TRACING THE ORIGIN OF "THIRD SEX" AND ITS CLASSIFICATION ACROSS DIFFERENT CULTURES

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Abstract
The existence of transgenders is centuries old and its evidence in Indian context can be found in various Vedic and Puranic texts. The idea of "trityaprakriti" or three natures has been referenced multiple times in ancient Indian texts, Hindu mythology, and folklores. While Manusmriti talks about the biological origins of the three sexes, traces of third sex and sexuality can be found in Brahmanical, Buddhist, and Jain texts.Presently, different terms such as hijra, aravani, jogta, native American berdache, kathoey, mahu,etc.are frequently used in different parts of the world for referring to men dressed like women and other similar people.Now the question arises, dothese different terms refer to the same kind of persons or is there any difference? Whether these different cultural identities can be put under one broad term?

The quest for answering these questions may begin by putting them under one term i.e., "transgender". This article will focus on understanding the basic concept of transgender and a brief difference between sex and gender.It will trace the origin of third sex in Indian context and understand how the term "transgender" came into prominence. Further, it will deal with the different transgender cultural identities prevalent in India and few other countries followed by conclusion.

Keywords: Transgenders,Third Sex, Brahmanical, Buddhist, Sex, Gender.

Introduction

Historically, people have been put into separate boxes by their family, religion, and by the society. These boxes represent the gender of the people depending upon their sexual attributes. The biological features assigned at birth has been dictating a person's position and role in the

society. This role assignment has been so stringent that any expression beyond the defined gender binary was not easily accepted by the society at large. But this situation has seen significant variation after the historic *NALSA v. UOI*[i] judgement where the hon'ble Supreme Court gave legal recognition to third gender. This judgement gave visibility to the neglected and ostracized transgender community of India. It does not however imply that transgenders were non-existent before 2014 judgement, it merely signifies that now they can also access the basic rights guaranteed by the Constitution of India. It is a sad statement because it should have always been available to them by virtue of being citizens of India.

As per the 2011 census, Indian has a total of 4.87 lakhs transgenders population. They have faced and continue to face discrimination and violence. Transgenders are harassed because of their dressing and demeanor. They are ridiculed and abused by the society in public places such as restaurants, railway stations, hospitals, schools, etc. A major section of society is still hesitant in considering them as part of the mainstream society which is a serious impediment towards transgender upliftment. Several reports suggest low literacy level in transgender and also highlight their deplorable living conditions. The 2017 National Human Rights Commission report shows that 79% of transgenders are either living in a rented accommodation are sharing it with others, and 52.61% have a monthly income below 10,000 rupees.[ii] The 2011 census shows that the total literacy rate among transgender persons was 56.1% which is mainly due to absence of an inclusive education environment in teaching places. Lack of such inclusive environment is a major reason for high drop-out rates amongst transgender students.

Now, the situation enumerated above is not the result of one day discrimination but because of how transgenders have been perceived and positioned in history. It is clear that people tend to reject what they don't understand. In this light it becomes important to first understand the basic difference between sex and gender and then venture on the expanding horizon of gender by understanding the basic concept of transgenders and its origin. Their position in different phases of history will also give an insight into the changing attitude of the society towards them. Further, to create proper awareness in the masses, the variety of cultural identities must be clearly understood so that they are properly understood and no longer stigmatized.

Decoding Terminologies

   a) Sex and Gender

Generally, it can be seen that the terms 'sex' and 'gender' are used interchangeably in social discussion. But these terms are very different in their meaning, while 'gender' comes from the Latin word *genus* which means race or kind, 'sex' is derived from Latin word *sexus* that is used to define the word gonads or potential gonads. Gender is defined by one's own proof of identity as male, female, or intersex. It may be based on personal experiences, public persons, legal status, social interactions, and psychological behavior. Sex on the other hand signifies a person's internal or chromosomal anatomic status which is assigned at birth by external genital appearance. If a child is born with an intersex condition, then one sex may be chosen for the purposes of simplifying social interactions and rearing. A person's sex is judged on its anatomic or physiological parameters.

