in plainspeak

TALKING ABOUT *sexuality* IN SOUTH AND SOUTHEAST ASIA

2006, Issue 2

Cover:
couple dance, conté on paper,
by Jatin Das, 2001

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So many of us love and let go of each other. Because we cannot deal with the discrimination that comes with the loving. Love, also, like many other things in our lives, is regulated. This we know, and some of us experience it more than others. But do we know how far it extends, even apart from us? And, how much do we ourselves play into it?

And it's not just with the loving and the sex – with whom, how – that discrimination comes. It comes also with the circumstances, for example, sex for money, or with how we can deal with the unwanted negative consequences of sex, for example, disclosing HIV status or dealing with an unwanted pregnancy.

For us to say 'no more' to the discriminations we suffer, we have to see our connections with others who we may not have considered to be 'like us'. To open our eyes and see that discrimination has a common colour. It's the colour that finds itself on all our palettes. Give it any name, it doesn't matter. It's the common colour of 'I'm better than you are' because I belong to this or that gender, class, caste, ethnicity, sexual orientation, or whatever.

We live in a world of difference, of diversity, of choices. And we need to figure out how we want to deal with it. Do we think about how discrimination happens in the lives of those 'not like us'? Who are they? What are their problems? What do they suffer? Do we share common currency? Is there a way in which we can make alliances so that together we can make more real a world where we are all free? And, how do we make known the problems of those 'like us', whoever we might be? Do we exaggerate difference, dilute it, or speak of it in other ways?

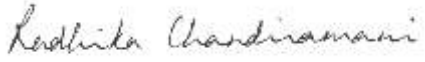
In this part of the world, where so many of our countries have a colonial legacy, we fall into the easy habit of blaming all ills on 'The West' or on the much maligned Victorians. Hardly do we pause to consider whether our histories of discrimination and oppression go further back. In this time's *In Plainspeak*, Mario D'Penha questions these ideas in the Issue in Focus. And Srilatha Batliwala takes us even further back in time on a fascinating journey to navigate the links between sexuality and (dis)empowerment in The Bigger Picture.

It is indeed a strange world that we live in. Instead of making for ourselves a world that is expansive, inclusive and enriching, for all and not just for a privileged few, we seem not to have learned from the lessons of the past or even those staring us in the face today. We seem not to have learned that criminalising something only pushes it deeper underground, be it abortion, same-sex desire, or sex work. We see in Did You Know? that we still have laws against abortion in most of the countries in South and Southeast Asia, resulting in booming business for backstreet abortion clinics and a large number of women dying because they have no access to legal and safe abortions. Campaign Spotlight focuses the beam on the problems with the current amendments sought in the law that will affect the lives and livelihoods of sex workers. See images of strength, solidarity and diversity in Brushstrokes of sex workers proudly demanding their rights. And, speaking of the law, the State of Goa in India, is currently seeking to make HIV testing mandatory at the time of marriage. Shades of Grey discusses this from two different angles.

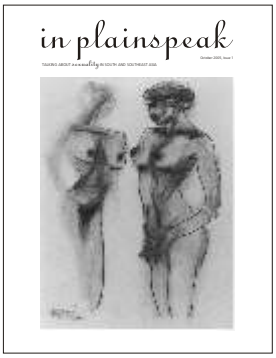
In this time's Interview you will hear from Ging Cristobal about the steps used by a lesbian group in the Philippines in the dance of forming alliances. You will also read about a new film, *Sancharram* – The Journey, and about Julia Suryakusuma's latest book where she explores ideas of sexuality, power and the nation. All very different ideas.

When you are done reading this issue of *In Plainspeak*, pause for a moment to consider how these seemingly disparate issues connect. And how though some of them might feel far away from our lives, they do indeed affect us all in this intricate web of living, loving, having or not having sex, and (mis)using the powers we all possess. We hope *In Plainspeak* will provoke you to think more critically about and move towards creating a world that affirms our lives and our sexuality.

And, as always, we welcome your ideas, contributions, feedback and suggestions.

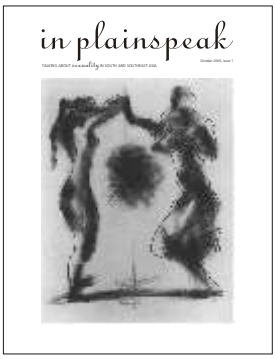


Radhika Chandiramani, Executive Director



Issue 1, '05

gossip, conté on paper,
Jatin Das, 2001



Issue 1, '06

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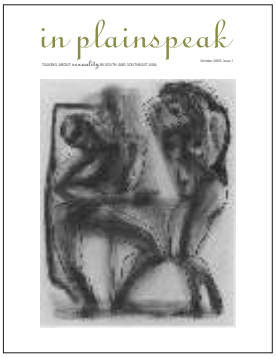
Jatin Das, 1988



Issue 2, '06

couple dance, conté on paper,
Jatin Das, 2001

Jatin Das has been painting for more than 47 years. He works in oil, watercolour, ink, drawing, and graphics, and has also completed several murals and sculpture installations. His work features in public and private collections across the world and has been sold by the major international auctioneers, Sotheby's, Christie's and Osian's.

The South and Southeast Asia Resource Centre on Sexuality is hosted by TARSHI (Talking About Reproductive and Sexual Health Issues) in New Delhi, India. TARSHI is an NGO that believes that all people have a right to sexual well-being and a self affirming and enjoyable sexuality. The Resource Centre aims to increase knowledge and scholarship on issues of sexuality, sexual health and sexual well-being in this region. It specifically focuses on sexuality related work in China, India, Indonesia, Nepal, Sri Lanka, Thailand, The Philippines, and Vietnam. The Resource Centre is supported by The Ford Foundation as part of its Global Dialogue on Sexual Health and Wellbeing. Similar other centres are based in Africa, Latin America, and North America.

Over the past three years, we have been busy setting up the Resource Centre and developing a range of programmes to enhance scholarship, increase access to information, and further a dialogue on sexuality issues. The Centre houses a library with over 3000 books and material on sexuality. Our website (www.asiasrc.org) hosts the library catalogue, news and announcements from the region, and links to resources on sexuality. You can download an electronic version of *In Plainspeak* on our website as well as subscribe to participate in online moderated discussions on sexuality. Every year, the Resource Centre conducts a Regional Institute on Sexuality, Society and Culture. This is an eight day long conceptual course on sexuality open to participants from the region. Thus far, we have conducted two such courses, one in India and the other in Indonesia, with over 40 participants from 11 different countries. The third Regional Institute is in Vietnam from April 29 to May 6, 2006. For more information on our programmes and events, please visit our website (www.asiasrc.org).

Lesbian Advocates in The Philippines - LeAP!

GING CRISTOBAL

HOW DID YOU BECOME INVOLVED WITH THE LESBIAN MOVEMENT IN THE PHILIPPINES? CAN YOU TELL US A LITTLE BIT ABOUT YOUR BACKGROUND?

Even before becoming involved with the lesbian movement, I was always political, but never saw myself being political with regard to my sexuality. I had lesbian friends, but none of us were comfortable using the term 'lesbian', 'tomboy', or any other term to define our sexuality, for that matter. I was just a happy lesbian in a relationship with my partner. I was a restaurant manager minding my own life, after having graduated with a Bachelor of Science in Community Nutrition. While completing my Masters in Educational Psychology at The University of the Philippines (UP), I attended a film screening on lesbian issues, after which there was a discussion of the movie. Throughout the discussion, I heard stories of discrimination from lesbians and I decided I must do something. I immersed myself in reading books and attending workshops to educate myself on the varying issues confronting lesbians in the Philippines. Because there was almost no local material written on our lives, we had to contextualise what we read from lesbians in other countries and relate it our experience. I began my work with LeAP! as the volunteer Community Coordinator and was formally asked to become the Executive Director in 2000.

TELL US ABOUT LEAP! HOW IT GOT STARTED AND THE IDEOLOGY WITH WHICH LEAP! WORKS.

LeAP! is a lesbian, feminist, non-profit organisation. We started conceptualising the organisation in 1999 and formally launched LeAP! on February 24, 2000. We felt that there was a lack of resources for lesbians during that time and no one was making any efforts to increase visibility of lesbian issues in society. There were very few lesbian groups at that time, and they were mainly spaces to socialise. LeAP!'s main focus is mainstreaming lesbian issues in society and conducting research. Aside from that, we aimed to have a space for regular educational sessions and workshops, counseling and a safe space for lesbians where they can read lesbian materials and receive support. Since our country is still patriarchal and inequality comes from the very relationship between a man and a woman, we realised that we have to tackle the issues first as women, and then as lesbians. We believe that the discrimination we experience as lesbians is not separate from the dynamics happening between gender roles, which are still being challenged up to this day by lesbians and feminists.

CAN YOU TALK A LITTLE BIT ABOUT THE POLITICAL, SOCIAL, AND CULTURAL CONTEXT IN THE PHILIPPINES AND ITS INFLUENCE ON HOW LESBIAN RIGHTS ARE REALISED?

As far as the social and cultural context goes, we have observed that the tolerance and acceptance of our issues are gradually growing among families and society in general. However, it is still token and symbolic. It's like, 'We accept you and respect you, *but* please do not court my sister or be part of our family'. There is acceptance as long as you do not go inside people's family circles. Among activists, there is still only token acceptance and invisibility of lesbian issues in sexual and reproductive health, human rights, and gender mainstreaming agendas.

As far as the political context is concerned, there are a growing number of supportive politicians but they, except for the *Akbayan* party, who have been supporting the Anti-Discrimination Bill, do not prioritise our issues. In Quezon City, which is one of the biggest cities in Metro Manila, local councilors have passed an ordinance penalising discrimination in the workplace. During that time, we were asking for support for the Anti-Discrimination Bill (ADB). The councilors made a resolution supporting the ADB in Congress and also made a local ordinance concerning discrimination. What is funny and sad at the same time is that every time we asked for support, most of them would tell us that we (lesbians and gays) are not discriminated against. Only after we give them a rundown on the issues we face do they acknowledge the discrimination. However, they don't take any action to stop this kind of discrimination. They say that they hire lesbians and gays in their offices but, of course, we want more.

Also, whenever politicians fight with other politicians they still use the term '*bakla*' (which is a local term for gay men)

> …when a woman goes to a doctor, the doctor asks if she is sexually active. If she says 'yes', the assumption is that the sexual relationship is with a man. There is no space to talk about or discuss other sexual activities/practices; therefore lesbians or bisexual women have no space to discuss health issues where they feel secure enough to share their most intimate details - which may have huge repercussions on their health diagnosis and treatment.

> There needs to be more emphasis on gender and sexuality because the gender sensitivity issues that are discussed are heterosexist in nature and often people end up talking about women's empowerment - when we all know that both men and women are imprisoned within gender roles that they are made to play in society.

to describe their opponent. They use the term to degrade and put their opponent in a bad light. Overall, there is discrimination and homophobia because people are still operating with stereotypes and incorrect assumptions regarding lesbians and their lives. As lesbians, we become invisible. We are lumped together with gay men.

CAN YOU TELL US A LITTLE BIT MORE ABOUT THE ANTI-DISCRIMINATION BILL? WHAT WAS THE MOTIVATION BEHIND IT?

In 1999, the 'Lesbian & Gay Rights Act', or LAGRA, was filed in Congress without consulting the LGBT groups. The Bill had many provisions such as anti-discrimination, domestic partnership, adoption, etc. We did not believe the Bill would strategically affect LGBT groups because society (and even LGBT people in mainstream society) is not informed enough as to why it is important for them to enjoy rights enjoyed by heterosexuals. That same year, lesbian and gay groups formed the Lesbian and Gay Legislative Advocacy Network (LAGABLAB) and drafted a new ADB. Since 2000, this version of the ADB has been filed both in the lower house and Senate. As a result of political unrest with the 'supposed' foiled coup attempt to overthrow the government, all pending Bills in both the lower house and in the Senate are at a standstill.

