What It Means to Occupy a Body: Religious Nationalism and Its Violent Effects on Gender and Sexuality in Contemporary Bangladesh

By

Farhin Rahman

Submitted to

Central European University

Department of Gender Studies

In partial fulfilment of the requirements for the degree of Master of Arts in Critical Gender Studies

Supervisor: Professor Erzsébet Barát

Second Reader: Jasmina Lukić

Vienna, Austria

2023

Abstract

With a tumultuous colonial historical past that affects the political landscape to this day, Bangladesh, in its first 36 years of existence as a sovereign state had witnessed constant change of power. Until the current Awami League government came to power in 2008, it had already struggled to negotiate a national image in the world. Stuck in a limbo between its Bangali and and Bangladeshi identity, where the former has become synonymous with 'Hindu India' and the latter as a distinct source of pan-Islamic relations, it has fostered powerful relations that has tipped its scale toward violent religious nationalism. This thesis examines the violent effects of this religious nationalism on women and LGBTQI+ bodies in contemporary Bangladesh. Through analysing the textual mediation in the socio-political discourse, I illustrate how the state manufactures a loyal and ideal body of a cis-hetero-Muslim-Bangali-male, and in the biopolitical process turns women and non-binary bodies into non-valuable, non-grievable abjected bodies. Judith Butler's discussion on how bodies are constructed to matter in *Bodies that Matter: On the Discursive Limits of "Sex"* and V. Spike Peterson's understanding of heterosexist nationalism are foundational in the analysis done, with Kinberlé Crenshaw's intersectionality as an analytical strategy providing the precise perspective through which the hierarchical positioning of unvaluable bodies are made to surface. I argue, that the socio-political scenario weaponises Islamic faith in the service of nation making, which inscribes each body to bear levels of belonging and erasure. This inscription has reaching impacts in the intersectional matrix of power relations where those bodies who are not explicitly targeted are not safe. A state that actively produces the cis-hetero-Muslim-Bangali-male ideal that is communicated through law, every day language and the environment of censorship and fear is a state where to occupy a body that is not ideal is to face brutal erasure.

Key Concepts: religious nationalism; grievable and non-grievable bodies; biopolitics; secular violence

Declaration

I hereby declare that this thesis is the result of original research; it contains no materials accepted for any other degree in any other institution and no materials previously written and/or published by another person, except where appropriate acknowledgement is made in form of bibliographical reference.

I further declare that the following word count for this thesis are accurate:

Body of thesis (all chapters excluding notes, references, appendices, etc.): 27366 words

Entire manuscript: 30223 words

Signed: Farhin Rahman

Acknowledgements

There are many I am indebted to who have cheered for me throughout this journey. My wonderful supervisor, Zsazsa, deserves to be named first for her unparalleled support; her brilliance, curiosity and academic integrity is truly unmatched. Jasmina came through as my second reader and her guidance has been instrumental in shaping my work. I would also fondly like to remember Francisca de Haan, whose inspiration and generosity since the beginning of this program has been a vital source of motivation.

A heartfelt thanks to Anika Saba and Abu Sayeed Mohammad Noman, who prepared me for this experience with the best of their abilities.

A big hug to Maliha, who treated me like their sister and warmed the coldest days of my time here with their compassion. I couldn't go without thanking Paula and Peter, with whom I made the sweetest home in Vienna. The love and laughs we've shared remain a part of my fondest memories in Vienna. My cheerleaders, Sumaiya and Nishat, thank you for loving me and supporting me through thick and thin.

To Faeeza and Ramisha, for holding me together in moments where a continent couldn't hold me in place. I have poured and spilled, and you have received me gracefully (mostly) and put me back together every time.

My gratitude falls short when it comes to my parents – Maa and Baba, I would not be here writing this without you two.

There is so much I could say when it comes to my incredible partner, Fatin, without whom none of this would have been possible, but he'd surely try to make me believe otherwise. My jaan, you'd tell me that I did it all myself, and I might have written the words, but they came from a heart you've filled with all the joys of the world. Thank you, for your kindness, comfort and warmth, and the unconditional support. I love you endlessly.

Table of Contents

Chapter 1: Introduction

Over the past decade, numerous cases of sexual violence have occurred in Bangladesh in the name of religious nationalism. Between 2013 and 2016, a killing spree targeting LGBTQI+ activists and atheist bloggers spread across Bangladesh (Bangladesh: Investigate LGBT murders).[1] Two of them were Mahbub Rabbi Tonoy and his friend Xulhaz Mannan, the founder of Bangladesh's only lesbian, gay, bisexual and transgender (LGBT) magazine called *Roopban*.[2] Victims of such aggression have also been women, who have faced sexual assault in broad daylight on the basis of their clothes not conforming to the Islamic values.[3] I see this form of violence as an effect of fundamentalist religious nationalism and not simply fundamentalist or nationalist violence because these cases of aggression have been justified on the grounds that the victims were not 'proper' subjects of the Islamic state. The victims are judged 'improper' through a mixture of religious and nationalist arguments, such as the raped woman did not wear a burkha, the assaulted child deserved it for going to a British curriculum school, the homosexual was against the "order of nature" and thus violated section 377 of the penal code, or the cricketer's wife should not be visible in the photo of celebration of her husband's victory in a way that reflects too much of a "Western" lifestyle, namely the way she dresses up. Consequently, these bodies are not to be respected or mourned, nor to be allowed to simply exist. These bodies are articulated to be perceived as non-valuable or disposable bodies for the nation, which as Judith Butler articulates as certain bodies being not as "grievable" as the others (Butler 30).

CEU eTD Collection

---

[1] The only statistics on these murders are available through CPJ, but that data only enlists journalists. More can be read on here and here.
[2] This article was published on *The Guardian* and can be accessed here. The website article does not have a page number. From here on, page numbers will only be mentioned in the in-text citation when available.
[3] A recent case can be read about here.

1

In the past 10 years, Bangladesh has experienced an increase in the intensity of particular religious values and sentiments that instrumentalises the Muslim faith as it were an indispensable element of the "national identity" in order to use it for disciplining the whole of its citizenry. In a country where the religious landscape includes Islam as the state religion with Hinduism, Christianity, Buddhism and other faiths as minority religion, policing the bodies through the politicisation Islam is in itself particularly concerning. This policing is done through an act of gendering and sexualisation of certain bodies – imposition of dress codes on women's bodies rather than those of men and ostracisation of the non-heterosexual bodies. From the four walls of one's home to the discussions on social media, there has been a surge of aggression against not only people who are non-Muslims, but anyone and everyone who does not meet the norms of what it means to be a "Bangladeshi Muslim". Religion and the idea of a nation are so strongly intertwined in Bangladesh that the Minister of Disaster Management and Relief commented in the wake of Cyclone Mocha in May 2023 that the cyclone could not do much damage to the country due to the good deeds (Islamic) and modest (Muslim) clothing and lifestyle of the Prime Minister Sheikh Hasina.[4] This is just one example of the many times the state and its officials have brought in Islamic references in discussions of severe issues concerning the country. Based on such observations, I am intrigued to understand the inner workings of the state, particularly the dynamic between nationalism and Islam that results in a binary of desirable/respectable and disposable bodies. This growing institution of religious nationalism has often instigated violence, especially on the grounds of gender and sexual identity, and has targeted women, homosexual, transgender and queer people in particular. My research deals with the space in which Islam and nationalism intersect in Bangladesh to discipline the gendered and sexualised bodies and the perception thereof.

---

[4] The original news that reports it is in Bangla and can be accessed here. The translation is my own. For the convenience of tracking, I have translated the title to English as "'Mokha could not make an impact due to the good Islamic deeds of the Prime Minister'" in the Works Cited page.

Research Questions and Aim

My aim is to explore the ways in which contemporary religious nationalism in Bangladesh shapes the idea of what constitutes a "loyal/proper subject/body" of the state and which bodies or lives are considered non-valuable to the point of being disposable. My research goals include:

- Examine the link between Islam and nationalism in Bangladesh

- Explore how gender and sexuality play a role in constituting the idea of the "proper subject" of the state

- Understand the biopolitics of constructing non-valuable bodies/lives

- Analyse the ways in which the state propaganda of religious nationalist violence is instigated and directed towards bodies on the grounds of gender and sexuality

I want to explore the enhanced vulnerability of particularly gendered and sexualised subjects in the process of constructing the ideal or proper subject of the nation and therefore to answer the following research questions in the process:

What constitutes the "proper subject/body" of the state in relation to gender and sexuality? How have the non-valuable bodies/lives emerged as a result of the religious nationalism in Bangladesh in the past decade?

What does it mean to occupy a body specifically in this political situation? How are bodies inscribed to bear different meanings in a political scenario that grows fundamentalist behind the façade of a secular regime?

Research Contribution

My research brings together discussions of religious nationalism and the perception of gender and sexuality in the context of Bangladesh. It is specific in its particular focus on how gender and sexuality affect the idea of the "loyal subject/body" of the nation. I also string together incidents previously thought to be isolated - namely the murders of atheist bloggers and queer activists, and connecting them with sexual violence cases committed on the basis of the lifestyle and dress codes against women. This thesis locates the gap in the current literature – it pulls into the discussion the role of secular violence under the neo-colonialising trope of international powers, which has been disregarded in existing literature. This, I believe, will enrich literature on Bangladesh and will contribute to be an anchor for more extensive research on the matter.

Chapter 2: Negotiating a Nation: Inscribing the Body into Existence

"[N]ationalism has typically sprung from masculinized memory, masculinized humiliation and masculinized hope." -Cynthia Enloe, Bananas, Beaches, and Bases

To approach my research questions systematically, I divide my literature review in sections corresponding to the key concepts of my research, namely bodies and nationalism, and the creation of the sexual and by extension national Other. I will first situate my understanding of national identity and how sexuality, gender and bodies become symbolic grounds of negotiation. Following this, I will contextualise the political scenario of Bangladesh, with a focus on its Islamisation in the wake of its independence in 1971, exploring the colonial implications. I will conclude the Chapter by discussing Judith Butler and Kimberlé Crenshaw's works.

I would like to make an important point regarding the choice of the literature. I have consciously selected studies written mostly by South Asian authors. The reason behind my decision is that, I believe, the contextual nuances of the concepts of nationalism, gender and sexuality in Bangladesh are better captured by the local scholars in the field. For example, Benedict Anderson's (2006) concept of a nation *Imagined Communities: Reflections on the Origin and Spread of Nationalism* as an "imagined political community" is immensely influential to our understanding of nations (Anderson 5). However, in *The Nation and its Fragments: Colonial and Postcolonial Histories*, Partha Chatterjee (1993) aptly posits the question – whose 'imagined community' is it? In doing so, Chatterjee informs the conversation on nationalism by unveiling the dimensions to "anticolonial nationalism":

> If nationalisms in the rest of the world have to choose their imagined community from the certain "modular" forms already made available to them by Europe and the

Americas, what do they have left to imagine? History, it would seem, has decreed that we in the postcolonial world shall only be perpetual consumers of modernity. Even our imaginations must remain forever colonized. […] I cannot reconcile it with anticolonial nationalism. The most powerful as well as the most creative results of the nationalist imagination in Asia and Africa are posited not on an identity but rather on a *difference* with the "modular" forms of the national society propagated by the modern West. (Chatterjee 5)

The political and cultural context shaped by colonialism acts as an elemental force in the making of a postcolonial nation. The imagination of a nation, in the case of Bangladesh, is rooted in opposition to the Empire and then done on the basis of language against Pakistan. Since its independence, the imagination has been invested in distinguishing itself from its neighbouring India and Pakistan while building a pan-Islamic commonality at the same time with more Islamic nations of the world (affecting the materialisation of ideal and loyal national subjects/bodies), which will be discussed further in this chapter.

