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Hossain, A.

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The paradox of recognition: *hijra*, third gender and sexual rights in Bangladesh

Adnan Hossain 

Anthropology, Universiteit van Amsterdam, Amsterdam, Netherlands

ABSTRACT

Hijra, the iconic figure of South Asian gender and sexual difference, comprise a publicly institutionalised subculture of male-bodied feminine-identified people. Although they have existed as a culturally recognised third gender for a very long time, it is only recently that *hijra* have been legally recognised as a third gender in several South Asian countries. This paper focuses on the transformation of this long-running cultural category of third gender into a legal category of third gender in Bangladesh, showing that the process of legal recognition has necessitated a simultaneous mobilisation of a discourse of disability in the constitution of *hijra* as citizens worthy of rights. While the international community views the recognition of a third gender as a progressive socio-legal advance in the obtaining of sexual rights in a Muslim majority Bangladesh, locally, *hijra* are understood as a special group of people born with ‘missing’ or ambiguous genitals delinked from desire. Furthermore, what was previously a trope of disfigurement based on putative genital status has now been transformed into a discourse of disability, a corollary to which several interest groups, namely the civil society, the state, international community and *hijra* themselves, have all been party.

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Introduction

In November 2013, the Government of Bangladesh took the policy decision to officially recognise the *hijra*, popularly considered in Bangladesh as neither men nor women, as a third gender. This recognition by government was hailed as a major achievement by civil society and the international community. An annual event called ‘*hijra* pride’ was launched in 2014 by a non-governmental organisation (NGO) with support from foreign donors to mark the day of recognition. Dressed in colourful sarees, *hijra* groups marched through the city in celebration of the recognition, with foreigners affiliated with embassies and donor organisations in Bangladesh also participating in the pride festivity. Various government departments also unveiled plans to mainstream and ‘rehabilitate’ the *hijra*. Most notable among those initiatives was the decision in 2015 by the Ministry of Social Welfare to recruit 14 *hijra* as low-ranking ‘office assistants’ or clerks. After an initial selection of 12 *hijra* through interview,

CONTACT Adnan Hossain  a.hossain@uva.nl

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in which very general questions about the educational qualifications and geographic origins of the applicants were discussed, they were all asked to undergo a medical examination. The medical examination concluded that all the candidates were in fact male and not *hijra* as all except one had a penis and scrotum. The only candidate without a penis was considered to be 'genetically male' as s/he admitted to having undergone a surgery a couple of years ago to remove her/his penis and scrotum. The report of the medical examination immediately sent shockwaves to the government, and the Ministry of Social Welfare immediately terminated the appointments of all the candidates on the ground that they were a gang of male-bodied people who impersonated *hijra*. The outcome of this gender testing immediately became a hot topic for the media, with several newspapers reporting on the 'fakery' done by a group of men disguised as *hijra*. A few *hijra* organisations jointly issued a protest questioning the government's understanding and conceptualisation of the *hijra*.

This controversy brings to the forefront some fundamental questions about the socio-cultural meaning and the construction of a third gender in Bangladesh, questions of authentic '*hijra*-ness' and the politics of recognition of a publicly recognised pre-existing third category as a legal category of third gender. Social scientists have often employed third gender as a concept to investigate gender and sexual variance in many non-industrial societies (Herdt 1996). The *hijra* in India have been one of the most iconic and popular examples of this so-called third gender (Nanda 1999). The popularity of third gender as a paradigm, however, started to dwindle from the late-1990s as new scholarship brought into view the problematic tendency not only to romanticise the people marked as third, but also to reduce such people to disembodied liminal markers in the battle against Western sex/gender dimorphism (Cohen 1995; Reddy 2005b; Herdt 1996). Yet recent years have witnessed a resurgence of interest and debate about the *hijra* as a third gender in the public domain across South Asia, with countries like India, Pakistan, Nepal and Bangladesh all recognising a third gender (Dutta 2014; Khan 2014; Knight, Flores and Nezhad 2015). Although my intention here is not to address the mismatch between academic interest in the *hijra* and the recent efflorescence of public interest and debate on the third gender in South Asia, I am deeply interested in the questions about the politics of knowledge and authority in relation to transforming the cultural category of third gender into a legal category of a third gender. More specifically, at this juncture in history the eruption of debate in Bangladesh as to the authentic *hijra* status raises serious questions about whose knowledge is authorised and legitimated and whose is not. Answers to this question are intrinsically bound up with the cultural politics of gender (Towle and Morgan 2002) and have serious implications for current global discourse on rights, gender justice and freedom (Boyce 2014).

