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Understanding the marginalization of transgenders: Review of literature (2010-2017)

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Abstract

Review of literature on a particular topic, event or phenomenon allows us to develop a worldview, understand complexities and appreciate diversity. This research paper delves into the literature in terms of research studies, non fictional books, autobiographies, audio projects, State Initiatives, to develop an understanding of the unique subjective world of the transgenders, their issues tracing them back to pre-colonial India and possible solutions in terms of attitude reconstruction and increased acceptance. The literature review tries to understand the trans experiences with the society and focuses on themes relating to transgender rights and other social legal dimensions which pervade social inclusion for the transgenders.

While it is true that the persons of transgender community experience a marginalized existence and are treated as second class citizens in their own country, the lack of authentic and robust data for transgender research adds fuel to the fire. For a civil society to function, altering transphobic misconceptions and revisiting social norms for the unmitigated inclusion of the transgenders is the need of the hour.

Keywords: Marginalization, transgenders

Introduction

The essence of research is to help human beings adapt to the existing phenomenon and evolve for the sake of advancement. It helps us discover new horizons, quenches our quest for knowledge and seeks to identify gaps in learning. It is believed that the more advanced research, the more developed a society is. It allows us to imagine the unthinkable by shaping or reshaping our thinking.

Review of literature on a particular topic, event or phenomenon allows us to develop a worldview, understand complexities and appreciate diversity. This research paper delves into the literature in terms of research studies, non fictional books, audio projects to develop an understanding of the unique subjective world of the transgenders.

In a patriarchal society totally consumed by homophobic attitudes, the gender diverse individuals are discriminated, marginalized and stigmatized by the society. They are looked down upon by the mainstream and often considered as diseased. But this was not the case always.

Historically, Transgender communities have existed in countries across the world. They were a mystical cult in Philippines, Xaniths in Oman, Kothey in Thailand and *hijra*, *Joggapas*, *Jogatas* or *Aravanis* in South India. The eunuch – transvestites cult who identify as Hijras, have inhabited parts of India, Bangladesh, Pakistan and Nepal since time immemorial.

As a group they have always enjoyed a reputable presence in the Indian mythology. The Vedic and Puranic literature also describes the concept of Tiritiya Prakriti or *napunsakha*. In the epic of Ramayana, Lord Rama, after he was exiled decided to enter into the forest without any followers to lead a life of austerity. However, the *hijras* chose to follow him, thus earning the Lord's adulation and special powers to bestow good fortune to people on auspicious events, a predecessor of *badhai*¹ tradition followed by the *hijras* till date.

The tales of Mahabharata also highlight some references to transgenders. One such incidence highlights that in order to win against the Kauravas in the great battle of Kurukshetra, Aravaan, son of Arjun and Nagkanya must be offered as a sacrifice to Goddess Kali after spending the last night of his life in matrimony. Lord Krishna then assumed the form of a beautiful woman called Mohini in order to marry him. The *hijras* of Tamil Nadu thus call themselves as Aravanis or the children of Lord Aravan (Nanda, 1986)^[22].

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¹ money given to *hijras* in return for their blessings.

The ancient legal text for Hindu law, Manusmriti explains how different sexes are produced. According to Sage Manu, "a male child is produced by a greater quantity of male seed, a female child is produced by a greater quantity of female seed, if both are equal, a third sex child is produced" (Ramachandran, 2010) [30]. Patanjali's treatise on grammatical rules of ancient Indian language, Sanskrit, popularly known as the Mahabhaya, also states the existence of multiple genders, thus explaining the grammatical genders in this ancient language, which are derived from the three natural genders. The Vedic astrology refers to nine planets, three corresponding to each gender, while the Puranas mention three kinds of devas of music and dance namely the Apsaras (female), the Gandaravas (male) and kinnars (neuter) who were appointed to the positions like the political advisor and administrators (Nanda, 1986) [22].

