

THE AGAINST NATURE JOURNAL

Issue #2 Winter 2021

The Against Nature Journal is a biannual arts and human rights magazine exploring “crime against nature” laws and their legacies, in print, in person, and online. Authors and readers from law, activism, social sciences, and the arts are brought together to foster dialogue on sexual and reproductive rights and rethink nature anew.

This second issue revolves around the theme of migration, a crucial topic when addressing the forced displacement of LGBTQI+ people from contexts where “nature” is still used to criminalize consensual same-sex conduct or gender expression. We are honored to publish a new short essay by *JASBIR K. PUAR* that updates her work on homonationalism. In an interview with Indian activist *ALOKHISARWALA GUPTA*, we discuss how laws also cross borders, while legal researcher *WARUGURU GAI THO* and activist *CARL COLLISON* offer different approaches to reporting on asylum claims. *FATIMA EL-TAYEB*’s vibrant essay invites us to consider the meaning of a queer “we,” while iconic writer and filmmaker *ABDELLAH TAÏA* tackles everyday xenophobia in France. Poems by *GLORIA ANZALDÚA* and *DIVYA VICTOR* offer personal reflections of homelessness and alienation, which resonate with photographs by artist *ZOE LEONARD* that focus on the quotidian movements of crossing the river border between the US and Mexico. Historian *ZEB TORTORICI* addresses the notion of “against nature” through an engagement with the archive, while our Columns section brings news from Brazil, India, Kenya, Lebanon, Morocco, and the UK, in a season marked by the Covid-19 pandemic.

