"From Binary to a Spectrum"
(Analysis of the trajectory of the Gender discourse in times of transformation)

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ABSTRACT

The discourse on sex and gender is not unknown to the discipline of sociology; albeit one must concede that the narrative has undergone a major shift. The famous philosopher Aristotle stated that, "The female is a female by virtue of a certain lack of qualities; we should regard the female nature as afflicted by a natural defectiveness." This strand of narrative is further cemented by the biblical reference of a woman being fashioned out of a man and hence being incomplete and added to that is the attribution of Eve being the downfall of 'mankind'. In the Book of Genesis, the Lord said: *'I will greatly multiply thy sorrow and thy conception; in sorrow, thou shalt bring forth children; and thy desire shall be thy husband, and he shall rule over thee.'* Genesis 3:16. Thus, the humanity is male and man defines woman not in herself but as relative to him. Male behaviour is the norm, male perspective the legitimate lens of viewing and the woman is merely relegated to at best *'total mulier in utero';* woman is a womb, and at worst simply what a man decrees, the *sex* or a sexual being.

A contemporary discourse in the field of social sciences cannot afford to not engage in a discourse on Sex and Gender; to not do so would be nothing short of an anomaly. Feminist scholars have very astutely pointed out that prior to 1970s, the mainstream discourse of sociology has been distinctly androcentric and post the resurgence of feminism encased in the Second Wave of Feminism in the 1970s, the narrative has experienced a 'paradigm shift' (Thomas Kuhn, 1962).

This paper in keeping with the theme of the Seminar, is an attempt to trace the trajectory of the gender discourse and look at the shift in narration that has occurred due to the wider social structures and discourses undergoing a transformation.

Simone de Beauvoir very famously stated in her celebrated book, **The Second Sex** (1949), "One is not born, but rather, becomes a woman." This statement is pathbreaking because it denoted a shift in the narrative in terms of how gender was perceived. While it appears to be an anomaly in the contemporary discourse of sociology to not engage in a narrative of gender, ideas of gender and work on sex roles and gender relations were not a part of mainstream sociology much until the 1970's which not only propagated a tendency to render women invisible but also concealed the underlying gendered nature and characteristics of men's social locations, activities and identities.

Common sensical views on differences between men and women tend to assume that there are distinct, consistent and highly significant biological and anatomical differences between the two sexes. **Amy S. Wharton** (2005) described this view in the following way: 'The claim

that sex marks a distinction between two physically and genetically discrete categories of people is called **Sexual Diomorphism.** Many view sexual diomorphism in humans as a biological fact.' This view was substantiated further by locating the explanation of behavioural distinctions between men and women on the more obvious differences between males and females and relating these to the allocation of social roles.

George Peter Murdock was an anthropologist who argued that biological differences between men and women are the basis of the *sexual division of labour* in the society. While he did not suggest that men and women were directed by genetic predispositions to adopt their particular roles; he did emphasize on biological differences such as greater physical strength of men and the fact that women bear children. These, according to him, led to gender roles out of sheer practicality and given the biological differences between men and women, a sexual division of labour is the most efficient way of organising society. According to Murdock, "*Man with his superior physical strength can better undertake the more strenuous tasks, such as lumbering, mining, quarrying, land clearance and house building. Not handicapped, as is woman, by the physiological burdens of pregnancy and nursing, he can range farther afield to hunt, to fish, to herd and to trade. Woman is at no disadvantage, however, in lighter tasks which can be performed in or near the home, e.g. the gathering of vegetable products, the fetching of water, the preparation of food, and the manufacture of clothing and utensils.*" (Murdock, 1949, p. 7)

While **Murdock** was an anthropologist, this view was not limited to only anthropology but rather found a reflection in the discipline of sociology as well. Sociology as a discipline emerged in the 19th century owing to the turn of century events like the rise in industrial capitalism and the changes it brought about. However, the 'founding fathers' of the discipline had little or no theorization on the ideas of gender and sexuality. The fact that the social transformations which instigated the major ideations had huge impact on the behaviour in family life, in relations between men and women and in the conceptions of masculinity and femininity; led to no further enquiries, establishes the inherent blind eye sociology adopted towards the issues of gender. The normative ideas like that of the separation of the workplace from the domestic sphere and the confinement of women to the domestic realm were taken to be natural and thus were unquestioned. For thinkers like **Marx**, **Weber**, **Durkheim** et al; the gendered division of labour was a social given that required no further analysis. For instance; **Marx** argued that since capitalism required a constant supply of labour, it had to be 'reproduced' in two senses: First, the worker had to be kept fit enough to work each day and thus must be fed, clothed and sheltered and Second, the working class must 'reproduce' itself overtime through producing and rearing the next generation of workers. On a similar note, **Weber** contributed to the study of gender by conceptualizing 'patriarchy'. For **Weber**, the patriarchal authority was the oldest form of socially legitimated power. **Weber** considered women to be subordinate to men and did not question the basic division between men and women. For him, the mother/child unit; wherein the 'father' or the man was responsible for linking it to the wider society and thus 'civilizing the relationship'; was natural and thus, not sociologically significant. What one gathers from the above mentioned theorizations is that

because of the role women play in the reproductive processes that invariably ties them to the progeny and its sustenance and socialization (initial) and the fact that the onus that falls on women has a natural tinge to it; women were conceived to be inferior to men and the divisions were unquestioned.

