

This is the accepted version of 'The Diplomat and the Domestic: Or, Homage to Faking It' Millennium: Journal of International Studies. Published online before print by Sage Aug 18 2016, available at:

<http://mil.sagepub.com/content/early/2016/08/17/0305829816659979>

Accepted version downloaded from SOAS Research Online: <http://eprints.soas.ac.uk/22855/>

The diplomat and the domestic: Or, Homage to *Faking It* **Rahul Rao, SOAS University of London**

That states have sex should not have come as a surprise to IR scholars. The colonial archive is saturated with gender talk conceptualising the colonial encounter around a homology between sexual and political dominance, in which a virile and masculinized Occident penetrates a subservient and feminized Orient.¹ Yet till the publication of Cynthia Weber's *Faking It*, most IR scholars thought, wrote, and spoke as if sex, gender, and sexuality were irrelevant or marginal to understanding relations between states. Or perhaps more accurately, IR scholarship was suffused with an implicit heteronormativity that barely acknowledged itself, let alone the possibility that states could be queer.

Weber structures *Faking It* around readings of moments of crisis in US-Caribbean relations, arguing that queer practices tend to be more noticeable during these periods.² I agree and, in a similar vein, offer a reading here of a moment of crisis in US-India relations. I argue that only by paying attention to the queer logics of this moment is it possible to understand why an apparently minor provocation erupted into a full-blown crisis. My reading of this crisis is indebted to *Faking It* in ways that are at once general and profound: general, because rather than appropriating specific concepts or theoretical influences, I take its central insight—that state identity and foreign policy are shaped by sexual and gendered self-perceptions—as a point of departure for my work; but profound, because the notion at the heart of *Faking It* that states might be animated by concerns about phallic power—having it, masquerading as having it, losing it, compensating for the loss of it—had never been articulated before, let alone so cheekily, and is central to my own analysis. Above all, *Faking It* gives me permission to narrate international relations in a mode—critical, funny, voraciously interdisciplinary—that would have been inconceivable, perhaps even impermissible, before its publication.

The story I tell is not just one about international relations. The foreign policy crisis in question assumed the proportions that it did in India because it was also, effectively, a referendum on the Indian body politic, clarifying who did and did not belong within the nation, with implications for who did and did not warrant the protection of the state. In that sense, it confirms the image offered by poststructuralist IR scholars, of whom Weber is one, of foreign policy *not* as something that emerges after the establishment of the nation-state but as essential to its constitution: 'inside' and 'outside', domestic and foreign, we ought to know by now, are co-constitutive.³

What might it mean to offer a queer reading of something? While 'queer' is commonly reduced in liberal renderings to a sign for sexual and/or gender non-normativity, as Michael Warner long ago argued, because the sex-gender order blends

¹ Ashis Nandy, *The Intimate Enemy* (New Delhi: Oxford University Press, 1983).

² Cynthia Weber, *Faking It* (Minneapolis: University of Minnesota Press, 1999), xiii.

³ David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity* (Minneapolis: University of Minnesota Press, 1998).

with a wide range of institutions and ideologies—the family, state, market, race and class, as well as notions of truth, beauty, health, freedom, and the good life—to challenge it is to encounter all these institutions and ideas as problems. As he puts it, 'Being queer means fighting about [all] these issues all the time...'⁴ In the spirit of Warner's expansive understanding of queer critique as resistance to all regimes of normalisation, my queer reading of US-India foreign policy crisis unpacks not only the sex/gender logics of this moment but also the fissures of class, caste, domicile, and race that it exposed within the Indian body politic. I want to make visible the forms of (un)belonging that revealed themselves along each of these dimensions in the moment of crisis. If queer is understood as a critique of the normative, then queer is also a mark of unbelonging. In this sense, the crisis offers us an opportunity to reflect on who, and what, is queer in the current conjuncture. In what follows, I offer a brief overview of the events that produced this crisis in US-India relations, before unpacking the logics of (un)belonging that it revealed.

The crisis in question was provoked by the arrest on 12 December 2013 of Devyani Khobragade, then Indian Deputy Consul-General in New York, on charges of visa fraud stemming from her alleged misrepresentation of how much she would pay her (Indian) maid Sangeeta Richard on Richard's US visa application.⁵ Richard alleged that Khobragade had entered into two contracts—a 'real' contract promising an hourly wage of \$3.3 for a 40-hour working week, well below the US minimum wage of \$7.25 per hour but converting into over Rs. 30,000 per month (considered generous for a domestic maid in India); and a 'visa' contract promising \$9.75 per hour, signed to demonstrate compliance with US labour law in pursuance of the visa. Khobragade insisted that she had mistakenly declared her salary on the visa form and that she could not logically have contracted to pay the maid more than she herself earned.