YOU MENTIONED THE INVISIBILITY IN SEXUAL AND REPRODUCTIVE HEALTH ISSUES, THE WOMEN'S AGENDA, ETC. COULD YOU EXPAND ON THIS A BIT?

The NGOs focusing on sexual and reproductive health and rights (SRHR) in our country are very assertive and progressive. However, if you look into their programs, you will notice that they are still heterosexist. Whether it is through programmatic interventions or research, lesbian health is still a non-existent issue. Many NGO activists think that since lesbians are women, we also have the same needs and issues as heterosexual women. But we disagree. For example, when a woman goes to a doctor, the doctor asks if she is sexually active. If she says 'yes', the assumption is that the sexual relationship is with a man. There is no space to talk about or discuss other sexual activities / practices; therefore lesbians or bisexual women have no space to discuss health issues where they feel secure enough to share their most intimate details - which may have huge repercussions on their health diagnosis and treatment.

IN SEVERAL COUNTRIES IN SOUTH AND SOUTHEAST ASIA, SOME PEOPLE ARE OF THE OPINION THAT TALKING ABOUT LESBIAN ISSUES TENDS TO DILUTE OTHER 'PRIORITY' ISSUES FOR THE WOMEN'S RIGHTS AND HEALTH AGENDA. IS THAT THE CASE IN THE PHILIPPINES AS WELL?

Yes, that's what I was told when I questioned why the term 'lesbian' was not included in one of the provisions in the current Reproductive Health Bill in Congress. The Bill mentions marginalised women, the girl-child, physically challenged women, aged women - but not lesbians. Advocates for the Bill told me that putting in the term 'lesbian' would make the Bill controversial and would dilute the issue, while also stating that LGBT issues are incorporated in the 'Education of Reproductive Health and Rights' provision of the Bill. However, we believe that they strategically did not use the term because the fundamentalist groups who are opposing the passage of the Bill are looking for (and creating) flaws and issues they can use to kill the Bill.

LET'S SHIFT GEARS A BIT. WHAT HAVE BEEN THE SUCCESSES ACHIEVED BY LEAP! AND WHAT DO YOU THINK ARE THE REASONS BEHIND THOSE SUCCESSES?

The successes achieved by LeAP so far have been threefold. First, through the publication of books; second, through counseling; and third, through the discussion of LGBT issues among different sectors, such as schools, government and private institutions, NGOs, the urban poor, and LeAPunan. LeAPunan is our support group for women who want to know more about lesbian issues. We used to have a monthly discussion / film screening format earlier and have organised informal get-togethers so that women would have a safe space to talk openly. Most of the women come for these gatherings looking for substantial information regarding lesbian issues. And some of them are not yet 'out' as lesbians with their families, at the workplace or in their social circles, so this space becomes even more critical for them. As far as counseling is concerned, we provide counseling to women, not only who are lesbians but also to people who have issues regarding lesbians who may be their sisters, mothers, etc.

In terms of bringing about discussion on LGBT issues, LeAP! continues to conduct workshops on gender and sexuality. Here in Manila, we have trainings on 'Gender Sensitivity'. There needs to be more emphasis on gender and sexuality because the gender sensitivity issues that are discussed are heterosexist in nature and often people end up talking about women's empowerment - when we all know that both men and women are imprisoned within gender roles that they are made to play in society. We need to accept that in order to aim for a more meaningful and lasting change, we have to change our outlook. We do not need any enemies, but potential allies. We need to challenge existing beliefs and make people realise that lesbian issues are also their issues. It is easy to introduce LeAP! to other organisations, but to mobilise them to emphasize lesbian issues in their agenda is a different story altogether.

IN TERMS OF DOING ADVOCACY AROUND LESBIAN RIGHTS, WHAT ARE THE TERMS THAT ARE USED?

There is no local term for lesbians. Lesbians created terms such as *tomboy*, *tungril* (slang from the term tomboy), *magic*, *pars-mars*, butch-femme, *uno-dos-tres* (*uno*:butch, *dos*:andro, *tres*:femme). However, *lesbyana*/lesbian is preferred. A politician also used the term 'third sex' in 1995, and since then we keep changing the terminology from these local terms to LGBT, which is used more often now, especially for the media. I encourage the participants in workshops and trainings to say '*lesbyana*' again and again so that they will get comfortable using the word.

Most of the time, we assume that since people work with us (LGBTs), they are 'gender sensitive' and do not have the same misconceptions that others have about lesbian issues. Being friends with GBT men and women, we are able to share insights objectively and learn about the assumptions we make, from each other.

HOW EASY/DIFFICULT IS IT TO BUILD ALLIANCES WITH GAY GROUPS IN THE PHILIPPINES?

We work harmoniously with gay groups (and some bisexuals and transgender groups) because we focus on similar concerns - human rights, the ADB. Aside from that, we are friends with most of the GBT groups/individuals we work with because after work, we spend time together and enjoy each other's company. Personally, I think if we want to strengthen alliances with different groups we have to spend time getting to know people (not only their organisations). Most of the time, we assume that since people work with us (LGBTs), they are 'gender sensitive' and do not have the same misconceptions that others have about lesbian issues. Being friends with GBT men and women, we are able to share insights objectively and learn about the assumptions we make, from each other. This has given us more in-depth information and insight regarding LGBT issues.

USING SOME OF THE LESSONS LEARNED FROM LEAP'S WORK, HOW CAN OTHER GROUPS TAKE FROM THAT AND MOVE FORWARD TOGETHER?

We all have equal rights that we have to protect, promote and assert. That is why we have to strengthen lesbian visibility through a variety of mechanisms – by empowering lesbians; teaching them their rights; by discussing it in schools, in families; and by engaging people to discuss their fears, misinformation, etc. We need to continue to provide support and counsel lesbians and their families and friends. We have to document discrimination in the different aspects of our lives: health, basic rights, work, family, media, all of it! This is a tool to make (to force) people acknowledge our existence. We have to strengthen our LGBT network so that we can meet, share and learn from each others' achievements, experiences, as well as setbacks.

Ging Cristobal, the Executive Director of LeAP!, continues to work on facilitating workshops and discussions on gender and sexuality, lesbian rights and basic lesbian sexual health and safer sex. She is a 35 year old woman who lives with her partner of 15 years and seven dogs.

sexuality, modernity, and their discontents

MARIO D'PENHA

One of the most fascinating contemporary debates in the writing of Indian history is the debate around modernity, and this debate has recently entered the realm of sexuality studies as well. This debate is increasingly shaping the ways in which activism around sexuality takes place, especially because the ways in which we frame our pasts creates divergent realities for us in the present. Most scholars argue that the 'modern' age in Europe began with the period of the Renaissance, which included ironically, the desire to re-create the antiquity of Greece and Rome in sixteenth-century Europe. Modernity has been characterised by the rise of the nation-state, industrialisation, capitalism, urbanisation and the proliferation of mass media, as well as the ascent of ideas such as individualism, secularism, democracy and rationality.

Certain scholars contend that the varied traditions of history writing until now have often celebrated the grand narrative of the marshalling in of the modern age and the cultures and ideas that accompanied it. Their work has tried to evolve a degree of criticality towards this grand narrative, by calling into question, among other things, the disciplining function of the nation-state, which focused on classifying and thus attempting to control people, nature, landscapes, geographies, histories and art. Their contention is also that modernity normalises the focus on the individual and therefore ignores communitarian ways of living, and has been obsessed with the idea of rationality and evidence, thus being condescending towards faith and other non-rational systems of belief such as mythology.

Furthermore, they contend that modernity ushered in the idea of secularism that attempts to enforce a fierce separation of religion from the state in order to pacify religious intolerance, thus displacing other traditions of religious tolerance which do not enforce such a harsh and impractical disjuncture between religion and state. One strand of this argument also holds that colonial states, like nation-states were also catalysts of modernity.

However this argument often degenerates into assuming a linear transmission of ideas from colonising States such as Britain, France, and the Netherlands to their colonies in South and Southeast Asia, and the critique of modernity often becomes synonymous with the critique of colonialism. Unfortunately also, in their effort to critique the grand narrative of the rise of modernity, some scholars end up evolving a reverse grand narrative of modernity as ushering in complete decline.

However, not all scholars agree with these contentions. They argue that systems of knowledge acquisition and

classification existed in pre-modern societies, and these networks were built upon by modern states. They also suggest that a focus on the individual as opposed to communities have helped those marginalised by society to be heard out, and this itself is crucial, especially for women. Because communities are often hierarchically ordered, only those with power, often men, and in the Indian context, upper-class and upper-caste men may represent the community. They also suggest that the controlling functions of the modern state have often been exaggerated. The Enlightenment ideal of secularism for instance, amalgamated with locally evolved ideas of religious tolerance in the Indian case to produce a constitutional secularism that has little in common with the Enlightenment ideal. Often the modern state has not been seen in the context of its struggles with local power structures. Scholars also maintain that ideas develop with complexity and cannot be transmitted in a linear way from one place to the other.

IF SECTION 377 OF THE INDIAN PENAL CODE, INSTITUTED IN 1861, IS INFLUENCED BY BRITISH LAW, WHY DID THE BRITISH NOT ENACT THIS LAW BEFORE 1861? THE ORIGINAL BUGGERY ACT WAS PASSED IN ENGLAND IN 1533, AND SODOMY WAS RE-INSTITUTED AS A CAPITAL OFFENCE IN BRITAIN IN 1826. INDEPENDENT BRITISH BASES IN INDIA DATE FROM THE MIDDLE OF THE SEVENTEENTH CENTURY, AND YET IT WAS NOT UNTIL 1861 THAT THE BRITISH FINALLY PASSED THE INDIAN PENAL CODE AND SECTION 377 ALONG WITH IT.

Within the study of sexuality then, new research has commenced the dialogue around modernity. Frank Proschan's research on French colonial constructions of Vietnamese non-heteronormative genders and non-procreative sexualities posits that these constructions were not only present in discourse, but 'were played out on and in the bodies of the subject people and their colonial masters'.[1] Other critiques of modernity allege that the nineteenth century was characterised by an increasing purge of the erotic from public space.

Peter Jackson, in his research on Thailand for example, claims that until the middle of the nineteenth century, highly stylised and explicit representations of eroticism were common in Siamese temples, monasteries and literature. However, in the middle of the nineteenth century, the Siamese elite, becoming aware that Western visitors were embarrassed by this overt eroticism, began to expunge such references from elite literature. Furthermore, bourgeois social space became divided into public and private spheres, and representations of the erotic which had until that time enjoyed a public space were moved into the domain of the private.[2]

Ruth Vanita and Saleem Kidwai inaugurated the debate on modernity within same-sex sexuality studies for India. Making a claim similar to Jackson's in *Same-Sex Love in India: Readings from Literature and History*, which they co-edited, they traced with the advent of the 1861 law that criminalises non-procreative sexual practices in India, a period of increasing homophobia characterised for instance, by the purging of homoeroticism from the Urdu canon. This process, they suggest, took place in the second half of the nineteenth century and was influenced by a British denunciation of 'Indian marital, familial, and sexual arrangements as primitive'.

Educated Indians, including social reformers and nationalists imbibed these stereotypes even as they attempted to defend Indian culture, and soon the 'monogamous, heterosexual marriage came to be idealized as the only acceptable form of sexual coupling'. Vanita's argument sharpens in *Love's Rite: Same-Sex Marriage in India and the West*, and she takes on modernity as being the source of homophobia today, which is derived from 'centuries of negative obsession with sexual acts in the Christian West', while at the same time retaining the ambivalent assertion that modernity can also be a site for new opportunities. Thus Vanita's claim is that the attempt to enforce standardisation in sexual matters went along with the rise of the nation-state and 'Euro-American' ascendancy in the modern world.

Yet this is not the complete story. If Section 377 of the Indian Penal Code, instituted in 1861, is influenced by British law, why did the British not enact this law before 1861? The original Buggery Act was passed in England in 1533, and sodomy was re-instituted as a capital offence in Britain in 1826. Independent British bases in India date from the middle of the seventeenth century, and yet it was not until 1861 that the British finally passed the Indian Penal Code and Section 377 along with it.

