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Without a Trace: Sexuality and the Colonial Archive

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> There were no papers, the ostensible reason for my visit, and of course, no trace of the Rani. Again, a reaching and an un-grasping.
>
> —Gayatri Chakravorty Spivak, *A Critique of Postcolonial Reason*[1]

THE PAST FEW DECADES OF SCHOLARSHIP have witnessed a rich outpouring of critical thought on the colonial archive and its varied instantiations. For better or for worse, the turn to the archive is no longer the sacrosanct domain of the discipline of history. Rather, it has emerged as *the* register of epistemic arrangements, recording in its proliferating avatars the shifting tenor of academic debates about the production and institutionalization of knowledge. As Foucault observed, the idea of the archive animates all knowledge formations and is the structure that makes meaning manifest.[2] Jacques Derrida has termed the quest for such a meaning-making network "le mal d'archive," or "archive fever." The literal and figural site of the archive both permits the "commencement" of and provides the "commandment" for intellectual labor. "Archive fever" expresses the craving for this archive, the desire to enter it and to procure it, even unto death.[3]

This essay would not have been possible without many timely and productive conversations with Geeta Patel, Lucy Mae San Pablo Burns, Indrani Chatterjee, and Gina Dent.

[1]Gayatri Chakravorty Spivak, "History," in *A Critique of Postcolonial Reason: Toward a History of the Vanishing Present* (Cambridge, Mass., 1999), 242. It is worth noting that this chapter on "History" extends the arguments of an earlier piece, "The Rani of Sirmur: An Essay in Reading the Archives," *History and Theory* 24, no. 3 (October 1985): 247–72. In the earlier piece Spivak ends with the promise that she will "look a little further, of course. As the archivist assured me with archivistic glee: it *will* be a search" (270). The quotation cited at the beginning of this article illustrates the message of the earlier study, cautioning scholars once again about the dangers of reading the colonial archives as verifiable documents/signs of historical subjectivity.

[2]Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (New York, 1973), 15.

[3]Jacques Derrida, *Archive Fever: A Freudian Impression*, trans. Eric Prenowitz (Chicago, 1995), 1–6, 7–23.

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Such a deconstructive reading of the archive as a necessary and precarious repository of meaning has been embraced as well as resisted by historians and anthropologists. Social historian Carolyn Steedman reminds us that the material deposits of the past (dust, in her case), whose affective reach exceeds all forms of theorizations, are the "real" drama in archive fever: "You think, in the delirium: it was their dust that I breathed in."[4]

Even as the concept of a fixed and finite archive has come under siege, there has been an explosion of multiple/alternate archives that seek to remedy the erasures of the past. Scholarship in South Asia, in particular, has recast the colonial archive as a site of endless promise, where new records emerge daily and where accepted wisdom is both entrenched and challenged. In some ways, these archival expansions resemble the contours of the earlier canon wars in literary studies, as they question received notions of proof, evidence, and argumentation, particularly in fields involving historical inquiry.

Like other fields of inquiry, sexuality studies has turned to the colonial archive for legitimacy. Queer texts, topics, and themes have been discovered in the archive and examined exuberantly. The process of "queering" pasts has been realized through corrective reformulations of "suppressed" or misread colonial materials.[5] These reformulations have intervened decisively in colonial historiography, not only decentering the idea of a coherent and desirable imperial archive but also forcing us to rethink colonial methodologies. Implicit in this rethinking, however, is the assumption that the archive, in all its multiple articulations, is still *the* source of knowledge about the colonial past. The inclusion of oral histories, ethnographic data, popular culture, and performances may have fractured traditional definitions of the archive (and for the better), but the telos of knowledge production is still deemed approachable through what one finds, if only one can think of more capacious ways to look.

I am not suggesting here that such archival modes are facilely flawed or merely enact a different order of archival truth claims. The new material on homosexuality does not purport simply to "correct" and/or reveal the truth about the history of sexuality in the colonial period. While there might be a certain evangelical flavor to some of the scholarship, most of the work indicates that the authors are keenly aware of the shifting parameters of space, time, and knowledge and of the role of the archive in such entanglements.

[4]Carolyn Steedman, *Dust: The Archive and Cultural History* (New Brunswick, N.J., 2002), 19. There is much more to be said about Steedman's ambitious claims to reimagine cultural history through such readings of the archive. For one trenchant critique see Jo Tollebeek, "'Turn'd to Dust and Tears': Revisiting the Archive," *History and Theory* 43 (May 2004): 237–48.

[5]Ruth Vanita, ed., *Queering India: Same-Sex Love and Eroticism in Indian Culture and Society* (New York, 2002), 1–14.

David Halperin, for example, has often made a case for historicism in the study of sexuality, a historicism that would acknowledge the alterity of the past as well as the irreducible cultural and historical particularities of the present. The recent turn to geopolitics in sexuality studies has also highlighted historical differences across geopolitical sites, emphasizing the uneasy and sometimes impossible portability of sexual categories.[6] As a result of such deliberations, and as historical sources extend to include materials hitherto considered inappropriate and/or unreliable, evidentiary paradigms are being reinvented.

Of interest is the fact that such archival turns still cohere around a temporally ordered seduction of access, which stretches from the evidentiary promise of the past into the narrative possibilities of the future. That is, even though scholars have foregrounded the analytical limits of the archive, they continue to privilege the reading practices of recovery over all others. Does this mean that the logic of the positivist archive is becoming the new dogmatism of scholarship, unremitting and total in its analytical hold? And if so, how can we, as readers who continue to access and inhabit archives, formulate new reading practices that rupture such a logic? The intellectual challenge here is to juxtapose productively the archive's fiction-effects (the archive as a system of representation) alongside its truth-effects (the archive as material with "real" consequences), as both agonistic and co-constitutive. These (new) reading practices, I suggest, must emerge not against the grain of archival work but from within it, except the imperative here is not about founding presence but more about *confounding* our understanding of how and why we do archival work.[7]

