

Same-Sex Weddings, Hindu Traditions, and Modern India

by Professor Ruth Vanita ¹

This article examines the phenomenon of same-sex unions, both joint suicides and weddings, mostly among young, low-income, non-English speaking women, that have been reported from many parts of India over the last three decades. Most of the women were Hindus and many of the weddings took place by Hindu rites. None of these women had contact with any LGBT or women's movement or activists before their weddings. Ancient as well as modern texts show that people can and do draw on traditional Hindu ideas about love (as the product of attachments formed in former lives), rebirth (attachments persist from one birth to another) and marriage (which is supposed to outlast one lifetime) to legitimize socially disapproved unions, both cross-sex and same-sex. Right-wing Hindu forces today mistakenly argue that the idea of same-sex love and marriage, and indeed of marriage based on love itself, are Western imports. In fact, same-sex marriages were reported from rural areas and small towns long before the Indian LGBT movement took cognizance of the issue. When families accept them, female couples are generally able to stay together but when families violently oppose them, often with the collusion of local police, couples may be forced to separate or driven to suicide, even though law courts have uniformly upheld the right of consenting adults to live together. Modern Hindu teachers and priests are divided on the question of the validity and desirability of same-sex marriage; a doctrinal debate is now developing.

Over the last three decades, Indian newspapers have reported same-sex weddings and joint suicides taking place all over the country, both in urban and rural areas. Most of the couples are non-English-speaking young women from lower-income groups. Most of them are Hindus (not surprising since Hinduism is the majority religion in India); there have been a few Sikhs and Christians, and some interreligious as well as many inter-caste unions.

At first glance, this phenomenon might appear related to the push for gay marriage in the West, but in fact, it is not. None of these young women were connected to any movement for equality; most of them were not aware of terms like "gay" or "lesbian." Many of them framed their desire to marry in terms drawn from traditional understandings of love and marriage, saying, for example, that they could not conceive of life without each other, and wanted to live and die together. The closest

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counterparts to these same-sex unions are heterosexual "love marriages" and joint suicides that are also regularly reported in the Indian press.

Modern Homophobia or Traditional Authoritarianism?

Same-sex desire and even sexual activity have been represented and discussed in Indian literature for two millennia, often in a nonjudgmental and even celebratory manner, but a new virulent form of modern homophobia developed in India during the colonial period (more specifically after the decisive crushing of indigenous cultures, such as the urbane culture of Lucknow, following the revolt of 1857).

This homophobia was part of a more generalized attack on Indian sexual mores and practices undertaken by British missionaries as well as educationists. It is evident not only in the anti-sodomy law introduced by the British in the Indian Penal Code of 1860 (overturned by the Delhi High Court in 2009), but also in the deliberate heterosexualization of entire literary canons and genres (such as the Urdu *ghazal*, or love poem, which gendered both lover and beloved as male). Saleem Kidwai and I explored this extensively in *Same-Sex Love in India: Readings from Literature and History*.

Most Indian nationalists internalized this homophobia and came to view homosexuality as an unspeakable crime, even as they also attacked polygamy, courtesan culture, matriliney, polyandry, and other institutions that were seen as opposed to heterosexual monogamous marriage. Prior to this, homosexuality had never been considered unspeakable in Indian texts or religions.

The new silence surrounding homosexuality is one reason modern institutions such as the police force and educational as well as religious organizations today typically respond to same-sex unions with horror and even violence. However, I would argue that in contrast to these public institutions, most families respond to same-sex unions in the same authoritarian spirit with which they respond to disapproved heterosexual unions. Most Indian families tend to be suspicious of and resist love marriages of all kinds—not just cross-caste, cross-class, cross-religion, or international marriages but even eminently "suitable" marriages that they themselves might have arranged. The degree of resistance varies widely from family to family.

Female-female unions are always love unions. Hence families respond to them as they do to male-female love unions. Depending on family dynamics, the responses range from wholehearted acceptance to hesitant tolerance to virulent opposition. When female couples elope and marry in temples, their families often enlist the help of police to track them down and separate them. Such families usually invoke the law

against abduction, which is also commonly used against eloping heterosexual couples.

The violent intervention of right-wing Hindu organizations has the effect of strengthening parental opposition and inhibiting traditional types of compromise. Thus, when nineteen-year-old Seeta attempted suicide by poisoning in Meerut in January 2006, because her bride, eighteen-year-old Vandana, whom she had married in a Shiva temple, had been locked up in her parental home, the local activists of two right-wing organizations—the Vishwa Hindu Parishad (World Hindu Association) and the Shiv Sena—held a rally outside the district magistrate's office. In an uncanny echo of the demonstrations at Matthew Shepard's funeral, they also protested outside the hospital where Seeta lay battling for her life, shouting slogans like, "Stop perverse marriages, stop anti-social impulses," according to *The Telegraph*. Both young women are from poor families and were workers in a hosiery factory.

