

Mum's the Word: Heteronormative Indian Society and the Censorship of Single Unwed Mothers

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The Heteronormative Paradigm

On 6th of July 2015, the Supreme Court of India ruled that all single unwed mothers could obtain legal guardianship of their children. The father's consent and participation is now no longer required (*ABC versus The State (NCT of Delhi) 2*). The victory of unwed mothers might be a triumphant moment but it underscores the heteronormativity of the Indian society. On the one hand we have the criminalization of homosexuality that marks a step towards regression and on the other hand we see the legal rights of single mothers that promote a movement toward gender equality. It is important to deconstruct the paradoxes of the Indian justice system since these two major Supreme Court rulings were given away barely within a span of two years from each other.

The Hindu documents, on 12th December 2013 the Indian Supreme Court criminalized homosexuality under Section 377 of the Indian Penal Code. Section 377 is a colonial legacy that banned same sex intercourse "against the law of nature" in 1860. Section 377 has often been used to torment sexual minorities. The Delhi High Court's landmark Naz Foundation Case rejected the provision and declared it unconstitutional with respect to sex between consenting adults. The Delhi High Court ruling claimed that Section 377 would remain in the statute books and could be used to prosecute other "unnatural sex" acts. The Supreme Court however overruled the judgment of the Delhi High Court and upheld the constitutionality of Section 377

(Section 377: The way forward, 2).

The Supreme Court argued that the LGBTQ community was a minority and there were less than 200 reported judgments in the 150 years of the law's existence. It clearly meant that the provision was vague and arbitrary and rendered non-procreative sexual acts as unacceptable. Needless to mention several gay rights activists raised the question of denying the basic rights of equal citizenship to the LGBTQ community. The community's plea was however rejected by the Supreme Court because the latter claimed that the verdict criminalized the act of homosexuality, not individuals or community. The criminalization of homosexuality and granting the sole legal guardianship of their children to unwed mothers highlights the paradox of the two very important rulings of the Indian Supreme Court in recent times (*Suresh Kumar Koushal v. Naz Foundation and others* 3).

Heteronormativity is maintained and perpetuated by social institutions such as marriage or everyday actions taken by individuals. It is an unseen force that dictates the boundaries of presumed normal sexuality and even normal social interactions. Elia and Hegarty (2003) and Pratto, and Lemiux (2004) described how social institutions (often implicitly) reproduce assumptions about heterosexuality as the norm and perpetuate privilege for those who 'fit' into the prescribed mold of this dominant form of sexuality. However, as Jackson (2006) wrote, "normative heterosexuality regulates those kept within its boundaries as well as marginalizing and sanctioning those outside them" (105). In other words, heteronormativity affects individuals regardless of sexual orientation, proscribing and requiring different kinds of actions and experiences based on gender, and creating categories of acceptable and unacceptable groups of people (Hegarty et al, 2004). Rich's (1980) conceptualization of compulsory heterosexuality was, as Jackson noted, an important forerunner of the concept of heteronormativity; Rich

questioned the practice of accepting heterosexuality as a normal, expected result of development – of never questioning how one develops a “preference” for an opposite sex partner, while arbitrarily pathologizing and questioning the development of those who are drawn to same sex partners (633). This broader discussion on heteronormativity in the literature therefore highlights that social institutions play a key role in determining the boundaries of acceptable sexual behavior. The Indian Supreme Court’s verdict for both the criminalization of homosexuality and granting legal guardianship to unwed single mothers over their children echoes the heteronormative paradigm.