Gender is a very complex term but needs proper insight for facilitating the understanding of the term "transgender".Gender identity is also correlated to the concept of gender role which talks about a person's outward personality appearance that reflects the gender identity. While gender identity is almost in all the cases self-identified based on inherent and extrinsic factors, gender role is displayed within the society by observable factors such as behavior and appearance. When a child is growing up, it's important to look at how they get this consistency or notice when they don't, which can lead to non-gender-specific behaviour. Most people's sense of who they are and what they do fit together.

Transgender

   (i) Concept

In India, almost everyone is aware of the term *'Hijra'*. Various other terms like 'aravani', 'jogta', and 'kothis' are prevalent in southern parts of India for addressing men dressed like women. Likewise, many different terms are used in different parts of the world to refer to similar kind of people such as kathoey, mahu, native American berdache, etc. Now, for a proper understanding of these different cultural identities, one can put them under a broader term i.e., "transgender".

Transgenders do not fit into the binary gender norm that has existed in every culture throughout time. However, the term was relatively new in mid-1990s and was often misunderstood by people. Transgender is an umbrella term that encompasses within itself gender variant people whose gender identity expressions or behaviors are not traditionally associated with their birth sex.

People whose gender identity is congruous with their birth sex are referred to as "cisgender." People who identify as transgender generally believe that they were born in the wrong body and some of them even decide to opt for sex reassignment surgery to take the physical form of their preferred sex. Such people are known as post-operative transsexuals. The transgenders who do not undergo gender confirmation surgery are known as "non-op" transsexuals. They may use characteristics hormones to induce facial hair or breast tissue and therefore promote their secondary sex. The period of moving away from one's assigned sex towards the self-identified one is labelled as 'transitioning'. This transitioning takes place at two levels that is physical transition and social transition. Physical transitioning essentially denotes the surgical, hormonal, or any other changes made to one's body. Social transitioning may include legal change in one's name, asking friends to use the chosen pronoun, and other acts of disclosure. For addressing a transgender person, terminologies like Female-to-Male (FTM) transsexual or transgender man or trans man can be used for someone who was formerly known as a woman but now identifies as a man. Similarly, someone who earlier was known as a man but now identifies as a woman may be referred to as a Male-to-Female (MTF) transsexual or a transgender woman or a trans woman. It must be noted that MTF transsexuals are women just as FTM people are men.

b) **Origin**

The term 'transsexual' became prominent in the 1950s when Jorgensen underwent a sex reassignment surgery in Denmark. This incident caused a lot of controversy, and a lot was written about it after the surgery. Later, in 1955, a new theory called *psychosexually-neutral-at-birth* theory on gender identity formation was proposed by John Money, Hampson, and others. It argued that gender identity is not inborn to children but is acquired by the processes of learning and imprinting during socialization in early years.[iii] This was a significant development and was widely discussed by researchers and clinicians. By mid 1960s, the focus was on primacy of

socialization because of the advocacy by feminists that there existed significant biological differences between male and females. In early 1970s, backlash was faced by male to female transsexuals by the lesbian separatists who were fighting for the rights of women. The lesbian separatists believed that the transsexual women brought male privilege, behaviors, and 'male energy' into women-only spaces and therefore must be excluded from such spaces. This belief can also be seen in Jane Raymond's 1979 book "The Transsexual Empire", which argued that due to the lack of requisite chromosomes and unique social upbringing of females in male to female transsexuals, they could never be considered as women. This book caused many feminist-transsexual alliances to break and also eliminated places for feminist transsexuals.

In the 1990s, the question of 'who qualified as a woman' was discussed again at the Michigan Womyn's Music Festival which was an annual gathering of lesbian feminists. In 1991, a MTF transsexual was denied entry into the festival as it was only for 'womyn-born-womyn'. It narrowed the definition of woman and excluded transsexual women from the festival. It's surprising to note that the festival had a large attendance of FTM transsexual that shows that the organizers believed in 'once female, always female'.