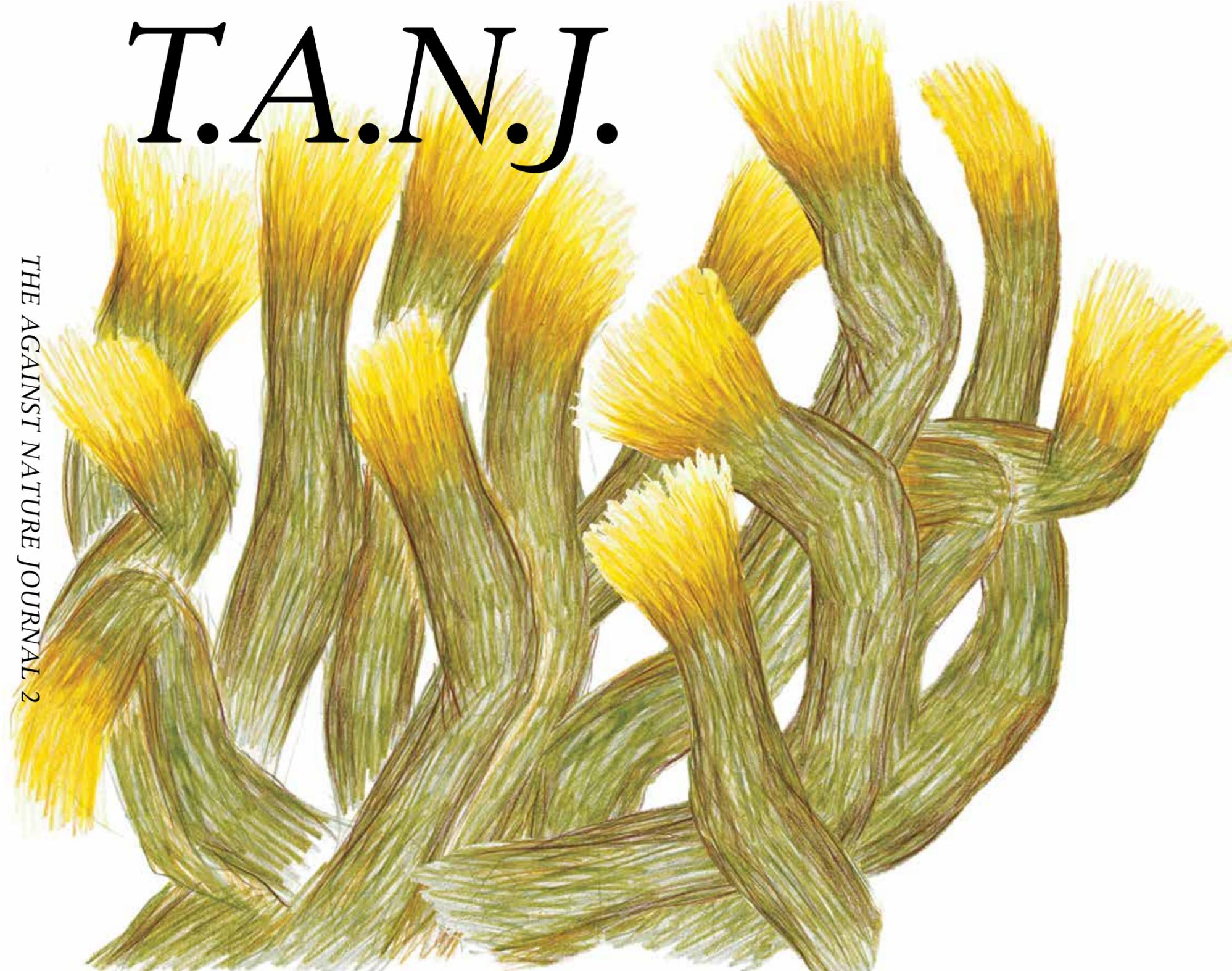
Published by Council

