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Views of different religions on transgender and their marital status

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Abstract

What it means to be a transgender? It is very difficult to identify who is a transgender. It is not only a problem for them to be identified as either male or female but it is also difficult for the rest of the society to identify and recognize them either in male or female category. What is society according to transgender? Is it the society which consists of father, mother, sisters, brothers, neighbours and so on? Conflict arises at the level in what sense they should be identified as? When people cannot accept their gender as they feel, then how it is possible to live with them... Transgender people are those individuals whose gender identities do not pertain to their biological sex, and thus they differ from the stereotype of how women and men normally are. Though the term transgender does not include sexual orientation, it pertains to gender identity and expression. It is for this reason their identity and behaviour do not adhere to stereotypical gender norms.

Keywords: Religions, transgender, marital status, stereotypical gender norms

1. Introduction

In India transgender are identified by different terms such as hijras, kinnars, shivshaktis, jogappas, jogtas, Aradhis, Aravanis and so on. But it is also true that some of the transgender do not belong to any of these groups but are identified as transgender persons individually. They fall under LGBT (Lesbians, Gay, Bisexual and Transgender) category and are mainly identified as marginalised sections of the society.

The present study looks at the religion and marital aspects of transgender which is really interesting to know as even these people have religious life and marital life of their own as the rest of the society has its own religious and marital rites.

What is Religion?

A religion is a belief in and worship of a superhuman controlling power, especially a personal god or gods. Religion is also a social institution. We tend to think of religion in individual terms because religious beliefs and values are highly personal for many people. However, religion is also a social institution, as it involves

Religion plays a very important role in every individual's life. It protects guides and transmits our culture. Emile Durkheim's work on religion has structural-functional approach. According to Durkheim religion has three main functions

1. It provides social cohesion to help maintain social solidarity through shared beliefs and rituals
2. Social control to enforce morals and norms to maintain conformity and control
3. It offers meaning and purpose to answer any existential questions.

Religion is an expression of collective consciousness which leads to the fusion of individual consciousness, which later creates reality of its own. But this is not true in the case of transgender as most of the studies suggest that religious people are happier and also less stressed than non-religious people. Transgender though owe themselves to be a particular religion of their own society is not in for with reference to the acceptance of rituals and beliefs of their own and even transgender are not allowed to follow the religious practices of majority religion of the society.

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Hence, the present study looks into the discrimination faced by transgender on religious grounds as well which also includes economic, Social, cultural and political discrimination. Across the world, the relationship between transgender people and religion varies widely. Religions range from condemning any gender variance to honouring transgender as religious leaders. Here, it is relevant to understand the concept of gender variance. Gender variance or gender nonconformity is that kind of behaviour which does not match an individual's masculine or feminine gender norms.

People who exhibit the characteristics of gender variance are also called by different terms such as *gender variant*, *gender non-confirming*, *gender diverse*, *gender atypical* (Halderman Douglas, 2000) ^[4] or gender queer and also may be transgender. There are different religions which are related to the existence of transgender.

If look at the part of ancient history, Middle Kingdom of Egypt found near ancient Thebes, list three human genders namely, male, "sekhet" also called as "eunuch" and also female. In Uganda, an African country during pre-colonial times, religious roles of cross dressing men were found among Bunyoro and Teso people. In ancient Assyria, there were homosexual and transgender cult prostitutes, who took part in public processions, singing, dancing, wearing costumes, and sometimes wearing women's clothes and carrying female symbols, even at times performing the act of giving birth. (Erik Holland, 2004) ^[5]

Among Abrahamic religions, it is believed that God has created, "male and female". The Torah contains certain prohibitions on cross-dressing (Deuteronomy 22:5) and damaged genitals (Deuteronomy 23:1). The Torah, "instruction", "Teaching" or "Law" is the central reference of Judaism.

Judaism also speaks about transgender. The term *saris*, generally translated as "eunuch" or "chamberlain" in English. It frequently refers to a trusted but gender variant person who was delegated authority by a powerful person (The forty-five occurrences of *saris* in the old testament". Born Eunuchs Library). It is also unclear that whether most of the transgender were castrated. It is interesting to know that in Isaiah 56 God promises eunuchs who keep the Sabbath and hold fast to his covenant that he will build an especially good monument in heaven for these transgender, to make up for their childlessness. (Isaiah 56)

On the other hand, Orthodox Judaism asserts that sex/gender is an innate and external category based on verses in the Book of Genesis about Adam and Eve and the creation of maleness and femaleness (Genesis 1:27). In this religion, sex-change operations which involve the removal of genital organs are prohibited. There are several orthodox authorities who recognize the efficacy of sex reassignment surgery (SRS) in changing sex designation. In 2007 Joy Ladin became the first openly transgender professor at an Orthodox institution: Stern College for Women in Manhattan.

