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How did colonization affect the perception of the LGBTIQ+ community in Asia?

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Resumen en español: En este trabajo se analiza la influencia que ha tenido el colonialismo en la percepción del colectivo LGBTIQ+ en Asia. En especial se centra en dos colonias británicas: India y China. Primero se da una introducción acerca de la situación relativamente positiva que existía en ambas colonias, dando ejemplos tanto de textos antiguos como leyes. Posteriormente se lleva a cabo un análisis del proceso de colonización, explicando las leyes e influencias que marcaron el mismo. El siguiente punto se centra en analizar la sección 377 del código penal británico que se instauró en India durante el Raj Británico y que sirvió de influencia para las políticas sociales en China. Este punto introdujo la discriminación contra el colectivo LGBTIQ+, haciéndolo ilegal en la India e incorporando la discriminación social en China. Por último, se trata la evolución del colectivo LGBTIQ+ en ambos Estados desde la colonización y los procesos de legalización de ambos colectivos hasta la actualidad.

Palabras clave: LGBTIQ+, Asia, Colonización, Sección 377, discriminación.

Resumen en inglés: This paper analyses the influence that colonialism has had on the perception of LGBTIQ+ in Asia. In particular it focuses on two British colonies: India and China. First an introduction is given to the relatively positive situation that existed in both colonies, giving examples of both ancient texts and laws. This is followed by an analysis of the colonization process, explaining the laws and influences that marked it. The next point focuses on an analysis of section 377 of the British penal code, which was established in India during the British Raj and influenced social policies in China. This section introduced discrimination against LGBTIQ+ people, making it illegal in India and incorporating social discrimination in China. Finally the evolution of LGBTIQ+ in both states from colonization and the processes of legalisation of both groups to the present day is discussed.

Palabras clave en Inglés: LGTBIQ+, Asia, Colonization, Section 377, Discrimination.

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1. Introduction:

The aim of this paper is to analyze the impact of colonialism in the perception of the LGBTIQ+ community in former British colonies: China and India. In order to do so, first I will analyze the situation of both communities before the colonization, using old documents that show if the LGBTIQ+ community during these times and if it did, the role they had in each society. Later, I will go over the process of colonization and to which extent did the influence of the British colonizers go, explaining if they introduced any laws in each country, and how the informal influence also played a role in this process. After analyzing the legal changes, the British did, the social impact will be examined explaining how the perception of the society shifted, and how the LGBTIQ+ community was targeted by two and not just one side.

This will be followed by an overview of both post-colonial systems, digging into the implementation or lack of legal and social changes, analyzing whether the post-colonial governments were or weren't influenced by colonialism while reforming the laws and if the former influenced was kept. In this segment, the evolution of the LGBTIQ+ community and the "gay rights movement" will be explained, pointing out the most important moments of both in each country, and the fight they had to go through in order to achieve rights.

Lastly, an overview of the current situation will be given, explaining the current legal status of both communities, the representation they have on the governments of each country, and the discrimination or lack of it they're still experiencing nowadays. This will be done by giving examples of current issues and law changes, and evaluate the evolution of the section 377, that criminalized homosexuality. In this point, I will also highlight the future challenges both communities have and also give an explanation as to why even during the 21st century there has been moments in which rights have been taken away from the community.

LGBTIQ+ stands for Lesbian Gay Bisexual Transgender Intersex and Queer.

1. Historic situation of the LGBTIQ+ community in China before the British Colonization:

a. Level of acceptance and Legal status in China

During the time of colonization, the Qing Dynasty ruled China. This Dynasty had ruled Chinese government since the Manchus established it: “The Qing Dynasty was the final imperial dynasty in China, lasting from 1644 to 1912. It was an era noted for its initial prosperity and tumultuous final years, and for being only the second time that China was not ruled by the Han people.” (History, 2018)

Before the Qing Dynasty, the Chinese LGBTIQ+ community experienced a sense of freedom, due to the fact that non-straight relations weren't seen as something bad or to be avoided. Nonetheless they were still invisible: “From Chinese Confucian traditions to the Maoist ideology, China did not condone homosexual behavior, and homosexual practices were generally tolerated as long as each person fulfilled their paramount responsibility of carrying the family life.” (Biddulph, 2019, page 660) This entails that homosexual relations were accepted outside of marriage and in a somehow furtive way, but as long as it would hinder family life and responsibilities.

There have been many stories told of homosexual relations through-out Chinese history, many of which have had emperors of different dynasties as protagonists: The first example can be traced back to the Zhou Dynasty, that established its reign from the year 1122 to 256 B.C. During this era, literature was mainly controlled by elites, but some poems were actually part of popular culture and have made it through the passage of time, and even if due to the language used it isn't conclusive whether it's being talked about men or women, some such as this one clearly express the relationship between two noblemen:

How splendid he was!
Yes, he met me between the hills of Nao
Our chariots side by side we chased two boars
He bowed to me and said I was very nimble

How strong he was!

Yes, he met me on the road at Nao
Side by side we chased two stags
He bowed to me and said “well done”

How magnificent he was!
Yes, he met me on the south slopes of Nao
Side by side we chased two wolves
He bowed to me and said, “that was good”. (Hinsch, 1992, page

17)

The last Emperor from the Han dynasty, Emperor Ai, is also known to have engaged in homosexual relations and was said to be in love with his royal assistant Dong Xian: “Emperor Ai was sleeping in the daytime with Dong Xian stretched out across his sleeve. When the emperor wanted to get up, Dong Xiang was still asleep. Because he did not want to disturb him, the emperor cut off his own sleeve and got up. His love and thoughtfulness went this far” (Hinsch, 1992, page 53) It was told that Ai’s love was so strong, he would have even tried to make Dong Xiang the successor to the throne after not having children and dying at the age of 24.

A different kind of example is the case of the Men of the Misty Moon, from the Song dynasty. These men were male prostitutes that offered their services to other males, such as Wu, a young prostitute who was targeted for his practices:

“Wu practiced this custom (of prostitution) to an extreme. His hair was in Ximenwai. He applied cosmetics, dressed opulently, had beautiful needle-like fingers, and spoke in voice like that of a woman. Wu was always imploring others for sex. His nicknames were “Shaman” and “Actors Costume”. Officials accused him of unmanliness and ordered an investigation of his degenerate practices.” (Hinsch, 1992, page 94)

This story shows a different part of social responsiveness to the LGBTIQ+ community. It portrays gender roles, gender bending and how in the old empire of the Song, there were already men expressing their femininity and crossdressing. In the story it shows how there was discrimination against what they called “degenerate” practices,

but there is a different side to it, as a part of the Chinese society during the Song dynasty did appreciate this kind of expression:

“In contradictory developments, many men of the Song society admired androgynous male beauty, whereas others despised the social inversion that they believed such beauty represented. Yet even this usually blatant case of male prostitution did not result in punishment. Although there was a growing disapproval of the effeminacy often associated with male sexual passivity, the previous laissez-faire attitude toward male sexuality generally continued.”
(Hinsch, 1992, page 94)

There was hence a social clash in gender and sexuality, but a common idea of “letting do never vanished”.