Suparna Bhaskaran has recounted persuasively why laws criminalising non-normative sexual acts in England and India were instituted precisely at those particular historical junctures. Henry VIII passed the Buggery Act of 1533 in England through which the British Parliament made sodomy 'with mankind or beast' a felony. The conversion of sodomy from an ecclesiastical to a secular crime is part of the history of the reduction of the power of the Catholic Church in England and the seizure of church property, following Henry VIII's disagreement with the Pope about his divorce. The new Buggery Act allowed Henry VIII to sentence those convicted to death and appropriate their property. This statute was deployed primarily against Catholics, who were accused of engaging in sodomy within monasteries. It is significant that the act was repealed under the Catholic Queen Mary in 1553, and reinstituted again by the Protestant Queen Elizabeth I who wished to establish her legacy as the true successor of Henry VIII.[3]

> THE JOURNEY OF IDEAS FROM ONE SPACE TO ANOTHER IS NEVER A LINEAR PROCESS AND IS OFTEN COMPLICATED BY LOCAL STRUCTURES OF POWER AND SOCIAL PROCESSES THAT RENEGOTIATE ITS TERMS IN THE NEW CONTEXT. INDIANS WERE ABLE TO PARTICIPATE IN AND ACCEPT THE PROCESS OF THE TRANSFORMATION OF GENDER AND SEXUAL RELATIONS IN THE LATTER HALF OF THE NINETEENTH CENTURY PRECISELY BECAUSE A HISTORY OF MARGINALISATION OF SAME-SEX DESIRE, HOWEVER MARGINAL THE STRAIN, WAS PRESENT IN INDIAN HISTORY.

Political motives also seem to have been present in the enacting of the law in the Indian case. It would be important to note that the social transformation that Proschan, Jackson, Vanita and Kidwai describe takes place in the latter half of the nineteenth century. This is an era of the consolidation of colonial power in much of South and Southeast Asia. The consolidation of this power, in India, for example, occurred after the revolt of 1857, an attempt by several classes of Indians to defeat the British. With the British suppression of the revolt and the consolidation of British power, came not only the pacification and control of Indian territory and people by the military, but also of their shaping by law.

The consolidation of British power in India also demanded the 'state policies of sexual-political restraint and relaxation, which framed modes of relation and interaction between rulers and ruled'.[4] More so, now, after the memory of the horrors of 1857, the British learned to mistrust miscegenation that had been tolerated if not completely accepted in the latter part of the eighteenth and early part of the nineteenth centuries. In that time, far from a 'denunciation of Indian marital, familial and sexual arrangements as primitive', several British imperial administrators intermarried and cohabited with Indian women and assimilated to the norms of Mughal society.[5]

Moreover, several Europeans also came into contact with eunuchs through their association with Indian royal households. For instance, Claude Martin, who joined the army of the East India Company in the late eighteenth century, and rose to become a general in the army of the state of Oudh in northern India, lived in Faizabad with four concubines and a large staff of eunuchs and other servants.[6]

By the latter half of the nineteenth century however, relations between the races in India had altered. British officials were acutely aware that the provision of sexual partners for British soldiers in India was a matter of some importance. Since it was too expensive to export British women to India, British officials were afraid that the imperial army would become 'replicas of Sodom and Gomorrah' if women were not provided, and they thus started regulated brothels or *Lal Bazaars* for British soldiers.

Moreover, the latter half of the nineteenth century also saw the emergence of the middle class in Indian towns which began patron-ising the plethora of newspapers and periodicals that this era saw a rise of. The emerging middle class, often belonging to the upper and middle castes, sought to distinguish itself from the old aristocracy, who were increasingly characterised as decadent and immoral. It is within this context that the Indian Penal Code was passed, and an in-creasingly hostile social atmosphere for same-sex desire was created.

> SEEING HOMOPHOBIA IN CONTEMPORARY INDIA AS A PRODUCT OF MODERNITY ALONE, INVISIBILISES THE FACT THAT EARLIER TRADITIONS IN INDIAN HISTORY HAVE ALSO LOOKED UPON SAME-SEX DESIRE WITH A CERTAIN DEGREE OF NEGATIVITY AND THAT THESE MAY CONTINUE TODAY. IT ALSO IGNORES THE FACT THAT MODERNITY MAY SIMULTANEOUSLY CREATE SPACES CONDUCIVE TO SAME-SEX RELATIONSHIPS...

This marks significant departures from the explanation put forward by Vanita and Kidwai for the existence of contemporary homo-phobia. The journey of ideas from one space to another is never a linear process and is often complicated by local structures of power and social processes that renegotiate its terms in the new context. Indians were able to participate in and accept the process of the transformation of gender and sexual relations in the latter half of the nineteenth century precisely because a history of marginalisation of same-sex desire, however marginal the strain, was present in Indian history.

Furthermore, new laws seek to renegotiate existing rel-ationships of gender, sexuality, community or property, and can rarely exist without social consent. Laurence W Preston has shown, for example, that after the annexation of the state of Satara in western India in 1848, many eunuchs who had the traditional right to extort/beg for money, found their rights obstructed by village authorities who used the coming of British rule as an excuse to rid themselves of a 'distasteful nuisance'.[7] The annexation of property held by nobles, including eunuchs such as Mehboob Allee Khan in the court of Delhi after 1857 by the state, was also a major step in the consolidation of British rule in India.[8]

Vanita and Kidwai's narrative unevenly characterises British attitudes towards same-sex desire and Indian social and familial mores as being overwhelmingly negative. However, orientalism and the classification of India as being a lair of 'oriental vices' for instance, allowed homoerotically inclined European travelers like J. R. Ackerley to visit India and here they discovered homoerotic spaces of their own. As Robert Aldrich notes, 'The colonies provided a refuge for those fleeing their homelands – by desire or necessity – because of reprobate desires and chequered backgrounds, and, more generally, for those ill at ease in the confines of traditional European society'.[9]

One of the other assertions that Vanita and Kidwai make is that under colonialism and modernity, a 'minor strain' of homophobia in Indian traditions became the 'dominant ideology'. It is contestable whether homophobia was a 'minor' strain within Indian history before colonialism. Hostility towards same-sex relationships certainly did exist alongside celebration and indifference towards the same, as Vanita and Kidwai's works ably demonstrate.

It is also contestable as to whether homophobia became a 'dominant ideology' after the latter half of the nineteenth century. While a transformation of patriarchal relations did occur at this time, assuming that homophobia became dominant would mean assuming that all spaces that tolerated homoeroticism were lost while not acknowledging the spaces that colonial modernity simultaneously created. For instance, A. O. Hume, a British civil servant, who later was to play an extremely vital part in the formation of the Indian National Congress, opposed the criminalisation of eunuchs, a group largely seen as engaged in the 'propagation of sodomy' in 1870 on the grounds that it would interfere with 'the liberty of the subject'.[10] Hume's engagement with this process of legislation is an extremely modern one, invoking the Enlightenment idea of individual liberty, an argument that has been used universally in the pursuit of rights claims by several marginalised groups.

While the new homophobia was partially being instituted and regulated by a modern state, and while social classes and institutions constituted within modernity played an important role in the reconstitution of patriarchal relations at this time, it would not be reasonable to say that homophobia today was a 'product…of modernity'. To the extent that our ideas of sexuality are themselves 'modern', this might hold true. However, seeing homophobia in contemporary India as a product of modernity alone, invisibilises the fact that earlier traditions in Indian history have also looked upon same-sex desire with a certain degree of negativity and that these may continue today. It also ignores the fact that modernity may simultaneously create spaces conducive to same-sex relationships and therefore a re-evaluation of modernity and the location of sexuality within it is imperative.

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2. Peter Jackson, quoted in Douglas Sanders, 'Flying the Rainbow Flag in Asia', unpublished paper presented at the Second International Conference on Sexualities, Masculinities and Cultures in South Asia, Bangalore, India, 2004
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4. Ibid.
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6. Abdul Halim Sharar, *Lucknow: The Last Phase of An Oriental Culture*, London, 1975
7. Laurence W Preston, 'A Right To Exist: Eunuchs and the State in Nineteenth Century India', *Modern Asian Studies*, Vol. 21, No. 2, 1987
8. Deputy Commissioner's Office, 1858, File No. 12, Department of Delhi Archives. I owe this reference to Anish Vanaik.
9. Robert Aldrich, *Colonialism and Homosexuality*, London and New York, 2003
10. J F Stephens, 4 July 1870, Home Judicial, 30 July 1870, Prog. Nos. 44-127 (A), National Archives of India

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mandatory testing for HIV

All is not black and white… and we want to explore the shades of grey. Feminism is diverse and we don't always agree totally with one another, though we may share a similar perspective. While we don't want to silence other viewpoints, we want to focus on the finer distinctions between arguments used by people who are on the same side of the table.

The issue of mandatory HIV testing at the time of marriage has been coming up repeatedly in the last few years. Fortunately, so far, it has been mostly squelched. However, now it has resurfaced. Mandatory testing has huge implications in terms of human rights, the State's accountability to provide services, and the effect that it will have on furthering stigma and discrimination, so on the one hand, there are people who veto it. On the other, there are those who believe it will help contain the spread of HIV and will 'protect unsuspecting partners'. We are aware of the arguments used on both sides. These for and against arguments will continue, and it is not the purpose of this column to resolve them.

Within the debate on mandatory testing for HIV at the time of marriage, there are differences in the ways they are spoken about. Sapna Desai and Neha Patel give us their reasons why they oppose mandatory testing.

HERE'S WHAT WE ASKED THEM:

WHY DO YOU BELIEVE THAT MANDATORY TESTING SHOULD NOT BE IMPLEMENTED?

WHAT ARE THE ISSUES TO CONSIDER AND THE UNDERLYING ASSUMPTIONS BEING MADE?

SAPNA DESAI

As HIV/AIDS continues to spread, a heightened urgency and increased resources have resulted in a wide expansion of public health and social interventions. India has tried a range of approaches to face the complex challenge of HIV/AIDS over the past two decades. Today, the National AIDS Control Organization (NACO) policy focuses on widescale prevention, with increased care, support and treatment services in the more affected states of the country. NACO has also established guidelines that no individual should be made to undergo mandatory HIV testing.

However, mandatory testing has been proposed at the State level yet again, this time in Goa, for couples as a requirement for marriage registration. Despite the public health intention of such a policy, the requisite public health perspective is sorely absent. I present an analysis of the population-based merits of a mandatory HIV testing policy with implications relevant not only in Goa, but also across India.

The Intention

From a public health perspective, a mandatory testing policy for couples intends to: increase the number of

NEHA PATEL

A policy on mandatory HIV testing for couples who want to get married is ideologically dangerous in theory, argument, and assumption. In addition to the fact that the current public health infrastructure in India cannot handle the ramifications of this kind of policy, there are also arguments against the merits of this policy on the basis of rights, privacy and confidentiality, and stigma and discrimination. However, another critical argument against the policy that isn't being debated as much is that it also illegitimizes sexuality, while making several assumptions that dismiss it altogether. I argue that the assumptions made by the mandatory testing policy will effect no real progress, and in fact, will setback any gains that have been made in HIV prevention and care.

Assumptions

First, having the State link and implement protective public health measures for HIV prevention with marriage is like saying: 'As part of your rights to health as a citizen, we will give you protection under the law, look out for your health, and make sure you are armed with all the correct information – but you have to be in a married, monogamous relationship with someone from the opposite sex in order to

SAPNA DESAI NEHA PATEL

individuals who know their HIV status in order to prevent further transmission; address the vulnerability – thus inability – of women in marriage to request partner testing; increase demand for care, support and treatment services.

