look different, to coercive psychiatric and medical intervention, emotional blackmail and physical violence.’⁵²

My attempt to understand the nature of social discourse does not seek to topple it. Instead, I believe that there are aspects of the social discourses which needs to be redefined in order to accommodate the legitimate and valid concerns of some groups. The limitations in the perspective of the social discourses can be addressed through deliberations and contemplation. Scholars like Butler, Foucault, Fraser and Habermas have already set a lineage for the revision of the perspective of the social discourses. Through a number of studies and works, such scholars have opened the gates of discussion and debate over the limitations of the conventional discourses. I see my study as a participation in this tradition of revision of our social discourse.

Concerns of the alternate sexualities become problematic for the dominant discourses because they tend to disturb the very logic of the prevailing system. An understanding of the concerns of the alternate sexualities disturbs the social plain based on the logic of the binary, which advocates heteronormative values and beliefs. A reading of the historical aspects of

heteronormativity and homophobia in society reveals interesting details which challenge the claims of heterosexuality as a 'natural, pure and unproblematic state.'⁵³ The anthropogenic origins of heteronormativity have been well discussed by Butler in her reading of the historical and cultural unfolding of sex/gender as a dominant discourse which acts as a 'regulatory practice that produces the bodies that it governs.'⁵⁴

The emergence of the queer as a counter-discourse challenges, and often problematizes, the understanding of the society and its social structure like-family. Jagose has identified this budding discourse of the alternate sexualities as an abode of all marginalized groups, whether based on gender identity or self-perception.⁵⁵ However, contrary to the tendency to crystalize, the nature of this emerging queer discourse remains in a state of flux due to its inherent diversity. This counter-discourse of the alternate sexualities also remains in flux due to the churning of the ways the society is imagined. The nurturing of such queer discourse, however, requires a deeper hermeneutic and epistemic engagement at different levels. Due to the persisting impact of heteronormativity in different aspects of our life, it becomes all the more necessary to respond to the logic of binary at all levels. Altman holds the view that with increasing advancement of the technology and intermingling of different societies, the territory of queerness would further expand to surpass the domain of hetero/homosexuality and move towards a more fluid idea of sexuality and gender identity.⁵⁶

The logic of the binary still haunts the social imagination of our discourses, which in turn maintains and perpetuates the neglected status of the alternate sexualities. However, through the process of rationalization⁵⁷, there is a growing belief that the gender-identity and sexuality of individual has more meaning when seen in a cultural context. Menon, for instance, argues that 'gender identities are not universal'⁵⁸ and refuses to accept gender

identities as the basis for social differentiation. Altman identifies the role of globalization in changing the social structures and gender norms. He highlights the globalizing forces as well as the local ‘moral panics’ against such globalizing forces as having an impact on our public and private sphere.⁵⁹

Need to engage with social discourse

Habermas viewed people’s autonomy in terms of developments in the sphere of production and normative structures of interaction.⁶⁰ Given the changing needs and aspirations of the human society, the normative structures cannot remain the same. Skinner has, thus, opposed the construal of social concepts as ‘timeless entities with fixed meanings.’ Instead, he believes that the meaning and nature of a concept depends upon the interpreter.⁶¹ The attempt to revisit the foundational premise of the social discourse seeks to scrutinize the values and logics of our discourse. Such revisit to the nature of discourse would ultimately prove to be a beneficial exercise as it would lead to a broadening of the horizon of our epistemic frameworks.

A revalidation of discourses is also quintessential to maintain the sanctity of the discipline and validate the reasoning behind our cherished ideals. Mill has considered this revalidation of our understanding of the ideals as a constitutive aspect of the democratic discourse. He argued that a contestation between contrary perspectives either reinforces our conception of the social reality or makes the necessary amends to it.⁶² In either case, through democratic revalidation and deliberation, it is the democratic ideal that benefits. It is important to remember that the social reality is not static, and our understanding needs to remain abreast with the present state of affairs. Mahajan has underlined this need for maintaining relevance of our discourses and argued that a concept must be understood in relation to a totality that is historically and structurally specific.⁶³ It is the task of the

epistemic community to regularly update and revise the understanding of reality in order to do justice to every section of the society.

The evolution of democratic discourse has travelled a long path and witnessed a change of perspective from politics as a domain reserved for the 'abled-male' citizen to politics as a domain of equal and free participation of all adult individuals. While the spatiality and inter-relations of the political agents have changed over the years, what remained equally important is the founding values of liberty and equality. However, the scope of these values is often a result of deliberation and understanding of the discourse. Due to the tendency to adhere to the logic of binary, the concerns of the alternate sexualities remain out of bounds from the territory of conventional social science discourse. Altman has recognized this out of bounds position of the alternate sexualities and argued that 'it is written in ways that are largely inaccessible to people unversed in its particular idiom.'⁶⁴ There is an urgent need to open the horizon of our discourse to make it more inclusive and respectful of each individual. It is only when the individual is accepted for what one is, that the discourses become truly humane.

My attempt, through this study, is to find a redressal to the concerns of the alternate sexualities, who suffer from a coerced invisibility both- within the society as well as within the discourses. For doing this, it is not requisite to offer an alternate grand theory framework. Rather, my purpose would be better served through a revisit and revision of the foundational ideas of our democratic ideals. Gutman and Thompson seem to agree to such a framework, in their understanding of deliberative democracy when they argue that 'deliberative democracy is best understood as a second-order theory... which make room for continuing moral conflict that first-order theories purport to eliminate.'⁶⁵ They explain deliberative democracy as a continuum that seek to continue the process of reasoning together.⁶⁶ The

unfolding of the democratic processes cannot find a way better than the deliberative process which shows faith in rationality and choice of the individuals. Habermas also showed faith in such rationality and viewed it as emancipatory to individuals.⁶⁷

1.3 Coerced Invisibility: In Search for a place of alternate sexualities

The search for an apt response to the concerns of alternate sexualities has led me to investigate into the nature of the ideals that guide our democratic system. My preliminary observations are suggestive of a heteronormative perspective behind our conventional paradigms of understanding. Such perspective makes the conventional discourse presumptuous and unjust. This kind of bias acts as a prism to our understanding and effectively turns the concerns of the alternate sexualities invisible to the homophobic eye of justice. In this section, I seek to discuss this mechanism of outcaste of the alternate sexualities.

The spatiality of the alternate sexualities in our conventional discourse is a problematic entity. This might be due to the perplexed understanding of the individual sexuality itself. But the issue becomes more complex and problematic when it begins to counter the heteronormative ideals. The queer identity often gets blurred when placed in contradistinction with the other sets of ethnic identities. Altman explains this fluctuating space of sexuality as ‘an arena of constant surveillance and control...’⁶⁸ Amidst the plurality of identities that an individual might showcase in a social space, it is the queer identity that stands to lose its ground. The politics of alternate sexualities, thus, finds itself struggling to find its respective ‘differently-political’ sphere. An enquiry into the concerns of the alternate sexualities first requires the researcher to identify and carve out the space in which such investigation might be done. The nature of the politics of the alternate sexualities places them in a contra-position to the heteronormative discourse. Thus, the deliberations over the concerns of the alternate sexualities invite a pondering over a huge territory of concepts, the meaning of which is simply presumed under the heteronormative discourse. This task of defining the terms of engagement for the nascent discourse on

alternate sexualities becomes further challenging due to the fluid nature of sexuality and gender identity.

In this section, I try to outline a framework within which the struggle of alternate sexualities finds its expression, and the areas which become the focal point of such struggle. I hope to arrive at an understanding which would be suggestive of a politics which follows a different plane than the politics of redistribution.⁶⁹ The peculiar politics of the alternate sexualities would also lead me to discuss the important role of the state which, I expect, seems to be following a trajectory which would secure a better set of democratic rights to the alternate sexualities. Such activity is indispensable to establish the relevance of my study.

My attempt might appear far too ambitious at this point of time but it certainly adds to the revision of the political values such as democracy, liberty and equality. Such task is an urgent need of the conventional discourse which otherwise shows a tendency to, what Jefferson calls, 'defend democracy as if it were a received truth, a dogma'. Commenting upon the nature of the discipline, Jefferson has further argued that 'political theory is inherently subversive... politics at one level is about practicing the possible; at another it is about extending the bounds of the possible.'⁷⁰ By addressing the concerns of the alternate sexualities and facilitating their inclusion as equal members of our democratic societies, I seek to extend the frontiers of our political imagination. Butler has also agreed to such attempts and acts of deliberation. She has claimed that by putting under question and scrutiny a presumed practice, we expose the possible underlying vested interests and open the scope of broadening the horizons of our understanding.⁷¹ The trajectory, I have pursued through my study, does not seek to deconstruct or displace the democratic ideals. Rather, it seeks to revise the understanding so as to broaden the applicability of such ideals to facilitate better inclusion.

Understanding the nature of concerns of Alternate Sexualities

The conception of the idea of alternate sexualities appears to be a social construct which has emerged in contradistinction to the conventional heteronormative discourse.⁷² Scholars like Pateman have also opined in favor of gender identity as a social construct.⁷³ Butler has viewed the relation between the heteronormative stance of the conventional discourse and the suppressed and stereotyped existence of the alternate sexualities as based on a logic of reification and performativity, which ultimately works towards the reinforcement of the former.⁷⁴ This antagonism between the heteronormative and queer discourse is sometimes ascribed to the variations in hermeneutic understanding of social world.⁷⁵ Thus, the act of revisit and revision of these conceptual frameworks become all the more important to address the understated concerns of the alternate sexualities.

The nascent discourse on alternate sexualities becomes problematic because of the scarcely available space at the metaphysical as well as socio-political level. Due to the contra-positions taken by the heteronormative and queer discourse, the two are often seen as exclusive to each other. The contestation between the two perspectives, however, does not manifest on everyday basis as it is obscured by the prismatic view of our conventional discourses. The signs of alternate sexualities are suppressed and outcasted, in real life, through heteronormative and performative notions.⁷⁶ Hall outlines Foucault's perspective on the nature of discourses as comprising of 'language, images, unspoken beliefs and prejudices, laws and scientific concepts, and all other means by which human values are communicated, "naturalized" and reproduced...' ⁷⁷

The stereotype of the alternate sexualities does not end at the socio-political level but extends to the level of social discourses and tends to present the nascent discourse on alternate sexualities as a counter-discourse

without any foundation. However, such depiction fails to note that the founding principles of queer discourse follows the same ideals that are dear to the democratic tradition. The liberatory aspects of the queer discourse does not require it to be an anti-thesis of the conventional discourse. Such liberatory aspect of the queer discourse lends it a legitimate ground to offer the critique and redressal to the contemporary democracy. Habermas, as observed by Held, has cherished this emancipatory interest as an important element of any political philosophy. For Habermas, the purpose of an emancipatory discourse should be to ‘facilitate the process of methodical self-reflection and to dissolve the barriers to the self-conscious development of life.’⁷⁸ In this sense, the queer discourse holds scope for an emancipatory expansion of the social discourses.

The alternate sexualities, as a section of citizenry, have been looked-down upon and branded as a deviant class of the society.⁷⁹ The general perspective regarding homosexuality and alternate sexualities demonstrates a preoccupation with the aspects of libido alone. Butler and Foucault have outlined how the conception of a family, under the conventional discourse, follows the ideals of heteronormativity and glorifies such family. The act of glorification extends to a systemic refutation of any possibility of non-heteronormative communion.⁸⁰ Such dictate is a statement of prejudice against the alternate sexualities and questions the right to life and equal moral worth of individuals. By portraying the sexual minorities as deviant and pathological, the mainstream discourses have been able to keep the alternate sexualities at the fringes.⁸¹ In fact, there have been serious attempts to transform or suppress the alternate sexualities through the so-called ‘conversion therapies.’⁸² This amounts to a suffocating elimination of the individuality of a person and translates to a denial of the right to self-identity.

While the story of democratic movements across the states and societies have been marked by a fair amount of variance in terms of identity politics, the treatment of the alternate sexualities has remained more or less suppressive and dismissive. The conventional discourse does not recognize the queer identity as an equal participant in the democratic processes. Any acceptance accorded to the persons with alternate sexualities is made conditional on their adherence to the heteronormative roles. Thus, there is no spatiality accorded to the concerns of the alternate sexualities. Hall argues that due to this systemic neglect, the alternate sexualities have lived in complete ignorance of a 'queer' community. He further asserts that 'sexuality has frequently been ignored as part of historical record keeping' due to which the contemporary gay right movements find no historical precedence to support its claims.⁸³ Through this perspective, the history of alternate sexualities appears to be a victim of heteronormative atrocities and interventions. Alternate sexualities become an interesting case of study due to their spatiality within a democracy which has been hitherto suppressed and displaced. It is difficult to find a second case which raises the issues of democratic values in a more pronounced way. The discourse on alternate sexualities, thus, seems to be contesting on a dual front- for a struggle to prove their very existence- as a group- and as a person- and to make their rightful claims of recognition.

Alternate Sexualities and 'Coerced Invisibility'

The alternate sexualities have always been a part of the society.⁸⁴ The very premise of the queer identity is based on the choice of an individual to lead a life as per one's self-defined ends. The foundation of the discourse on alternate sexualities seems to be emerging from those *personal* aspects of life, where the state and society are, or should be, debarred from intrusion. Yet, the society, in the name of public morality and tradition, attempts to suppress and transform the innate individuality of those who fail the expectations of heteronormativity.⁸⁵ However, since a direct and forceful

suppression might raise questions of liberty and justice, the social discourse come up with a covert strategy to establish the norm of heteronormativity. I understand this strategy in terms of a *coerced invisibility*.