The Supreme Court’s verdict not only indicates the inherent heteronormativity of the legal system but also mirrors a heteronormative Indian society. In a recent interview with a single mother in *Youth Ki Awaaz*, the thirty one year old woman emphasized that she was “both a mother and a father” to her twin children. This single mother’s statement reinforces the deeply embedded necessity of having a father and a mother for child rearing. Why is it not normative to assume that there can be both a mother and a mother or a father and a father who are capable of being fully functioning parents? Kitzinger in this instance describes heteronormativity as “the myriad ways in which heterosexuality is produced as a natural, unproblematic, taken-for-granted phenomenon” (478). Hence to place Kitzinger’s interpretation in the context of the Supreme Court’s verdict it needs to be clarified that heteronormative ideas are not only being imposed by the legislation through verdicts but is also considered commonplace to a significant section of the Indian population. The censorship of homosexuality is therefore not only a legal manifestation but also a larger social manifestation.

I examine the holistic label “progressive,” which has been applied as a blanket term to describe the Supreme Court’s most recent ruling on the parental rights of unwed single mothers.

This ruling not only gives legal right to unwed single mothers but also reinforces that the father's guardianship is not required, underscoring the assumption that the woman is in a heterosexual relationship. Let us put this Supreme Court declaration into perspective by taking into consideration a lesbian couple. For instance if one of the women in the lesbian relationship wants to have a child and her partner is unwilling to share childcare and legal responsibility, will this ruling allow the mother to have sole legal guardianship of the child? The ruling puts her life in a paradox, where on the one hand she has the right to be the sole legal guardian of her child, but on the other, her sexuality is criminalized. Thus the validity and the "progressive" label of the ruling is very much bound by the parameters of heterosexuality.

Censoring consent:

Times of India documents that a bench of justices including G S Singhvi and S J Mukhopadhaya scanned through judgments from 1925 till date and failed to find any uniform norm to classify what constituted the core of Section 377. It noticed that in all these cases, there was absence of "consent" and the sexual act was forced on the victim. "In our opinion, the acts which fall within the ambit of the section can only be determined with reference to the act itself and the circumstances in which it is executed," the bench said ("Supreme Court makes homosexuality a crime again," 3). "All the aforementioned cases refer to non-consensual and markedly coercive situations and the keenness of the court in bringing justice to the victims who were either women or children cannot be discounted while analyzing the manner in which the section has been interpreted. We are apprehensive of whether the court would rule similarly in a case of proved consensual intercourse between adults. Hence, it is difficult to prepare a list of acts which would be covered by the section," it said ("Supreme Court makes homosexuality a

crime again”, 3). Therefore the generalized umbrella of “unnatural” acts and its easy association with homosexuality inevitably prohibits two or more consenting adults from engaging in sexual practices.

Along with the ambiguity of the range of sexual activities that fall under the legal parameters of Section 377 it also raises the question of consent in sexual intimacy between adults. As the *Times of India* reports that a majority of the cases that were adjudicated under Section 377 were where consent was absent (*Suresh Kumar Kaushal v. Naz Foundation and others* 3). Does the nature of such cases allow the Supreme Court to criminalize the acts of consenting adults?

Homophobia and heteromasculine capital:

The censorship of homosexuality in India along with being contingent on the parameters of heteronormativity is also an offspring of normalized homophobia. Anderson in his discussion on inclusive masculinity points out that the sustenance of homophobia is a major way of restoring the heteromasculine capital in society. In order to explain the maintenance of heteromasculine capital, Anderson (2009) points out during one of his interviews with male athletes, “Not wanting to be out of step with other men, most athletes told me that they too used homophobic language. Although they did not explain in this way they maintained that using homophobic discourse was a method of retaining their heteromasculine capital among their teammates” (1). Thus in this case using homophobic language for the male athletes irrespective of whether they were homophobic was a way to establish their heterosexuality, in other words their heteromascularity¹. The homophobic language acted as an apparatus to gain heteromasculine capital. Pascoe (2012) makes a similar claim in her analysis of high school

bullying culture in the US. She discovered that using homophobic slurs to boys in high school was a common practice. Therefore during her ethnographic work she asked her respondents if using words like “fag,” “homo” and “gay” meant that they believed their peers to be queer. Most of the respondents who used these slurs emphasized that they hardly used “fag” to address a person who was actually queer. On the contrary terms like “fag” and “homo” were used to put a check on any behavior that did not confirm to heterosexual parameters and thus operated as a tool to reinforce heteronormativity, or more specifically heteromascularity. Hence in this case homophobic insults operated as the key apparatus that restored the dominance of heterosexuality.