The large proportion of individuals living with HIV/AIDS is not aware of their HIV status. Treatment to prolong and improve quality of life is available. Logically, it follows that increased access to HIV testing is critical. Through identifying individuals who are HIV-positive before they marry, mandatory testing policies could contribute to increasing awareness of HIV-status, and thus help to stem the epidemic in India

> ALTHOUGH COUPLES SEEKING MARRIAGE REGISTRATION MAY BE FORCED TO UNDERGO AN HIV TEST, WIDER SOCIETY WILL HAVE MORE REASON TO AVOID ONE. ESSENTIALLY, MANDATORY TESTING WILL PROVE COUNTER-EFFECTIVE. NOT ONLY IS IT AN EASY WAY OUT OF IMPLEMENTING PROVEN EFFECTIVE HIV PREVENTION STRATEGIES, IT WON'T WORK.
>
> SAPNA DESAI

Widespread stigma and discrimination, as well as limited testing infrastructure, are the most significant barriers to testing. Even where counseling and testing centers are effective, the very real fear of social ostracism prohibits many individuals from learning their HIV status. Another barrier to expanded counseling and testing has been the gendered power dynamics of marriage. In a society where at least 30% to 50% of women experience some form of abuse

get it.' In principle, this policy implies that sexuality has legitimacy only within marriage – and the State can facilitate and sanction information, access, and legal recourse for public health measures within it. Subsequently, people of other genders and sexualities are rendered invisible; left out of the law's purview and given the status of second-class citizens because of who they are and the choices they make.

Moreover, the assumption that sex can only happen between a man and a woman, and that too only within marriage, and further, that after marriage, they will have no other partners, only serves to deny critical information and access to HIV prevention and care to a large cross-section of people in society, who, under this policy, apparently have no claims to the right to health. That people's expression and regulation of their individual sexuality can be influenced by mandatory testing once they decide (or someone decides for them) to get married is not only unrealistic, but also negates the choices people make if these choices fall outside of the State-created norm for sexuality.

Second, the assumption that the need for an HIV prevention intervention should begin only after someone decides to get married is predicated on false security and fails at the very outset. Imagine this scenario – a couple who registers to get married gets an HIV test and both test negative. Does this mean that the couple can now breathe a sigh of relief? No. HIV cannot be detected during the window period. So, consider this – one partner had unprotected sex with someone else one month before registering to get married, and may not reveal this. If the person is indeed positive, the mandatory test will not pick this up during the window period. Also, this policy falsely assumes that by compulsorily testing people and providing them with information about HIV, they will begin to express and negotiate their sexuality only within a monogamous relationship.

Effective public health policies need to take into account the diversity of contexts in which sexual behaviour occurs. The

in marriage, use of testing and counseling services among married women has been, predictably, low. Mandatory testing for couples intends to work around, rather than foundationally overcome, these barriers by linking HIV testing to an institution central to Indian society, marriage.

More recently, NACO has promoted expansion of care and support services for people living with HIV/AIDS, and importantly, free ARV treatment in six high prevalence States. Demand and utilization of care and treatment services can only be created through knowledge of HIV-status. Thus it is again logical that HIV testing become more important and widespread. The availability of treatment has the potential, in the long term, to transform HIV/AIDS from a terminal illness to a chronic, manageable disease – but only if individuals know their HIV status. Given the barriers that have prevented widespread testing, a mandatory testing policy is one route to increasing numbers of people, at a specific lifetime point, marriage, who know their status. The need for scaled up HIV-testing is inarguable. Yet, as twenty-five years of interventions across the world have taught us, it is the means that determine the effectiveness and impact of the end.

The Impact

The impact of a mandatory testing policy can be predicted by careful analysis of the flaws in the method itself, with a realistic analysis of the current public health environment. While mandatory testing for couples before marriage may increase the number of people who know their HIV status, the strategy is narrow and short-sighted. If a policy is truly aimed at protecting the public's health, the logical corollary to forced testing is access to treatment. In the case of a positive test result, access to treatment along with mandatory testing is glaringly absent.

Forced testing without treatment will only further contribute to the true public health barrier to testing – stigma and discrimination. The reality is that women and men who test HIV positive are regularly discriminated

message that this policy will send is dangerous: 'Get married, so that HIV will eventually weed itself out.' The State narrowly assumes that people do not engage in sexual behaviour before marriage. It's as if the State is regulating when you have sex; with the implication that if you do it when they think it is right, you will be protected from HIV – on your marriage night, after you and your partner have tested negative. This is illogical, if not outright dangerous thinking.

> THIS POLICY IMPLIES THAT SEXUALITY HAS LEGITIMACY ONLY WITHIN MARRIAGE – AND THE STATE CAN FACILITATE AND SANCTION INFORMATION, ACCESS, AND LEGAL RECOURSE FOR PUBLIC HEALTH MEASURES WITHIN IT. SUBSEQUENTLY, PEOPLE OF OTHER GENDERS AND SEXUALITIES ARE RENDERED INVISIBLE; LEFT OUT OF THE LAW'S PURVIEW AND GIVEN THE STATUS OF SECOND-CLASS CITIZENS BECAUSE OF WHO THEY ARE AND THE CHOICES THEY MAKE.
>
> NEHA PATEL

Third, the policy is based on the predication that it will provide more choices to women who are disproportionately affected by HIV/AIDS. However, this policy will actually disempower women and further increase the gender disparity in HIV. The assumption that all women are victims in marriage, waiting to be infected by men – further falsely emphasises that it is who you are, not what you do that puts you at risk. There is an inherent belief and

SAPNA DESAI NEHA PATEL

against in the home, work environment and community. After a positive test result, what can a mandatory testing policy offer? It will increase stigma, which further prevents testing. Although couples seeking marriage registration may be forced to undergo an HIV test, wider society will

> UNLIKE A SMALLPOX VACCINATION, TESTING IS NOT A ONE-SHOT PREVENTIVE MEASURE. WITHOUT THE FULL RANGE OF PREVENTION ACTIVITIES, MANDATORY TESTING BEFORE MARRIAGE WILL ACCOMPLISH LITTLE. WITH THE FULL RANGE OF HIV PREVENTION ACTIVITIES, MANDATORY TESTING WILL NOT EVEN BE REQUIRED.
>
> SAPNA DESAI

have more reason to avoid one. Essentially, mandatory testing will prove counter-effective. Not only is it an easy way out of implementing proven effective HIV prevention strategies, it won't work.

Effective strategies to prevent sexual transmission consist of awareness, behaviour change and condom use to promote safer sex, along with testing. While a mandatory test may circumvent women's inability to request HIV testing right before marriage, what happens after marriage? A mandatory test, rather than one chosen by an individual equipped with adequate knowledge, does not promote safer sex, does not create a sustained demand, and does not help individuals understand why prevention is important after the marriage documents are signed. Testing is a critical understanding that it is men's sexuality that is out of control – that women just don't have the inclination, space, or opportunity to do anything that might put them at risk. If we promote unnecessarily protectionist policies as solutions for women, we inevitably send messages that women are not empowered as agents of change. We also assume that men are the only ones who can pass HIV to women. This particular assumption implies that in order to control the epidemic, we must 'save' women and secure their health by protecting and promoting their marriages because they are safe there. The men who marry them will be responsible for their continued protection against HIV by remaining 'faithful'. These assumptions are not cognizant of the real lives of real people. Public health measures should provide for and not limit people's ability to negotiate and choose what contributes to their wellbeing.

Implications

Defining marriage as the only 'safe space' to prevent HIV/AIDS sends a misleading social message. Marriage isn't a cure, a preventive strategy, or a lifestyle that should be placed at a higher premium to maintain better health. Giving the State continued power to define what it considers 'normal' sexual behaviour for individuals is another way for the government to equate sexual morality with health, which again, will do nothing to prevent HIV/AIDS – in fact, it will just drive the epidemic further.

And, if this policy is implemented and someone does test positive, then what? The lack of an adequate public healthcare infrastructure in India severely limits the capacity to handle the consequences of this policy. What kinds of support systems, treatment care and access, and options will people have? What guidelines and protocols exist to provide people with the tools they need to negotiate their wellbeing in this context? The State's key message and assumption that will prevail here is: 'Don't have sex before you get married – it will put you at-risk for HIV', which is an artificial quick fix to an issue that requires us to

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component of prevention. But mandatory prevention for marriage is based on the false assumption that transmission can only occur on the wedding night. Unlike a smallpox vaccination, testing is not a one-shot preventive measure. Without the full range of prevention activities, mandatory testing before marriage will accomplish little. With the full range of HIV prevention activities, mandatory testing will not even be required.

The Reality

Mandatory testing has virtually no favour globally, with little foreseeable impact on the prevention of HIV/AIDS in the Indian environment. Even in countries with epidemics that reach over 1/3 of the adult population such as Botswana, routine healthcare-based testing rather than mandatory testing has been introduced – and not without continued concern and debate. Until treatment is universally accessible and affordable, routine testing is, simply, a flawed public health strategy. The same is true for forced or mandatory testing as suggested in Goa, yet with even further human rights implications.

It has been well recognized that HIV/AIDS strategies are most effective when they integrate a human rights perspective, rather than falsely pit individual rights against public health. As NACO has long recognized, that although testing is important, it is informed awareness and access to testing, not policy forcing it, that will promote prevention, in the availability of treatment. Yet in today's world, treatment reaches an unnecessarily small percentage of those who require it. Across India, only 35,000 of 770,000 people who require ARV treatment have been able to access it. Thus affordability and access to treatment, for States that seek to protect the public's health, is the debate we should be having.

acknowledge the diversity that exists in people's behaviours, identities and contexts, not to dismiss it.

The problem will still remain of how to reach people that aren't included under the policy. How can other solutions reflect and account for the diversity that actually exists when it comes to sexuality? Mandatory testing only serves to further reinforce the idea that HIV/AIDS is the problem of certain groups – and stigma will continue on the basis of who you are – unless, of course, you are married.

> GIVING THE STATE CONTINUED POWER TO DEFINE WHAT IT CONSIDERS 'NORMAL' SEXUAL BEHAVIOUR FOR INDIVIDUALS IS ANOTHER WAY FOR THE GOVERNMENT TO EQUATE SEXUAL MORALITY WITH HEALTH, WHICH AGAIN, WILL DO NOTHING TO PREVENT HIV/AIDS – IN FACT, IT WILL JUST DRIVE THE EPIDEMIC FURTHER
>
> NEHA PATEL

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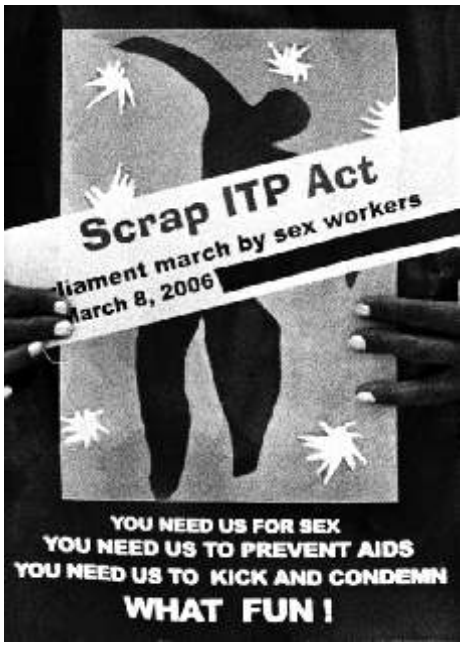
Scrap HIV Act
YOU NEED US FOR SEX
YOU NEED US TO PREVENT AIDS
WHAT FUN!



MOMENTS FROM A MOVEMENT

photographs by Abhinandita Mathur

Over 5000 male, female and transgendered sex workers travelled to Delhi from across 16 States of India to participate in the protest rally organized by the National Network of Sex Workers on March 8, 2006, International Women's Day. These images were shot at various locations on the march route from Ramlila Maidan to Parliament Street. The protest rally was organised to demand decriminalisation of sex work.