There are other associated concepts like drag king or drag queen or faux queen that is used in the field of Anthropology. The term 'drag' is often used for clothes and makeup worn by artists when performing on stage on special occasions or events. This term can be differentiated from crossdressers and transgenders as drag can be perceived differently. Drag can be theatrical, grotesque, or even comedic and in case of female-identified drag, it can be considered as a caricature of females by the second wave feminists. One more important term is 'gender queer' which basically denotes non-binary gender experiences and refers to an agglomeration of gender identities, and sexual orientations.

Another relevant term in present context is 'cross dresser'. It is used for people who prefer fashion choices of opposite sex because of various reasons such as comfort, entertainment, sexual pleasure, etc. even though they apparently show gender identification with one sex. Therefore, it is not necessary that cross-dressers identify with the opposite gender or that they wish for medically induced bodily changes.

'Androgyne' are another set of people who do not precisely fit into the typical gender roles prevalent in the society. This term includes people who have either transcended gender, are genderless, or are oscillating between genders, thereby displaying a plethora of male, female, or other characteristics and who can be described by terms such as pangender, non-gendered, ambigender, agender, gender fluid, or intergender. Androgyny is something that is not incumbent upon birth sex and may be wither physical or psychological. In its milder forms, androgyny includes behaviours such as women wearing male trousers or males wearing earrings on both ears. These behaviours, however, cannot be labelled as transgender behaviour.

Sometimes, the term 'bigender' is used for individual who fluidly oscillates between male and female gender roles, and thus, personalities, depending on the context. They differ from an androgyne in the sense that while bigender people switch their behaviours from the primary role of male to females or vice-versa, androgynes exhibit the gender-typed behaviour uniformly in all situations.

It is clear from the above discussions that the term 'transgender' is an umbrella word that is used to refer to a diverse group of people whose gender identities are not in conformity with the sex assigned at birth, and it also encompasses a multitude of gender variant groups and persons. Further, the meaning of the term 'transgender' has shifted over time. In 1969, Virginia Prince used a version of the term in *Tranvestia*, a magazine for crossdressers. At that time, the term referred to those people who lived continuously in genders opposite to their sex without undergoing or having the intention of undergoing a gender confirmation surgery.

Transgenders In India: A Brief Historical Overview

Transgenders presence in India is centuries old and one can find traces of third sex[iv] and sexuality[v] in ancient Brahmanical, Buddhist, and Jain texts.[vi] This finds reflection in the text of *Kama Sutra* also that describes 'tritiya prakriti' or third nature. It may be interpreted to mean any gender that does not fit in the binary gender framework, and includes descriptions of male who have long hair, wear dresses, and provide sexual services to men.[vii] Several terms such as *Kliba, pandaka, trityprkriti* and *nampumsaka* has been used to refer to third gender in various Sanskrit and Pali texts.[viii] Jain literature contains more thorough and elaborate details on third sex, and

speculations on sex and gender.

There have been a variety of views on the defining characteristics of the three genders. Third century CE saw three different views on the defining characteristics of *purusa, stri,* and *nampumsaka.* The first view was Brahmanical which suggested that categorization of gender was dependent upon existence or non-existence of certain primary and secondary characteristics. The second view was Buddhist that was based on procreative ability for determining gender. Absence of procreative ability signified third gender. The last view was of Jains which was very progressive as they distinguished between 'biological sex" or *dravyalinga* (material [sexual] mark) characterized by primary and secondary sexual characteristics from "psychological gender" or *bhavalinga* (mental [sexual] mark), which denotes an individual's psychic makeup. Later, Jain thinkers also rejected reproductive capacity as the basis for determining gender by giving example of prepubescent and postmenopausal women. Rather, a different approach was preferred that took sexual behavior and the roles in sexual act (whether receptive or penetrative) as determining characteristics for gender.

Further, in the Jain texts, the determination of *nampumsaka* has varied through different periods. Like, from the fourth century to fifth century in the early canonical period, they were categorized through their behavior exclusively for men. In the late canonical period, they were categorized by their erotic desires for either male or females. In the period of exegetical literature, the categorization was based on their bisexuality or desire for both men and women. The different approaches adopted by the Brahmanical, Buddhist, and Jain system regarding third sex and sexuality showcase that debates on these concepts were prevalent in India in as early as third century.