The Hijras or the eunuchs enjoyed closeness to the Sultans of Turkish-Ottoman Empire and were the favorites of the kings of the Mughal dynasty as well. As eunuchs were sexually non-threatening due to emasculation (voluntary or coerced), they were seen as suitable harem guards and king's spies in the *janankhana* (ladies chamber) and later rose to positions of eminence. The *hijras* enjoyed quite a respectable status in the society in the pre-colonial era. They were very much a part of the society, people thronged at their door step to receive their blessings but this situation changed after the British Government chose to notify the hijras under the Criminal Tribes Act, 1871, reducing them to the status of petty criminals and denied them their civil rights. This act was however repealed post partition, in 1952 but the pre partition legacy has created a mindset which continues to look at the transgenders with disdain. They are socially stigmatized and discriminated against till date. The society has pushed them to the extreme margin by denying them their basic human rights, the Right to Education and Right to livelihood, to name a few.

The present article focuses upon the different dimensions of research involving persons of transgender community. In the paragraphs that follow some significant data, landmarks, and movements from across the world have been described to establish the status and plight of transgender persons all over the world. These include research studies, non fiction books and projects. This literature review tries to understand the trans experiences in society and focuses on themes relating to transgender rights and other social legal dimensions which pervade social inclusion for the transgenders. Across the globe, the transgender individual faces transphobic attitudes by virtue of challenging the dominant, binary gender discourse. Transgenders are denied fundamental rights like right to equality, right to education and employment opportunities.

Research has indicated that a condition of perceived social isolation (PSI) leads to the creation of excessive anxiety in a person leading to the release of cortisol (a hormone released in times of duress which controls blood pressure and our immune system) which adversely affects our immunity. Psychologically, also the impact of social isolation is one of the major factors affecting poor mental health. It is known to lead to severe depression (Hawkey and Capitano, 2015) [17], significant periods of restlessness and poor quality of sleep (Cacioppo *et al.*, 2002) [7]. PSI is also known to be connected with a greater occurrence of thoughts which are indicators of self harm (Hirsch *et al.*, 2012) [18]. A significant amount of research in the field highlights the

health and human rights challenges faced by the transgender community. They face higher level of psychological stress, low resilience and thus indulge in high risk behaviors (Budge *et al.*, 2013; Wilson *et al.*, 2012; Burgess *et al.*, 2008; Grossman and D'Augelli, 2006) [2, 41, 1, 12].

In a Public Policy Issue brief, The American Foundation for Suicide Prevention, 2011 lists depression, bullying and harassment, personal rejection and abuse along with lack of legal protection as the stressors associated with a higher rate of mental disturbance in LGBTQ individuals.

A nationwide survey involving 6450 transgender respondents on the impact of anti transgender bias on the transgender persons was undertaken by two apex bodies in transgender equality namely NCTE (National Centre for Transgender Equality) & NGLT (National Gay and Lesbian Task Force) USA. Economic insecurity, employment discrimination, homelessness, abuse by police and in prison, discrimination in healthcare facilities was reported by the respondents. Many respondents confirmed the denial of any medical help because of their transgender status while many confessed to postponing medical care due to the fear of discrimination. This survey bears testimony to the fact that transgenders are treated as social outlaws. Similarly in a three year study conducted by experts on suicidal behaviors in sexual minorities carried out by Haas *et al.*, (Haas *et al.* 2010) [16], it was found that a high rate of suicide attempts existed among transgender persons.

1. Transgender Europe or Tgeu is a nongovernmental organization actively involved in highlighting the cause of transgenders in Europe. Since 2014, it has partnered with different agencies in Eastern and Central Europe under the aegis of Pro Trans Project with the aim of documenting violence against transgenders in this area. It has been found that in Turkey transgender persons are considered to be violating a law by simply being seen or walking on the streets. As shameful as it is for the civil society to condemn the very existence of transgenders, it is also very painful for the transgenders to be treated as such. In Germany, one of the more developed countries of the world, the transgenders are subjected to institutional violence. They are denied any medical insurance and without a legal recognition of their gender status trans sex workers cannot get prescription hormones and thus are forced to use self-made injections further risking their health and fearing legal action all the time. In a similar study undertaken by Phyllis Wallace and Sandra Rasmussen (2010) [40] (Wallace *et al.*, 2010) [40] highlighted the use of adulterated silicone by transgender persons for cosmetic enhancements of their appearance while undergoing transition. Due to the lack of safe and cost effective material they were forced to rely on adulterated materials which further increased their exposure to risk and made them more vulnerable health wise.