In this essay I approach the possibility of a more differentiated archival logic through a consideration of the following questions: If the imperial archive is the sign of colonialism's reach, then what does that record show? How is the history of sexuality recorded in the colonial moment, and how can we return to that moment to produce, as it were, a counterrecord of that history? How does one think through the current privileged lexicon of erasure, silence, and recovery within a colonial context, such as that of nineteenth-century India, whose archival instantiations emphasize the centrality rather than liminality of the race/sex nexus? Or alternately, what

[6]See, for example, Lee Wallace, *Sexual Encounters: Pacific Texts, Modern Sexualities* (Ithaca, N.Y., 2003); Licia Fiol-Matta, *A Queer Mother for the Nation: The State and Gabriela Mistral* (Minneapolis, 2003). There is, of course, a rich body of scholarship on sexuality and diaspora/globalization studies, but such work overwhelmingly focuses on analysis of contemporary issues, with colonialism appearing more as a referent than a sustained period of study. See, for example, Arnaldo Cruz-MgGalavé and Martin F. Manalansan IV, eds., *Queer Globalizations: Citizenship and the Afterlife of Colonialism* (New York, 2003).

[7]In a related context Philippa Levine argues for an archival logic that offers "creative means to see past a dominant creed, not to uncover an impossible truth but to identify the very operations of power, both when it succeeds and, as interestingly, when it fails." See "Discipline and Pleasure: Response," *Victorian Studies* (Winter 2004): 325.

epistemological imperatives undergird current scholarship? Is our critical history really distinct from the methods and fields of argumentation of the past? How can one accept sexuality studies' claims for innovative interdisciplinarity if the very turn to interdisciplinarity is an epistemological restaging of the colonial state? If the current turn in sexuality studies to divergent temporalities and spatialities assumes that "race" is an *a priori* marker of such divergence, how is such a turn related to the racial logics of the colonial state? To explore these questions we must begin by examining the archival imperatives of recent scholarship.

Lost and Found: The Archive as Open Secret

We must always have a place
to store the darkness.

—Agha Shahid Ali, *A Nostalgist's Map of America*[8]

The archive industry is booming, and especially so in studies of colonialism. Inspired in part by the intellectual provocations of the Subaltern Studies group, the question of the archive and its formations has become a lively source of contention in South Asian historiography. The recovery of subaltern consciousness mandated a reassessment of the idea of what constituted the national archive, a site that had hitherto systematically erased the labor of subaltern groups in independence struggles. In many ways, to cite Ranajit Guha in a slightly different context, the failure of the Indian nation lay in its own historical amnesia. However, this condition could be mitigated by a new historiography, one that would make subalternity the focal point of narration.[9] Guha's call was echoed in much of the early work of the Subaltern Studies group and later expanded beyond modes of recovery to include wider discussions of the myriad ways that colonial power had been mediated through structures such as the colonial archive.[10]

The recovery model of archival research was first criticized by Gayatri Spivak, who argued for a more self-reflexive analysis of the instrumentality of this new "subaltern" consciousness.[11] Spivak's early critique made way for more capacious readings of the archive, as evidenced by the inclusion of such issues as gender, race, and culture in the more recent volumes of the

[8]Agha Shahid Ali, *A Nostalgist's Map of America: Poems* (New York, 1991), 49.

[9]Ranajit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (Delhi, 1983).

[10]See Dipesh Chakrabarty, *Habitations of Modernity* (Chicago, 2002); Gyan Prakash, "The Impossibility of Subaltern History," *Nepantla: Views from the South* 1, no. 2 (2000): 287–94; and Tony Ballantyne, "Archive, Discipline, State: Power and Knowledge in South Asian Historiography," *New Zealand Journal of Asian Studies* 3, no. 1 (2001): 87–105.

[11]Gayatri Chakravorty Spivak, "Can the Subaltern Speak?" in C. Nelson and L. Grossberg, eds., *Marxism and the Interpretation of Culture* (Chicago, 1988), 271–311.

Subaltern Studies group.[12] While shifts in critical modes have occurred, the additive model of subalternity still persists, where even as the impossibility of recovery is articulated the desire to add, to fill in the gaps with voices of other unvoiced "subalterns," remains. One recalls here Bernard Cohn's playful warnings about the seduction of gaps in the record, incarnated in Philias Fillagap and Lucy Lacuna, a pair of anthropologists who attempt diligently to find the missing record, the unvoiced voices of the subalterns, without paying much heed to the epistemic questions at hand.[13]

Several scholars of colonialism have questioned these archival assumptions and predilections. Thomas Richards has argued that the colonial archive (especially in South Asia) was based upon the belief that imperial knowledge was both "positive and comprehensive,"[14] and Nicholas Dirks has contended that the colonial archive registers the state's increasing reliance on ethnography as a form of knowledge.[15] Feminist historians, such as Antoinette Burton and Betty Joseph, share some of Dirks's reimagining of the colonial archive as both participant in and observer of the past (i.e., an agent of policy and a source of ethnography); however, they caution against "panoptical" readings of the archive.[16] That is, to recognize the archive as the total (albeit precarious) site of colonial knowledge is still to succumb to a certain dangerous territoriality. Burton wonders why it is still so difficult for scholars of colonialism to detach themselves from the claims of an official archive. Such claims, Burton writes, sediment the contours of the archive as the standard through which disciplinary models are measured: "In this sense, guardians of the official archive—however delusional they may be—remain as convinced of its panoptical possibilities as they do of its capacity to legitimate those who submit to its feverish gaze."[17] Within such a policed state of knowledge, texts that fall outside the purview of official archives are read as flimsy evidence and historically specious—largely the conjectures of those engaged in too much cultural thinking. It is, Burton points out, no coincidence that such texts are usually

[12]There is clearly much more to be said about the debates and differences within the Subaltern Studies collective. For more detailed readings of the early shifts in the Subaltern Studies group see Saloni Mathur, "History and Anthropology in South Asia: Rethinking the Archive," *Annual Review of Anthropology* 29 (2000): 89–106.

[13]Bernard Cohn, "History and Anthropology: The State of Play," *Comparative Studies in Social History* 22 (1980): 198–221.

