1.0. INTRODUCTION

Study on homosexual men, gays - MSMs, in Kerala require detailed understanding on sex and sexuality and the different responses on homosexuality domestically and globally. This chapter is largely discussing on the same topic and predominantly depending on electronic media as there is a limitation on the availability of secondary data/information on the topic.

Homosexuality is romantic attraction, sexual attraction or sexual behaviour between members of the same sex or gender. As a sexual orientation, homosexuality is "an enduring pattern of emotional, romantic, and/or sexual attractions" to people of the same sex. It "also refers to a person's sense of identity based on those attractions, related behaviours, and membership in a community of others who share those attractions." Along with bisexuality and heterosexuality, homosexuality is one of the three main categories of sexual orientation within the heterosexual–homosexual continuum. Since no conclusion on what determines an individual's sexual orientation, the scientists theorize that it is because of a composite relationship of multiple influential factors such as genetic, hormonal, and environmental, and not seeing it as a choice. The biological theories point to genetic factors, the early uterine environment, both, or the inclusion of genetic and social factors. Assumptions that the impact of social environment of a child influence her/his sexual orientation are not scientifically proven, predominantly in case of males. There is no substantive evidence which suggests parenting or early childhood experiences play a role with regard to sexual orientation. There are people believe homosexual behaviour is not natural. Whereas
scientific researches evidentially proved that homosexuality is a normal and natural variation in human sexuality. It is not in and of itself a source of negative psychological effects. There is insufficient evidence to support the use of psychological interventions to change sexual orientation\(^1\).

Sex is a term often confused with gender. Gender can be defined as “the behavioural, cultural or psychological traits typically associated with one sex” (Teich, 2012). Merriam Webster defines sex as “either of the two forms of individuals that occur in many species and that are distinguished respectively as male or female especially on the basis of their reproductive organs and structure” (Merriam-Webster.com). Human sexuality\(^2\) is the way people experience themselves sexually\(^3\). This involves biological, erotic, physical, emotional, social or spiritual feelings and behaviours. The biological and physical aspects of sexuality largely concern the human reproductive systems. Sometimes sexual orientation can influence that person's sexual interest and attraction for another person\(^4\). Physical and emotional aspects of sexuality include bonds between individuals that are expressed through profound feelings or physical manifestations of love, trust, and care. Social aspects deal with the effects of human society on one's sexuality, while spirituality concerns an individual's spiritual connection with others. Sexuality also affects and is affected by cultural, political, legal, philosophical, moral, ethical, and religious aspects of life\(^5\). Culturally, homosexuality is a complex trait, which has lot of interpretations in the context of religion, politics and societal behaviours.

\(^1\) [https://en.wikipedia.org/wiki/Homosexuality](https://en.wikipedia.org/wiki/Homosexuality)

\(^2\) [https://en.wikipedia.org/wiki/Human_sexuality#cite_note-Cavendish-1](https://en.wikipedia.org/wiki/Human_sexuality#cite_note-Cavendish-1)


\(^4\) "Sexual orientation, homosexuality and bisexuality". American Psychological Association. Archived from the original on 8 August 2013.

1.1. The Global Scenario of Homosexuality

Different definitions and measures of sexual orientations have been proposed and used to develop study populations since the 1960s when sexual orientations first gained widespread research interest. In fact, many different terms were used to label sexual orientations before the terms "heterosexual," "homosexual," "bisexual," "gay," and "lesbian" slowly came into widespread use from the 1920s through the 1960s.

Many gay and lesbian people are in committed sexual relationships globally. These relationships are equivalent to heterosexual relationships in essential psychological respect. Homosexual relationships and acts have been admired, as well as condemned throughout recorded history, depending on the form they took and the culture in which they occurred.

Societal attitudes towards same-sex relationships have varied over time and place, from expecting all males to engage in same-sex relationships, to casual integration, through acceptance, to seeing the practice as a minor sin, repressing it through law enforcement and judicial mechanisms, and to proscribing it under penalty of death.

In a detailed compilation of historical and ethnographic materials of Preindustrial Cultures, "strong disapproval of homosexuality was reported for 41% of 42 cultures; it was accepted or ignored by 21%, and 12% reported no such concept. Of 70 ethnographies, 59% reported homosexuality absent or rare in frequency and 41% reported it present or not uncommon."  

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6 Adolescence and puberty By John Bancroft, June Machover Reinisch, p.162
In cultures influenced by Semitic religions, the law and the religion established sodomy as a transgression against divine law or a crime against nature. The condemnation of anal sex between males, however, predates Christian belief. It was frequent in ancient Greece; "unnatural" can be traced back to Plato\(^7\).