A study by Grant (2011) [14] indicates that most gender non-conforming young adults between the age of 13-18 years reported feeling more unsafe on the school premises and facing harassment and bullying than their cisgender counterparts. They were also more likely to miss school or dropout because they felt threatened. Ian H. Myers *et al.*, (2017) from the Williams Institute in a study, found that the rate of sexual minorities incarcerated in the US prisons was much higher than the non gender diverse prisoners. This

indicates that the LGBTQ inmates at American prisons were susceptible to a very high rate of mistreatment, punishment, sexual and physical abuse.

The official document on hate violence experienced by LGBTQ and HIV affected persons, issued by National Coalition of Anti Violence Programs (NCAVP) in 2013 states the following:

- Transgender persons are seven times more likely to experience cruelty and mistreatment by the police and State personnel as compared to cisgender persons. The discrimination meted out to transgender population is a major hurdle in their access to police authorities as and when faced with an abusive situation.
- Male to female transgenders were almost twice as likely to encounter abuse and oppression in comparison to heteronormative genders.
- Transgender people of color were subjected to greater discrimination. They were as much as six times more vulnerable to physical abuse by the police against the white survivors who were binary and other victims.

Transgender women of color experience stigma, social oppression, discrimination, high rates of sexual risk behavior and risky body modifications (Sevilus, 2012). This situation worsens as transgenders age. Older transgender adults are at a greater risk of poor physical health, lack of social support, lack of access to proper healthcare facilities, loneliness and depression. After years of living with internalized stigma and victimization, older transgenders are denied the most basic human right that is the right to age gracefully and die peacefully. They are left unattended, fear discrimination by other housemates (Shankle *et al.*, 2003; Friedrich -Goldson *et al.*, 2013) ^[34].

There is a lot of evidence by way of research which highlights the health disparities, negative relationships, social condemnation and hate and abuse experienced by the transgender persons. However, the recent trends have started showcasing the positive side of being a transgender also. Although this aspect of research is still at a nascent stage but it is trending.

Riggle *et al.*, (2011) ^[28] tried to understand the positive aspects of a transgender self identification and found that despite the discrimination and the maltreatment they received, they displayed greater psychological resilience, showed empathy, a unique understanding of both the sexes, increased engagement with the LGBTQ community and personal growth. Another strength-based research was carried out by Singh and McKleroy (2011) ^[33]. Using Qualitative analysis, the researchers found that resilience developed following a traumatic event when social support was available. This social support network consisted of either family, close friends or by virtue of belonging to a community based group. Either ways this support provided an emotional buffer to the individual, resulting in increased resilience.

In an online research conducted by Durwood *et al.*, in 2017 ^[8], the aim was to study the concepts of psychological health and feelings of worth in transgender Youth who had come out to the society. It was found that the anxiety levels of transgender children who have socially transitioned with the family support were almost the same as that of cisgender children. Parental acceptance and unconditional positive regard at home creates an atmosphere of recognition and

inclusion, responsible for making these children mentally healthy with a positive self-esteem.

In a group of studies, it was found that support from the society helps alleviate stress and also encourages resilience and psychological strength. (Budge *et al.*, 2013; Davey *et al.*, 2014; Erich *et al.*, 2008; Moody & Smith, 2013) ^[2, 9, 10, 20].

Affirmation from the same community is also, according to research is encouraging and provides a strong social support network (Graham *et al.*, 2014; Sánchez & Vilain, 2009) ^[15, 36]. Our Family acts as a protective shield which provides warmth and shelter. Acceptance by the parents or even the extended family (Koken *et al.*, 2009; Wilson *et al.*, 2012) ^[19, 41], leads to bonding and psychological hardiness in transgenders.