2.1 Biopolitics of National Identity

Attempts at homogenisation establishing the Self versus the Other divide in the making of a nation implies exclusion of certain bodies and identities. As Michel Foucault (1997) argues in *Society Must be Defended*, the element that circulates between disciplinary and regulatory power, one that disciplines the body and also regularises the population is the norm (252-253).[5] This perspective allows us to understand the biopolitical aspect of the national identity: "First, the idea of a biopolitical 'norm' has strong moral and religious underpinnings, conducive to constructing a Self-Other dichotomy. The ultimate goal is the creation of a nation as a coherent community based on a biopolitical understanding of national identity" (Makarycheva and

---

[5] Andrey Makarycheva and Alexandra Yatsyk also argue in that logic in their paper "Biopolitics and national identities: between liberalism and totalization" – "What biopolitics can tell us is that national identity making necessarily implies disciplinary practices of controlling and regulating human lives as a precondition for aggregating a population into a single collective body" (1).

Yatsyk 3-4).[6] I connect the idea of sexuality, norm, and political killing in examining the formation of national identity, drawing on Foucault's lecture series: "But because it also has procreative effects, sexuality is also inscribed, takes effect, in broad biological processes that concern not the bodies of individuals but the element, the multiple unity of the population. Sexuality exists at the point where body and population meet. And so it is a matter for discipline, but also a matter for regularization" (Foucault 251-253)[7]. However, while Foucault speaks about political killing in relation to racism, I extend that idea in understanding how in creating a sexual norm (Self), the sexual Other needs to be erased; the creation of the non-Muslim, *hijra,* LGBTQI+ and woman Other as opposed to the cis-hetero-Muslim-male self.[8] Medicalisation of the gender diverse population through prioritising their health over other human rights is also an act of biopolitical intervention that plays a part in securing the desired population (identity), as discussed in Chapter 6.

2.2 Bodies & Nationalism

The construction of the sexual Other in inherently rooted in politicising the body for national agenda. In "The Regime of Authenticity: Timelessness, Gender and National History

---

[6] "In this sense, biopolitics develops the so-called apparatuses of control aimed at improving, promoting, and managing life, which becomes a matter of government, thus making life no longer a private affair, but a matter of policy. Therefore, biopolitics points to the ambition of modern power to administer, regulate, and optimize the human body and body politic as a whole […] As a result, the hegemonic conceptions of identity are mostly based on corporeal practices of Self-Other distinctions, with the otherwise deeply private issues of lifestyles and reproductive behavior being elevated to the very top of political concerns" (Makarycheva and Yatsyk 2). In the case of Bangladesh, religious nationalist sentiments mobilise the discipline and regulation of self-other dichotomy, where sexuality and become a pivotal point of action.

[7] This regulatory process in terms of sexuality is also examined by Butler in *Bodies that Matter*, who says, "the regime of heterosexuality operates to circumscribe and contour the "materiality" of sex, and that "materiality" is formed and sustained through and as a materialization of regulatory norms that are in part those of heterosexual hegemony" (15).

[8] "In a normalizing society, race and racism is the precondition that makes killing acceptable. […] When I say 'killing,' I obviously do not mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection, and so on" (Foucault 256). Also, Birgit Sauer brings forth a similar understanding that links this biopolitical exclusion to Judith Butler's concept of ungrievable lives – "the concept of necropower does not only refer to the physical death of a person, but also to social and political death, that is, discrimination, exclusion or erasure through processes of de-humanisation. In a similar vein, Judith Butler writes about the 'violence of derealization' (Butler 2004, 33), of lives who are not 'grievable' (Butler 2004, XV). This translates into what Fatima El-Tayeb (2016, 54) calls 'erasable lives.'" (452-453).

in Modern China", Prasenjit Duara (1998) traces the way women in twentieth century China were imagined and constructed as the symbolic ground for nationalist patriarchy in China. To do so, Duara touches upon questions of time and timelessness in national history, and focuses on the formation of a "regime of authenticity" that naturalises the execution of a nationalist power in China.

One of the main arguments that Duara presents is the relationship between the idea of time and timelessness in national histories. He comments that the imagination of a nation-state as "future-oriented and performative" positions it to compete and progress, and at the same time to have a conception of its past that is to determine its direction forward (Duara 289). Duara further suggests that such logic poses the question against the unchanging core of unity that forms a basis of nation. In simple words, while evolving and changing with time is a necessity to keep up with the global world, the idea of nation also needs to have an unaffected, timeless core of traditions and values.

Duara's idea of "regime of authenticity" provides an analytical category to examine how nations seek to find an authentic core of traditions that is seen and understood to be timeless. In the case of twentieth century China, the nation imagines women as that authentic core and uses the female body as symbolic grounds on which to negotiate nationalist heteropatriarchy: "Nationalists and cultural essentialists tended to depict women as embodying the eternal Chinese civilizational virtues of self-sacrifice and loyalty and to elevate them as national exemplers" (Duara 287). Women were turned to be symbols of national virtue while women raped in war were turned into representations of the defiled nation: "traditional dramatic motifs of the fallen, heroic, or sacrificed heroine to represent the invaded nation. But the motifs is by no means restricted to wartime" (Duara 297). Simultaneously, this concept of the core operates with complete disregard of actual women's life, as Duara observes. The representation was required to produce deep effect but also was to be denied agency in the

8

public realm (Duara 296). This point is relevant in the case of Bangladesh too in that the nine-month-long war of independence saw hundreds of thousands of women raped and mutilated; the survivors were stamped with the label of *birangona* (war heroine) and romanticised and glorified in the public discourse (symbolised as mothers and sisters of the nation whose violent experiences are 'heroic') while in reality result in an extremely precarious existence.[9]

A central point in Duara's argument indicates that, in China, women were symbolised as the authentic, as the core of nationalist traditions and embodiment of virtue but were also expected to participate as modern citizens. The tension in nationalist discourse to modernise (change with time) women but to also conserve the truth of their regime in the bodies of women (timeless and unchanging) can be drawn upon in the context of Bangladesh. Women are expected to be economically 'productive' and be present in the public domain, but only when it is done is while embodying 'respectable' femininity that encapsulates their identity as Bangladeshi Muslim women. I believe that this understanding can be extended to analyse how in a similar manner, the loyal subject and the non-valuable bodies are constructed in Bangladesh.

To explore further how the body acts as a corporeal ground for a gendered process of nation-building, George Mosse's work becomes relevant. In *Nationalism and Sexuality* (1985), Mosse analyses how masculinity became a defining image of the nation in the 18th and 19th Century Germany and UK. Mosse opens by establishing that the attitude towards sexuality determines respectability of the subject of the nation – national bodies that conform to "respectable" expressions of sexuality imply the acceptance of a collective regulation and discipline of bodies, and national unity, both of which underscores good governance and

---

[9] Yasmin Saikia writes in *Women, War, and the Making of Bangladesh: Remembering 1971*, "The violence of rape was responded to with more violence by the Bangladeshi state represented by the liberators, Bengali men. Purity and impurity, belonging and exclusion were worked out and physically carried out on the body of women, the site of national dishonour and power for men to control the imagining of a new 'liberated' nation" (61).

strength on the state's part. Mosse's text is relevant for my research on two accounts: the construction of masculinity as the authentic core of the nation, and the subsequent creation of the sexual Other (the women and the queer) that branches out to the politics of citizenship and belonging. What is evident from both Duara and Mosse's discussion is how the construction of nation is dependent on creating a certain image of femininity and masculinity, rooted in the policing of bodies.[10]

Mosse highlights that the formation of the respectable subject comes at the cost of forming the non-respectable Other. Since respectability depends massively on the policing of sexual behaviour, for the image of a respectable nation/state to form, a mere feminine vs. masculine binary would not suffice. Respectable sexual behaviour is negotiated by religion and science, which now come together in the voice of medicine. In my research, I am concerned with the formation of the Other in its various formulations – the abnormal, the unnatural, the sick, and the degenerate. My interest here is precisely to explore how nationalism's creation of the sexual Other is carried out by a politics of eugenics and citizenship at a complex intersection of relations of power, determining which bodies matter and which do not. Mosse's discussion is dominantly based on the context of Germany and UK, but opens up paths to navigate how much of colonial intervention rests on the sexual othering of the colonial subject.[11] Mosse is concerned with the colonialising masculine-colonialised degenerate male binary, while my analysis adopts his framework to reflect on the ways in which nationalism's

---

[10] To be noted here, an important task is to not limit the investigation to simply what emerges as the ideal and the non-ideal body of the state; the politics of nation making should be examined through the understanding that the ideal and non-ideal positioning of the bodies come to emerge through a masculinised imagination of the state (the state is not a neutral agent but a masculine entity). As Joan Nagel argues in "Masculinity and nationalism: gender and sexuality in the making of nations," "the scripts in which these roles are embedded are written primarily by men, for men, and about men, and that women are, by design, supporting actors whose roles reject masculinist notions of femininity and of women's proper 'place'. If nations and states are indeed gendered institutions as much recent scholarship asserts, then to limit the examination of gender in politics to an investigation of women only, misses a major, perhaps the major way in which gender shapes politics – through men and their interests, their notions of manliness, and masculine micro and macro cultures" (243).
[11] See its discussion in Section 2.4.

modes of creating the respectable male sexual subject is anchored in exclusionary methods through instrumentalising the Islam faith *from within* the nation. This facilitates the understanding of the exclusion of transgender, homosexual and queer bodies in the imagination of the 'Bangladeshi nation'.

On the discussion of the sexual Othering of bodies in the service of nationalism, respectability and naturalisation go hand in hand. To create the respectable subject of the nation, the respectable has to be naturalised as heterosexual – and so made to appear 'timeless'. Such naturalisation of heterosexuality is discussed by M. Jacqui Alexander (1994), who opens her article titled "Not Just (Any) Body Can Be a Citizen: The Politics of Law, Sexuality and Postcoloniality in Trinidad and Tobago and the Bahamas" with a strong emotional claim that sets the tone for the article: "I am an outlaw in my country of birth: a national; but not a citizen" (Alexander 5). In this article, Alexander puts together how sexuality is constructed and naturalised in the context of Trinidad and Tobago and the Bahamas, and brings up crucial points of analysis that include how heterosexuality is naturalised, and the creation of the ideal body/subject in relation to sexuality in order to legitimise who counts as a legitimate citizen. An early point that Alexander makes in relation to institutionalised heterosexuality and criminalisation of other forms of sexuality, is that this process of criminalisation acts as an instrument of state control. While it may seem like an obvious relation, I appreciate that Alexander aptly indicates how this creates a site of control where state power is constantly reproduced (Alexander 6). Specifically, it reproduces heterosexuality in the first place not as the norm but as if "natural." The significance of such naturalisation of heterosexuality is also an act of naturalisation of state violence, hence it facilitates not only the nation-state to govern bodies, but also, I believe, that it ensures that bodies will police themselves and so each other as well.

Alexander points out that the sexualisation of the ideal citizen is acted out through policing and stigmatising non-procreating sex: "Embedded here are powerful signifiers about appropriate sexuality, about the kind of sexuality that presumably imperils the nation and about the kind of sexuality that promotes citizenship" (Alexander 6). Alexander draws out these nuances of policing and how this leads to the construction of the heterosexual and gendered body as the ideal citizen. She brilliantly showcases how the natural can only exist as natural as long as the existence of the 'unnatural', in the sense of non-procreating, is confirmed. Thus, these non-ideal bodies, while a threat to the nation, are necessary to furnish the limits of citizenship and by extension, to define the nation: "Yet lesbian and gay sex, the 'pervert', the 'unnatural' are all indispensable to the formulation of the 'natural', the conjugal, the heterosexual," Alexander says (9). This not only relates to Mosse's argument about the making of the degenerate vs the normal, but her whole article becomes relevant to the discussion of Bangladesh in two main ways. Firstly, it is important in the discussion of the understanding of the colonial perception of sexuality, and secondly, in the naturalisation of heterosexuality and the criminalisation of homosexuality in Bangladesh (and the violence it is indicative of towards female and queer bodies).[12] Through this, the idea of heterosexism emerges, which V. Spike Peterson positions as a precondition for nationalism: "heterosexism refers to the institutionalization and normalization of heterosexuality and the corollary exclusion of non-heterosexual identities and practices" (Peterson 39).[13] Through the understanding of bodies as

---

[12] Mosse's chapter does not branch out to the implications of "respectability" on colonial subject, but it can be read in relation to Ann Laura Stoler's "Making Empire Respectable: The Politics of Race and Sexual Morality in Twentieth Century Colonial Cultures" to form an understanding of colonial influence in nation building.