The focus of this paper is therefore not on *hijra* subjectivity, but on the politics and the process of recognition of the *hijra* as a third gender. I aim to show that entwined with the process of recognition of the *hijra* is a cultural paradox. On the one hand, the legal recognition of the *hijra* as a third gender in Bangladesh has been hailed both nationally and internationally as a progressive political and legal achievement, yet concealed in the process of legal recognition is a new discursive interpellation of the *hijra* as 'disabled'. It is precisely on account of such a discourse of innate genital difference as disability and its consolidation that *hijra* have been recognised as a third gender. Furthermore, while the international community may have viewed the recognition of the *hijra* as a progressive step forward in the advancement of sexual rights in a postcolonial Muslim-majority Bangladesh, locally, as I will explain below, *hijra* are understood to be a special group of people with genital defects delinked from sexual desire.

The paradox I describe emerges from a complex set of interactions between four different actors: civil society, the government, the international community and *hijra* themselves. I not only demonstrate the way each of these actors has taken up the *hijra* as a subject, but also draw attention to entanglements, tensions and conflicts among these parties in terms of the role and power they exercise in the metamorphosis of the cultural category of the *hijra* into a legal category of third gender. In the end, as I will show, legal recognition works to categorise and potentially ‘fix’ the *hijra* in a way that excludes most of those who have conventionally been part of the *hijra* category.

The empirical material for this paper was collected during informal and systematic ethnographic fieldwork with the *hijra* in Dhaka and elsewhere in Bangladesh conducted from 2000 until now. While I started my interaction with the *hijra* as a middle-class male-bodied male-identified Bangladeshi person, my own gender position was relationally produced and shifted depending on the socio-spatial context of my encounter with the *hijra*. For example, while many *hijra* considered me to be ‘masculine’ and desirable, some *hijra* over time suspected me to be a ‘*hijra* in the guise of a man’ primarily because of my ability to speak *ulti*, the *hijra* clandestine argot, used as a sign of communitarian belonging.¹

Hijra: emasculation, ‘thirdness’ and authenticity

Traditionally, *hijra* are male-bodied feminine-identified people who sacrifice their male genitals in return for spiritual power to bless and curse the newly wed and the new born (Nanda 1999; Reddy 2005b). A wide range of terminology, ranging from transsexual to transvestite to eunuch to hermaphrodite to intersex, is used in South Asian and international popular media to describe the *hijra*. Perhaps the most popular depiction of the *hijra* both in scholarship and in popular media is one of their being ‘neither men nor women’, or a third gender/ third sex.

Hijra in Bangladesh define themselves in terms of the ability to conduct *hijragiri*. *Hijragiri* refers to the ritual conduct of *badhai* (conferral of blessings on the new born after holding a child in their arms as they dance), *cholla* (the collection of tolls from within the ritual jurisdiction, or *birit* as the *hijra* call it) and mastering the *ulti* or secret language.² It is through the mastery of these arts and attainment of acumen related to the occupation that one becomes a *hijra*. This is, however, not to suggest that anybody can become a *hijra*. Rather, as my *hijra* interlocutors often contended, only those male-bodied persons with a desire for masculine identified men qualify to receive the training to become a *hijra* under the auspices of a senior *hijra*.

In Bangladesh, there are both *hijra* with a penis as well as those without one. Routine contestations and conflicts over genital status emerge as those without a penis often rebuke those with a penis for being less ‘real’, while those with a penis often berate the ones without a penis as people who have sinned against the prescriptions of Allah and his will by getting rid of their genitals. Furthermore, both *hijra* with a penis as well as those without draw on varied symbolic and religious resources to justify their position within the *hijra* community. Against this backdrop, internally authenticity or realness of one’s *hijra* status stems largely from the ability to conduct *hijragiri* rather than one’s genital status (Hossain 2012).

In contrast, ordinary people in Bangladesh understand *hijra* to be impotent, asexual and born with missing or ambiguous genitals, descriptions that *hijra* too reinforce in their encounters with the mainstream. In everyday contexts, the word *hijra* is also often used by the

mainstream non-*hijra* populace to mark, police and describe digression from the normative protocols of masculinity. The very utterance of the word '*hijra*' in the context of daily life also incites laughter and jocularity alongside a deep sense of commiseration for a group of people believed to have been born with defective or missing genitals.

Because of their supposed genital ambiguity, people deem the *hijra* to be both above and beyond desire. More importantly, emasculation, in the Bangladeshi context, confirms one's status as a 'fake' *hijra* as the public understand a real *hijra* to be one who is actually born with an innate genital defect. It is precisely because of such an understanding that all the *hijra* candidates were recently prevented from joining the Social Welfare Ministry.³ While popular public discourse constructs the *hijra* as people with genital anomaly, it is not just any person, but particularly those of the working class, that comprise the *hijra*. It is to the class location of the *hijra* that I will now turn.