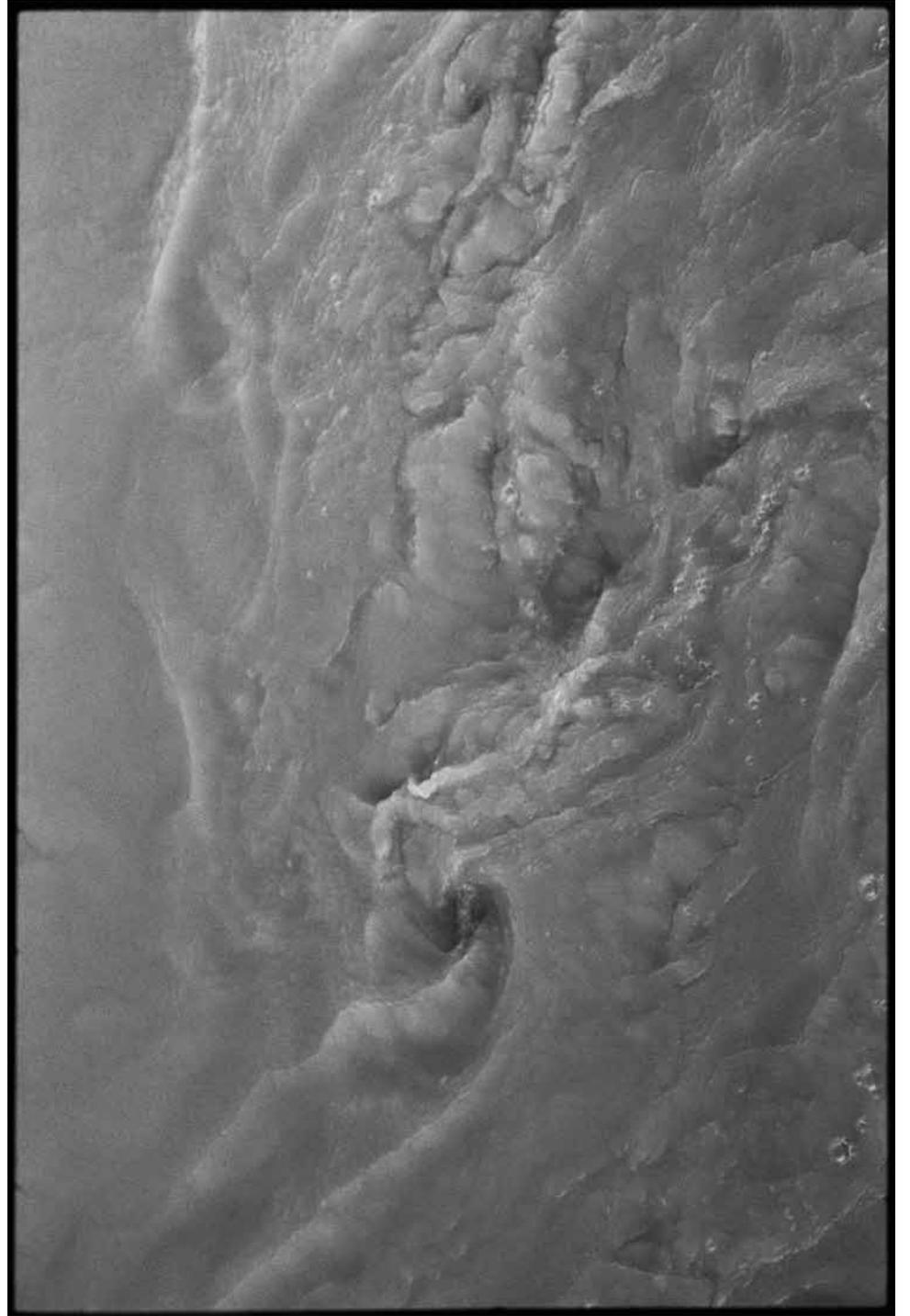
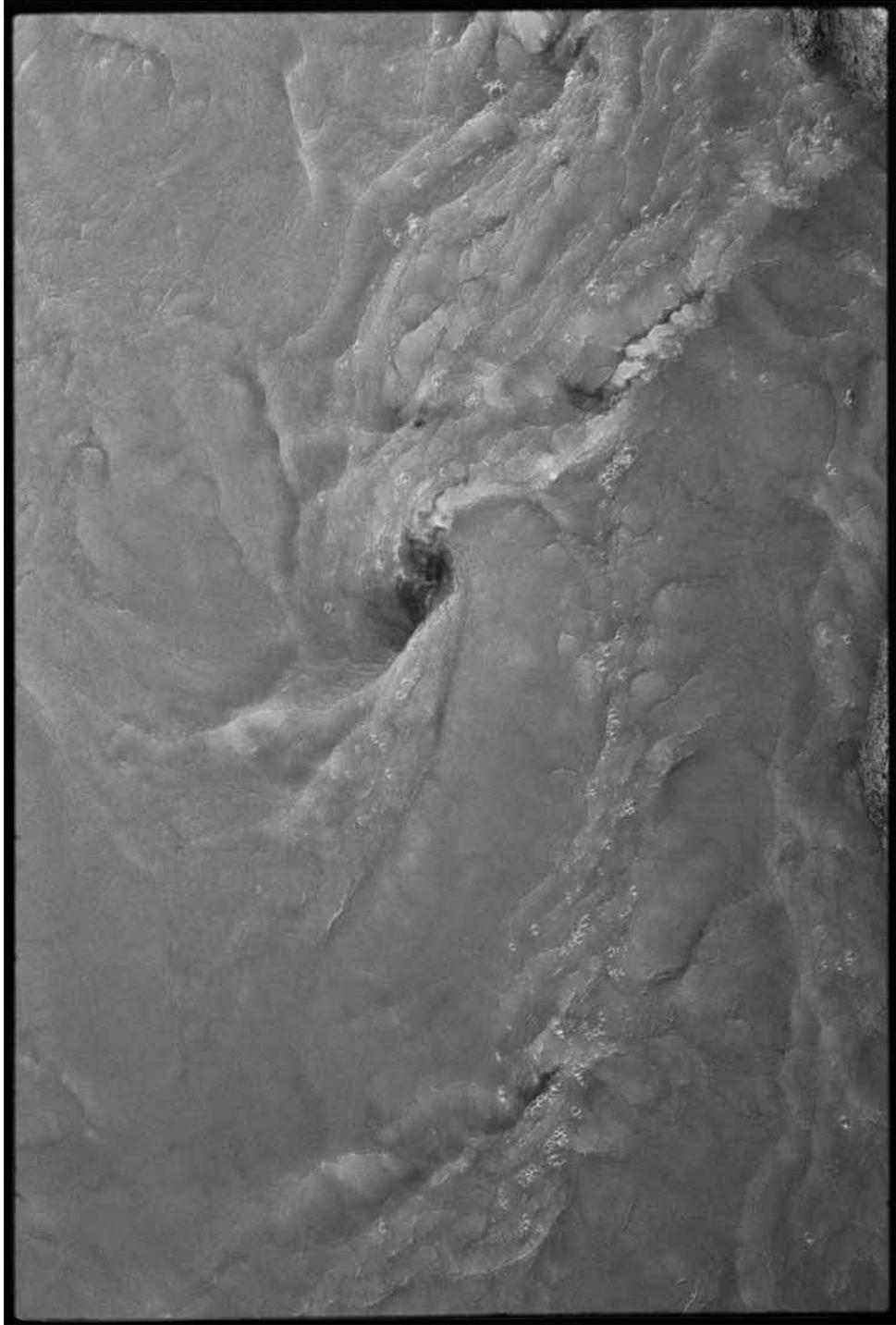