The first ever law against the LGBTIQ+ community in China was created during the Qing Dynasty. This law applied a small punishment to homosexuality and, compared to the all other offenses, had a small punishment but it still was a discriminatory action before colonization: “Traditional legal systems took a relatively lax approach to homosexual conduct and it was not until the Qing Dynasty that sodomy became a crime; and even then it did not appear to be prosecuted heavily or widely” (Biddulph, 2019, page 660)

b. Level of acceptance and legal status in India

The situation of India is a bit different from the one in China due to the religious and historic context, and it also introduces a new concept, the third sex or third gender. If we trace back the origins of the LGBTIQ+ community in the Indian territory, we find the first example in all the sacred texts of the ancients’ civilizations and religions, specially the Vedic.

The Vedic civilization occupied India from the year 1500 B.C till the year 500 B.C, and they were the first to introduce the concept of the third gender as something biological, created during the gestation period:

“A male child is produced by a greater quantity of male seed, a female child by the prevalence of the female; if both are equal, a third sex child (napumsa) or boy and girl twins are produced; if either are weak or deficient in quantity, a failure of conception results” (Wilhelm, 2013, page 32)

Even though it may have a negative connotation as they are calling them deficient, it is a way of explaining what could happen in order to explain their reality. This third gender was recognized as a sterile section of the population, but they agreed that while some could be useful for reproduction, others were useful for other purposes:

“The Vedic recognition of a nonreproductive “third” gender within human society indicates that ancient India was cognizant of subtle but significant aspects of biology. In Vedic culture, people of the third sex traditionally contributed to society in a variety of useful ways. They utilized their extra time in cultivating the finer arts, sciences, and spirituality and were involved as a part of the extended family by serving and caring of others. The Vedic social system did not neglect or exclude people of the third sex, but rather it accepted and engaged them according to their nature.” (Wilhelm, 2013, page 34)

The Vedic did not only introduce the third gender into their societies but they also talked about homosexual relations, that now appear in one of the four sacred books of Hinduism, the Rigveda: “Vikruti Evam Prakriti (perversity/diversity) is to be found in the essence of nature, or , what seems unnatural is also natural, thus proving the cyclical constancy of homosexual/transsexual dimensions of human life” (Yip, 2012) They accepted that what looked as something unnatural, referring to same sex relations, was actually acceptable.

There are many examples of the LGBTIQ+ community in more recent years, one of the most important ones being the Delhi’s sultanate. The Delhi sultanate introduced a religious change that shifted from Hindu to Muslim, and with it many social opinions. Homosexuality was seen as something to be avoided in the medieval times when Hinduism was the official religion but with Islam, even though the Sharia prohibited it, same sex relations were common and even the Sultan Alauddin Khalji was said to be gay or bisexual:

“The most military successful Sultan, Alauddin Khalji, was also politically creative. Given his close relationship to a male adviser, some historians think he may have been a homosexual or bisexual, one of the many in societies around the world who, often hiding their sexual orientation, have sat on the thrones or led armies.” (Lockhard, 2008, page 172)

The Moghul Empire was no different but had rather accepted same sex relations as something common and normal, as they consider that and pederasty the essence of “pure love”. Still, during all this time periods, everything was under rigid codes of conduct and few texts have prevailed through time:

“Human sexuality has never been a part of public discourse in India. In the traditional joint-family system, prevailing patterns of behavior, especially sexual behavior, followed a rigid code reinforced by customs, symbols and communal rituals. Because homosexuality was never spoken. Of in this situation, it is very difficult to find much written documentation on the issue of homosexuality in India.” (K.Abraham, 2009, page 22)

The examples that have lived through time have been, for instance, texts such as the poem Hazrat Amir wrote describing a Muslim scholar:

“Hazrat Amir Khusro known for his famous mystical Hindvi poetry was a courtier poet in Mughal India. His love for Hindvi poetry had developed out of his love for Shaikh Nizamuddin Aulia. One of his poems has the following lines - “His beautiful face, his charming form I absorbed into my innermost heart. Khusro has given himself to Nizam” (Ansari, 1986). Contrary to the mores of the day, homosexuals had jobs in the Mughal empire.” (Kunj, 2020, page 78)

2. “Colonization process” and political system after the colonization:

a. How was the colonization process in China and what laws regarding the LGBTIQ+ community were introduced?

As it was explained before, the last dynasty that ruled China before the colonization was the Qing dynasty. The Qing dynasty was a quite open-minded monarchy, and even though being homosexual was lawfully punished (for the first time in Chinese history), the punishment was one of the smallest ones if it actually happened. The Qing Dynasty would be the last dynasty to rule China because of the British “colonization” and the self-strengthening movement.

The type of “colonialism” experienced in the Chinese territory was not the same as in other states in Asia. For instance, many times western colonizers would come and impose their norms and laws but in China it was a more gradual process. It started with some of the British winning the first and the second Opium wars in the 1840s and 1850s, that would strengthen the position of the Western giant:

“The Qing dynasty had to accept a series of humiliating treaties (1842-44, 1854, 1858, 1860) committing to pay an unusually high amount of compensation over the years and grant sovereign control over the major ports of China in the coastal region. The sovereign control of the treaty ports included rights for the victorious imperialists to trade freely and even to fix tariffs on their own (1854). The treaties of 1858 and 1860 opened doors for the western powers to trade and extend their influence into the interior regions of China “ (Wahed, 2014, page 25).

The Opium wars plus the growing control of the west led to the self-strengthening movement. This movement tried to reach towards the western culture, imitating and adopting aspects never seen before in China. This mindset was marked by the liberalism that was being adopted in Europe. These groups also intended to change the structure of the Qing dynasty by implementing reforms, but there were still misunderstandings in what the reform would involve:

“Some saw reform as a mere introduction of Western technologies and their application to the Chinese military in the form of guns, artillery, steel naval ships, and modern infantries to strengthen China’s military force and fend off foreign imperialist interests. Others envisioned a grander plan of introducing Western industrial practices

and instituting many Western material characteristics, such as railways, postage systems, or roads in Chinese society. A few radicals even pushed for modern westernization of the education system from traditional Confucian studies and an abandonment of the 2000-year-old absolute monarchical system in favor of a constitutional monarchy “ (Qu, 2016, page 149)

This translated into actions as a revolution, the revolution of 1911. This revolution was not only influenced by the UK, but it also had roots in the American continent, especially in Hawaii. The aim of the revolution was one, a change in the government and the modernization of the country, that would lead to the end of the last Chinese dynasty. During this time, states like the UK should have helped the Monarchy but interests came into play:

“The revolution succeeded in its prime, if limited, objective: the end of the Manchu Dynasty. British intervention against the republican forces, it was felt, would only provoke a reaction unfavorable to British interests. Further, the population of Hong Kong and Singapore were overwhelmingly enthusiastic in their support of the Revolution, so that any British action against it would cause severe security problems in these important British colonies” (Yale university press, 1968)

In summary, it meant pushing China towards development and modernization in terms of industry and military capabilities, but even if many advances came with this movement, historians agree that the loses were greater than the wins.