Positive affirmation from the co-members of the transgender communities helps increase the mental and psychological resilience. People with similar attitudes, problems and felt experiences often tend to develop a cohesive bond with each other. (Nuttbrock *et al.*, 2002; Pinto *et al.*, 2008; Sánchez & Vilain, 2009) ^[25, 36].

On the other hand, a lack of support from friends and family can lead to self harm, self abuse, and indulging in dangerous sexual practices. (Davey *et al.*, 2014; Moody & Smith, 2013; Nuttbrock *et al.*, 2002; Rotondi *et al.*, 2011b, Pinto *et al.*, 2008; Wilson *et al.*, 2012) ^[9, 20, 25, 41].

The depiction of a transgender character on television or movies is a powerful instrument in influencing the attitudes of society and has a great impact on the social integration of the community. In the study undertaken by Gillig and his team of researchers in 2015, it was ascertained that the entertainment narrative can help in dispelling myths, creating awareness and bringing about change in the mindset of the viewer. Television series Royal Pains and other transgender characters show that TV was in fact able to generate supportive attitudes. Increased visibility of the transgenders in mainstream cinema and television is responsible in reducing anti transgender bias and prejudice. The entertainment industry promises a lot of potential for attitude reconstruction.

Transgenders In India: Up, Close And Personal

- In India, the transgenders have culturally existed for centuries. Known as the *hijra*, Joggapas, Jogatas or Shiv Shaktis, they have inhabited in the Indian Subcontinent for centuries. As a group they have always enjoyed a reputable presence in the Indian mythology. The Vedic and Puranic literature also describes the concept of Tiritiya Prakriti or *napunsakha*. The ancient legal text for Hindu law, Manusmriti explains how different sexes are produced. According to Sage Manu, "a male child is produced by a greater quantity of male seed, a female child is produced by a greater quantity of female seed, if both are equal, a third sex child is produced" (Ramachandran, 2010) ^[30]. Patanjali's treatise on grammatical rules of ancient Indian language, Sanskrit, popularly known as the Mahabhaya, also states the existence of multiple genders, thus explaining the grammatical genders in this ancient language, which are derived from the three natural genders. The *hijras* or Male to Female (MTF) transgenders, enjoyed quite a respectable status in the society in the pre-colonial era. People thronged at their door step to receive their blessings but this situation changed after the Criminal Tribes Act, which

was enforced upon the Indian people in 1871. This led to the British government labeling of *hijras* as a criminal tribe or community. Although the act was repealed after Independence in 1952, but the stigmatization and anti transgender bias continues till date. A majority of *hijras* or MTF transgenders report being subjected to harassment, emotional and social abuse, physical violence and hate crimes (Chetiar, 2015) ^[4]. The transgenders also show a higher rate of HIV (Sahastrabudhe *et al.*, 2012) owing to the fact that sex work and begging are the only sources of earning a livelihood for them. Lack of sensitive, competent and informed health care facilities adds to this risk (Chakrapani *et al.*, 2004).

UNDP, India report issued in December 2010 states

- A very high prevalence of HIV among members of the transgender community; ranging from 17.5% -41%.
- Low level of consistent condom use (6% with commercial partners and 20% with noncommercial partners) and indulgence in high risk sexual behaviors.
- A high level of mental stress, fear of being disclosed, internalized transphobia, suicidal tendencies, shame, fear, substance abuse was found in members of the transgender community.