Many historical figures, including Socrates, Lord Byron, Edward II, and Hadrian\(^8\), have had terms such as gay or bisexual applied to them; some scholars, such as Michel Foucault, have regarded this as risking the anachronistic introduction of a contemporary construction of sexuality foreign to their times (Foucault 1986), though others challenge this\(^9\).

In social science, there has been a dispute between "essentialist" and "constructionist" views of homosexuality. The debate divides those who believe that terms such as "gay" and "straight" refer to objective, culturally invariant properties of persons from those who believe that the experiences they name are artefacts of unique cultural and social processes. "Essentialists" typically believe that sexual preferences are determined by biological forces, while "constructionists" assume that sexual desires are learned\(^10\). The philosopher of science Michael Ruse has stated that the social constructionist approach, which is influenced by Foucault, is based on a selective reading of the historical record that confuses the existence of homosexual people with the way in which they are labelled or treated.

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8 Roman Homosexuality By Craig Arthur Williams, p.60
1.2. Homosexuals in India

Homosexuality\textsuperscript{11} is mostly a taboo subject in Indian civil society and for the government. Section 377 of the Indian Penal Code made sex with persons of the same sex punishable by law. On 2 July 2009, in \textit{Naz Foundation v. Govt. of NCT of Delhi}, the Delhi High Court held that provision to be unconstitutional with respect to sex between consenting adults, but the Supreme Court of India overturned that ruling on 11 December 2013, stating that the court was instead deferring to Indian legislators to provide the sought-after clarity\textsuperscript{12}. On 2 February 2016, however, the Supreme Court agreed to reconsider its judgment, stating it would refer petitions to abolish Section 377 to a five-member constitutional bench, which would conduct a comprehensive hearing of the issue\textsuperscript{13}. On 6 September 2018, a 5-judge constitutional bench of Supreme Court of India invalidated part of Section 377 of the Indian Penal Code making homosexuality legal in India\textsuperscript{14}. In striking down the colonial-era law that made gay sex punishable by up to 10 years in prison, one judge said the landmark decision would "pave the way for a better future."\textsuperscript{15} This ruling also apply to Jammu and Kashmir state under Article 141 of the Constitution of India and Delhi Agreement 1952, as section 377 of IPC and Ranbir Penal Code is pari materia and Judicial Pronouncements were extended to Jammu and Kashmir\textsuperscript{16}.

\textsuperscript{11} https://en.wikipedia.org/wiki/Homosexuality_in_India#History
\textsuperscript{12} Shyamantha, Asokan (11 December 2013). "India's Supreme Court turns the clock back with gay sex ban". Reuters.
\textsuperscript{13} Rajagopal, Krishnadas (2 January 2016). "Supreme Court refers plea against Section 377 to five-judge Bench". The Hindu.
\textsuperscript{15} "India's Supreme Court strikes down law that punished gay sex". ABC News. Retrieved 6 September 2018.
\textsuperscript{16} "Section 377 verdict: Legally safe, socially targetted, Kashmir's LGBTQ face a huge challenge of acceptance"; .
There are no official demographics for the LGBT population in India, but the government of India submitted figures to the Supreme Court in 2012, according to which, there were about 2.5 million gay people recorded in India. These figures are only based on those individuals who have self declared to the Ministry of Health. There may be much higher statistics for individuals who have concealed their identity, since a number of homosexual Indians are living in the closet due to fear of discrimination\textsuperscript{17}.

Homophobia is prevalent in India\textsuperscript{18}. Public discussion of homosexuality in India has been inhibited by the fact that sexuality in any form is rarely discussed openly. In recent years, however, attitudes towards homosexuality have shifted slightly. In particular, there have been more depictions and discussions of homosexuality in the Indian news media\textsuperscript{19} and in Bollywood\textsuperscript{20}. Several organisations have expressed support for decriminalising homosexuality in India, and pushed for tolerance and social equality for lesbian, gay, bisexual, and transgender (LGBT) people. India is among countries with a social element of a third gender. But mental, physical, emotional and economic violence against LGBT community in India prevails\textsuperscript{21}. Lacking support from family, society or police, many gay rape victims do not report the crimes\textsuperscript{22}.

Religion has played a role in shaping Indian customs and traditions. While injunctions on homosexuality's morality are not explicitly mentioned in the religious texts central to Hinduism, the largest religion in India, Hinduism has taken various positions, ranging from homosexual characters and themes in its texts to being neutral.