The 1911 revolution led to a change in the government. China passed from being a monarchy with no elections and hereditary power to be a republic, The Republic of China, that would last until 1949. The Republic of China, although being the government of one of the most traditional countries in the world, was very influenced by the western countries, especially by the British, as it had happened before.

One of the negative aspects imported from the West during this time was homophobia. During the nineteenth century, England was living a period of non-acceptance, having the last two men killed for homosexuality during this time, and it wouldn't be until 1967 when homosexuality would be legalized in the UK, with some exclusions such as homosexual relations having to be private. Still, there was a very big

unacceptance of this collective in society and it translated into the same in the westernized Early Republic of China:

“British colonialism might have been especially detrimental towards LGBT rights in colonial societies. From 1860 onwards, the British Empire spread a specific set of legal codes throughout its colonies based on the colonial legal codes of India and Queensland, both of which specifically criminalized male-to-male sexual relations, though by long-term imprisonment rather than death.⁶ For example, Section 377 of the Indian Penal Code (IPC)” (Han, 2014)

Section 377 was a law that the British had in their legal system. This section targeted what they called “unnatural sex” or “unnatural offenses”. What this meant was that the only sexual relations that were accepted by the law were the ones including male and female genitals, and excluded any other types, such as oral or same sex relations:

“Section 377: Unnatural offences – 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 ...for a term which may extend to 10 years and shall be liable to fine.

Explanation – Penetration is sufficient to constitute the carnal intercourse necessary to the offense described in this Section.⁷” (Han, 2014, page 5)

The reality was very different though. After the change of government, the fan of ideas was very diverse. There was a part of the population that still believed in Chinese traditional mentality therefore protecting same sex relations, but a very new large majority didn't. With time these mentalities evolved and by the 1930s, there were different opinions concerning same sex relations, depending on the political and social believes of each group:

“Nationalist cultural conservatives wanted to establish a masculine image of China in the international arena and to maintain the old hierarchical gender order. Ironically, in order to do so, they had to rewrite the history of male same-sex relations that had partially supported that old order. They understood men who were engaged in sex with other men as debasing themselves by acting as women, thus not only disrupting the gender order but also damaging the image of the nation. Some translators of

sexological writings, such as Yang Youtian, also represented this position. They introduced new Western knowledge that pathologized homosexual men in order to condemn them morally. Iconoclastic intellectuals, who were no less nationalistic, also wanted to import modern Western knowledge to strengthen the nation” (Kang, 2009, page 145)

This fragment of the book obsession shows the arguments before Stated. What happened in China wasn't a direct colonization that lead by imposition of a harsher treatment towards the LGBTIQ+ community but rather a long-term influence net. Since the beginning of the opium wars and their influence in Asia, the British tried to make China go further into the western mentality but it was actually the revolutionaries that wanted to change the government the ones who started the institutionalized homophobia and a social distrust of the community.

b. How was the colonization process in India and what laws regarding the LGBTIQ+ community were introduced?

Chronologically, India's colonization didn't happen during the same period of time as the Chinese and both realities are very different. India was colonized by four countries but the one that had the most importance was the UK. The first period during the Indian colonization was the English East Indian Company, founded in 1600 by British merchants:

“For two and a half century, the Company lay at the very heart of British commercial, maritime and imperial activity, and its power and influence was felt widely across a trading world which long centered on the Indian Ocean but was always defined by contacts and interactions with other seas and regions. Most important of all, the Company laid the foundations of a large territorial empire in South Asia, and because of this it has left an especially deep imprint on the history of India” (Margarette Lincoln, 2002, page 15)

During this time, both commercial and political influence were present, but it wouldn't be until the later British Raj that homosexuality would become illegal. The British Raj was the proper British government in colonial India and was established in 1858, and would last until 1947. The British Raj is different from the Chinese colonialism in that during this time the British had the control over the government and India still has

signs of that time in architectonic constructions like the Chhatrapati Shivaji Station in Mumbai, also known as Victoria Terminus in honor of the queen, or the India Gate in New Delhi. The process of colonization was very violent and bloody in India, and it would mark the relationship between the colonizers and the Hindus from the beginning:

“In 1858, British Crown rule was established in India, ending a century of control by the East India Company. The life and death struggle that preceded this formalization of British control lasted nearly two years, cost £36 million, and is variously referred to as the 'Great Rebellion', the 'Indian Mutiny' or the 'First War of Indian Independence'.

It is important to note that the Raj never encompassed the entire land mass of the sub-continent.

But the 'Great Rebellion' did more to create a racial chasm between ordinary Indians and Britons. This was a social segregation which would endure until the end of the Raj, graphically captured in EM Forster's 'A Passage to India' (Kaul, 2011)

Something the British found shocking as they established the British Raj was the caste system. While they thought it should be abolished, historians have agreed in that the British system also had a separation by classes. Racism was also common in the Raj, as British saw themselves as superior and had more rights. This also meant that reproductive sex within the colonies between colonizers and colonized wasn't accepted:

“While the British criticized the divisions of the Hindu caste system, they themselves lived a life ruled by precedence and class, deeply divided within itself. Rudyard Kipling reflected this position in his novels. His books also exposed the gulf between the 'white' community and the 'Anglo-Indians', whose mixed race caused them to be considered racially 'impure'.” (Kaul, 2011)

As the British raj Thrived, many law reforms were introduced such as the police act of 1861 which aimed to create a Police force that tackled the revolts of 1857 or the left-handed traffic arrangement. The most important one for this paper though is section 377 that was introduced in the Indian Penal code:

“On October 6, 1860, the Indian Law Commission, presided over by Lord T.B. Macaulay, introduced Section 377 of the Indian Penal Code. The section was worded as

follows: 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.

Comment: This Section is intended to punish the offence of Sodomy, buggery, and bestiality. The offence consists in a carnal knowledge committed against the order of nature by a person with a man, or in the same unnatural manner with a woman. (Rao, 2017, chapter IX)

What this article meant was that “unnatural” or “non-procreational” sex wouldn’t be allowed in India, therefore discriminating all collectives that weren’t in the spectrum of sexuality of heterosexuality or whose aim having sex wasn’t procreation but rather pleasure. This also unjustified any other kind of gender identity, stating that only male and female were involved in this kind of sexual relations, not taking into account others such as non-binarism, transsexuality or fluid genders. To be fair, non-binarism or gender fluidity weren’t a reality during that time, but transsexuality was. This meant that colonizers imposed their reality to a more open-minded state that already accepted the third gender (transsexuality) and culturally saw it as lucky and a positive reality in the Moghul culture.

Moreover, this article also interfered with a human being private freedom, the liberty to do with your body whatever they wanted, ignoring gender identity or sexuality, as it banned common sexual practices in the Moghul empire at the time.