On the other hand, Conservative Judaism has multiple views on transgender people. For instance, in 2003, the Committee on Jewish Law and Standards approved and concluded that sex reassignment surgery (SRS) is permitted as a treatment of gender dysphoria, (it is the distress, a person experiences as a result of the sex and gender they were assigned at birth) and that a transgender person's sex status under Jewish law is changed by SRS.

Reform Judaism has expressed positive views on transgender people. The Central Conference of American Rabbis of Reform Judaism addressed the issue of transgender Jews in 1978, and gave permission for a person to get married that has undergone sex reassignment surgery (SRS) with reference to the Jewish tradition. In 1990, it was also declared that people who have undergone sex reassignment surgery (SRS) may convert to Judaism also. In 2003 Reuben Zellman became the first openly transgender person who was accepted by Hebrew Union College, Jewish Institute of Religion.

Gregory A Smith (2017) ^[6], in his article about transgender issues pertaining to religion opines that religious differences also extend to questions about the acceptance of society with reference to transgender. Most white evangelical Protestants (61%) say society "has gone too far" when it comes to accepting people who are transgender. And Pew Research Centre Polling of USA conducted in the summer of 2016 found that seven-in-ten white evangelical Protestants think that transgender people should be required to use the public restrooms that correspond with their birth gender.

Andre Van Mol in his article *Transgenderism: A State Sponsored Religion?* speaks about Gender dysphoria as a serious mental health issue. He further continues saying that transgenderism is a belief system that largely looks like a cultish religion. The American Psychiatric Association's DSM-5 (Diagnostic and Statistical Manual of Mental Disorders) notes gender dysphoria desistance rates of 70 – 97% in "natal males" and 50-88% in natal females". The American Psychological Association's *APA Handbook on Sexuality and Psychology* states that the vast majority of gender dysphoric boys and girls accept their birth/chromosomal sex by adolescence or adulthood. University of Toronto psychologist Dr. James Cantor cites three large scale and other smaller studies showing trans-identifying kids will outgrow it 60-90% of the time.

When transgender are not accepted by the society as a whole, they tend to think that at least religion may lend a hand to them, either through their own independent spirituality, or via the organized structure of a particular religion and fellow worshippers. It is really destructive when a transgender person discovers that an additional fissure has been started in their life, between them and their religion. This fissure may take any or all of the following forms:

- A personal rift between one and their faith
- A societal rift between one and their fellow worshippers
- A theological rift between one and their religion.

It is largely believed that a belief system or religion can greatly provide structure to the socio-mental qualities of life. But this is not really true among all transgender issues. One study of young transgender women in Chicago found that those who actively participated in an organized religion had a relative risk of contracting HIV of just 29% compared to the average transgender woman.

According to most of the researchers, transgender people are much less likely to take part in an organized religion than non-transgender people. In their article "*Understanding Spirituality and Religiosity in the Transgender Community: Implications for Aging*", authors Jeremy Kidd and Tarynn Witten give a reason:

“The tendency not to identify with a formal religion may reflect an affirmation of one’s own dignity that these religions fail to honor, an expression of protest against certain religious tenets, and/or a refusal to align oneself with institutions contributing to the marginalization of gender and sexual minorities. The difference in religious identification appears to reflect thoughts and feelings toward religious institutions more than it does spiritual behaviour or beliefs”.

Festivals as Part of a Religion

In the month of April/May called as Chitrai in Tamil, an annual festival of transgender takes place for fifteen days. This festival takes place in a village called as Koovagam in Villupuram district of Tamil Nadu. This festival takes place at the *Koothandavar* temple dedicated to Aravan. The participants marry the Lord Koothandavar, thereby re-enacting an ancient myth of Lord Vishnu/Krishna who married him after taking a form of a woman called Mohini.

The very next day they mourn the god’s death through some ritualistic dances and by breaking their bangles. During this occasion, annual beauty pageant and several other competitions like singing competitions are also held. People from different places attend this festival. Basic rights of transgender and the issues related to their health are also discussed.

The Yellamma devi fair is held about five times between October and February every year at the Yellamma temple located at Saudathi in Belgaum district. Most of the transgender with vermilion on their foreheads and wearing ornaments participate in the annual Yellamma Devi procession to seek her blessings.

Historical Background of the Religion

Most of the transgender also practice a form of syncretism, which draws on several religions, looking at themselves to be neither men nor women. They also practice rituals for both men and women. Transgender belong to a special caste. They are usually devotees of the mother goddess Bahuchara Mata, Lord Shiva or both. Bahuchara Mata is a Hindu goddess with two unrelated stories both associated with the behaviour of transgender. One story goes like this... She appeared in the avatar of a princess who castrated her husband because he would run in the woods and acts like a woman rather than have sex with her.

