Decolonising Queer Bangladesh: Neoliberalism Against LGBTQ+ Emancipation

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On Thursday, 18 May 2017, Bangladesh saw the arrests of men on the alleged basis of their homosexuality for the first time in its history, at least as far as is known publicly (Mahmud 2017). Although the legal instrument that criminalises homosexuality, Section 377 of the penal code, was not ultimately used in the charge sheet, the arrests marked the first time since its introduction in 1860 that it was potentially implemented by the judiciary. After decades of increasing social stigma and violence, which the state was happy to ignore (and thereby tacitly endorse), these arrests were a worrying milestone in the sanctioning of targeted persecution. Colonialism may have ended as a system of governance in the previous century and what is now Bangladesh may have become a postcolonial state since the dissolution of the British Raj in 1947, but the need for active decolonisation remains the biggest goal for the queer[1] community. Over the course of this chapter, I highlight the clear need for decolonisation in a specifically Bangladeshi, and more broadly South Asian, context as the best way forward for legitimately and safely advancing queer rights in the country. I do so by reclaiming the histories of queerness and its suppression through colonialism, followed by a critique of Western neoliberal models of LGBTQ+ liberation as simply being a form of neo-colonialism. Instead, I focus on the successes of the *Hijra* community in gaining recognition through reclaiming histories and the acceptance of queer activism as a part of Bengali culture as signs of the best direction to move towards. I also argue that the success of transnational movements which still respect local understandings of queerness, specifically the case of the Commonwealth Equality Network in the midst of increasing state and non-state persecution of the community, are a concrete example of why decolonisation is the way forward.

Identifying and Containing Queerness

Section 377 was introduced at a time when Bangladesh had not even been conceived as a political entity. At the time, it was part of the wider Bengal province of the British Raj, the name used for what is now India, Pakistan, and Bangladesh, as well as Sri Lanka (later known as British Ceylon) and parts of Myanmar (British Burma) under control of the British Crown. The Raj had come into being after the capitalist expansion of the British East India Company, a mercantile trading association with its own military, resulted in an armed conflict known as the Sepoy Rebellion of 1857. Following the dissolution of the company and the formal annexation of South Asia into the British Empire, it was necessary to unify a socially, culturally, religiously, and politically diverse region into one coherent jurisdiction.

Thomas Babington Macaulay, a long-term proponent of imperialism as a 'civilising mission' (Hall 2009), led the Law Commission that enacted the Indian Penal Code in 1860. Macaulay was a firm believer in the virtues of Victorian Christian morality. Part of this was a strict, Anglo-centric understanding of gender and sexuality (Baudh 2013). In the case of the latter, there was little community resistance to the outlawing of same-sex attraction as an explicit 'carnal desire' under Section 377 of the new penal code:

377. Unnatural offences: Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

Part of the lack of organised resistance to this new law had to do with the fact that it did not explicitly target homosexuality (itself not a named or formalised concept until the twentieth century) but rather the wider practice of what was considered uncivilised and un-English sexual behaviour. The other reason is because queerness of sexuality was not explicitly understood as a distinct identity and thus could not be defended as such (Tannahill 1989). While there were definitely regional disparities and varying levels of acceptance, there is a general consensus that intimacy was part of the private sphere. While child-bearing and traditional male-female marriages were considered the social norm, it was also not uncommon to have same-sex liaisons on the side or as the primary pre-marital relationship (Vanita 2002).

The prevalence of Bengali sources that have explicitly queer content like *Those Days*, *Indira* and the works of Shri Ramakrishna Paramahansa (all translated and collected in Vanita and Kidwai 2000), all of which show an openness to same- sex intimacyin popular settings, lend support to the fact that there was, at the very least, a social tolerance of queerness as just another part of individual identity, if not an outright acceptance of it. This openness extended to the Muslim-majority eastern half of the region (present-day Bangladesh). However, because these local conceptualisations of queerness did not stem from a specific identity or subculture, it was possible for colonial authorities to command the narrative and categorise queer sexuality from the outset as an undesirable other (Narrain and Bhan 2005, 21).

In the case of gender, Macaulay's attempt was met with structured, albeit marginalised, resistance. Non-binary identities like *Hijra* and non-Western conceptualisations of masculinity and femininity like *Kothi* existed as named communities and could, therefore, offer a stronger rebuttal to being classed as a generic 'carnal desire'. Additionally, these identities did not rely on a definition that focused solely on intercourse and, as such, could be legally argued to fall outside the remit of Section 377 as is (Baudh 2013, 291). To combat this, the 1871 Criminal Tribes Act was introduced through Parliament, which included groups like the *Hirja* and *Kothi* as being immoral and corrupt. In doing so, the colonial authorities used local narratives of gender fluidity to further their agenda of a binary understanding of gender. While it may not have been possible for the British to completely dominate the discourse around gender, they were still able to make non-binary identities officially second-class citizens, in this case aided by the strong community links that often led to these subcultures self-segregating themselves from wider society (Hossain 2017, 1419).

