

The Fight for LGBTQ+ Equality is a Fight for Decolonization

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I. Introduction

On the morning of June 28, 1969, New York City police raided a gay club at the Stonewall Inn in Greenwich Village, violently removing and arresting employees and guests. Officers forcibly dragged patrons to bathrooms to identify their biological sex and deduce whether they were complying with the state's laws on wearing gender-appropriate clothing in public. The police arrested 13 people, but knowing they faced unjust, homophobic charges, some patrons of the gay club refused arrest. The situation escalated until the officers found themselves surrounded inside the Stonewall Inn with protesters throwing bricks, stones, and pennies at them. No longer suppressing their true identities like the New York government wanted them to do, six days of passionate protests against police brutality and institutional discrimination of the LGBTQ+ community ensued.

Often known as the catalyst for the gay rights and, eventually, LGBTQ+ rights movement, the Stonewall Uprising led to the creation of numerous organizations fighting for queer rights. A year after the protest, thousands marched from the Stonewall Inn to Central Park in memory of the previous year's events, sparking the first gay pride parade in the US. This rally, also known as Christopher Street Liberation Day, was a testament to the further destigmatization of queer activism.

These global loud and proud protests forced the United States and, eventually, other Western countries to slowly become more, although not nearly enough, inclusive of the LGBTQ+ community. Nowadays, these countries pride themselves on the mere sliver of equity they provide for their minorities and often shame poorer countries for their "unprogressive" ways

when it comes to gender equality. “Upholding an insidious element of white supremacy, some people conveniently ignore that, in many cases, colonialism and external impact are the only reason for the mistreatment of queer people in [poorer nations],” writers of *The Oxford Student*, explained. Great Britain, which now prides itself on its progressivity, is especially guilty of this practice as British colonists replaced India’s native customs of gender and sexual inclusivity with British norms of heteropatriarchy and cisnormativity through oppressive regulations. Although British colonialism in India ended in 1947, these anti-LGBTQ+ laws often live on today because of the struggle to decolonize the country from its deeply ingrained colonial institutions.

II. Historical Background

Although Christianity has evolved from its creation, it has supported a heteropatriarchy and cisnormative society since its inception, spurring European imperialists to spread such queerphobic views in their colonies. The iconic story of Adam and Eve portrays the first man and woman. God sends Adam to the Garden of Eden, and Adam makes Eve from his rib for a companion. Eve picks and eats an apple from the forbidden tree, and God punishes the couple by banishing them and humankind from paradise. Since religious leaders often blame Eve for her sin and bringing down the rest of peoplekind with her, the story perpetuates the notion, at an early stage, that women were fundamentally disobedient and men needed to keep them in check. However, in the European patriarchy, this view of male superiority extends to all genders, not just females. Genesis 1:27 in the Bible reads “and God created man to his own image: to the image of God he created him: male and female he created them.” The Old Testament, one of the most influential documents in Christianity, clearly states that God only created man and woman, enforcing the binary system and disregarding the livelihood of non-conforming individuals. In

fact, God tells his disciples that he created them a certain way, or in “his own image,” and to stick to this role for their lifetime, essentially ostracizing transgender individuals and people whose gender expression may not match their essentialistic gender roles. The Adam and Eve story not only supports this claim since mankind began with a man and a woman, but it also perpetuates a heteronormative narrative since Adam’s companion was a woman, Eve. Although many Christians today are proponents of the LGBTQ+ community and interpret that the Bible is inclusive of this group, Leviticus 18:22 reads “do not practice homosexuality, having sex with another man as with a woman. It is a detestable sin,” clearly establishing homophobic roots in Christianity.

During the Early Middle Ages, Europe increasingly Christianized after the Roman Empire adopted Christianity as its official religion in 280 BC. Since the Catholic Church held more power than kings during that time, Christian cisheteropatriarchal ideas spread across Europe. Naturally, Christian kingdoms adopted these values as “natural” and enforced them with oppressive institutions. For example, even though the Spanish Inquisition investigated Jews, “it played an active role in the prosecution of persons suspected of homosexual activity.” Additionally, the British passed the Buggery Act 1533, which punished sodomy and male homosexuality with death. Besides criminalizing gay and lesbian people in the motherland, this law established a guide for anti-LGBTQ+ regulations in British colonies like India in the coming years. Later, in the eighteenth century, as European society secularized, people could no longer rest these views on religion, and instead supported queerphobia with faulty research and scientific evidence, like they did racism. Believing that their problematic ideas were “universal” and supported by nature, the British and other European colonists did not tolerate indigenous views of LGBTQ+ inclusivity and fluidity. To correct these views and spread the word of

Christianity, Great Britain established oppressive institutions that quelled queer activity and forced the rest of the civilians to join the colonists in their anti-LGBTQ+ sentiment.