\textsuperscript{17} "India has 2.5m gays, government tells supreme court". BBC News.
\textsuperscript{18} Bedi, Rahul (5 July 2011). "Homophobia persists in India despite court reforms". The Telegraph (UK). London.
\textsuperscript{19} "Fear and loathing in gay India". BBC News. 17 May 2005.
\textsuperscript{21} "Violence against LGBT groups still prevails in India". DNA India. 24 November 2013.
\textsuperscript{22} Priya M Menon (16 February 2013). "Lacking support, male rape victims stay silent". The Times of India.
or antagonistic towards it. Rigveda, one of the four canonical sacred texts of Hinduism says *Vikriti Evam Prakriti* (Sanskrit: विकृति एवम् प्रकृति, meaning what seems unnatural is also natural)\(^{23}\), which some scholars believe recognises homosexual/transsexual dimensions of human life, like all forms of universal diversities\(^{24}\). The ancient Indian text Kamasutra written by Vātsyāyana dedicates a complete chapter on erotic homosexual behaviour. Historical literary evidence indicates that homosexuality has been prevalent across the Indian subcontinent throughout history, and that homosexuals were not necessarily considered inferior in any way until about 18th century during British colonial rule\(^{25}\).

After the 2014 Indian Supreme Court decision to recognize "Third Gender", affirming the transgender community's freedom from discrimination and right to equality, the state of Kerala was the first to introduce their transgender policy, in 2015. The policy addresses the right for people belonging to transgender communities to identify as male, female or TG (Third Gender). It has provisions to protect the community by providing equal access to social and economic resources, protecting the right to equal treatment under the law, the right to life, liberty and justice, and the right to non-discrimination based on sex\(^{26}\).

### 1.3. Homosexuals in Kerala

Kerala has been at the forefront of Transgender rights movement in India and was one of the first to introduce welfare policy for the group in 2015. In 2016, the State

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26 "Kerala becomes first state to unveil transgender policy". The Indian Express. 12 November 2015
government followed this up with introduction of free Sex Reassignment Surgery (SRS) in government hospitals and budgetary allocation for the same. Kannur, a Northern District, in 2016 allocated a part of its budget towards the employment and skill training programs for transgender people in Kerala. It is also one of the few states with vocal transgender community that has staged numerous 'pride parades' in the past decade.

Mr. Shashi Tharoor, Member of Parliament from Thiruvananthapuram constitution, is one of the strong proponents of LGBT rights and introduced a private member's bill twice in the Lok Sabha for repulsion of Section 377 that criminalises sexual activity 'against the order of the nature'. Section 377 is allegedly widely misused by the police to harass LGBT community members.

In 2016, President of India, Pranab Mukherjee, opened a 'Gender Park' in Kozhikode aimed at researching for policy with regards to the LGBT community and its empowerment. The State Government has mooted several pilot initiatives to empower the group through this mechanism and is one of the first of its kind in India.

Kerala has also empowered the transgender community with voting rights and strong social awareness and protection programs. It's also stood strongly against the discrimination of transgender people in educational campuses.

In 2016, the first transgender school opened in the city of Kochi, Kerala. The school prepares students for the 10th and 12th standard board exams, as well as, provides vocational skills training. The school welcomed 10 transgender students ranging from ages 25-50. Transgender activist Vijayraja Mallika, who is the head of the school, states “the school aims at making transgender people eligible for taking decent jobs and living a dignified life.” She further states, “we have admitted six candidates so far, all male-
to-female persons, from 14 applicants. Of the 10 seats, we have reserved one for female-to-male and one for the disabled.\textsuperscript{27} The teachers of the school are also transgender. The school generally opens more opportunities for the community to gain an occupation and an education\textsuperscript{27}. Three months after its opening, however, the centre stopped functioning as a school with no academic staff, students, or accreditation\textsuperscript{28}. The building was turned into a hostel for the transgender staff of Kochi Metro and related institutions.

Transgender fashion models have been introduced in Kerala. The clothing brand Red Lotus hired two transgender people to model their sarees, Maya Menon and Gowri Savithri. This gained a lot of attention by going viral on social media. This line is part of the Sharmila Nair’s collection ‘Mazhavil’ or rainbow, representing the rainbow colours associated with LGBT rights, and is dedicated to transgender people\textsuperscript{29}.

