

# Searching for the Real ‘Identity’ of Intersex People – A Comprehensive Study of Jeffrey Eugenides’ *Middlesex* in the Light of Social, Psychological and Legal Aspects

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**Abstract**—There is a recognition every individual gets in the society. Individuals do not exist in any specific isolation from their other social roles and positions – other than who they think they are. Thus, an individual is not merely a male or female but s/he has a certain class, position, caste position (if the society is having any caste-based system), religious identity, sexual identity and many more. Yet, one thing has to be confirmed that this world is gendered in everything it does and maintains. The people who cannot fit into this frame of ‘gender’ remain ‘Outsiders’ and are believed to be ‘freaks’, ‘queers’ and ‘abnormal’. This paper discusses how the gender politics and power system works in the society with the Intersex/transgender with the special reference to Jeffrey Eugenides’ novel *Middlesex*. The major focus of this paper is on the Cal’s psychological trauma that is caused by the restricted and conventional environment at home and unnecessary medical interventions (e.g. ‘corrective’ surgery) depicted in the novel befits the core part of the experience of many intersex people. Many of them undergo multiple, initially unnecessary surgeries that often produce greater complications and psychological damage. Likewise, the novel is seen into the light of the legal issues and Rights related to the Intersex people.

**Keywords:** gender, identity, intersex, queer, trauma.

## 1. INTRODUCTION

We define ‘abnormal’ as everything which differs from the ‘normal’. All of us might assume that this difference is easily visible and it tends to remain the same over time. Defining the difference between the ‘normal’ and ‘abnormal’ is a crucial point; on which the definitions are based, all the time, to regulate the behavior of people in the society.

Differentiating between these two seems easy but it is a complicating process as the minute and hazy, light but highly contested borderline is always there between these two are drawn.

The society has increasingly locked up, hidden or closeted, and in that way also excluded, the ‘abnormal’ people while nevertheless keeping an eye on them, watching,

examining and questioning them carefully during regular intervals.

Culture, civilization, Society and religion are inseparable and yet, separate aspects from each other. The irony lies in the fact that society and religion are the by-products of the culture but most of us believe culture to be a by-product of society and religion which can never be accepted as a Truth. History plays major role in this process. Society is the base of all sorts of combinations available for classes, races, castes and many more things. Gender Politics is part of it and it is believed to be the most derogatory idea as people get biased and behave incorrectly with the ‘Other’ Gender. The Gender Politics and Social Class Politics gave rise to the Power system, too. Because of this ‘gender politics’, all sorts of subjugated and believed-to-be ‘abnormal’ people have to suffer a lot. Intersex people are one of many types of those sufferers.

“Intersex” is a general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn’t seem to fit the typical definitions of female or male. For example, a person might be born appearing to be female on the outside, but having mostly male-typical anatomy on the inside. Or a person may be born with genitals that seem to be in-between the usual male and female types – for example, a girl may be born with a noticeable large clitoris, or lacking a vaginal opening, or a boy may be born with a notably small penis, or with a scrotum that is divided so that it has formed more like labia. Or a person may be born with mosaic genetics, so that some of her cells have XX chromosomes and some of them have XY.<sup>[1]</sup>

Intersex Rights Movement has a series of goals to achieve and some of them are ‘Right to Recognition’, ‘the Right of self-definition’, ‘the Right to nonintervention’, ‘the Right to agency’, and ‘the Intersex struggle should be linked to other social struggles for equality and justice’, etc. Here, I wish to discuss one such text written by Jeffrey Eugenides –

Middlesex – Pulitzer Prize winning novel. It is an excellent and manageable way to introduce some of the intersex issues.

The fiction tells the memorable, evocative and finally affirmative story of Cal/Calliope Stephanides, who “was born twice: first as a baby girl, on a remarkably smogless Detroit day in January of 1960; and then again, as a teenage boy, in an emergency room near Petoskey, Michigan, in August of 1974”<sup>[2]</sup>. Cal, who has ambiguous genitalia – theoretically, he is born with 5-ARD (5-alpha reductase deficiency), a form of androgen insensitivity – is raised as a girl, falls in love with a female classmate whom he humorously nicknamed “the Obscure Object – of desire” and is medically treated by the infamous Dr. Luce, who insists that, no matter what Cal feels, that because he was raised as a girl, he will want to be a girl. The book ends, after we follow him through a number of self-revelations, with Cal asserting his identity as a man and starting a new relationship with a woman. The work is beautifully written, the narration is sometimes fanciful and yet funny, oddly enjoyable, particularly given the importance of its subject. The major focus is on the details of pain and confusion which Intersex people experience at the hands of the medical professionals and other people’s behavior towards them when they get to know the reality.