According to 2011 population census, 4,87,803 lakh people have been classified as transgender persons, out of which a staggering number of 54,854 is below 6 years of age. Their proclaimed literacy rate is 56.07% and the state wise distribution of transgender persons is as follows:

Table 1: State wise Distribution of Transgender persons

State	Transgender Concentration
Uttar Pradesh	28%
Andhra Pradesh	09%
Maharashtra	08%
Madhya Pradesh	06%
West Bengal	06%
Tamil Nadu	04%
Rajasthan	02%
Punjab	02%

(Source: Census of India, 2011) ^[3]

While it is true that the persons of transgender community experience a marginalized existence and are treated as second class citizens in their own country, a lot of positive attempts have been made to integrate them into the mainstream society. The landmark judgment of Supreme Court accorded a third gender status to the transgenders and sought reservations in employment and educational sectors in the year 2014. Furthermore the different states in the Indian Polity were asked to prepare a road map for facilitating the social inclusion of the transgender persons. The Kerala state policy adopted in 2015 seeks to create a just and equal society for transgenders which grants freedom of expression, right to dignity of life and access to educational and employment opportunities so that they can feel safe and wanted. The first school for transgenders has opened in Kerala in 2017. Named Sahej International School it aims to provide quality education to adult transgenders who were forced to drop out of school and also provide vocational training to them.

In 2008, the state of Tamil Nadu set up a Transgender welfare Board under the aegis of the Social Welfare Board which aided in providing free Sex Reassignment Surgery and housing for the transgenders. This board was especially constituted to cater to the needs of the transgender community. The Tamil Nadu Uniformed Services Recruitment Board now acknowledges a third gender category empowering transgenders to join the police force. It is due to these efforts that the traditional *Hijra Jamma*² (a *Jamma* is a hierarchy in the transgender community where several *hijras* known as chelas are bonded to a godmother or a guru who provides them with shelter and takes care of their basic needs in exchange for a part of their earning) has weakened in South India.

Southern States of India have presented themselves as role models for positive integration and empowerment of the transgenders through social inclusion. India now has a pastor, a taxi driver, TV anchor, a newsreader, international models, a college principal, a *sarpanch*³ (head of the village), bringing visibility to a community which was stigmatized, discriminated and marginalized.

Non Fiction Books

Apart from research studies, there are many non fiction books in the form of autobiographies and biographies which provide an insight into the socially embedded and lived realities of the transgenders. Some of the most noteworthy additions to this genre include:

Truth about me: A hijra life story (2013)

Translated from Tamil by Geetha, V and published by penguin publications in 2013, is auto biography of Revathi, a male to female transgender. The book describes the day to day harrowing experiences that the gender diverse face. Revathi was born as a boy but always identified as a girl. She narrates the discrimination and the abuse she suffered at the hands of her family and the community she belonged to. She had to run away from her native village because she did not subscribe to the gender binary propagated by the society. Revathi recounts the abuse, violence and ridicule that she was constantly subjected to, which forced her to run away from her village. She first came to Delhi, and later moved to Mumbai to join the community of Hijras. Her tumultuous journey of discovering her own sexuality as a woman took its toll on her psychologically. The authoritarian hierarchy of the traditional Hijra commune also stifled her individuality. Years later, she found her calling as a spokesperson for the transgender community, working in a Bangalore based organization called Sangini. Revathi hopes that her autobiography will turn out to be an important milestone in creating awareness among the masses and will lead to a better understanding of the life as experienced by a transgender in our country.

LGBT Transnational Identity and the Media (2012)

Written originally in 2012 by Christopher Pullen, this 317 page book is about the representation of gender diverse population across different genres of Media. It includes a critical analysis of the portrayal of gender variant persons namely, Lesbians, Gays, Bisexuals and Transgenders in documentaries, popular soap operas, coverage to Pride

² the hierarchy of *hijras*; a commune.

³ village head

Parades and movies with LGBTQ protagonists. The book examines the role of media or lack of it in sensitizing the mainstream society towards the gender non binary. It cuts across the description of trans identities which are culturally sanctioned and thus interpreted by the Media and hence the use of term transnational identity. The books describes in detail about Malaysian Gay Movement, Argentina's same sex marriages, Iranian transgender, Hijras of the Indian subcontinent, populist shows like, East Enders, My Beautiful Launderette to name a few.

