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Trust and conflict in intercultural processes

Experience, practice, reflections

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Flavia Stara, Meem H. Zaffar¹

Afterword

Trust as a horizon of expectations.
The rights of the person and the case of Hijras in India

Living in contemporaneity and understanding its phenomenology, implies a continuous dialogue with the complexity of ethical questions that culture poses to various areas of the universe of behaviors and social issues. The role of trust in our time is increasingly combined with social and political occurrences and then with the spaces of the regulatory processes and the exploitation of the subjectivity that has become the problem and the project. Hence the need of the individual to regain possession of his/her historical experience and his/her own narrative identity by establishing a responsible commitment with the present and future expectations. Responsibility and freedom invest the subject in his/her central role of moral actor and involve him/her within a dual perspective, individual and collective at once.

The categories of existence and not the ones of the essence are to rule the present image of the subject and his/her condition to project and emancipate. The postmodern subject appreciates

¹ These reflections are the result of joint observations and mutual discussions between the authors while they were in New Delhi in connection with the research international mobility. The authors have the conviction that respect for the person is the cornerstone of mutual trust and ethics. Mistrust whether it springs from racial or gender, or class or caste considerations can never be justified. To see the humans being treated as a commodity in whatever context and with whatever pretext, is a shocking experience. Indian hijras are just a specimen of a condition that is a fact of life for many persons all over the world.

the uniqueness and the problematic nature of the person, in a continuing openness to the future, which includes concerns and proposals that challenge him/her, and in respect to which he/she acts as legitimation, as regulator, as a possible completion.

Within such circuit of instances between being in relationship and being in evolution as a person, raises the cultural need for a new awareness of the gender dimensions that determine and require new relationships of trust and recognition. The genre encompasses a variety of needs, conflicts and differences. The most obvious of this vital interchange between interiority and exteriority, between the physical and the psychological/spiritual is obviously one's own body, already described by phenomenology as an ambiguous structure that is not reducible to pure objectivity or without interiority, nor to pure subjectivity without incarnation, but as an inseparable connection. This constitutive restlessness puts the person in a open and plural condition that ensures together with a profound gender identity – the conviction “of being a woman” or “being a man” – the recognition of a nature impregnated with other biological, anthropological and social predicates.

In order to understand the concept of gender identity, it is important to distinguish between the notions of sex and gender. While sex primarily refers to the biological difference between women and men, gender also includes the social aspect of the difference between genders in addition to the biological element. Gender identity is one of the most fundamental aspects of life. The sex of a person is usually assigned at birth and becomes a social and legal fact from there on. However, a relatively small number of people experience problems with being a member of the sex recorded at birth. This can also be so for intersex persons whose bodies incorporate both or certain aspects of both male and female physiology, and at times their genital anatomy. For others, problems arise because their innate perception of themselves is not in conformity with the sex assigned to them at birth. These persons are referred to as transgender or transsexual persons.

In India the human rights situation of transgender persons has long been ignored and neglected, although the problems

they face are serious and often specific to this group alone. Transgender people experience a high degree of discrimination, intolerance and outright violence. Their basic human rights are violated, including the right to life, the right to physical integrity and the right to health.

Laxminarayan Tripathi, a transgender from India, has recently published her courageous autobiography: “Me Hijra, Me Laxmi” (Tripathi 2015). The word *hijra* in India is a social and not a biological construct. One cannot be born a *hijra*, though one can be born a hermaphrodite. *Hijras* are born as male children biologically. Psychologically however they feel they are female. Sexually they are attracted not to the opposite sex but to their own sex. This conflict between their biological and psychological and sexual identities is borne out by their body language: their gestures, mannerisms, movements and expressions all belong to girls rather than boys. Their social behavior which includes dress, hairstyle, makeup, jewellery etc; is also that of women. Thus, there is a feeling of entrapment of being jailed in the wrong body.

Laxminarayan Tripathi (Laxmi) was born as a male but was effeminate and her sexual orientation was at odds with her male identity. In this book she tells about her childhood, her poor health and how she was exploited and violated at the age of seven, and how this exploitation continued for many more years.

As *hijras*, we live ordinary lives like everyone else. Like the underdog, we are respected by nobody... we are thus destitute. Estranged from family and ostracized by society, people couldn't care less about how we earn a livelihood, or where our next meal comes from. If *hijra* commits a crime the mob rushes to beat her up while the police are only too glad to press charges against us. This is not to justify crime, but to reiterate that all crimes have a social dimension and in the case of *hijras* this cannot be overlooked. Yet it is never taken into account (pp. 155-156).