3. How did section 377 affect the view Chinese and Indian societies had of the LGBTIQ+ communities:

As stated before, the colonialist situations in both China and India were completely different therefore the LGBTIQ+ community situation during the same time also saw some differences. While China had its own political regime with implanted western laws, India had a proper colonialist government which had a larger control over the population. Still, many similarities in terms of discrimination existed as the largest problem the western ideas implanted weren't law 377 and legal discrimination but a negative social view of the community. In this point, the situation of the LGBTIQ+ community between the moment of the colonization and their independence, and how the LGBTIQ+ community never seized exiting and demanding progress in both societies during that time:

a. Legal evolution, social view and discrimination in China

Even if China suffered of high discrimination during the first half of the 20th century, same sex relations appeared in many ways in society, especially in five: language, such as the one used in the US like “being friends of Dorothy” which meant being gay, sexological writings, literature, news and the Chinese Opera. The aim of them was also very clear: “In these various social and discursive locations, which were either new, such as sexology and tabloids, or in the process of being transformed, such as opera and literature, urban citizens argued about the importance of a modernized understanding of gender and sex in order to strengthen the nation.” (Kang, *Obsession: Male Same-Sex Relations in China, 1900-1950*, 2009, page 1)

In terms of vocabulary, we can find examples of gay and crossdressing in colonial China:

“A huge vocabulary describing male same-sex relations, and men engaged in such relations, suggests that the issue was not a silent one in China during the first half of the twentieth century. These terms included: *duanxiupi* (斷袖癖, the obsession with the cut sleeve), *fentaozhihao* (分挑之好, the love of sharing a peach), *Longyangjun* (龍陽君, the name of a male favorite in history), *nanchong* (男寵, male favorite), *nanse* (男色,

male beauty), *nanfeng* (南風, southern mode, or 男風, male mode), *xianggong* (相公, young gentlemen or Peking opera actors who play female roles working as male prostitutes)...” (Kang, *Obsession: Male Same-Sex Relations in China, 1900-1950*, 2009, page 19)

When analyzed, many of the references used during this time were referring to past events, such as the peach or the cut sleeve, a common way to refer to same sex relations in ancient China.

Sexological writings are also very important as they introduced a different kind of mindset from the west and it also showed some degree of discrimination:

“Western sexological understandings of male same-sex relations could gain a footing in China during the first half of the twentieth century because they shared comparable conceptual contradictions with indigenous Chinese thoughts on the issue. The western term homosexuality was translated as *tongxing ai* or *lian'ai* which could simultaneously mean “same sex love” and “same-sex sexuality”. This term appeared in sexual education manuals on women, education, sex and love, and many of these publications employed sexological concepts such as “perversion” and “disease”. For commercial writers, the issue became an entertaining topic to discuss in urban tabloid newspapers.” (Kang, *Obsession: Male Same-Sex Relations in China, 1900-1950*, 2009, page 41)

Homosexuality was treated as something to be studied and explained, and while some authors used pejorative words to describe the situation, some understood it as an evolving reality. An area nearly never treated in Chinese history which starts to gain importance in this moment is female homosexuality due to the sexist history China had under its belt:

“Female homosexuality, like male homosexuality, has also spread to different social classes, among female students, female workers, nurses, rich wives of the upper class. Without giving any explanation, Yang claimed that homosexuality tends to increase as a society develops; therefore, it became urgent to prevent it from spreading.²⁰⁸ Since no effective method existed to cure congenital homosexuality, preventive measures should be aimed at the social causes, which Yang listed as the state of being single

(dushen,), the loss of love (shilian,), single-sex schools, seduction by elders, and imitation of homosexual behavior.” (Kang, *Obsession: Male Same-Sex Relations in China, 1900-1950*, 2009, page 45)

During this time, some authors such as Hu even tried to make a differentiation between two kinds of homosexuality, natural and unnatural in order to defend it, something that would be questionable in terms of human rights:

“But here I must draw the special attention of the readers to a serious statement. These congenital urgings (lian'ai tongxing zhe,) are absolutely different from those who, out of a kind of curious carnal desire, indulge in sex or adopt same-sex intercourse due to a lack of opportunities for ordinary sexual satisfaction. For Hu, the distinction between the “natural” and the “unnatural” was one between love and sex. Only after making the distinction could one understand the value of same-sex love. At this point, although Hu accused Yang of confusing love and sex, Hu equally condemned presumably “unnatural” same-sex sexual activities. “ (Kang, *Obsession: Male Same-Sex Relations in China, 1900-1950*, 2009, page 47)

When talking about literature, authors were also inspired by the west, in this case the decadence of the 1920s. Chinese writers talked about same sex relations in a special way. Because of the decadence, they saw “fragile” love as something beautiful and they would portray it in young same-sex love (usually male). They portrayed love instead of sex because they thought that one lead to the other and the intimacy between both would be an expression of this love. They were also very open to other kind of sexualities, accepting both heterosexual and homosexual love at the same time, representing bisexuality. These writers also represented the reality of the situation, showing what homosexual individuals had to face because of the traditional Chinese family values. The way they represented same sex love was very similar to older Chinese writings, when due to the vocabulary used, it wouldn't be unclear whether they were talking about male or female love:

“The representation of male same-sex relationships in modern Chinese literature, unlike their Western counterparts, could clearly articulate male same-sex desire and did not have to present it as a kind of “love that dare not speak its name,” although some writings revealed family obligations and social ridicule as barriers to love between men..

They presented the male characters' longing for same-sex intimacy as a form of sincere human emotion rather than carnal desire, as meaningful as the romantic love between young men and young women advocated by the iconoclastic New Culture/May Fourth intellectuals. They did not see homosexual and heterosexual love as mutually exclusive, viewing both as liberating human emotions from moral constraint." (Kang, *Obsession: Male Same-Sex Relations in China, 1900-1950*, 2009, page 63)

During the first half of the 20th century, news outlets also wrote about the LGBTIQ+ community in China but the outcome was a bit different from the literature, stigmatizing it as sexological writings did. There were two main reasons for news outlets to stigmatize the LGBTIQ+ community. On one hand, medical and sexological western studies that explained sexuality as a disease were used in the Chinese media, and while western influenced was used to reform the country, it was also used to acquire discriminative social ideas.

"In their writings, men and women involved in same-sex relations became scapegoats and symptoms of what had gone wrong with the country. Intensifying vilification and the spread of the modern Western conception of homosexuality should be understood as conditioned by both indigenous Chinese thought on male same-sex relations and the political crisis of the nation as a whole. In expressing their disapproval of female same-sex relations, the cultural conservatives did not hesitate to mix the old expression "mirror rubbing" with the imported sexological term "homosexuality" to draw a connection between the phenomenon and new Western thoughts in order to attack the New Culture advocates."(Kang, *Obsession: Male Same-Sex Relations in China, 1900-1950*, 2009, page 113)

Racism and sexism were also a very important part on this discourse. While news outlets portrayed same sex relations as wrong, male prostitutes that had sexual intercourse with white colonizers wasn't something unusual. The arguments used such as a man using another male as a woman, shows the level of discrimination, not only towards male prostitutes but towards women, who were thought of as an object, therefore justifying their actions:

"When writing about the warlord and his associate, they conceptualized male same-sex relations in the age-old framework of the emperor and his male favorite. Male

prostitutes were also feminized through the antiquated idea of “a man used as a woman.” What was new was the role of colonizers in male rape cases. Once again this relationship was described within an archaic understanding that men in power played the active role in the sex act between men.” (Kang, *Obsession: Male Same-Sex Relations in China, 1900-1950*, 2009, page 113)

When talking about acting and opera, what happened was mostly related to the state showing the power it had rather than only a matter of homophobia, even if it helped. Writer and novelists started using heterosexuality as a way of empowering the nation and conservatives tried to erase the past of same-sex relations, even if no sexuality means strength or weakness whatsoever, and it was more of a social process rather than a state one. This translates, as stated before, in not only homophobia but also sexism. First of all, regardless of how a person actually was, if they were homosexual, they would automatically be considered as effeminate, less masculine and that for them represented weakness. This also show a prejudice towards the LGBTIQ+ community, as they thought that someone’s sexuality meant how they would act or be.