Two sets of legal proceedings adjudicated these allegations. Richard quit without notice in June 2013 and, supported by a US anti-trafficking programme, initiated proceedings against Khobragade in the US after unsuccessfully seeking an out-of-court settlement. Khobragade was charged with visa fraud and arrested in New York, provoking controversy over whether her diplomatic immunity had been violated.⁶ Khobragade had reported Richard's disappearance to US and Indian authorities, alleging blackmail and extortion. In response, the Indian government revoked Richard's passport

⁴ Michael Warner, *Fear of a Queer Planet: Queer Politics and Social Theory* (Minnesota: University of Minnesota Press, 1993), xiii.

⁵ 'Devyani Khobragade incident'. Available at: https://en.wikipedia.org/wiki/Devyani_Khobragade_incident. Last accessed October 22, 2015.

⁶ Praveen Swami, 'Why diplomatic immunity matters,' *The Hindu*, 28 December 2013. Available at: <http://www.thehindu.com/opinion/lead/why-diplomatic-immunity-matters/article5508963.ece>. Last accessed October 22, 2015.

and a New Delhi court issued an arrest warrant and restrained her from pursuing legal action outside India. Alleging harassment by the Indian authorities, Richard's family, some of whom worked for the US embassy in New Delhi, leveraged their contacts in the embassy to obtain 'T' visas—a type of visa issued to enable victims of human trafficking and their relatives to enter the US. Shortly before Khobragade was arrested, the Richard family in India were 'evacuated' to the US, reportedly at the US embassy's expense.

With each step in this twin-track legal battle, tensions between the two countries rose. In response to Khobragade's arrest, India lodged a diplomatic protest and Indian officials refused meetings with a US Congressional delegation visiting New Delhi. Former Bharatiya Janata Party (BJP) minister Yashwant Sinha went to the extent of advocating the arrest of same-sex partners of US diplomats in India, given India's non-recognition of such partnerships.⁷ After four weeks of 'dialogue' marked by outrage and bitterness on the Indian side, and bewilderment interspersed with the occasional impassioned defence of US legal process from the Americans, Khobragade was allowed to leave the US. Nonetheless, the indictment against her stood implying that she would have to submit to the jurisdiction of a court if she were to return. India reacted by expelling US diplomat Wayne May, the official believed to have assisted Richard's family. This was only the second time ever that India had expelled a US diplomat. It marked a rapid deterioration in a relationship that, while not without irritants, had never been better. Indeed at a press conference in January 2014, Manmohan Singh cited improved Indo-US relations symbolised by the recent Civil Nuclear Agreement signed by the two countries as the crowning achievement of his ten-year Prime Ministerial career.⁸

I want to suggest that the unexpected furore provoked by this case in India cannot be understood unless we read this foreign policy crisis simultaneously as a referendum on the Indian body politic. Understanding this requires paying attention to the ways in which 'Khobragade' was read, but also to the ways in which it was *not* read.

Class/Caste: How does the corporeality of Khobragade become conflated with 'India', so that an insult to one is easily read as an insult to the other? At one level this conflation is not surprising because agents of the state personify the state: it is their actions that make states actors. This is the underlying rationale for diplomatic immunity as the necessary lubricant for intercourse between states. Still, this identification demands explanation, particularly because all the key dramatis personae in this case were Indian.

⁷ 'Row over Devyani Khobragade's arrest intensifies: 10 developments,' *NDTV*, 17 December 2013. Available at: <http://www.ndtv.com/cheat-sheet/row-over-devyani-khobragades-arrest-intensifies-10-developments-544809>. Last accessed October 22, 2015.

⁸ 'Transcript of the Q&A portion of the Prime Minister's Press Conference,' *The Hindu*, 4 January 2014. Available at: <http://www.thehindu.com/news/national/transcript-of-the-ga-portion-of-the-prime-ministers-press-conference/article5537934.ece?ref=relatedNews>. Last accessed October 22, 2015.