[14]Thomas Richards, *Imperial Archive: Knowledge and the Fantasy of Empire* (London, 1993), 7.

[15]Nicholas Dirks, "Annals of the Archive: Ethnographic Notes on the Sources of History," in Brian Keith Axel, ed., *Historical Anthropology and Its Futures: From the Margins* (Durham, N.C., 2002), 47–65.

[16]Betty Joseph, *Reading the East India Company, 1720–1840: Colonial Currencies of Gender* (Chicago, 2004), 1–32.

[17]Antoinette Burton, *Dwelling in the Archive: Women Writing House, Home, and History in Late Colonial India* (New York, 2003), 137–45.

gendered (as in the case of the writings of the three female colonial subjects she speaks of) and moored (or dwelling, to use her metaphor) in archives of their own making. While still holding on to the idea of an archive that will "surrender female subjects," both Burton and Joseph have initiated a much-needed critique and compel a wider and gendered understanding of the colonial archive.

Despite the rise in archival consciousness, some scholars have observed that the turn to archival research remains largely "extractive," particularly in studies of colonialism. In the words of historical anthropologist Ann Stoler, students of "the colonial experience 'mine' the *content* of government commissions and reports, but rarely attend to their peculiar *form* and *context*." Hence, the need exists, she writes, for scholars to move "from archive-as-source to archive-as-subject," to pay attention to the process of archiving, not just to the archive as a repository of facts and objects.[18]

While Stoler clearly articulates the limits of the archival imperative in colonial historiography, she is silent about, or rather detached from, similar questions in sexuality studies. This is especially curious given her remarkable readings of Foucault's oeuvre within the context of empire. While she speaks of sex, intimacy, and affect, she does not engage substantively with these issues as they are currently understood in sexuality studies. While I am not interested here in suggesting a corrective to Stoler's scholarship, I do wish to initiate a conversation between the archival imperatives of colonial historiography and those of sexuality studies. What can sexuality studies learn from the archival debates in colonial studies, and vice versa? Even as we ask, What kind of history does the colonial archive have, can we not, following David Halperin, similarly ask, What kind of history does sexuality have?[19] Let me turn now to that question.

The historiography of sexuality (at least as practiced in the Euro-American academy) has often turned to the colonial archive. In many ways, as Philip Holden argues, there is a "profound connection" between colonial historiography and sexuality studies, one that derives less from a theoretical than a historical context. Both, Holden rightly suggests, "find the latter part of the nineteenth century a period of radical historical discontinuity." The late nineteenth century is the period that marks the intensification of imperial domains, territorial redistributions, and the rise of nationalist movements. It is also the period, to follow Foucault's pronouncements, when homosexuality emerged as a set of identifications that articulated and differentiated

[18]Ann Laura Stoler, "Colonial Archive and the Arts of Governance," *Archival Science* 2 (2002): 87–109.

[19]David Halperin writes: "Once upon a time, the very phrase 'the history of sexuality' sounded like a contradiction in terms: how, after all, could sexuality have a history? Nowadays, by contrast, we are so accustomed to the notion that sexuality does indeed have a history that we do not often ask ourselves what kind of history sexuality has" (*How to Do the History of Homosexuality* [Chicago, 2002], 105).

sexuality's relationship to knowledge and power.[20] Scholars in disciplines ranging from literature and anthropology (the more favored locations) to law and science have held up the colonial archive as a storehouse of historical information that can reveal secrets about sexuality's past.

In a recent study, *Colonialism and Homosexuality*, Robert Aldrich identifies the perils of such efforts, writing that it is crucial to bear in mind that "colonial homosexuality did not proclaim itself openly."[21] Aldrich's scholarly efforts are largely aimed at revealing the secret lives of a range of male homosexuals across colonial sites, from E. M. Forster in Sri Lanka to lesser-known figures such as Jean Sénac in Algeria. Aldrich's overall argument relies upon narratives of recovery (letters, memoirs) that operate, I would argue, through the logic of the "open secret." Homosexuality emerges as the structural secret of the archive, without whose concealment the archive ceases to exist. Alternately, the recovery of the hidden documents of homosexuality surrenders presence, but only to reinstate its archival liminality. To take some liberties with D. A. Miller's original formulations, writing the history of colonial homosexuality is ruled by the paradoxical proposition that the homosexual is most himself when he is most secret, most absent from writing—with the equally paradoxical consequence that such self-fashioning is most successful when it has been recovered for history.[22] This movement from archival secrecy to disclosure echoes what Eve Kosofsky Sedgwick has famously called the "epistemology of the closet."[23] Such a movement relies upon the maintenance within the epistemological system of the hidden, secret term, keeping all binaries intact.

While Aldrich focuses primarily on European sources, other writers studying the relationship between history and homosexuality in non-European locations employ similar analytical models of recovery. Nayan Shah's much-cited early essay on sexuality and the uses of history in South Asia warns against an unmediated recovery of the past. He is still one of the few scholars of sexuality who question the dependence on a recovered history to sanction our surviving present: "We may trap ourselves in the need of a history to sanction our existence. South Asian lesbians and gay men are present now. On that alone we demand acknowledgment and acceptance." However, while maintaining that "the past is not a thing waiting to be discovered and recovered," Shah advocates strategies of historical research that derive from a differentiated language of loss and discovery. Shah must rely on the coming-out materials of his contemporaries (classic models of the logic of the secret) to think critically about the archives of the past. He

[20]Philip Holden, "Coda: Rethinking Colonial Discourse Analysis and Queer Studies," in Philip Holden and Richard Ruppel, eds., *Imperial Desire: Dissident Sexualities and Colonial Literature* (Minneapolis, 2003), 304.

[21]Robert Aldrich, *Colonialism and Homosexuality* (London, 2003), 404.

[22]D. A. Miller, *The Novel and the Police* (Berkeley, 1988), 199–200.