Both the penal code and the discriminatory legislation were aided by the wider ideological thrust of colonialism. In its push for empire-building, the British weaponised gender and sexuality norms as ways of creating spaces of belonging – and, by default, not belonging (McClintock 1995). These norms were supported by British military culture, which saw itself as being conventionally 'masculine' against the 'effeminate' Indian. Bengal, as the centre of anti-British dissent both before and during the formation of the Crown, was explicitly targeted with its approach to androgynous clothing, its lack of gendered pronouns, and its cultural acceptance of queerness being singled out as signs of inferiority.[2] The manliness of English soldiers was credited for the military victory of 1857, especially compared to the more flowing armour of the various Indian rebel forces and the losing side's acceptance of female military leaders like the Rani of Jhansi. The material superiority of advanced weaponry and the exploitation of regional divisions through bribery were conspicuously absent in this propaganda; Britain won because of its male purity and India (and Bengal) for its effete and androgynous mediocrity (Sinha 1995).

Queerness became an even more enhanced target of ridicule and policing because of a simple logistical concern. The wording of Section 377 made any type of intercourse that was strictly not penile-vaginal a criminal offence. This extended to same-sex couples having oral, anal or masturbatory sex. However, it was impossible to police such a broad definition of unacceptable desire due to its inherently private nature. Thus, queer couples, especially pairs of effeminate men, became the central targets of harassment. This is not to suggest that women in same-sex relationships or queer-gender couples were allowed to openly practice queerness. It was simply a reflection of the fact that men were allowed more freedom in the public domain and, therefore, were more likely to be seen out and about.

It is no coincidence then that, of the three instances of Section 377 being used in colonial India, the two that resulted in convictions targeted Indian men. The cases were as follows: *Queen Empress v. Khairati* in 1884 resulted in the defendant being called out for "dressing ornamentatively" but did not result in any imprisonment as she was not caught in the act of homosexuality. *Noshirwan v. Emperor* in 1934 saw two men (Noshirwan and Ratansi) arrested for sodomy and both were judged to be 'a despicable specimen of humanity', although the charges were dropped as there was no proof of penetration. *D. P. Minawala v. Emperor* in 1935 was also against two men (D. P. Minawala and Taj Mohamed), arrested and charged for sodomy in public, spending at least four months in jail (Rangayan 2015).

This convergence of circumstance, propaganda, and feasible implementation effectively made 377 a law that criminalised homosexuality, despite its wording never having changed. With the simultaneous explicit criminalisation of non-binary genders and evolving criminalisation of same-sex desire, the colonial period saw the entrenchment of social and political norms that effectively oppressed queerness.

The Failure of Neoliberalism

In the period between the end of the Raj in 1947 and Bangladesh's independence from Pakistan in 1971, queer liberation was not high on any group's agenda. During this period, Bangladesh was formally a part of Pakistan (known as East Pakistan). From a Bengali nationalist perspective, the two biggest struggles were linguistic and cultural autonomy, working against state-building through pan-Islamism. There are no protests on record that were explicitly about queer rights, nor were there any openly queer members of the liberation movement. It should be noted that the religious conservatism of Salafism became more pronounced in this period, taking a sharp turn away from the original Sufi roots of Islam that used to be present in Bengal. While not used to persecute the queer community at the time, this conservatism is now a substantial obstacle.

The nascent queer rights movement – which started as early as the 1960s but did not really take a more organised feel until the late 1980s – began to take shape less as a response to outright oppression and more as a way to tackle systemic injustices that prevented equality. The *Hijra* community advocated for decriminalisation mostly because it prevented equal access to security, healthcare, and job opportunities. While harassment of the community was high and there was a strong social stigma, the greatest challenge was being unable to counter these through valid state mechanisms (Khan et al. 2009a; Hossain 2017).

Hijra had already fallen outside the colonial notions of heteronormativity through which their agency and self-determination had become delegitimised (Loos 2009, 1315). That loss of native identity misrepresented the community by forcing it to translate itself into a LGBTQ+ rights framework and be co-opted into global discourses of sexual politics spreading in the late twentieth century. Instead of being understood as its own distinct gender that took elements from (while still staying separate from) the more conventional gender binary (Khan et al. 2009b, 442), *Hijra* had to rely on Eurocentric narratives of transgender activism to get any visibility in the international politics of human rights. This was a huge disservice to both parts of the queer spectrum as *Hijra* were not universally trans, and vice versa. While some *Hijra* are trans, the wider understanding of the community is one of being its own conceptualisation of a non-binary 'third gender', which also includes traditional acceptance of intersex individuals. Most *Hijra* present as conventionally feminine in their names and dress (such as how the community is often structured around a mother) but do not identify as women. Unfortunately, despite having a long historical existence and explicit spiritual roles, especially in rural areas, the constant marginalisation forced early activism to translate itself into foreign terms to fit imported categories that could be understood by international agencies, notably the World Health Organisation, fighting for HIV/AIDS healthcare (Khan et al. 2009a, 129).