9 772742 256007

T.A.N.J.

THE AGAINST NATURE JOURNAL 2





THE AGAINST NATURE JOURNAL
Issue #2 Winter 2021

The Against Nature Journal is a biannual arts and human rights magazine exploring “crime against nature” laws and their legacies, in print, in person, and online. Authors and readers from law, activism, social sciences, and the arts are brought together to foster dialogue on sexual and reproductive rights and rethink nature anew.

EDITORS

Aimar Arriola, Grégory Castéra

CONTRIBUTING EDITOR

Giulia Tognon

COPY EDITOR

Laura Preston

PROOFREADER

Sriwhana Spong

EDITORIAL COMMITTEE

Aimar Arriola, Thomas Boutoux, Grégory Castéra,
Arvind Narrain, Sandra Terdjman, Giulia Tognon

ADVISORY COMMITTEE

Nikita Dhawan, Taru Elfving, Karim Nammour,
Piergiorgio Pepe, Graeme Reid, Nizar Saghieh

DESIGNER

Julie Peeters

COVER ART

Stepan Lipatov

COMMUNICATION

Abi Tariq

PUBLISHER

Council

COUNCIL DIRECTORS

Grégory Castéra, Sandra Terdjman

COUNCIL BOARD

Haro Cumbusyan, Sofía Hernández Chong Cuy,
Joana Hadjithomas, Bruno Latour, Laurent Le Bon,
Joseph Lemarchand, Piergiorgio Pepe, Valérie Pihet

www.theagainstnaturejournal.com
Instagram: @theagainstnaturejournal

T.A.N.J.

EDITORIAL

Rethinking Migration

The second issue of *The Against Nature Journal* revolves around the theme of migration, a crucial topic when addressing the experiences of LGBTQI+ individuals who have been displaced from contexts where “nature” is still used as an argument to criminalize consensual same-sex conduct or gender expression, as well as the broader questions of transnational rights and activism, and the trafficking of knowledge and customs.

The first section of this issue presents two different approaches to claims for asylum related to sexual orientation. WARUGURU GAITHO’s legal analysis focuses on a 2013 judgment from the Court of Justice of the European Union regarding three asylum applications in the Netherlands from nationals of Sierra Leone, Uganda, and Senegal. Her review of the case shows up the contradictory position of the EU on immigration and the differing conceptions of refugee and asylum seekers’ rights by EU countries. It also reveals the very nature of court decision-making, where progressive gestures often go hand in hand with regressive moves. Activist and writer CARL COLLISON shares a journalistic story based on a Zimbabwean national seeking asylum in South Africa due to sexual discrimination in his home country. Collison’s piece also considers desire and aspiration as reasons to migrate, while dealing with questions of representation.