“Under the self-conscious scrutiny and colonial threat of modern Western and Japanese imperialist powers, the meaning of the actor-literati relationship underwent a radical change, from a symbol of the refined taste of elite men to evidence of national weakness. The eagerness to masculinize and heterosexualize men betrayed a deeply rooted understanding of gender, combining indigenous Chinese and modern Western thinking, in which women were assumed to be passive, weak, subservient and primitive.” (Kang, *Obsession: Male Same-Sex Relations in China, 1900-1950*, 2009, page 144)

Secondly, they also wanted to move away from feminine attributes, and they considered women to be less, weaker, and willing to do whatever males wanted. On one hand, and knowing the international context of that era, it is understandable for them to want to give a strong appearance towards the exterior. On the other hand, the problem is that instead of showing strength by political means, they targeted minorities in order to erase something they were ashamed of:

“Only men, who were strong, active, dominant, and civilized, could represent the strength of the nation. The heterosexualizing impulse, thus, was also based on an understanding of gender that denigrated women. Men who had sex with other men in the

early twentieth century were understood as having willingly lost their masculinity and as being debased into the status of women. In order to build a strong nation, all Chinese men, including dan actors, had to be masculine. (Kang, *Obsession: Male Same-Sex Relations in China, 1900-1950*, 2009, page 144)

During this period of time in China, we find different points of view a different representation on the media. On one hand we see how certain authors were influenced by the west and were also impelled by the internal crisis and weaker position of China tried to elude anything but heteronormatism and masculinity, such as “journalists” or theatre. On the other hand, there was still a part of the society that defended and saw the LGTIQ+ community as something to be encouraged, such as the literati inspired by the decadence of the 20s, but still the level of discrimination and social unacceptability increased radically.

b. Legal evolution, social view and discrimination in India

As stated before, the section that banned homosexuality, as well as any other type of sexuality or Gender which would include “unnatural sex” was section 377, but scholars have argued if this section appeared more as a legal impediment or a social one, as the higher courts hardly ever treated cases violating this section. The reality in India is very different to the one in China as in the former, legal actions could take place and in the later, it was more of social backlash:

“A look at the history of the use of Section 377 reveals that it has hardly been used to prosecute cases of consensual adult male sexual relationships. Mostly, it is used in cases of child sexual abuse. Two important caveats must be made here: the study cites only decisions that cite Section 377 in the higher courts; it does not account for lower and trial court decisions where the law may have been used. More importantly, we must realize that the true impact of Section 377 on queer lives is felt outside the courtroom and must not be measured in terms of legal cases.” (Sanders, 2015)

Socially, section 377 meant a wide and structuralized way for police brutality and other social injustices. This section, while wasn't usually treated in high courts, did mean that LGBTIQ+ minorities such as the third gender in India or homosexuals were targeted. One of the main examples of this discrimination, was the case of the young male

who had been through conversion therapy in order to become straight. Conversion therapy is a current issue that is being abolished in many states currently and consists of a number of different practices in order to change the sexuality. In this case, he was exposed to electroshock for years, and even the national human rights agency didn't listen to the case:

“Numerous studies tell us that Section 377 is the basis for routine and continuous violence against sexual minorities by the police, the medical establishment, and the state. There are innumerable stories that can be cited – from the everyday violence faced by hijras [a distinct transgender category] to the refusal of the National Human Rights Commission to hear the case of a young man who had been given electro-shock therapy for nearly two years. A recent report showed that Section 377 was used by the police to justify practices such as illegal detention, sexual abuse and harassment, extortion and outing of queer people to their families...” (Sanders, 2015, page 26)

Many of the practices that were done during colonial times were therefore social pressure and discrimination, such as forcing young homosexuals to “visit” prostitutes:

“In 1894, Viceroy Elgin claimed that having no prostitutes would lead to “even more deplorable evils... there is already an increase in unnatural crimes” such as homosexuality activity. A popular cure for men (both Indian and British, civilians and soldiers) who might deviate from normative sexuality or “pukka-ness”, was sending them to female prostitutes. For example, in October 1893 an advice column in Sanjibani, a Bengali weekly, suggests that Indian schoolboys engaging in unnatural and immoral habits” be cured by visits to prostitutes.” (Vaniita, 2002, page 17)

Education and ancient Indian texts were also targeted by the British colonizers. They thought that older books that included same-sex relations were vulgar and harmful and by erasing them and changing their educational system, homosexuality could be avoided. This meant censorship in terms of sexual and gender expression. For the young LGBTIQ+ community, this meant issues in order to discover themselves, as if they weren't exposed to that reality, it would be more difficult for them to realize their gender identity or their sexuality, and even if they did, it would be hard for them to accept:

“The British not only policed the corridors of literary imagery but also framed homoerotic love as a ‘criminal activity’. Cultural readjustments and revisionism were conducted to purge the ‘literature of most erotic themes especially of homoerotic themes’ (Ibid:38). Through the poets Altaf Hussayn Hali (1837- 1914) and Muhammad Husayn Azad (1834-1910) a radical ‘ethical cleansing’ took place of the Perso-Arabic texts (Ibid: 40). The British moral rhetoric was upheld and the new poetry that was produced under British guidance replaced the old-style poetry. It was also during this time as Kugle points out, ‘the figure of Sultan Mahmud was emptied of homoerotic imagery’ (41).” (Dasgupta, 2011, page 14)

Many of the other cases and facts that occurred during the Raj or the last period of colonization are still very secretive. Between 1860 and 1920, only five cases were recorded, therefore much information was lost but Lauren Ruhnke gives a quite objective context of what the situation was like in India during this time, giving an example of a similar case but with a British citizen. What Lauren explains is that racism was used in order to make section 377 valid or not. Many cases that were similar were treated different if the accused was from India. The arguments used were that if the accused was British, they would sometimes be charged with aberration and mania, while native Indians were charged for being “habitual sodomites”, which never appeared in any of the British cases. Racism was therefore the main motivator for prosecuting or not homosexuals, therefore the LGBTIQ+ community wasn’t only targeted for their sexuality or gender identity, but also for their “race”:

“The extent to which British citizens were subject to prosecution under Section 377 is unclear. Despite an abundance of corroborating evidence that Noyes (a British citizen) committed crimes of sodomy, his “immoral tendencies” were excused under the pretense of “aberration and mania.” In each case where the term “habitual sodomite” was employed to justify prosecution, the defendant was an Indian native. By prosecuting native homosexuality as an identifiable condition, British colonizers constructed a native homosexual identity that was inherently criminal according to British morality infused in the statutes of the Indian Penal Code. This criminal identity imbues an additional degree of inferiority to the essence of the native, in contrast to the lawful British colonizer, who escaped legal punishment due simply to their Britishness.” (Ruhnke, 2018)

Consequently, there is a visible trend that happened in India. On one hand, colonizers created a social reality very different from the traditional Indian one, making Indian culture fit into the western one and imposing their moral values. On the other hand, they also created a narrative of inferiority for the colonies, using homosexuality as another reason for them to be ruling India and, as they thought, be superior.