It is important to remember that these same Hindu right-wing organizations are also opposed to cross-sex dating and romance. For over a decade, they have protested and attacked establishments that offer Valentine's Day cards or gifts, threatening young heterosexual couples who go out together to celebrate.

Homophobia is thus only one aspect of their larger opposition to all forms of erotic love outside marriage, which they view as products of globalization, Western neo-imperialism, and market forces that commercialize sex. They forget that there is a tradition in Hinduism, dating back two millennia, of worshiping the god of love, Kamadeva, especially at spring festivals like Madanotsava, from which the modern festival of Holi, which has strong erotic overtones, descends.

Unapproved young couples (whether same-sex or heterosexual) are often violently separated and then pushed into family-arranged marriages. On the eve of such a marriage or following it, they often commit joint suicide. Lovers often perform private wedding rituals before killing themselves and leave behind notes that frame the suicide as a type of wedding in death. A typical example is that of high school teacher Ranu Mishra, 21, and college student Neetu Singh, 19, who consumed poison together in May 2005, when Ranu's parents forcibly arranged her marriage to a man. Before taking poison, the women married each other privately, Neetu applying *sindoor* (vermilion) to the parting-line of Ranu's hair. Application of *sindoor* is a common ritual in many Hindu weddings.

Compromise and Acceptance

Not all families oppose love marriage or even same-sex marriage. Many families first resist and then accept a marriage, incorporating it into that flexible arena called "tradition." Like families, Hindu priests, too, adopt a range of attitudes to love marriages, including same-sex love marriages. In North India, family-arranged weddings generally take place at home, while a wedding disapproved of by parents often takes place in a temple. Runaway heterosexual couples frequently get married in temples. Female couples have been marrying in temples all over the country, from the first such reported case in 1987 when two policewomen, Leela Namdeo and Urmila Srivastava, married in a temple in Bhopal in central India, to the present day. Many cases have been reported of families coming to accept same-sex unions and participating in, as well as arranging, wedding ceremonies for the couple.

Hinduism and Democracy

The law courts, the media, and some Hindu spaces are the three forces that have proved most helpful to female couples (as well as heterosexual couples in cross-caste and cross-religion unions). Whenever female couples have managed to get past local police and appeal to the law, the courts have consistently upheld their right to live together. If the women have some economic resources and social support, they may then be able to live independently, without police harassment. However, if local communities or their families subsequently harass them, courts have not been able to offer timely protection. Nevertheless the courts' declaration that two women have a constitutional right to live together as consenting adults is important.

The national, English-language media have helped by generally portraying the women's feelings and relationships sympathetically, upholding their right to liberty, and also by bringing them to public attention, thereby putting them in touch with civil liberties and sexuality rights organizations, who have helped out some of them.

Hindu spaces, often seen by the Indian Left as irredeemably reactionary, have in fact often worked in tandem with these democratic institutions to support female couples. Both in India and Nepal, many female couples have married in Hindu temples. The media, the women themselves, and their supporters have also used Hindu vocabulary and doctrine to legitimize these marriages. Among these doctrines are Hindu ideas of "love marriage."

Hindu Ideas of Love and Marriage

Ancient and medieval Hindu scriptures list eight to twelve forms of marriage. The two best known today are family-arranged marriage and *gandharva vivaha*, marriage based on mutual love and attraction between two individuals. The Sanskrit term "gandharva" is routinely used in modern Indian texts, including popular cinema and newspapers, to indicate a marriage based on romantic love. Gandharva marriage is constituted by mutual consent and requires no witnesses, no officiant, and no parental consent.

Gandharva marriages are often celebrated with truncated or symbolic Hindu rituals such as an exchange of garlands or walking around a fire together. Hindu sacred texts debate the status of gandharva marriage; while it has a lower status in law books, some texts consider it a superior form. For example, the fourth-century *Kamasutra* (III.V. 29-30), which is a sacred text, states that gandharva is the best form of marriage because it is based on mutual attraction (*anuraga*). Perhaps the most famous gandharva marriage from an ancient text is that of Shakuntala; the story highlights both the pleasures and the risks of gandharva marriage as the hero, who weds the heroine with a ring but without witnesses, disowns her when she gets pregnant by him but is unable to produce the ring.