The unnecessary medical interventions illustrated in the fiction are a fundamental part of the experience of many intersex people. Many of them have to submit to multiple, primarily unnecessary surgeries, surgeries that often produce greater psychological, physical and emotional complications afterwards. Additionally, most of the preliminary surgeries are performed on them during their infancy or early childhood, when there is no realistic ability for the intersex person to agree to the procedure. This is apparently done to avoid the intersex subject from experiencing the social stigma of having a visibly different body, but rather it often produces the lifelong fixed trauma that can be caused by undergoing painful and offensive and hostile disagreeable surgery. Many of these surgeries are not even completely successful, producing the need for the further surgeries. Many have unpremeditated and spontaneous side-effects, such as pain during sex, less-than-fully-functional sex organs, loss of eroto sexual sensuality and frequent infections, too, in some cases. If we go in the deeper level of the situation, we can understand that the treatment of intersex/transgender has traditionally been encouraged by homophobia and transphobia – that is, fear of superficial same-sex relations and fear of people changing or concealing or confusing gender categories.

Moreover, the discrimination and humiliation Cal feels at various places because of revealing situations and hypocrite society are to be understood in detail. The references of monstrosity and abnormality are provided in immense variety in the text, too, as much as one of the chapters is named ‘Minotaurs’. Even the subject experts or doctors interpret things in an odd way with their biased eyes and minds. The things are complicated because of such behavior from various

groups of people everywhere. There are some others who humiliate and misinterpret the problems. Many of them want to take disadvantage of the wrong circumstances or situations and by doing so, majority of times; they exploit someone’s bodily weaknesses to gain money. They mistreat people who are not so-called ‘normal’ according to the social norms set by some orthodox ideology. Cal remarks, “But I was beginning to understand something about normality. Normality wasn’t normal. It couldn’t be. If normality were normal, everybody could leave it alone. They could sit back and let normality manifest itself”<sup>[3]</sup>.

The Greek theme based narrative style is so perfectly set in this text that the narrator is not the hero with any vice or weakness of his own but s/he has to face ‘unusual’ kind of life because of the fate. And finally the narrator achieves the success in accepting the truth regarding the gender issue as well as the family secret is open so he gets to know the reason behind his being a person with 5-Alpha Reductase Deficiency syndrome. There are plenty of intertextual references used in the novel which shows writer’s preparation before writing this work and also, some other trans-sexual syndromes are discussed (with the live examples of people suffering from the problems) like Carmen – “a pre-op, male-to-female transsexual”<sup>[4]</sup> and Zora – “a lady, having Androgen Insensitivity Syndrome”<sup>[5]</sup>, also. The narrator learns about many types of hermaphroditism like hyperadrenocorticism, feminizing testes, cryptorchidism and also Klinefelter’s Syndrome from Zora’s manuscript.

The people – who have disgusting choices to watch the ‘hermaphrodite shows’ to entertain themselves although pretending that they do not have anything to do with such people and these kinds of shows should be closed – are the main target of the writer’s pen when he portrays them enjoying, the naked bodies with specific differences, from the other side of the glass. Simply specific Positive changes in social approaches toward queer-identified people can direct or lead to positive changes in social attitudes toward Intersex people.

The novelist’s emphasis remains the genetical and psycho-physical problem and its psychological solution rather than the various aspects of the society thinking about transsexuals and so even if sometimes, the narration becomes bit ironic, it provides with emotion of understanding and maturity. Body becomes an endless torture and mind becomes a never-ending tumult for the narrator. The constant possibility of ‘Otherness’ becomes severe for him. He is repetitively loud-mouthed and aggressive about the ‘question of identity’ one may have in this kind of situation.