We therefore see that the sustenance of homophobia has close ties with patriarchy. Thus patriarchy manifests itself as the heteromascularity capital, as Anderson points out. The functionality of heteromascularity capital is similar to that of cultural capital. Bourdieu defines cultural capital as a set of non-financial social possessions that ultimately facilitates upward social mobility. Cultural capital ranges from taste in music, literature, style of speech, and intellect to physical appearance. Similarly heteromascularity capital refers to display of a style of masculinity that is not only aggressive but also rigidly heterosexual. Hence heterosexuality becomes the primary currency of social mobility as well as the paradigm to oppress any other form of sexuality and women in society. Players in Anderson’s research used homophobic slurs as a mechanism to establish and reinforce their heterosexuality. These slurs were tools that helped them gain as well as sustain their heteromascularity capital.

The verdict on Section 377 similarly is a manifestation of patriarchy and an expression of heteromascularity capital. Criminalizing homosexuality clearly indicates that gay men do not have equal rights as straight men. This not only highlights that the sexual relationship between a man and a woman is legitimate but also the man through his heteromascularity capital is superior in this

relationship. Hence it privileges straight men as a whole, over women and gay men. The verdict on Section 377 if equated with Anderson's and Pascoe's argument can be treated as a homophobic slur that reinforces the heteromasculine capital of the Supreme Court, as well as punishes those who are queer, much like the high school boys in Pascoe's study.

The Indian Supreme Court's verdict on Section 377 can be interpreted as an act of institutionalized homophobia. This verdict criminalized homosexuality and restored the heteronormative paradigm. Pascoe and Anderson's argument indicate that the slightest presence of homosexual behavior is considered a threat to heterosexuality, and every measure (in the form of bullying or harassing) is undertaken to throttle the former. Similarly through the criminalization of homosexuality the Indian Supreme Court reinforced heteronormativity and disregarded the presence and legitimacy of any other form of sexuality. Not only does the verdict disapprove and criminalize homosexuality but also considers it "against the order of nature" and "unnatural."

Single Unwed Mothers: The Censored Entity

Even though urban India has emerged as the hotspot of more egalitarian social relationships, vast majority of the country is yet to experience the same. Popular culture has not progressed from the *Aradhana*² days to put forward a more positive image of unwed single mothers. Even popular television actors and single mothers like Mona Ambegaonkar have revealed that not only did they hide their personal lives from the media but were also weak financially (*Times of India*, "Single Moms of Television"). Hence in a hetero-patriarchal society it is critical to analyze the situation of single-mothers who do not possess class privilege, a full time job, neither education to defend their rights. Thus the Supreme Court ruling is just the first

step towards the celebration of gender equality. There are several crucial measures that have to be taken to bring gender equality in India among women from all social strata.

Mid-day reported an incident of a mother who killed her own child and dumped the child in a *nullah* (“Remove stigma around unwed mothers,” 2). Apparently the incident may look like an act of sheer brutality but a closer look revealed that the child was born out of wedlock. In this case killing the child was the only option left for the mother to avoid social stigma of having a child out of wedlock. The incident highlights the dual oppression that single unwed mothers experience. She was not only oppressed in society because of her gender, but also by virtue of having a child out of wedlock. This story is just the tip of the iceberg when we picture the social stigma that unwed mothers experience in Indian society. Living with the social stigma is an immense burden for unwed mothers in a patriarchal society. The macro question that lurks is whether the Indian Supreme Court’s verdict of giving single mothers the sole legal guardianship of their children relieves them of the social stigma?