4. How has the situation of the LGBTIQ+ community evolved since colonization in both China and India?

In this part of the paper, the situation of the LGBTIQ+ community since the end of the British colonization will be analyzed. As stated before, it is important to remark that China was never colonized in the same way as others countries such as India which had an actual British government, therefore the analysis will start from the second half of the 20th century, and the evolution the LGBTIQ+ community has achieved legally and socially during these years.

The gay rights movement or the LGBTIQ+ movement started in western countries after the second world war, but it wouldn't be until the Stonewall riots of New York in 1969 that the movement would actually achieve international influence, when activists such as Marsha P Johnson rallied on the streets of the Greenwich village in Manhattan. It is important to take this into account as it wouldn't be until after this movement that many countries would start paying attention to the issues regarding the LGBTIQ+ community.

The Situation of the LGBTIQ+ community right after the colonization in both China and India didn't change rights away as the legal and social changes the British had established years before had rooted themselves in the Asiatic societies, and it wouldn't be until the end of the 20th century and the beginning of the 21st when an actually change would be achieved.

a. China:

The political context of China during the second half of the 20th century is marked by the People's republic of China, Stablished by Mao Zedong and the communist party in 1949. While Mao was still on power, homosexuality was still seen as an offense, and it might have even gotten worse:

“In 1949 Mao Zedong founded the People's Republic of China (PRC). During the communist period, deviating ideas and people, including homosexuals, were actively persecuted. In particular, during the Cultural Revolution between 1966 and 1976, men who met each other in parks were seized and accused of 'hooliganism', a label the

communist party often used to punish various forms of ‘deviation’ and thus undesirable behavior. Homosexuality was considered an influence from the West and a relic from feudal times that needed resistance (Chou, 2000). Everything was in the service of the revolution, including sexuality: sex was just a means to produce new revolutionaries, and sex without a function was considered ‘reactionary’ (Cristini, 2007). (Dubel, 2008)

After Mao’s death, the country experienced a sudden openness towards the West known as the open-door policy. Influenced by the LGBTIQ+ movement that started in the 60s in the US and social reforms, many Chinese citizens started using the discourse that had already been used in other states and the Chinese LGBTIQ+ movement started. The view of the LGBTIQ+ movement also changes as the view of the traditional family shifted, with the introduction of the Marriage act that allowed divorce and the one child policy:

“As a result of the 1980 Marriage Act, which allowed divorce if there was no longer any mutual affection, and mediation had failed, and the one-child-policy that prevented parents from having more than one child, the Chinese attitude towards relationships and sex changed (Yuankai, 2006). (4) Sexual freedom and ‘recreational’ sex increased. Because China had opened up towards the West, where since the sixties a gay subculture had come into existence, in the late eighties in a number of cities along the coast, western homosexual discourse was taken over, in particular in Taiwan and Hong Kong (Chou, 2000). Slowly, a homosexual subculture arose on the Chinese mainland” (Dubel, 2008)

Even if part of the Chinese society was evolving towards a more open future, Homosexuality during the 1980 marriage act was still illegal in China. Nevertheless, people from the LGBTIQ+ community tried to meet and create their own identity, but many were targeted, and police forces made it almost impossible for them to develop as people, much less as a community. Sexism was also still present in China, making lesbians the most discriminated group:

“Many gays met in parks, public toilets and bathhouses where they were constantly at risk of getting caught and seized by the police. Lesbians hardly had any opportunities to meet in public places. Pressured by their family, many gays and lesbians

above thirty indicated they were married: the Confucianism values were still pursued, in spite of all revolutions. The homosexuals in Li Yinhe's study did not talk to friends and family about their sexuality. Many did not know what to do with themselves; often, they had no notion of the existence of like-minded individuals." (Dobel, 2008)

During the 1990s, a new trend started forming. Thanks to the access to internet, people in China started being able to organize themselves and start meeting, which meant that a sense of inclusivity started. Still, the 90s were turbulent times as even if the society was moving towards acceptance, the government was still not aligned with what was asked from them. The government decided to close conventions regarding homosexuality, and they argued that this decision was done due to complaints which meant that socially, many still discriminated the community, and the document also contained statements such as homosexuality being morally corrupted and against the Chinese interest:

"The establishment of support organizations for LGBT people was also restricted by state authorities in the 1990s, as demonstrated by the case of Wan Yanhai. In late 1992, Wan (2001, 60) organized a salon called "Men's World," a health promotion group for same sex attracted men. The Ministry of Public Security issued a document about this decision. The Notice stated that the salon had been closed down at the request of the Ministry of Health because of public complaints. Illustrating a highly negative view of homosexuality, the Notice stated that homosexuality was a perverse form of human behavior that violated public morality, corrupted social values, destroyed family harmony, encouraged criminality, endangered public security, and contributed to the spread of AIDS. "(Jeffreys, 2018)

During this time Tongzhi appeared. Tongzhi can be described as gay slang, words that were used to create the sense of community for LGBTIQ+ people, that had been underrepresented. It can be compared to some slang used in the United States in the 50s and 60s, when being friends of Dorothy meant being gay. For the government, Tongzhi meant that the community had actually evolved and had achieved an important social presence, and they were therefore forced to give the community more rights. Thus, one can see the importance of inclusive language, which in China meant a legal change for the LGBTIQ+ community. One of the consequences was that in 2001, homosexuality

was finally erased as a mental disease in China, but according to Dubel, the relation between the community and the State is still to this day tricky:

“The emergence of the term tongzhi indicates a shift from homosexuality as behavior to homosexuality as identity. Simultaneously, with the emergence of an identity and a cautious local subculture, there have also been some improvements in the social position of gays and lesbians. After a 1995 government study of AIDS and HIV, carried out amongst seven hundred gays, concluded that the gap between homosexuals and society should be bridged; the Chinese government could no longer ignore the position of gays and lesbians. In 1997, the controversial act that criminalized ‘offensive behavior’ (‘hooliganism’), which was used by the police to persecute gays in parks, was abolished..(Dubel, 2008)

It’s important to state that legalization doesn’t mean social acceptance and that even though the LGBTIQ+ community was feeling a higher level of embrace, it was compared to the one existing before which was almost zero. Of course, as time passed the community grew stronger and its place in the Chinese society fortified, even after the terrible century before. Still, the discrimination has never stopped. For instance, due to the strong family values the Chinese culture has, many of the LGBTIQ+ children that were born one child only families had to give up their own self personality and marry a person of the opposite gender.