[13] In "Sexing Political Identities/Nationalism as Heterosexism." Peterson further argues that, "the conjuncture of heterosexist ideology and practice is inextricable from the centralization of political authority/coercive power that we refer to as state-making" (39). The concept of normalising as discussed in 2.1 as a part of nation making can be further supported through Peterson, who states, "Heterosexism as sex/affect involves the normalization of exclusively heterosexual desire, intimacy, and family life. Historically, this normalization is inextricable from the state's interest in regulating sexual reproduction, undertaken primarily through controlling women's bodies, policing sexual activities, and instituting the heteropatriarchal family/household as the basic socio-economic unit (40).

imaginary bodies by the state, I will examine nationalism in Bangladesh informed by Peterson's discussion of heterosexism.

2.3 Politics of Islamic Identity: Institutional Logic of Religious Nationalism In Bangladesh

In "Politics of Islamic Identity in Bangladesh: A Perspective on the Self-Other Comparison," Md Abdul Mannan (2014) provides an excellent historical account since the partition of India in 1947, which details the factors that contributed in the Islamisation of the politics in Bangladesh.[14] Mannan recalls, "Bangladesh's emergence as an independent state from Pakistan in 1971 was ideologically based on Bangalee nationalism (Bengali nationalism). This nationalism contradicted Pakistan's Islamic identity" (80). Following independence in 1971, Bangali nationalism continued to be a dominant political discourse, one that strengthened the India-Bangladesh relationship while it distanced Bangladesh from other Muslim nations.[15] Mannan brilliantly captures the political turmoil following the birth of Bangladesh, where it found itself in a limbo of contradictory identities, constantly having to balance between its Bangali and Islamic identity. Awami League being in power of the new Bangladesh was accused by opposition parties of being pro-Indian as Bangali-ness was associated with Hinduism, which essentially painted it anti-Islam.[16] To further contextualise the political

---

[14] "The paper argues that the politics of Islamic identity in Bangladesh defines national selfness in terms of Muslimness of Bangladesh's overwhelming Muslim population" (Mannan 80).

[15] "For less than half a decade after independence, as many as three legacies of the war of independence continued in Bangladesh politics: 1) Bangalee nationalism received upper hand in the official discourse of national identity keeping religious identity at ebb; 2) an wave of euphoria characterized Bangladesh-India relations; and 3) the Muslim world largely refused to recognize Bangladesh's emergence and existence as a sovereign state. These three important legacies of the independence war existed under the government of the AL (1971-75) led by charismatic leader Sheikh Mujibur Rahman (Mujib). After the demise of his government in a bloody military coup on August 15, 1975, Islamic identity began to receive upper hand in official discourse with much of the pre-1971 legacies. Reflecting a reversal of the experiences of the war of independence, Islamic identity depicted Hindu India as the inimical Other to the Self. The Self was defined in terms of Muslimness of Bangladesh conditioning a policy of pan-Islamic friendship" (Mannan 81).

[16] "Of note, Bangladesh's Muslim identity was important to India as well. During the events of 1971, Bengali populace of India's West Bengal showed their utmost passion for their co-ethnic Bengalis in East Bengal.12 In that sense, Bengali nationalism in East Bengal was a threat to India's territorial integrity" (Mannan 81). In "Religion, Politics and Security: The Case of Bangladesh" Amena A. Mohsin (2004) also makes a similar point "Proponents point out that Bangladeshi nationalism is territorial—it draws a line between the Bengalis of

scenario and facilitate the discussion in Chapter 4 of the reasons for the contestation of secularism in Bangladesh, this point by Mannan may be useful:

> After the independence of Bangladesh, the framing of the country's first constitution in 1972 by Mujib government was the most important political development. The constitution inserted four fundamental principles of the state: democracy, socialism, nationalism, and secularism. These principles came to be branded together as "Mujibism". […] The majority of the people of Bangladesh are simultaneously Bangalee and Muslims. These dual identities could coexist without state intervention. But as the state intervened in favor of Bengaliness, Muslims' psyche perceived it as the denial of their religious traits and suspected it as an anti-Muslim and pro-Hindu identity. It was not unnatural for the Muslims to reckon the mutually synonymous meaning of Bangalee and Hindu identity which was constructed by Hindu aristocracy in the nineteenth century in Bengal of British India. […] Secularism neither merited being inserted into the constitution in theoretical sense26, nor did it fit "Bangladesh'ssocietal spirit and history." (Mannan 83-84)

When Major Ziaur Rahman came to power after Mujib's assassination in 1975, the political move was to replace the Bangali (allegedly Hindu) identity with a Bangaldeshi (Muslim) one, whose effects still reverberates through the present – "With the change of regime, nationalism in Bangladesh also took an explicit turn toward religion. The coup leaders obviously wanted to capitalize on the existing public mood, […] therefore used Islam to secure—and to a certain extent legitimize—their position. It is therefore not surprising that the coup of August 1975 was declared in the name of the "Islamic Republic of Bangladesh" (Mohsin 472-473). It is precisely for this reason that the constitution was Islamised, whose effects are elaborated in Chapter 4.[17] Willem Van Schendel (2009) also argues this in *A History of Bangladesh*:

Bangladesh and Bengalis of West Bengal of India. This gives it a totality, which is precisely lacking in Bengali nationalism" (474).

[17] "The General, popularly known as Zia, amended the constitution replacing *Bangalee* identity with *Bangladeshi* nationalism. The removal of secularism from and incorporation of some Islamic expressions into the constitution implied the *Muslimness* of the *Bangladeshi* nationhood. […]The emergence of Bangladesh as an independent state from Pakistan, from the viewpoint of *Bangladeshiness*, was, therefore, the reflection of the birth of an essentially

Whereas [Bangaliness] saw the nation as originating in the language movement and the 1971 war, the narrative of Bangladeshiness saw the nation as originating in the movement for Pakistan and the 1971 war. It did not see the creation of Pakistan as a misstep that had been rectified with the emergence of Bangladesh. On the contrary, it stated that the Bangladeshi nation was the ultimate manifestation of the delta's Muslim-Bengali identity, which had been maturing during the British and Pakistan periods...In other words, 1947 had been necessary for 1971 to happen: the creation of Pakistan had enabled the emergence of Bangladesh. (Schendel 203)

Hossain Mohammed Ershad's ascension to power in 1982 advanced the process of this Bangladeshiness with stronger Islamisation attempts: "In 1988, Ershad made Islam the state religion of Bangladesh, thus institutionalizing the new brand of nationalism with an Islamic flavor introduced by Zia" (Lintner 414).

2.4 Colonial Scars: Sexuality and Gender

In discussing the body and the nation relationship, the gendered dimension of the process is prominent in the literature. Ann Stoler's (2002) work in *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* pinpoints that categories of the coloniser and colonised and the binary identities inscribed upon them were secured through the control of sexuality.[18] Rudi C. Bleys (1995) also explores this concept of creating the sexual Other in relation to colonialism – according to Bleys, the racial other is foundational to creating the sexual other.[19] In the case of Bangladesh, the colonial implications play a dominant role in

Muslim nation. This was an attempt to distinguish Muslim *Bangalees* (Bengalis) of Bangladesh from their co-ethnic Hindu *Bangalees* of India's West Bengal in particular and Hindu India in general" (Mannan 86-87).
[18] Stoler asks "In what ways were the gender inequalities essential to the structure of colonial racism and imperial authority? […] Was the assertion of European supremacy in terms of patriotic manhood and racial virility an expression of imperial domination or defining feature of it?" (42). In chapter 3 of the book, she demonstrates that sexuality was not simply a metaphorical field of domination: "The colonial politics of exclusion was contingent on constructing categories" (43). She further adds, "Imperial authority and racial distinctions were fundamentally structured in gendered terms;" this not only resonates the manner in which imperial authority justified its sexual control but also how it continues centralise sexuality in its interventions in the East, as highlighted in Chapter 6.
[19] "The generalizing constructions of an Oriental sexual morality, regardless of religious creed, social circumstance or cultural context, may lead us to believe that here were laid the germs of a racialist theory of human sexuality" (Bleys 31). The quote is collected from the Chapter one, titled "The Pre-Enlightenment Legacy" in *The Geography of Perversion: Male-to-Male Sexual Behavious outside the West and the Ethnographic Imagination, 1750-1918.*

shaping how gender, sexuality and the body become significant markers of national identity. Conditions shaping the idea of sexuality in the empire travelled to the colonies to shape the concept locally. In "Decolonising Queer Bangladesh: Neoliberalism Against LGBTQ+ Emancipation," Ibtisam Ahmed (2019) writes on the history of *hijra* in colonial India in light of Section 377 of the Indian Penal Code. "Thomas Babington Macaulay, a long-term proponent of imperialism as a 'civilising mission' […] 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" (Ibtisam 102). Ibtisam adds to the context:

> 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 intimacy in 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 (presentday 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 […]. (Ibtisam 103)

This highlights that contextually, queerness was somewhat integrated within the society and was not an antithesis of heteronormativity, which is also why the enactment of Section 377 did not meet strong resistance, because "more than an attack against homosexuality (which was not spelled out), it was meant to discipline uncivilised sexual practices that went against the English standards. Another reason was that queerness of sexuality was not understood or yet developed as a distinct sexual identity in the region" (Ahmed 103).[20] Interestingly, the 18th and

---

[20] I think it should also be noted that in the interaction with the colonies, European concept of sexuality was also transforming; in the 18th and 19th century a more medicalised and pathologised categorisation of sexual perversion was manifesting, discussed in the first half of Harry Oosterhuis' book *Stepchildren of Nature: Karfft-Ebing, Psychiatry, and the Making of Sexual Identity."*

19th century also saw growing speculations in matters of sexuality in the West, which was centralised in the pathology of perversion. As Amanullah et al. (2022) addresses the significance of *hijra* in Indian folklore and mythology in their article titled "Human rights violations and associated factors of the Hijras in Bangladesh - A cross-sectional study":

> The existence of Hijra is deeply rooted in Hinduism, including the deity Ardhanarisvara which is a composite male-female figure of Shiva and Parvati […]. Gender variant individuals such as Amba/Shikhandin and Arjuna in the *Mahabharata* played a significant role in mythology. Historically, Hijras (then known as Khwaja Sara) were employed as custodians of the harem and held important positions in the court. The Hijras are central to Hindu practices, and as part of their badhai culture, they are often invited to the wedding, birth and other religious celebration […]. The most important goddess for the Hijras is the Mother Goddess, Bahuchara Mata. In her name, Hijras perform their ritual function of giving blessings for fertility to a married couple or prosperity to a newborn child […]. (Amanullah et al. 2)

In discussing the colonial influence, the pre-partition context is connected to the argument above. Colonial influence is not limited to the years up until India's partition in 1947, but also figures in the neo-colonial setting of global politics. Western politics and media has an alarming effect in Bangladesh, so which bodies come to matter and which do not is a conversation that should not go without bringing in to the discussion the Western bias.