Durkheim’s (1915) conceptualization of *sacred* and *profane* in his analysis of religion in describing the religious practices of the aborigines in Australia can be applied to the current understanding of marriage not only in Indian society but also globally. Durkheim’s approach revolves primarily around his discussion on “Totemism”. His analysis of “Totemism” evolved during his observation of the Australian aboriginal community where the *totem* (an animate or inanimate object) was bestowed with supernatural attributes and was treated as an inviolable object. It was projected as “sacred” and every ritual surrounding it was a way of paying respect to the *totem*. Everything apart from the *totem* was not considered sacred or in other words was “profane,” which included the mundane and utilitarian objects of everyday life (113). Thus Durkheim compartmentalized the world into two distinct categories, the sacred and the profane,

and every activity was dedicated towards the maintenance of the sanctity of the *totem*. The presence of rituals, ceremonies and rites reinforced the fact that the group members had to uphold the *totem* in every possible way. Durkheim in his analysis of religion interprets the negative rites or “taboos,” as an encroachment of the sanctity of the *totem* and was therefore highly condemned (113).

Durkheim’s analysis of religion and his conceptualization of the sacred and profane is relevant in the current discussion on marriage and single unwed mothers. If we are to use the paradigm of sacred and profane, marriage as an institution can be considered sacred. This clearly sets aside anything outside of marriage as profane, especially single unwed mothers. *The unwed mother continues to be the censored entity in our Indian society*. Celebrities like Sushmita Sen and Neena Gupta might have glamorized single motherhood for the Indian society. However the reality for a vast majority of single mothers in India is not as celebratory as that of these film artists. Marriage still holds its place as one of the most sacred and necessary institutions in Indian society.

Censoring Social Mobility: The Class Paradigm

Single motherhood cannot be discussed without situating the issue in the context of the social class of the mothers. The financial and economic advantages that a middle-class single mother can obtain are often inaccessible to working class single-mothers. In my project³ on middle-class parenting in India, I recently interviewed a single mother (divorced) who mentioned that it was difficult for her to juggle single-handedly between work and childcare, in spite of getting support from her parents. She went on to say that it gets even difficult for her when her child is sick and the only support she receives is from her elderly parents. Nannies often cost too much and even if one is kept they are not too reliable most of the times. My respondent

mentioned that the nannies she had got so far were mostly young girls who were unmarried and were generally careless in their job. Even if she was lucky enough to find a good nanny they would be married soon and leave the job, making the mother yet again dependent on her elderly parents. Thus this specific case, which is representative of the larger population of single mothers, brings into light the struggles these women have to experience if they have a full time job and a child to take care of.

The larger issue therefore being if this is the case for a middle-class educated, employed mother, the situation of working class mothers is decidedly much worse. Working-class single mothers can neither afford elite education for their children nor do they have reliable childcare support. These single mothers may have to leave behind their children unsupervised in the house for long hours. Along with creating provisions for equal education, there should also be proper aftercare services in public schools. Therefore this ruling that overtly emancipates single unwed mothers has to be coupled with several institutional transformations that will bring positive changes in their lives.

To effectively implement the Supreme Court's decision, institutional changes need to be brought forth which will benefit single mothers from all socio-economic strata. Some of the significant changes include improving the standards of public schooling in India. The strong divide between public and private schools in India is marked by the unequal distribution of resources between the two. Private schools that are mostly considered prestigious provide superior quality of education and training to children and are expensive. These private schools are therefore availed of mostly by families who have the financial and cultural capital of getting their children admitted to these places. On the other hand low-income families send their children to the public schools that have far less resources and inadequate infrastructure. This

means that affordable education should be availed of by children and their mothers from lower socio-economic background. The education standards between public and private schools should be leveled. These public schools along with better standards of education should also provide aftercare services. This aftercare service will ensure that employed single-mothers are guaranteed reliable childcare even in their absence.