Currently, there are many examples of discrimination against the LGBTIQ+ community in the Chinese society. There are many issues regarding the trans community, such as problems getting jobs or the lack of education regarding the community:

“As most sex reassignment surgeries are conducted after transgender people have left school, their education and degree certificates often document a gender different from what they now identify (as described in the ‘education’ section below). This may lead to the disclosure of their sex change in the workplace, resulting in discrimination or even dismissal. Partly because of the difficulty in finding other employment options, a considerable number of MtF transgender people in China are involved in sex work. A majority of them at some point end up in police custody and are often charged with prostitution” (UNDP, 2014)

Health related issues are also on the rise, including a wide variety of STDs such as hepatitis and HIV, but also mental health issues are rising due to high discrimination:

“The Chinese LGBT community is faced with a variety of health issues, especially the higher prevalence of HIV for gay men and transgender people. The rapid rise of HIV infections among men who have sex with men and transgender people has seriously affected the physical and mental health of these populations and is one of the most serious challenges for China’s HIV prevention and control efforts. There is also increasing attention the mental health of LGBT people. The pressure of social discrimination and the failure to accept one’s sexual orientation as a result of internalized homophobia are two common causes of depression and mental illness in the Chinese LGBT community.” (UNDP, 2014)

Lastly, as media has developed during the last decades, the relation it has had with the LGBTIQ+ community has also evolved. Currently, we see that when media portrays the community, it usually is in a negative way, promoting the discrimination against the community:

“In the rare occasions when homosexuality is discussed in the mainstream media, stigmatization and negative language and connotations remain the norm. The Rainbow Media Awards media- monitoring project found that among 931 media reports about the LGBT community in 2012, 50 percent portrayed the LGBT community negatively. Among these negative reports, 17 percent associated homosexuality with crime and/or the spread of HIV. The official mainstream media such as China Central Television (CCTV), however, has an enormous reach and audience in China. The possibility of promoting anti-discrimination messages in the official mainstream media would make a great difference in the education of the general population.” (UNDP, 2014)

The repercussions of the colonization are therefore clear in this point. After the extreme discrimination experienced during the 19th and 20th century, the social view that the LGBTIQ+ community is negative for the Chinese society is clear. It is also clear that before the colonization, the LGBTIQ+ community in China experienced a higher level of acceptance and it was the western influence the one that made certain sections of the society more reluctant towards the community. This mindset later spread and even after the colonization that feeling stayed, making the current situation of the community

complicated socially, experiencing discrimination within the family nucleus, works, health and education. Legally, the situation is different as homosexuality was legalized in 1997 but still, the evolution of the community has been marked by the close-minded influence of the west.

a. India:

The situation of the LGBTIQ+ community has experienced a lower evolution towards acceptance than the one in China. As stated previously, during colonization, the British introduced the section 377 in the Indian legal code. This section, during the second half of the 20th century, after the independence of India, meant many incarcerations of LGBTIQ+ members and high levels of discrimination.

After colonization, there were attempts made to change the vocabulary used to describe LGBTIQ+ people but these weren't achieved:

“It is important to note that despite the Indian Constitution coming into force with the language of equality, non-discrimination and dignity, the judiciary in the postcolonial era continued to characterize homosexuality with terms such as ‘unnatural’, ‘perversity of mind’ and ‘immoral’. The ethical. Language of dignity and rights never perceived applying to LGBT person” (Nancy Nicol, 2018, page 48)

During the 90s and early 2000s, India experienced a shift towards openness and Indian citizens started questioning the legality of section 377. Two very important cases, those of Nowshirwan and Ratansi, sentenced to prison time for being homosexual, were part of the base for Indians to start asking for a change, and it meant the beginning of a challenge for the Indian government. It is also important to mention that not only were those violating the 377 section persecuted, but also those who helped the community and stood as allies such as HIV workers:

“When people like Nowshirwan have been arrested under the law in recent times, people beyond the family and friend network have got involved. Queer people across the country rally together and begin to support those who are subjected to the law's persecution. Thus, any story about those arrested under Section 377, be it the arrest of gay men in Lucknow (2006) or the arrest of HIV/AIDS workers in locknow (2001),

become part of the contemporary struggle against section 377.” (Nancy Nicol, 2018, pág. 49)

The social movement towards the abolition of section 377 then started. Protest began in big cities such as Delhi or Bombay and many interest groups such as NGOs helped the community. Lawyers also got involved in the cause, which made the Issue a more political/legal one, forcing the government to at least review the 377 section, that lead to court hearing of different cases, and for the first time gave a voice to those that had been oppressed for so many years: “This created a magical space for the brief duration of the court proceedings. Lesbian, gay, bisexual and transgender persons, who were so used to sneers and jeers of society, suddenly felt that they were not only being heard but also respected.” (Nancy Nicol, 2018, pág. 52)

Nevertheless, a big part of the Indian society maintained its view of the LGBTIQ+ community. During the early 2000 many were incarcerated, usually targeted by their own neighbors, as anonym accusation were common. An example of the extreme discrimination and violation of human rights LGBTIQ+ Indians experienced is the case of Professor Shrinivas Ramachandra Siras, right after India decriminalized homosexuality for the first time in 2009:

“ On April 6 2010, Prof. Shrinivas Ramachandra Siras, a professor and poet aged 64, who had suffered intense persecution and public humiliation for having sexual relations with a man, told a journalist on the phone that he wanted to move to America because it was the only place where he. Would be free to be gay, expressing the frustration of many Indians who suffer injustice arising from homophobia. In 2009, The Delhi high court had declared the anti-sodomy law unconstitutional. Despite this, cameramen of the television channel TV100 burst into Prof. Siras’s home and filmed him having sex with a young man. Days later, he was found dead in his rented room with traces of poison in his body” (Om Prakash Dwivedi, 2016, pág. 314)

From 2009 till 2013, section 377 was revoked as it was seen as unconstitutional. Despite all the social “stability” during this time, a rigid turn of event happened in 2013 and section 377 was restored. After 4 year of legalization and freedom for the LGBTIQ+ community, the Indian government decided that this law should reestablished, making self-expression of gender and sexuality illegal:

“India’s Supreme Court overturned a historic lower-court decision on homosexuality, making gay sex a crime in the world’s most populous democracy, with violators facing up to 10 years in prison. The ruling was a striking sign of how the gay rights movement has been met with a fierce backlash in some parts of the world, even as it has made dramatic gains in the United States, Europe and Latin America.” (Lakshmi, 2013)

Since 2013, the LGBTIQ+ movement has gotten strength and has been fighting for their rights steadily. After 5 years of fighting, the high courts of India finally legalized it again in 2018 after the high court of India decriminalized the LGBTIQ+ community by, once again, stating that section 377 was unconstitutional. After this, pride events happened all trough-out India celebrating the event, but the battle for these human rights wasn’t over.