The basis of the debate of disassociating gender from biological sex and its foundations were laid in the work by **Simone de Beauvoir**; *The Second Sex*, first published in *1949*. **de Beauvoir** stated that 'one is not born, but rather becomes, a woman.' and that the social character of womanhood was distinct from biological femaleness. According to **de Beauvoir**, bodily difference between men and women may be 'inescapable' but 'in themselves they have no significance,' since they depend for their meaning on the 'whole context' in which men and women live their lives (1949/1972: 66-7). Thus, she anticipated the distinction between biological sex and socio-cultural gender. The central aim of the feminist perspective was to debunk the assumption that the existing differences between men and women were natural. Gender as a concept was adopted to emphasize the social construction of ideas like femininity and masculinity; and the resultant social ordering of the relations between men and women. Gender as defined by **Jackson and Scott** denotes a hierarchical division between men and women embedded in both social institutions and social practices. Thus, while gender is a social structural phenomenon, it is also produced, negotiated and sustained at the level of everyday interaction. Gender is thus performative in nature. When it is stated that gender is social phenomenon, one needs to disassociate the idea of gender stemming from biological sex or determine whether to what extent is gender a social construct.

Robert Stoller (1968) made the common sense observation that the vast majority of the population can clearly be categorised as male or female according to their physical characteristics: 'external genitalia, internal genitalia, gonads (the organs which produce sex cells), hormonal states and secondary sex characteristics'. Because of these differences, women are capable of bearing and suckling children, whereas men are not in addition, differences in physique between men and women usually mean that men are stronger and more muscular. Biological differences are widely believed to be responsible for the differences in both the behaviour of men and women and the roles that they play in society. **Stoller** cautioned, though, against such an assumption. He said:

 "Gender is a term that has psychological and cultural connotations; if the proper terms for sex are 'male' and 'female', the corresponding terms for gender are 'masculine' and 'feminine'; these latter might be quite independent of (biological) sex." **Stoller, 1968, p. 9**

In other words, it does not necessarily follow that being a woman means being 'feminine, nor that being a man means behaving in a 'masculine' way: girls are not necessarily caring and compassionate: boys do not have to be aggressive and competitive.

If one looks at the distinction made by **Ann Oakley** *(1972)*, one sees that she defined gender as the anatomical and physiological characteristics which signify biological maleness or femaleness and gender as socially constructed masculinity and femininity. Masculinity and

femininity are not products of biology but rather of the social, cultural and psychological attributes acquired through the process of becoming a man or woman in a particular society at a particular time. This complex dichotomy between what is considered to be biology and what is in the purview of social has been the centre of many works overtime. The disassociation of biological sex with gender has enabled the conceptions of masculinity and femininity to be historically and culturally variable rather than be fixed by nature.

Under the ***ethno-methodological*** approach, the idea of natural binary divide between males and females was contested more systematically. The case study of 'Agnes' by **Garfinkel** in *1967* proposed the concept of gender attribution and performativity of gender as a part of his understanding of everyday social interaction. As a further development in context to this study, **Robert Stroller** *(1968)*, established that in the process of working with individuals who's biologically assigned sex was ambiguous or whose sense of their gender identities was conflicted, the resultant inference was that the distinction between sex and gender as a terminology was useful in codifying his studies.

And yet, in spite of the pioneering work in the establishment of distinction between sex and gender, biological sex was untheorized; its basic biological essentialism unquestioned. And from this critique emerged the line of questioning that answers the 'Transgender Question' of whether, an identity beyond the binary of man and woman is valid at all? There exist three strands of theorizing that delve into this: the Ethnomethodologists, the Marxist feminists/ materialist feminists and the Post- structuralists. The Ethnomethodologists, building upon the work of **Garfinkle,** problematized the naturalistic assumptions of gender stating that gender was a performance both performed by the actor and read by the society. **Kessler and McKenna** *(1978)* questioned the very credibility of the existence of a social reality comprising of two genders. They argued that recognition of genders is always a social act and stressed the primacy of 'gender attribution'. Thus, gender attribution is an interactive process involving both a performance of gender and a reading of that performance. According to Marxist/ Materialist Feminists, a Marxist frame of analysis states gender to be exclusionary and exploitative in nature; similar to class. In *Questions Feministes,* it was argued that the social mode of being of men and of women is in no way linked to their nature as males and females nor with the shape of their sex organs. The further argument stated that male domination did not base itself upon pre-existing sex differences but rather, gender exists only as a social division because of patriarchal domination. As **Delphy and Leonard** argue, the reason the two groups are distinguished socially is because one dominates the other. **Delphy** further argued that rather than gender being built upon the foundation of biological sex difference, 'sex has become a perceived fact, hence a perceived category, because of the gender' (1984: 144). For the Post-structuralists, the central question was how women as a category were produced in general and it sought to move beyond the naturalistic assumptions or reproductive underpinnings of gender identities. Seeking influence from the works of **Foucault**, and deconstructionist systems of analysis put forth by **Derrida** and furthered by **Lacan,** the central argument for post- structuralists became the 'question of binary divide of