Me Hijra, Me Laxmi (2015) ^[37]

The autobiography of Laxmi Narayan Tripathi, crowned at the highest seat of Eunuchs in India as the Mahamandalesher, Kinner Akhada was born as boy who thought, felt and behaved as a woman. This 237page book offers glimpses into the painful and abusive experiences of a transwoman in the India society. Born into the upper caste Brahmin family, Ms Tripathi was abused at the tender age of seven years because of her femininity. She took all such incidents in her stride and emerged stronger, rising like the Phoenix. From working in a dance bar in Mumbai, being ridiculed and stigmatized to representing the transgender especially the hijra community as an activist at the United Nations, Ms Tripathi has come a long way. Her autobiography which was published by Oxford University Press and Translated by R.R. Joshi and P. Rao is a heart wrenching story of determination and sheer grit of a trans woman who despite all odds lived life on her own terms and made a mark for herself in a society which derides the gender diverse and marginalizes them.

Shikhandi and other tales they did not tell you (2012)

Written by the well known mythologist Dr. Navin Pattanaik, this book seeks to establish the long standing acceptance of gender diverse individuals in ancient Indian mythology. The book is written with an honest intention of helping the readers reconnect with the progressiveness and social and cultural acknowledgement of gender diversity.

The tale of Shikhandi, who became a man to satisfy his wife or Arjun, the warrior Pandav prince who became Brihanalla, a transgender during the time when Pandavas were punished into exile. The book is full of countless examples in the form of tales and anecdotes where Gender variance is celebrated and not discriminated. This view is in agreement with the Ancient, Medieval and beginning of Modern era in History whence the persons belonging to the transgender community were treated as respectable members of the society and were occupationally involved in all walks of life. It was only after the advent of Britishers in India, the gender diverse were reduced to petty thieves and accorded the status of criminal tribes

Project Bolo (2011): An Audio Project

Project Bolo, initiated in the year 2011, was the first of its kind to involve twenty well known LGBTQ personalities from the Indian society to open up to the mainstream. The modus operandi used was an in depth video interview which sought to create an alternate gender discourse. Spanning across four cities, this endeavor had the likes of Price Manvendra Singh Gohil, Dalip Daswani, Ritu Dalmia, Betu Singh, Hoshang Merchant to name a few. Produced by Solaris Pictures Incorporated, this project drew a lot of ire from all walks of society and got publicity for all the

undesired reasons. It was the first ever and a brave effort, if one may say, on the part of LGBTQ members to "come out" publicly and forthrightly acknowledge their gender variance.

Transgender (Protection Of Rights) Bill 2016

Each government derives its legitimacy enroute the provision of social justice and equality to all its citizens. In a democracy it serves to protect the interest of the weak and the vulnerable sections of the society thereby ensuring freedom and equality to all. In the year 2013, The Honorable Supreme Court of India gave a landmark Judgment declaring transgender persons to be the third gender. It affirmed that under article 21(the fundamental Right to Life and Dignity of Life); Article 15(No discrimination of any kind), Article 16(Equality of opportunity for employment), Article 19(Right to Freedom of Speech and self-expression which includes dress, words and action) are applicable to the persons of transgender community.

This judgment instructed the different States to provide for pro-trans legislation and ensure that trans It is the responsibility of the Central and State governments to impart welfare measures for the transgender individuals such as vocational training, monetary assistance for self employment and reservation in educational institutions in order to make them feel included and empowered.

Conclusion

The timeline covered under this review is rather short, spanning seven years only with the year2013 being the "tipping point" courtesy the landmark Judgment by the Honorable Supreme Court of India, which accorded the third gender status to the Transgenders. The transgenders live a life which is full of social apathy, and discrimination. They are disowned by their own families, friends, society at large and even abandoned culturally. Encouragement of Robust Research into the issues and predicaments faced by transgenders, creating spaces for inclusion, generating more pro-trans legislation; promoting and endorsing transgender narratives are some of the ways which can help in accentuating demarginalization and destigmatization of transgenders.

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