Gutman and Thompson have compared laws against homosexuality and sexual orientation as akin to racial discrimination and argue that questions that were hitherto considered as the concern of the individual have now become a political matter. However, the position of impartiality established by the law, in most cases, is a ‘false impartiality’ as it sets the heteronormative ideal as the primary term of reference.⁸⁶ Jagose, on the other hand, highlights that the outline of the discourse on alternate sexualities is done as an anti-thesis of the heteronormative discourse. He argues that this places the heteronormative order at the center of the philosophical universe and portrays the existence of alternate sexualities as a deviation from the ‘normal’.⁸⁷ In this way the nascent discourse on alternate sexualities remains subdued and subjugated.

The basic premise of our discourses can be found in a logic of binary,⁸⁸ which I have discussed in the preceding section. Going by this logic, anything that does not fit into the definition of desirable is considered as a pathogen. The conventional reading of the discourses is based upon the unfolding of the discourses through a dialectical communication between the desirable and undesirable. Such understanding has been well captured by Marx through his understanding of dialectical materialism.⁸⁹ Even within the liberal tradition, the presence of this dialectic order can be seen in terms of a dichotomy between the public and private,⁹⁰ and between the state and the individual. In more recent times, Butler has also discussed how the legitimacy of the heteronormative order is maintained through a systemic subordination of the feminine gender.⁹¹ The sanctity and respectability of such order, for Young, ‘consists in conforming to norms

that repress sexuality and emotional expression.’⁹² Pateman puts this concisely as- ‘[social] contract always generates political right in the form of relations of domination and subordination.’⁹³ However, this dichotomous relationship between the contrary ideas implies that the two aspects of the debate are always an integral but mutually opposite constituents of the social discourse itself. Young identifies this tendency as reductionist as it values commonness over difference. This reductionist tendency is caused by unexamined assumptions of normative positions.⁹⁴ This reductionist tendency can be observed in the restrictive perspective of a binary understanding of gender. Such understanding is premised upon the hegemony of the heteronormative order and forecloses any possibility of change.⁹⁵

The problem emerges with the introduction of a third variable, which stands in contradistinction to the existing framework of bipolar understanding. Since the paradigm of understanding of the conventional discourse is based upon the logic of bipolarity, it is unable to accommodate any new variables. When such ‘Alien’⁹⁶ entities are studied under the existing paradigm, our vision becomes prismatic and discriminatory. It is so because there are no tools or terms of reference available to understand the new entity. As a result, the explanation of such entity by the conventional discourse turns out to be prismatic and discriminatory. Since it is difficult to assimilate and accommodate the existence of the alien entity, the best solution available to the discourse is to refute the very existence or individuality of anything that falls outside its logic. By doing so, the challenge to the discourse is eliminated. By proving that the pathogen is nothing but an abnormal deviance, which can be corrected through therapeutic measures, the discourse maintains its integrity and continuity. Such strategy and instance of suppression, I understand, could be referred to as *coerced invisibility*. A similar explanation could be found in Foucault when he discussed the culture of repression and taboo.⁹⁷

The notion of coerced invisibility accurately describes the process through which the alternate sexualities are made socially and politically invisible. Beitz argue that our political procedures often define the terms of engagement. When some groups are unable to fit into such terms, they are excluded from the public sphere and treated as ‘socially dead’.⁹⁸ The logic of coerced invisibility is different from the idea of a coerced obedience. Within a democratic setup, the idea of coerced obedience might not last long as it would raise concerns of rights. The conventional democratic framework is allegedly open to the possibility of dissent and protest, provided that such protest takes place within the territory of the prevailing normative order. Thus, the protests against the state or the ruling elite by the conventional minority groups does not fall prey to the project of coerced invisibility. The prime targets of coerced invisibility are to be found in the areas which lie outside the normative frontiers of the conventional discourse. Coerced invisibility takes place in spaces which fall beyond the prismatic vision of the conventional discourse. In this manner, it also escapes the logic of the democratic justice. Butler has also recognized the outcaste of certain groups and their existence as characterized by ‘linguistic impropriety and unrepresentability.’⁹⁹ Butler further highlights that the ritual of outcaste becomes central to the stability of the conventional discourse and continues through performativity as well as exclusion.¹⁰⁰

The applicability of the principles and ideals of a democracy change for the alternate sexualities and any group which falls beyond its normative frontiers. This is because the terms of engagement are different for things that cannot be explained or understood by a given paradigm. Since the existence of the alternate sexualities directly pose a threat to the logic of the heteronormative order, it is pertinent for the latter to invalidate the very identity and existence of such groups. As a result, the heteronormative

discourse finds it prudent to portray the ‘alien’ logic of alternate sexualities as an ‘abnormality’ which needs to be remedied and reprimanded. Thus, instead of an attempt to understand and accommodate the alternate position, the discourse begins to declare such entities as ‘*out of bounds*.’ Such exercise saves the normative framework from the unnecessary effort to explain and justify the existing arrangements. Through a society wide concealment of the alternate realities, the discourse is able to maintain its logical coherence and domination, at the cost of very existence of the alternate realities.

A general connotation of the term ‘out of bounds’ taken from several sports like Tennis or Football suggests something that goes beyond the legitimate territory of the field. Whatever remains out of bounds does not concern the materiality of the play itself. Further, the position of out of bound also disqualifies such entities from raising voices or intervening within the affairs of the main field. When this logic is used to understand the nature of discourses, it hints towards things which are beyond the territory of recognition. With no spatiality accorded within the democratic space, the concerns of justice and morality evaporates. Such groups become practically *invisible* for the conventional normative discourse, and thus no deliberation is required to address their concerns.

However, the perspective of the outcasted group exposes the severe injustice such logic does. Coerced invisibility of a group abrogates the very spatiality to be eligible to raise any concerns in the society. Thus, the deliberations over justice and rights takes place without the consideration of such outcasted groups. The logic of coerced invisibility ensures that the outcasted groups are never able to raise any concerns of their own. Once the concerns of such groups are neutralized, a base is created for legitimizing the transformative program for such alternate identities. This is the logic that guides the framework of conventional response to the

alternate sexualities. Instead of raising questions of existentialism and self-realization, the heteronormative discourse justifies and promotes the acts of ‘conversion therapy’¹⁰¹ as a humane exercise.

Another dimension of the idea of coerced invisibility is the *conditional access* to the public sphere which is based upon the adherence to the heteronormative expectations. The alternate sexualities often face a tremendous amount of societal pressure to follow the heteronormative codes of the society. Thus, more often than not, we observe the members of alternate sexualities expressing a dual-personality,¹⁰² wherein they have to role-play the performative aspects of heteronormative order which makes their life an everyday struggle for self-realization. Altman has recognized the psychic costs of concealing one’s sexual desires and highlighted the lifelong guilt and anxiety.¹⁰³ The aspects of alternate sexuality are often stereotyped as deviant ‘fantasies’ which, Butler argues, points towards the reality beyond the normative social-constructs.¹⁰⁴ It is not a rare sight to find queer persons living in the guise of heterosexual members of society. In fact, in the context of the multifarious identities and socio-cultural affiliations an individual possesses, it is often the case that the gender identity is suppressed due to the other dominant social roles of an individual.¹⁰⁵ Foucault has viewed to such existence as ‘maintained only at the cost of [ones] nullification.’¹⁰⁶ Butler has also discussed this aspect of being the ‘invisible’ entity and argued that:

“To be called a copy, to be called unreal, is one way in which one can be oppressed, but consider that it is more fundamental than that. To be oppressed means that you already exist as a subject of some kind, you are there as the visible and oppressed other for the master subject, as a possible or potential subject, but to be unreal is something else again. To be oppressed you must first become intelligible. To find that you are fundamentally unintelligible is to find that you have not yet achieved access to the human...”¹⁰⁷

The fear of being cut off from the society forces an individual to enforce upon oneself the heteronormative ideals. This creates severe identity crisis, which in turn is attributed to the presence of 'queer' attributes in a person. This coerced invisibility leaves an individual with only two possible choices- either to break away from the immediate social space and find solace in a ghetto of like-minded persons,¹⁰⁸ or live in a self-suffocating condition with a struggle for realization of the self.¹⁰⁹ Butler has discussed the views of Psychoanalysts like Freud who viewed every individual as having both- homosexual as well as heterosexual tendencies. Freud also believed that the homosexual tendency in an individual is suppressed under the dominant heteronormative framework. In an attempt to fulfill the expectations of the phallogentric society, an individual often suppresses the homosexual inclinations. This has serious implications over the development of individual ego. He warned that the imposition of heteronormative norms on individuals could be an act of hyper-moral ideals for the ego which, if taken to extreme, could motivate suicide. The ideals set by the society, for the individual ego, serves as an internal agency of sanction and taboo which works to consolidate gender identity.¹¹⁰ This consolidation of gender identity is a life-long process which is reinforced through all aspects of life. Menon refers to this process of molding for specific gender roles as 'gendering'. She also highlights the fact that the rules that could not be internalized are 'violently enforced.'¹¹¹ The heteronormative order still maintains some ways to further demean the alternate sexualities. Foucault has discussed how the heteronormative discourse on sex creates fear in the minds of the people regarding anything that goes beyond the domain of heteronormative ideals. The moral codes of the society and the social customs are interpreted so as to link the alternate sexualities with evil, disease and death.¹¹²

The logic of the coerced invisibility, thus, raises questions for the discourses as well as for the individuals. It raises questions of justice that are often hidden from the common sight due to invisible status of the concerns of alternate sexualities. A similar logic was practiced by the Nazi leaders in persecuting the Jews. For the Nazis, the rights of the Jews did not matter as it was 'out of bound' from their paradigm of understanding. Thus, unjust activities and atrocities were justified in the name of 'curative actions.'¹¹³ The same situation is faced by the alternate sexualities who experience a systemic outcaste and neglect from the prevailing discourses. Butler describes this situation as characterized by the cultural impossibility of recognition and legal illegitimacy of claims, which ensures that any project taken up for the alternate sexualities remains 'culturally unthinkable and unviable from the start.'¹¹⁴

The rise of the discourse on alternate sexualities is a contemporary development. Prior to this, any discussion pertaining to concerns of gender identity or sexual orientation was traced to the feminist framework. This is not to argue that the feminist scholarship does not relate to the issues of gender identity but the fact that the heteronormativity within the conventional discourse allows the feminist discourse to emerge as a set of counter-arguments to the allegedly phallogocentric discourses.¹¹⁵ This logic of heteronormativity accords acceptance to the presence of a framework of counter-argument- in the form of feminist school- but finds it difficult to accommodate the claims of a discourse on alternate sexualities.

[Searching the Concerns of Alternate sexualities](#)

The exploration of the primary concerns of the alternate sexualities needs to be done in the context of their distinct spatiality. Such exploration is important to develop an understanding of the queer politics because it is what links the metaphysical aspects of the issue with the temporal world. Such exploration would also help to understand and arrive at a trajectory

which could be pursued in order to address the concerns of the alternate sexualities. Through my study, I have tried to identify the major themes which open the world of possibilities for understanding the concern of the alternate sexualities.

The first theme through which I have tried to understand the concerns of the alternate sexualities is based upon the framework of redistribution and recognition which is primarily described by Fraser while describing the alternate sexualities as ‘bivalent collectivities.’¹¹⁶ Fraser’s work presents an insightful analytical discussion on the challenges faced by specific groups in furthering their concerns. By studying the concerns of the alternate sexualities through the framework proposed by Fraser, I hope to understand and tackle the various challenges which might befall the alternate sexualities. The case of alternate sexualities also becomes interesting due to the challenges it poses to the approach of redistributive justice which is often considered as the sole arena of securing justice to a group. The case of alternate sexualities is a good study to understand and explore the rising discourse over the idea of justice as recognition and the limitations of Justice as Redistribution.¹¹⁷

The second theme through which I shall attempt to understand the concerns of the alternate sexualities relates to the foundational understanding of the values like- liberty and equality- and their repercussions for the alternate sexualities. Through this theme, my primary aim would be to establish the fact that the concerns of the alternate sexualities are not alien to the concepts of liberty and equality, but innate in the foundational premise of these values. It is important to find the spatiality of the claims of alternate sexualities with relation to the foundational ideals of democracy in order to find a premise for the socio-political action.

The Recognition-Redistribution dimension

Deliberation upon any metaphysical idea holds importance so long it is relevant to the society. The contemplation over the concerns of the alternate sexualities remains an important task for the social discourse because it holds great significance for the unfolding of the democratic processes. However, the distinct spatiality of the alternate sexualities asks us to explore the distinct areas of deliberation. Fraser has discussed the alternate sexualities as '*bivalent collectivities*' to highlight the complexities associated with their democratic struggles which often oscillate between the two aspects of justice as redistribution and recognition.¹¹⁸

The conventional discourse has been primarily associated with the redistributive aspects of justice.¹¹⁹ The rise of the politics of recognition is a more recent phenomenon. Fraser characterizes the contemporary trend of 'radical democracy' through an increasing role of recognitive aspects of justice.¹²⁰ The conception of the idea of radical democracy does not seek any deconstructive strategy, rather it is closer to my understanding of a 'borderless democracy'. Fraser has described a radical democracy in terms of a site of 'multiple intersecting differences'¹²¹ where instead of a broader hegemonic public order there exists a number of 'subaltern counterpublics'¹²² which define the normative framework for themselves. The resultant political framework thus becomes exemplary of what is described as a 'deliberative democracy' which, according to Gutman and Thompson, is characterized by answerability, accessibility, provisionality and dynamism of its decision-making processes.¹²³ The contemporary democratic paradigm is, thus, characterized by multiplicity of intersecting identities and plurality of interests. The plurality of sub-public spheres allows for a constant renegotiation over the definition of the foundational values of democracy itself. Such renegotiation prevents, what Fraser defines as, the 'balkanizing tendencies of identity politics and promote broader political alliances.'¹²⁴

Fraser prioritizes the role of identity politics as it plays an instrumental role in deciding upon the contours of our democratic understanding. This instrumental role of identity politics is primarily because of the decentering of the politics of redistribution. With the arrival of a 'post-socialist' era of democracy, Fraser claims, the parameters of justice have been replaced from 'interest, exploitation and redistribution to identity, difference and recognition.'¹²⁵ The rationality behind such replacement of emphasis from redistribution to recognition lies in the nature of concerns and injustices faced by certain groups. With the unspoken but evident triumph of the democratic order,¹²⁶ it has now become possible to address the injustice of material inequalities through targeted interventions. However, what remains a major challenge in the pursuit of justice and equality is the socio-cultural stereotype that debars some groups from an equal participation. This injustice emerges from the purported logic of the social and ethnic identity, which cannot be neutralized through redistributive measures.