Another story is that a man tried to rape her, so she cursed him with impotence. When the man begged her forgiveness to have the curse removed, she relented only after he agreed to run in the woods and act like a woman. In Gujarat, the primary temple of goddess Bahuchara Mata is located.

Venkat Vidya (2008), says that one of the forms of Lord Shiva is a merging with Parvati where together they are Ardhanari, a god that is half Shiva and half Parvati. Ardhanari has special significance as a patron of hijras, who identify with the gender ambiguity.

Joseph T Bockrath, in “Bhartia Hijro ka Dharma”, states, in some versions of the Ramayana, when Lord Rama leaves Ayodhya for his 14 year exile, a crowd of his subjects follow him into the forest because of their devotion to him. Though Rama asks them to move back to Ayodhya, they would not move from the place where they were when Rama came back from exile. Rama was astonished to notice their devotion to God. As Rama was impressed by the devotion of hijras, he grants hijras the boon to confer

blessings on people during auspicious inaugural occasions like childbirth and weddings. This boon is the origin of badhai in which hijras sing, dance, and give blessings.

Similarly, Narrain Siddharth, in his “In a Twilight World”, shares the importance of Iravan as they are now called as “Aravanis” in South India. In the Mahabharatha, before the Kurukshetra War, Iravan offers his lifeblood to goddess Kali to ensure the victory of the Pandavas, and Kali agrees to grant him power. On the night, before the battle, Iravan expresses a desire to get married before he dies. No woman was willing to marry a man doomed to die in a few hours, so Arjuna as Brihinala marries him. With this we can notice the significance of Transgender on religious lines.

There are also some of the evidences that Indian Hijras identifying as Muslim also incorporate aspects of Hinduism. Still, despite this syncretism, Reddy (2005) notes that a hijra does not practice Islam differently from other Muslims and argues that their syncretism does not make them any less Muslim.

It is also interesting to know that the Lesbian, Gay, Bisexual and Transgender community (LGBT) in India commemorate the July 2009 Delhi High Court judgement that decriminalised homosexuality and appeal to the Chief Justice of India to revoke Section 377, Bengaluru uses art to take steps towards inclusion. For the first time, Bengaluru organized an International Transgender Arts Festival from July 29 to 31, 2016. This festival included music concerts, performing various classical dance forms, poetry recitals, and drama and art exhibitions thereby highlighting their religious and cultural aspects.

Death rituals as part of a religion

It is very interesting to know that many eunuchs from different parts of the country come to take blessings as dying eunuchs are considered godly and are imbued with divine powers. Those who cannot visit the dying eunuch for some reasons think of the dying eunuch and seek her blessings, others pray for the soul. Then the dying eunuch peacefully travels to the other world.

After hearing the death of a eunuch, her friends gather. The group members inform the crematorium authorities, who are requested not to disclose the death of the eunuch. As most of the eunuchs are poor, they all contribute for the funeral requirements. The last rites are performed in a simple manner. Her body is ceremonially bathed and wrapped in clean, mostly white cloth. Jewellery is removed before cremation.

Similar to the gendered Hindus in India, Hindu eunuchs are cremated in the open grounds and also upon wooden pyres. The deceased mouth will be poured by water from any holy river and also Ganga. The body is set alight by the male blood relative of the deceased or the senior most member of the group. Once the skull of the dead body bursts, the people who are gathered there face the pyre and join hands in prayer. But in contrary to this, on the death of a Muslim eunuch, burial rituals include bathing the dead body, covered with white cotton cloth, funeral prayer or Fatiha and positioning the deceased so that the head faces towards Kaaba. If the eunuch Guru dies, the rituals are performed by senior eunuch among their group.

Relationship between Religion and Marriage

According to Dollahite and Marks, “there is a connection between religious context and outcomes of marriage. They

concluded that married couples followed religious rules because they believed that these rules could have positive effects on their marriages”.

Marriage is a religious institution which includes number of rites, beliefs and rituals that are part of each and every religion. Each religion has its own way of conducting a marriage and it mainly follows the rules and regulations of that particular religion. As marriage procedures are different among Hindus, Muslims, Christians and so on even transgender aspire to get married as marriage can be considered as universal process and its quite the natural intrinsic feeling of all human beings which can also be considered among transgender.

Marriage among transgender is not considered as normal marriage as the rest of the marriages among normal people are accepted by the society. As they are not considered as normal people, even their practices are not considered as normal. Even there is no legal protection for the marriages that takes place between transgender. The plight of the transgender with regard to marriage can be discussed as further.