Later, it can be seen that the term *eunuch* gained prominence in South Asia after the arrival of Muslim rulers in the eleventh and twelfth centuries. Scholarly literature suggests the existence of courtly traditions of eunuchs in the Islamic world, especially in the Mamluk Sultanate and Ottoman empires,[ix] Roman, Byzantine,[x] and Chinese empires.[xi] The historical studies have mostly talked about the position and functions of eunuchs at the royal and imperial courts. Eunuchs were assigned roles of political advisors, administrators, "chamberlains", generals, and guardians of the *harim*. Their status in royal courts were a source of fascination for many. They

were considered reliable due to their physical nature that guaranteed their moral worth and made them a loyal subject. They were gender neutral and non "testiculated" individuals who were considered as valuable slaves due to their incapacity to impregnate women and their ability to yield "manly" protection. Eunuchs also held special positions in the religious sphere. They were on a high position in the Islamic sacred societies at the tomb of Prophet Muhammed in Medina and the Ka'ba in Mecca. But this elevated status of eunuchs across different spheres appeared quite odd to the European travelers. They were repelled by the sight of "whole men" kissing the hands of the eunuchs, described as "repulsively ugly…startingly emaciated" and sexless creatures.[xii]

Moving on to the colonial period, it can be seen that the focus was less on the status of hijras as slaves or as third sex but emphasized more on treating them as one among the many Indian castes/tribes that were hierarchically organized on gender and religious lines. The focus was mainly on the classification and reproduction of this community rather than dealing with the ambiguity of their gender or status as slaves. In the colonial mind-set, caste was the primary social category and the hijras, as the proverbial "eunuchs" were not treated just as any other category. But, in fact, were put under other "criminal castes";[xiii] a new category as was developed by the colonials.[xiv] The Criminal Tribes Act of 1871 officially put them under the category of outlaws and provided for their mandatory registration, surveillance, and control.

British had three views on the "naturalness" of hijra and their subsequent status as prospective recruits into the community. The first view talks about hijras as "naturally" impotent men.[xv] The second view was the perception of hijras as "males born with congenital malformation."[xvi] And the last view relates to individuals who were referred to as "artificial eunuchs".

After independence, the Criminal Tribes Act of 1871 was repealed in 1952. But certain other States legislations that were subsequently passed contained similar provisions for registration of surveillance and eunuchs as were there in the repealed 1871 Act. For example, Section 36A of the Karnataka Police (Amendment) Act, 2012 which was later amended by the Karnataka Police (Amendment) Act, 2016. Anti-beggary laws such as Bombay Prevention of Begging Act, 1959 also displayed spirit of the draconian 1871 Act due its provisions that criminalized acts of receiving alms such as singing, dancing, etc. It is to be noted that majority of the transgender

community in India depends on traditional forms of seeking alms, i.e., by singing, dancing, etc. also known as *mangti* or *badhai.* The constitutionality of the 1959 Act was challenged in *Harsh Mander v. Union of India[xvii]* and *Karnika Sawhney v. Union of India[xviii]* where the Court decriminalized begging and struck down several provisions of the Act as "unconstitutional." Another law on similar lines was Telangana Eunuchs Act, 1919 that provided for registration and control of eunuchs. Its constitutionality was challenged in *Vyjayanti Vasanta Mogli & Ors. v. State of Telangana[xix]* where the Act was read down by the Hyderabad High Court via an interim order. The situation has substantially changed after the *NALSA* judgement and Transgender Persons (Protection of Rights) Act, 2019.