Language seems to be inadequate to describe Cal’s feelings and yet he uses language to communicate his experiences throughout the novel. He describes his anxiety about the language in this way, “I’ve never had the right words to describe my life, and now that I’ve entered my story, I need them more than ever”<sup>[6]</sup>. His narrative, in this way,

becomes not just any simple search for his identity but also he wants to rediscover it as a whole. His problematic relationship to language is influenced by his intersexual body and derives from society's deceptive notion of what Foucault refers to as every person's "true sex" in his introduction to *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth Century French Hermaphrodite*<sup>[7]</sup>.

The novel comes in front of the readers as a bunch of fragmented and incoherent experiences of the feminine as well as masculine versions of the narrator's life out of which he pursues a complete and coherent identity. This is the reason why Cal states, "I don't care if I write a great book anymore, but just one which, whatever its flaws, will leave a record of my impossible life"<sup>[8]</sup>.

Indian Penal Code Section 377, commonly known as "Anti-sodomy Law" is both very similar to sodomy bills around the world in that it reestablishes and organizes the common law offence of sodomy, and at the same time, it is very different from a lot of the sodomy laws, also, as it is not very clear in its declaration of the crime and its punishment. The offence was introduced into British India with a presumption of a shared Biblical morality. Majority of times, Intersex become the victims of the offence and tried to be punished under the Section. The first such case connected with such sexual activity came in front of the public was rather a puzzle – the case of *Queen-Empress v. Khairati* in 1884<sup>[9]</sup> where a eunuch was kept under continuous control and command by the police. The person was arrested as he was dressed as a woman found singing roaming here and there. The only indiscriminating evidence was the distortion of the orifice of the anus into the shape of a trumpet which is a mark of characteristic and customary sodomite. Furthermore, ironically, if we look at the history, between 1860 and 1992, only 30 cases were officially registered in India's provincial High courts and Supreme courts and in majority of them, more males were targeted than females. Thus, while convictions were historically relatively rare, there were no prosecutions whatsoever for homosexual intercourse in the two decades prior to 2009.

On 30<sup>th</sup> June, 2008, the Indian labour minister Oscar Fernandes supported entreaties for decriminalization of consensual gay sex, while the Prime Minister Manmohan Singh called for greater tolerance towards homosexuals.<sup>[10]</sup> This appeal followed immediately after gay pride parades in Delhi, Bangalore, Kolkata and Puducherry – metropolitan cities emerging as hubs of Indian gay culture. On 4<sup>th</sup> July, 2008, the Delhi High Court declared that there was nothing unusual in holding a gay rally elsewhere in the world.<sup>[11]</sup> On 23<sup>rd</sup> July, 2008, Bombay High Court Judge Bilal Nazki advocated that India's 'unnatural sex' law should be reviewed. From the 1990s onwards, gay and lesbian Hindu organizations surfaced in India's major cities. It has only been the last two decades that LGBT support groups such as Sangama became

visible and not until April 16, 2009, that India's first gay magazine *Bombay Dost* was re-launched in Mumbai.

If we study or think through the historical evidences of homosexuality in ancient India we can understand that Vatsayana's *Kamasutra* which is written between the first and the fourth century AD – refers to the practice of eunuchs and male servants providing oral sex to their male patrons and masters respectively.<sup>[12]</sup>

Additionally, the importance of religious references in supporting developments is clear. The reference to the homosexual child being 'natural' flows from one of sixteen ceremonies to mark each major stage in the Hinduism life-cycle. The 'insemination' ceremony (*Garbhdan Samskar*) refers to homosexuality. The ancient prophets (*Rishis*) taught that there are two elements, fire – *agni* for the Sun, and water – *soma* for the Moon, which determine the sex of a child. If insemination takes place in the night of an even number from six to sixteen, a male child will be conceived, while on an odd number of fifth, seventh, ninth, and fifteenth night a female child will be produced. Besides, the scripture prohibits insemination on the eleventh or the thirteenth night of the cessation of the menstruation cycle where the fire element equals the water element, because of the menstruation cycle where the fire element equals the water element, because a homosexual child is probable. Another notion, derived from the *Manu Smriti*, which also mentions the biological source of a third gender : "A male child is produced by a greater quantity of male seed, a female child by the prevalence of the female; if both are equal, third-sex child (*napumsaka*) or boy and girl twins are produced" (*MS 3.49*). Despite the negative facet of homosexuality implied, its 'naturalness' is emphasized by LGBT Hindu groups in advancing their cause. The *Rigveda*, one of the four canonical texts of Hinduism, puts emphasis on it also. It claims that '*Vikruti Evam Prakriti*' (*Perversity/diversity*) is to be discerned in the essence of nature, so that what seems unnatural is also natural, thus proving the cycling consistency of homosexual/transsexual components of human life.