Similarly, the gay male community began to organise around cosmopolitan areas and international markers of queer culture, especially after 1990. While many preferred the term MSM (men who have sex with men; making the focus on practice of sex rather than identity of sexuality), which allowed them to maintain heteroromantic relationships and marriages, the earliest form of community organising was done through the use of networking and the creation of spaces for leisure rather than overt activism. At the centre of this were attempts to create a 'gay scene' based in the urban middle class (Karim 2014, 62). Without diminishing the importance of needing safe spaces for mental and emotional wellbeing, it is telling to note that few of these early groups later took on the call for wider rights, with

Roopbaan, Boys of Bangladesh, and Bandhu Welfare Society being important exceptions. As with the colonial era, queer women were left out of the equation almost entirely in these early years. Part of this was tied to the general social conservatism that made women more likely to be relegated to the domestic sphere rather than the political or activist sphere. Paradoxically, this did allow a level of security for queer cisgender women; living alone as an unmarried woman or sharing accommodation with an unmarried man would be seen as both dangerous and unsuitable, but living alongside another unmarried woman would be seen as a sensible compromise. Thus, queer women often found a loophole in social conventions to have discreet relationships, outwardly appearing as simply housemates while being able to express their sexuality. However, this safety only extended as far as their own front door, as evidenced by the persecution of women in same-sex relationships (Mortada 2013).

Thus, there were two distinct parts of the queer community that were being co-opted into neoliberal Eurocentric models of rights. *Hijra* had to identify with a wider movement out of necessity, while the early gay men's rights movement did so out of the desire for social mobility and acceptance into urban cosmopolitanism. Both cases, however, ended up solidifying conservative nationalist opposition. As Bangladesh was moving towards becoming a competitive and open market in the world economy, especially after democratisation from military rule in the 1990s, there was a distinct move by the major political parties to connect their platforms with notions of authentic local identity. While their approaches differed (the centre-left Awami League opting for a Bengali cultural connection and the right-wing Bangladesh Nationalist Party exploiting religious majoritarianism), they both rejected queer rights as being un-Bengali. Thus, by falling into patterns of global neoliberalism, the community fell into a neo-colonial trap that once again ostracised it from the status quo.

Reclaiming the Queer through Decolonisation

The past decade has seen the fight for queer rights hit the socio-political mainstream. At the forefront of every global discussion of Bangladesh and its LGBTQ+ rights situation is the 2016 murder of activists Xulhaz Mannan and Mahbub Rabbi Tonoy, the former in particular highlighted by statements from USAID, the US State Department, and the US Embassy in Bangladesh (Ta 2017). Yet, what is often missing from the simplified victimisation of the pair as targets of a global and regional surge of Islamic extremism is the context of steadily increasing rights and visibility being achieved leading up to their deaths.

In 2010, the *Hijra* community achieved a small but major victory as a government directive was passed to recognise them officially as a third gender in all forms of legal and personal documentation, an implicit repeal of the 1871 Criminal Tribes Act pertaining to their criminalisation. It was followed by directives to improve their representation as a protected class in terms of civil service jobs, the police and public healthcare frameworks. It is an ongoing struggle as ways to 'prove' being *Hijra* do not recognise self-determination but fall into outdated notions of gender essentialism that were, ironically, introduced under colonial rule. And social stigma is still rampant.

Nonetheless, this success was amplified through strong grassroots activism and community outreach, which culminated in the November 2014 *Hijra* Pride, an event that was aimed at breaking the commodification of the Pride institution and shifting its focus towards education. During the event, *Hijra* marched through the capital, Dhaka, and gave public lectures at schools, universities, and healthcare institutions. This followed the model of reclaiming queer Bengali identity in the Rainbow Rally held earlier in the same year and repeated in 2015.

Spearheaded by Tonoy, the rally was undertaken to coincide with the traditional Bengali New Year procession that takes place every year on 14 April. The procession allows for any groups to march and celebrate their role in society and culture. By having a queer contingent march, adopting international symbols like the rainbow flag but incorporating it into traditional clothing like saris and kurtas, it reinforced the history of queerness being situated within the wider history of Bangladesh. Though fraught with risks, it was ultimately successful in shifting the conversation away from fitting Bangladeshi rights into the wider global struggle and instead towards a truly local and grassroots form of emancipation.