Classification of Transgenders: Cultural Perspective

Gayatri Reddy in her book *With Respect to Sex* has elaborately discussed about the hijra identity prevalent in South India. She has talked about the various terms used within the hijra community such as *koti* and *panti.* The work suggests that the terms panti and man were connected but not synonymous. The hijras referred themselves as kotis and their husbands as pantis. The difference in the two lied in the role played by an individual in a sexual encounter. The one who acted and dressed like a man was referred to as panti. In some cases, kotis also dressed like men, but only pantis were the penetrators in sexual encounters. Kotis were more "like women" because of their receptive role in sexual performance and due to their other non-sexual gendered actions. Other related terms have been discussed below:

a) **Hijra**

Various literatures have described hijras or kojjas of India as "eunuch transvestites".[xx] Some describe them as institutionalized "third gendered" individual, or "men minus men". They are easily noticeable in public due to their peculiar dressing style and the traditional loud hand-clap. Their physical appearance is of a man who are dressed like women in sarees, grow their hair, and act in a feminine manner. Their clothing choice and aggressive behavior attracts attention of the people. They are often associated with loud and shameless behavior such as threat to expose mutilated genitals in case money is refused to them. It is difficult to differentiate a "real hijra" from the fake ones. A real hijra is believed to be someone who is free from any sexual desire like

an ascetic or sannyasi. Many hijras opt for total emasculation by excising their penis and testes, also known as *nirvana* operation. It is believed that such practice confers them with the power to bestow fertility upon newlyweds. This power is also the basis of their traditional ritual role and livelihood of many hijras, who are known as *badhai* hijras (badhai is the payment received for showering of blessings, dancing, and singing). There are other hijras who engage in sex work for their livelihood and are known as *kandra* hijras.

b) Zenana Kotis

The term "zenana" was used for those individuals who were different from hijras yet "related" to them and were therefore part of the koti family. Zenana kotis do not undergo physical emasculation like the *badhai* hijras or *nirvana sultans* as referred above. Historically, their occupation was mostly limited to entertainment, and they argue that they were the ones who constituted the traditional "singers and dancers." Their dance training seems to be connected to the urban lower-class tradition of burlesque performance with a combination of Indian classical dance styles such as *kathak*. They generally performed at special functions and secular parties where the audience was male only.

International Transgender Cultural Identities

Some of the international transgender cultural identities have been discussed below:

a) Kathoey

The transgender males of Thailand are known as *Kathoey.*[xxi] This term is used for those individuals who are biologically male but whose behavior, appearance, and identity doesn't match socially accepted norms set for men. The English translation of the term overlaps terms like homosexual, drag queen, transsexual, gay, third sex, etc., which makes it difficult to translate. An appropriate translation may suggest the meaning of the term as "transgendered male", since a variety of gender identities and behaviors are included within it. Matzner suggests that Thai people use the word kathoey to refer to a wide range of people such as effeminate non-cross-dressing males, cross-dressing males who take female hormones and may or may not undergo surgery, males who have gone through sex reassignment surgery (SRS), etc.[xxii]

Moreover, the individuals falling into this group may not prefer the use of word kathoey for them, for example, a man who underwent SRS may preferred to be called as *phuying* (women).

b) Mahu

Mahu is the term used to refer to individuals in Hawaiian and Tahitian cultures who generally present themselves as females, even when they are biologically male. They embody the Polynesian principle of spiritual duality and integration.[xxiii]

c) Yan Daudu

Yan daudu refers to men who behave like women and can be found in Northern Nigeria. They take up women's style of speaking when men are not there and use it in public places in the absence of respectable women. Their "feminine" social identity is reflected through a variety of practices such as their occupation, involvement in food catering, and their use of *maganar mata* or 'women's talk'.[xxiv] Some literature describes *yan daudu* as being cross-dressers, living among Hausa-speakers, having sex with men, and often engaging in activities associated with women, yet more often they are married to women and have children.[xxv]

Conclusion

It can be concluded that while transgenders are treated differently, they have part of the same society since centuries. Their mention can be found in various cultures of different parts of the world. Transgender is an umbrella term that encompasses a spectrum of identities within itself. This implies that due to the variety of identities only immense research and study can yield correct understanding of third gender. Further, as seen above, different cultures have different terms for third gender and the meaning attached to those terms, though essentially the same, have some different characteristics. Transgenders face discrimination and harassment because of their gender identity and its expression with which people are still not comfortable. Therefore, in order to facilitate their inclusion into the mainstream society, people should be educated clearly about third gender and the different associated cultural identities.

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