

# PoLAR: Political and Legal Anthropology Review

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Forum

## Hauntings of a Deadname: Proof, Ephemera, and Queer/Trans Citizenship

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By *Brian A. Horton*

Figure 1: Image from Arvani Art Project Event in Mumbai taken by author in January 2017.

Before the Citizenship Amendment Act, the Transgender Act posed barriers to transgender Indians' right to self-definition. Much like the Transgender Act, the CAA-NRC-NPR policies once again ask the state to read the documents and bodies of queer and transgender people to impose declarations of citizenship. These declarations are contingent on having the right kinds of documents as well as the right kind of story to explain these documents.

In Fall 2016, well before the anti-CAA protests began, I was sitting in the offices of an NGO that worked for sexual and gender minority rights in Mumbai, listening to members of the transgender community narrate their criticisms of the Transgender Bill that had been recently announced. The BJP-sponsored bill half-fulfilled the Supreme Court's promises that people could choose their gender identity. In lieu of the right to self-define, enshrined by the 2014 National Legal Services Authority (NALSA) judgement, the Transgender Bill offered up a certification board comprised of medical and government officials to certify applications to alter gender identities assigned at birth.<sup>[1]</sup> As conversation whipped around the table, participants asked the simplest, yet most nettlesome of question: "How do I prove my identity?"

Some joked about lifting their skirts up to the panel, using their genitals as documentation. Others refused the question of even having to prove anything to anyone. But all fretted about the uncertainty of being able to survive with documents that were mismatched with their identity. One participant, fresh from trying to get a new passport that matched her gender identity, reiterated her frustration at having to show her birth documents, which included the male name assigned to her at birth, a name she neither used nor identified with. Her experiences, much like the proposed Transgender Bill's certification panels, reasserted to the community that their identities were always already under suspicion—and that to assuage cis/hetero concerns about the truth of their gender, transgender persons had to resuscitate their deadnames, return to the identities that they had disavowed, and hold them up so that they would not be dispossessed of their rights to exist as they self-identified. Despite the jokes traded between the transgender activists, there was also a palpable sense that the state *was* in fact lifting the

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skirts of community members, demanding them to make visible and legible their identities through a range of strategies that included the reassertion of mismatched documents. Ultimately, the Transgender Bill asked transgender persons to return to their deadnames to prove themselves as transgender and as deserving of the basic rights enshrined to all citizens via the Constitution.

In 2020, the Transgender Bill has now become the Transgender Act, and fresh debates are sweeping across India over the citizenship matrix—the confluence of the Citizenship Amendment Act (CAA), National Register of Citizens (NRC), and National Population Registry (NPR). Documents are once again becoming weaponized in order to demarcate boundaries between citizen and non-citizen. Despite the projections of these documentary procedures as part of bureaucratic business as usual, the communal tinge to these citizenship policies cannot be overstated. Etched into the very frameworks of the citizenship matrix's efforts to “rescue” religious minorities from supposed religious persecution are also an insidious disavowal and dispossession of citizens through demands for the very documents and paperwork proving citizenship.

In Assam alone, almost two million people were left off of the published NRC list in 2019. Of the final list of people excluded, an estimated [two thousand transgender persons](#) were not included in the final list of citizens.<sup>[2]</sup> Among the many critiques voiced by queer and trans activists against CAA-NRC-NPR is the simple fact that producing the necessary documents can be an impossible task. For many of those left out, they either had birth documents that used their deadnames or they were unable to procure original copies of documents from their families. In cases where people were thrown out of their homes for their gender or sexual identities, accessing documents becomes an impossible challenge. Sometimes family members go so far as to destroy the documents of queer and transgender children, in order to prevent them from running away or being able to find financial stability outside of family networks. And beyond impossibility, there is the humiliation of presenting documents that mismatch gender assigned at birth with the one an applicant is living in.

Debates over CAA-NRC-NPR not only restage the challenges of citizenship for queer/trans subjects, but also reanimate the nettlesome relationship between proof and queerness. Queer kinship and intimacies, disidentifications with normative gender, and relationships that eschew reproductive, normative, or caste networks are challenges to represent in the technical languages of bureaucracy and documentation. Queerness rarely lives in the concrete boundaries of representable and visible documentation. Across South Asia it is often disguised in gestures, jokes, turns of phrases, and in the shifts of intimate counterpublics. The challenges posed by CAA-NRC-NPR are reminders of the precarious relations that queer and transgender people often have to citizenship—that the question of proving one's identity as queer and/or transgender renders the ephemera of one's identity, one's body, and the sinews of one's flesh, as subject to negotiation and debate.

For the numerous trans and queer people living across India, documents haunt. ID proofs can be unsettling reminders of past lives, severed relations, deadnames, and the impossibilities of representing particular truths on paper. But whether it is the looming presence of a deadname or the ghosts of those left out of the promises of citizenship, this haunting is not incidental, but crucial to the project of citizenship. As global investments in sexual citizenship—the aligning of issues of civic inclusion with questions of sexual and gendered subjectivity—grow, promises of citizenship are also increasingly premised on alignments with reproductive, heteronormative, and even homonationalist futures. Scholars have often suggested that the costs of sexual citizenship entail becoming a good neoliberal subject or becoming part of a national project that weaponizes its sexual tolerance against other minorities, such as Muslims (see Duggan 2004 on homonormativity and Puar 2007 on homonationalism).<sup>[3]</sup> & <sup>[4]</sup> But as the debates over queer and trans citizenship in India also underscore, queer and trans people are constantly challenged, debated, and treated with skepticism when attempting to prove their status as citizens and good sexual subjects. Even as queer and transgender people called out the CAA-NRC-NPR in 2020, they were challenged to be good dissidents. At Mumbai's 2020 Queer Pride, when students raised



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slogans against CAA, they were not only deadnamed by other members of the LGBTQIA+ community, but also identified by community members to the Mumbai police. These incidents demonstrate that sexual citizenship is not simply about queer and trans people being allowed to seamlessly become good national subjects—or homohindunationalist subjects—through the stroke of law or recognition (Upadhyay 2020).<sup>[5]</sup> Rather, their legality is always already premised upon an insidious demand for citation, verification, and stamps of approval. Queer and trans people are perpetually haunted by the potential to be cast out; so much so that some might turn on their own in the hopes of securing a seat at the table.

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## NOTES

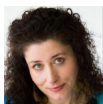
[1] *National Legal Services Authority v. Union of India and others* (2014) SC 1863 See: <https://translaw.clpr.org.in/wp-content/uploads/2018/09/Nalsa.pdf>

[2] Das, Gaurav. 2019. “The NRC Poses a Two-Fold Predicament for Assam’s Transgender Community.” *The Wire* <https://thewire.in/rights/nrc-exclusions-assam-transgender> (last accessed July 8th, 2020).

[3] Duggan, Lisa. 2004. *The Twilight of Equality? Neoliberalism, Cultural Politics, and the Attack on Democracy*. Boston: Beacon Press.

[4] Puar, Jasbir K. 2007. *Terrorist Assemblages: Homonationalism in Queer Times*. Durham: Duke University Press.

[5] Upadhyay, Nishant. 2020. “Hindu Nation and its Queers: Caste, Islamophobia, and De/coloniality in India.” *Interventions* 22(4): 464 – 480.



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