While many homosexually inclined individuals in India signal their difference by refusing to enter family-arranged marriages, the female couples who marry choose a path that may be both more difficult or may be easier, depending on their particular family dynamics. When they declare that they will marry each other, they are perceived as choosing a somewhat unusual but nevertheless comprehensible form of gandharva marriage.

Many Hindu texts insist that everyone has a duty to marry and have children. If one renounces the world, one may be freed of this duty, but not otherwise. It is this social dharma that powerful family members invoke to bully the individual into submission.

However, this doctrine of social dharma has always been in conflict with the doctrine of individual dharma (in the sense of the law of one's being), which is inseparable from the doctrine of rebirth. An individual is reborn in order to work through attachments from previous births and thus move towards freedom from attachment, which enables liberation from the cycle of rebirth. This urge to work through one's attachments constitutes individual dharma; it is inborn and cannot be erased. If an attachment is forcibly suppressed in one lifetime, the individual will be reborn with the same attachment in the next life.

Repeatedly, in Hindu narrative, authority figures who oppose an individual's passionate love are compelled to give in when they realize that this love is irresistible. As the eleventh-century Sanskrit *Kathasaritsagara* story-cycle states, in the context of an intense male-male attraction at first sight: "*Vakti janmaantarapritim manah snihyadakaaranam*" (Affection that arises in the heart without a cause speaks of love persisting from a former birth).

While modern Hindu families' initial response to socially disapproved love affairs, cross-sex or same-sex, tends to spring from the perspective of outraged social dharma, the second perspective—that of individual dharma—often creeps in and helps families adjust and compromise with the couple.

Beginnings of Doctrinal Debate

Apart from the more popular views of love based in Hindu doctrine, there are also specifically religious views expressed by priests and teachers in modern India that consciously draw upon ideas derived from ancient texts. In her 1977 book, *The World of Homosexuals*, mathematician Shakuntala Devi recorded an interview with Srinivasa Raghavachariar, Sanskrit scholar and priest of the major Vaishnava temple at Srirangam in South India. Sri Raghavachariar, himself married and the father of thirteen children, said that same-sex lovers must have been cross-sex lovers in a former life. The sex may change but the soul remains the same in subsequent incarnations, hence the power of love impels these souls to seek one another.

In 2002, I talked to a Shaiva priest from India who conducted the wedding of two Tamil Brahman women in Seattle. He explained that when the women requested him to officiate at their wedding he thought hard about it and, although he realized that other priests in his lineage might disagree with him, he concluded, on the basis of Hindu scriptures, **that "marriage is a union of spirits, and the spirit is not male or female."**

The beginnings of a debate were evident at the Kumbha Mela in 2004, when Rajiv Malik, a reporter for *Hinduism Today*, asked several Hindu swamis gathered there for their opinion of same-sex marriage. The swamis disagreed even with others from their own lineages who were present. The answers ranged from Swami Avdheshananda's condemnation of same-sex marriage as unnatural and unheard-of, to Mahant Ram Puri's remark: —

"There is a principle in all Hindu law that local always has precedence.... I do not think that this is something that is decided on a theoretical level," according to

Malik's article "Discussions on Dharma." He went on to point out that Hinduism has "a hundred million authorities."

Unlike some other religions, Hinduism has not one but thousands of sacred texts. If a line disapproving of same-sex unions can be found in one text, a story celebrating it can be found in another. Modern Hindu right-wing organizations are attempting to stamp out this diversity by imposing a uniform authoritarian version, with little scriptural backing, from above. The range of practices and community responses around female-female unions is just one small example demonstrating the ultimate futility of this attempt.

The swami's understanding of Hindu law coincides with that of legal historians, because custom in all schools of Hindu law does in fact take precedence over written laws. This principle was recognized even by the British rulers and is enshrined in post-independence law, such as the Hindu Marriage Act of 1955, which recognizes as valid any marriage performed by a ceremony customary in one of the partners' communities, regardless of whether a license is obtained or the marriage registered with the state.

In my book *Love's Rite: Same-Sex Marriage in India and the West*, I argue that same-sex marriages performed by customary ceremony and with community participation are legal under the provisions of the Hindu Marriage Act, even if the state refuses to recognize them.

In 2004, I interviewed Swami Bodhananda Saraswati, a Vedanta teacher, on the question of same-sex unions, and he said, "There is no official position in Hinduism. From a spiritual or even ethical standpoint, we don't find anything wrong in it. We don't look at the body or the memories; we always look at everyone as spirit."