Class and the spatial location of the *hijra*

One striking feature of the *hijra* subculture in Bangladesh is their lower class location in the Bangladeshi social structure. Those who join the *hijra* group typically originate from working-class backgrounds. My interlocutors often clarified to me that it is not that *hijra* are not born in the middle class, but it is that those born in the middle and upper classes are unlikely to join the *hijra* group. Furthermore, *hijra* groups in Dhaka typically live in working-class areas. Over the years, many *hijra* have told me stories about their plight in navigating middle/upper-class areas and neighbourhoods in Dhaka. For example, Tinni once related, 'We are poor but even if we had money, we would never be accepted as tenants in the middle-class neighbourhood.' Echoing similar sentiments, Rahela once stated, 'Society does not value the *hijra*. The only people who have some respect and are relatively more accepting of us are the people from the working class.'

In fact, *hijra* in Dhaka not only live in the working-class neighbourhoods, working class people are also the immediate neighbours of the *hijra*. While the rest of the society may look upon the *hijra* only as a *hijra*, their immediate neighbours interact with *hijra* as fellow human beings. For example, *hijra* interlocutors in the slum area in Dhaka where I conducted extensive fieldwork would often share utensils and food with the mainstream populace and *vice versa*, without invoking any cultural anxiety about commensality. Neighbours had also sought help in times of emergency situations like medical needs from the *hijra* in that area.

In contrast, there is practically no interaction between the *hijra* and the middle class except for fleeting encounters in bazaar settings or at traffic lights where the *hijra* may demand alms from the middle classes. Many of my *hijra* interlocutors often complained that it is the middle and the upper classes that were hostile towards them. In the popular imagination of the middle classes, the *hijra* is not only a biologically anomalous hermaphrodite, a term that was widely used until recently, but also are foul-smelling, dirty, violent and shameless people. It is their lower-class status, together with its associated imageries of filth, foul smell, cheap and gaudy makeup and aggressiveness, through which *hijra* are discursively produced as the abjected others in middle-class imaginary. Thus, in the normative scheme of gender relations, generically talked about in terms of the categories of men, women and the *hijra*, not only are *hijra* bodies defined as a 'failed' middle category, but also described in highly class-specific terms. In other words, when a middle-class man is derided as *hijra* by his class equals, it is not just his transgressive gender expression but a specific kind of gender

expression associated with the lower class *hijra* for which he is denigrated. Besides this class-specific construction of the *hijra*, new forms of contestation over the meaning of *hijra* have begun to emerge with the advent of community work on sexual health to which I now turn.

The *hijra* as an at-risk group and the new sexual imaginary

Non-governmental organisation work on the *hijra* began in the late-1990s as part of wider interventions into various forms of male to male sexualities. Early on, two separate organisations were formed with the exclusive focus on the *hijra*. The Bandhu Social Welfare Society, a ‘men having sex with men’-focused NGO, set up a project-based organisation called *Sustho Jibon* in 2001; while Care International set up *Badhon*, another *hijra*-focused NGO in the same year. The rationale for having separate NGOs for the *hijra* stemmed from the realisation that *hijra* formed a distinct group with specific sexual health needs that set them apart from other groups (See Reddy 2005a for a similar argument in South India).

Although in the early days of NGO interventions a clear distinction could be drawn between those working for the NGOs and those conducting *hijragiri* or the traditional occupations of the *hijra*, there has been a gradual blurring of the line, with NGO affiliated *hijra* maintaining strong ties with the traditional *hijra* occupation and *vice versa*. During my fieldwork of 2009–2010, I was struck by the way NGOs, projects, funding and travelling abroad were invoked as part of everyday *hijra* conversations. In fact a separate category of ‘NGO *hijra*’ had become well established among civil society and the *hijra* by 2009. A few *hijra*-identified NGO workers with loose ties to *hijragiri* or the *hijra* occupation had also started to appear on the media as the representatives of the *hijra* by then.

One of the effects of NGO intervention has been the emergence of a new discourse linking *hijra* to sexual desire. While *hijra* are commonly known about in Bangladesh, popular imagination has rarely associated them with any form of desire. The rise of the ‘men having sex with men’-based NGOs and growing interest of wider civil society to address issues related to alternative sexualities and gender, especially in the context of the global HIV epidemic, have led to the creation of a new public discourse on male to male sexualities in contemporary Bangladesh.

In this narrow risk-based discourse *hijra* have often been represented through the lens of sexual disease. That *hijra* are now publicly projected as sexual is significant as the dominant public understanding conventionally posited the *hijra* as ‘sexually handicapped’ and above and beyond desire. This is, however, not to suggest that *hijra* started to publicly proclaim themselves as sexual, but the discourse of denial that was once the hallmark of *hijra* public presentation has slowly changed. Yet pervading public perception concerning *hijra* asexuality has not undergone a radical transformation, as this new imaginary predominantly constructed the *hijra* as victims of the perverse desire of men who use *hijra* for their sexual gratification rather than their being desirous subjects themselves.⁴