The case of the alternate sexualities is uniquely placed in our discourse because of their *invisible* status. While it might be argued that the foundation of identity politics is already laid in form of a crystallized image of the queer in the heteronormative framework, such image is itself a product of the stereotype emerging from the heteronormative discourse, which labels the queer as a deviant group.¹²⁷ The attitude of the heteronormative discourse becomes the ideal construct of cultural/symbolic injustice which is viewed by Fraser in terms of cultural domination, misrecognition and disrespect.¹²⁸ Thus, amidst such framework, the primary task of the alternate sexualities is to establish their identity in a more affirming manner. A politics of difference can be built upon the foundation of a positive understanding of the identity. However, the problem with this pursuit of an affirmative identity for the alternate sexualities is that its 'out of bound' status refuses the spatiality of such identity.¹²⁹

The quest for justice and equality, for the alternate sexualities, begins with the goal of securing an affirmative identity. The recognitive aspects of justice holds the key for addressing the concerns of the alternate sexualities. However, it needs to be noted that such pursuit of recognitive justice needs to crawl its way through the various possible strategies. Also, while such a trajectory might entail a significant revision in the terms and concepts of the heteronormative discourse itself, the purpose of such revision is not to pursue a major schema of deconstruction. While such line of action might appear to be inconsistent, the same begins to sound logical when understood in the context of a plurality of public spheres.¹³⁰ Another point to keep in mind is that the pursuit of identity politics is not based on the exclusion of the redistributive aspects. As Fraser has also discussed, the goal of present political discourse is not to choose between redistribution and recognition, but to evolve a path that might reconcile both the sides of the debate. Any scheme of social action based in identity politics necessarily carries some aspects of redistributive justice and vice versa.

While discussing the nature of the alternate sexualities as ‘bivalent collectivities’, Fraser discussed two possible strategies of social action. First, the search of an affirmative remedy which is manifested in the form of identity politics and based on celebration of the identity and lifestyle of the alternate sexualities. Such strategy is based on a crystallization of the identity and culture, and attempts to evolve a discourse of the alternate sexualities which is in contradistinction to the heteronormative discourse. Such strategy also expects the state, being the sovereign institution, to protect and preserve the distinct nature of the alternate sexualities. The second strategy is based on a transformative remedy which seeks to deconstruct and destabilize the very premise of sexuality-based identity. Such endeavor, however, appears to be disruptive of the social harmony and

sounds a more challenging task, if expected to be affected within a brief time.¹³¹ As argued earlier, it might not be judicious to exclusively follow a singular strategy as it might not address the multifarious concerns within the socio-political context. Thus, the alternate sexualities need to adhere to a more practical and rational approach to bring their concerns to the fore.

The decision about any strategy is bound to have repercussions and spill-over effects on other aspects of society. For instance, a change in the understanding of family norms would result in a change in the way our family laws and personal laws are understood. This, in turn, would lead to a chain-reaction on different spheres of the society. For such change to happen it is necessary that the momentum of the change is gradual and accommodative. The rethinking over the question of sexuality and gender norms would lead towards a fresh framework of understanding of morality which would be a product of a deliberation between the several sub-public spheres.

Concerns relating to Liberty and Equality

The unique spatiality of the alternate sexualities accords a special place to them in a discussion on foundational values of liberty and equality. These concerns cannot be contemplated upon from within the framework of a heteronormative discourse. Instead, there is a need to think out of the box when it comes to the concerns of liberty and equality for the alternate sexualities. These concerns need to be wrapped in such a manner that it addresses the recognitive as well as redistributive aspects of justice. The out of the box thinking also implies that the contemplation on the ways to address these concerns cannot be done simply by raising argumentative constructs within the existing paradigm of understanding. Rather, we need to revisit the foundational aspects of values and ideals like- liberty, equality, justice and democracy- in order to have a better understanding

and be able to find the places which set a precedence of stereotype and domination.

In doing so, my attempt would primarily focus on two aspects relating to liberty and equality. First, I would make an attempt to explore the possibility of carving out a sphere of *personal* space from within the dichotomous understanding of the public-private sphere. Such exploration is necessary because the cross-over between the public and private has led to a total annihilation of a sphere of individuality. While I do not argue that such space of privacy would remain isolated from the influence of the normative framework of the society, I do argue that the presence of such space is inherent to the individual psyche and constitute an important aspect of self-perception. Foucault and Freud have explored these latent areas within the psyche of the individual and found that even when overwhelmed by the social and normative forces, there remains a strain of individuality which tries to express itself at every opportunity.¹³² Such attempts of self-expression are again suppressed by the heteronormative framework which rules out any deviation from its prescribed code of conduct as a sign of deviant behavior or psychological disorder. Mahajan holds the view that with democratization the capability of the individual to reflect and decide for oneself has increased, and as a result there is a greater tendency to question the perceived knowledge and inheritance today.¹³³ Thus, my attempt to reconcile the colliding aspects of individuality and social life would also seek a compromise to this tussle.

The quest to find the appropriate variant of liberty for the alternate sexualities does not seek to deconstruct the social order. What is expected from an empowering sense of liberty for the alternate sexualities is an unhindered sphere of personal space, where an individual is able to express oneself and thus, achieve self-realization. Liberty, in this sense, becomes a manifestation of individuality of a person. Such admiration of the personal space can also be found in the writings of Mill, who believed in

the moral worth of the individual and stood for the fullest expression of individuality of a person.¹³⁴

The second aspect of my understanding relates to the idea of equality as *renegotiation*. Such understanding of the concept of equality is important because it removes the misconception of equality as ‘sameness’, and introduces the aspect of equity to our understanding. Given the multi-ethnic composition of the contemporary society, it is difficult to understand equality in terms of similarity in material conditions. Also, given the variance in the placement of different groups within the social fabric, it becomes difficult to aspire for a position of sameness in the society. Beitz portray political equality as an important requirement of democratic institutions. This equality manifests itself through ‘equal procedural opportunity to influence political decisions’ and in terms of equal mutual respect for being in the public sphere.¹³⁵

The idea of equality as renegotiation imparts a rational understanding of the social fabric and recognizes the ‘public’ as a heterogenous entity, having no specificity of its own. The nature of the public is plural and evolving, and it cannot be fixated in terms of crystallized characteristics. Thus, the idea of the public comes closer to the idea of ‘subaltern counterpublics’¹³⁶ when it comes to understanding of the nature of the public sphere. Such public sphere becomes a site of renegotiation of common interests and goals. A similar conception of a public sphere could be traced in the works of Habermas who viewed it in terms of a sphere of unrestricted freedom of assembly, association and expression. The free and equal deliberations of the public sphere become the legitimizing force of a polity.¹³⁷ The idea of equality, for the alternate sexualities, needs to be conceptualized in the context of renegotiability. Such understanding delegitimizes any attempt by the dominant normative framework to impose its norms upon others. Such framework also becomes an empowering tool

for the subordinated groups as it allows them an equal opportunity to assert their interests and perspectives in the deliberative process.

The fate of the alternate sexualities becomes dependent upon the way we understand our political values. It also depends upon the way political deliberations are undertaken among the different contending ideas. However, when the society allows for the expression of individuality through the possibility of a personal sphere, and builds its social fabric on terms of renegotiability, the resultant democratic framework becomes akin to, what Lefort calls, an ‘empty place’ which can be used as an empowering platform.¹³⁸ This logical connection also establishes a linkage between the idea of the people, equality and democracy and supports my overall framework of understanding.

The State amidst floating sexualities

Having discussed the broader concerns of the alternate sexualities, I now arrive at the discussion of the nature and role of the state in addressing these concerns. The ideal of a democratic framework and the imagery of the deliberative processes remains metaphysical until such a framework is realized through a formal democratic setup. The deliberations over the nature and role of state have been a major theme in the political discourses. From the conception of a *laissez faire* to a welfare state, the discourse on the nature of state has seen a broad oscillation of understanding and interpretation. Jefferson views this oscillation between different ideals as a paradox wherein ‘the state must refrain from enforcing morality on the people... and let them choose their own good in their own way.’¹³⁹ However, it is alleged that the underlying rationality of the state, being the institutionalized form of democracy, remains reflective of the prevailing normative order.

However, I believe that the contemporary political scenario, marked by the presence of plurality of public cultures and multiplicity of interests, has led to an important change in the way state is pictured. The state¹⁴⁰, in the 21st century, has thus developed a democratic rationality (consciousness) of its own. This rationality, though shaped by the prevailing discourse, is able to contest, in a more or less effective manner, the elements that goes against the logic of democracy. Thus, the state becomes an embodiment of democratic ideals and responsible for maintaining the balance and stability of both the private as well as the public sphere. Mahajan, while explaining the nature of the private sphere, argues that the private is not antithetical to the presence of law and public authority. Rather, she views the private as dwelling upon the foundational support of the public domain.¹⁴¹ Thus, the presence of a firmly established public order, in the form of a state, becomes quintessential for the exercise and extension of private freedom. I offer two supportive arguments to substantiate this premise.

Firstly, the modern state, as a result of democratic deliberations and renegotiations, has become a site for contestation of ideas and positions. However, the role of the state as a sovereign, puts it into the position of an arbitrator, whose role is to evaluate the claims of the contending sides and decide upon the worthiness of such claims on the basis of their adherence to the principles of democracy. Thus, the state is found to be in a position where- it not only evaluates the claims of the contesting groups but also participates in the imagery of the public sphere.¹⁴² Habermas understood it as a ‘post conventional’ form of institutional order wherein the institutions appear to ‘have not only freed themselves from the dominance of traditional codes of conduct but have become organized according to warranted principles.’¹⁴³

In legal terms, this consciousness of the institutions can be observed through the notions of ‘transformative constitutionalism’ and

‘constitutional morality.’¹⁴⁴ The foundational values of democracy, which are generally laid down in the Constitution of the modern state, act as the framework of rationality of the modern state. Thus, while it is possible that the perspective and underlying logic of the state is still a product of the normative structures of society, the framework of rationality of the modern state finds it difficult to surpass the restraints of the democratic values.¹⁴⁵ The state, in such setting, becomes an embodiment of the democratic values and accords itself the responsibility to further the democratic process in the society. Lefort has viewed such a democratic state in terms of an ‘empty place’ which is characterized by ‘markers of uncertainty.’ He claims that such arrangement ensures that no specific group is able to lay claims onto the fundamental principles of the state, and that such state ‘is at once distinct from civil society, is shaped by it, and is a force which shapes it.’¹⁴⁶

An interesting discussion on the issue of state acquiring a consciousness can be found in writings of Habermas, who viewed the growth of the technocratic state as a characteristic feature of the modern capitalist society. He viewed such a state as ‘more irresistible and farther reaching’. He believed that such state maintains social order and economic progress by creating conditions conducive of its survival.¹⁴⁷ While Habermas viewed it as a sign of ‘negative character’ of politics, the same can also become an emancipatory aspect of politics, when seen from the perspective of subaltern groups whose interest is preserved under the rationality of the state. In its attempt to ensure a minimal level of welfare and support, the state also ensures the recognition of the hitherto unseen groups. This becomes crucial to the case of groups such as alternate sexualities. Young also captures the possibility of such mode of oppression wherein there is no presence of a tangible oppressor, and the oppression flows through the system.¹⁴⁸ Such modes of oppressions could only be tackled through the rationality of the state. Habermas identified an

instrumental reason at the core of the technocratic consciousness of modern capitalist state, which also starts to affect the normative structure of the society itself.

Habermas also recognizes the role of state in enforcing the cult of autonomy and choice. Through its paternalistic character, the state bestows upon itself the right to intervene in the private sphere of social life, and even ‘draws attention to issues of choice, planning and control.’¹⁴⁹ When such moves are attempted from within the framework of rationality of the state structures (which are driven by ideals of liberty, equality and democracy), the overall impact tends to welcome a culture of inclusive politics. Thus, Habermas argues that ‘the hand of the state is more visible and intelligible than the invisible hand of liberal capitalism.’¹⁵⁰ It is possible to ascribe both- positive and negative reasoning to such argument. While it is possible that the state, under the influence of a democratic culture, takes initiatives to facilitate democratic changes, Habermas believed that that the state cannot afford to ignore such project of inclusion and reform, as doing so might lead towards a legitimacy crisis.¹⁵¹

The second aspect which brings a consciousness to the actions of the state relates to the historical process through which the modern state has passed. The conception of the state is a continuum which unfolds itself through the imagination of the ‘people’, which Anderson have described through his idea of ‘imagined communities.’¹⁵² The evolution of the modern state is a result of a series of experimentation and reform. While some scholars argue that the idea of state has matured with the arrival of the modern democratic state,¹⁵³ the process of evolution in the way state views its socio-political plain is still underway.