The next large debate that surrounds the life of single mothers is that of downward economic and social mobility and its direct correlation to employment opportunities. *The New York Times* documents the tormenting story of a single mother from Atlanta. She says that many prospective employers consider single motherhood challenging because the single mother, if hired, is purported to be constantly preoccupied with childcare needs. She thinks her search for a job as a chiropractor has been hindered by the concerns of the people interviewing her. The biggest question for employers in such cases seems to be about who would look after the employee's child, in case they fall sick. Obviously the employer's concern here relates to the employee's implied loss of productivity and commitment towards her job. Since then she had stopped mentioning about her child in job interviews. This story is representative of the discrimination single mothers experience in the workforce.

To better understand the restricted economic mobility of single mothers it is important to delve into the literature on gender and labour. This literature has documented the discrimination of women in the workforce. Charles and Grusky (2004) argue in their detailed transnational research that not only is occupations sex-segregated but women across the globe also tend to be concentrated in low paying jobs (4-33). Jobs that are considered "feminine" for example, nursing, elementary school teaching and secretarial positions are less paying than "masculine" jobs like school principals, CEOs and so on. Acker (1989) adds on to Charles and Grusky's

argument to claim that even though men and women on the same job have equal experience and expertise, men are paid more than their women counterparts (5-12). To add motherhood to this equation of women being disproportionately represented in low paying jobs, we see that mothers experience the dual discrimination of being a woman and a mother in a patriarchal labor market. Crittenden's (2001) conceptualization of "mommy tax" explains the discrimination mothers experience in the labour force rather well (10-35). She claims that when women have children they often retreat from workforce. When they rejoin labour force they are financially discriminated by employers because of their prolonged absence from the workforce. Thus "mommy tax" simply refers to the monetary price women pay to be mothers.

The literature on gender and occupations documents that women have historically experienced discrimination in the labour force and mothers especially pay the highest price. Keeping the literature in the forefront it becomes obvious that single mothers experience significant amount of prejudice in the labour market. Not only do these women experience inequity, *Huffington Post* records that poverty is on the rise among single mother families globally ("4.1 Million Single-Mother Families Are Living In Poverty: Census," 2). The obvious link being single mothers not only pay the "mommy tax" but continue to experience discrimination in the workforce as well, since their families rely entirely on her single source of income. Considering women are mostly in low paying jobs there is a bleak hope that a single-mother household will be financially prosperous. The financial condition of single parent household worsens for working class women who are lowest in the socio-economic ladder. Hence the verdict on single mothers by the Supreme Court is first of the many emancipatory steps. Along with improvements in the public schooling system there is also a need to provide employment to single mothers, especially from working class background. Educating these

women and protecting their rights in the workplace will guarantee them a better future and make them economically emancipated.

Neoliberalism and censorship

Neoliberalism as defined by Harvey is “a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade. The role of the state is to create and preserve an institutional framework appropriate to such practices. The state has to guarantee, for example, the quality and integrity of money. It must also set up those military, defense, police, and legal structures and functions required to secure private property rights and to guarantee, by force if need be, the proper functioning of markets” (2). Thus according to Harvey neoliberalism is built and sustained by the tenets of market economy. Therefore the nation/society that embraces the tenets of neoliberalism also functions on the requirements of the market. Individual choices, preferences, lifestyle are overwhelmingly dominated by the demands of the market. Indian society too has experienced the effects of neoliberalism and the Indian middle-class aspirations have gradually anchored itself on consumerism.

Derne (2008) in his analysis of neoliberalism in India states that in 1990s the pace of globalization in the country accelerated once the Indian economy opened. During this time and till date there was significant influence of foreign brands and foreign media, mostly movies and TV shows. The exposure to these foreign shows altered the cultural infrastructure of the Indian society. Thus the invasion of foreign television along with foreign brands into the Indian society and markets led to a drastic change in the consumer and lifestyle patterns among Indians. The

prominent aspect in the surge of India's exposure to globalization was however the overwhelming influence of American culture in the form of popular culture as well and definitions of lifestyle. Hollywood started gaining popularity and even the Hindi film industry started borrowing elements from the former (2). McDonalds became one of the high-end restaurants and people preferred wearing Nike over local brands. In other words what was popularly referred to, as globalization was predominantly Americanization (Bhatia, 1994, 1-10; Fernandes, 2006, 29-88).