2.5 Butler on Bodies

The concepts I have so far established constitute the argument that a nation's delimitations are marked on loyal subjects, and loyal subjects are heterosexually procreating and gendered bodies. What constitutes a body, and which body comes to matter for the purpose of nation making can be examined through Judith Butler's (1993) work in *Bodies that Matter:*

On the Discursive Limits of "Sex." Butler's claim of bodies being constructed discursively has been previously explored in "Foucault and the Paradox of Bodily Inscriptions."[21] In *Bodies that Matter*, Butler explores further how some bodies and identities come to matter and some do not through systematic exclusion.[22] The analytical framing of my thesis is centered on the questions posed by Butler:

> [H]ow and to what end bodies are constructed as is it will be to think about how and to what end bodies are not constructed and, further, to ask after how bodies which fail to materialize provide the necessary "outside," if not the necessary support, for the bodies which, in materializing the norm, qualify as bodies that matter. How, then, can one think through the matter of bodies as a kind of materialization governed by regulatory norms in order to ascertain the workings of heterosexual hegemony in the formation of what qualifies as a viable body? How does that materialization of the norm in bodily formation produce a domain of abjected bodies, a field of deformation, which, in failing to qualify as the fully human, fortifies those regulatory norms? What challenge does that excluded and abjected realm produce to a symbolic hegemony that might force a radical rearticulation of what qualifies as bodies that matter, ways of living that count as "life," lives worth protecting, lives worth saving, lives worth grieving? (Butler 16)

This brings forth the idea that questioning what constructs the body that matters is also questioning to what end bodies that do not matter are constructed. Butler suggests, that the regulatory norms that materialise a viable, valuable body simultaneously creates a parameter beyond which abjected, erasable and unvaluable bodies exist. In this logic, these abjected bodies keep intact the heterosexual parameter intact by providing the "necessary 'outside.'"

---

[21] "The body is a site where regimes of discourse and power inscribe themselves, a nodal point or nexus for relations of juridical and productive power. And, yet, to speak in this way invariably suggests that there is a body that is in some sense there, pregiven, existentially available to become the site of its own ostensible construction. What is it that circumscribes this site called "the body"? How is this delimitation made, and who makes it? Which body qualifies as "the" body? What establishes the 'the', the existential status of this body? Does the existent body in its anonymous universality have a gender, an unspoken one? What shape does this body have, and how is it to be known? Where did "the body" come from?" (Butler 601).

[22] Sarah Salih comments in Routledge Critical Thinkers series titled *Judith Butler*, "that sexed identities are taken on through the violent rejection and exclusion (or 'foreclosure') of identities that are deemed *not* to matter" (76).

Butler also points out, "It is this repeated repudiation by which the subject installs its boundary and constructs the claim to its "integrity" that concerns us here. This is not a buried identification that is left behind in a forgotten past, but an identification that must be leveled and buried again and again, the compulsive repudiation by which the subject incessantly sustains his/her boundary" (Butler 114). Through this, a bridge with the biopolitical construction of national identity is made (Section 2.1), which facilitates my intertextual analysis carried from Chapter 4 to 6; how a disavowal to identifying with the sexual other is constantly done through statutory texts and everyday speech.

2.6 The Unbearable Intersectionality of Being

My theoretical approach in fact relies on Kimberlé Crenshaw's intersectionality.[23] Given that the framework of intersectionality is rooted in race, for the purpose of this thesis I situate it to understand the unique positionalities created in the intersections of race (in discussion of colonialism in Chapter 6), ethnicity (in discussion of the exclusion of indigenous bodies in Chapter 4), sexuality and gender (as discussed throughout). According to Crenshaw, intersectionality is not simply an act of multiplying identity categories in a list but a structural analysis that explores how people's particular conditions are shaped by and located within multiple structures of power, which is ultimate aim in examining structural violence (Guidroz and Berger 70).

2.7 Conclusion

The review of the existing literature contextualises the readers with the political context of Bangladesh, as well as gives an informed overview of the relevant key topics of this thesis. In doing so, I have identified two distinct gaps in existing literature. Firstly, in the literature

---

[23] For the purpose of this thesis, I mainly ground my analysis on Crenshaw's 2016 TedTalk on intersectionality that can be accessed here. However, "A Conversation with Founding Scholars of Intersectionality: Kimberlé Crenshaw, Nira Yuval-Davis, and Michelle Fine" has also been a source of informed understanding of intersectionality.

that speak of religious nationalist context and the violence it ensues, secular violence is not examined, which can make analytical approaches reductive.[24] Secondly, violence against women, *hijra* and LGBTQI+ bodies are discussed in isolation in the sense that they are not brought in together in examination of how the ideal body of the state materialises in their complex relations of power.

This thesis fills in that gap through building on existing literature and approaching the subject with the theoretical approach of Butler and Crenshaw. My main theoretical framework largely depends on Judith Butler's work on bodies, especially on their examination of how power works at the core of sex, sexuality and gender. In *Bodies that Matter: On the Discursive Limits of "Sex,"* Butler highlights heterosexual hegemony in relation to power dynamics that formulate the "matter" of bodies. This approach would be supported by the intersectional approach to structural violence as theorised by Crenshaw. While the analysis in this thesis is grounded in Butler and Crenshaw, I believe my theoretical approach to be unique as my own lived experience in the country acts as a site I theorise from in my analysis.

---

[24] Only Dina M. Siddiqi seems to bring forth in discussion secular violence in "Exceptional Sexuality in a Time of Terror: 'Muslim' Subjects and Dissenting/Unmournable Bodies," which will be featured in Chapter 6. However, Siddiqi takes the route of an argument not entirely rooted in religious nationalism. She will be brought into the discussion in Chapter 6 for the relevant parts of the analysis.

Chapter 3: Methodology

3.1 Critical Discourse Analysis: Analytical Strategy

For the purpose of my thesis, I will be adopting Norman Fairclough's (2003) Critical Discourse Analysis (CDA) as my methodology in order to explore the ideological investments of the conceptualisation of the "valuable body of the Bangladeshi social subject". As my topic is largely based on assessing the shifting power dynamics in a society that is increasingly growing fundamentalist, platforms of communication and discourses present in national media and materials published by NGOs and organisations in support of LGBTQI+ rights have been the source of empirical evidence. By navigating textual mediation of the relationship between state and particular communities, I aim to highlight the ways in which violence against queer and female bodies are instigated, propagated and normalised in the political landscape of Bangladesh with reference to the 'Islam faith'. Discourse, in this case, makes up the social fabric in which fundamentalist aggression against particular bodies are sustained and legitimised. Fairclough's Critical Discourse Analysis is the chosen methodology for my research, as it allows me to examine how in the political context of Bangladesh, an intertextual dialogue is formed that puts forth assumptions in favour of the state by negotiating a dominant ideology of the cis-hetero-Muslim-Bangali-nationalist out of the multiple ideologies come together in the texts. An intersectional lens as provided by Crenshaw is present as a part of my methodology through which I examine the texts and context.

Reflecting upon what I understand to be feminist approaches to research, I have been particularly moved by Gayle Letherby's (2003) "auto/biographical" approach as my interest in the topic was born out of my own lived experience in Bangladesh. I was intrigued to make sense of my own lived experience, in Letherby's formulation, "making sociological sense of the self – one's own history, development and biography – and in locating oneself in social structures, to understand those structures and extrapolate from this to try to understand and

21

respect others' experiences, feelings and social locations" (Letherby 1). This truly encapsulates my research interest and also enables my rethinking of my positionality in the research and through its mediation in the lived experience of others. I find this to be particularly useful to assess my approach and consider in what ways my method can be considered feminist for me and for the subjects of my research.

3.2 Research Data

Chapter 4 will analyse three statutory texts, namely the Constitution of the People's Republic of Bangladesh (1972), Penal Code of Bangladesh (1861), and the Digital Security Act (2018). These texts are specifically chosen because the Constitution and the Penal Code are foundational to state operation, and the Digital Security Act is seen as a referential point of the former two legal documents in disciplining bodies. The section analysing the DSA is more extensive than that of the other two not because of any hierarchy in significance among the three, but because it has more sections that are invested in policing non-loyal bodies of the state which needed to be unpacked.

Chapter 5 and 6 are supported with national and international news articles as they are more publicly accessible documents of state and civilian activities. To support any claim, the selection was based on the basis of credibility of the source where I opted for the top news media publications, and when none of the leading dailies reported on a matter, I opted for lesser known yet credible media sources.[25] Keywords relevant to each Chapter were used to collect data. For Chapter 4, keywords such as "Indigenous rights Bangladesh," "*fatwa* cases in Bangladesh," and "DSA arrests Bangladesh" were used. For Chapter 5, the process was a bit

---

[25] Here, credibility has been assessed through fact-checking and cross-checking with other media sources. That is, if none of the leading dailies reported an event but a lesser known (such as *Jago News 24,* which is a smaller and less popular news media than *Prothom Alo, The Daily Star, Dhaka Tribune and The Business Standard)* source did, I checked previous publications by that source, cross-checking with other media sources. Additionally, credibility was also a matter of where and how they collected their information, which I evaluated by paying attention to their sources.

CEU eTD Collection

22

more extensive as a key topic was the *hijra* identity. Using keywords such as "hijra rights Bangladesh" or "hijra recognition in Bangladesh" resulted in too many news media reporting the same news, hence I opted directly for the online archives of *The Daily Star, Dhaka Tribune,* and *The Business Standard* and searched for any news under the keyword "hijra". This allowed for a more diverse selection of news items covering the topic. While more time-consuming, this approach allowed me to not only compare how different news media reported the same event but also to find opinion pieces and editorials of each media that covered a variety of discussions related to the *hijra* identity.

For Chapter 6, I specifically searched for each case of assassination and murder mentioned with relevant keywords, such as "Xulhaz Tonoy murder case," "Sohagi Jahan Tonu rape case," "Avijit Roy assassination," etc. Besides this, to find reports by NGOs, I searched for "Bangladesh LGBTQI+ reports," and from the search result selected four reports that were the most extensive in their engagement with the key topic.

A total of 40 news reports have been analysed (13 international and 27 national). Data was also collected from 3 other databases (*CPJ, GGS and ASK)* to support my claims with relevant statistics. They have been used throughout the thesis and cited wherever necessary. Given that the time period of the dataset is between 1996-2023, as the focus of this thesis is specifically the past decade, most datasets belong to the timeframe 2011-2022.

Almost all the materials used are available in English (and are cited and referenced as such). However, when the English version of a material is not available, I have done the translation myself and have mentioned it accordingly.

3.3 Categories of Analysis

I have divided the methodological approach in analysis into two distinct categories, textual and intertextual. Firstly, for the textual analysis, I carried out a linguistic analysis of the

texts, which means my analysis initiated with an understanding of the literal meaning of the text, with a focus on the linguistic elements such as vocabulary. Following this, with the socio-political context established, meaning-making was carried out to identify what is explicitly said in a text, and what is implied and assumed (here, I built on the linguistic analysis in interpreting how the choice of vocabulary had both explicit and implicit meaning). This part of the task overlaps with the intertextual analysis, where the meaning-making was advanced in establishing how the texts form a dialectic relationship in the socio-political context. To elaborate, the three statutory texts analysed in Chapter 4 were examined firstly to understand the literal meaning of each text, followed by situating them in the socio-political context of Bangladesh to establish what meanings can be drawn out of each. This overlaps with the intertextual analysis, because the socio-political context is not completely separable from other texts that exist. Next, the analysis called to see how the chosen texts interact with each other, an interaction out of which a dominant ideology is negotiated. In doing so, Chapter 4 demonstrates how the three statutory texts are situated in the context of Bangladesh, how they interact with each other and the said context. The textual analysis does a literal translation of the law, and the intertextual analysis shows how the texts and the context form a dialogue that reflects a cis-hetero-Muslim-male ideal. Through a similar logic of analysis, Chapter 5 answers the many ways in which implicit and explicit meanings come together to erase the sexual Other in analysing the *hijra* situation. Lastly, the textual and intertextual analysis helps to showcase that in tracing the intertextual relations, the reports are interpreted to reflect the reality of Bangladesh, which is only partially represented in explicit language.

3.4 Conclusion

These categories of analysis with the explained choice of dataset, overall, allowed me to illustrate how the cis-hetero-Muslim-male ideal emerges as a dominant ideology in relation to the growing sense of religious nationalism in Bangladesh, resulting in the disposal and

erasure of the non-heteronormative bodies. Chapter 4 answers how the legal language of the three statutory texts generate this ideal, Chapter 5 establishes how this ideal is reproduced through everyday language, with a specific focus on the *hijra* community, and Chapter 6 reiterates the formation of this ideal in showcasing the selective bias in reporting, with a focus on the neo-colonialising tropes of international organisations.