gender'. In her influential work, *Gender Trouble (1990)*, **Judith Butler** argued that if gender is performative and does not naturally flow from anatomical sex, then there remain no

grounds to establish in the inevitability and certainty of only two genders. She establishes that not only is gender a social construct but so is sex; thus, keeping that in mind the logical follow-up then is that the body does not have a pre-given essential sex but rather it is 'performed'. In *Bodies that Matter (1993)*, **Butler** theorizes that the performative aspect of gender exists because it is 'citational': that is, it entails citing past practices, referring to existing conventions and reiterating known norms. Thus, sex is materialised through a complex mechanism of such citational practices, which are both normative and regulative.

Then, in that circumstance, the moral certainty of the wider society upon which the exploitative structures operating on the Transgender community exist are turned redundant. This debate could be further sustained by the discussion on how gender is 'done'. Doing gender involves a complex of socially guided perceptual, interactional and micropolitical activities that cast particular pursuits as expressions of masculine and feminine 'natures.' When one views gender as an accomplishment, an achieved property of situated conduct, one's attention shifts from matters internal to the individual and focuses on interactional and ultimately institutional arenas. Rather than as a property of individuals, one conceives of gender as an emergent feature of social situations: as both an outcome of and a rationale for various social arrangements and as a means of legitimating one of the most fundamental divisions of society. There should be three often overlooked but significant distinctions that should be taken into consideration which would further substantiate the performative aspect of gender; sex, sex category and gender. Sex is a determination made through the application of socially agreed upon biological criteria for classifying persons as females or males. The criteria for classification can be genitalia at birth or chromosomal typing before birth and they do not necessarily agree with one another. Placement in a sex category is achieved through application of sex criteria, but in everyday life, categorization is established and sustained by the socially required identificatory displays that proclaim one's membership in one or the other category. Sex and sex category can vary independently; that is, it is possible to claim membership in a sex category even when the sex criteria are lacking. Gender, in contrast, is the activity of managing situated conduct in light of normative conceptions of attitudes and activities appropriate for one's sex category. Gender activities emerge from and bolster claims to membership in a sex category. **Garfinkel's** *(1967, Studies in Ethnomethodology. Englewood Cliffs NJ: Prentice- Hall.)* case study of Agnes demonstrates how gender is created through interaction and at the same time structures interaction. Analysed anatomically, Agnes did not confirm to the socially agreed upon biological criteria to be classified as a 'female'. However, when one pursues the argument of the 'gender attribution process' **(Kessler, S. J. and McKenna, W.** *(1978) Gender: an Ethnomethodological Approach, New York: Wiley)*; one sees that the genitalia of an individual are hidden from the social view and basic anatomy has much less to do with the distinctions than the perfunctory, more visible attributes. The basic mode of operation is the distinction based on the 'moral certainty of a world of two sexes.' Thus, the assumption that

sex and sex category are congruent is flawed and it is established that anatomy is not the determinant factor. For sex category, Agnes sustained her identity as a female by 'passing' off as one. The categorization of members of society into indigenous categories is distinctly social as the identificatory displays; in this case Agnes' hair or her appearance; are taken at a face value. Thus, Agnes could anatomically be a man and still pass of as a woman owing to the strictly social nature of the ways in which the sex categories had markers. And yet, Agnes' transformation as a woman was not merely limited to her passing off as a member of the female sex. Here again, Agnes had to 'perform' her gender which meant that she had to mould her behavioural and social patterns to that which was considered feminine. One sees that an individual is accountable to their gender and to 'do' gender is not always to live up to the normative conception of masculinity and femininity but rather to indulge in a gender appropriate behaviour fearing negative assessment. What one gathers from the case study of Agnes is that though she was born with a penis, she was able to perform the gender of a woman which reiterates the argument that gender is not based on biological sex and even sex is a social construct.