At the same time, there was a consistent and successful push in favour of using local forms of protest and representation to further the cause. In 2014, Bangladesh saw the launch of *Roopbaan*, the country's first ever queer

magazine named after the organisation run by Mannan and Tonoy. *Roopongti*, a queer poetry collection also by Roopbaan, and *Dhee*, a lesbian comic book by Boys of Bangladesh, came shortly after in 2015. Boys of Bangladesh also began using social media platforms to mobilise popular support as well as providing resources for medical care. Bandhu Welfare Society evolved into a wider queer organisation that now supports lesbians, bisexuals, trans individuals, and *Hijra*. Bangladesh's first ever LGBTQ+ community survey was undertaken around the same time, which gave a concrete demographic voice to a hitherto discreet and underground community (Rajeeb, 2018).

The violence meted out to activists was both part of a wider attack on secular freedoms undertaken by Islamic extremists and a targeted attempt to silence the community. On some levels, it did work. Many gay activists have fled the country, seeking refuge abroad – although many have avoided the old colonial root of the UK due to its oppressive LGBTQ+ asylum policies. The fight for *Hijra* rights has shrunk and is back to pushing for the full implementation of the government directives instead of the wider community outreach that had started in the early 2010s.

Yet, there the queer movement kept certain vitality. Bangladeshi groups are involved in the ongoing transnational campaign to decriminalise homosexuality in the Commonwealth. A coalition of activist groups from across the Commonwealth – where the legacy of British colonialism has outlawed homosexuality in 37 out of the 53 member states – gained official accreditation in 2017 as the Commonwealth Equality Network and lobbied heavily for decriminalisation at the Commonwealth Heads of Government Meeting in the UK in 2018. Having been fortunate enough to be in the room myself, I can attest to the group championing context-specific solutions towards decriminalisation and decolonisation, rejecting the cookie-cutter neoliberal approach.[3] The success is already palpable; a £5.6 million fund to advocate for LGBTQ+ rights alongside women's rights and children's rights has been created.

The Road Ahead

At the time of writing, the situation on the ground in Bangladesh remains dangerous for outright activism. Many of the men who had been arrested in 2017 remain unaccounted for. While diaspora Bangladeshis are able to engage in public displays of protest, such as the April 2018 protests in central London to commemorate the activist murders and the August 2018 celebration of South Asian Pride as part of the larger Stockholm Pride, it is impossible to mobilise directly in the country itself. Yet, it is more important than ever before to avoid becoming a part of white Western understandings of queerness and liberation.

Neoliberal approaches to rights have already proven to be flawed, such as how *Hijra* rights have been misappropriated into a narrow understanding of gender and trans struggle only, and how urban activism often leaves out those without the financial resources available to them to take part in the 'queer scene'. While these forms of activism do have the potential for community building – and, of course, for providing individuals the freedom to at least identify as more broadly queer – it is vital to avoid a neo-colonial trap. The chilling lack of success in holding the killers of activists to justice, and the complete lack of accountability for the 2017 arrests, despite international attention, are just two examples of this danger. By comparison, the successes of getting *Hijra* and the third gender recognised, and the local outreach through cultural programmes like the Rainbow Rally and *Dhee*, are a testament to the strengths of decolonisation and local empowerment.

This is neither idealism nor polemic; the trajectory of achieving rights, however small the increments, supports this. Colonialism and Western identity politics outlawed queerness in the first place and the early attempts at rights failed largely due to its association with globalisation. While international solidarity is important and Western allies can provide much-needed security, it is still vital for queer activism itself to be grounded in decolonisation. Only then can the systemic oppression of the colonial past truly be undone.

Notes

[1] For clarification, queer is being used here, and throughout the remainder of the chapter, as a substitute for the LGBTQ+ acronym. The reason for this is that queer gender and sexual identities are conceptualised differently in

Bangladesh both culturally and linguistically, and queer works as a better, if still imperfect, umbrella term for those identities. This is a clear marker of the distinction between Western and more local and indigenous identities. A critique of the forced globalisation of identity politics is discussed later in this chapter.

[2] The book *Colonial Masculinity: The "Manly Englishman" and the "Effeminate Bengali" in the Late Nineteenth Century* by Mrinalini Sinha (1995) provides an insightful and detailed look at this in the context of colonial Bengal.

[3] These context-specific solutions covered a wide range. Due to the anonymity and associated safety of the participants, I am not divulging individual details, but outlining some broad strokes here. Many African delegates advocated for a re-evaluation of the role of Christianity in forming social norms, and therefore wanted to improve relations with local churches and push for litigation decriminalising homosexuality and queerness. South Asian delegates preferred a secular approach of community-building that cuts across religions and undermined religious dogma. Caribbean delegates wanted to take advantage of the tourism industry, taking on the positives of globalisation by highlighting abuses against the queer community through the free market. At the same time, all delegates also highlighted local and indigenous forms of queerness that may have been left out of the conversation and which needed to be included in future discussions.

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