

# Our Colonization Never Ended:



## LOCATING THE RACIST AND COLONIAL ROOTS OF TRANSPHOBIA IN PAKISTAN

Mehrub Moiz Awan

Pakistan's ideological Islamic values are always at risk if one had to go by the Jamaat-e-Islami Pakistan's (JIP) rhetoric, and the Islamist party is the self-proclaimed lone warrior battling these risks. According to the JIP, the now 4 years old Transgender Persons Protection of Rights Act of 2018 is "about to" open the floodgates for "homosexuality" and "gay marriage" in the country in the subjective future. Gay men, according to JIP, can now conveniently walk into any NADRA office in Pakistan and get issued a female national ID card. The man, now woman in documents, can now marry a man of his choice and live his life happily ever after as a man married to a man in Pakistan, simply because he has a female ID card. Notwithstanding the Rules<sup>1</sup> of the Act that abjectly state that upon identifying as a "transgender" man, woman, or khwajasira person, the citizen will get his original gender marker changed to X from M or F. As an X card holder, no matter what your perceived gender identity is, you are rendered wholly ineligible to get married in Pakistan under all marital laws. Regardless, cashing in on the ignorance of the junta on gender issues and activated by a vicious online disinformation campaign against the Act run by self-styled Islamic YouTube-evangelists, JIP has embarked on a nationwide transphobic campaign, termed a "war" by Senator Mushtaq Ahmad of JIP since August 2022, leading to a direct attack on at least 14 transgender persons in the Senator's home province Khyber Pakhtunkhwa.

For context, Khyber Pakhtunkhwa is a hotbed of transphobic violence and already boasts a transgender murder rate of almost 800 murders per 100,000 transgender persons; 15 times higher than the highest murder rate in the world i.e., El Salvador at 52 murders per 100,000 persons.

In 2018, Pakistan became the first Muslim nation in the world to recognize transgender persons and grant them civil liberties and protections under a post-secular indigenous framework (Moiz & Gaewalla, 2021). Since then, we have gone on to become the only nation in the world to be represented by a transgender woman at a United Nations forum and have conferred national recognition to transgender activists Aisha Mughal and Dr. Sara Gill on the 23rd of March 2022. Ms. Bubli Malik recently became the first transgender woman to speak on the floor of the National Assembly. The Punjab government has a schooling program for transgender persons, the Sindh government has announced a 0.5% job quota for us, and the Khyber Pakhtunkhwa government has a fund for monetary assistance for transgender persons. Slowly, we are inching towards acceptance and tolerance, both legally and socially. But very few of us know the history of how we got here, and who taught us hatred in the first place.

Understanding and acknowledging that all our problems started with the arrival of the British, and

<sup>1</sup>The Transgender Act of 2018 is complimented by a supplemental Transgender Persons' Act Rules 2020, that details the institutional mechanisms through which civil protections granted to trans persons in the Act will be provided. These Rules specify that all gender changes under the Act will lead to a gender marker X on a citizen's Computerized National ID Card.

the new colonial gender regime that they imposed on us (Hinchy, 2019), is crucial to making Pakistan a more inclusive country. Furthermore, it is imperative in locating current violent version of political Islam in Pakistan in our own colonial history. When the white man from Europe landed on the glorious shores of South Asia with his shallow agenda of loot and plunder, he was mesmerized by our diversity, riches, culture, and splendor. He was used to the mundane dark life of the British island, where men and women tiptoed across rigid gender roles and unequal societies. We, contrastingly, had a culture that was rich with many genders and a variety of gender roles. Warrior queens and princesses, an appreciation of arts by all, male poets, and dancers, Sufi dervishes, and us – the khwajasiras. The first Portuguese travelers to Goa noted the unique presence of khwajasiras – loading and offloading ships, running businesses, dressed in beautiful feminine clothes, and wholly integrated in the South Asian society. All Muslim societies, especially those in South Asia, have had a rich history of gender-variant people. Khwajasiras were protectors of the female quarters (Khan, 2016), were allowed to pray alongside men in mosques, were guardians of all Sufi shrines in South Asia, and led the funeral prayers of Baba Bulley Shah in Kasur (Pamment, 2019). However, after colonizing us the British deployed a coordinated strategy across many decades with a clearly communicated agenda – to eliminate khwajasiras, and all transgender people, from South Asia. This is the genocide, that the world doesn't talk about, because it doesn't know about it.

The British exacted this genocide in many ways. They introduced two sets of laws called the Criminal Tribes Act that stated that khwajasiras will be punished for two years in prison for wearing what they normally wear, i.e. feminine clothes. It also prompted the local police to maintain a register of all khwajasiras, and to continue surveilling them. Khwajasiras were forbidden to travel without first informing the police. And the senior British police bureaucracy constantly sent letters to local police to investigate whether the khwajasiras were committing “sodomy”. The British used the term “eunuch” for us, ignoring all the local words that already existed for us. Through this, the British over decades not only put khwajasiras under constant surveillance and criminalized their very existence, but they also created hateful police that were constantly suspicious of us. Even worse, the British associated khwajasiras with sodomy, and that negative perception exists to this very day.