There have been significant changes in the economic and social landscape of India after the economic liberalization of 1990. Dr. Manmohan Singh's (the Finance Minister) policy of economic liberalization opened up Indian markets to foreign brands and along with significant changes in the country this economic liberalization led to emergence of a distinct consumerist culture. The economic reforms of 1990 also led to the rise of the new middle-class in India (Bhatia 1994, 1-10; Banerjee and Duflo 2008, 2-6; Fernandes 2006, 29-88; Donner 2008, 3-10). According to Fernandes (2006) the spread of multinational corporations led to the rising wage levels of the managerial staff that were the middle-class of the country. The emerging middle-class were looking for significant lifestyle changes that was contingent on their newly acquired buying power. Cars, cellphones, washing machines, color televisions and so on became markers of upward social mobility and the emerging middle-class were adopting every means to acquire them and make a significant shift in their lifestyle patterns (50).

I argue that the intrinsic connection of neoliberalism with consumerism guides the judicial system of India. The nuclear family, which is at the heart of a neoliberal economy, is one of the primary consumers. Needless to mention the definition of a nuclear family has its embedded heteronormativity. The nuclear family is at the seat of consumption in a neoliberal

economy. The popular image of a nuclear family always comprises a father, a mother, a child or two and a happy home. Whether we look into a detergent advertisement or that of a cosmetic the overt heteronormative tone is omnipresent. Hence for neoliberalism to thrive the perfect nuclear family, more specifically the heteronormative family has to thrive as well. Therefore it can be claimed that neoliberalism goes hand in hand with heteronormativity.

The Indian Supreme Court's verdict on Section 377 that criminalized homosexuality not only displays the inherent heteronormativity of the judiciary but also points a finger at the legal system's allegiance to a neoliberal economy. The increasing privatization of the economy not only affects the shift in lifestyle patterns in the country but also the major institutions of the society. A neoliberal economy is yet to thrive on a homonormative society, hence the celebration of homosexuality is not profitable for a market-based economy. What the neoliberal economy needs is for the nuclear family to survive and play out its part as the ideal consumers. This kind of economy supports the conservative ideals of a heterosexual relation, which is the natural path towards procreation. This natural growth of the family is directly linked to the growth of the economy. A lesbian or gay nuclear family on the other hand does not always support the straightforward thesis of natural conception leading to childbirth, and thereby children emerging as the new consumers of the economy are defied.

The neo-liberalization of the Indian economy witnessed a dramatic change not only in the economic climate of the nation but also in the lifestyle of the people of the country. Mobile phones, televisions, laptops were rampantly used marking the emergence of India as the technophilic nation. The emergence of India as a technophilic superpower needless to mention coincided with the country's need to become the primary consumers of technology. The love for technology in India not only led to consumers but also workers especially white collar

professionals in the fields of software engineering and Information technology. I argue that the recent ruling in favor of single mothers is contingent upon the country's need to produce not only consumers but workers as well. Supporting the children of these single mothers can be read as the state's ulterior motive of keeping the structure of neoliberalism intact and thriving. These children will not only prove to be the consumers but also the workers of the market based economy.

Therefore the Supreme Court's decision on both the criminalization of homosexuality and the emancipation of single mothers are guided and shaped by the neoliberal economy. Neoliberalism has its inherent goal of consumerism and a society that is increasingly regulated by the demands of the market. The nuclear heterosexual family functions as one of the major seats of consumption and therefore the legal system that is deeply influenced by the neoliberal economy strives to sustain this kind of family structure. A heterosexual nuclear family procreates and also generates a new generation of consumers as well as workers of the economy. Hence any other form of sexuality that is incapable of natural procreation and does not fit into the image of a perfect happy nuclear family is "othered" not only by the economy but also by the legal institutions. In the drive to promote heterosexual relationship the legal system feels the need to protect the single mothers, irrespective of their marital status, because they have children, who are the consumers and workers of the market economy.