In 2017, a workshop was held at Kozhikode, a city in Kerala, to address the implementation of the state’s transgender policy within social institutions. It was organized by the Social Justice Department, and around 30 representatives of the transgender community attended. During the workshop, they discussed proposals such as having identity cards for transgender people, developing a pension plan for those within the community who are over 60, implementation of skill development training programs, having scholarships and educational loans for transgender students, and

\textsuperscript{27} "India opens first school for transgender pupils”. BBC News. 30 December 2016
\textsuperscript{28} Mathew, Teresa (2017-03-27). "When Nuns Tried to Kick-Start India’s First Transgender School". The Atlantic.
\textsuperscript{29} Rajeshwaril, Ankita (24 May 2016). "This designer's transgender models are winning hearts". The Times of India
provide driving lessons in order for transgender people to be employed as Uber drivers.  

The Government Medical College Hospital in Kottayam, a town in Kerala, has opened a clinic that exclusively attends to the transgender community. The clinic will have a panel of doctors who are specialized in the area. This is the first government clinic of its kind, and will focus on serving the transgender community, as well as open its doors to sex workers. The clinic is to run twice a month. The proposal for the clinic was put forward by the District Legal Services Authority (DLSA) after a recent camp for transgender people had voiced health concerns for the community. Kochi Metro is the first government agency in the country to employ transgender people. Though a transgender focussed movements are growing in Kerala, no much presence of MSMs/Gays in the developmental and socio-cultural domain of Kerala are noticed.

1.4. Social stigma and homosexuality

The social stigma leading to ostracism and the resultant identity crisis are the problems the homosexuals face in Kerala, which is dictated by a shame culture that embodies the middle class sexual morality and religious practices. Male-female is thought to be the basic bipolarity. Male and female are conceptualized in its perfection. Nevertheless, the reality is that there is a wide spectrum of variation between the continuum of ‘perfect male’ and the ‘perfect female’. Kinsey (1948 – 639-656) developed a seven-point scale (picture 1), exclusively heterosexual to exclusively homosexual, of the sexual activity continuum based on the degree of sexual

30 Chitharanjali, Sreedevi (14 February 2017). "Workshop on transgender policy held at Kozhikode".  
31 Nairl, Jaikrishnan (3 February 2017). "MCH to open transgender clinic". The Times of India
32 exclusion from a society or group
responsiveness people have to the members of the same and opposite sex. Until recently the common misunderstanding even in the academic circle in Kerala was that this variation in sexual response is a psycho-moral problem, which can be rectified through proper psycho-religious treatment and counselling. Even today, the people influenced by the organized religions have not come to terms with the modern scientific explanation that the variation in sexual response is biological too. The stigmatization seems to be highest in Kerala due to the shame culture built by the presence of all the patriarchal world religions, which use sexual code as a major weapon of controlling people. The fear of stigmatization is grave due to the fear of rejection by the families of origin; loss of traditional, social and financial support after disclosure of MSM sexual identity.

Picture – 1 (Kinsey Scale)
<table>
<thead>
<tr>
<th>Rating</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Exclusively heterosexual</td>
</tr>
<tr>
<td>1</td>
<td>Predominantly heterosexual, only incidentally homosexual</td>
</tr>
<tr>
<td>2</td>
<td>Predominantly heterosexual, but more than incidentally homosexual</td>
</tr>
<tr>
<td>3</td>
<td>Equally heterosexual and homosexual</td>
</tr>
<tr>
<td>4</td>
<td>Predominantly homosexual, but more than incidentally heterosexual</td>
</tr>
<tr>
<td>5</td>
<td>Predominantly homosexual, only incidentally heterosexual</td>
</tr>
<tr>
<td>6</td>
<td>Exclusively homosexual</td>
</tr>
<tr>
<td>X</td>
<td>No socio-sexual contacts and reactions</td>
</tr>
</tbody>
</table>

Men who have sex with men (MSM) are often exposed to unequal treatment in societies worldwide as well as to various forms of stigma and discrimination. The same is reflecting in Kerala too, even though Kerala as a state passed through lot of renaissance movements across the last two centuries, the stigma attached with sex and sexuality is still predominant in the hidden layers of the socio-religious systems.

‘The identity crisis of MSM/GAY in Kerala due to Social Stigma’ is quest on the reasons of social stigma and trying to answer with the empirical and historical evidences. Chapter two will be discussing about the research design in detail. As the subject is new, confidential (say personal, as it is dealing on sex and sexuality), and stigmatised there were big challenges for the data collection during the field visits.

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