[23]Eve Kosofsky Sedgwick, *Epistemology of the Closet* (Berkeley, 1990), 1–64.

grafts a lexicon of "resisting silences" or "liberation" onto the project of archival research. In all fairness, it is important to note that Shah's essay appeared in a now classic collection, *A Lotus of Another Color* (1993), which was the first of its kind to bring South Asian queer materials together. Its appearance in a collection of largely literary materials—fiction, poetry, and personal memoirs—makes Shah's historiographical efforts all the more noteworthy.[24]

On the other hand, while the literary turn continues to produce innovative readings of sexuality and the colonial archive, it has been lambasted for its elision of extraliterary sources and its preoccupation with discursive tropes of representation. The privileging of literary materials yields too much discourse analysis, it seems, and too little engagement with historical documents. While multidisciplinary research on sexuality and colonialism has done much to overcome the backlash against the overdetermination of literary sources, its success has been limited. Anne McClintock's much acclaimed *Imperial Leather* (1995), for instance, is heralded for deploying a range of cultural texts—advertisements, maps, and treaties, as well as fiction—and for invoking literature as only one of many sources. It is not that literary sources are redeemed in such scholarly formats but rather that they are placed in commensurate relationship to other sources.

Indrani Chatterjee warns against the pitfalls of disciplinary thinking, an analytic retreat that she characterizes as one of the "more pernicious aspects" of colonial educational establishments in India. In nineteenth-century colonial India, Chatterjee explains, the demarcation of the separate domains of "Literature" and "History" was created to stabilize the writing of history within a fixed form and method. Such a division masked the colonial establishment's inability to understand that precolonial history in South Asia, for example, was written primarily "in the dominant literary genre of a particular community, located in space, at a given moment in time." The slippages between history and literature became impossible to discern because through time communities changed modes of literary production, and "when such a shift occurred, the earlier genre lost patronage as well as historicity and became more 'literary' (or was meant to be read that way)."[25] Since today's history becomes tomorrow's literature, multidisciplinarity is a methodological requirement rather than a hermeneutical choice.

In anthropological writings on homosexuality and the colonial archive the archival turn has mandated a rethinking of the narrative of progress that left some disciplines as belatedly interested in theoretical questions of

[24]Nayan Shah, "Sexuality, Identity and the Uses of History," in Rakesh Ratti, ed., *A Lotus of Another Color: An Unfolding of the South Asian Gay and Lesbian Experience* (Boston, 1993), 122–24. See also Ruth Vanita and Saleem Kidwai, eds., *Same-Sex Love in India: Readings from Literature and History* (New York, 2000).

[25]Indrani Chatterjee, "Introduction," in Indrani Chatterjee, ed., *Unfamiliar Relations: Family and History in South Asia* (New Brunswick, N.J., 2004), 6–9.

sexuality. As Kath Weston has demonstrated, the "classic debates which molded social sciences into a distinctive set of disciplines relied, as often as not, on illustrative examples drawn from sexuality." Colonial ethnographers such as Evans-Pritchard, John Shortt, and Malinowski used what Weston calls a "flora and fauna approach," producing scattered references to homosexuality in their varied writings on different geopolitical sites. Such references, Weston argues, have been viewed mistakenly as sources of empirical facts rather than as hermeneutic signposts for anthropology's early reliance on the instrumentality of sexuality to construct narratives of culture and power.[26] Weston's complications notwithstanding, current scholarship still functions as a vexed, theoretical antidote to earlier models of a flawed, colonial geography of perversions. Rudi Bleys's ambitious study, *The Geography of Perversion: Male-to-Male Sexual Behaviour Outside the West and the Ethnographic Imagination* (1995), is one such example that interprets "male-to-male sexual behaviour among non-western populations in European texts between approximately 1750 and 1918." Covering a dizzying and often haphazard array of colonial ethnographic materials drawn from Latin America, Africa, Asia, and Oceania, Bleys goes on an old-fashioned global hunt for the homosexual, with the occasional apology for not having enough materials by non-European subjects.[27] The archival mode here shifts from savage to salvage; Bleys revisits colonial ethnographic and anthropological materials and mines them for their endorsements and descriptions of homosexuality in all its cross-cultural forms. Repeatedly in these cross-cultural forays one finds a reliance on colonial ideas of alterity for the form and content of largely Western models of male homosexuality.

Elizabeth Povinelli is one of the few scholars who complicates such a reliance on the colonial archive by referring to the importance of what she terms "modal ethics." In her work on Aboriginal communities in Australia Povinelli raises important questions about how and why we recover lost materials in the colonial archive. She believes that "who and what are being recuperated from the breach and shadow of the settler archive and colonial history" merit careful attention. Translating into text a ritual practice that functions through orality, for example, risks returning to the very knowledge technologies of colonial liberalism. Focusing on rituals that lift "sex out of corporeal practices" coheres sexuality to structures of knowledge. In such cases, Povinelli argues, scholars have an "obligation" to engage in what she calls a project of "radical interpretation."[28]

In the remaining sections of this article I examine two archival traces drawn from the foundational sites of the colonial archive—law and anthropology—that require such an interpretation.

[26]Kath Weston, *Long Slow Burn: Sexuality and Social Science* (New York, 1998), 1–28.

[27]Rudi Bleys, *The Geography of Perversion: Male-to-Male Sexual Behaviour Outside the West and the Ethnographic Imagination, 1750–1918* (New York, 1995), 1–16.

[28]Elizabeth Povinelli, *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism* (Durham, N.C., 2002), 71–75.

I. Habeas Corpus: Show Me the Body

> It cannot be doubted that such atrocities *are frequent* in the present day. A gentleman of the highest veracity assured me that a late Judge of Hooghly once mentioned to him that when about to sentence a native to imprisonment on proof of his having committed this crime *in corpore capellae*, he intimated his decision to the native jury, who hinted that, if so much severity was to be employed against *so prevalent* a crime, the prisons of Bengal would not be large enough to hold the culprits. Convictions for this crime are however rare; *I only find one in the Records*—of Unnatural Crime with a Cow—at Dinagepore. (Police Report (L. P., 1845), 23.)
>
> —Dr. Norman Chevers, *A Manual of Medical Jurisprudence for India* (1870)[29]

For Norman Chevers, one of the leading colonial experts on medical jurisprudence, the discourse on unnatural sexual conduct in colonial India appears embedded in an evidentiary paradox: the known prevalence of the crime and the equally known rarity of its documentation. That sexual perversion (e.g., homosexuality) was a condition of the colonial subject was one of the familiar claims underwriting the project of colonial difference in India. Unlike representations of homosexuality in the metropole, in colonial India homosexuality was naturalized. It was a "frequent" phenomenon, though sparsely documented in the official archive—a "fact" corroborated, as Chevers noted, by a "native jury." Chevers's observations rendered native perversity intelligible through a foundational everywhere/nowhere model of colonial governance. Such a model scripted native perversity as ontological excess by employing the language of "proof," "veracity," and certainty even while bemoaning the colonial state's lack of official documentation. "Such atrocities" may indeed be everywhere, but "convictions are . . . rare."