The new visibility of *hijra* as rights bearing citizens

Partly as a critique of the overarching health-driven framework of HIV work internationally, there has been a gradual shift from risk and disease to a rights framework among men who have sex with men-based NGOs in Bangladesh, at least since 2009. More specifically, the

shift has come about in response to the emergence of gay groups in Dhaka and their criticism of men having sex with men-based NGOs' narrow focus on sexual health. In 2009, a workshop funded by Norwegian donors brought together several men who have sex with men-based NGOs, gay and lesbian groups, *hijra* and some representatives of civil society and researchers, including myself. Initiated by Boys of Bangladesh (BOB), which was then an online-based platform for Bangladeshi gay men, the idea of the workshop was to explore the possibilities of collaborative work among the wider community of lesbian, gay, bisexual and transgender people. While from its inception in 2000 BOB had seen itself as a part of a global lesbian, gay, bisexual and transgender network, for the other groups present at the workshop, a lesbian, gay, bisexual and transgender-based alliance still sounded alien. The workshop created an opportunity for all these groups to articulate their issues, priorities, differences and progress in their respective fields. A decision to launch a coalition was taken and a platform launched.

It was clear from the start that there were differences not only in terms of how these various groups understood sexual preference and gender identity, but also in terms of class and social background. While the gay men were predominantly from the middle and upper classes, the *hijra* were at the bottom of the social ladder. It was, however, the gay men who stood at the bottom of the platform with no public visibility and lack of political capital while the *hijra* stood out as the most vocal of all groups in terms their ability to publicly assert both themselves and their long-running institutionalised presence in Bangladeshi society. What was most problematic was the fact that despite the *hijra* being most vocal and assertive about their rights, *hijra*-focused NGOs were subservient to the NGOs working with men having sex with men. Lack of literacy and cultural capital prevented the *hijra* from directly connecting with the donors and managing the organisations on their own.

For the gay group, the colonial anti-sodomy law of Penal Code Section 377 was the main focus of attention since it directly interfered with their public existence. However, NGOs with an explicit focus on male-to-male sexual health had been in operation from the late-1990s with approval of the Government of Bangladesh and support from international donors. An analysis of this paradox is not the focus here but suffice it to say that these existing NGOs saw the emergence of a gay group not only as a threat to their existing dominance of the field of male sexuality, but also as a potential competitor in their efforts to access resources. A consensus was reached at the workshop that Section 377 in fact concerned all groups except lesbians as all (gay men, other men who have sex with men and *hijra*) practised anal sex. The workshop engendered new impetus for men who have sex with men-focused NGOs to start rights work. This turn to rights also attracted donor support and new activism around sensitisation of the wider society about the human rights violations of gender and sexually marginal groups. Given that the existence of Section 377 did not interfere with the operations of NGOs working with men having sex with men, its repeal was not their overt focus.

In the same year, Joya Sikder, a widely known *hijra* identified public figure was elected as president of the sex workers network of Bangladesh. Although comprised mainly of female sex workers, a few *hijra* NGOs and community-based organisations from outside Dhaka were also part of this network. That a *hijra* identified person got elected as the president of this network, voted for mostly by female sex workers, attracted the attention of national and international media. Most importantly, by this time, Joya Sikder had become the embodiment of an 'NGO *hijra*'.

Discourse of disability and recognition

The shift to a rights approach and the adoption of rights language engendered a new focus on law and legal reform as ways to ensure justice for marginal gender and sexual groups in Bangladesh. One common perspective among the various groups (NGOs, government officials and HIV researchers) working on the *hijra* was that the lack of recognition of *hijra* as a separate gender was the root cause of social discrimination against them, including their vulnerabilities to sexually transmitted infections and HIV (Khan et al. 2009). The campaign for the recognition of the *hijra* as a third gender can be read as an example of this shift, especially from the perspective of the NGOs connected with the transnational network of sexual health and rights activism. Furthermore, legal recognition of the third gender in Nepal, India and Pakistan created a regional impetus for the recognition of the *hijra* as a third gender in Bangladesh.⁵

A sense of moral imperative lay at the heart of activism for the recognition of the *hijra* as a third gender. For example, the cultural rationale for a focus on the *hijra* rights and recognition stems from the understanding that there is no element of choice in the case of those who are *hijra*, unlike homosexuals or gay groups popularly considered by people to be 'Western-fabricated' and/or foreign. Some NGOs, however, used this ambiguity to their strategic advantage in publicly making demands for *hijra* recognition while being relatively silent about rights in relation to men having sex with men and other groups.