In the broader discussion of consumption patterns and neoliberalism we cannot ignore their allegiance to patriarchy. The media, which acts as one of the major tools for the propagation of consumption and neoliberalism, is also shaped by patriarchy. Anouk's, (the apparel chain) recent advertisement featuring two lesbian couples received unanimous appreciation from the entire nation. The advertisement that was called "The Visit" featured two lesbian couples in a

live-in relationship with one of them getting ready to introduce her girlfriend to her parents (“The Visit”). This advertisement undoubtedly was revolutionary but analyzing this ad to critique patriarchal consumption patterns is important.

Firstly it shows two women who are attractive according to the conventional standards of beauty. This brings into forefront the inherent assumption that the wider audience is straight men and lesbianism is for the pleasure of these men. Even though the apparels were meant for the consumption of women, it is assumed that the advertisement will be widely appreciated and seen by straight men; therefore highlighting that straight men are the primary producers as well consumers in a neoliberal economy. This advertisement also confirms the predominant gendered stereotype that straight men are the primary breadwinners in a heterosexual relationship and hence even though the clothing is meant for women, the buying power lies in the hands of the man in the relationship. Secondly we see a very strong class dimension in the advertisement. The lesbian couple shown in the ad was modern urban women from middle-class families. We do not see enough advertisements that feature lesbian couples from working class or lower socio-economic classes. Thus the agency of the couples is limited to a certain social class background that is foregrounded in this ad. The display and omnipresence of the middle-class in media can be read as media being one of the strongest apparatuses of neoliberalism. Since the 1990s, the historical period that marked India’s economic frontiers opening up to globalization also marked the growth of the Indian middle-class. The Indian middle-class became the new consumers who sustained the neoliberal economy as well as promised India into becoming the technophilic superpower. Thus neoliberalism in this case censors the presence of working class along with homosexuality to sustain a hetero-patriarchal society.

Conclusion

In the midst of celebrating the victory of unwed single mothers it is important to note that this Supreme Court decision is only the beginning of progressive times. As much as it is timely ruling it is important to speculate the paradoxes of the Indian judiciary. On the one hand we see a landmark decision that indicates the beginning of gender equality; on the other hand we see the criminalization of homosexuality in Indian society. It highlights the heteronormativity that is deeply embedded in our culture and it is essential that we evaluate the dangers of privileging one form of sexuality over another. It is time that the judiciary started to think of legitimizing consensual sex between consenting adults which is also a crucial first step towards gender equality.

As much as we claim this ruling to be “progressive,” it is important to think about the socio-economic factors that dictate the lives of single-mothers. This Supreme Court ruling entails significant institutional changes. Single mothers in general tend to be on the lower income bracket and the financial condition of the working-class single mothers gets worse. Hence it is vital to ensure that these working class single mothers receive substantial education and are provided with equal job opportunities. Financial independence of working-class single mothers also entails developing the public schooling system. Advancement of the public schools will ensure that working class single mothers are able to provide best education for their children.

The larger question that however lurks is whether this ruling is able to rid single unwed mothers of the social stigma. Will the child be able to grow up without the label of an “illegitimate”? Hence along with the socio-economic debate our society needs some significant cultural and rhetorical changes that will make this ruling truly “progressive.” Our single mothers,

irrespective of their sexuality, class and relationship status, should have the right to live a dignified life, without social prejudices. She has the right to earn a decent wage, have an active sexual life and provide the best for her child. Legal guardianship is not enough; this is just the beginning of a more focused struggle towards all-round gender equality.

Notes:

¹ A dominant form of masculinity that is intrinsically heterosexual.

² *Aradhana* was a popular Indian romantic drama film released in 1969 that narrated the ordeals of a single unwed mother and the social stigma that surrounded her entire life.

³ This project examines transnationally (US and India) the parenting methods adopted by middle-class mothers and how these methods are contingent on immediate socio- economic and cultural factors.

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