Chevers's description of an official archive denuded of all traces of a "crime" that must surely exist is uncannily echoed in contemporary scholars' analytical models of colonialism. In discussing homosexuality Ann Stoler and others reiterate the colonial dynamic they are attempting to overcome: homosexuality remains both obvious and elusive—undeniable anecdotally (in colonial travelogues, ethnopornography, etc.), yet rarely substantiated in any official archival form.[30] Is this indeed what the record shows, or do

[29]Norman Chevers, *A Manual of Medical Jurisprudence for India: Including the Outline of a History of Crime Against the Person in India* (Calcutta, 1870), 706.

[30]Despite her claims, Stoler still stumbles over the "absent presence of the dangers of homosexuality" in Dutch archives. She speaks of the threat of homosexuality as a "deflected discourse, one about sodomitical Chinese plantation coolies, about degenerate subaltern European soldiers, never about respectable Dutch men," only to withdraw and admit that "my silence on this issue . . . reflects my long-term and failed efforts to identify any sources that do more than assume or obliquely allude to this 'evil'" (*Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* [Durham, N.C., 1995], 129 n. 96).

sexuality studies of the colonial period mandate a different order of archival reasoning?

The Indian Penal Code contains numerous references to successful sodomy convictions. These appear in legal tables and case records compiled between 1860 and 1861, when the Penal Code and the Code of Criminal Procedure, respectively, were established, and 1920. The Judicial Statements (Criminal) for the North-West Provinces record that in 1879 forty-one persons were convicted for unnatural offenses, and seventy-two were still on trial.[31] Similarly, the imperial returns for offenses reported and persons tried and either committed or acquitted in Punjab record that in 1874 sixty-two persons were convicted under Section 377 (the antisodomy statute). These same returns record that in 1880 thirty-eight persons were convicted, and fourteen remained on trial.[32] However, the number of actual transcripts of cases and judgments available in the various colonial Presidencies for the decades between 1860 and 1920 is much smaller.[33] I was able to find only five case records and judgments under Section 377 for that period: *Queen Empress v. Naiada* (Allahabad, 1875–78), *Jiwan v. Empress* (Punjab, 1884), *Queen Empress v. Khairati* (Allahabad, 1884), *Sardar Ahmed v. Emperor* (Lahore, 1914), and *Ganpat v. Emperor* (Lahore, 1918).[34]

Of these cases, only one, *Queen Empress v. Khairati*, serves as the precedent and illustration of Section 377 in the various legal commentaries, digests, and reports that are available from the period 1885 to 1920.[35] Its use as precedent is perplexing: it is not the earliest of the five cases, it lacks important details, and it is the only one that ended with an acquittal (the other four cases were all successfully prosecuted).[36] The particulars

[31]Oriental and India Office Collections (hereafter OIOC), L/PJ/6/26/1616 (1880).

[32]*Criminal Justice in the Punjab and Its Dependencies, 1869–81*, 3 vols. (Lahore, 1892), apps. 2 and 9.

[33]Worth considering here is the easier availability of sodomy cases in the records of the Nizamut Adawlut and the Sudder Foujdaree Adawlut prior to the establishment of the Penal Code in 1860. For instance, I was able to locate over fifteen judgments between 1829 and 1859 in the *Reports of Cases Determined in the Court of Nizamut Adawlut, 1827–50* (Calcutta, 1851–59).

[34]*Queen Empress v. Naiada*, *ILR* (*Indian Law Reports*) 1 (Allahabad, 1875–78), 43–47; *Jiwan v. Empress*, *PR* (*Punjab Reports*) (Punjab, 1884), 4; *Queen Empress v. Khairati*, *ILR* 6 (Allahabad, 1884), 204–6; *Sardar Ahmed v. Emperor*, *AIR* (*All India Reporter*) (Lahore, 1914), 565; and *Ganpat v. Emperor*, *AIR* (Lahore, 1918), 322.

[35]The Khairati case continued to be cited past 1920 and, in fact, is still routinely referenced in current legal commentaries on Section 377. However, the post-1920 period in colonial India requires a more sustained discussion of Indian nationalism and its efforts at legal reform, which is beyond the parameters of this study. For more on contemporary debates in India on Section 377 see Suparna Bhaskaran, *Detours of Decolonization* (forthcoming).

[36]While there has been a rich outpouring of scholarship on nineteenth-century homosexuality and criminality, most of it has focused on sites in the metropole. The critical difference of location makes the claims of that scholarship less applicable to colonial sites like India. For instance, Ed Cohen has written extensively about the Wilde trials, and William Cohen has provided deft readings of the failures of the Boulton-Parks sex scandals. However, both studies assume that

of the conviction as disclosed in an excerpt from the judgment of the sessions judge reveal that Khairati was initially arrested for "singing in women's clothes among the women of a certain family" of his village and was thereafter subjected to a physical examination by the civil surgeon. Upon examination, Khairati was shown "to have the characteristic mark of a habitual catamite—the distortion of the orifice of the anus into a shape of a trumpet—and also to be affected with syphilis in the same region in a manner which distinctly points to unnatural intercourse within the last few months." When asked about his physical condition, Khairati denied all charges of sodomy and argued that he had suffered a serious case of dysentery, which caused the extension in his anus. His explanation was dismissed as insufficient, for it did not account for the presence of syphilis in the same region. The sessions judge, Mr. J. L. Denniston, concluded that while individually none of the three circumstances (wearing women's clothes, subtended anus, and the presence of syphilis) was sufficient evidence of criminality, taken together they left no "doubt that the accused had recently been the subject of sodomy."