The central section focuses on political, cultural, and historical processes of “othering,” that is, of perceiving or portraying someone or something as essentially alien or different. Both the symbolic and pragmatic mechanisms of constructing an “other” are key to the rhetoric of migration policies. Gender studies scholar JASBIR K. PUAR coined the term “homonationalism” to explain how queer identities are used by the nation-state against Brown, usually Muslim, others. We are fortunate to be able to republish Puar’s influential essay “Rethinking Homonationalism” (2013), which is accompanied by a new introductory note by the author. Her concept sits in close relationship with the main concerns of our project, and so our engagement with it does not end with this issue; rather, we think of homonationalism as a transversal

question that will continue to inform the journal. The vibrant essay by FATIMA EL-TAYEB advocates for queer intersectional critique to denounce structures of oppression, including global migration policies. In doing so, she reflects on the possible meaning of a queer “we,” which connects her text to Linn Marie Tonstad’s essay in our previous issue and to further commissioned texts on this term in issues to come. In our interview with activist and legal researcher ALOK HISARWALA GUPTA, we explore how India is central to understanding the historical expansion of against nature laws, showing that it is not only people but also laws which cross borders. The conversation considers Gupta’s earlier LGBTQI+ activist work in relation to his current animal rights activism, troubling the division between human and nonhuman animals. All three contributions offer powerful propositions for reviving the potentiality of queer politics: through acknowledging racism, patriotism, and terrorism (Puar); incorporating intersectionality in theory and action (El-Tayeb); and by considering animal rights in the fight against oppression of all forms of life (Gupta).

While the question of queer migration calls for an overview of the structural, transnational processes that occur when queer subjects cross borders, it also asks for a more personal reflection of the everyday diasporic experience. Thus, the final section brings together several voices that offer insights into migration on a micro level. Writer and filmmaker ABDELLAH TAÏA’s short story is a firsthand account of the xenophobia that a young Moroccan migrant typically faces in France. Taïa is an iconic figure in the Arab world and beyond; his contribution to *T.A.N.J.* is part of his fervent fight for LGBTQ+ rights globally. The four-part poem by DIVYA VICTOR from her forthcoming book *CURB* (Nightboat Books, 2021) links desire, feeling, and the personal to the process of applying for an Alien Relative visa in the United States post-2016, when hate crimes committed against South Asian migrants only escalated. GLORIA ANZALDÚA (1942–2004) explores the alienation and homelessness experienced by many queers in her poem “Del Otro Lado” (*Of/from the other side*). The work of this significant author of feminist and queer theory—and a great inspiration to many

contributors to this issue—was informed by living on the Mexico–US border and her personal experiences of social and cultural marginalization.

The journal’s regular features continue in issue two, including the section devoted to rethinking the notion of “against nature.” This time, a reprint of the introduction by ZEB TORTORICI to his book *Sins Against Nature* (Duke University Press, 2018) traces the construction, development, and consequences of sodomy laws in colonial New Spain through a passionate engagement with the archive. This issue also includes our Columns section, with reports from Brazil, India, Kenya, Lebanon, Morocco, and the UK, many of which reflect on the ways the Covid-19 pandemic has impacted queer lives.

Lastly, this issue on migration presents a significant visual intervention by artist ZOE LEONARD, who has shared with us a number of photographs from her ongoing project *Al Rio/To the River* (2016–). Through seriality and repetition, these images emphasize the quotidian movements of crossing the river border between the US and Mexico, and explore the complexities of representing the many lives that touch its currents.