Particularly in the third world, where the democratic state structure is a reflection of its colonial predecessors, the logic of the state still makes

borrowings from the West. This aspect can be observed through the continuation of colonial legal framework as well as the frequent borrowings from the Western countries in terms of judicial insights. In this context, the state, sometimes, exercises a mindset of the erstwhile western colonizers, which often goes contrary to the local cultural context. This leads to a process of deliberation between the state and the society, which leads to a series of gradual but steady changes in the political as well as normative framework itself. Habermas viewed this process in terms of rationalization which results in ‘a loss of an interpretation of the totality of life; and the increasing subjectivizing and relativizing of morality.’¹⁵⁴

This view appears to take a structuralist position regarding the role of the state in addressing the concerns of alternate sexualities and counts on the acquired rationality of the state as a democratic institution, rather than a mere congregation of individuals. Fraser has also recognized this potential of the state to recognize and identify the claims of the alternate sexualities.¹⁵⁵ Anderson, on similar lines, has discussed how the state could mold the public memory and recreate the popular imagery through its conscious and unconscious acts.¹⁵⁶ A similar strategy is possible to address the concerns of the alternate sexualities. State, through its conscious attempt to establish the inclusive image of the alternate sexualities, could create a public consciousness around the concerns of the alternate sexualities. An instance of such attempt could be seen through legislations recognizing the transgender population in India,¹⁵⁷ and also through the decriminalization of the practice of homosexuality.¹⁵⁸ Through these conscious acts of affirmation of the identity, the state has acted to bring the LGBTQI within the ambit of public sphere, thereby shedding the darkness off their ‘out of bound’ status.

This process of change, then, appears to flow from the state towards the society, and thus seems contrary to the conventional view of social change

emanating from the bottom (society) towards the state. Due to this distinctiveness of the process of change, I refer to it as the '*top-down approach*' of reform. Such approach is necessary for the particular case of alternate sexualities because of the spatiality of the alternate sexualities within the heteronormative framework. Given the deeply entrenched nature of the heteronormative ideals, the change is necessarily to be introduced in the form of a mandate by the sovereign itself. While this argument seems to counter the claim of thinkers like Habermas who believed that rationalization of action and institutional reform is a product of a culturally-driven change¹⁵⁹, it also supports the belief by Habermas that consciousness and change is manipulated and regulated by the technocratic state.¹⁶⁰

The scope of my study broadly touches upon three areas of political philosophy: liberty, equality and democracy. In order to develop a better understanding of these themes, I have examined different texts and works by scholars. These texts have been carefully selected due to their relevance to my study. A review of these texts constitutes an important part of my framework of understanding and several of my arguments have been derived as a response to these texts.

1.4.1. Gender Trouble: Feminism and subversion of identity: Judith Butler

Butler is credited as one of the prominent scholars who have contributed in the evolution of a gender theory. Butler's work offers an insightful engagement with the issues of gender and the socio-political framework of society which, she argues, is premised upon phallogentric norms. Butler clearly asserts that the contemporary political discourse has an implied heteronormative assumption. Butler argues that the contemporary literature and socio-cultural framework works to produce its legitimizing forces. As a result, whatever is seen as contrary to the mainstream thought is tagged as unnatural and unintelligent. Thus, the force that is responsible for subordination and oppression of women is also responsible for the misrecognition of the alternate sexualities, but in a more rigid and pervasive manner. This engagement with the discourse and assertion of a revisit to the nature of our discourse makes her an important source of reference for my study.

A major part of Butler's work has been dedicated to the study of the normative understanding of gender. Butler makes it clear that gender and sex have different connotations. Gender has been seen as a cultural and linguistic construct. While the sex-identity is done in terms of the binary

of male-female, the same is immediately translated in terms of the socio-cultural milieu of the individual, thus becoming one's gender. Thus, the sex identity is instantly translated into a contextualized gender. Butler recognizes the possibility of multiplicity of gender due to the social meaning attached to it. Gender identities, in this sense, are more like a continuum, which manifests itself in terms of a range, rather than the male-female binary.

While elaborating upon the place of the alternate sexualities, Butler highlights the fact that a queer identity can be a terrorizing experience because the definition of a 'queer' is not defined clearly in the heteronormative discourse. This causes confusion and self-alienation. The heteronormative discourse attacks the human essence of the alternate sexualities itself and often portrays the alternate sexualities as ineligible candidates of human rights. Butler talks about 'hallucinatory effect of gendered gestures,'¹⁶¹ which might force the alternate sexualities to believe that either they are committing an immoral act in having homosexual tendency or think that they are incapable of the human emotions. This only leads to self-alienation and degradation of the human essence.

Butler's contribution to the evolution of a queer discourse is important. Her work not only breaks the silence on the issues of alternate sexualities, but also makes a leap from feminism towards a broader gender theory. Butler's work is also important for the fact that it highlights the presence of a set of foundational presumptions within the social discourses which encapsulates our understanding and vision. While Butler has contributed immensely to the discourse, there remain, in my understanding, some shortcomings which I mention below:

First, while Butler has given due attention to the pervasive heteronormative assumptions in the discourses, there is a lack of engagement with the

foundational aspects of the discourse which might have paved the way for such presumptions. Such engagement with the foundational aspects of our discourses is an important exercise if we are to map the trajectory behind the nature of social discourses. Butler's work appears to build the critique of the discourse from the existing modes of arrangement, and without understanding why and how such arrangements might have come into being.

Second, *Gender Trouble* has primarily focused upon the psychoanalytical observations and study of society from a micro (individual) and socio-cultural level. Though it might be argued that the genesis of the queer politics has taken place at a later time, but we need to take into account such *differently-political* dynamics of the queer movement if we are to form a wholesome understanding of the concerns of the alternate sexualities. Butler have made an elaborate study of the psychoanalysts like Freud, but leaves the practical aspects of the queer movement under-developed.

Third, Butler's work is primarily a contribution to the *gender theory*. However, her account is characterized by an excessive engagement with the issue of gender identity of a 'woman' and the proliferation of such identity across regions and cultures. While I do not try to undermine the significance of these issues but this often results in a partial exploration of the subject of alternate sexualities. Due to this, Butler's position appears to swing between that of a gender theorist and a feminist. *Gender Trouble* lacks when it comes to exploring the possibility of same-sex domination and oppression of the men under heteronormative framework.

Lastly, Butler's study of the alternate sexualities also seems to be limited in the sense that it mainly discusses the alternate sexualities in terms of the homosexual community. *Gender Trouble* shows an underexplored account of the various groups forming the part of the alternate sexualities. It is important to consider the presence of such groups like- the

transgenders, the intersex and those having fluid gender identity because they seem to live in the grey areas of the heteronormative paradigm. The nature of the alternate sexualities is as diverse as Butler interpretation of the concept of ‘woman.’¹⁶² However, the later works of Butler addresses this issue and explores the wide array of queer identity.

1.4.2. Justice Interruptus- Critical Reflections on the Post-Socialist Conditions: Nancy Fraser

Justice Interruptus presents an analytical discussion of the complexities faced in the pursuit of justice. What makes this text unique is the fact that it does not attempt to understand justice in a teleological manner but studies the practical aspects of its pursuit. Fraser’s analysis opens up in the context of, what she describes as, a ‘post-socialist era’, which is characterized by: paucity of new ideas, epistemological breakthroughs and a tendency to merely indulge in offering a political critique to the existing philosophical heritage. She underlines the tendency which often leads to a blind acceptance of the existing heritage of discourse and views it as having a restraining impact on the potential unfolding of the discourse itself. Thus, Fraser’s understanding goes in line with my argument that there is a lack of engagement at the foundational level of the discourse.

Recognition Vs Redistribution

The world is witnessing an increased inequality today, which is manifesting itself at multiple dimensions. The major thrust of the hitherto existing political and non-political struggles has been over redistribution of the resources. Thus, many political thinkers have seen politics as a struggle for power. However, Fraser highlights the emerging New Social Movements and refer to their demands as not based upon redistribution alone. Such groups aspire for a better recognition and respect from the society. This has led to a paradigm shift in the understanding of justice.

Fraser explain her framework of understanding justice in terms of two broad aspects:

1. The *Socio-economic injustice*, which is rooted in the political-economic structure of the society and understood through exploitation, economic marginalization and deprivation. Some thinkers who have explored this type of justice are- Marx, Rawls, Amartya Sen and Dworkin. These thinkers believed that the solution to the problems of injustice lies in a better redistribution of resources. This line of thinking is what Fraser describes as ‘Politics of Redistribution’.
2. The *cultural/symbolic injustice* which is rooted in social patterns of representation, interpretation and communication, and understood through cultural domination, misrecognition and disrespect. This line of thought believes that a redistribution of resources might not affect the concerns of justice. Rather, what is needed is a change in the socio-cultural fabric of the society, which would help these sections get a better placement within the society. Fraser describes the struggles of this line of thinking as ‘Politics of Recognition.’¹⁶³

However, Fraser makes sure to mention that both the types of injustices are to be seen together. She rightly explains that in order to establish a just and democratic society, we need to address the issues of recognition and redistribution together. Even the purest of economic institutions have a constitutive cultural dimension and norms. It is a part of the approach of Fraser’s study to present an idea in a simplistic form and then to introduce the various complexities of real world. Thus, Fraser discusses how the redistributive concerns of justice have socio-cultural foundations, and conversely, how the issues of recognitive justice assume some political-economic concerns. Fraser also highlights the possibilities of how pursuing any particular aspect of justice could lead to instances of injustice in the other field.¹⁶⁴

Fraser recognizes *gender* and *race* as *bivalent collectivities*, that is, requiring both redistributive and recognitive justice. Within the cultural sphere, a major injustice concerning gender is Androcentrism- authoritative constructions of norms that favor the male; and Cultural sexism- pervasive cultural practice to devalue anything that is seen as feminine. The two lines of injustices are not mutually separated, rather, they intertwine each other to reinforce themselves. The result is, each segment of injustice is gradually institutionalized and further aggravated. Bivalent collectivities create confusion, because the solution to any one of the elements is contrary and contradictory to the solution of the other kind of injustice. Fraser's understanding of the alternate sexualities is based on her understanding of the bivalent collectivities. However, the nature of the alternate sexualities as a bivalent collectivity is different because the degree of injustice at the political-economic vs socio-cultural front is different, though mutually mingled.¹⁶⁵

Fraser also tries to outline the remedial course taken in response to such instances of injustice. Again, following her analytical methodology, Fraser offers two aspects of remedial strategy: *Affirmation*: remedy the situation by correcting inequitable outcomes of social arrangements without disturbing the underlying framework that generates them; example- multiculturalism (addressing the disrespect to devalued groups without disturbing the overall social fabric) and welfare state (seeking to aid the deprived without changing the order of society); and/or *Transformation*: remedy the situation by changing the underlying generative framework. Example- deconstruction (destabilizing existing groups or identities and change the sense of identity) and socialism (aiming to the change the pattern of distribution in society and power relations).

When it comes to the understanding of the public and private sphere, Fraser supports the inclusion of the private within the public sphere so as to bring the instances of subordination and injustice under the public lens. This goes contrary to the argument presented in my proposal, and even suggests that Fraser's study might be guilty of making presumptions under the heteronormative framework. Opening up the private sphere to the public sphere would only lead to a fiercer encroachment upon the lives of the alternate sexualities. Such change would further deteriorate the sphere of the personal freedom of the individual. Opening of the private sphere to the public would also make the former a site of manipulation and justification under the heteronormative framework of society.

Fraser's work is also interesting because she does not follow the conventional belief in a universal public sphere. Rather, she sees a plurality of public spheres, based upon shared interests or views. What makes her idea of plurality of public spheres interesting is the dynamic and translucent nature of these spheres, that is, members of a particular public sphere might change their allegiance with time and context. Thus, Fraser's work is a good attempt at questioning the supremacy of a 'General Will' which, according to Fraser, is actually the will of the dominant group. She describes the contemporary wave of democracy as 'Radical Democracy' – as a podium for mediating various interests and 'multiple intersecting differences.' This notion of democracy addresses the issue of 'balkanizing tendencies of identity politics' and promotes broader political alliances. Such an understanding of democracy is more wholesome, as it is premised upon the notion of plurality of public spheres which are contending and collaborating to redefine and shape the governing norms of the society. The overall normative framework that emerges out of such intercourse is more democratic as it is based on mutual contestation and alliances between

different sects. This also gives an opportunity for the alternate sexualities to articulate their claims.

Fraser recognizes the socio-cultural base of injustice done to the alternate sexualities and identifies the politics of recognition as the remedy for them. The Affirmative remedy for alternate sexualities is manifested through gay-identity politics¹⁶⁶ which focusses at valuing and cherishing the lifestyle of the alternate sexualities. The Transformative remedy for sexual minorities is manifested through queer politics, which seek to break the hetero-homo dichotomy and the existing homophobia from the society. Thus, it tries to destabilize the notion that identities are fixed within a binary. However, it might not be possible to pursue the concerns of the alternate sexualities by following a single trajectory of action. Fraser has tried to prove that the Redistributive strategy might lead to reducing the group specificity, while recognition strategy might lead to uneven distribution.¹⁶⁷ The intricacies of the pursuit of justice and interconnectedness of various claims make the account of Fraser an insightful resource. Thus, Fraser's framework of understanding becomes an indispensable point of reference for my study. Through the study of Fraser's work, I seek to understand the different strategies of political activism that might be utilized by alternate sexualities.