Chapter 4: Legally Disposed: Dissecting the Language of the State

"The violence of language consists in its effort to capture the ineffable and, hence, to destroy it, to seize hold of that which must remain elusive for language to operate as a living thing." — *Judith Butler, Excitable Speech: A Politics of the Performative*

This chapter focuses on particular parts of three statutory texts, namely the Constitution of the People's Republic of Bangladesh (1972) and its amendments, the legacy of the Penal Code of Bangladesh (1861), and the Digital Security Act (2018). They are chosen as the building blocks of state operation: I want to explore the core ideologies informing these texts of jurisdiction and expose the ways they represent threatening consequences for women and LGBTQI+ people. My analysis will explore the language of the state and its power to explore how the three statutory documents produce and reproduce the cis-hetero-Muslim as the state-endorsed ideal citizen of the country.[26]

The analysis of the selected parts of the constitution, the Penal Code, and the DSA will be carried out with a focus on assumptions and intertextuality, the two categories of analysis as presented by Norman Fairclough in *Analysing Discourse: Textual Analysis for Social Research.* The ultimate aim is to explore how the language used to formulate the law and governance of a nation have particular implications for women and LGBTQI+ people that is achieved through generating a particular 'point-of-view', or ideology, which in this case, I argue, is a cis-hetero-Muslim nationalist one. As Fairclough contends that "What is 'said' in a text against a background of what is 'unsaid' but taken as given", i.e. the assumptions will help the researcher to ascertain their argument in establishing the actual meanings at play from the dominant perspective organising the text; in my case from that of the cis-hetero-Muslim

---

[26] The Constitution of the People's Republic of Bangladesh shall hereinafter be mentioned as the constitution, and The Penal Code of Bangladesh (1861) as the Penal Code. The Digital Security Act will be referred to as the DSA. The mentioned laws/codes will be quoted fully later in this paper.

nationalist interpretation of these texts (Fairclough 40). This idea becomes relevant in analysing the statutory texts, because the aim is to detect the ideological work the texts do in negotiating the multiple assumptions and perspectives through which a dominant one emerges and is sustained. The other category of analysis, intertextuality is said to apply on several levels. In analysing a text as a social event, assumptions and intertextuality become significant tools to investigate and understand how certain meanings come to be articulated. Meaning-making is inherently dependent on the socially regulated acts of recognition of signs and other elements that constitute language as a social practice. Meaning-making is as much shaped by an external/larger social context as much as it simultaneously shapes the external/larger social context. A text draws on both what is said (explicit) and is unsaid (implicit), and in examining the unsaid or assumed elements of textually produced meaning, we can explore the ideologies/point of views made, altered or challenged. For my purposes, "Intertextuality [functions] through the work of assumptions connecting one text to other texts, to the 'world of texts' as one might put it. The difference between assumptions and intertextuality is that the former are not generally attributed or attributable to specific texts. It is a matter rather of a relation between this text and what has been said or written or thought elsewhere, with the 'elsewhere' left vague" (Fairclough 40). This understanding allows me to connect the three texts acting as relevant social events in the political context of Bangladesh, specifically in a manner that confirms that the intertextual relationships the texts share are shaped by the context (their often arbitrary restrictions allowing distortion) while simultaneously shaping and impacting the context (in relation to the assumptions they are based on or the socially accepted 'unsaid' "obvious" knowledge they generate or normalise). This, I argue, also acts as reiteration

(through negotiating a similar ideology in the three texts) of the valuable and unvaluable bodies.[27]

4.1 The Constitution of the People's Republic of Bangladesh (1972)

Bangladesh adopted its constitution in 1972 after emerging victorious in its war of liberation against Pakistan in December 1971. The constitution incorporated secularism as one of the four foundational principles of the state under the governance of Sheikh Mujibur Rahman ("Father of the Nation"): The four principles are nationalism, secularism, socialism and democracy. However, following his assassination and the subsequent transfer of power to Major Ziaur Rahman in 1975, the constitution was changed. The 5th amendment under Ziaur in 1979 removed secularism from the constitution and the Islamic invocation, *Bismillah-Ar-Rahman-Ar-Rahim* (in the name of Allah, Most Gracious, Most Merciful) was inserted in it. Zia also added the following preamble to the constitution "Absolute trust and faith in the Almighty Allah shall be the basis of all actions" and removed the ban on religion based politics, altering the constitution to conform to Islamic notions of social justice (Fair and Patel 210). In 1988, under the military regime of Lt. General Ershad, who followed the Islamisation efforts of Zia, the 8th amendment to the constitution explicitly declared Islam as the state religion. It was not until Sheikh Hasina, the current prime minster, who is daughter of Sheikh Mujibur Rahman, the first prime minister of the independent Bangladesh, coming to power in 2008, that efforts to restore secularism were undertaken. Consequentially, in 2011, Article 8 of the 15th amendment restored secularism as a fundamental state principle but retained Islam as the state religion under Article 2A, Part I: "The state religion of the Republic is Islam, but the State shall ensure equal status and equal right in the practice of the Hindu, Buddhist, Christian and other

---

[27] "[W]hat qualifies as "being"—works not only through reiteration, but through exclusion as well. And in the case of bodies, those exclusions haunt signification as its abject borders or as that which is strictly foreclosed: the unlivable, the nonnarrativizable, the traumatic" (Butler 188).

religions." [28] The divine invocation *Bismillah-Ar-Rahman-Ar-Rahim* was also retained by the same amendment (Fair and Patel 210).

The 1972 constitution with its four fundamental principles of Bangali nationalism, secularism, socialism and democracy, was controversial for its exclusion of the rights of the indigenous people in the Chittagong Hill Tracts (CHT), which are still at place and were not changed in the enactment of the 15th amendment neither in 2011. Article 3, Part I states Bangla to be the state language: "The state language of the Republic is Bangla," and Article 6, Part I states that "The people of Bangladesh shall be known as Bangalees as a nation and the citizens of Bangladesh shall be known as Bangladeshis." The constitution enforces nationalism when it violently excludes indigenous peoples. This supports the core point of my argument; I mention this to help understand what I argue for in this thesis, namely how the Islam-ised constitution has violent implications for certain marginalised groups such as the (LGBTQI+ people) in which race and ethnicity plays a crucial part. A woman or any member of the LGBTQI+ community, already subjected to the horrors implicated by this text, are positioned at a further vulnerable place when they come from non-Bangali ethnicity (and by extension non-Muslim, as the indigenous peoples mostly belong to different religions). The building of the imagined community of the Bangali as developed by Bergson (2000) consists in not only in articulating favourable figures but ones that are marginalised or excluded in "competing dispositions of human association", in the official nationalist ideology that is to uphold particular values over others (Bhaba 2).

In its simplest definition, state religion is the official, state endorsed religion. So, while the state can label itself as secular, the constitutional provision of Islam as state religion is not

---

[28] The full electronic version of the current constitution of Bangladesh can be read here. Article 2A, Part I can be accessed here. For the constitution and the Penal Code I am using the website which has no page number. In-text citation will have the page number only in the case of the DSA, which is available to me as a PDF document. Each and every act will be clearly cited preceding the quote, otherwise within parenthesis at the end of it.

necessarily in contradiction with the formation of a secular state. Nevertheless, the naming of a given faith inevitably marginalises other religious beliefs in the country. The assumption is such that Sunni Islam is the religious affiliation of the majority of the population, and it is (1) wise to retain it as the state religion for the greater national harmony; (2) it is a better moral doctrine for the population to follow than other religious beliefs, namely other forms of Islam, Hinduism, and Christianity. According to the latest Population Census of Bangladesh (2022), 91.04% of the population is Muslim and 8.98% is non-Muslim (7.95% Hindu, 0.61% Buddhist, 0.30% Christians and 0.12% others).[29] As Mannan argues in his paper, "the politics of Islamic identity in Bangladesh defines national selfness in terms of Muslimness of Bangladesh's overwhelming Muslim population. This notion of the Self depicts "Hindu India" as the Other to Bangladesh's Muslim identity […]" (80). With the national stamp of approval in the constitution, Islamic ideologies reign supreme over politics and socio-cultural spheres of the social life in the country behind the façade of religious equality. Islamic (Sharia) law is not practiced by the state fully, however for the Muslim population, marriage, divorce, alimony and property inheritance laws follow the logic of Sharia law, and along with the rest of the 10% non-Muslim population, most Muslims follow state rules. This also allows space for extra-juridical penalties issued by religious leaders, a prominent one being *fatwa*. A *fatwa* is a 'legal' ruling carried out by an Islamic scholar or leader of a locality, and while it is not a part of the legal justice system of the state, it is not discouraged entirely (as is explored further later in this Chapter). With the state religion as Islam, religion becomes a constitutionally legitimized truth that goes hand-in-hand with the idea of the nation, and consequently harbingers religion-based nationalism as a sentiment to mobilise a sense of belonging of the population. Therefore, a large part of the population, fuelled by religious nationalism, speak in support of incorporating

---

[29] Data collected from the website of Bangladesh Bureau of Statistics, which can be accessed here. The Preliminary Report on Population and Housing Census can be read here.

Sharia law as state law. In fact, in a research carried out in April 2017 titled "Democracy and Sharia in Bangladesh: Surveying Support," over 80% of the 4,067 Bangladeshi households spoke in support of Sharia law. However, the disposition is argued to be dominant not merely out of religious sentiments, but due to their dissatisfaction with the governance of the current democratic system: "There is a strong association between Sharia and good governance; more than 80 percent of respondents agreed with the statements that Sharia would ensure basic service provision, personal security, and justice, as well as discourage corruption" (Riaz and Aziz 2).

One way of interpreting the sentiments is to point out the ideological potentials of the constitution in resolving the contradictory parts. Article 2(A), Part I endorses the tenets of Islamic beliefs (legitimised as state religion), consequently, when dissatisfaction arises with state governance which has secularism as one of its fundamental principles, Islamic (or Sharia) law is the immediate available alternative for the citizens to lean towards, reinforcing a Muslim nationalist ideology.

Article 6(2), Part I, in saying that "The people of Bangladesh shall be known as Bangalees as a nation and the citizens of Bangladesh shall be known as Bangladeshis" separates nationality from citizenship, where citizenship as a Bangladeshi can be obtained but nationality cannot; nationality as an ethnicity remains distinctly Bangali, which eliminates indigenous peoples from claiming a national identity.[30] It is a violent erasure of their identity as indigenous, which paired with their social reality has grave implications. Indigenous roughly translates to *Adibashi(s)* in Bangla, which refers to their claim to the land as the earliest settlers. However, the People's Republic of Bangladesh, since the moment of its emergence as a sovereign state marked by its first constitution in 1972, denies addressing the CHT natives as indigenous or

---

[30] Article 6(1), Part I states: "The citizenship of Bangladesh shall be determined and regulated by law." It can be accessed here.

adibashi, and calls them *upojati(s)* instead, which translates to 'sub-nationals' in its statutory documents and all other official texts endorsed and produced by the state.[31] The term itself is indicative of the violent treatment of *adibashis* as sub-humans, 'Othered' as minorities.[32] The Bangali nationalism is further cemented in the constitution by Article 9, Part II that states "The unity and solidarity of the Bangalee nation, which, deriving its identity from its language and culture, attained sovereign and independent Bangladesh through a united and determined struggle in the war of independence, shall be the basis of Bangalee nationalism."[33] Here, the fact that Bangladesh's (then East Pakistan) Liberation War against Pakistan in 1971 (then West Pakistan) was politically motivated to by Bangali nationalism is important to remember: "The nationalist movement of the East Bengalis was predicated on Bengali nationalism, which had a distinct secular orientation based on Bengali language and culture" (Mohsin 469). However, my point is explicitly to highlight how even without drawing upon the liberation war as a sentiment as it does in Article 9, Part II, Bangali nationalism is preserved. Through Article 6 (2), Part I, it not only serves to sustain Bangali nationalism but it does so by implicitly excluding indigenous peoples which shapes the larger social context in which Bangali settler colonialism is legitimised through the ideological conflation of language and culture. The conflation makes Bangladesh into a monolingual and 'therefore' monocultural space. This nationalist meaning production of language as "obvious origin" of 'culture' then comes to be 'naturally' collapsed into (Sunni) Islam. Given that a majority of the *adibashis* are non-Muslims, it severely adds to further exclusion on the basis of religion; Bangali nationalism therefore is not merely a matter of ethnicity but more specifically becomes that of religion as

---

[31] In the nationalist discourse, the government has actively resisted use of the term Adibashi as it may lead to them having a stronger claim on Bangladeshi land than Bangalis. Here is a piece of news from this year that reports the government restricting the use of the term Adivasi on broadcast and print media on the event of International Day of World's Indigenous People.