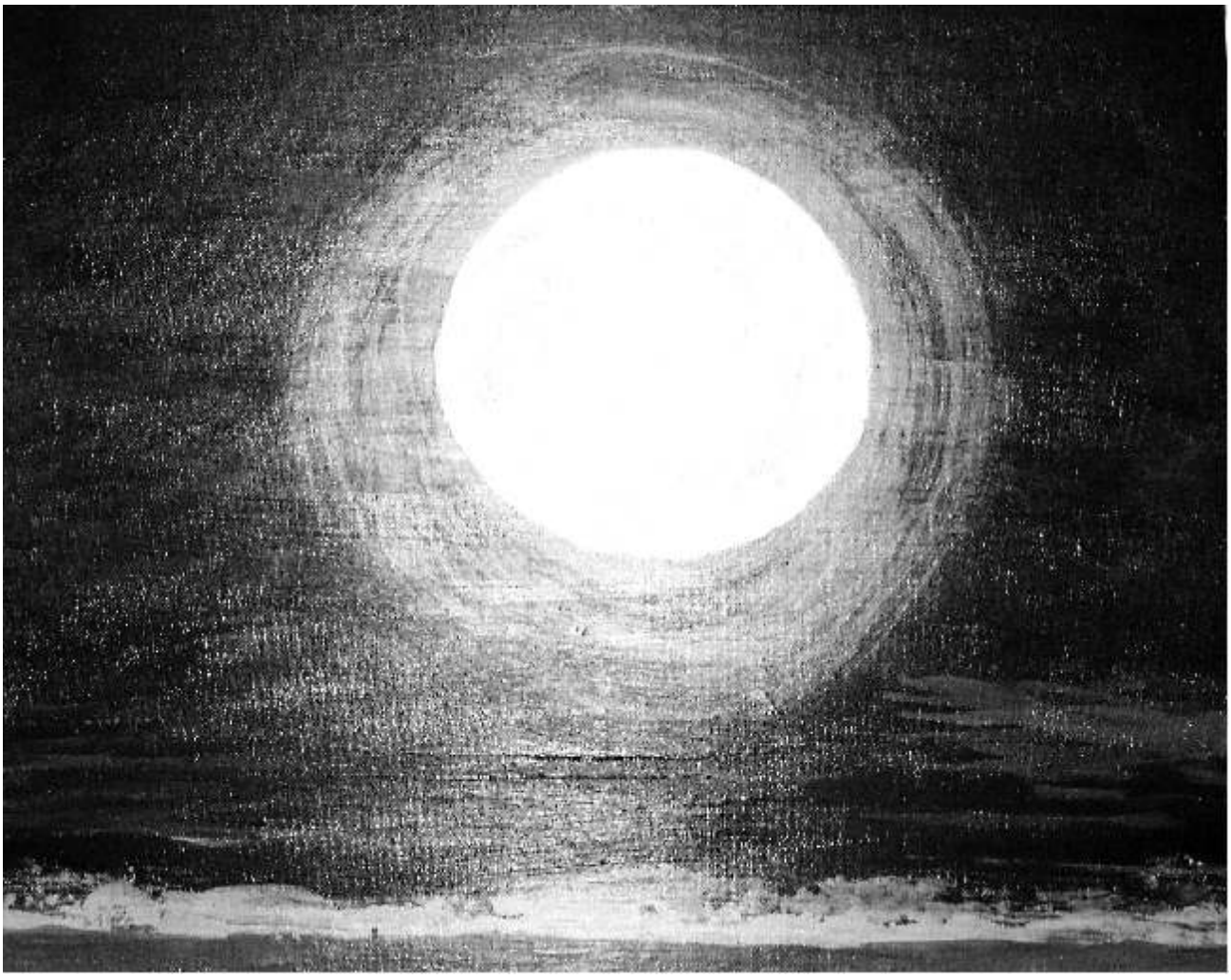
These are moments from a movement to draw attention to the marginalisation, discrimination and criminalisation constantly faced by people in sex work. They are also a celebration of solidarity and empowerment.

Abhinandita Mathur is a researcher / photographer working between Delhi and Mumbai. Her interests include women's rights, sexuality, urban culture, visual culture and media.


EVERY
SCHOOL
NEEDS A
POLICE

sexuality and women's empowerment –

the fundamental connection



Painting by Cynthia Chauhan

THE RELATIONSHIP BETWEEN SEXUALITY AND EMPOWERMENT IS VERY DEEP-ROOTED AND FUNDAMENTAL TO GENDER POWER RELATIONS.

SRILATHA BATLIWALA

In the South Asian context, women's empowerment has generally been equated with strategies that improve women's social, economic, and political power and autonomy, and with enhancing women's self esteem, participation and decision-making in a number of spheres. But it has NOT been linked to sexuality – at least not explicitly – in either concept or practice. Even if I look back at the landmark framework that a group of us developed in the early 1990s – 'Women's Empowerment in South Asia: Concepts and Practices' [1] – there is no mention of sexuality in the entire document, which was much more concerned with increasing women's access to resources, with challenging the gender biases within social, economic, and political structures, and in institutions like the family, education, and the media. It even talked about transforming the ideology of patriarchy or male domination which subordinated and subjugated women. But it never spoke of empowerment as connected to sexuality in any way, and certainly not to women's sexuality.

This could be because that document and others like it were developed for activists working in the field with usually very poor women for whom economic and social discrimination and poverty were the critical issues, so that the focus was on strategies for the social, economic and political empowerment of women. But more probably, these empowerment frameworks reflected a deep discomfort with the entire subject of sexuality. Even more, it was a sign of how little serious thinking had been done on the connection between the two concepts – again, probably because of the awkwardness surrounding the 'hot potato' of sexuality. This unease is in fact a clue to the location of sexuality within the development discourse – i.e., nowhere! – until the HIV/AIDS pandemic hit the sub-continent, and particularly India, in such a massive way, and forced a conversation for which most of us continue to be ill-prepared and ill-informed.

In fact, the relationship between sexuality and empowerment is very deep-rooted and fundamental to gender power relations. To understand how and why, however, we must enter a time capsule and take a journey back to the earliest stages of human civilization.

The story begins at the dawn of human history, when human beings formed the first clans and semi-nomadic tribes. At this time, there was no knowledge of the male role in human reproduction. All people knew was that women had the power to bear children – a power that was considered magical and divine. This amazing power of creation, of giving and nurturing life, began to be worshipped, so that the earliest form of divinity that was worshipped by human beings was the mother goddess. In prehistoric Europe, she was worshipped as the Crowned Butterfly Goddess (Crete,

4000 BC), the Bird Goddess (5000 BC, Spain), and Goddess of Laussel and Lespugne (20,000 – 30,000 BC). In different parts of Africa she was called Ala, Anansi, Bahuba; in Latin America, Chicomecoatl, Coatlicue, Tlalteutli: in Egypt, Au-Set and Aniket, in other parts of the middle east, Al-Uzza, Arianna, Anuket, Hathor; in Greece, Isis, Demeter, Gaea, Galatea; in India and Tibet, Kundalini, Bhavani, Kali, Chomo Lung-ma, Khon-ma; in China Mat Chinoi and KwanYin; and in North America, Awitelin Tsita and Butterfly Woman. The earliest depictions of these divine figures show their life-giving capacity in exaggerated forms – huge breasts and bellies.

These early societies soon made the connection between the lunar cycle, menstruation and child-bearing, which is why many of the mother deities were called 'goddess of the moon' (Ngame, Isis, Aniket). There was consequently a *celebration and deification* of menstrual blood and afterbirth, not the disgust that they elicit today. We also know from ancient historians, archaeologists and from cultural relics (such as poetry and legends) that women enjoyed a high status in these societies. Partly because of the female role in procreation, societies were matrilineal – i.e., children traced their descent from the mother. Indeed, there was only certainty about who one's mother was, since the connection had not yet been made between sexual intercourse and conception. A sex-based division of labour had also developed – in early hunter-gatherer societies, men were sent out to hunt, because this was a risky activity and clans had to protect women from such risk, because the survival of the young (and therefore of the clan itself) depended on women.

> ONCE PRIVATE PROPERTY BECAME ACCEPTED AS A CONCEPT AND IN PRACTICE, AND ITS PROTECTION BECAME A MALE DUTY, MEN ALSO BECAME CONCERNED WITH THE PATERNITY OF THEIR CHILDREN – THEY WANTED TO ENSURE THAT THOSE WHO INHERITED THEIR PROPERTY WERE INDEED THEIR OWN BIOLOGICAL OFFSPRING, THEIR OWN 'BLOOD'. AND THE ONLY WAY TO ENSURE THIS WAS TO RESTRICT WOMEN'S SEXUALITY.

Two critical factors led to the dramatic change in this situation, and to the rise of what we now call patriarchy – literally, the rule of the father, but socially, the system of male dominance and privilege. One was the discovery of the male role in reproduction. We can only surmise how this might have happened – possibly from the time when animals were domesticated, and people realised that ewes would not conceive if they were separated from the rams. However it happened, the fact is that it did. This discovery, on its own, may not have had a far reaching impact on women. After all, women were still the ones who bore, fed, and nurtured the next generation. And indeed, early civilization continued to revere and celebrate women's sexuality and the sexual pleasure of both men and women. Unfortunately, it was the rise of the concept of private property – between 10,000 to 5,000 years ago – combined with the knowledge of men's role in reproduction, that really did women in.

This shift took place at a time when human groups were shifting from the hunting-gathering of earlier societies to the more settled ways of life that animal husbandry and early agriculture allowed. With increased food security, the human population increased, but the amount of habitable land remained static, since the technology to master and live in difficult terrain had not yet been created. This created competition between tribes over land, leading, for the first time in human history, to conflict – what we now call war.

When battles over land became a reality, early societies made an extremely rational decision about who could fight and be sacrificed in wars to protect or expand the community's habitat: young men. Simply put, a society could survive

with just a handful of men to ensure procreation, but it would be seriously threatened if its population of women was dec-imated in battle. Gradually, the men who fought for the tribe not only claimed greater say in the tribe's affairs, but rewarded themselves with private tracts of land and privately owned herds of animals.

And here was the turning point: once private property became accepted as a concept and in practice, and its protection became a male duty, men also became concerned with the paternity of their children – they wanted to ensure that those who inherited their property were indeed their own biological offspring, their own 'blood'. And the only way to ensure this was to restrict women's sexuality – to control their freedom of movement, their access to and interaction with other men, their independent ownership of resources (which might enable them to leave a particular man and pursue an independent life), and the multiple other freedoms that women had thus far enjoyed. In short, women were disempowered in order to control their sexuality in order, in turn, to control the paternity of their children. No such restrictions, of course, were placed on men, who were free to engage sexually with multiple partners.

THE IDEA OF THE 'GOOD WOMAN' AND 'BAD WOMAN' WAS CREATED, WITH DIFFERENT SETS OF ATTRIBUTES ASCRIBED TO EACH, THE PRINCIPAL BEING SEXUAL CHASTITY. THE NOTION WAS PERPETUATED THAT SEXUAL FREEDOM, DESIRE, AND PLEASURE ARE 'NECESSARY' FOR MEN AND UNNATURAL FOR WOMEN. MOST IMPORTANTLY, WOMEN WERE CONVERTED INTO ACTIVE AGENTS OF THEIR OWN SUBORDINATION, TEACHING AND PERPETUATING THE PATRIARCHAL NORMS, ENFORCING COMPLIANCE, AND POLICING AND PUNISHING DEVIANCE.

This transition obviously did not happen overnight. And women did not submit meekly to this change of what had been the natural order of things for millennia. Feminist scholars have found evidence of various forms of rebellion and resistance – one celebrated example, of course, was the founding of the society of women on the island of Lesbos in ancient Greece, and their rejection of all sexual relations with men. Many tribes in South Asia continue to give women equal or greater social and political power than men, and practice matrilineal forms of descent and inheritance (the *Khasis* of Meghalaya, the *Jena Kurubas* of Karnataka, and vestiges of it survive in some communities in Kerala). But despite this, over time, not only the ideology but the social organisation we call patriarchy became the predominant order throughout the world.

Other important historical events facilitated this subordination and subjugation of women. The rise of slavery - also attributed to the early wars, when members of the losing group were captured and brought home as subjugated labour – was one key development in both sociological and ideological terms. It sanctioned the idea that human beings could be owned, subjugated, and controlled much as only animals had been until this time. And with the rise of the institution of slavery, the enslavement of women became more socially acceptable. Like slaves, women also became commodities.