Even if the section was outlawed and legally the LGBTIQ+ community was protected, socially, the discrimination is still high. For instance, the trans community or as it is known in India, the Third Gender, still has major discrimination in today’s society as they are usually related to sex working and are usually repudiated by their families.

There are some issues happening now with the LGBTIQ+ community. Same sex marriage is still not accepted in India, and while there are very punctual cases of men marrying trans-women showing a growth in this area accepting the gender identity of trans people, homosexual marriages aren’t still legal. This also leads to adoption. Same sex couples aren’t able to adopt kids, and as it has happened in other states before, adoption will come after marriage is accepted. Discrimination in the workplace also very common, as gay and trans people are sometimes harassed and laws such as maternity benefits don’t sometimes apply to LGBTIQ+ people.

The repercussions of colonization are therefore clear in India. After implanting section 377 and making homosexuality illegal, not only did the judiciary system change, but also the social perception of a country that had historically been not only open towards the LGBTIQ+ community but also encouraging. The shift after colonization is also clear. While the legal system was hard to achieve but manageable, the social repercussions It brought are way harder to fix. India is a country that has limited resources in terms of education and, while a law is easy to change, changing the minds of millions of people

isn't. Nowadays, there are still legal issues such as adoption or working discrimination, but even worse, its socially not accepted. Nevertheless, the change has already started and rays of hope shine as the amount of people that accept the LGBTIQ+ community, especially amongst youngsters, is rising, and the cases of hate crimes committed against it are dropping.

5. Conclusion:

After the analysis has been done, there are several conclusions that can be made for each part of the paper.

Regarding the Historic situation of the LGBTIQ+ community in both India and China, we find many examples of how accepted and common homosexuality was before colonization. In ancient China we find the men of the Misty Moon, male prostitutes that pushed the boundaries of gender and male femininity, as well as breaking a stigma of what sexuality mean. During the Qing and Zhou's empires, homosexuality was also accepted, having the example of poems and songs that describe same sex relations. The Han dynasty is the one with the biggest representation as one of its last emperors, emperor Ai, had a homosexual relationship with one of his male assistants.

In India, the situation was quite similar, but they introduced a new element, the third gender. During the Vedic empire, the Third gender was seen as something natural and explainable and those who were part of this group had a different but important role in society than those who could reproduce. The Vedic also talked about homosexuality in a positive and natural way, and their books are now part of the Rigveda, sacred books for Hinduism. There also are more recent examples such as the Delhi sultanate, which despite being Muslim accepted homosexuality and the Moghul empire that accepted homosexuality and the third gender broadly.

Concerning the Colonization process and the political systems, we find two very routs in China and India, as China was never formally colonized, and India did. China saw a form of colonization in western influence, as they adopted ideas, but laws were never imposed by the British. This western mentality moved revolutionaries to protest and achieve a new form of government in 1911, which was supposed to seek development in the military and science, but instead it introduced mentality traits never seen before. From 1911 till 1949, the mentality shifted, homophobia appeared and started spreading, influenced by section 377 of the British legal code, that condemned homosexuality.

In India, the colonization process was different and longer. It started with the British company that influenced commerce in the region, but it wouldn't be until the British Raj when the British changed Indian laws and introduced section 377. Section 377

didn't directly criminalize the LGBTIQ+ community, but it did what they called "unnatural sex". Unnatural sex was that that didn't strictly involve the intercourse between male and female genitals, therefore anything different than heterosexual couples were forbidden of expressing their sexuality. Moreover, this article also interfered with a human being's private freedom, the liberty to do with their body whatever they wanted, ignoring gender identity or sexuality, as it banned common sexual practices in the Moghul empire at the time.

Concerning section 377 and how it changed the view of the Chinese and Indian culture, it is very clear that it changed the way the community was socially accepted. The case of China es very special, as homophobia and LGBTIQ+ representation coexisted. Even if homophobia was spreading in the country, the community found many outlets to express themselves such as inclusive vocabulary or Chinese literature inspired by the western decadence of the 20s, that saw homosexuality as something beautiful. On the other hand, media outlets portrayed the community as sick or wrong, opera turn its back on gender bending and homosexuality, something common till that time and sexological readings inspired by the traditional west discriminated the LGBTIQ+ community.

In India, the information related to 377 cases are scarce. Many of the cases weren't treated by high courts, therefore most of them haven't been filed. The reference of that time that have lived through the past of time were social issues. Many young gay men were forced, for instance, to have sexual relations with prostitutes in order to, as they said, to keep them straight. The education system also changed, and homosexuality and transsexuality were taught to be bad and avoided.

In relation to the evolution of the perception of the LGBTIQ+ community since colonial times, an even stronger discrimination appeared in China and India didn't evolve at first. The people's republic of China under Mao Zedong saw a shift towards the criminalization of the community. LGBTIQ+ people were targeted and incarcerated and it wouldn't be until the avolition of the marriage act on the 80, and the 90s gay rights movement, that appeared decades earlier in the west, that the government started paying attention to the violation of these human rights. Internet was a big impulse of the LGBTIQ+ movement and it would be in 1997 when homosexuality would be legalized.

In India, the shift appeared during the same time as In China, during the late 90s and early 2000s. Homosexuality had been illegal since the instauration of section 377 and, after many years, the high courts of India decided that this section was unconstitutional. Despite, section 377 was reinserted in 2013, a major step back, and many that had been their life freely for years had to go back to masking their sexuality. During these four years, social discrimination was very common, with cases of murders and attacks being very common. In 2018, the high courts of India finally decided to revoke section 377 again and legalize homosexuality.

The repercussions of the colonization in China are therefore very clear. After the extreme discrimination experienced during the 19th and 20th century, the social view that the LGBTIQ+ community was negative for the Chinese society is clear. It is also clear that before the colonization, the LGBTIQ+ community in China experienced a higher level of acceptance and it was the western influence the one that made certain sections of the society more reluctant towards the community. This mindset later spread and even after the colonization that feeling stayed, making the current situation of the community complicated socially, experiencing discrimination within the family nucleus, works, health and education. Legally, the situation is different as homosexuality was legalized in 1997 but still, the evolution of the community has been marked by the close-minded influence of the west.

The repercussions of colonization are therefore also clear in India. After implanting section 377 and making homosexuality illegal, not only did the judiciary system change, but also the social perception of a country that had historically been not only open towards the LGBTIQ+ community but also encouraging. The shift after colonization is also clear. While the legal system was hard to achieve but manageable, the social repercussions it brought are way harder to fix. India is a country that has limited resources in terms of education and, while a law is easy to change, changing the minds of millions of people isn't. Nowadays, there are still legal issues such as adoption or working discrimination, but even worse, its socially not accepted. Nevertheless, the change has already started and rays of hope shine as the amount of people that accept the LGBTIQ+ community, especially amongst youngsters, is rising, and the cases of hate crimes committed against it are dropping.

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