However, when the case was later brought before the Allahabad High Court, Judge Straight (seriously!) quickly dismissed Khairati's earlier conviction for lack of precise detail about the particulars of the offense: the "exact time, place, and persons with whom these offences were committed" were not fully discovered. Judge Straight concluded his remarks on the case by declaring that while the "accused is clearly a habitual sodomite," and while he could "fully appreciate the desire of the authorities at Moradabad to check these disgusting practices, neither they nor he can set law and procedure at defiance in order to obtain an object, however laudable."[37]

How does one read the presence of the Khairati case within a historiography of sexuality and colonialism? How does a case that stumbles over critical issues of evidence, criminality, and legal codification become *the* colonial sign for crimes against nature? Such an archival turn, I would suggest, requires a theory of reading that moves away from the notion that discovering an object will somehow lead to a formulation of subjectivity—from the presumption that if one finds a body, one can recover a person. Even as the discourse of law becomes the space of reform (e.g., current efforts to repeal Section 377), the very sign of the law as evidence needs to be examined. Such a reading would undo the current practice

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in Victorian England homosexuality was regarded as aberrant and marginal, even though their own readings suggest the centrality of its presence. As I have previously mentioned, such a claim to "secrecy" and/or abnormality is untenable within the colonial context, where native sexual excess is assumed, even if archival evidence of that excess is ostensibly unavailable. See Ed Cohen, *Talk on the Wilde Side: Towards a Genealogy of a Discourse on Male Sexualities* (New York, 1993) and William Cohen, *Sex Scandal: The Private Parts of Victorian Fiction* (Durham, N.C., 1996).

[37] *Queen Empress v. Khairati*, *ILR* 6 (Allahabad, 1884), 204–6.

in contemporary sexuality studies of excavating in order to posit a history of presence. It would also complicate the additive model posited by the Subaltern Studies group, which attempts to mitigate or amend the failures/negations of traditional nationalist historiography through an engagement with the voices of women, Dalits, and others.

One way to conceive of this shift to the object as subject-effect is to think of it as a trace, both beyond and within the Derridaean spectrality model, and to consider, as it were, both the forensics and the metaphysics of that trace.[38] One must work with the empirical status of the materials even as that status is rendered fictive. With regard to the case of *Queen Empress v. Khairati*, every reading of its archival imprint requires a repetition of Khairati's forensic embodiments (a subtended anus), even as Khairati as subject cannot be found. The theoretical and historical provocation is to engage with the material imprint of archival evidence as "recalcitrant event" (to borrow Shahid Amin's term), "to move beyond the territory of the contested fact, the unseen record, from the history of evidence and into the realm of narration."[39] Here, the "recalcitrant event" as trace eludes the historian/scholar's attempts at discovery but offers new ways of both mining and undermining the evidence of the archive. I would push Amin's formulations further and suggest that to view archival evidence as recalcitrant event reads the notion of the object against a fiction of access, where the object eschews and solicits interpretative seduction.

II. A Secret Report

In the final pages of his famous translation of *The Arabian Nights* Richard Burton turned his attention to pederasty—"le vice contre nature."[40] It is here that he first provided his readers with the scant but calculatedly sensational details of a secret government "report" on Kárachi's "three lupanars or bordels, in which not women but boys and eunuchs, the former demanding nearly a double price, lay for hire." Having recently "annexed Sind," Gen. Charles Napier (the "Devil's Brother") authorized the report in 1845, specifically requesting Burton, "the only officer who could speak Sindhi," to "indirectly make enquiries and to report upon the subject." We are told that Kárachi was "not more than a mile from camp" and that Burton agreed to undertake the project "on express condition that the report should not be forwarded to the Bombay Government." Disguised

[38]For more on the theory of the subject-effect see Gayatri Chakravorty Spivak, "Subaltern Studies: Deconstructing Historiography," in Ranajit Guha, ed., *Subaltern Studies IV: Writings on South Asian History and Society* (New Delhi, 1985), 330–63.

[39]Shahid Amin, "Writing the Recalcitrant Event," edited and abridged transcript of talk given on 5 July 2001 at Remembering/Forgetting: Writing Histories in Asia, Australia, and the Pacific (http://www.iisg.nl/~sephis/).

[40]At this time, pederasty signified the larger terrain of sexual relations between men and did not rigidly denote intergenerational sex.

as a traveling merchant, Abdullah the Bushiri, Burton then proceeded to infiltrate Kárachi's multiple sites of "porneia" and to procure the "fullest details, which were duly dispatched to the Government House." However, Napier's departure from Sindh soon after resulted in Burton's report (along with two other "sundry reports" on Sindh that he had authored) being sent to Bombay by Napier's rivals. So scandalous were the contents of the report that its exposure resulted in Burton's "summary dismissal from the service." Burton provided no further details, either on the report's contents or on its current location. Or so the story goes.[41]

The mystery surrounding this lost report inaugurated a tale of archival losses that haunted Burton's entire career. Just as his career in India began (and failed) with the composition of an alleged report on male homosexuality, so was his death forty-five years later embroiled in controversies over lost records on the same subject. Burton, the story continues, became obsessed with translating the missing twenty-first chapter of *The Perfumed Garden*, reputed to be 500 pages of Arabic, which was to appear unexpurgated as *The Scented Garden*, a staggering treatise on homosexuality with "882 pages of text and footnotes and a 100-page preface." Announcements of Burton's death in 1890 were accompanied with indignant accusations against his widow, Isabel Burton, the prime executor of his estate. The public consensus was that Isabel had burned the copious and much-awaited "Oriental" manuscripts in an effort to safeguard her husband's reputation against further criticism. In her own letter to the *Morning Post* in 1891 Isabel Burton fueled public ire, acknowledging that the burnt materials were related to the same "certain passion" as was the Kárachi report: "His last volume of *The Supplemental Nights* had been finished and out on November 13, 1888. He then gave himself up entirely to the writing of this book, which was called *The Scented Garden*, a translation from the Arabic. It treated of a certain passion."[42] In 1923 Norman Penzer, Burton's first bibliographer, chronicled the difficulty of finding suitable library space for Burton's writings and personal collections, a difficulty made more painful by the fact that many of Burton's original "Oriental" manuscripts had been destroyed previously at a fire in Grindley's depository.[43]

That the archival myth surrounding the Kárachi report takes center stage in the iconography surrounding Burton's lost works is abundantly clear. The report, as archival object, came into existence after all only through being lost. Its presence was sustained only through additional stories about

[41]Richard Burton, "Terminal Essay," in *The Book of the Thousand Nights and a Night* (London, 1886), 178–79. In this article I follow Burton's spelling of Kárachi.