Though it sounds like one, this is not a fairy tale – it's the 'underside of history'[2] that is rarely taught in class, and which was pieced together through the meticulous research of feminist historians around the world.[3,4]

Initially, controls over women's autonomy and sexual freedom were imposed through brute force – but no system

of oppression works for very long through such crude means. It would require far too much time and energy on the part of the oppressors. So over time, the subtler control mechanisms of social mores, cultural norms and values are created to sanction, justify, and perpetuate the oppression. The institution of marriage was created to ensure female monogamy, though men were permitted to be polygamous.

The idea of the 'good woman' and 'bad woman' was created, with different sets of attributes ascribed to each, the principal being sexual chastity. The notion was perpetuated that sexual freedom, desire, and pleasure are 'necessary' for men and unnatural for women. Most importantly, women were converted into active agents of their own subordination, teaching and perpetuating the patriarchal norms, enforcing compliance, and policing and punishing deviance.

> THE CONNECTION BETWEEN SEXUALITY AND EMPOWERMENT IS THEREFORE BOTH DEEP AND PROFOUND. THE SEXUAL SUBJUGATION AND CONTROL OF WOMEN WAS THE PRIME CAUSE OF THEIR DISEMPOWERMENT IN MULTIPLE OTHER DIMENSIONS OF THEIR LIVES. IT IS AT THE HEART OF THE DENIAL OF THEIR RIGHT TO EQUALITY IN EVERY SPHERE OF SOCIETY.

Even a passing glance at any set of South Asian behavioural norms for women demonstrates how these are essentially constructed around the control of women's sexuality: virginity and chastity are valued above all other qualities in women; women's mobility is strictly controlled, especially before and during the reproductive stage of their lives; and women pass on these norms to the next generation and stigmatise those who violate them as whores and harlots. Even the clothing women wear became designed to hide their bodies from the lustful gaze of other men. Yet, only a few millennia ago, our ancestor mothers wore very little clothing (far more suitable to our weather), travelled freely, owned property, and ran village councils.

Religious doctrine was also artfully used to consolidate the growing controls over women and their sexuality. In the Hindu *Manusmriti*,[5] for instance, women are considered as lowly and unclean and most likely to distract men from their *dharma* (duty); men are advised to beat their cows and wives with a stout stick to ensure obedience. Eve the temptress, who seduces poor hapless Adam and drives him from paradise, has an equivalent in many other traditions whose doctrine depicts women as inherently wanton, sexually promiscuous and incapable of controlling their desires, and hence in need of strict control. What is most interesting is how mother worship was gradually replaced with male deities. The promotion of the institution of marriage as a form of control of women's sexuality is clearly evident in the Hindu tradition where the powerful female goddesses of old were neatly converted into wives and consorts of the emerging male pantheon.

Perhaps the ultimate expression of religiously enforced sexual control is exemplified by Brahminical ideology regarding women's sexuality, which led to the cruel ill treatment of widows in upper class Hindu society.[6] In this tradition, women's sexuality and reproductive capacity was considered the property of one single man – her husband. Once he died, even if she was a young woman, she was prohibited from sexual contact with any other man, and was not even allowed to re-marry, something most other societies allowed. To ensure that young widows didn't attract the men of the household, their heads were shaved, they were forced to wear shabby clothing, treated as unclean, and kept in physically separate quarters of the

house. Of course, such norms were not imposed on women of lower castes, since upper caste men needed sexual access to these women.

With the rise of patriarchy, the whole idea of sex and sexuality was rendered taboo for women, particularly among the middle and upper echelons of society. In South Asia, the parts of women's bodies associated with sex and reproduction became converted into 'polluting' and 'tainted' organs, to be shunned, hidden, and abhorred. This is why it is still so difficult for women to seek treatment for even simple disorders like a urinary tract infection. Women were taught to be ashamed of their sexual organs, and to fear their sexual desires.

Sex became a taboo subject, surr-ounded with silence and shame, sanctioned only in the context of marriage and procreation. Women were made responsible for the safeguarding and transmission of culture from one generation to the next, and culture is not simply a matter of rites and rituals but beliefs, mores, and values. This was particularly true with respect to sexuality, where women became the champions of patriarchal standards and tend to be the first to brand other women who deviate from the 'path of virtue' – which meant, just a century ago, daring to wear a shorter-sleeved blouse, or going to school to learn to read and write.

The connection between sexuality and empowerment is therefore both deep and profound. The sexual subjugation and control of women was the prime cause of their disempowerment in multiple other dimensions of their lives. It is at the heart of the denial of their right to equality in every sphere of society. It led to women's economic disempowerment, because if women could own productive assets, have independent incomes and control that income, there is little chance they would tolerate some man dictating terms to them. It led to their physical disempowerment, since women had to be physically cowed down into accepting male dominance, but also because they had to be prevented from interacting with other men to whom they might be sexually attracted. They had to be socially disempowered in order to deny them a voice in community affairs which might lead them to challenge male authority and power. And they had to be politically disempowered so that they could not change or challenge male laws and patriarchal institutions at a larger level.

It is time, therefore, for programmes of women's empowerment to begin to address this fundamental source of women's subordination, this profound connection between sexuality and social power. The HIV/AIDS epidemic has demonstrated the high cost of a social structure where women have no negotiating power in sexual relations, and no control over their sexual lives. We must seize this opportunity to launch a region-wide debate that explores the meaning and practice of sexual empowerment – not only for women, but also for men.

1 Srilatha Batliwala, 1992, Women's Empowerment in South Asia: Concept and Practice', New Delhi, FAO/ASPBAE

2 Elise Boulding, 1992, The Underside of History Vol. 1, London, Sage Publications.

3 Rosalind Miles, 1988, The Women's History of the World, London, Paladin

4 see www.womeninworldhistory.com

5 The first codification of Hindu law, attributed to the Sage Manu, sometime in the 11th century AD.

6 See Uma Chakravarty, 1998, Pandita Ramabai: Rewriting History, New Delhi, Kali For Women.

Srilatha Batliwala is an Indian feminist activist and researcher who has worked on a range of social change, gender justice, and international civil society initiatives. She is currently the India-based Civil Society Research Fellow of The Hauser Center for Nonprofit Organizations, Harvard University.

IMMORAL TRAFFIC (PREVENTION) AMENDMENT BILL 2005

NNSW AND DMSC STRONGLY URGE THAT THE GOVERNMENT SHOULD DEFER THE INTRODUCTION OF THE ITPA AMENDMENT BILL, 2005 UNTIL ALL AFFECTED CONSTITUENCIES INCLUDING SEX WORKERS, HEALTH AND HIV/AIDS ORGANISATIONS AND HUMAN RIGHTS GROUPS HAVE EXPRESSED THEIR VIEWS.

The Durbar Mahila Samanwaya Committee (DMSC) is an organisation with a membership of over 65,000 sex workers of West Bengal. They are a part of the National Network of Sex Workers (NNSW) that represents millions of female, male and transgendered sex workers in India. The DMSC, formed a decade ago, demands decriminalisation of adult sex, the right to retain and raise their children, form a trade union and be free of social stigma.

DMSC emerged out of the famous STD/HIV Intervention Project (SHIP) in Sonagachi, Kolkata, which started in 1992 and is now an internationally acclaimed model sexual health project. Today, SHIP and DMSC run HIV prevention projects in 49 districts of West Bengal. DMSC has set up *Self Regulatory Boards* to prevent the trafficking of adult and minor women into the profession. Currently, the DMSC, along with the NNSW has launched a nationwide campaign against the recent amendments to the *Immoral Traffic (Prevention) Act* (ITPA), 1956.

In India, sex work is regulated through the ITPA and certain provisions of the Indian Penal Code. The Act is based on a 1949 UN Convention wherein prostitution is not illegal but soliciting and exploiting prostitution are considered to be offences. The ITPA considers sex workers to be victims who have been forced to enter the trade and are therefore in need of rescue and rehabilitation. The ITPA has an ambivalent position about sex work in that it does not see sex work as illegal but criminalizes certain aspects of it. The following are considered offences under ITPA

- keeping a brothel or allowing a premises to be used as a brothel (section 3)
- living on the earnings of prostitution (section 4)
- procuring, inducing or taking persons for the sake of prostitution (section 5)
- detaining a person in a premises where prostitution is carried out (section 6)
- prostitution in, or in the vicinity of, public places (section 7)
- seducing or soliciting for the purpose of prostitution (section 8), and
- seducing a person in custody (section 9).

Recently, the Department of Women and Child Development (DWCD), Ministry of Human Resource Development, Government of India moved the *Immoral Traffic (Prevention) Amendment Bill 2005*.

Ironically the sex workers, the community most affected by ITPA, were not consulted during the process of drafting the amendments. If the Bill is passed by the Parliament, it will have serious repercussions on the lives and livelihoods of sex workers and consequently affect public health goals such as prevention and control of HIV/AIDS. To this end, NNSW and DMSC urge the consideration of the following points.

Introduction of New Section 5C

The new amendments repeal Sections 8 (that criminalised the soliciting of clients) and 20 (that allowed magistrates to evict sex workers from their premises) thereby taking a positive step towards decriminalisation of sex work. But the gains are reversed by the introduction of the new Section 5C that punishes the clients of sex workers. This provision will only serve to drive the clients and sex workers underground rendering them even more vulnerable to exploitation. It will prevent women from testifying against their clients and will invariably be used as a tool of harassment and corruption by law enforcement officers and others.

Section 13 (2) of the Amendment Bill

The proposed Bill lowers the rank of police from Inspector to Sub-Inspector under Section 13 (2). There has been a long history of the police harassing, extorting and exploiting sex workers through real and imagined provisions of the ITPA. In September 2002, Swapna Gayen, then President of DMSC was attacked and brutally assaulted by a mob of local hoodlums in Tollygunge, Kolkata in the presence of police officials. The proposed amendments will only encourage such incidents by granting excessive powers to the police.

The DMSC has urged the government to not only re-think the proposed amendments but also pay attention to existing provisions under the ITPA that undermine the rights and health of the sex workers. For instance:

Section 3 of the ITPA penalises brothels, including keeping, managing and renting out of premises for sex work. Since the vast majority of sex workers in India are poor and don't own their own houses, they have no option but to rent rooms for sex work. By rendering lease agreements illegal, Section 3 makes sex workers vulnerable to eviction and penal liabilities. The DMSC strongly feels that a clause related to the tenant-landlord relations in the sex sector must follow the same logic that holds good for the rest of the society. The sex worker must get a receipt for all transactions regarding rents, taxes etc. so that all transactions are transparent and legally binding.

Section 4 of ITPA criminalises all those who live on the earnings of a sex worker. Initially enacted to discourage `pimping', the law is now used to criminalise all dependents including aged parents and children over the age of 18 years. DMSC demands that like everyone else, sex workers should be able to support their families without having them face arrest or prosecution. In the absence of any social security measures for sex workers and their dependents, this clause only makes their situation even more vulnerable.

Organisations like the DMSC and NNSW have consistently urged that the legal regime around sex work needs careful and comprehensive review. They are distressed that the Union Cabinet approved such a controversial bill without considering its health and human rights implications. If the current United Prog-ressive Alliance (UPA) govern-ment is really serious about 'providing leadership to national AIDS efforts' as expressed in its Common Minimum Programme, then it should stop and rethink the amendments.

NNSW and DMSC strongly urge that the government should defer the introduction of the ITPA Amendment Bill, 2005 until all affected constituencies including sex workers, health and HIV/AIDS organisations and human rights groups have expressed their views. Alternately, they should refer the Bill to a Standing Committee that invites community and civil society participation and feedback. Till then, NNSW and DMSC will conduct a public campaign to generate a debate around the issue.

Shruiti Menon and Suhasini Nair in *Sancharram*

Sancharram – The Journey...

PONNI ARASU

About three years ago, the now director of *Sancharram*, Ligy Pullapally told some of us with glee on her face – 'I want to make a movie about two *Mallu* girls falling in love and runnin' around trees in Kerala'. Little did we know at the time that she would actually go ahead and make it.