A testament to this moral imperative is further evident in an initiative called the 'Integration of the Transgender (*hijra*) Population into Mainstream Society' led by a group of government officials in 2011⁶. In a television interview one spokesperson for the initiative described the *hijra* as 'victims of genetic defects'⁷ With funding and approval of several ministries, the initiative was intended to impart various skills to the *hijra* to help them find mainstream employment; 30 *hijra* were given training in computer applications, industrial sewing and beauty care. This same group of government officials also initiated mass awareness campaign to change people's negative perceptions about the *hijra* by organising seminars, rallies and advertising campaigns. The government officials also organised public rallies with demand for the legal recognition of the *hijra* as a third gender with placards, banners and t-shirts emblazoned with similar messages. In the same year *Bandhu* organised a large demonstration of the *hijra*. Holding banners, placards and festoons, hundreds of *hijra* dressed in colourful sarees paraded along a three-kilometre path in Dhaka, demanding rights of employment, education and, most significantly, recognition as a third gender.

Demand and campaign for the recognition of the *hijra* as a third gender created new impetus to consolidate a definition of the *hijra*. Although wider society deemed the *hijra* as a group of 'handicapped', as indicated previously, it was a specific form of disfigurement emanating from genital status that supposedly set them apart from the mainstream. In fact, despite the language of handicap and disfigurement popularly employed to describe the *hijra*, *hijra* had never been part of the official discourse of disability (See Kusters 2016 for an account on disability and *hijra* in India). In 2011, the parliament of Bangladesh discussed the *hijra* and tabled proposals to rehabilitate them on the ground of their being 'disabled'. A two-year special project to mainstream the *hijra* was launched under the aegis of the Ministry of Social Welfare.⁸ A new package of disability allowances targeting 10,000 *hijra* was initiated on a pilot basis. The introduction of this new scheme marked a watershed in the conceptualisation of the *hijra* as disabled. It is the adoption of such a framework that eventually led

to the government recognition of the *hijra* as a third gender in legal documents like passports.⁹

The Bangla expression used by the state to recognise the *hijra* is '*jouno o lingo protibondhi*', literally: sexually and genitally handicapped. The Bangla word *protibondhi* means handicapped or disabled. On 12 November 2013, in response to questions from a journalist, one government official announced that the cabinet that approved the proposal to recognise the *hijra* as a separate gender had identified the *hijra* as 'individuals sexually disabled since birth'. More significantly, the cabinet also decided that there should be no translation of *hijra* into English in official documents. While some in the local media resented the decision because of the negative connotations associated with the word *hijra*, importantly the retention of the Bangla word *hijra* and its adoption in official and policy document worked to ensure that recognition was granted to the *hijra*, who the people of Bangladesh understood to be disfigured rather than the occupiers of a subject position that might inadvertently recognise or legally validate alternative sexual desires.

The consolidation of the *hijra* as a form of disabled person is further evident in a new anti-discrimination law that the Government of Bangladesh is in the process of enacting. The recommendations of the law commission on equal participation, protection of rights and full participation of various marginal classes frame the *hijra* alongside various occupational, ethnic and religious minorities, including female sex workers, sweepers and so on.¹⁰ Drafted in Bangla, the document uses the Bangla expression '*lingo protibondhita*' – literally genital handicap – to refer to the *hijra* and that people with such conditions should not be discriminated against. Although this draft is yet to be translated into law, the language used to define *hijra* offers a clear indication of the official recognition and institutionalisation of the *hijra* as a form of disability.

Politics of credit and third gender as a trophy

One problem with the campaign for the legal recognition of the *hijra* as a third gender was that very few *hijra*-identified persons were either actively involved in it or in the forefront of the activism. It is not because the *hijra* in Bangladesh did not want recognition or even legal rights, but because what such recognition might ultimately mean for the *hijra* was an open question, especially for the *hijra* unrelated to the NGOs. Yet both the government and civil society viewed legal recognition as a mainstreaming magic bullet. *Hijra*, in this process, became a tool that both civil society and the government used for their respective gain.

The otherwise democratically and politically discredited Government of Bangladesh used this legal recognition to claim a progressive-minded and pro-minority position. In a bid to claim political credit, one minister in an interview with a foreign press declared that her government was instrumental in addressing the issue of the *hijra* while previous governments had not done this.¹¹ In a similar vein, civil society pitched legal recognition as a concrete outcome of a decade long struggle. The government officials that launched a project to mainstream the *hijra* announced in the media that the attainment of legal recognition was a direct outcome of their efforts to institute social change in Bangladesh, while Bandhu, the largest NGO working on the sexual health needs of men having sex with men, continued to be vocal in claiming credit and ownership of the legal recognition. In a regional conference of the International Lesbian and Gay Association held in Taiwan in 2015, a Bandhu representative proclaimed the legal recognition of the *hijra* as a third gender as a major

achievement by his organisation. Joya Sikder, arguably the most renowned Bangladeshi *hijra* activist, also present in the meeting in Taiwan, immediately challenged Bandhu's claims and raised concerns about the termination of jobs of the *hijra* from the Ministry of Social Welfare as an example of how the government lacked adequate understanding about the *hijra* even after recognising them.