[42]*Morning Post*, 19 June 1891.

[43]Norman M. Penzer, *An Annotated Bibliography of Sir Richard Francis Burton K.C.M.G.* (London, 1923), 291–97. Penzer describes the difficulties he had in even procuring Burton's collections for libraries after the death of Isabel Burton. One of Burton's executors, Mrs. Fitzgerald, "started to cause endless trouble, and actually wanted to burn all the MSS. and books."

its vanishing. The mystery surrounding its disappearance and/or existence has spawned endless speculation and debate. Several biographers of Burton concur that in 1845 Napier sought Burton's linguistic and spying skills for a singularly important report, but they provide different theories regarding its existence and circulation. Fawn Brodie contends that it was burned by Isabel Burton along with all the other "peculiar" Burton manuscripts. Edward Rice and Glenn Burn suggest that the report, if there was one, was delivered orally and never existed as a written document.[44] Christopher Ondaatje's hagiographical account, *Sindh Revisited: A Journey in the Footsteps of Captain Sir Richard Burton* (1990), zealously retraces and relives, as it were, Burton's formative years in India in the hope of finding the infamous report.[45] Jonathan Bishop's article goes so far as to conclude that speculations about Burton's particular brand of participant-observation (a skill that earned him the title of "Dirty Dick") must be laid to rest, as he was clearly "uncircumcised" when he visited the Kárachi brothels and thus could not risk participation for fear of exposure![46] In other words, the report's contents may well have been scandalous, but stories of Burton's own participation in the brothel's activities must be drastically revised. James Casada, on the other hand, is less generous and caustically concludes that the details of the report were "nothing more than figments of Burton's fertile imagination."[47]

The available official records tell an equally perplexing tale of the report, Burton's relationship to its existence, and its deleterious effects on his army career. Richard Burton spent seven years in India, from mid-1842 to mid-1849, serving variously as an army field surveyor and intelligence officer. In

[44]Fawn Brodie, *The Devil Drives: A Life of Sir Richard Burton* (New York, 1967), 347. See also Edward Rice, *Captain Sir Richard Francis Burton: The Secret Agent Who Made the Pilgrimage to Mecca, Discovered the Kama Sutra, and Brought the Arabian Nights to the West* (New York, 1990), 128–30.

[45]Christopher Ondaatje, *Sindh Revisited: A Journey in the Footsteps of Captain Sir Richard Burton: 1842–49, the Indian Years* (Toronto, 1990). Ondaatje's efforts exemplify the celebratory fervor with which the life of Burton has been resurrected in the past few decades. As one reviewer says of this book, "Richard Burton and Christopher Ondaatje were bound to join up one day. The intrepid, restless adventurer and the intrepid, restless entrepreneur are soul mates, and only the divide of time separated them. Now Christopher Ondaatje has solved that problem with his fascinating, sometimes moving, and often gripping account of the great Victorian explorer. *Sindh Revisited* is as intriguing in its exploration of Burton's obsessive need to push out into the 'unknown' world as it is in delineating Ondaatje's own need to push out beyond the restrictions of his own known world" (John Fraser, master of Massey College, University of Toronto, as reported on www.ondaatje.com).

[46]Jonathan Bishop, "The Identities of Sir Richard Burton: The Explorer as Actor," *Victorian Studies* 1, no. 2 (1957). Bishop's conclusions are drawn from a review of Burton's medical reports, which show no record of a circumcision in his annual medical examination, conducted in 1845. While Bishop's research is clearly thorough, his conclusions reveal a rather limited understanding of male-to-male sexual encounters, where the scene of "uncircumcision" functions as the definitive marker of Burton's anthropological innocence.

[47]James A. Casada, *Sir Richard F. Burton: A Bibliographical Study* (London, 1990), 9.

1843 he was appointed regimental interpreter and sent to the Eighteenth Bombay Native Infantry, stationed in Sindh, which had recently and most brutally been acquired as a British possession. There he served under Sir Charles Napier, who was the governor of the province until 1849. Burton's last year in India was spent recovering from sickness in the mountains of Goa, after which he was forced to return to England.

Burton's service record indicates that he was a model officer and contains no mention of any scandal or unbecoming behavior on his part. On the contrary, he is lauded for his fine efforts as a linguist and surveyor for the Bombay army.[48] Burton may well have regarded his entire India career as a professional failure, but that story is not corroborated by the official records of the colonial state.[49] Casada suggests that Burton may simply have "forfeited his commission for overstaying his leave" in Mecca (he was asked to return to India no later than March 1854), and Burton acknowledged as much in *A Pilgrimage to Mecca*.[50]

My interest in recounting the story of the Kárachi report and its dissemination lies not so much in debunking the articulated theories of its absence/presence but rather in identifying what is at stake in continuing the debate. The alleged "report," I suggest, is a dense textual palimpsest, less a record of native pederasty in India than evidence of a clash among the multiple colonial epistemes undergirding its evocation. One can argue that the reference to an Indian intelligence report within the translation of a foundational Arabic text simply renarrates that text, interpreting the mystical world of *The Arabian Nights* through recourse to colonial empiricism.[51] The extensive representations of pederasty in ancient erotic texts are overlaid by a "report" that proves that native pederasty is real and lives outside the pages of Burton's translation. Yet while such a gesture corroborates the presence of native vice, it equally, or perhaps more stridently, invokes the scandal of British participation in such activities. After all, Burton tells us, Napier ordered the report because the brothels were a mere "mile from the camp."