III. Case Study: India

Ruth Vanita and Saleem Kidwai, authors of *Same-Sex Love in India: Readings from Literature and History* and experts on LGBTQ+ individuals in India, suggest that queer inclusivity dates back to 4000 BCE during the Vedic period. For example, Vedas, Hinduism's first sacred texts, describe a deity, Shiva, as a multi-gendered blend of himself and his wife, Parvati, also known as his Ardhanarshvara or "half-female" form. Just like the British colonists have Christianity to establish their norms, Hinduism is a cultural and moral guide for most Indians. Since Hindu scriptures clearly reference non-binary people, like Shiva, and assign them prestigious roles as gods, believers of the religion were taught to accept and worship LGBTQ+ individuals. In fact, Indian communities often recognized hijras, people who are biologically born male but identify as either a woman or non-binary, as powerful demi-gods capable of blessing and cursing people. These unrealistic powers reflected their powerful roles in pre-colonial Indian society and people's acceptance and celebration of them. The jobs hijras held in the Sultanate and Mughal courts as esteemed royal servants and tax collectors enhanced their existing religious authority. Even though prejudice against the LGBTQ+ community existed in pre-colonial communities, discrimination and oppression backed by a legal system only arrived with the British.

After August 2, 1858, the day the British Crown formally took over India, Christian norms of cisheteronormativity wiped any glimpse of LGBTQ+ tolerance in Indian society. Soon into their regime, in 1865, the British established Section 377 (S377) of the Indian Penal Code

(IPC) based on their own Buggery Act, which criminalized homosexuality and queerness. It states, “whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.” Despite the vague language, the law establishes a clear punishment for existing and loving outside of binary mandates, describing it as “against the order of nature.” Criminalizing private, consensual same-sex intercourse highlights the deeply homophobic nature of the colonists. Making matters worse, S377 was only the beginning of the British government’s attempt to suppress queerness: sections 268, 292, 293, 294, 110, 110, and 112 were all deeply anti-LGBTQ+ laws in the IPC.

Unfortunately, criminalizing queerness forcibly transferred British ideas on gender and sexuality to Indian culture due to people’s fear of penalization and centuries of oppression that established British ideas as the norm. LGBTQ+ groups like the hijras, who decades before thrived in society, were forced into hiding in marginalized areas and lost their land, money, and property since their sexuality and femininity violated S377 and all the other queerphobic laws. Observing gender “deviant” behavior and ignorantly believing that these actions will both create instability in their colony and “corrupt” the minds of local settlers, the British continuously portrayed the hijras as an “unlawful tribe” through laws and propaganda. Later, the administration heightened their oppression of the hijras as R. Simson, the secretary of a leading bureaucrat in a northwestern Indian province, wrote to the Inspector General of Police about their intentions of hijra extinction. With almost all institutions, including law enforcement and the criminal justice system, supporting the British-imposed binary system and agenda for LGBTQ+ persecution, hijras and other members of the LGBTQ+ community had to resort to

begging and prostitution to survive. Sadly, since these professions continue to be stigmatized, they probably exacerbated the reputation LGBTQ+ communities held.

On August 15, 1947, India gained independence from British rule, but the heteropatriarchal and cisnormative laws and ideas ingrained in India's society exist as a devastating anti-LGBTQ+ colonial legacy to this day. Despite tireless activism demanding for queer rights and the repeal of queerphobic colonial laws, only until 2018 did the Supreme Court of India reform the British instated S377 from the IPC. The alteration decriminalized homosexuality and, essentially, disallowed the law from governing the personal sexual lives of consensual gay and lesbian individuals. Although the change is momentous for the LGBTQ+ community in India, the amount of time it took to decolonize the law displays the sheer impact colonists had on the norms of gender and sexuality in Indian society. Even after the colonists left India, no longer able to dictate Indian legislation, lawmakers chose to continue British values, as Indians were brainwashed and forced to believe they were accurate, allowing them to completely disregard the homophobia in their laws for 60 years.

Like politicians, Indian society also chose to pursue the European binary system as the norm, causing disparities for the queer community. On a local level, hijras suffer from the absence of social security, disproportionately lower access to employment, and inequities in healthcare because of society's prejudice against people who identify inside the LGBTQ+ community. In fact, the reform of S377 received much backlash from anti-LGBTQ+ advocates: Rashtriya Swayamsevak Sangh, a Hindu nationalist group, declared that "same-sex marriages and relations are not in consonance with nature" and that "Indian society has not supported such relations." However, if one looks back into pre-colonial history, the reality is that Indian society *has* supported such relations and to them, the LGBTQ+ community was in "consonance with

nature,” but many Indians fail to acknowledge their history untouched from cisheteronormative Western ideology.

IV. Conclusion

Ultimately, the colonial era acts as a barrier between previous and contemporary Indian history since it is difficult to entirely decolonize and forget the oppression, institutional propaganda, and newly ingrained norms associated with colonialism. Therefore, this research is not meant to free all Indian communities from queerphobic prejudice throughout history but to explain that there is more to LGBTQ+ history: a fight for decolonization. Without understanding that a part of anti-queer sentiment derives from European imperialism and oppression, we would not only have an incomplete understanding of history but also not be able to effectively battle LGBTQ+ discrimination today.

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