[32] To supplement the gravity of the threat symbolised by this term that is assumed by the government, this news may also interest you – "Bangladesh Has No Indigenous People". This claim was also reported here – "Ethnic minority, not indigenous people".

[33] Article 9, Part II can be accessed here.

well. While the Muslim Bangladeshi nationalism equates Bangali nationalism with Hinduism due to the cultural similarity with West Bengal in India, it is precisely because the majority population of Bangladesh identifies as both Bangali and Muslim that a co-existence of both could be created since the moment of independence against Pakistan: "It is important to remember that a Muslim element has always been present; otherwise what was East Pakistan could have merged with the predominantly Hindu Indian state of West Bengal, where the same language is spoken" (Lintner 413). At the end of the day, Bangali becomes synonymous with Muslim, sustaining Islamic nationalism.

4.2 The Penal Code (1860)

As the previous section has indexed, the ideal national body is so far established as Muslim and Bangali through the constitution. To draw from that discussion, it is imperative to understand that exclusionary constitutional laws simultaneously define the parameters of who belongs and who does not. While the Bangali nationalist hangover from the 1971 continues to be a key sentiment to discipline and mobilise the people, the colonial hangover too plays its part. The Penal Code of the newly born Bangladesh has been adopted from the 1860 Indian Penal Code under British colonialism, Section 377 being one of them.[34] Section 377 that criminalises homosexuality is in fact taken over from the 1981 document. The section states, "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" (Penal Code 1860)[35] Although penetration is qualified as carnal intercourse, the vagueness of the phrase "against the order of nature" by extension implies that the "natural" aim

---

[34] The whole document has been adopted and a few amendments have been made, however none of the amendments were significant changes.
[35] Section 377 can be accessed here.

of carnal intercourse is conception of human beings and so Article 377 continues to criminalise any non-heterosexual sexual behaviour even if voluntary.

Criminalisng carnal intercourse against the "order of nature" through Section 377 of the Penal Code of Bangladesh consequentially establishes and defines heterosexuality as the order of nature, and, in contrast, non-heterosexual sexual behaviour, such as homosexuality, is established as one that goes against the order of nature. Also, as carnal intercourse in this context is only bound within penetrative sex, it has multiple further implications. For one, it completely negates the existence of female homosexuality, which is telling of the larger social context in which female sexuality itself is a tabooed concept and is considered nearly non-existent – allegedly lacking any formative force, in need of some kind of "ignition" by male energy as argued by Susan Bordo (2000).[36] However, what is also telling is the fact that homosexuality is not spelled out explicitly by this law, which is evident of the constitutional denial of the existence of sexualities beyond the heteronormative order – a concept which will be further explored in Chapter 5. Section 377 not only seeks to criminalise non-heterosexual activities, but also disciplines heterosexual intercourse among consenting individuals as vaginal only through indirectly criminalising anal intercourse and, one might argue, it is vague enough even to exclude any consensual heterosexual intercourse beyond the aim of conception. This is further indicative of state prohibition on all kinds of non-procreative sex by large. The fact that Islam, the state endorsed religion, also prohibits anal penetration comes to indirectly reinforce the power of the Penal Code.

---

[36] This denial of female sexuality in nationalist agenda is also elucidated by Peterson, who argues that "rape is not reducible to but is inextricable from heterosexism. To clarify briefly, the objectification of women and forced penile penetration as an expression of power requires for its intelligibility the polarized identities and objectification of the feminine that is constituted by heterosexist ideology, identities, and practice. In this framing, women/the feminine are passive and denigrated by definition and it is the definitively masculine role of agency and penetration that exemplifies heterosexism, whether the denigrated object of that agency is female or male" (40).

The heteronormative meaning of carnal intercourse is furthered reinforced if we look at Section 375 of the Penal Code, which concerns rape as an offense that is only bounded within a heterosexual dynamics outside of marriage:

> A man is said to commit "rape" who except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the five following descriptions: Firstly. Against her will. Secondly. Without her consent. Thirdly. With her consent, when her consent has been obtained by putting her in fear of death, or of hurt. Fourthly. With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married. Fifthly. With or without her consent, when she is under fourteen years of age. Explanation. Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape. Exception. Sexual intercourse by a man with his own wife, the wife not being under thirteen years of age, is not rape. (Penal Code 1860)[37]

The section entails the idea that it is only a cis-heterosexual man who can commit the offence of rape to a cis-heterosexual woman – except his lawful wedded wife over 13 years of age, when performing only penetrative forms of sexual violence. This formulation implicates a scale of recognition, with LGBTQI+ victims of sexual violence at its furthest end, denying any delivery of justice in the eye of the law. Not only can married or unmarried cis-heterosexual women not receive justice for forms of sexual violence other than penetration, but also that LGBTQI+ individuals whose sexual experiences do not include penetrative forms of sex are not even seen as sexual and are entirely not accounted for. Additionally, if any LGBTQI+ individual, such as a homosexual man reports penetrative sex imposed on them against their consent, first and foremost their accusation will not be valid because it lacks the heterosexual

---

[37] Section 375 of the Penal Code can be accessed here.

man-woman dynamic required by the law, and they will also be criminalised under Section 377 of the Penal Code as mentioned above.

The concept of "consent" as stated by the law is also questionable on three levels. One, the Section does not recognise marital rape, unless the wife is under 13 years old. Once married the woman is by definition available as the husband's 'property', "his *own* wife". However, there seems a contradiction in the text. The legal age of marriage for a woman is 18 but can also be lowered to 16 for cases where parental consent is present.[38] This means, if a man rapes his 15-year-old wife, he will not be punishable for rape but for marrying a minor. The woman, or in this case the girl's consent is only valid if they are under 16 years of age or fall within the loophole age between 13 and 16, in which case her lack of consent is a valid ground for penalty, but the accusation is for unlawful marriage but not for marital rape. Two, lowering the legal age for marriage to 16 if parental consent is present indicates that between 16 and 18 years of age a girl's consent disappears in cases of marriage (not that the consent matters much even if the woman is older) and thereby in sexual encounters as well. What becomes clear is that in the legal loophole of "consent" victims of sexual assault, especially in a marriage, are left unprotected in the face of violence that is very much endorsed by the state laws. Three, consent as a socio-culturally constructed concept in the context of Bangladesh means that a (cis) woman's consent in all matters public, private and sexual is disregarded in most cases – albeit for different reasons.

To not divulge from the trajectory of my argument in this chapter, I will support the constructed-ness of consent with the example of *fatwas*. *Fatwas* are sentenced by religious leaders or clerics as implementation of "ad-hoc, extra-judicial rulings based on what they

---

[38] The information has been collected from an article by the author published in *Prothom Alo*, and can be accessed here.

perceive (or want people to perceive) as implementations of Islamic Law".[39] *Fatwas* rely on an

Islamic, Sharia understanding of law and jurisdiction. It often covers cases involving women

on the basis of morality and chastity, and the deliberation often involves restriction of rights

and access.[40] In 2001, a seminal verdict by the High Court declared all *fatwas* to be

unauthorised and illegal, following the outrage about a *fatwa* that forced a woman to marry her

brother-in-law.[41] However the ban was lifted in May 2011 stating that *fatwas* by authorised

personnel are not illegal but they would lack the power to punish anyone –

> On 1 March 2011, the Appeal Division (AD) started hearing the appeal against the
> judgment of the HCD which declared *fatwas* illegal in 2001. On 12 May 2011, the AD
> declared that *fatwas* were legal only for religion based issues, but also noted a *fatwa*
> cannot be employed to inflict punishment on any person. A fatwa can neither be used
> to violate the rights nor to affect the rights or reputation or dignity of a person who is
> protected under the law of the land.[42]

For decades, women have been victims of *fatwas* that have also been fatal, and this ruling came

after a victim of *fatwa* had died earlier in the same year. The case was that of a 14-year-old

minor, Hena, who was raped in the city of Shariatpur, Bangladesh. She was sentenced to a

fatwa of whipping - 101 lashes for her while her rapist got 201 lashes. Hena fell unconscious

after 70 lashes and died of her injuries six days later at the hospital. *Fatwas* therefore are not

based on consent so much as on the 'unlawful-ness' of sexual activity from an Islamic point

of view, which has the scope of making the woman receive punishment too if the leader decides

that she provoked her assault, as was the case with Hena. However, *fatwas* are often regarded

---

[39] Quoted from an article published in *The Daily Star* that can be read here.
[40] "On December 12, 2017, Bangladesh Police arrested Abu Musa, an imam of a local mosque in Kumarkhali upazila of Kushtia district, for issuing a fatwa prohibiting women from going out of their homes to work in farm fields" (Huda). The article can be accessed here.
[41] "A news report issued in the *Daily Banglabazar Patrika* on 2 December 2000 revealed that Sahida, the wife of Saiful of the Naogaon district, had been coerced into entering into marriage with Samshul, her husband's paternal cousin. This was done following the claim that her husband had said the word *talaq* to her a year ago, a term used by a husband to dissolve the marriage, yet he continued to remain in the marriage. Following this, Haji Azizul Huq issued a *fatwa* that declared the marriage dissolved" (Bhuiyan 158).
[42] Ibid.

as inaccurate representation of Islamic law by some Islamic scholars in the country, nevertheless their comments are more about the extent of *fatwas* and not on its practice. In Islamic law, rape and *zina* are closely related crimes, where the former criminalises unlawful (outside marriage) vaginal penetrative sex forced by a man on a woman without her consent, and the latter criminalises consensual but unlawful sexual activity between a man and a woman. It falls upon an authorised religious leader or cleric to decide whether or not an act counts rape or *zina,* and if considered the latter than the woman in question is punished too. In patriarchal settings, such as Bangladesh, in deliberating *fatwas,* even without 'distorting' Islamic law a cleric can be biased to rule a crime as *zina* and have the victim also punished. Consent in this case is completely invalid on Islamic terms while the state, while big on "consent" in its law against rape, turns a blind eye towards women and girls, who already have experienced sexual assault are being punished to death, all the while actively endorsing such violence in the name of religious freedom (a freedom granted only to Islam, as has been outlined).

Section 375 and 377 of the Penal Code, as I have argued, can be seen to preserve the cis-heteronormative order, operating under the façade of 'secularism' while indirectly endorsing Islamic beliefs. In this way, the state through its nation building and maintenance rely on weaponising the Islam religion in the making of its ideal citizen bodies. Religious nationalism dictates cis-hetero Bangla male bodies as most valuable, consequently worthy of protection by law, while bodies like those of Hena are inscribed as unmournable and disposable.

4.3 The Digital Security Act (2018)

The Digital Security Act (DSA) was adopted by the current Awami League government under Prime Minister Sheikh Hasina in 2018.[43] The Act has been controversial since the

---

[43] The official English translation of the Act can be accessed here. However, the page numbers of the Gazette where the translation is published is in Bangla, and will be translated by me.

CEU eTD Collection

beginning of its conception as it represses freedom of speech, and allows legal action, seizure of personal electronic devices, and arrest even without a warrant.[44] I focus on the particular parts that uses vague and open-ended language built in an order that criminalises digital acts that can be interpreted to go against religious and national values. That means, the text relies on nationalism as an ideology of digital surveillance due to its open-endedness; its parameters are vague and thus puts the general public under threat, especially marginalised individuals/communities such as Hindus, Indigenous or non-cisgender people.