Dancing was a ruling passion for Laxmi and in the depressing environment of sickness and exploitation the dancing proved to be a silver lining. Thus she got proper training in the art of dancing and taking a cue from her dance teacher, she started her own dance classes, which proved to be a success and she was

able to make a niche for herself in the socio-economic space. After going through an identity crises for a long time, Laxmi met a *hijra* in whom she discovered her alter-ego. She realized that she had been a victim of the wrongful assumptions of the world and she was convinced that she is a woman and the world must see her as such, while she was living as a man. Ultimately she takes the plunge and decides to become a *hijra* and in this way her dilemma of identity is resolved:

When I became a Hijra, a great burden was lifted off my head. I felt relaxed. I was now neither a man nor a woman. I was a hijra. I had my own identity. No longer did I feel like an alien (p. 43).

All her friends and acquaintances were shocked by her decision and most of them stopped talking to her, reflecting a deep rooted social perspective of denigrating certain identities:

Let alone my friends, even fellow hijras were surprised by my transformation. To their way of thinking only the wretched of the earth became hijras. A college educated boy who was an accomplished dancer and had the support of his parents had no need to (p. 45).

The constitution of India puts an obligation on the state to provide all the citizens their right to a happy childhood, health-care and equal opportunities in all the fields, including education. But despite that, it is a harsh reality that huge sections of marginalized classes of society are deprived of these opportunities and *hijras* or trans-genders are one of the worst marginalized groups. Till recently there were no provision for their head-count in the process of census that is conducted throughout the country after every 10 years. In India when a male's biological, psychological and sexual identities are at odds with each other, he becomes a freak in the eyes of society. Society ostracizes him. Overcome by feelings of isolation, such a person desperately seeks out others like him and bands with them. Together with them, he may decide to get rid of his male sexual organs, either through sex reassignment surgery or by having another *hijra* sever his private parts from the rest of his body without anesthesia. Together they may acquire breasts, either through hormone therapy or simply by supporting falsies.

The question that nags this person all through the text (her biography) is that of the transgender identity. It drives her even to commit suicide, but she survives, and decides to live and to live a meaningful life. Laxmi tried to drown her sorrow by absorbing herself in the welfare work for the hijra community. She also joined an NGO called DWS which worked for the welfare of the hijras and subsequently became its chairperson. It is an irony that while there is possibly no space for the transgenders in the conventional linguistic structures yet Laxmi a transgender has been renegotiating a neutral public space with possibilities for discussion, dialogue, education, deliberation and collaboration:

I wanted to be a member of the talking classes. The word ‘dialogue’ was my watchword. Whoever it was that I was dealing with, be it a DWS hijra or a company chairman or a project funder I wanted to have a dialogue with him (p. 64).

Laxmi’s story is a tale of a long inspiring struggle against the dark forces of prejudice, exploitation and oppression that are inbuilt in the inherited socio-political structures. There is an urgency to re-examine and deconstruct these structures which stifle and kill the human spirit. The book is not only a biography of a transgender but it also reflects the social reality of contemporary India. It gives us an insight about the transgender community in India and it also exhibits how the social space for trust is constricted and curved in relation to certain marginalized groups and identities. It is really an unfortunate state of affairs that the members of these groups, who are human beings, are treated as sub-human or maybe worse than that.

Can a *hijra* in India ever aspire to be a doctor, engineer, teacher, journalist or business manager? The answer is a resounding NO (p. 110).

The challenge of protecting the human rights of everyone is to apply a consistent human rights approach and not to exclude any group of people. It is clear that many transgender persons in India do not fully enjoy their fundamental rights both at the level of legal guarantees and that of everyday life. Therefore, there is a need to take a closer look at their situation. In a large scale international effort to promote international standards on

sexual orientation and gender identity, a group of distinguished experts in international human rights law published in 2007 the *Yogyakarta Principles on the Application of Human Rights Law in Relation to Sexual Orientation and Gender Identity*. While not adopted as an international standard, the principles are already cited by UN bodies, national courts, and many governments have made them a guiding tool for defining their policies in the matter. The Commissioner for Human Rights has endorsed the *Yogyakarta Principles* and considers them as an important tool for identifying the obligations of states to respect, protect and fulfill the human rights of all persons, regardless of their gender identity.

In this situation, the recurring and pressing question is how to express the best of oneself, how to live as a person with rights, dignity and talent in contexts that by suggesting distorted narratives confuse and blur the social trust. We shall have to admit that it is the categories of existence (and not that of the essence) that govern the image and the condition of the contemporary subject: they are open and mobile categories emerging from a principle of self-evidence that becomes itself quest, construction, claim for rights. This self-awareness should be confirmed in the consciousness of the community, otherwise the person will be constricted by new alienation, loneliness and discrimination. The new gender issues are not then limited only to the legal-political and economic spheres, as in many respects they already determine their specific configurations. Understanding the current state of gender relations, in democratic societies, and search how they ought to be improved upon is critical to identify new ways to increase the sustainable measures of trust in representative and participatory democracies.

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