1.4.3. Democracy in America: Tocqueville

Tocqueville's work is often regarded as a timeless text on democracy. It creates a foundational understanding of the nature of democracy, and convincingly captures its essence. Tocqueville's work remains ever-relevant as he traces the evolution of democracy through the past and offers a defense for the founding principles of a democratic society. The causal approach of the text makes the text more interesting and lends more substance to the arguments. Tocqueville's primary purpose was to use his observations to formulate general laws of democratic evolution which

would then guide his European contemporaries. This explains the insightful understanding of concepts like equality, liberty and democracy under

Tocqueville's arguments build a case for equality in the society, upon which the structure of democracy can be established and sustained. His arguments also build the foundation through which the contemporary subaltern and new social movements are able to assert themselves. Tocqueville did not view democracy as a material feat which can be achieved through a single event, rather he saw it as a condition and principle of binding the society in such a way that ensures a just society. Such society, being ever-mutable and adaptive, progresses towards a greater degree of equality of conditions, which thereby create a better social order.

Understanding Democracy

Tocqueville's understanding of democracy could be seen as following a teleological path based on the progress of human society. He described the transition towards a democratic order as beneficial for the society as well as the individuals. Tocqueville takes a utilitarian position when he argues that the advantage of democracy does not consist in favoring the prosperity of all, but simply in contributing to the well-being of the greatest number.¹⁶⁸

The most important and characteristic aspect of democracy, for Tocqueville, is *equality in conditions*. Tocqueville recognizes the fact that no democracy is ever imaginable if it is marked by inequality of condition. The most important contribution of Tocqueville, in giving such explanations, lies in the recognition of the conditions which lead such conglomeration of people together, and which keep them together.

Having acquired some degree of experience of both- democratic and non-democratic societies, Tocqueville was able to reflect upon the transition

from non-democratic to democratic process in a convincing manner. He also makes it clear that a democracy is better than any other form of society because no political form has hitherto been discovered that is equally favorable to the prosperity and the development of all the classes.¹⁶⁹ He believed that having a democratic society is essential for the progress of human civilization and individuals, and for that to happen, it is quintessential to have cooperation among individuals.¹⁷⁰ Tocqueville reminds the reader, a number of times, that it is important for the individuals to learn to combine with others for reinforcing the mutual freedom and equality in the society.¹⁷¹

An interesting feature of Tocqueville's work is the faith he shows in the progress towards a democratic order. For him, with better education and freedom, the society would show an progression towards a democracy. Thus, democracy is viewed as a natural condition of human progress.¹⁷² As Tocqueville further suggests:

*"if all the people take a part in the government, and each one of them has an equal right to take part in it, then no one is different from his fellows, and none can exercise a tyrannical power. Men will be perfectly free because they are all entirely equal; and they will all be perfectly equal because they are entirely free. To this ideal-state democratic nations tend."*¹⁷³

Tocqueville also informs that it is also possible that the principle of equality may be established in civil society without prevailing in the political world. There may be equal rights of indulging in the same pleasures... although all men do not take an equal share in the government.¹⁷⁴ While the picture is believable, it might also be possible for a community to have political equality, but no civil equality. The case of alternate sexualities, for instance, shows political equality to all but an absence of equality at the social and economic level.

Tocqueville accorded liberty, a position second to equality. This is due to the reason that freedom/liberty¹⁷⁵ cannot be a distinguishing characteristic of a democracy. Freedom can be achieved and experienced in different forms and degrees, under both democratic and non-democratic orders.¹⁷⁶ However, the conception of democracy remains incomplete unless the values of equality and liberty are seen together.

Tocqueville also discusses the tendency of a democratic society to turn into a majoritarian society, wherein the dictates of the majority become the universal truth, and whatever is in contrast to the majority norms is considered as pathological. This breeds the whole tradition of subordination and suppression of the alternate lives in a society. Though Tocqueville was aware of this tendency of a democracy, he seems to have supported the existing normative order of a society, which helps to bind the society into a commonly accepted moral framework. The concerns of unity and coherence inspired Tocqueville to advocate a normative order. At times, Tocqueville also sets to confine the boundaries of a public order in such a way that sensuality takes a moderate and tranquil course.¹⁷⁷ Given the historical context in which Tocqueville wrote, his ideas give an appropriate picture of the heteronormative boundaries.

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Without undermining the significance given to the principle of equality, Tocqueville also highlights the threats that increasing equality might have. This aspect of Tocqueville's writing is a rarely found discussion on demerits of equality. Tocqueville argues that growing equality homogenizes the individuals into acting the same way. Such culture has a tendency towards 'lowering the level of imaginations and aspirations.' An excessive equality of conditions, for Tocqueville, smoothens all differences and breaks the spirit for resistance and revolution.¹⁷⁸ However, this is contrary

to what the democratic societies are doing now. Rather than treating equality as sameness, it is defined in terms of capability and rights. However, Tocqueville's discussion on ills of equality gives a horrific picture of the possible society if a perfect brainwash is achieved.

Tocqueville's democratic society appears to be different from the multicultural society of 21st century, in the sense that the latter breaks the homogenous normative code. While Tocqueville's understanding of society does entail an element of free mutability between various classes, it does not foresee the possibility of free acceptance of the alternate sets of lifestyles or cultures. The articulation of interest and opinion, for Tocqueville, took place within an ambit of a normative sphere which restricted the territory of opinion by an individual. Tocqueville held such restriction and 'dogmatic belief' as necessary for sustaining democracy.¹⁷⁹ Tocqueville's analysis fails to capture the picture where the very normative structure of the society could be perpetuating the interests and interpretations of the dominant group, and works to keep the alternate perspectives and groups in a subordinated and neglected position. Such view of democracy only remains utilitarian at best, and might not consider the concerns of justice for the minority communities.

Tocqueville highlights the fact that a practice of subordination and domination emerges out of prevalent inequality of conditions, which perpetuate an impression of superiority in some groups. Such subordination, if unchecked, gradually suppresses the very identity and perpetuates the codes of the dominant group.¹⁸⁰ The advent of democracy marks the beginning of the emancipation of human soul from the bondage of customs and dogmatic beliefs. The possibility of a peaceful uprising of the hitherto subordinated sections of society is possible only under a democratic framework, where there is a possibility to question the existing

normative structures without being at risk of being held as an undeserving part of society.

Tocqueville also gives a plausible description of the hallucinatory impact of the existing normative structures of the society. In his own words, ‘manners are generally the product of the very basis of character, but they are also sometimes the result of an arbitrary convention between certain men. Thus, they are at once natural and acquired. In democracies all stations appear doubtful.’¹⁸¹ Thus, the temporality of the conventions is established. While Tocqueville did not dwell deep into the impact and role of such normative structures, he astutely recognizes that democratic society is not value-free, rather, the values are too fluctuating within a democracy that prevents crystallization of a particular normative framework.¹⁸² This creates a linkage between Tocqueville’s conception of democracy and the idea of a ‘borderless’ democracy, which I have pursued in the proposed study.

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1.4.4. Carole Pateman: The Sexual Contract

In what is being now seen as a ‘canonical’ text, Carole Pateman in *The Sexual Contract* demonstrates convincingly that the so-called social contract is based upon certain presuppositions, due to which the nature of our discourse cannot be claimed as truly objective, and which in turn sustains the continuation of patriarchy, albeit in a modern form. Pateman’s work shows that the contractarian school has indeed used different positions to reinforce its arguments, with an aim to formulate a social contract wherein the man is the master. It also discusses how the social contract has been able to outcaste women from the contract itself, thereby ensuring that women remain subjected to the whims of man.

The reason for reading Pateman’s work lies in her approach to read the discourse. Through a foundational analysis of the contractarian tradition,

Pateman is able to expose the hidden set of assumptions that work behind the contractarian framework. Interestingly, Pateman utilizes the same tools used by the contractarian tradition to make a foundational analysis of the liberal school itself. The main argument of Pateman's work seems to suggest that the social contract is not the only contract that might have taken place in the hypothetical historical situation discussed by the contractarian thinkers. Instead, the social contract is preceded by a sexual contract, wherein, women are put under the subjection of men, and thus excluded from the participation in the formation of the civil society and political society. Thus, the mainstream understanding of the social contract theory becomes a problematic when viewed from Pateman's perspective.

Pateman's analysis shows that the liberal contractarian position is not only exclusionary but representative of a vested interest which works at several levels to reinforce the normative structures of the dominant group. The foundational analysis of Pateman is also able to recognize that the outcaste and neglect of women is effectively hidden and justified by the liberal discourses. As a result, the liberal political arrangements continue to justify and promote the subjection and exclusion of women.

My purpose in reading Pateman's work is to use the method of foundational analysis of a discourse for a broader theme, and make a departure from a feminist stand towards a gender theory. Pateman's work offers a great support in formulation of the foundational critique of the political discourses, which is one of the tasks of my study. Such understanding would help me understand the unfolding of the democratic tradition towards a more inclusive and accommodative culture. In this sense, I see my study as an extension to the project undertaken by Pateman.

I also pause to mention that the difference between my areas of concern and that of Pateman's makes it necessary for me to go for a selective

reading of her work. Thus, my pursuit of Pateman's arguments extend to the point to which they relate to my area of concern. Needless to mention that this is done only to maintain focus at the subject of my study. The main points of interest for me, in *The Sexual Contract*, are: first, Pateman's argument that social contract cannot be taken as the only point where the decision on formation of the civil society (or political society) has been taken. Discourse on social contract purposefully ignores the fact that some sections of society have been neglected from the act of social contract. Thus, the social contract cannot be seen as truly based on equality and liberty. Second, Pateman's work holds great value because it breaks the tendency to blindly accept the authority of existing discourses, and questions the validity and intelligence of discourses. This questioning of the foundational values of our political discourses is very important in order to keep the validity and relevance of the discourses alive.

A reading of Pateman's work informs about the biased nature of the discourse wherein non-confirming groups are outcasted and subordinated. That is why Pateman suggests that the social contract was preceded by a number of contracts wherein the incompatible sections were excluded and outcasted.

Understanding the Social Contract

Pateman's work interrogates the original position of the social contract theory itself and describes the nature of the contractarian society as:

*"The original contract is a sexual-social contract, but the story of the sexual contract is repressed... the story of the sexual contract is also about the genesis of political right, and explains why exercise of right is legitimate- but this story is about political right as patriarchal right or sex-right, the power that men exercise over women... the new civil society created through the original contract is a patriarchal social order."*¹⁸³

Pateman argues that the implication of the sexual contract is that it makes the sexual identity of the individual irrelevant. Thus, the contractarian tradition is seen as focusing only upon the individual who is devoid of specific traits or emotions.¹⁸⁴ While highlighting this limitation of the contractarian tradition, Pateman's analysis limits to the feminist perspective. However, there is enough room to stretch the applicability of the argument to the alternate sexualities who are equally outcasted by this logic.

The environment of inequality and subjection, in view of Pateman, predates the social contract and continues after the contract. In fact, the universal acceptance of the sexual contract seems to predate the hypothetical social contract. Thus, in all versions of the contractarian literature, the conditions of sexual contract become *ceteris paribus*, and thus seen as *natural*. However, it might also be argued that Pateman's argument could be further stretched to find a previous imposition of gender norms and stereotypes against alternate sexualities which places the norms of heteronormativity at the center of discourse.

Pateman proceeds to describe the division of the world into public and private sphere as a means to suppress and subordinate women. The confinement of women to the private sphere is done to prove her as incompetent. Thus, the public-private dichotomy becomes a translation of the man-woman divide and carries the exclusionary nature. The category of women and the private are henceforth made politically irrelevant. Such setup, suggests Pateman, makes patriarchy politically irrelevant.¹⁸⁵ A similarly logic is used when it comes to the concerns of the alternate sexualities. By proving the alternate sexualities as irrelevant for the discourse, they are legitimately suppressed, subordinated and transformed. This is also the underlying logic of, what I have proposed as, logic of out of bounds.

Pateman's study of the social contract theory is unique and thought-provoking as it offers an argument that explains the concealed neglect and subjection of a community. While using the tools and positions of the contractarian theory, Pateman is able to contemplate about the areas which expose the possible and paradoxical outcomes of the very process of the social contract. Her study also shows that political discourses are nothing but translation of man's understanding, which is necessarily shaped by one's values and preferences.

On Political Discourses

Pateman's reading of the subject also opens up the avenues for further contemplation both on contractarian theory and on political theory in general. She clearly mentions that the contractarian theory has put aside the relations between sexes and any critical inquiry relating to it. She argues that the conventional discourse does not allow the questions of rights and entitlements for women to arise. The contractarian tradition appears to have a pre-destined goal where the role of the theorists has been to offer different interpretations.¹⁸⁶

Though Pateman's study appears to be confined to the issues pertaining to women, the insights given by her impact the cases of every other group that has been affected by the tradition of neglect and subjugation. Her observations give hope to the subaltern groups for making an attempt to find the reason and evidence of injustice and subjection in the name of tradition and philosophy. Pateman's work presents an example of the foundational engagement with the discourse, which I have attempted through my study. She is able to decode the implicit assumptions made by the contractarian theory, which remain unchallenged by the thinkers who seem to have accepted the original theory.

The most interesting part of Pateman's work is her analysis of the process through which women's subjection is made a politically irrelevant category. Using the same line of reasoning, we can understand how the very existence of the alternate sexualities is made politically irrelevant by the political discourses itself. The position taken by Pateman surely breaks the blind faith in the political discourses, and forces the mind to interrogate the validity of the political discourses. However, Pateman's work leaves ample amount of room for expansion and revision of the concepts concerning political philosophy.