The Digital Security Act of 2018 (DSA) embodies the same ideology as the constitution and the Penal Code, and in combination with the effects of those two texts and the socio-political context of Bangladesh can be interpreted to be generating the same religious nationalist stance in the construction of the ideal cis-hetero-Muslim male bodies. To begin with, Section 8 (2), Chapter 3 of the DSA grants the state authority (the Digital Security Agency) the power to remove or block information:

> [i]f it appears to the law and order enforcing force that any data-information published or propagated in digital media hampers the solidarity, financial activities, security, defence, religious values or public discipline of the country or any part thereof, or incites racial hostility and hatred, the law and order enforcing force may request BTRC to remove or block the datainformation through the Director General. (23334)

Here, the key words for my argument are "solidarity" (was termed as "national unity" in the previous translation published in 2018) and "religious values" – the vagueness of the terms begs the question as to whether or not a man or woman, publicly declaring themselves as a member of the LGBTQI+ community on digital platforms may be charged under this act for either hurting religious sentiments through openly denouncing cis-heteronormative order dictated by most religious beliefs, mainly Islam, or for disrupting social harmony and

---

[44] One of the many events of arrests: https://archive.dhakatribune.com/bangladesh/2020/05/07/digital-security-act-more-journalists-facing-arrest-cases-amidst-hard-days-of-corona-crisis.

instigating social unrest by challenging the cis-heteronormative order of most religious beliefs, and by extension, threatening national unity or "solidarity". This goes to indicate that the vagueness of the terms allows for linking them together to grant the DSA the flexibility of criminalising any and every act performed digitally by LGBTQI+ people. It obstructs freedom of speech and expression in general, but the intensity of its violence can target queer people in particular through the exclusionary tropes of religious nationalism.

If this linkage between "solidarity" and "religious values" seem far-fetched, my argument can be solidified through the analysis of Section 31 (1), Chapter 6 of the DSA, where it is stated that:

> [i]f any person intentionally publishes or transmits anything in website or digital layout that creates enmity, hatred or hostility among different classes or communities of the society, or destroys communal harmony, or creates unrest or disorder, or deteriorates or advances to deteriorate the law and order situation, then such act of the person shall be an offence. (23335)

According to this section, if the person who openly declares themselves as an LGBTQI+ individual is also a Hindu, the chain of action will be as follows: (1) Their act can hurt the religious sentiments of not only Hindus but also the Muslim majority of the country; (2) on one level the alleged unrest or disorder will be between supporters and adversaries of queer community (social harmony disrupted) and on another level between Muslims and Hindus (communal harmony disrupted); (3) social and communal harmony being disrupted would threaten law and order and the much valued national unity or solidarity among people.

National belonging and religious values as disciplinary boundaries are a recurring theme in the DSA. Section 21(1) states that any propaganda or campaign, or assistance in either on any digital medium against "the liberation war of Bangladesh, spirit of liberation war, father

of the nation, national anthem or national Flag" would be a punishable offense.[45] Firstly, it reinstates an event, a person, and two political and national elements (national anthem and flag) as representatives of national identity, reproducing and reinforcing nationalism and state authority. Secondly, it connects "propaganda" and "campaign" to certain speech or actions that can be considered to tarnish the representative image/elements/events of the nation, which in other scenarios may not be considered as acts/speech of propaganda. That is, which action can or cannot be considered an event of propaganda is not outlined clearly. The state endorsed sentiments of nationalism paired with the arbitrary parameters of "propaganda" leaves the "proper" interpretation to the investigative institutions authorized by this Act, who are positioned to have the absolute freedom to decide which act/speech can be considered propaganda/campaign against the state. For example, if one writes about the attack on Rangamati's indigenous community by a group of freedom fighters in 1972, it can easily be interpreted to be a speech act against the liberation war and therefore an offense under the DSA.[46]

Thirdly, since "father of the nation," Sheikh Mujibur Rahman has passed away and cannot voice his opinion, a post in support of the queer community may be deemed against his religious or social beliefs. That is, as he cannot verify directly, his Muslim identity should be enough to bring into consideration his imaginary rejection of diverse sexual identities as fact, and appeal to his alleged consideration of those acts as a crime under DSA. What is happening here is yet again the case of state powers having complete authority in interpreting any act or expression as "propaganda" or "campaign" against the nation through a strategic appeal to the

---

[45] DSA Chapter 4, Section 21 (1): "If any person, by means of digital medium, makes or instigates to make any propaganda or campaign against the liberation war of Bangladesh, spirit of liberation war, father of the nation, national anthem or national flag then, then such act of the person shall be an offence (23330). The liberation war of Bangladesh refers to the war against Pakistan in 1971.
[46] "Just after the liberation, hundreds of indigenous people were also killed because many of the freedom fighters held the general assumption that 'all tribals were razakars'" (Sathi). More can be read here and here.

figure of the "father of the nation,",, categorising unequivocally what can and cannot be considered an act of speech crime.

The DSA is ripe with laws maintaining the 'image of the nation' and outlined so far, the image is 'secular' on the surface while relying heavily on sustaining the ideal Muslim identity. I bring in now the example of Section 25 (1), Chapter 6 of the DSA that states:

> [i]f any person, through any website or any other digital medium,— (a) intentionally or knowingly transmits, publishes or propagates any data-information which he knows to be offensive, false or threatening in order to annoy, insult, humiliate or malign a person; or (b) publishes or propagates or abets to propagate any information, as a whole or partly, which he knows to be propaganda or false, with an intention to affect the image or reputation of the country, or to spread confusion, then such act of the person shall be an offence. (23332)

From the extract above, "data-information which he knows to be offensive" is key here – it is yet again open-ended and subject to debate as to what might constitute something as offensive. This, paired with the concept of information that could potentially "affect the image or reputation of the country" (a recurring concern of the DSA) becomes potent in restricting freedom of speech, but more importantly for some, it restricts freedom just simply to exist as LGBTQI+ bodies. This indicates that queer knowledge production and publication online can be an offence on grounds I have already discussed in relation to the other sections of the DSA, but also if a woman comments on the failure of the rape law to actually protect women and children, she will also be charged under this section as it may fall under any three of the objectives – offensive, fear inducing (threatening) or tarnishes the image of the nation (affects the reputation of the country).

Section 24 (1) under Chapter 6 is another example that has very specific consequences for queer or LGBTQI+ people. It states:

> [i]f any person, intentionally or knowingly, by using any computer, computer programme, computer system, computer network, digital device, digital system or digital network- (a) holds the identity of another person or exhibits the personal information of another person as his own in order to deceive or cheat; or, (b) holds the personal identity of any person, alive or dead, as his own by forgery in order to- (i) get or cause to get benefit for himself or for any other person; (ii) acquire any property or any interest therein; (iii) cause harm to a natural person or individual by personating another, then such act of the person shall be an offence. (23331)

In the political scenario where being queer or an LGBTQI+ individual in public can lead to violence, many resort to assuming a fake identity online to fully express their sexuality and thoughts without having to come out about their sexuality. Under this Section, these bodies become vulnerable to persecution, and it limits the scope of digital existence of these bodies.

To conclude this chapter with another example, Section 28 (1), Chapter 6 of the Digital Security Act of Bangladesh criminalises the following:

> [i]f any person or group willingly or knowingly publishes or broadcasts or causes to publish or broadcast anything in website or any electronic format which hurts religious sentiment or values, with the intention to hurt or provoke the religious values or sentiments, then such act of the person shall be an offence. (23334)

While this Section on its own presents the extent of the law, its intelligibility is dependent on the unsaid 'common knowledge' of actions/language that may hurt religious sentiments. Its interpretation and implications are further shaped by the understanding that Islam is the state religion of Bangladesh, and Islam prohibits homosexuality, therefore any homosexual activity/expression is automatically censored through the DSA. In short, our interpretation of the DSA is shaped by assumptions: both propositional, i.e. the knowledge of Islamic values and sentiments and value assumptions, that we equally consider Islam desirable as well as by

intertextuality, i.e. the referencing of the Quran, the holy book of Islam where that knowledge should come from.

The Digital Security Act (2018) works as a social event that is shaped by social structures and practices, and social agents. The DSA's internal relations (open-ended choice of language) is connected with external relations (hierarchical socio-political structure in relation to religion, sexuality and gender). This is achieved as the above mentioned sections show a negotiation of discursive relations that sustains a nationalist discourse. Here, language acts as a vehicle of social power relations that reinstates state authority, not simply through its linguistic structure but through the genre, that is the DSA which is itself associated with social relations and practices that it represents; it reiterates state authority to instil nationalism in a manner in which control over individuals can be obtained, which further implicates a threat for LGBTQI+ bodies and women. In the intertextual matrix, the ideological work of producing and sustaining an ideal is not achieved by a single text but by many connected together, which in this case is the constitution, the Penal Code and the DSA.

4.5 Conclusion

In this chapter, my analysis has drawn on the three statutory texts separately to highlight the interpretations we can derive from each. In the constitution, Article 2(A), Part I generates a Muslim nationalist ideology, Article 6(2), Part I produces a Bangali (read Muslim) nationalist ideology; the Penal Code's Section 377 establishes a heterosexual nationalist ideology and it's Section 377 exposes the state laws as specifically designed to not protect most groups of women and LGBTQI+ people, which ultimately ensures violence very much endorsed by the state as I have argued. Additionally the Digital Security Act's selected sections work together within the text itself to discipline individuals on the terms of religious sentiments and national image. On their own, each law pertains to a certain (religious/racial/sexual) nationalist point of view in the governance of the state. However, if we look into the assumptions that are conveyed

44

and the intertextual dialogue that is created between the three legal documents, a particular point of view specifically that of a cis-heterosexual-Muslim-Bangali-nationalist state materialises.

Each of these laws discussed have been manifested as a result of the external social context, mainly India under British colonialism and the consequent partition of India and Pakistan (of which there were two divisions, West and East, the latter being now Bangladesh), and the war of independence fought against West Pakistan and the emergence of Bangladesh. The historical context as an intertextual force that both creates and shapes discourse helps us to understand how the textual reproduction (statutory documents) of this particular nationalist point of view in question comes to being, but also highlights a negotiation of discursive relations (how external social relations come together and are negotiated in the texts, where assumptions about a 'common ground or understanding' reduces those differences in relations to sustain one mainstream ideology or point of view).

The three texts, therefore, form a mutual dialogue and puts LGBTQI+ people and women in a position of intense vulnerability. Non-heterosexual people are inherently ostracised by the law using religion as a tool. Coming out as a LGBTQI+ person results in one immediately losing their religious passport. Chances are that one's more likely to have their identity as a Muslim threatened when outed, with Sunni Islam being a strong aspect of nationality and citizenship. Putting at risk their Muslim identity, the person loses a significant claim on their national identity. What we understand as a consequence of the cis-hetero-Muslism-nationalist ideology or point of view is that LGBTQI+ people are put in the intersection of sexuality, race/ethnicity and religion. That being said, a Bangali-Muslim LGBTQI+ person is already under threat and criminalised, but an indigenous/adibashi-non-Muslim LGBTQI+ person possibly has much more severe implications in-terms of security, as

45

the ideology that is created in the partnership among the constitution, the Penal Code and the Digital Security Act denies protection to them.

To conclude, the intertextual analysis of the three statutory texts shows us how a masculinist cis-hetero-Muslim-nationalist point of view is sustained and brought to practice through textual reproduction. Bangladesh's historical context resulted in these laws and continue to shape the social context of Bangladesh, an imaginary community in the making. This point of view, therefore, only identifies a particular individual(s) as the ideal citizen – one who is cis-heterosexual, is Bangali, a male and a Muslim. It is also important to understand the intertextual analysis done here itself is a result of my individual point of view, one that is shaped by my exposure to multiple socio-political contexts as a scholar of gender studies and is not free of my own ideologies. Interestingly, in this intertextual analysis my own experience, knowledge and biases play a role; the manufactured analysis is a result of the negotiated assumptions and intertextuality I bring – my point of view is a singular lens moulded out of negotiations among multiple discursive relations. My analysis of these three legal texts as a feminist therefore draws out how non-conforming bodies, those of cis-hetero women and LGBTQI+ individuals are conjured up only to be threatened with violence that has the state's stamp of approval. This stamp of approval materialises out of the strategic use of language. My intertextual analysis of what is explicitly said and what is only implied shows that while explicitly diplomatic and secular, implicitly a threatening and religious stance is sustained – one which idealises and protects only cis-hetero-Muslim male bodies.