Aimar Arriola and Grégory Castéra
Editors

24	ARTIST CONTRIBUTION	
	<i>Zoe Leonard</i>	
	From the series <i>Al Rio/To the River</i> with an introduction by Tim Johnson	82
28	COLUMNS	
	<i>Mariah Rafaela Silva</i> , on Brazil	
	<i>Pawan Dhall</i> , on India	
	<i>Kari Mugo</i> , on Kenya	
	<i>Dayna Ash</i> , on Lebanon	
	<i>Naoufal Bouzid</i> , on Morocco	
	<i>Eliel Jones</i> , on the UK	
	AT THE HOMELAND SECURITY OFFICE	
46	ESSAY	
	<i>Waruguru Gaitho</i>	
	Regressive Revolutionary: An Analysis of X, Y, and Z v. Minister voor Immigratie en Asiel (2013) as a Blueprint of the Paradox of LGBTQIA+ Asylum Case Law in the European Union	112
56	STORY	
	<i>Carl Collison</i>	
	“No gay men in Zimbabwe”: The Struggles of Queer African Asylum Seekers in South Africa	118
	THE OTHER IN US	
70	ESSAY	
	<i>Jasbir K. Puar</i>	
	Rethinking Homonationalism (Redux) as Homocapitalism	124
76	READER	
	<i>Jasbir K. Puar</i>	
	Rethinking Homonationalism	138

	ESSAY	
	<i>Fatima El-Tayeb</i>	
	My Queer Migrant We	88
	INTERVIEW	
	<i>Aimar Arriola</i>	
	“Sometimes you need to prove the obvious”: An Interview with Alok Hisarwala Gupta	
	EVERYDAY BORDERS	
	STORY	
	<i>Abdellah Taïa</i>	
	The Interrogation Room	
	POEMS	
	<i>Divya Victor</i>	
	Petitions (for an Alien Relative)	
	<i>Gloria Anzaldúa</i>	
	Del Otro Lado	
	AGAINST NATURE	
	READER	
	<i>Zeb Tortorici</i>	
	Archiving the Unnatural (Excerpt)	
	ENDNOTE	
	<i>Grégory Castéra and Giulia Tognon</i>	
	The Past and Present of Against Nature Laws	

Faveladas Fighting to Rewrite Their Future

Mariah Rafaela Silva

Rio de Janeiro's *favelas* are known worldwide for their social discrepancy, lack of infrastructure, and daily violence. These settlements emerged at the end of the nineteenth century as a direct effect of slavery, racism, and violence produced by centuries of colonialism. Newly freed slaves found a possible refuge in the city's hills to establish a life and a culture in the absence of a political system that would guarantee their rights. More than a century later and the situation of the favelas is still rooted in stigma and institutional abandonment. The inhabitants, in turn, suffer from a lack of education, basic sanitation, and public security.

Being an LGBTI person in this place isn't an easy thing, especially at a time when the world is squirming: the Covid-19 pandemic has brought new challenges for LGBTI bodies and subjectivities given the collective imaginary that invests enmity in the LGBTI experience as though we too are a virus. In this sense, Brazil kills the most trans people in the world, taking away not only lives but especially citizenship. Here's an important fact: according to the National Association for Travestis and Transsexuals (ANTRA), 82 percent of people murdered in 2018 were Black; in

Brazil, racism and transphobia operates as a necropolitics.

However, there is resistance. And a thriving peripheral culture that gives life and transforms the alleys of the favelas into colorful and plural environments. During Covid-19, residents have had to find their own strategies to deal with the devastating effects caused by the virus. Groups of Black trans women (*faveladas*) have come together to claim their rights to citizenship. The ethics that overflows from their bodies has produced movements and pedagogies of global interest. One of their main achievements has been the self-organized distribution of basic food packages, protective masks, and hygiene products to the most vulnerable, forming a broader care network that currently reaches six favelas in Rio.

They have also rewritten the future of trans women, teaching us how to exist at the upper limits of resistance. These Black trans women got together in small groups, many barely knowing how to read or write, and yet they took the lead in the process of care for the favela community in general. For example, in Maré, one of the largest and most violent favelas in Rio, they decided to knock door-to-door to advise on hygiene in an environment where the lack of water and basic sanitation is a structural issue (shacks of around 20–25 square meters are often shared by whole families), and in doing so they surveyed the sociodemographic of the residents. As a result, they have affirmed the trans presence in

these territories and built a path to guarantee citizenship, respect, and social inclusion, while contributing to the demobilization of historic structures of oppression with the strength of their creativity and sense of social justice.