One obvious question to ask of the resulting public furore would be 'what about the maid?'⁹ Whatever the truth of her story, the possibility that the violation of her rights by an agent of the Indian state might be more detrimental to Indian prestige than the, no doubt objectionable, treatment of that agent by the US state, took time to enter into mainstream reaction. How do we make sense of the fact that the Indian foreign policy establishment and public are more easily outraged by the mistreatment of an elite foreign service officer than, say, the killing of Indian fishermen by US naval fire,¹⁰ or the deaths of hundreds of Indian labourers working on the 2022 Football World Cup stadiums in Qatar?¹¹ What does it mean when the national interest becomes so easily conflated with the preoccupations and anxieties of the servant-employing middle class.

Khobragade's Dalit caste identity entered into public discussion of the crisis in different ways. Dalit leader Mayawati alleged that the Indian government had been slow to defend Khobragade because of her lower caste identity.¹² In contrast, others suggested that political parties were zealously championing Khobragade's cause with an eye on the Dalit vote in forthcoming elections.¹³ For still others, Khobragade's obviously middle-class credentials, while not effacing her lower-caste origins, might have attenuated its salience in the imaginary of an upper-caste public, further consolidating their identification with her.

Nation/Race: If the crisis over Khobragade opened up domestic cleavages of class and caste, it also enabled international encounters in which race and nationality were key fault lines. However, the fact that the New York prosecuting attorney who robustly defended Khobragade's treatment by the US authorities, Preet Bharara, was himself of

⁹ Aneesa Mathur, 'What about the maid, asks Delhi HC former CJ Shah,' *The Indian Express*, 21 December 2013. Available at: <http://indianexpress.com/article/news-archive/web/what-about-the-maid-asks-delhi-hc-former-cj-shah/>. Last accessed October 22, 2015.

¹⁰ P. Sainath, 'Pride and parampara in Manhattan,' *The Hindu*, 30 December 2013. Available at: <http://www.thehindu.com/opinion/columns/sainath/pride-and-parampara-in-manhattan/article5515745.ece>, Last accessed October 22, 2015.

¹¹ Robert Booth, 'Qatar World Cup construction "will leave 4,000 migrant workers dead",' *The Guardian*, 26 September 2013. Available at: <http://www.theguardian.com/global-development/2013/sep/26/qatar-world-cup-migrant-workers-dead>. Last accessed October 22, 2015.

¹² 'Khobragade case: Mayawati gives a Dalit spin, Khurshid vows to restore diplomat's dignity', *The Indian Express*, 19 December 2013. Available at: <http://archive.indianexpress.com/news/khobragade-case-mayawati-gives-a-dalit-spin-khurshid-vows-to-restore-diplomats-dignity/1209466/0>. Last accessed May 11, 2016.

¹³ Anand Teltumbde, 'Nannygate: Humiliation versus Exploitation', 10 January 2014. Available at: <http://www.countercurrents.org/teltumbde100114.htm>. Last accessed May 11, 2016.

Indian origin complicated these fault lines in crucial ways. Bharara was vilified in the Indian media for pursuing Khobragade.¹⁴ Some accused him of seeking 'trophy "scalps" as a springboard to public office', the subtext of this insinuation being that in talking tough with his own 'racial' kind, he was underscoring his 'model minority' credentials to a white American public.¹⁵ Others saw a 'sophisticated racism' at work, in which Bharara provided a brown face for white prejudice.¹⁶

Writing more generally about public attitudes towards the case, right-wing commentator Swapan Dasgupta drew a distinction between middle-class Indians in India 'with a reasonable exposure to the West' and overseas Indians.¹⁷ The former, in his view, intimately familiar with 'the servant problem', saw Richard as cleverly exploiting US labour law and the white liberal guilt-saviour complex to emigrate to the US. The latter, sympathising with Richard, berated Khobragade as an abusive employer. Dasgupta's reading of the putative mentality of overseas Indians is especially interesting. Resentful about their inability to afford domestic help in their host countries, he argues, overseas Indians sublimate their envy and resentment into a pious disgust at the manner in which Indians at home habitually 'exploit' their servants. Dasgupta's reading ignores the many reactions from Indians in India, notably from trade unionists weighing in on Richard's behalf, that expressed the very critique that he attributes to overseas Indians.¹⁸ Indeed he insidiously reframes a class debate over how middle-class Indians

¹⁴ Palash Ghosh, 'Devyani Khobragade: Was She Victimized by Indian-American U.S. Attorney Preet Bharara?' *International Business Times*, 10 January 2014. Available at: <http://www.ibtimes.com/devyani-khobragade-was-she-victimized-indian-american-us-attorney-preet-bharara-1535118>. Last accessed October 22, 2015.