1.5 Concerns and Chapterization of the Study

The main concern of my study is to address the issues of exclusion and injustice experienced by the alternate sexualities. The aim of my study is to understand the nature of the injustice done to the alternate sexualities and propose somewhat preliminary possible solutions, at the philosophical as well as socio-political levels. The concerns of the alternate sexualities are viewed as unjustified by the heteronormative majority. However, an enquiry into the nature of these concerns acquaints us with the severity of the issue. The injustice done to the alternate sexualities is not only at a socio-politico-economic level, but also at a philosophical level. This makes the issues urgent both from an academic as well as socio-political point of view.

Having stated the broader purpose of the study, it is important to discuss the trajectory through which I propose to examine the issues of my concern. While the spread of concerns of the alternate sexualities covers every nook and corner of the human life, I have attempted to explore and respond to four major areas concerning the alternate sexualities. These areas, while being prominent sites of injustice and subordination, also hold the potential to address the concerns of the alternate sexualities.

First, my study seeks to understand the nature of the social discourses, especially in the light of emerging trends in democracy, and explore the areas that lead to a subordination and neglect of the alternate sexualities. In doing so, my attempt would be focused at offering a *foundational critique* of the heteronormative discourse which, I believe, is largely responsible for the neglect and subordination of the alternate sexualities. This exercise would require me to revisit the celebrated principles of our discourse like- democracy, liberty and equality- and explore an

understanding of these principles which would fit the contemporary scenario. Such examination of the democratic values and discourses would also reveal important causation for the stereotype of the alternate sexualities.

Second, in the pursuit to understand the nature of the political discourses, my endeavor would be to enquire into the celebrated idea of *Public-Private dichotomy*, and propose a position of *mutatis mutandis*, that is, proposing some necessary amends to it through further segregation of the *Private sphere* into *Private* and *Personal*. Such trichotomized understanding of the public-private aspects of life is proposed to expand the horizons of the contemporary political discourse, and find a niche for legitimizing the claims of alternate sexualities. The recent debates over the public-private dichotomy have fairly inferred that the ‘public’ and the ‘private’ sphere of human life cannot be construed as mutually exclusive, rather, the two are closely connected with a degree of overlap and inter-dependency. The personal sphere, which I propose to explore, is a sphere of expression and realization of individuality and sexuality. Though it might remain affected by the private and the public sphere to some extent, it is necessary to carve such personal space in order to facilitate individuality.

Third, my study attempts to make an inquisitive enquiry into the dynamics of *recognition and redistribution*, and understand the strategies that the new social movements are adopting and may adopt to further their claims. This study is important because the traditional approach has been defined in terms of pressure groups and interest groups pursuing their demands for redistributive justice. Whereas the new social movements have broken this restricted view of justice as redistribution and given new areas of deliberation which cannot be understood through the paradigm of redistribution alone.¹⁸⁷ In my attempt to understand and analyze the nature of socio-political activism of the alternate sexualities, I also try to test the

argument whether the politics of recognition alone is sufficient for the alternate sexualities to claim justice in the society.

Lastly, I have taken a position which might have a structuralist inclination, in the sense that it highlights the role of democratic state in elevating the position of the alternate sexualities. My study, in this sense, would be a testing ground to the hypothesis that the state, in the 21st century, has gained a consciousness of its own, which is attributable to evolving understanding of ideals like democracy, liberty and equality. While it might be valid to argue that the state is only an artificial structure, it is at the same time a reflection of our understanding of various ideals. The nature and responsiveness of the state changes with the evolving understanding of such ideals. Thus, it cannot be assumed that the state is a naïve apparatus in the hands of those running it. Through its understanding of the principles of justice and democracy, the state does have some influence on the public decision making which, at times, proves to be helpful for those struggling to get justice in the society. In this way, since the state has arrived as an arbitrator- by providing equal rights and playing a proactive role for granting recognition to alternate sexualities- it would be incorrect to treat the state as an adversary. Rather, the alternate sexualities could use the democratic machinery to bring a gradual change at the society.

It is also important to clarify, before I embark upon this epistemic adventure, that the objective of the study is not to crystallize the alternate sexualities as a separate and new minority group, which would then begin to contest for a better redistribution of resources. Rather, the aim of the study is to understand the politics of the alternate sexualities as one which aims to gradually dismantle the categorization of the alternate sexualities. Since the basis of the alternate sexualities have nothing to do with the redistributive aspects of society, it is, at least conceptually, possible to aim for dissolving the stereotyped categorization of such identity. Such an

accomplishment would lead to a peaceful inclusion of the alternate sexualities within the society and end the stereotype over one's choice of lifestyle. Thus, the pursuit of justice, for the alternate sexualities, becomes a teleological journey, which has an immediate goal of acceptance and accommodation while having the ultimate goal of assimilation of all sexualities without any stereotype or suppression.

While such a task appears to be difficult, there are a few signs of change which offer hope and assurance of a positive change. Apart from the political change taking place through the state structures, the process of reform is taking place at the socio-cultural level as a continuum. From a reaction of utter disgust and shame, the social reaction to the acts of 'coming out of the closet' is gradually changing and becoming more supportive and sympathetic. With greater visibility and acceptance of the alternate sexualities, the normative codes of the society are also bound to undergo a change.

However, it also appears that such a movement is able to influence the public imagery so far as it maintains its unique spatiality. The moment it comes in contestation with the other ethnic identities of the society, the visibility of the alternate sexualities tends to dissipate. The case of alternate sexualities has been able to pose an interesting case study. The activism of the alternate sexualities, while being an important aspect of the new social movements, has given the academic world an opportunity to introspect the conventional discourses in a way which reinvigorates the faith and reliance in the democratic ideals.

[Research methodology](#)

The subject of this study are the groups which have been largely neglected from the conventional discourses. This explains a general paucity of literature on alternate sexualities. However, there are several historical

artefacts which describe the rich culture of alternate sexualities in the past. Also, the emerging concerns towards the cause of alternate sexualities has led to the growth of a queer discourse which is making steady progress into the democratic deliberations. To make the most out of my research, I have pursued a dynamic methodology:

Firstly, and primarily, my study relies on a content analytical reading as well as a hermeneutic analysis of contemporary literature on democracy, sexuality and LGBTQI+ movement. The study of the literature is proposed to be made in such a manner which establishes a logical connection between the themes of my study. Thus, the course of my arguments would proceed through an exploration of the meaning and nature of values of liberty, equality and democracy and move towards an introspection of the provisions relating to sexuality and gender identity in India. My attempt in revisiting these values and principles is to explore the areas from where the neglect and outcaste of the alternate sexualities arise, and to contemplate upon the ways in which such neglect could be addressed. The broader framework of my study remains theoretical in nature.

Secondly, I propose to back my arguments and observations with the empirical data based on reports and practical experience from various sources. The first-hand experience with the queer movement has been gained through participation in the queer pride parades and association with some Non-Government Organizations (NGOs), like Naz Foundation (India) Trust¹⁸⁸, New Delhi and the Lakshya Trust¹⁸⁹, Vadodara. The experience gained from the association with such NGOs was supplemented with interviews and conversations with leadership of such NGOs. The secondary data available for my study came through various reports by the Government institutions and several international agencies. An important source of information was the official communication received through the Right to Information Act, which helped me understand the facts and

perceptions in the institutional spaces. These empirical and statutory records helped me to convincingly put my arguments.

In short, given the subject matter of the study, the research is to be done through study of the past and present literature concerning the idea of democracy, liberty and equality and the contemporary queer literature. The observations and inferences are then to be contrasted with the existing state of affairs in terms of lego-political arrangements and social practices. Since, often it is observed that the reality at the lego-political level is different from the social practices, the first-hand experience with the NGOs and online campaigns would help in assessing such divergence of experiences in terms of social practices and political arrangements.

Relevance of Study

The relevance of any study remains so long as the subject holds some significance for the society. However, this very relevance of an issue is based upon our perspective and judgement. The case of alternate sexualities has impressed me because of its unique spatiality. The case of alternate sexualities has shown an instance where the injustice being done to the alternate sexualities needs to be proven at a theoretical as well as practical level, before advocating any structured movement. The conventional discourses portray heteronormativity as ‘normal’ and justified. The biggest challenge for me, in this context, is to break this misplaced attention of our discourses and pave the way for broadening of the discourses.

The relevance of my study lies in exposing the subordination and injustice done to the alternate sexualities, at a physical as well as philosophical level. The injustices done to the alternate sexualities can be exposed once it is proven that the alternate sexualities are refused the values of equality and liberty. In order to do so, we need to broaden our horizon and view democracy as a guarantee of equality; and the public-private-personal

trichotomy as a guarantee of liberty. Through my study, it becomes clear that without equality and liberty, we cannot expect the justice for the alternate sexualities. For a truly just and egalitarian society, it is necessary that the individuals be able to express themselves truly; and be able to participate in the civil/political society as oneself, rather than as a pretending-self.

The changes in the perception towards the alternate sexualities are to be studied properly, if they are to be given any effect. Even a minute change has far-reaching implications, which should be taken into consideration at every stage of planning and contemplation. The concerns of justice for the alternate sexualities are bound to have far reaching implications and several unintended consequences. It is the task of the social sciences to evaluate the strategies taken by the alternate sexualities in course of their movements. I have attempted to undertake such evaluative and hermeneutic task through my study.

Next, the case of the alternate sexualities needs special attention as it contests the society at multifarious levels. Unlike many other New social movements, the politics of the alternate sexualities is more fundamental as it struggle to establish its identity and existence. This imbibes the alternate sexualities with a unique spatiality. The task of the research is also important because there is a lack, if not an altogether absence, of a historical precedence which could guide the flow of the movement.

Finally, the proposed study is also important because with every change in the normative order of the society, a corresponding change would be affected in the other spheres as well. The task of the researcher, thus, is to harmonize the process of change by providing valid arguments and explanations. In other words, the important task is to realign the nature of our political discourses to the changing understanding of the human

society, and to prepare a framework of ‘borderless democracy’ which would remain open to the possibilities of change and revision. Thus, the study proposes by me holds relevance in different time and space of the proposed area of concerns.

Chapterization

A bird’s eye view of my framework gives an idea that the primary areas of discussion in my study are three-folds- democracy, concerns of liberty-equality and alternate sexualities. For the sake of a better understanding and flow of arguments, I have tried to follow a trajectory which begins with a discussion of the nature of prevailing discourse and then indulges in a deeper discussion on issues like democracy, liberty, equality and the alternate sexualities.

My study opens with Chapter One entitled as ‘Out of Bounds and the Question of Coerced Invisibility.’ The broad outline of the chapter is concerned with the nature of our social discourses and the neglect of the alternate sexualities from the discourse. Section 1.1 gives a brief introduction of my work and introduces the various themes and issues that I have discusses throughout the study. Section 1.2 is a reflection upon the nature of conventional social discourse and engages in a critical perspective towards the conventional discourses. It also exposes the areas which result into the discrimination and neglect of the alternate sexualities. The arguments made in the section are further developed in Section 1.3 which introduces the idea of ‘Out of Bounds’ and ‘Coerced Invisibility’ as a unique spatiality and discrimination experienced by the alternate sexualities, and how the case of alternate sexualities is different from other ethnic groups. This section also serves to justify the importance of my study and places on record the urgent need to interrogate the nature of our discourses. The chapter also includes sections on a literature review of some major sources of reference as well as an outline of the major concerns.

The second chapter of my study is entitled ‘Understanding Democracy and Equality.’ It presents a discussion on the nature of democracy in the contemporary age and the defining character of a democracy. Further, the chapter links the discussion on democracy to that on equality in such a manner that creates a logical connection between the two. Section 2.1 is dedicated to the discussion on the meaning and nature of democracy and the way it is understood today. The section proposes and forwards an understanding of democracy as an ‘empty place,’¹⁹⁰ which is ever evolving and adaptive. I have also tried to study the idea of democracy under versions of liberal thought, in order to find out the possible reasons and factors that might have led to the outcaste of the alternate sexualities. This uncovering of the reasons for exclusion of alternate sexualities would also form the *foundational critique* of the political discourse. Section 2.2 introduces the idea of equality and contrasts it with that of democracy. Here, I introduce the idea of the ‘People’ as a dynamic category which is susceptible to change. Section 2.3 introduces the idea of equality as ‘renegotiation.’ It is an important idea in my scheme of understanding because the idea of a dynamic and evolving ‘people’ need to be supplemented with an idea of re-negotiability which would allow the society to arrive at a point of truce, if not consensus. The chapter ends with an understanding of democracy as an open arrangement where people can negotiate and deliberate upon their rights and entitlements. This process of negotiation and deliberation is an ongoing one and premised upon revisability and inclusion.

Chapter 3 begins with a discussion on the idea of liberty and private sphere, wherein I have attempted to understand liberty through the perspective of Berlin and Mill.¹⁹¹ The understanding of liberty is geared towards an aim to protect and preserve it from the vagaries of the majority, as well as is tested against the backdrop of the public-private dichotomy which remains an

important framework of studying the political society. Section 3.2 explores the territory of the public private dichotomy and tries to make an understanding of the interrelationship between the two spheres, and how the private is necessarily bound by the logic of heteronormativity. My purpose in having discussed the public and private sphere is to trace the areas that are responsible for the suppression of individuality. The understanding of democracy as an empty place and equality as renegotiation is then applied to the conception of public-private divide to carve out a space of individuality, which I call the *personal sphere*. Section 3.3 elaborates this trichotomization of the public-private divide and outlines the purpose and nature of such personal sphere. Thus, the ability to negotiate in the public sphere appears to be emerging from the sacred sphere of individuality, which is to be protected as personal sphere.