The legal recognition of the *hijra*, albeit problematic, created new impetus and opportunities for civil society organisations in Bangladesh to work on the *hijra*. While in the past, only specialised NGOs had worked with the *hijra*, in the aftermath of official recognition a new conviviality among wider civil society to work on the *hijra* came into being. Reminiscent of British colonial policies, the conventional occupations of the *hijra* are now targeted as archaic and criminal as new initiatives proliferate to transform the *hijra* into citizens worthy of rights and recognition. A new project on legal empowerment of gender and sexual minorities is now being launched by an NGO with support from the US government. The summary of the project proposal mentions state recognition of the *hijra* as opening doors for wider discussion around gender and sexuality. The project claims it 'will seize the opportunities provided by the 2013 Government of Bangladesh recognition of a "third gender", to work with transgendered persons, specifically in the *hijra* community, to seek access to education, health and employment, and to prevent harassment and discrimination'.¹² While initiatives to address the discrimination faced by the marginal groups can be important interventions, what is problematic here is the tendency to use the *hijra* as the pawn in the wider struggle for gender and sexual justice in a translocal and class stratified context like Bangladesh where *hijra* lack the social and symbolic capital to negotiate rights praxis on their own terms.

After intense discussion with some of my *hijra* interlocutors, Chaity, one of the 15 *hijra* to have been terminated from a government job, then working on a *hijra* project for the United Nations Development Programme (UNDP), described her/his experiences of working with non-*hijra* middle class in the UNDP and elsewhere. Chaity contended that despite her/his relentless efforts to explain to her/his senior colleagues about how one becomes a *hijra* and how one can be a *hijra* while having a functional penis, the people managing the *hijra* project in the UNDP insisted on using the new official definition of the *hijra* as genitally handicapped, and that the rationale for the project stems from such an understanding of the *hijra*. Chaity also told me that her/his status as a *hijra* was questioned as s/he had her/his genitals surgically removed which her/his office colleagues viewed as a sign of her/him being a fake *hijra*. While civil society and the government may use the legal recognition as a trophy, the legal recognition masks a simultaneous mobilisation and consolidation of a discourse of handicap and disability via which *hijra* have become interpellated as citizens worthy of rights.

Hijra Pride, civil society and the international community

A more recent expression of civil society led ebullience on the occasion of the recognition of the *hijra* as a third gender was a series of events organised by Bandhu in cahoots with the Ministry of Social Welfare and UNAIDS in November 2014 to mark the one year of legal recognition of the *hijra*. Called *Hijra Pride*, the event included street marches with banners and placards inscribed with messages such as 'The days of stigma, discrimination and fear are over, now that we have been recognised as third gender'.¹³ Special events like dances, fashion shows and a henna festival (decorating people's hands with henna) were organised.

One striking feature of the *Hijra* Pride was the conspicuous presence of foreigners associated with embassies and the donor organisations.

The pride event also attracted considerable international attention. That the Government of Bangladesh in a Muslim majority society legally recognised the *hijra* as a third gender left many people in the Global North puzzled. For example, both in 2009 and 2013 when the United Nations Office of the High Commissioner on Human Rights' Universal Periodic Review of Bangladesh took place, the government on both occasions either sidelined or rejected civil society or other member states' concerns and recommendations about the violation of rights of gender and sexually marginal groups in Bangladesh.¹⁴ Furthermore, that the Government of Bangladesh has often denied the existence of lesbian, gay, bisexual and transgender groups in Bangladesh at the United Nations, while being instrumental in recognising the *hijra* as third gender reads as strange contradiction to international lesbian, gay, bisexual, transgender and intersex groups. But crucially, the *hijra* first and foremost do not conjure up the image of an alternative sexuality. Furthermore, neither the government nor the popular masses in Bangladesh view the *hijra* through the lens of lesbian, gay, bisexual and transgender organising or as a part of a transnational movement organised on the basis of either sexual orientation or gender identity.

It is precisely against such a backdrop that a pride event did not generate any popular backlash in Bangladesh. In fact, *Hijra* Pride remained culturally unintelligible to the majority of people in Bangladesh. But the use of the concept and language (the English expression '*Hijra* pride' appeared even in the Bangla press and in popular media) of pride is a strategic choice that reflects the cosmopolitan aspirations of Bandhu and its international donors. Crucially, it allows for transnational lesbian, gay, bisexual and transgender connections and solidarities to be imagined and forged even though the pride event itself conceals the long-running complex history of cultural accommodation of gender variants groups in Bangladeshi society (See Dutta 2012 for a similar account in Indian context). It is as if *hijra* have taken to the streets of Dhaka for the first time freed from fear, stigma and discrimination as a result of the legal recognition. *Hijra* Pride therefore works to put on the backburner the everyday struggle of the *hijra* and their routine battle to survive in public space in the years prior to the legal recognition. While the outpouring of enthusiasm for legal recognition continued among a pocket of civil society and discourses of disability have taken root, how such legal recognition may affect the *hijra* in the long term needs critical attention.