¹⁵ Uttara Choudhury, 'Is US attorney Preet Bharara using the Khobragade case for a political career?' *Firstpost*, 19 December 2013. Available at: <http://m.firstpost.com/world/is-us-attorney-preet-bharara-using-khobragade-case-for-political-career-1295701.html?page=1>. Last accessed October 22, 2015.

¹⁶ R. Jagannathan, 'Devyani Khobragade row: Time we returned the insult to US liberally,' *Firstpost*, 18 December 2013. Available at: <http://www.firstpost.com/world/devyani-khobragade-row-time-we-returned-the-insult-to-us-liberally-1293367.html>. Last accessed October 22, 2015.

¹⁷ Swapan Dasgupta, 'Our pride, and the NRI prejudice,' *The Times of India*, 29 December 2013. Available at: <http://blogs.timesofindia.indiatimes.com/right-and-wrong/our-pride-and-the-nri-prejudice/?sortBy=MOSTDISCUSSED&th=1>. Last accessed October 22, 2015.

¹⁸ Gharelu Kaamgaar Sangathan and New Trade Union Initiative, 'Khobragade's Arrest—Labour Law Violation Issue, Not Foreign Policy Issue.' Available at: <http://kafila.org/2013/12/19/khobragades-arrest-labour-law-violation-issue-not-foreign-policy-issue-gharelu-kaamgaar-sangathan-and-ntui/>. Last accessed October 22, 2015.

treat their servants as a national and racialized one between overseas Indians and Indians in India.

Gender/Sexuality: Much of the outrage of the Indian public focused on the manner of Khobragade's alleged treatment while in custody, specifically the 'fact' of her reported subjection to a cavity search. The fury that this element of the episode elicited likely has much to do with the connotations of torture with which cavity searches and other carceral practices are infused. Cavity searches have also operated as metaphors for geopolitical intervention at pivotal moments in recent South Asian literary texts. In the most darkly comic scene in Mohammed Hanif's *A Case of Exploding Mangoes*, General Zia—dictator of Pakistan from 1978-88—suffering from a case of worms, enlists the services of the physician of his Saudi friend Prince Naif. 'Birather, bend please', requests Dr. Sarwari, in a telling mixture of Arabic and American accents. Zia unfastens his belt, slips his trousers down and leans forward. His head is between the two flags stationed on his desk, Pakistan's national flag and the flag of the Pakistan army, as Dr. Sarwari slips a lubricated finger into his itchy rectum.¹⁹ The allegory is clear: this is Pakistan being fucked by Saudi and US money and weapons during the anti-Soviet jihad in Afghanistan. In Mohsin Hamid's *The Reluctant Fundamentalist*, the terror attacks of September 11 are the pivotal moment in the transformation of young Pakistani Princeton graduate Changez Khan from Wall Street analyst into Islamist radical.²⁰ Watching 9/11 unfold from afar while on a work trip, Khan feels schadenfreude, seeing the attacks as payback for the daily humiliation of being Muslim in America. Returning to the US, Changez feels that Americans now see him differently. In Mira Nair's film version of the book, he is separated from his white colleagues at immigration and subjected to a cavity search: this is Pakistan being fucked by the US in the aftermath of 9/11.²¹

The humiliation engendered by the cavity search, then, is overdetermined. At stake in the public fury around the cavity search is not simply the dignity and honour of one woman, albeit an important one, but that of the nation itself. Insult is added to injury when that nation perceives itself to be an increasingly significant power in international relations worthy of greater respect than it has hitherto tended to receive. What is humiliating in this encounter is the effective non-recognition by the great power of the newly acquired phallic power of the rising member. This suggests also that the acquisition of greater power might bring with it greater sensitivity: perhaps rising powers have thinner skins.

²² Laura Sjoberg, 'Toward Trans-gendering International Relations?', *International Political Sociology* 6, no. 4 (2012): 337-54.

²² Laura Sjoberg, 'Toward Trans-gendering International Relations?', *International Political Sociology* 6, no. 4 (2012): 337-54.

²² Laura Sjoberg, 'Toward Trans-gendering International Relations?', *International Political Sociology* 6, no. 4 (2012): 337-54.

But this is not all. If states interact in gendered ways, perhaps they might also undergo sex changes in the course of those interactions.²² Priya Chacko has described a 'remasculinization' of foreign policy under the BJP-led government of 1998-2004 symbolised by its public embrace of a nuclear programme.²³ I suggest that one of the concomitants of being a rising power in international society might be a change in the sex of the *state*, as a consequence—or perhaps in ways that are constitutive—of the acquisition of greater 'hard power', independent of the particular elites who hold the reins of power at any given time. A masculinising Indian body politic, then, might have experienced the cavity search as a *queer* intervention, feeling, in addition to the humiliation of rape, the ignominy of being misgendered.