To express the basic conflict between gender identity and sexual preferences or sexuality, one can conceive of two spectrums; one of maleness and femaleness and the other of masculine or feminine traits. Thus, it is quite plausible to have an identity leaning towards maleness or femaleness and yet have incongruent personality traits. And with the shift in the discourse in gender studies and the essential debunking of the **biological essentialism**, there are multiple identities along the spectrum that have the scope to be fluid.

In the times of transformation in a country like India, there is a rich plethora of work coming into the light propelled by the recent legal strides. The **NALSAR vs Union of India Judgement of 2014** ensured that the transgender community got legal and official recognition and India became one of the few nations worldwide to acknowledge the existence of an identity that debunked the binary, biologically essentialist portrayal of gender. The literature provided by **Saleem Kidwai** and **Ruth Vanita** establish that this categorization is not a modern conception. Transgenders have been allotted ritualistic position amongst Hindus, and Muslims have revered their presumed sexless existence. While the decriminalization of the draconian **Article 377** has eased the process of coming out of closet for non- heteronormativity conforming section of the populace, the recent **Transgender Person (Protection of Rights) Act, 2019** has sparked intense opposition from the community.

In spite of these ongoing dynamic events one can take a look at how the work on gender and sexuality threw the term 'Transgender' into the foray for people who did not identify with the anatomically attributed gender. Transsexuals were defined as people who sought medical assistance to transition from one sex to another. In following the legal terminology, Transgenders are also allotted the recognition of a 'third gender'.

There is no dearth of ritualistic importance that the subcontinent has allotted to the existence of Trans-people. **Serena Nanda** in her seminal work, '*Neither Man nor Woman; The Hijras of India (1999),* stated quite eloquently that 'the hijras are a religious community of men who dress and act like women and whose culture centres on the worship of Bahuchara Mata, one of the many versions of the Mother Goddess worshiped throughout India. In connection with the worship of this goddess, the hijras undergo an operation in which their genitals are removed. The hijra emasculation operation consists of surgical removal of the penis and testicles, but no construction of a vagina. This operation defines them as hijras—eunuchs— neither men nor women. It is through their identification with the Mother Goddess, and the female creative power that she embodies, that the hijras are given a special place in Indian culture and society. Hijras, as neither men nor women, function as an institutionalized third gender role: Their ambiguous sexual nature, through which they embody the power of generativity of the goddess, accounts for their traditional occupation, that of performing after the birth of a child, at weddings, and at temple festivals.' With this opening argument, **Nanda** solidifies the existence of a gender identity beyond the normative binary understanding using the unquestionable tool of religious sanction.

However, in the wake of historic decriminalization of the **Section 377 of Indian Penal Code** and the **2014 NALSAR vs UNION OF INDIA** judgement, it is evident that the Hijras, Kinnars or as the western academic lexicon knows them as; Transgenders, have moved beyond the shadows and edges of the social order. For scholars the current wave of consciousness that has rippled through the community and manifested itself in the form of extravagant Pride Marches and mobilization for attainment of legal, political and social rights warrants analysis. Both Marxian and Durkheimian framework can be employed for the same. Eminent classical sociologist **Émile Durkheim** theorized '<u>collective conscience</u>' as '*the totality of beliefs and sentiments common to the average members of a society forms a determinate system with a life of its own. It can be termed the collective or creative consciousness.*' *(Division of Labour in Society; 1893).* Thus, in the current context, the fact that there exists a community per se of individuals who do not identify with the binary of gender and there is a systematized way of life within the community which is common to all the members and perpetuates a sense of 'we feeling'.

In the Marxian framework, **Karl Marx** made the distinction between "class in itself", which is defined as a category of people having a common relation to the means of production; and a "class for itself", which is defined as a stratum organized in active pursuit of its own interests. **Georg Lukács** also theorized that 'each social class has a determined class consciousness which it can achieve. In effect, as opposed to the liberal conception of consciousness as the basis of individual freedom and of the social contract, Marxist class consciousness is not an origin, but an achievement (i.e. it must be "earned" or won). Hence, it is never assured: the proletariat's class consciousness is the result of a permanent struggle to understand the "concrete totality" of the historical process.' (*History and Class Consciousness; 1923).* Contextualizing the given framework in the context of Transgender Community, one sees that the moment the community developed a consciousness, the

mobilization against the ostracization by the mainstream society became prominent. This goes on to substantiate the Marxian theorizing that change through conflict only comes into being once the 'class' (in this case the transgender community) travels from being a 'class in itself' to a 'class for itself'.

Thus, one can note that the academics discourses might debunk the pre-existing notions regarding the binary of gender but, there exist multiple realities in the everyday social interaction that still need to be understood and navigated keeping in mind the fragile state of the relations of the community within it as well as with the normative society which covertly as well as occasionally overtly tries to fit the world into the binary boxes quite aggressively.

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