Chapter 4 relates to the political activism, and is concerned with the existing state of affairs in India with regard to the alternate sexualities. While the first three chapters were dedicated to an analytical exploration of the metaphysical concepts like democracy, liberty and equality, this chapter deals with the socio-political reality in India and links the theoretical with the practical. While section 4.1 deals with the lego-political framework pertaining to the alternate sexualities, section 4.2 tries to understand the general perception towards the alternate sexualities through field research and analysis of general perspective. In this section, I have attempted to summarize the experience and observations made during the involvement with the Lakshya Trust, Vadodara. I have also attempted to analyze the impact of the other projects managed by the Lakshya Trust and tried to understand how such activism might be helpful in effecting a change in the political imagery. Section 4.3 concludes the observations and assessment of the lego-political arrangements as well as the activism by the civil society organizations. It is interesting to note that the trajectory pursued by the alternate sexualities is unique in the sense that it does not

pose itself as a challenger to the state structures. Rather, it seeks to utilize the democratic consciousness of the state to further its concerns of inclusion.

The different areas explored during the course of my discussion are proposed to be linked together to form conclusive arguments and inferences. Thus, Chapter 5 serves as the concluding chapter for my discussion on the concerns of the alternate sexualities. In the conclusion, I try to make a peaceful symmetry between the idea of personal space, idea of equality as renegotiation, and idea of 'people' in order to come up with a more inclusive and deliberative conception of democracy.

Through this study, my modest concern is to understand and begin to address the concern of exclusion and injustice experienced by alternate sexualities, particularly in a democratic setup. Democracy claims to be so far the most inclusive of political processes. In the contemporary world, wherein alternate sexualities have begun to be recognized legally, their inclusion as equals in the democratic process is imperative to the substantive claims of inclusion made by democracy. The concern in doing so is to underscore the imperative for a borderless idea of democracy which would be more inclusive and open to the interests and identities of People, including alternative sexualities.

¹ Throughout the study, I have used the terms like- 'alternate sexualities', 'queer', 'LGBTQI' in an interchangeable manner. Though there might be certain differences in the meaning of these terms, I have ignored such differences knowingly. I admit of committing this mistake time and again during my study.

² Sigmund Freud, *Beyond the Pleasure Principle and Other Writings*, trans. John Reddick (London: Penguin, 2003); Michel Foucault, *The History of Sexuality Volume 1: An Introduction*, trans. Robert Hurley (New York: Pantheon Books, 1978); Judith Butler, *Bodies That Matter: On the Discursive Limits of "Sex"* (New York: Routledge, 2011).

³ The term 'Borderless', in my framework of study, does not imply a state without political frontiers. The term 'borderless' has been used in a rather metaphorical sense to refer to absence of discrimination and subjugation. The term is not to be confused with aspects of international relations or physical territoriality.

⁴ Lesbian Gay Bisexual Transgender Queer and Intersex (LGBTQI). Different groups have used different terms to refer to the alternate sexualities living in the society. Thus, we see the use of terms like 'Homosexuals', 'LGBT', 'LGBTQ', 'LGBTH' and 'LGBTIHK'. But none of these terms capture the true spectrum of the alternate sexualities. For more discussion on nature of alternate sexualities See Altman, *The End of the Homosexual?*; Butler, *Undoing Gender*.

⁵ Donald E. Hall, *Queer Theories* (New York: Palgrave Macmillan, 2003); Dennis Altman, *The End of the Homosexual?* (Queensland: University of Queensland Press, 2013).

⁶ Francis Fukuyama, *The End of History and the Last Man* (Penguin, 2012); Nancy Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions* (New York: Routledge, 1997).

⁷ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*, 1–3; Fukuyama, *The End of History and the Last Man*, pp. xi.

⁸ Michael Sandel, "The Procedural Republic and the Unencumbered Self," *Political Theory* 12, no. 1 (1984): 81–96.

⁹ Mahajan describes the relationship between the public and the private as: "in the modern times, the public and private exist as complimentary entities, and work to enhance democratic citizenship. The nature of these two spheres is defined by the ongoing process of democratization, and thus the boundaries of the two are drawn differently in different circumstances. As the polity becomes more democratic the private arena gets reconstituted in a way that the public permeates it without eclipsing the space for the expression of individual difference and creativity. The sphere of the public and private are continuously re-articulated in a manner that the two reinforce each other." Gurpreet Mahajan and Helmut Reifeld, eds., *The Public and Private: Issues of Democratic Citizenship* (New Delhi: Sage, 2003).

¹⁰ A study by ABVA made several observations regarding the interrelations between different ethnic identities and sexuality of an individual, and how different individuals experience a dominant influence of identities like caste or religion, over one's gender identity. See AIDS Bhedbhav Virodhi Andolan, "Less than Gay- A Citizens' Report on the Status of Homosexuality in India" (New Delhi: AIDS Bhedbhav Virodhi Andolan (ABVA), December 1991).

¹¹ Dennis Altman, *Global Sex* (London: The University of Chicago Press, 2001), 2.

¹² Amy Gutmann and Dennis Thomson, *Why Deliberative Democracy?* (Princeton: Princeton University Press, 2004), 6.

¹³ Claude Lefort, *Democracy and Political Theory*, trans. David Macey (London: Polity Press, 1988), 32–33.

¹⁴ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*, 180–82.

¹⁵ Annamarie Jagose, *Queer Theory- An Introduction* (New York: New York University Press, 1996), 2.

¹⁶ Altman, *Global Sex*; Konstantinos Eleftheriadis, "Anti-Identity, Politics and the State Queer Challenges and Future Directions," in *Queer Festivals* (Amsterdam: Amsterdam University Press, 2018), 167–79, <https://www.jstor.org/stable/j.ctv5nph43.10>.

¹⁷ Govt of India, "Transgender Persons (Protection of Rights) Act 2019," Pub. L. No. NO. 40 OF 2019, 1 (2019).

¹⁸ Section 377 of Indian Penal Code related to Unnatural offences. —Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. See John Sebastian, "The Opposite of Unnatural Intercourse: Understanding Section 377 through Section 375," *Indian Law Review*, 2018, <https://doi.org/10.1080/24730580.2018.1453748>; Navtej Singh Johar case, "Navtej Singh Johar Vs Union of India," Writ Petition (Criminal) No. 76 of 2016 § (2018), https://main.sci.gov.in/supremecourt/2016/14961/14961_2016_Judgement_06-Sep-2018.pdf.

¹⁹ Terms redistributive and recognitive justice have been taken from Fraser's understanding; See for detail Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*.

²⁰ Gutmann and Thomson, *Why Deliberative Democracy?*, 9–10.

²¹ *Ceteris paribus* is a Latin phrase which is generally used in Economics to refer to an experimental condition of 'other things being constant'. This phrase is used in any experimental situation where all things are assumed to be

unchanging, and only the variable under study is subjected to change. When I use the term *ceteris paribus* to understand the nature of social science discourses, I mean to state the effect of the foundational presumptions upon the overall perspective of the discourse itself, which becomes bound by the framework of imagination set by these foundational presumptions. These foundational presumptions define the framework that is studied by our discourses, while keeping other factors as the same.

²² Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), 3.

²³ *Mutatis mutandis* is a Latin phrase which refers to 'making necessary alterations'. It is used here in the context of study of social science discourse to argue that a revision needs to be made in the foundational presumptions of the discourses, so that it does not lead to the neglect and subjugation of certain groups.

²⁴ Jeffery Abramson, *Minerva's Owl: The Tradition of Western Political Thought* (Harvard: Harvard University Press, 2009), 10.

²⁵ Altman, *The End of the Homosexual?*, 5.

²⁶ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*, 1–3.

²⁷ See Fukuyama, *The End of History and the Last Man*, introduction

²⁸ David Held, "Part 2: Critical Theory Habermas," in *Introduction to Critical Theory: Horkheimer to Habermas* (Cambridge: Polity Press, 1980), 314–15.

²⁹ See Carole Pateman, *The Sexual Contract* (California: Standard University Press, 1988).

³⁰ Brown argues that "Political theory, a genre of theory concerned with Western history's most exclusively masculine purview, is fairly saturated with various modalities of masculinity." See Wendy Brown, *The Manhood and Politics: A Feminist Reading in Political Theory* (Rowman & Littlefield, 1988), xix

³¹ Pateman, *The Sexual Contract*, 5–6.

³² Foucault, *The History of Sexuality Volume 1: An Introduction*, 36.

³³ See Terrell Carver, ed., *The Cambridge Companion to Marx*, Cambridge Companions (Cambridge: Cambridge University Press, 1991).

³⁴ This is not to suggest that democracy can be described in terms of these principles alone. The description of the foundational principles of democracy is only for analytical purposes. Argument for a general acceptance of democracy as the universal framework of political order today can also be found in: Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*; Fukuyama, *The End of History and the Last Man*.

³⁵ Tocqueville has discussed how the 'conditions of equality' leads towards a democratic society. These conditions are necessarily characterized by equality and liberty. See Alex De Tocqueville, *Democracy in America*, Wordsworth Edition, 1998, 201–3; Also see John Stuart Mill, *Rethinking the Western Tradition: On Liberty: John Stuart Mill*, ed. David Bromwich and George Kateb (New York: Yale University Press, 2003).

³⁶ Mahajan and Reifeld, *The Public and Private: Issues of Democratic Citizenship*, 13.

³⁷ Mill, *Rethinking the Western Tradition: On Liberty: John Stuart Mill*, 76–77.

³⁸ Altman, *The End of the Homosexual?*, 16.

³⁹ Judith Butler, *Gender Trouble- Feminism and the Subversion of Identity* (New York: Routledge, 1999), 40–41.

⁴⁰ Foucault, *The History of Sexuality Volume 1: An Introduction*, 36.

⁴¹ See Pateman, *The Sexual Contract*; Brown, *The Manhood and Politics: A Feminist Reading in Political Theory*.

⁴² Altman, *The End of the Homosexual?*, 14.

⁴³ Altman, *Global Sex*, 43.

⁴⁴ Foucault, *The History of Sexuality Volume 1: An Introduction*, 36; Butler, *Gender Trouble- Feminism and the Subversion of Identity*.

⁴⁵ Altman, *Global Sex*, 2–3.

⁴⁶ Lefort, *Democracy and Political Theory*, 11–12.

⁴⁷ Mahajan and Reifeld, *The Public and Private: Issues of Democratic Citizenship*, 9–10; Lord Carnes, *ARISTOTLE'S Politics*, 2nd WITH AN INTRODUCTION, NOTES, AND GLOSSARY (Chicago: The University of Chicago Press, 2013).

⁴⁸ It is to be noted that while confining the Women, slaves and children to the household, Aristotle viewed and categorized them as the weaker sex, and incapable of taking part in political life due to the lack of adequate virtue.

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- ⁴⁹ See for a detailed discussion on sexual ethic in Ancient Greece- Nussbaum and Sihvola, *The Sleep of Reason: Erotic Experience and Sexual Ethic in Ancient Greece and Rome*.
- ⁵⁰ Altman, *The End of the Homosexual?*, 31. Altman, *The End of the Homosexual?*, 31.
- ⁵¹ Butler, *Gender Trouble- Feminism and the Subversion of Identity*, 168–69.
- ⁵² Nivedita Menon, *Seeing Like a Feminist* (New Delhi: Penguin, 2012), 3–4.
- ⁵³ Jagose, *Queer Theory- An Introduction*, 17.
- ⁵⁴ Butler, *Bodies That Matter: On the Discursive Limits of "Sex."*, xi-xii
- ⁵⁵ Jagose, *Queer Theory- An Introduction*, 1.
- ⁵⁶ Altman, *Global Sex*, 88.
- ⁵⁷ Held explains Habermas' argument as : "The process of erosion of traditional (pre-bourgeois) world views is argued to be an effect of the general process of rationalization. This process results in, among other things: a loss of an interpretation of the totality of life; and the increasing subjectivizing and relativizing of morality". Held, "Part 2: Critical Theory Habermas," 293.
- ⁵⁸ Menon, *Seeing Like a Feminist*, 54.
- ⁵⁹ Altman, *Global Sex*, 138–43.
- ⁶⁰ Held, "Part 2: Critical Theory Habermas," 284.
- ⁶¹ Quentin Skinner, *The Return of Grand Theory in the Human Sciences* (Cambridge: Cambridge University Press, 1985), 13.
- ⁶² Mill, *Rethinking the Western Tradition: On Liberty: John Stuart Mill*, 88–89.
- ⁶³ Mahajan and Reifeld, *The Public and Private: Issues of Democratic Citizenship*, 9.
- ⁶⁴ Altman, *The End of the Homosexual?*, 132.
- ⁶⁵ Gutmann and Thomson, *Why Deliberative Democracy?*, 13.
- ⁶⁶ Gutmann and Thomson, 20.
- ⁶⁷ Held, "Part 2: Critical Theory Habermas," 225.
- ⁶⁸ Altman, *Global Sex*, 2–3.
- ⁶⁹ See, for a description of 'politics of distribution' Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*.
- ⁷⁰ Abramson, *Minerva's Owl: The Tradition of Western Political Thought*, 10–12.
- ⁷¹ Butler, *Bodies That Matter: On the Discursive Limits of "Sex."* 6.
- ⁷² Such understanding of the queer identity has been made under the Constructivist school, which views the queer identity as a reflection of its time and space. See Altman, *The End of the Homosexual?*
- ⁷³ Pateman, *The Sexual Contract*.
- ⁷⁴ Butler, *Bodies That Matter: On the Discursive Limits of "Sex."*
- ⁷⁵ Hall, *Queer Theories*, 21.
- ⁷⁶ Butler argues that 'Performativity is thus not a singular "act," for it is always a reiteration of a norm or set of norms, and to the extent that it acquires an act-like status in the present, it conceals or dissimulates the conventions of which it is a repetition.' Butler, *Bodies That Matter: On the Discursive Limits of "Sex."* xxi
- ⁷⁷ Hall, *Queer Theories*, 65.
- ⁷⁸ Held, "Part 2: Critical Theory Habermas," 319.
- ⁷⁹ The Humsafar Trust, "Mission Azadi Document (MAD)- An Advocacy Reference Manual for LGBTQH Rights in India" (The Humsafar Trust, February 14, 2015), <https://humsafar.org/wp-content/uploads/2018/08/Mission-Azaadi-Documents-2015.pdf>.
- ⁸⁰ Butler, *Undoing Gender*, 14; Foucault, *The History of Sexuality Volume 1: An Introduction*, 3.
- ⁸¹ Foucault, *The History of Sexuality Volume 1: An Introduction*, 3.
- ⁸² ILGA, "Curbing Deception: A World Survey on Legal Regulation of so-Called 'Conversion Therapies'" (Geneva: ILGA, 2020).
- ⁸³ Hall, *Queer Theories*, 21–22.