Queer Migrations in India: Lockdown Revelations

Pawan Dhall

In India, migration and being queer are becoming more closely associated. But this is not reflected in the statistics: the 2011 Census of India recorded 450 million internal migrants, 45 percent higher than in 2001. Livelihood, education, and marriage were the most common motivations to migrate. And while it is not known how many of these migrants were queer, prejudice toward queerness would likely have informed their decision.

My activist experience shows that many queer persons aspire to or actually leave for another city or country to “breathe easy,” to be in a loving relationship, or to seek gender affirmative care. They are forced to in India because family and the community culture allow little space for gender, sexual, and sexuality non-normativity. A digital magazine on sexuality published by Delhi-based NGO

TARSHI, *In Plainspeak*, outlines several accounts of queer individuals migrating to lead a more fulfilling life. Sometimes it is even brutal family violence that necessitates migration, as in the case of transgender persons who are evicted from home. In *The Truth about Me: A Hijra Life Story*, renowned transgender activist A. Revathi shares a poignant autobiographical narrative of the journey she undertook to escape family violence and achieve self-realization.

Recognition of transgender citizenship rights, decriminalization of queer people, and court orders that give adult queer couples cohabitation rights are making it imaginable in India to leave home. Unfortunately, not all migratory flights take off or land safely. Queerness intersecting with class, caste, race, location, age, and disability poses myriad challenges. The coronavirus pandemic has highlighted this rather painfully. The sudden lockdown imposed in late March 2020 created unprecedented ordeals for labor migrants trying to return to their homes. A public outcry compelled central and state governments to organize transport for the returnees. But Launda dancers from West Bengal, transgender women who migrate biannually to perform at weddings in neighboring Bihar and Uttar Pradesh, could only depend on queer groups to organize funds and transport to help them return, as their profession is not recognized by the state.

Furthermore, it took the West Bengal government five months to

announce free and universal access to rations for transgender persons through the public distribution system. This was a welcome relief, however, for migrant transgender persons and those not possessing ration cards: under the usual rules, they can only receive (subsidized) rations if they have a card and only at the address shown on the card, which is often the home they have left.

Meanwhile, in the Nadia district of West Bengal, two lesbian couples have been facing domestic violence. The police, in both cases, instead of registering their complaints were violently moralizing and told each couple that they should listen to their parents and respect society’s values. Queer and women’s groups have been unable to intervene legally because it could expose the women to retaliation from their families, and to do so they would have to leave their homes. Both couples want just that. But, then, where will they go during lockdown?

My work as an activist since the age of twenty-two has allowed me to travel extensively, but I never imagined migrating from Kolkata. Now, if I do, I wonder if being “queer at fifty-two” will be a deterrent.

Migrant Dreams: Fleeing Home with Nowhere to Go

Kari Mugo

“Some of us had dreams turned into boulders”: In *Nine Lives*, playwright Zodwa Nyoni chronicles the story of Ishmael, an asylum seeker fleeing homophobia in Zimbabwe and hoping, desperately, to begin a new life in the English city of Leeds. Originally commissioned in 2014, the play was staged again this year in London. It highlights the discrimination and violence facing LGBTQI+ communities in Africa, while excoriating the failures of the UK immigration system in meeting their needs.

For many LGBTQI+ individuals, home is often a dangerous place, causing many, like Nyoni’s protagonist, to flee. Kenya is the only country in East Africa to offer asylum on the basis of persecution for sexual orientation, gender identity or expression; the UN Refugee Agency (UNHCR) estimates that, as of August 2020, there were up to 1,000 LGBTQI+ refugees and asylum seekers within its borders.