If we study the Constitution of India, the Fundamental Constitutional Rights according to which every human being is equal, free and protected define even transgender/Intersex people as Indian citizens and so they become eligible for the Rights to confirm equality, liberty and social justice for themselves. Article 14 declares that 'The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.' Article 15 is based on no discrimination shall be done on the bases of any religion, race, caste, sex, and place of birth or any of them. Article 16 encourages the Article 15 claims by adding 'no discrimination in providing employment based on any of the above said grounds'. The biggest claim is the Right 21 which ensures 'No person shall be deprived of his life or personal liberty except according to procedure established by law.' If this can be

taken into consideration seriously, it is not only the duty of the judiciary to recognize the legal status of the Transgender/Intersex but the legislature as well to make laws for them with effective implementation by the executive. Moreover, in the case of *Menaka Gandhi v. Union of India*<sup>[13]</sup>, Justice Bhagwati stressed on the new concept of equality which was “Equality is a dynamic concept with many aspects and dimensions and it cannot be imprisoned within traditional and doctrinaire limits.” This whole concept of equality can become much stronger when the justice should not only be done but it must also be seen to be done for the Transgender/Intersex people.

In the case of *National Legal Services Authority (NALSA) v. Union of India (UOI) & Ors.*<sup>[14]</sup>, it was argued by senior Advocate Mr. Anand Grover by reading Articles 14, and 15 (based on equality and non-discrimination), Article 19 (fundamental freedoms), and Article 21 (Right to Life) together and construed that it’s the duty of State to recognize the self-identified gender of all persons and take legal and administrative steps to accord such recognition in all identity documents. Furthermore, the constitution itself under Article 15 had recognized gender under the term ‘sex’ which implies that constitutional guarantee of equality applies to all due to which the State cannot discriminate on the ground of ‘gender identity’. In the NALSA case, the Justice Bench said “recognition of Transgenders as a third gender is not a social or medical issue but a human rights issue.”<sup>[15]</sup>

The judgment of this case confirmed the rights of transgender people, their right to their self-identified gender, and directed the government to grant legal recognition of the same, and to take specific steps to ensure equality and non-discrimination for transgender people.

In recent times, the Indian Cabinet sanctioned a draft of the Transgender Persons (Protection of Rights) Bill, 2016<sup>[16]</sup>. This was introduced in the Lok Sabha (the Lower House of the Indian Parliament) on 2<sup>nd</sup> August, 2016. The Bill is part of a series of developments on transgender rights in India, which follow the inspirational and ground-breaking Supreme Court judgment of NALSA v. UOI in 2014 (5 SCC 438).

According to the International Human Rights Law, discrimination of the grounds of sexual orientation and/or gender identity is prohibited. International Human Rights Law include the rights to equality and non-discrimination, recognition before the law, life, privacy, humane treatment in

detention, protection from medical abuses, and freedom of expression and opinion – as all of them apply to sexual orientation and gender identity, too. The NALSA judgment or decision was also based on these principles. The Transgender Persons (Protection of Rights) Bill 2016 guarantees some of the Rights for such people – The Right to Gender Recognition, The Right to get Protection from Discrimination, Welfare, Education, Social Security and Health related Rights. Besides, The Bill sets up a ‘National Council for Transgender Persons’. The Bill is not up to the mark, as many of the issues are not quite clearly and appropriately written and explained so seem ambiguous when interpreted, but good in the positive sense that at least Indian Government has taken a step further in the direction of SMA or Civil Partnership Act – Maitrykarar.

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