Bodily difference and new mode of identification

In her account of the ineffectiveness of HIV interventions into the *hijra* community in the Indian context, Reddy (2005a) points towards the paradoxical emergence of the *hijra* as rights bearing citizens on the basis of mobilisation of bodily difference. It is this emphasis on bodily difference, argues Reddy, that re-marginalises the *hijra* as a people located on the margin. From this perspective, the demand for recognition as a third gender on the grounds of bodily difference is ironic as it works to re-inscribe their marginality within the social universe rather than mainstreaming them. The critical point here is the emphasis on genital difference – that is, the status of being emasculated that grants one the status of authentic *hijra* or realness. In the Bangladeshi context it is not emasculation but the congenital bodily difference or genital ambiguity or indeterminacy that works to serve as an emblem of authentic *hijra* status for the wider public. And it is the mobilisation and consolidation of the

discourse of innate genital difference as a form of handicap that has been the basis of legal recognition of the *hijra* as a third gender. More importantly, this trope of genital difference is increasingly being incorporated into mainstream discourse on disability.

In January 2016 I visited some of my *hijra* interlocutors in Hridoypur, a large squatter settlement next to the Buriganga river where I have worked with a *hijra* group since 2000.¹⁵ To my utter consternation, I found out that many of my acquaintances had enrolled with the local government departments to receive a meagre monthly disability allowance.¹⁶ As I moved from one area to another over a period of a month trying to reconnect with my old *hijra* acquaintances, I realised there was a heightened sense among many *hijra* in Dhaka of them being *protibondi*.

Talking later to many *hijra* in Dhaka, I realised that there is considerable confusion about the recognition of the *hijra* as a third gender. Leena, a *hijra* from Mirpur, said to me: 'We have been recognised but we have not received any rights. Recognition without rights is useless. Looks like it is all ostentation', while Moina stated, '[The] government has recognised us as disabled but we are not actually disabled'. Later I received a call from Saira, a female friend. She told me about her experience with a *hijra* at a traffic light. As the taxi she was riding in stopped at a traffic signal, a *hijra* approached her and demanded money. She refused and asked the *hijra* to leave. Unhappy, the *hijra* started to show anger saying 'You do not know how to behave with a disabled person. We are now recognised by the government.'

Although the *hijra* in Bangladesh, as elsewhere in South Asia, are known to cultivate the trope of gender ambiguity to negotiate their position within society – *hijra* often invoke expressions like 'we are neither men nor women' to 'we are two in one' in their daily interaction with the wider society – the interpellation of the *hijra* as *protibondhi* or disabled, and *hijra* self-identification with such terms in postcolonial South Asia, is unprecedented. In an interview with me a government official from the Ministry of Social Welfare argued that the introduction of disability allowance further necessitates 'gender testing' so that only 'real' *hijra* can access resources, while the fake ones can be exposed. Laila, a *hijra* from Hridoypur, said to me that although s/he did not really see her/himself as *protibondhi*, many of her/his *hijra* acquaintances would accept this new mode of self-identification so long as it facilitated acceptance into government jobs and access to various citizenship rights.

At stake here is therefore not just bodily difference, but a 'class-cultural' (Liechty 2002) politics that require the working class *hijra* to adopt disability as a mode of self-identification in a bid to access resources. The irony is that it is precisely such a conceptualisation of the *hijra* as people with innate genital difference that has been the source of their social stigma and marginalisation. Yet the legal recognition of the *hijra* as a third gender has not only reinforced the pre-existing trope of *hijra* as a form of disfigurement, but also has turned this definition into the only acceptable mode of *hijra* representation.

Conclusion

Critical scholarship has drawn our attention to the misleading conception about the emancipatory potential of multiple genders and the simplistic idea that more genders denote greater freedom or acceptance. Instead of being an emblem of acceptance, the consignment of some people to the status of a third gender can be read as a form of gender failure on the part of those who fail to be either sufficiently masculine or feminine (Agrawal 1997). The hierarchical order of genders further complicates and hides the socio-political power

relations that facilitate the formation of a third gender while naturalising the existing two gender system (Holmes 2004). The third gender as a model is driven more by a desire to challenge the two sex/gender system and less by the lived lives of the people who constitute this 'third' (Hossain 2014). Furthermore, the idea that societies that accommodate third gender categories are more tolerant than the rest works to obfuscate the everyday struggle of the *hijra* who constantly fight against the mainstream to demand a position within those societies (Hall 1997). Moreover, the automatic relationship between the recognition of the *hijra* as a third gender and empowerment, as I have demonstrated in this paper, does not redress their marginalisation.