The plight of these refugees never fails to make headlines, year after year, especially with reports of attacks on this already vulnerable community. In these same reports, LGBTQI+ refugees in Kenya share their frustration with

a painfully slow, often insensitive, asylum process which keeps them surrounded by hostile neighbors, while offering little in the way of economic relief. Underscoring the disillusionment some feel, earlier this year, in April, authorities were called to investigate the death of a twenty-five-year-old Ugandan LGBTQI+ refugee. The man, in despair, had committed suicide outside the UNHCR offices in Nairobi.

Kenya, indeed, remains less than ideal for those seeking safety. It is a country that continues to criminalize its own LGBTQI+ citizens; many LGBTQI+ refugees and asylum seekers hope that it is simply a stop on their way to somewhere else—where they are welcomed, or simply accepted for who they are. Worrisome trends exacerbated by the Covid-19 pandemic have, however, halted or slowed down refugee resettlement across the globe, further challenging the hope these refugees have in realizing their dreams. The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), in their recent State-Sponsored Homophobia Report, warns of an increasing political polarization which is only threatening gains made in LGBTQI+ advocacy globally. As the volume of anti-migrant and anti-LGBTQI+ rhetoric grows louder in the capitals and the cities of the West, we need to craft even stronger responses that ensure the dignity of LGBTQI+ refugees, asylum seekers, and all other migrants, along with their rights to safety and protection.

A good place to start is by complicating our notion of who migrants are, so no one is left out of pertinent discussions on migration issues. By arguing against the default definition of migrants as heterosexual or monolithic, we can then recognize the limitations of existing laws and policy instruments. After all, there are myriad reasons why people choose to leave a place. Our political frameworks must accommodate the breadth of these experiences and build more inclusion and empathy toward the migrant experience.

Facing Spaces

Dayna Ash

The LGBTQIA community in Lebanon is scattered, but there were once condensed areas where we lived and frequented. In Beirut, it was the long walk of the lengthy street that runs through Gemmayzeh, Armenia, and Mar Mikhaël in the district of Achrafieh. The sidewalk was lined with heritage buildings that housed small artisan shops, bars, fashion boutiques, cafés, art and culture tucked into their arches. With its tentacle-like side streets and winding stairways, it was easy to create a community there. It was where we built safe spaces. These streets were our place of employment and our shelter. It was a place to unwind, dance, or

just have a drink with like-minded people. It was never perfect, but it was ours.

In August 2020, Lebanon was struck by an explosion caused by ammonium nitrate stored at the Port of Beirut. The explosion destroyed homes as far as 10 kilometers away, causing 300,000 people to lose their homes; at least 204 were killed and more than 6,500 injured. Our safe street was less than a kilometer away from the blast; it currently lies beneath rubble. Collapsed buildings and walls fill the pavement. We cannot see each other crossing the street; we can no longer share a drink; we can no longer talk. The reconstruction will take three to five years.

It was difficult enough to exist here. Article 534 of the Lebanese Penal Code prohibits having sexual relations that are “contradicting the laws of nature,” a crime punishable by up to a year in prison. The society, culture, religion, and the government are all sewn from the same thread. They work together to certify dehumanizing subjugation that asserts and maintains power. So, it seems that we must leave. With 55 percent unemployment, thousands of businesses closed, dire living conditions, and lack of security, LGBTQIA persons are looking to migrate now more than ever, but we are faced with another startling question: How much racism can I handle in comparison to how much homophobia can I handle, in comparison to how much misogyny can I handle, in comparison to how much of myself can I give away, in

comparison to how much of myself can I be, in comparison to who will I be after this, in comparison to how long can I survive?

The diaspora pledge allegiance to HOPE, regardless of where it is found. We leave to live, even if enduring the fear of another threat. We escape laws that persecute, only to arrive in nations that read our pigmentation as barbaric and untamed. We seek safety only to meet an authoritarian face, one that takes note of everything we are not. How do you escape Islamophobia, homophobia, racism, and misogyny?

You don't. You trade and you fight. The only thing that is constant is the struggle. Where we go is chosen by how much, of which oppression, we can handle, in various doses, at any given time. And we hope that for that short time, freedom is an ally as we face new spaces.