One of the striking things about *Faking It* is that despite its extensive use of queer theory and psychoanalytic concepts developed on the couch and in the clinic in the course of analytic work with real people, the book says nothing about the lives of queer people. This is not a criticism, for queer lenses do useful work even when they are not brought to bear on the lives of sex/gender deviants. Nonetheless this analytical position stands in considerable contrast to Weber's more recent ethical stance against describing as 'queer', work that has no interest in queer subjects. As she puts it, 'I cannot claim to be doing queer work if I have no genuine interest in those who refuse/fail to signify monolithically in terms of sexes, genders, and sexualities.'²⁴ In this concluding section, I want to follow the lead of this later Weber to reflect on the curious ways in which the Indo-US encounter that I have been describing resonated unexpectedly with queer lives.

The Khobragade story broke on the day that the Indian Supreme Court delivered a judgment reversing a 2009 decision of the Delhi High Court and reinstating the criminalisation of sodomy by upholding the constitutionality of section 377 of the Indian Penal Code—a colonial-era provision that prohibits same-sex intercourse.²⁵ If this was a state that increasingly experienced its relations with great powers as queer, it was also one that was deeply uncomfortable in its queerness. This recriminalization of homosexuality provided part of the context in which Sinha made the extraordinary

²² Laura Sjoberg, 'Toward Trans-gendering International Relations?', *International Political Sociology* 6, no. 4 (2012): 337-54.

²³ Priya Chacko, *Indian Foreign Policy* (Abingdon: Routledge, 2012).

²⁴ Cynthia Weber, *Queer International Relations: Sovereignty, Sexuality and the Will to Knowledge* (New York: Oxford University Press, 2016), 16.

²⁵ *Suresh Kumar Koushal v. Naz Foundation*, Civil Appeal No. 10972 of 2013, Supreme Court of India, 11 December 2013. Available at:

<http://www.refworld.org/docid/535626384.html>. Last accessed October 22, 2015.

suggestion that same-sex partners of US diplomats in India should be expelled in retaliation for Khobragade's mistreatment.²⁶

Yet there was a more profound and overlooked resonance between the Khobragade and 377 stories. The jurisprudence on section 377 is saturated with reports of cavity searches and a prurient state interest in what happens inside them. Colonial prosecutions for sodomy typically identified 'habitual sodomites' by the shapes of their anuses with medico-legal treatises of the time providing guidance on what the courts ought to look for. In *Queen Emperor v. Khairati*, one of the first reported cases under section 377, a *hijra* was convicted for submitting to sodomy on the basis that they demonstrated the 'characteristic mark of a habitual catamite—the distortion of the orifice of the anus into the shape of a trumpet... which distinctly points to unnatural intercourse within the last few months.'²⁷ In upholding the provision under which this and countless other accused have been convicted, the Supreme Court effectively turned a blind eye to a history of state-sanctioned cavity searching as a technique of identification, humiliation, and torture of (mostly working class) queer bodies in India, even as state and nation experienced *one* such cavity search as an egregious violation of the body politic.

Central to the jurisprudence of section 377 is a definition of 'carnal intercourse' that recurs in a number of judgments including that of 2013. First offered in *Khanu v. Emperor* (1925), it reads:

'By a metaphor the word "intercourse", like the word "commerce" is applied to the relations of the sexes. Here also there is the temporary visitation of one organism by a member of the other organisation, for certain clearly defined and limited objects. The primary object of the visiting organisation is to obtain euphoria by means of a détente of the nerves consequent on the sexual crisis. But there is no intercourse unless the visiting member is enveloped at least partially by the visited organism, for intercourse connotes reciprocity.'²⁸

Oddly, that reads like advice as much for the future conduct of Indo-US relations as for how to get your rocks off.

²⁶ 'Khobragade arrest due to escalation gone awry.' Available at: <http://delhidurbar.in/khobragade-arrest-due-to-escalation-gone-awry/>. Last accessed October 22, 2015.

²⁷ Cited from Human Rights Watch, *This Alien Legacy*. Available at: <https://www.hrw.org/report/2008/12/17/alien-legacy/origins-sodomy-laws-british-colonialism>. Last accessed October 22, 2015.

²⁸ Cited from *ibid*.