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- ⁸⁴ Alexander Bubb, "Blustering Sahibs and Section 377," *Economic and Political Weekly* 44, no. 35 (August 29, 2009): 25–28; Sebastian, "The Opposite of Unnatural Intercourse: Understanding Section 377 through Section 375."
- ⁸⁵ Foucault, *The History of Sexuality Volume 1: An Introduction*.
- ⁸⁶ Gutmann and Thomson, *Why Deliberative Democracy?*, 77–78.
- ⁸⁷ Jagose, *Queer Theory- An Introduction*, 16.
- ⁸⁸ In fact, Foucault also described the understanding of sexuality as affected by this logic of binary under the system of Western rationality. See Foucault, *The History of Sexuality Volume 1: An Introduction*, 78.
- ⁸⁹ Carver, *The Cambridge Companion to Marx*; Victoria Fareld and Hannes Kuch, eds., *From Marx to Hegel and Back: Capitalism, Critique and Utopia* (London: Bloomsbury Academic, 2020).
- ⁹⁰ Mahajan and Reifeld, *The Public and Private: Issues of Democratic Citizenship*.
- ⁹¹ Butler believes that the feminine gender does not necessarily include the women alone. Rather, it includes those men who fail to fulfill the requirements of the performative male gender. See Butler, *Gender Trouble- Feminism and the Subversion of Identity*; Butler, *Bodies That Matter: On the Discursive Limits of "Sex."*
- ⁹² Young, *Justice and the Politics of Difference*, 136.
- ⁹³ Pateman, *The Sexual Contract*, 8.
- ⁹⁴ Young, *Justice and the Politics of Difference*, 3.
- ⁹⁵ Butler, *Undoing Gender*, 43.
- ⁹⁶ I use the term 'alien' because the existing framework of understanding does not understand the possibility and existence of any variable beyond its bipolar logic. Thus, anything which falls outside that logic becomes 'alien' to the discourse.
- ⁹⁷ Foucault says: "Nothing that was not ordered in terms of generation or transfigured by it could expect sanction or protection. Nor did it merit a hearing. It would be driven out, denied, and reduced to silence. Not only did it not exist, it had no right to exist and would be made to disappear upon its least manifestation— whether in acts or in words... These are the characteristic features attributed to repression, which serve to distinguish it from the prohibitions maintained by penal law: repression operated as a sentence to disappear, but also as an injunction to silence, an affirmation of nonexistence, and, by implication, an admission that there was nothing to say about such things, nothing to -see, and nothing to know... The brothel and the mental hospital would be those places of tolerance: the prostitute, the client, and the pimp, together with the psychiatrist and his hysteric... Everywhere else, modern puritanism imposed its triple edict of taboo, nonexistence, and silence." Foucault, *The History of Sexuality Volume 1: An Introduction*, 4–5.
- ⁹⁸ Charles R. Beitz, *Political Equality An Essay in Democratic Theory* (Princeton: Princeton University Press, 1989), 109–10.
- ⁹⁹ Butler, *Bodies That Matter: On the Discursive Limits of "Sex,"* 25.
- ¹⁰⁰ Butler, *Bodies That Matter: On the Discursive Limits of "Sex,"* 140.
- ¹⁰¹ For a detailed discussion on conversion therapy, see ILGA, "Curbing Deception: A World Survey on Legal Regulation of so-Called 'Conversion Therapies.'"
- ¹⁰² AIDS Bhedbhav Virodhi Andolan, "Less than Gay- A Citizens' Report on the Status of Homosexuality in India," 16; NACO, "NACO Annual Report 2018-19" (New Delhi: National AIDS Control Organization, 2020), <https://main.mohfw.gov.in/sites/default/files/24%20Chapter%20496AN2018-19.pdf>; Nick J. Mule, "HUMAN RIGHTS QUESTIONED: A Queer Perspective," *Canadian Social Work Review* 35, no. 1 (2018): 139–46.
- ¹⁰³ Altman, *The End of the Homosexual?*, 21.
- ¹⁰⁴ Butler, *Undoing Gender*, 29.
- ¹⁰⁵ Bubb, "Blustering Sahibs and Section 377"; AIDS Bhedbhav Virodhi Andolan, "Less than Gay- A Citizens' Report on the Status of Homosexuality in India."
- ¹⁰⁶ Foucault, *The History of Sexuality Volume 1: An Introduction*, 84.
- ¹⁰⁷ Butler, *Undoing Gender*, 30.

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- ¹⁰⁸ The Humsafar Trust, "Mission Azadi Document (MAD)- An Advocacy Reference Manual for LGBTQH Rights in India"; AIDS Bhedbhav Virodhi Andolan, "Less than Gay- A Citizens' Report on the Status of Homosexuality in India."
- ¹⁰⁹ Butler, *Undoing Gender*, 1.
- ¹¹⁰ Butler, *Gender Trouble- Feminism and the Subversion of Identity*, 73–79.
- ¹¹¹ Menon, *Seeing Like a Feminist*, 3–4.
- ¹¹² Foucault, *The History of Sexuality Volume 1: An Introduction*, 53–54.
- ¹¹³ Guenter Lewy, "Gypsies and Jews Under the Nazis," *Holocaust and Genocide Studies* 13, no. 3 (1999): 383–404, <https://doi.org/10.1093/hgs/13.3.383>.
- ¹¹⁴ Butler, *Bodies That Matter: On the Discursive Limits of "Sex,"* 73.
- ¹¹⁵ Jaggar, *Just Methods: An Interdisciplinary Feminist Reader*, 4–6.
- ¹¹⁶ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*, 17–23.
- ¹¹⁷ For a better discussion on justice as recognition and justice as redistribution. See Fraser, 13–16.
- ¹¹⁸ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*, 16–23.
- ¹¹⁹ See Rawls, *A Theory of Justice*; Sen, *Commodities and Capabilities*; Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*.
- ¹²⁰ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*, 181.
- ¹²¹ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*, 181.
- ¹²² Fraser, 81–85.
- ¹²³ Gutmann and Thomson, *Why Deliberative Democracy?*, 3–6.
- ¹²⁴ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*, 181.
- ¹²⁵ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*, 11–12.
- ¹²⁶ See Fukuyama, *The End of History and the Last Man*; Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*.
- ¹²⁷ Butler, *Bodies That Matter: On the Discursive Limits of "Sex,"*; Foucault, *The History of Sexuality Volume 1: An Introduction*.
- ¹²⁸ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*, 14.
- ¹²⁹ Foucault argues that 'through a concealed alliance between the social discourse and natural sciences, the forbidden aspects of sexuality are thrown at the fringes of the society, only to exist as a disease, waiting to be cured.' Foucault, *The History of Sexuality Volume 1: An Introduction*.
- ¹³⁰ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*, 81–85.
- ¹³¹ Fraser, 23–26.
- ¹³² Foucault, *The History of Sexuality Volume 1: An Introduction*; Freud, *Beyond the Pleasure Principle and Other Writings*.
- ¹³³ Mahajan and Reifeld, *The Public and Private: Issues of Democratic Citizenship*, 13.
- ¹³⁴ Mill, *Rethinking the Western Tradition: On Liberty: John Stuart Mill*.
- ¹³⁵ Beitz, *Political Equality An Essay in Democratic Theory*, 4–5.
- ¹³⁶ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*, 81–85.
- ¹³⁷ Held, "Part 2: Critical Theory Habermas," 260.
- ¹³⁸ Lefort, *Democracy and Political Theory*.
- ¹³⁹ Abramson, *Minerva's Owl: The Tradition of Western Political Thought*, 8.
- ¹⁴⁰ It is to be noted that by State, I refer to a democratic state with a fair amount of autonomous executive, legislative and judicial organs.
- ¹⁴¹ Mahajan and Reifeld, *The Public and Private: Issues of Democratic Citizenship*, 17.
- ¹⁴² Idea of the imagery of the public sphere has been taken from Anderson. See Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (New York: Verso, 2006).
- ¹⁴³ Skinner, *The Return of Grand Theory in the Human Sciences*, 133.

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- ¹⁴⁴ See Navtej Singh Johar case, Navtej Singh Johar Vs Union of India.
- ¹⁴⁵ Of course, such argument presumes a fairly autonomous democratic framework and secular state.
- ¹⁴⁶ Lefort, *Democracy and Political Theory*, 17.
- ¹⁴⁷ Held, "Part 2: Critical Theory Habermas," 264.
- ¹⁴⁸ Young, *Justice and the Politics of Difference*, 41.
- ¹⁴⁹ Held, "Part 2: Critical Theory Habermas," 291.
- ¹⁵⁰ *ibid*
- ¹⁵¹ Held, "Part 2: Critical Theory Habermas," 292.
- ¹⁵² Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, 6–7.
- ¹⁵³ See Fukuyama, *The End of History and the Last Man*.
- ¹⁵⁴ Held, "Part 2: Critical Theory Habermas," 293.
- ¹⁵⁵ See Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*.
- ¹⁵⁶ Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, 180–84.
- ¹⁵⁷ Govt of India, Transgender Persons (Protection of Rights) Act 2019.
- ¹⁵⁸ Navtej Singh Johar case, Navtej Singh Johar Vs Union of India.
- ¹⁵⁹ Held, "Part 2: Critical Theory Habermas," 281.
- ¹⁶⁰ See Held, 264–65.
- ¹⁶¹ Butler, *Gender Trouble- Feminism and the Subversion of Identity*. Pp-xv
- ¹⁶² Butler strongly disagrees the idea of a universal image of womanhood, and argues that the definition of womanhood is culture-specific and highly circumstantial.
- ¹⁶³ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*, 13–16.
- ¹⁶⁴ Fraser, 27–31.
- ¹⁶⁵ Fraser, 17–23.
- ¹⁶⁶ Another point to note in the writings of Fraser, and many other thinkers, is the fact that they tend to use the term 'Gay' or 'homosexual' as a synonym for alternate sexualities. While this might not be an appropriate selection of term, it is still use as a popular symbol of alternate sexualities.
- ¹⁶⁷ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*, 24–26.
- ¹⁶⁸ Tocqueville, *Democracy in America*, 92.
- ¹⁶⁹ Tocqueville, 92.
- ¹⁷⁰ Tocqueville, *Democracy in America*, 216.
- ¹⁷¹ Tocqueville, 215.
- ¹⁷² Tocqueville, *Democracy in America*, 243.
- ¹⁷³ Tocqueville, 201.
- ¹⁷⁴ Tocqueville, *Democracy in America*, 201–2.
- ¹⁷⁵ Liberty and freedom have been used inter-exchangeably, and the difference in the meaning of the two terms have been ignored temporarily;
- ¹⁷⁶ Tocqueville, *Democracy in America*, 202.
- ¹⁷⁷ Tocqueville, *Democracy in America*, 238–39.
- ¹⁷⁸ Tocqueville, 360.
- ¹⁷⁹ Tocqueville, 181.
- ¹⁸⁰ Tocqueville, 278.
- ¹⁸¹ Tocqueville, 302.
- ¹⁸² Tocqueville, 302–3.
- ¹⁸³ Pateman, *The Sexual Contract*, 1.
- ¹⁸⁴ Pateman, 10.
- ¹⁸⁵ Pateman, 3–4.

¹⁸⁶ Pateman, *The Sexual Contract*, 221-226.

¹⁸⁷ Understanding of the politics of redistribution and politics of recognition is based on Fraser's account. Nonetheless, the study would attempt to highlight a few points of divergence from Fraser's account, and which would actually go with the specific place of the politics of alternate sexualities.

¹⁸⁸ NAZ Foundation is a NGO based in New Delhi and working in areas of LGBTQI rights and creating awareness of HIV/AIDS in society. They also run a child care center in New Delhi. Naz Foundation has been very active against the draconian Section 377 of IPC. I worked under the Peer Education Program of the Naz Foundation during 2008-2010 and gained some experience in the field of queer activism.

¹⁸⁹ Lakshya Trust is a Vadodara based NGO working for the rights and well-being of alternate sexualities. I participated in the 'No Straight Mondays' Project during 2021 to learn the dynamics of the online project to create awareness about queer community; and also participated in the Vadodara Queer Parade and other cultural activities held in 2022.

¹⁹⁰ See Lefort, *Democracy and Political Theory*.

¹⁹¹ Berlin, *Liberty: Incorporating Four Essays on Liberty*; Mill, *Rethinking the Western Tradition: On Liberty*; John Stuart Mill.