The recognition of the *hijra* as a third gender in Bangladesh brings into view the politics of interpellation of a marginal social group into a form of disability. What was previously a trope of disfigurement has been transformed into a mainstream discourse of disability. Such a shift also entails potential possibilities of medicalisation of the *hijra* through 'gender testing'. Significantly this new discursive construction of the *hijra* as disabled is also rooted in the material conditions of the working class *hijra*. Both civil society and state bodies have been complicit in consolidating this new discourse of disability in a bid to bolster their pro-rights credentials. While civil society organisations have strategically employed the socio-cultural ambiguity around *hijra* to advance their organisational profiles, state bodies have showcased their campaign for the recognition of the *hijra* as a tool to derive credit for what they see as humanitarianism and social change. The picture that emerges is one in which both civil society and the state are continuously trafficking the marginality of the *hijra*, a process that further disenfranchises them.

The cancellation of the government jobs for the *hijra* on account of their genital status that I described at the start of this paper has brought into being a new regime of governmentality in which *hijra* are framed mainly through the lens of innate bodily difference to the detriment of other variations in bodies that make up the *hijra* community. While internally, *hijra* do recognise various types of bodies within their community, this legal recognition of innate genital difference as the only marker of authentic *hijra* works to create false hierarchy over who is and is not a real *hijra*. The recognition of the *hijra* as a third gender now requires the government to exclude those who have conventionally been part of the *hijra*. In other words, *hijra* are not allowed to be *hijra* under this new regime of recognition.

Notes

1. Questions of erotic desire, *hijra* notions of gender and putative possibilities of romance between the *hijra* and myself further complicated my subject position during fieldwork (Hossain 2014).
2. While senior citizens in Dhaka I interviewed often narrated to me stories about *hijra* sacred power and the special ritual role for them in the past on account of their missing genitals, beliefs about *hijra* power have progressively died out in Bangladesh in recent decades. People today view and imagine the *hijra* as those born with genital ambiguity but do not see such bodily status as conferring on them any special power (Hossain 2012).
3. Reports of row over competing claims of authentic *hijra* status centred on internal *hijra* disputes over *birrit* (the ritual jurisdiction within which one is allowed to operate as *hijra*) often figure in media, although such disputes are often resolved through *hijra* internal arbitration mechanisms. The involvement of the state in deciding the authentic *hijra* status that I describe in this article is unprecedented in Bangladesh.
4. A research report by Moni (2006) labels men who are sexually and romantically involved with the *hijra* as being *kuruchipurno*, meaning those with bad taste.

5. Nepal was the first country in South Asia to legally recognise a third gender through a Supreme Court ruling in 2007, while the supreme court of Pakistan recognized the third gender in 2009. The Indian Supreme Court did the same in 2014 on the heels of a petition filed by transgender groups in 2012, a process that also inspired Bangladeshi NGOs working on third gender issues. In contrast, the legal recognition of *hijra* in Bangladesh was a 'policy decision' taken by the government rather than an outcome of legal battles or court decisions.
6. A team of six government officials at the deputy secretary level undertook this project. Approved by the Ministry of Public Administration, the project is being implemented through funding from Ministry of Education's 'Skills Development Project'. Details of the project and the ministries involved are discussed in a feature article available online (<http://archive.thedailystar.net/magazine/2011/10/03/special.htm>).
7. See http://www.bbc.com/bengali/news/2011/10/111006_mb_bd_hijra.shtml.
8. See <http://www.bandhu-bd.org/third-gender-is-not-a-word-it-is-a-gender/>.
9. See <http://www.pinknews.co.uk/2013/11/12/bangladesh-third-gender-hijra-to-be-recognised-in-official-documents/>.
10. The Law Commission of Bangladesh, along with the Bangladesh National Human Rights Commission, has prepared this draft anti-discrimination law. I accessed this draft through the National Human Rights Commission of Bangladesh. Although a work in progress, the draft as of the time of writing sticks to its definition of the *hijra* as people born with a genital handicap.
11. See <https://news.vice.com/article/in-photos-bangladeshs-trans-pride-parade-was-massive-and-fabulous>.
12. I received a copy of the draft proposal from one of the partner organisations involved with this project.
13. Although the third gender is translated into Bangla as *tritiyo lingo*, literally third genital, the English language term third gender is used interchangeably with the Bangla expression.
14. The Universal Periodic Review is a mechanism of the Human Rights Council through which the human rights situation of the member states are reviewed.
15. Hridoypur is a pseudonym.
16. While the actual amount is meagre, it is not the money but the sense of 'entitlement' that leads many *hijra* to enrol. While some of these government schemes are intended for disabled people in general, some of the schemes are specifically for *hijra*. Although not all *hijra* access an allowance as part of the general disability scheme, the *hijra*-specific schemes also requires the *hijra* to present themselves as disabled to the officials disbursing the money. For example, the old-age allowance is becoming increasingly popular with *hijra* in Hridoypur and elsewhere in Dhaka.

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ORCID

Adnan Hossain  <http://orcid.org/0000-0002-4630-5964>

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