When the British conducted the first census on our lands, they only counted men and women – refusing to count us – and thus my ancestors stopped being citizens of the modern Indian state that the British had created and could thus not participate in any

activity of the new state structure. Criminalization, police torture, and surveillance on one end, refusal to provide any state services on another: the sinister project that the British started in 1860 continues even today. In summary, our public learnt hatred and violence from the British, their colonizers, and is still stuck in the same hateful loop.

We must all understand that colonization wasn't just about capturing economic resources; it was simultaneously a racist project. Armed with the power of racist biology and unethical science, white scientists published multiple books about how the white race is genetically superior to other races and hence more evolved on the tree of evolution. One vital pseudo fact that they used was sex-difference. The racist logic went somewhat like this. Lower species have very minimal differences between the sexes, and as species evolve sex differences become more prominent. As human beings are the most evolved species, therefore sex differences are the highest among us. During colonization, white people came across civilizations where gender roles were markedly different from their regimented European roles, just like ours. Our colonizers stated that because men and women in our societies do things that are not considered masculine or feminine according to European standards, it means that in our races sex differences are not as high as white people, and hence we are an inferior race to the whites.

The Nawab of Lucknow was declared a “eunuch” by the Britishers, and his territories captured after a fierce war simply because he was a patron of Eastern classical music, kathak dance, and fine Urdu poetry (Pamment, 2010). Many women and khwajasiras lined battlefields to fight the all-male British army. Tawayifs helped rebels and fighters by hiding them in their quarters. All of this gave our colonizers immense anxiety, and to ensure their rule upon us they felt they must establish a gender regime where women are locked away in houses making tea (just like their British counterparts) and the brown man is the slave to the white ruler.

Parrotting the British Protestant stories of the Prophet Lot, and using English words like sodomite, homosexual, degenerates, cross-dressers, and perverts, an entire generation of scholars was prepared that not just hated us, the khwajasiras, but wanted us eliminated altogether. Yet here we stand today; alive, successful, and proud of our existence. Because according to us, it was Divine will that saved us then, and it is His power that will make us thrive further. We aren't pretending to be men or women; we are being who we are, what we feel, what we know, and where we want to be. We aren't a gender; we are a people.

Gender binaries are preserved by societies that want to lock people in a strict reproductive order where a calculated number of poor people must be produced every generation to provide services and labor to the minority elite. A good social being must conform to ideals of masculinity or femininity, and marry within their class, caste, creed, sect, and social status. Failure to participate in this heterosexual, patriarchal, and classist social reproduction will lead one to be punished in the worst manner possible i.e., through gender-based violence such as honor-killing, murder, legal prosecution, and a life of social exclusion. As heteropatriarchy dies a painful death at the hands of modern systems of socioeconomic decay, in its last breaths to survive it will take down many lives with it. Unfortunately, this means that many of my sisters and brothers must perish in this Holy land of Pakistan before our rights and dignity are acknowledged as fully human.

***The author is a khwajasira<sup>2</sup> activist and global policy practitioner with a strong interest in institutional and governance reform in post-colonial states, and issues of gender and sexuality. She has previously consulted for the World Bank, Washington DC, International Center for Research on Women, and the International Committee of the Red Cross. She has a Doctor of Medicine and obtained her Masters in Global Health Policy as a Fulbright scholar from The George Washington University, USA. She can be contacted at [mehrubmoizawan@gmail.com](mailto:mehrubmoizawan@gmail.com)***

## REFERENCES

- Hinchy, J., 2019. Governing Gender and Sexuality in Colonial India: The Hijra, C.1850-1900. Cambridge, New York: Cambridge University Press.
- Khan, S., 2016. What is in a name? Khwaja Sara, Hijra, and Eunuchs in Pakistan?. *Indian Journal of Gender Studies*, 23(2), pp. 2018-242.
- Moiz, M. & Gaewalla, F., 2021. Asserting indigenous citizenship through post-secularity: a queer analysis of Pakistan's transgender legislative reform. *SZABIST Law Journal*, Volume 2.0, pp. 59-70.
- Naqvi, N., 1997. Two Baluchi Buggas, a Sindhi Zenana, and the Status of Hijras in Contemporary Pakistan. In: W. Roscoe, ed. *Islamic Homosexualities: Culture, History, and Literature*. New York: New York University Press, pp. 262-266.
- Pamment, C., 2010. Hijraism: Jostling for a third space in Pakistani politics. *The Drama Review*, 54(2), pp. 29-50.
- Pamment, C., 2019. Performing piety in Pakistan's transgender rights movement. *Transgender Studies Quarterly*, 6(3), pp. 297-314.
- Reddy, G., 2007. *With Respect to Sex: Negotiating Hijra Identity in South India*. Chicago: University of Chicago Press.

<sup>2</sup>Khwajasira is an indigenous South Asian gender-spirituality and gender-identity recognized by the Government of Pakistan as a gender separate from man and woman.