Marital Life of Transgender

Deepika Bharadwaj in her article, *rejected at Jobs but not at Love: In a First, Transgender Couple All Set to Marry* in 2017, narrates the story of Aarav Appukuttan and Sukanyeah, who met by chance at a hospital about three years ago. Neither of them knew they both wanted to get a sex reassignment surgery at that time. Sukanyeah, narrates her experience while applying for a job. Though she cleared all the tests, she was rejected the job just because she was a transgender. She was told that the clients won't be comfortable in dealing with a person like her. She felt comfortable in sharing these issues with Aarav, that relationship which was developed through marital relationship.

Yeshwant Naik in his article, *Marriage a Norm and its Impact on the Life of Transgender Persons in India* focuses on the aspect of basic rights of transgender to lead respectable life in the society. In a country like India, where the concept of sex is not openly discussed, transgender people are very much confused about their identity in the society. This article tries to understand the plight of married transgender men and their families in an unbiased way thereby focussing on emotions, feelings and their right to live their lives with equality and respect.

In a victory for transgender, Akkai Padmashali, transwoman and activist, officially registered her marriage with Vasudev V. They received a certificate from registry official. They got married on January 20, 2017. Akkai, a Rajyotsava award winner, is cofounder of Ondede and Swatantra organizations, which work for the rights of sexual minorities and also towards ending discrimination. Akkai is the first transgender in Karnataka to register for the marriage. On her opinion of live-in relationship as she was in it for 8 years, Akkai said it was good, but it was not working out for her, because of her community's resistance.

A transgender breaking the norms and living life on her own terms, not succumbing to society's pressure is very much true in the case of Madhuri Sarode and Jay Rajnath Sharma's marriage. Madhuri's Beauty is guarded by Jay with Honor and Pride. Jay's courage in accepting Madhuri in all her glory makes her shines even brighter. This

couple's requited love is an example we all need in today's time.

Ceylan Yeginsu in the article *“Transgender woman is first to breastfeed baby”* written for Times of India (February 17, 2018), shares the fact that transgender woman could breastfeed the baby. According to the journal *“Transgender Health”*, the 30-year-old woman, who was born male, was producing droplets of milk. Within 3 months, 2 weeks, before the baby's due date she had increased her production to 8 ounces (236 ml) of milk a day.

The above study's authors, Dr. Tamar Reisman and Zil Goldstein of New York, say the case illustrates that, in some circumstances, modest but functional lactation can be induced in transgender women who did not give birth or undergo surgery. She was put on a regimen of drugs that included an anti-nausea medication licensed in Britain and Canada but banned in United States.

Though Supreme Court has passed a landmark judgement recognizing the rights of transgender in the country, it has given transgender a separate identity while voting, applying for passports, driving license or admission to educational institutions but it didn't define the right to marriage of transgender. Many transgender women have fought for the right to marriage and it has to be recognized legally.

“Look at the men who crave for us. If we are desirable for lust, why not love? Aren't we human too? Asks Priya, a friend of Kalki Subramanian, a transgender. She always wanted to have a life with husband, children and a big band of in-laws. As she was rejected by her family as she was a transwoman, she now lives alone struggling for a dignified place in the society.

For most transgender women, marital life is just a dream which can never become a reality. In 2009, Thirunangai Transgender Matrimonial website, the world's first website for trans women was launched by Kalki Subramaniam. It was just started with 6 profiles but later it crossed over more than 2,000 marriage proposals. It is very interesting to know that hundreds of Indian men were ready to marry trans women. But the most tragic thing is that all the Indian men who sent their proposals for marriage had no issues with marrying a trans woman, but they were interested only in secret marriage for which trans women never agreed.

Many transgender women aspire for a married life as it brings respect, peace, love and security for the rest of their life and more over meaning to their life. But transgender do not have legal protection for such marriages. Section 377 of IPC could be a threat for these people. The transgender bill of 2016 proposed by the government does not address and acknowledge their right to marriage and adoption. These are the great setbacks for these communities.

Conclusion

Transgender people do not have legal protection for their marriage. There are two serious concerns with reference to their legal protection. First, the transgender rights bill should acknowledge their right to family, marriage and adoption. Secondly, they are worried about section 377 of the Indian penal code which criminalises their relationships. Though many of them have transitioned fully as women, and also have legally changed their status too, they are still victimized and criminalised due to this law.

Kalki Subramaniam exclaims, “it has been 2,500 days since our final meeting as members of the Thirunangai Transgender Matrimonial website. We fell in love countless

times, bit the dust with disappointments, but still haven't lost our hopes. We believe someday, we too will have a 'prince charming moment'. Someday, a man will come into our lives, take us to his home, introduce us to his mother, and say "Ma, I love her".

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