Napier himself articulated related concerns about the widespread presence of "infamous beasts" in a memoir recorded for Sir John Hobhouse in 1846: "There is public morality supported by putting down the infamous beasts who, dressed as women, plied their trade in the Meers' time openly; and there is this fact to record, that the chief of them were recipients of stipends from the Ameers, as the government records I became possessed

[48]Dane Kennedy, "Orientalist," in *The Highly Civilized Man: Richard Burton and the Victorian World* (Cambridge, Mass., 2005). I am grateful to Professor Kennedy for his informal comments on Burton in India and for sharing excerpts from his forthcoming book.

[49]Z/L/MIL/5/21-22, 35, OIOC, L/MIL/12/73 (1842–51), OIOC.

[50]Richard F. Burton, *Personal Narrative of a Pilgrimage to Al-Madinah & Meccah,* ed. Isabel Burton, with an introduction by Stanley Lane-Poole (London, 1898), 29.

[51]See Colette Colligan, "'A Race of Born Pederasts': Sir Richard Burton, Homosexuality, and the Arabs," *Nineteenth-Century Contexts* 25, no. 1 (2003): 1–20.

of as collector testified."[52] Napier's reference here to "government records" indicates clear and official foreknowledge of such "immoral activities" among native subjects and rulers. Not only was the native populace prone to *le vice*, but native rulers lent it state support. The Kárachi report became a mediating form through which the excesses of the primitive cover over any excesses of the civilized. But while the focus was on the "infamous beasts," the fear of moral contamination was never far behind.

Indeed, what the report does is to underscore the grids of intelligibility within which claims of both presence and absence have been asserted and questioned. But what would happen if we were to shift archival attention from the ultimate discovery of this report to understanding the compacted role its evocation plays? What if we were to consider the report less as a lost archival object and more as an embedded sign whose evidentiary status (as an official product of state intelligence) decisively links sexuality, colonial anthropology, and governance? The salacious detail, after all, is lodged not in a marginal footnote but in the body of the text, in an official form that mandates legitimacy and attention. What would it mean, then, to abandon our fascination with the contents of the report and to turn our attention, as it were, to the secrets that are encrypted in the form itself? And finally, what would it mean to resituate this historiographical metalepsis and to read the report instead as an archival trace that resurfaced in muted terms in Burton's later writings, as the haunting sight of the male *nautch*?[53]

CODA: LIMITS AND POLITICS

> The traveler wandering from town to town forgot
> the path to his house. What was mine, what was yours, both
> of the self and of the other, lost, then, to memory.
>
> —Miraji, *Tin rang*[54]

If it is by now evident that the colonial archive has emerged as the center of interpretation and contestation in the historiography of sexuality, it is equally clear that the structure of the archive is necessarily inchoate. There

[52]Lt. Gen. Sir W. Napier, *The Life and Opinions of General Sir Charles James Napier* (London, 1857), 28.

[53]Spivak uses the term "metalepsis" to refer to the historiographical "substitution of an effect for a cause." The positing of a metalepsis is the primary discursive substitution that sanctions the reading of the subaltern as subject rather than as subject-effect. See "Subaltern Studies: Deconstructing Historiography," in Donna Landry and Gerald MacLean, eds., *Selected Works of Gayatri Chakravorty Spivak* (New York, 1996), 211–13.

[54]"Nagari nagari phira musafir ghar ka rasta bhul gaya / . . . kya hai mera kya hai tera apna paraya bhul gaya," in Miraji, *Tin rang* (Pindi, 1968), 151. The cited translation of Miraji's poem is provided by Geeta Patel in her wonderful book, *Lyrical Movements, Historical*

is always a *politics* of the archive, as Thomas Osborne suggests, because rarely is it a simple matter of revealing secrets that are waiting to be found. The current efforts of the Hindu right in India to mobilize the idea of the "archive" toward sectarian ends (most aggressively through the rewriting of history textbooks) is a dangerous instantiation of the very logic to which I am referring.[55] As I have suggested, archives are untenable without readers, and "across the gap between the archives and its motivating interests there is a perpetual agonism."[56] What are the political stakes embedded in this relentless consumption of the idea of the archive? Is the relationship between the colonial state and the archive undone or merely refurbished through our current intellectual labor? Achille Mbembe notes that despite all efforts to democratize and widen the arc of the archive, as it were, it still survives as a talisman, as a sort of "pagan cult" where the powers of the archive re-create through an inventive but uncannily similar logic the original act of creation. The debt of the colonial state is paid off through its archival debris, where deaths of the past are breathed into life through the archives of the present. Mbembe speaks specifically of the case of South Africa, where the artifactualization of memory through the idea of the archive as talisman "softens the anger, shame which the archive tends" because of its function of recall.[57] Sexuality studies is an accomplice in such archival mythmaking and must remain alert to its own methodological and analytical foibles. Not to do so would be to forgo the histories of colonization, to brush aside the possibilities and impossibilities accorded by the idea of an archive.

Hauntings: On Gender, Colonialism, and Desire in Miraji's Urdu Poetry (Stanford, Calif., 2001), 32. Patel writes: "Miraji was an acclaimed Muslim male poet, who wrote under a Hindu woman's name, and whom contemporary critics described as mad, sexually perverse, and a voyeur. Miraji's short life (1912–49) spanned the final period of British colonialism in South Asia, and his work played a part in the nationalist struggle" (3–15).

[55]For more details on the textbook controversy see Romila Thapar, "The Future of the Indian Past," *Outlook India*, 1 April 2004.

[56]Thomas Osborne, "The Ordinariness of the Archive," *History of the Human Sciences* 12, no. 2 (1999): 51–64.

[57]Achille Mbembe, "The Archives and the Political Imaginary," in Carolyn Hamilton and Verne Harris, eds., *Refiguring the Archive* (Cape Town, 2002), 20–37.