Sancharram, a breath of fresh air in Indian cinema is the story of two *Malayali* (the people of the South Indian state of Kerala are *Malayalis,* affectionately called *Mallus*) women – Kiran and Delilah – in high school falling in love with each other. The film is set in the background of Kerala, 'God's own country', with its lush greens, rivers and ponds and with all its romance. The two girls, Delilah (Shruiti Menon) – the lively, popular, and naughty one, and, Kiran (Suhasini Nair) – the quiet, introspective, potential writer, are childhood friends and find themselves passionately attracted to each other. The story is, for the most part, about how the protagonists deal with this attraction and their families' reactions to it.

The film is contextualized within the social and religious scenario in Kerala. While the love story of the two girls is highlighted, it is juxtaposed with other stories such as that of a Hindu-Muslim heterosexual couple in the same class in school. Delilah and Kiran themselves are an inter-religious couple (Christian and Hindu).

Sancharram also addresses issues relating to sexuality as a whole in our society through the figure of another girl in their class who seems to have been 'betrayed' by her boyfriend. It is this girl who expresses a sliver of support to Kiran while they are being ostracized by their peers. The comic relief in the movie is the subtle comic critique of heterosexual norms expressed in many ways but embodied in the good *Malayali* boy – Rajan (clearly an apt name for a boy who also acts like 'the king') who is in love with Delilah. The parents find out about the relationship between Delilah and Kiran, partially through Rajan, and all hell breaks loose.

Long ago Kiran's subversive foremother had eloped with a poorer man and cherished a fragile bangle that was a simple 'gift of love' in the midst of all the glittering gold. This becomes the symbol of Kiran's love for Delilah. This gives both Kiran and her love story a profoundly majestic character. Delilah's grandmother, the only daughter of a rich Christian family in Kerala, is alone in standing up for her granddaughter's happiness, while however, not saying anything about her relationship with Kiran. This proves to be a touching moment in the film expressing simple warmth and love that is beyond the 'normal', 'abnormal', hetero-sexual, homosexual and so on. However naïve it may sound, many Lesbian, Gay, Bisexual and Transgender (LGBT)

people in our country know that often this can be the only basis for even a semblance of acceptance and support in our families.

Sancharram has to be seen in the context of the history of the representation of LGBT people in Indian Cinema. Apart from the famous Bobby Darling (the real name of the actor who has often played the effeminate gay character in mainstream Hindi cinema) – the eternal gay best friend of the hero who feels up the latter's biceps – gay men have been seen in movies such as *Mango Soufflé*, *Rules-Pyaar Ka Superhit Formula* (Rules –The Superhit Love Formula) and in a comic and yet not-so-offensive manner in *Kal Ho Na Ho* (Whether Tomorrow Comes or Not). *Hijras* have always been part of our popular cinema as comic relief, and cross dressing by men is another popular trend. *Hijras* as protagonists and as a community have been seen in movies such as *Shabnam Mausi* (Aunt Shabnam) and *Navrasa* (Nine Emotions). Lesbians are remembered most maybe because they were seen the most, or seen only in *Fire*, *Girlfriend* and now *Sancharram*. The first two films were released commercially while *Sancharram* could not be released in Kerala as the director had planned. The distributors were not willing to take the risk. Cinema halls have thus perhaps been spared from being burnt down by Hindu fundamentalists as was the case with *Fire*. *Sancharram* is now doing the rounds of the film festival circuit and has won much acclaim. We hope some day that it will be released in theatres.

The basic difference between *Fire* (two north Indian women in oppressive marriages as the protagonists), *Girlfriend* (two north Indian young women – a 'man-hater' and a confused heterosexual woman – as protagonists) and *Sancharram,* is that *Sancharram* is more sound in placing its protagonists within a very specific context. Also, the filmmaker has held on to many aspects of mainstream Malayalam cinema. The camera, screenplay and music are in a style that is of most films in Malayalam. She tells a love story without losing the strengths of mainstream cinema in Kerala and yet not compromising on the nuances that come with the fact that it is two women who are in love. The strength of the film is this balance because of which one can hope for a good commercial run in Kerala. The assumed titillation at the mention of any kind of overt sexuality will also ensure that audiences come in. The chances of it seeing a commercial release are bleak, but one can always hope!

One often wonders what 'queer' portrayals in film would look like. *Sancharram* can be a case in point. It is the story of two women portrayed in a way that can make it appeal to all those who might be in romantic relationships that don't fall strictly within the accepted norms of gender and sexuality. It can appeal to those for whom mainstream portrayals of romance so far have been restrictive and thus unappealing. Even the mildly jarring abstract dance sequence in *Sancharram* does not take away from the simple way in which the relationship is built up in the film.

At the end of the day it is a well made film showing a heart-warming love story with all its struggles and beauty. From the perspective of visibility of lesbians in this country, *Sancharram* is a welcome addition that captures the struggles of lesbians without excluding broader issues of gender and sexuality.

In short, *Sancharram* with its brilliant cinematography, the music that lingers long after, the gorgeous backdrop and good acting by everyone especially the two women with character is a must watch with one or many special someone(s)!

Ponni Arasu works at CREA (Creating Resources for Empowerment in Action) in New Delhi. She identifies as a queer feminist activist and is also a member of the Nigah Media Collective that initiates discussions around gender and sexuality by using various kinds of media.

...THAT ABORTION IS ILLEGAL IN 9 OF THE 13 COUNTRIES REVIEWED IN THIS REGION?

...THAT KEEPING ABORTION ILLEGAL ONLY DRIVES IT UNDERGROUND, RESULTING IN HUGE NUMBERS OF WOMEN DYING BECAUSE OF LACK OF ACCESS TO SAFE AND LEGAL SERVICES?

Abortion Laws

...that though abortion is illegal except to save a woman's life in BANGLADESH, menstrual regulation is a crucial part of the government's family planning program?

...that in CHINA and INDIA, abortion became legal, not as a reproductive right but as part of the population control agenda? Abortion in India is legal for a woman above the age of 18 years, if sought to save the life, physical, or mental health of the woman, in the case of rape or incest, and in the case of foetal impairment. A woman below 18 years of age must get the written consent of her guardian in order to request an abortion. However, in practice, doctors and practitioners are known to insist on 'permission' for the abortion from either the husband or father of the woman, even if she is an adult.

...that abortion is illegal under Section 348 of the INDONESIAN Criminal Code and under the Penal Code of MYANMAR, with the woman and those assisting her being subject to imprisonment and a range of other penalties.

...that in LAOS, abortion is illegal except to save the life of the woman, and that this requires the approval of the Ministry of Health? Similarly, according to Articles 256-258 of the Penal Code it is illegal in the PHILIPPINES, except to save the woman's life for which authorization is required based on consultation with a panel of professionals.

...that abortion in NEPAL became legal after a long hard battle only in 2002? Before this, the strict enforcement of the highly restrictive earlier law that forbade abortion resulted in women being imprisoned with the result that one in five women prisoners had been jailed for having had an abortion, and many of them were given 20 year long prison sentences.

...that abortion in PAKISTAN is illegal except for the purpose of saving the woman's life or preserving her physical or mental health? Abortion is governed by the Penal Code of Pakistan, which includes a revised law passed in 1997. In MALAYSIA, abortion is illegal. Punishments in both Pakistan and Malaysia are greater if the abortion is performed when the woman 'is quick with child' (around the fourth month of pregnancy).

.....that under the Penal Code of 1883, abortion in SRI LANKA is a criminal offence except when performed to save the life of the woman? And that unsafe abortion is the third leading cause of maternal mortality in Sri Lanka?

...that while abortion in THAILAND is illegal, it may be performed in the case of rape or incest, or to save the life or the physical or mental health of the woman?

...that in VIETNAM, Decision No. 162 of the Council of Ministers (January 1989) obligates the State to supply birth control devices and public-health services for abortions free of charge to eligible persons who work for the government and to poor persons who register to practice family planning?

Review of
Sex, Power and Nation: An Anthology of Writings, 1979–2003

Julia I. Suryakusuma
Jakarta: Metafor Publishing, 2004

DÉDÉ OETOMO

Since the Indonesian change of regime on Ascension Day, May 21, 1998, which opened the floodgates of freedom, many books have been openly and freely published on sexuality. Quite a few others discuss and reflect on the terrifying abuse of power during the Soeharto regime (and the previous one). Still others are concerned about the state and unity of the nation, some with a new spirit yearning for peaceful relations between social groups, while others retain the old spirit of maintaining territorial integrity at any cost.

However, very few books raise issues around sexuality, power and nation in the Indonesian context in their complex and mysterious tangle, all in one volume. By doing so clearly and appropriately, this anthology by Julia I. Suryakusuma—intellectual, feminist, activist, but also hard to pigeonhole—is a rare one indeed. It describes, discusses, analyses, and questions different phenomena, thereby making us unsettled, anxious, even disgusted at the self-portrait of our society which comes out in the pieces collected therein.

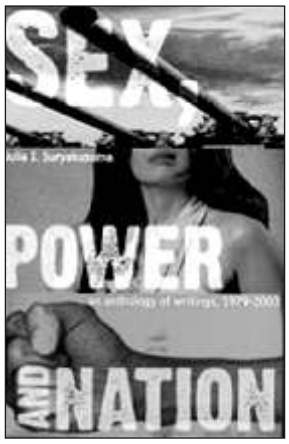
Here's an anthology of Suryakusuma's writings spanning the period from 1979 to 2003, beginning with a summary of her Honours thesis in Sociology at the City University, London ('Odd Bedfellows: Creativity & Politics: Literary Debates in Indonesia 1950–1965') about the fierce debate between the proponents of the universal humanistic Cultural Manifesto and the Left-leaning Institute of People's Culture, and ending with another article on literature ('The Sacred, Mundane and Profane: Women's Literary Writings in Indonesia' [translated from '*Yang Sakral, Duniawi dan Profan: Karya Sastra Tiga Perempuan*,' *Horison*, Juni 2003]).

Some of the pieces were written and published under the repressive conditions of the Soeharto era. In my opinion, what is special about Suryakusuma's writings is her persistent courage to be an intellectual with integrity: continuing to describe conditions such as she discovered during research and to analyse them with an elegant combination of subjectivity and objectivity, all the time being fully aware of the risk of repression that might befall her.

In her own introduction to the anthology, 'Julia's Passion,' she recounts her bouts with the terror apparatus of the New Order State, particularly in 1988 when it got wind of a conference on Indonesian women in Leiden, The Netherlands, in which one of the papers presented compared the Left-leaning Indonesian Women's Movement, *Gerwani* (since 1965 vilified as connected to the later banned Indonesian Communist Party and as consisting of wicked, sex-crazed, man-hating women), to the State-sponsored corporatist women's organization, Education for Family Welfare, PKK. Suryakusuma beautifully narrates blow by blow the terror she went through at the Office of the State Minister for Women's Affairs (at a meeting in which were present officers from the State Intelligence Coordinating Body), her fear, but at the same time, her undaunting resistance. She wrote two versions of her paper, a more subdued one for public circulation, and the original one for personal circulation. She is honest about her fear, the dilemma between her intellectual integrity and the demands of her family, especially her son, in such a terrorised situation.

In the introduction by Wimar Witoelar, an intellectual in his own right and presidential spokesperson under President Wahid, 'Thinking Between the Boxes', we are introduced to a Julia

Suryakusuma who can never be boxed in when thinking, speaking, writing or acting, but who is clear about her previous boxes, so that, as Witoelar writes, as readers we are at least tempted to jump from box to box or even lose ourselves in Suryakusuma's invitation and accept it.



In her writings we'll be challenged concerning our nationalism which could turn into bigoted jingoism. As the daughter of a diplomat raised in various countries, for example, she has always been perceived as 'foreign', both in Indonesia or in the countries where her father was posted. But she makes use of this 'foreignness' and expressly destroys (don't get me wrong, elegantly and beautifully) the boxes we thought were solidly established, such as in the piece 'A Marriage of Inconvenience: Indonesian Perceptions of the West' (originally published in *Van Zorge Report*, February 2002).

She admits that she has a love-hate relationship with Indonesia. Which Indonesian or observer and lover of Indonesia has not gone through this? Suryakusuma shows her affection for Indonesia without losing her critical objectivity about the ugly side of our society. She thoroughly deconstructs many writings about events around the change of regimes in May 1998 and the ensuing restructuring of democracy with passion without losing her soft spot for the country. Benedict Anderson describes in his introduction to his *Language and Power* (Cornell U.P., 1991) his realisation that after 1965 Indonesia is as if one's lover turns into a murderer. In the same vein, Julia sees her Indonesia as a good-looking, vain, naughty lover, sometimes giving her a hard time, but always drawing her to him.

When Indonesia was beginning its democratisation process, particularly in the 1999 Elections, she draws a clear map of the dozens of political parties that took part. She can be cynical in her political writings, but is also objective about conditions as she captures them, such as when she describes the leadership crisis in the country, including under President Abdurrahman Wahid (1999–2001). She's unique here, since we Indonesians too often either adulate him or vilify him, sometimes on no ground at all.

As a feminist intellectual, Suryakusuma is a rare breed indeed, since she does not only think, reflect and theorise about the position of women in our society, but puts those thoughts, reflections and theories into practice in daily life and social activism. In her own introductory chapter, she confesses to being a free spirit. She will never give up her freedom, even under the threat of terror, such as we saw earlier.

Her pieces on plantation workers, women workers in the economic crisis, the ideology of state motherhood, whose vulgar manifestations are the organisation of civil servants' wives and female civil servants, *DharmaWanita*, PKK and the Government Regulation No. 10/1983 on (monogamous) marriage and divorce of civil servants, are classics that are still worth reading, if only to remind us that the New Order is still alive and kicking around us.

Julia Suryakusuma does not mince words when she describes the rapes of ethnic Chinese women or women perceived to be ethnic Chinese in May 1998, which to her is just a tip of the proverbial iceberg which is violence against women practised by the militaristic State. Titles like 'Bayonetting the Vagina' have their own linguistic aesthetics, at once making us shudder with anger but also pushing us to take action to stop such violence.

Suryakusuma is fully aware of her position as a writer. She cites Stalin to Cisoux to convince us that writing is a tremendously and extraordinarily powerful act, since we can thus change the world as well as ourselves.

How do her writings affect me? I want more: I want to read more such writings by her on prostitution and the trafficking of women in connection with State power, for instance, which I'm sure she's capable of doing, or on sexual orientation, which always comes up in personal discussions. I think we can look forward to such, because in this anthology, which was published to celebrate Suryakusuma's 50th birthday, she states that life begins at 50 (not 40, she writes).

Dédé Oetomo is Founder, Trustee and Head of the Division of Research and Education of GAYa NUSANTARA Foundation, Surabaya, Indonesia. He is also on the Advisory Committee of The South and Southeast Asia Resource Centre on Sexuality.

... on how sexual rights affect one personally, and how they are affirmed and/or violated in one's local cultural setting.

YINGYING HUANG

I currently co-edit a newsletter on *Sexuality Research in China*, and have recently prepared an issue on sexual rights in China. It has awakened my own thinking and reflections on sexual rights in a context that I am experiencing everyday in the language we use.

As most people will agree, 'rights' *(quanli)* is one of the most sensitive words in the Chinese language because it is quite politicised. Few people will talk about it publicly, especially when it is paired with another sensitive word, 'sexuality' *(xing)*, which is highly moralised. When you think about the ways in which individual sexual rights are compromised, I can think of two examples that I think are important – marriage rights and rights to pleasure.

In recent years, I have been observing that there have been heated discussions on whether college students have the right to marry. This arises from the conflict between the marriage law and the National College Regulation. According to the Chinese Marriage Law, the minimum age for marriage is 22 years for men and 20 for women. However, the National College Regulation prohibited college students from getting married, even if they are of legal age. Even though the Regulation was recently withdrawn, it doesn't mean college students are now encouraged to get married.

But the fact that the College Regulation has now been eliminated, is critical progress anyway. When I was a college student (and even now), my favorite example of how our vice president liked to 'educate us' was by citing an example of two college students who kissed in front of the canteen. He disapprovingly said it 'lasted for several minutes' which, of course according to him, was 'not decent behavior'. And pre-marital sex, of course, was (and still is for the most part) highly moralised and criticised even though the percentage of young people having pre-marital sex is increasing. These acts could result in being dismissed from school and being fined up to 5000 RMB (more than 600 USD)!

And as I review documents related to sexual rights, I can't help but think of the one thing that I find is consistently neglected consciously or unconsciously – the right to seek sexual pleasure or sexual wellbeing from an affirmative perspective. Most of the discussion on sexual rights is focused on how to protect people from being hurt or endangered. Even the proposed right to sexual autonomy still focuses on the penalty of violation. It seems to me that people are much happier to talk about 'unhappiness' but feel shame to talk about pleasure.

Thinking about these two examples, I still feel we have a long way to go. But this is also why I feel working on examining sexuality in a rights-based framework, especially from an affirmative perspective, is critical for us to articulate and realize our sexual rights.

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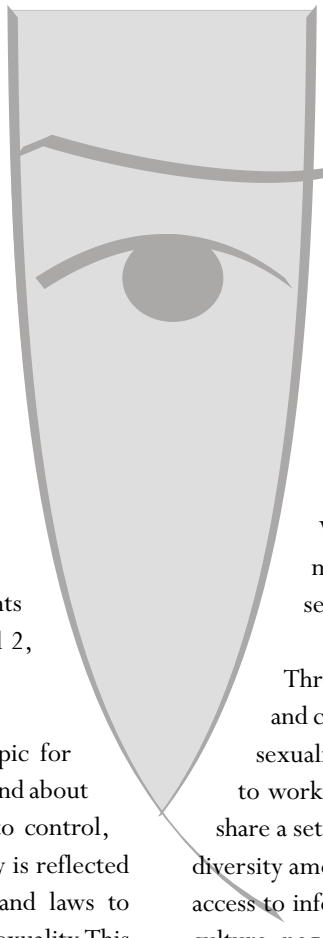
AT THE RESOURCE CENTRE

JOIN the 'Sexuality and Rights for Young People' E-Discussion Forum!

The Resource Centre conducts structured, time-bound, moderated e-discussion forums on various topics related to sexuality throughout the year. The first discussion forum was titled 'Sexual Pleasure, Sexuality, and Rights' and ran from October 17 to December 27, 2005. The second discussion was titled, 'Sexuality and Censorship' and was from January 16, 2006 to March 23, 2006. (Archives can be viewed on the website at http://www.asiasrc.org/forum.php).

The third discussion is titled 'Sexuality and Rights for Young People' and will be held from April 2, 2006 through May 26, 2006.



Sexuality has always been a controversial topic for most people. It is often what we don't understand about it that makes us afraid of it. Our tendency to control, suppress, hide, illegitimise and judge sexuality is reflected in how we develop programmes, policies, and laws to govern and regulate our own and each other's sexuality. This is particularly so when it comes to young people and their sexuality. Today there are a plethora of programmes, policies and laws addressing young people's sexual and reproductive health, especially in South and Southeast Asia. HIV/AIDS and gender mainstreaming have propelled a dialogue around young people, whereas some years ago it wasn't acknowledged that young people even *had* something called sexuality. Young people's sexuality and rights remains a controversial issue. Readiness for sexual activity is based on a multitude of factors including age, mental and psychological capacities, and context. In trying to help young people to grow up healthy and safe, we often struggle with how to protect them from sexual harm without going to the other extreme and becoming paranoid. However, the question still remains: Why are we so afraid of letting young people make their own decisions about their own sexuality?

Through opening spaces to talk about these issues and challenging assumptions around young people's sexuality we hope to interrogate the frameworks used to work on issues of sexuality and young people, and share a set of multiple strategies that are reflective of the diversity among young people. Age of consent, choices and access to information and services, pleasure, morality and culture, negotiation and realisation of sexual rights are all contentious aspects of the debate on young people and sexuality and they are not likely to go away.

These are only some of the questions and debates we will be considering in the upcoming forum discussion. We hope to

engage a diverse range of people and ideas on this issue. To join the forum and view the discussion, please visit our website www.asiasrc.org and follow the instructions after clicking on the link to E-Forum Discussions. We look forward to your participation in an exciting and lively dialogue!

READ *In Plainspeak* Online

Every publication of *In Plainspeak* is available to download in PDF format on the South and Southeast Asia Resource Centre on Sexuality website www.asiasrc.org. To receive a hard copy of *In Plainspeak*, just send your mailing address to resourcecentre@tarshi.net.

BROWSE our website at www.asiasrc.org

The website contains information about Resource Centre programmes, a database of library materials, links to organizational and electronic resources throughout the region, links to journals, news articles, an online poll, and announcements.

TAKE the Online Poll

The Resource Centre website hosts online polls every two months in an effort to highlight different angles of debates on current issues. Previous statements have highlighted issues in sex work, pleasure, pornography, and HIV and sexuality. Visit the poll, post your comments, and check out what others think at http://www.asiasrc.org/index.php .

CONTRIBUTE to *In Plainspeak*

Calling all Artists and Writers! We hope to showcase a diverse range of images throughout the magazine in each issue. *In Plainspeak* is calling for pictures, drawings, paintings, graphics, images, and paintings related to sexuality for inclusion in the magazine. Submissions should be sent to resourcecentre@tarshi.net.

We want to hear your stories! We are inviting submissions for *The 'I' Column* for the next issue of *In Plainspeak*. This column features a personal and specific account of how individuals see sexual rights as affecting them and highlight either affirmation or violation of those rights. If you want to share your experience, please send us a 500 word essay to resourcecentre@tarshi.net by June 15, 2006.

VISIT the Resource Centre Library

The South and Southeast Asia Resource Centre on Sexuality library hosts a collection of classic and contemporary books on sexuality, fiction, newsletters, CDROMs, newsletters, organisational material, electronic files, conference papers, journals and other periodicals, on sexuality, reproductive health, and rights. The library is open to use by professionals working in the field, NGOs, academics, researchers, and students.

The library page is hosted on the Resource Centre website (www.asiasrc.org). Users can access web links to many useful journals, browse the library catalogue for information on materials in the library, and send search queries to the librarian.

Library Hours: Monday to Thursday, 1:30 pm to 5:00 pm.
Telephone: 91-11- 55642625

GIVE us Your Feedback!

What did you think of this issue of *In Plainspeak*? We welcome any comments, suggestions, or ideas for how we can make improve our work. Please send your feedback to resourcecentre@tarshi.net. We look forward to hearing from you!

ABOUT THE RESOURCE CENTRE

The South and Southeast Asia Resource Centre on Sexuality aims to increase knowledge and scholarship on issues of sexuality, sexual health and sexual wellbeing in this region. The Resource Centre specifically focuses on sexuality related work in China, India, Indonesia, Nepal, Sri Lanka, Thailand, The Philippines, and Vietnam. The Centre serves as a space for activists, advocates, practitioners, and researchers, to better understand, examine, and expand upon the complex issues surrounding debates on sexuality.

The South and Southeast Asia Resource Centre on Sexuality is hosted by TARSHI (Talking About Reproductive and Sexual Health Issues).

TARSHI, a not-for-profit organization based in New Delhi, India, believes that all people have the right to sexual wellbeing and to a self-affirming and enjoyable sexuality. TARSHI works towards expanding sexual and reproductive choices in people's lives in an effort to enable them to enjoy lives of dignity, freedom from fear, infection, and reproductive and sexual health problems.

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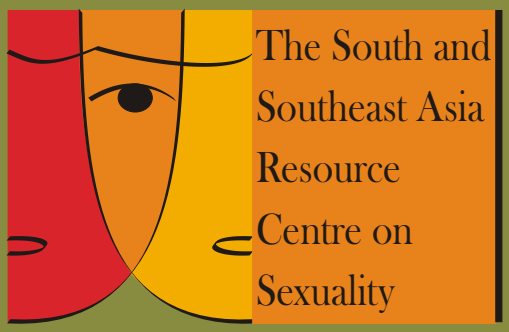
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