Chapter 5: They who shall not be named

"Never forget: Things are not only spoken into existence. They are also spoken into extinction." – Alok Vaid Menon, Your Wound/My Garden

I have established how the government restricts the use of the term *adibasi* to refer to indigenous people (in Chapter 4, Section 4.1) because it counts as an indigenous claim to Bangladeshi land. Shakespeare might have been oblivious (or was he?) to the political connotations of naming and labels when he asked "What's in a name?" in *Romeo and Juliet*, however the political value of names and identity play a crucial role in negotiations of which/what socio-political entities are 'real' and valuable for a nation. When a discourse lacks the name for certain bodies, they are rendered invisible and so non-existent. How can we fight for bodies made disposable, when they are simply erased from existence on paper and in practice?

This chapter focuses on the more informal, everyday language of the state and its officials that naturalises the 'constitutional truth' of the heteronormative order examined in the previous chapter. The objective is to show that while multiple assumptions come to negate the dominant ideology in the law of the country, the everyday language used by state authorities naturalises that cis-hetero Muslim nationalist ideology that is essentially male. In this chapter, I will analyse news excerpts by the state officials from 2016 to 2023 to explore the articulation of the trope of the cis-hetero-Muslim male ideal and its implications for a collective denial of the existence of any other kind of body with a focus on *'hijra'*. I will analyse the politics of identity categories and their recognition in relation to the *hijra* identity in Bangladesh and the implications and failures of such "recognition" in the light of the harassment faced by the *hijra* and the language that is used to talk about them on a daily basis. [47] Section 375 of the Penal

---

[47] For the purpose of this discussion, I will use *hijra* (in italics) to refer to the community as a whole, and 'hijra' (within single quotation marks) to address the concept of the community as understood and promoted by the state,

Code will be discussed further in the light of how the violence of this law is practiced in the language of the state officials. The chapter will conclude by linking the analysis to Section 377 of the Penal Code discussed in Chapter 4 to establish the two-fold discourse strategy of the state that either makes *hijra* bodies to conform to heteronormative standards or disposes them by linguistically constructing them out of existence. In doing so, I aim to evaluate the legal announcements, comments and remarks that state authorities or spokesperson have made that implicate violence against *hijra* individuals, and by extension against LGBTQI+ people and women.

5.1 Of Bodies Colonised: What is *Hijra* Enough for the State?

This Section in particular focuses on how language used by government officials within the political context implicates as unreal the bodies of the *hijra* against the ideal cis-hetero Muslim male bodies. The goal is not to focus only on the meaning of *hijra* but to give a detailed account of the socio-political situation that may facilitate a nuanced understanding of the linguistically mediated violence that is directed at them, and by the force of the same logic the understanding of othering non-hetero bodies and women. In talking about the *hijra*, I want to draw out how the violence operates in dictating who is and is not a *hijra* (or not enough *hijra*), and to pinpoint the cis-hetero ideology that informs that distinction.

In November 2013, the government of Bangladesh approved a proposal made by the Social Welfare Ministry at the weekly cabinet meeting to officially recognize the 'hijra' as a third gender category. Reporting the news, one of the leading newspapers of Bangladesh, *The Daily Star* writes:

---

which is highly exclusionary of trans and non-binary individuals and mainly indicates intersex people. Both terms would be used to address singular and plural subjects.

The government yesterday approved a proposal of the social welfare ministry to identify hermaphrodites (hijras) as persons of another gender […] The approval came at the weekly cabinet meeting at Bangladesh Secretariat, which hijras welcomed, saying it would help reduce social discriminations against them. […] The cabinet has identified hijras as "individuals sexually disabled since birth" and the word "hijra" will appear on the government documents.[48]

The key points that require attention here are (i) the use of the term "hermaphrodites" as an equivalent of the term 'hijra,' working as a definition of the term; (ii) the value assumption that legal recognition allows for social integration; and (iii) 'hijra' categorised as "sexually disabled" bodies. Following the approval, in January 2014, an official announcement was made in the official national gazette called *Bangladesh* Gazette, giving legal recognitions to the 'hijra'. Interestingly, the gazette only contained one single statement on the matter: "The Government of Bangladesh has recognized the Hijra community of Bangladesh as a Hijra sex."[49] Along with the three key points in the government decree (?) another key point emerges here: one statement legalising 'hijra' as a separate category of gender (or sex, for the government) barely does the job of implicating social inclusion of *hijra* as a social group. What these four points are doing is something very crucial – they are formulating a vague identity category on the terms of the state powers and one that is highly biologised. Firstly, the term "hermaphrodites" is a problematic term to begin with as its common definition is "an animal or plant having both male and female reproductive organs, structures, or tissue."[50] This not only is a dehumanising and reductive term but cannot in any extent be the closest equivalent of the *hijra* identity. As Chapter 2 discusses, *hijra* is a diverse identity category that is not simply sexual or gendered but also cultural. While the common understanding of *hijra* usually signifies

---

[48] The full news report can be accessed here. This is another news report which covers the meeting.
[49] This is a translation. The original gazette can be accessed here, which is in Bangla. This *Gazette* is the government's official publication for reports, budget, classified materials, Bills, Acts, Ordinances, Resolutions, leaflets, posters etc.
[50] Definition collected from the website of Merriam-Webster, which can be accessed here.

individuals identifying as women/feminine who were assigned male at birth (a transwoman), but in reality comprises of multiple points on the gender and sexual spectrum – transman, transwoman, intersex, non-binary or gender-queer, cross-dressers, etc. Paired with the definition of being "sexually disabled," without any explicit qualification in what sense disabled, it implicates only a disability (sic) to procreate, collapsing that diversity into a stigmatised body that is disabled, deformed and non-human.

The other key point that legal recognition is a successful way of validating a certain identity and that should automatically entail social inclusion is debatable. The value of recognition and representation is undoubtedly paramount, however, what must be questioned is – recognition on whose terms? It is to be noted that the recognition came after Pakistan granted recognition to *hijra* in 1994 and India was on its way to grant recognition too (it did in 2014). From this perspective, one could argue that Bangladesh followed them as a move to save face; at the same time it is very much a nationalist opportunity to establish itself as 'progressive' as its neighbours. The cryptic announcement in the gazette resulted in issues concerning who can be considered a 'hijra' and under what conditions the recognition could be actually implemented. In 2015, the Bangladesh government's Social Welfare Department offered 14 low paying government jobs for 'hijra' people. It was the first ever quota system of its kind, and the 14 *hijra* initially chosen for the job had to go through a medical assessment (sic) as integral part of the selection process. Twelve out of the fourteen *hijra* were disqualified as the medical assessment concluded that they were "full grown males" and that "As a result, we have to halt the appointment of the 12. These jobs are meant for the hijras. And unless we are sure that they are hijras, we can't give them the jobs," said the department's director.[51] This incident was also reported by *Al Jazeera*, which quotes Joya Sikder, head of a *hijra* group called Somporker Noya Setu expressing their outrage, "We've testified that all 12 are hijras.

---

[51] This has been quoted in an article in *The Daily Star*, which can be accessed here.

They may have male genitalia, but they behave like woman […] They are females trapped in males' body. In the West, they are called trans women or transvestites. Some of them have male husbands and partners."[52]

Does it then mean that "full grown males" who possess the 'male genitalia' but identify as a *hijra* are not proper 'hijra'? What is recognised as a proper 'hijra' then? What does it mean to be "sexually disabled" and how much "sexually disabled" is enough? Why is it then that the boundaries of what constitutes a 'proper' and 'valid' 'hijra' body eligible for legal recognition is not explained? These unanswered questions are not simple oversight on the part of the state, but as I argue in this chapter, is a strategic move to make the identity category malleable enough to continue to police the bodies of *hijra* individuals. The state ensures 'recognition' and grants benefits that come with said recognition only when one can prove to be eligible for such recognition, but the criteria remain unclear and thus the decision falls on the government officer in charge as to whom to accept as 'proper' 'hijra' and whom to disregard as "full grown man," and, more importantly, in the process to erase the bodies they have no words for.[53]

The physical, psychological and emotional harassment and trauma of such unwarranted medical tests also discourage people inhabiting *hijra* bodies to approach opportunities the state has so 'generously' ensured for them. A person identifying as a *hijra* all their life may just walk in the office that promises them a job only to be stripped of that identity and be even called a liar. The most prominent proof of identity for any citizen or national in Bangladesh is a National

---

[52] Quote taken from *Al Jazeera*'s report, which can be accessed here.

[53] "The production of the unsymbolizable, the unspeakable, the illegible is also always a strategy of social abjection. Is it even possible to distinguish between the socially contingent rules of subject-formation, understood as regulatory productions of the subject through exclusion and foreclosure, and a set of 'laws' or 'structures' that constitute the invariant mechanisms of foreclosure through which any subject comes into being? To the extent that the law or regulatory mechanism of foreclosure in this latter instance is conceived as ahistorical and universalistic, this law is exempted from the discursive and social rearticulations that it initiates. This exemption is, I would argue, highly consequential insofar as this law is understood to be that which produces and normativizes sexed positionalities in their intelligibility. To the extent that this law engages the traumatic production of a sexual antagonism in its symbolic normativity, it can do this only by barring from cultural intelligibility—and rendering culturally abject—cultural organizations of sexuality that exceed the structuring purview of that law" (Butler 190-191).

Identity Card (NID). The NID cards were initially started as "Voter Cards" in 2008 but were reformed to function as National ID Cards in 2012, becoming one of the most commonly used identity documents for 18+ individuals in the country. When the government declared the *hijra* population as a separate gender who can enlist themselves under "hijra," "third gender" or "other," it goes without saying that it would mean implementation of this recognition by reforming policies, starting with redesigning official forms, such as NID. However, up until 2016, there was no such step taken by the government to add that separate gender category in the form/application for the NID. A news article by the leading daily, *The Daily Star* reported in July 2016:

> Though the government has recognised the transgender or hijra as the third gender over two and a half years back, the Election Commission is yet to enroll them as voters and provide them with national identity (NID) cards with their distinct sexual identity. Currently, the hijra community members have to be enlisted as either male or female since there is no option given in the voter registration form or in the NID card to write third gender as their sex, discouraging many of them to be voters. According to the latest voter list published on January 31, 2016, the number of the country's total voters is 9,98,98,553, including 5,03,20,362 men and 4,95,78191 women. But no statistics regarding hijra or third gender was shown in the updated list."[54]

Two years following the 'recognition,' the government actively showed disinterest in implementation of that recognition, resulting in *hijra* voters to be deprived of their voting rights. When attempting to cast a vote, members of the *hijra* community felt embarrassed and unsafe trying to decide whether they should stand in either of the two queues designated to males and females. If they chose the one they identified with, they were harassed for not looking like their chosen gender.[55] It is not a failure on the state's behalf, for failure can only

---

[54] The news article can be accessed here.
[55] Ibid.

follow an attempt made towards something; it was active negligence and in fact a concrete decision by the state to remain completely hands off this utter confusion and systemic harassment. It cannot be a coincidence that the voting rights were only restricted to people who officially belonged to either of the heterosexual categories of male and female: "The development of nationalism through the nation state and its democratic advance is predicated on the 'gendering of political capacities, on the social qualification and limitation of citizenship, and on the exploitative domination of some peoples over others'" (Agathangelou 12).

Ironically, passport application form allowed for *hijra* to select "others" as their gender identity, but the application could only be supported with a birth certificate or NID, neither of which allowed for such gender identification.[56] This means, with their birth certificates or NIDs not corresponding with their passport application, the application lost validity, forcing *hijra* individuals either to officially identify with the sex assigned at their birth, or to face harassment and disqualification when choosing to identify as another gender in any of their identity documents.

Nearly four years after the announcement in the Bangladesh Gazette, in 2018 the government announced that the new voters' list will have the added category of "third gender" for *hijra*.[57] Again, it took over a year for the government to make this decision official and published it in its Gazette on 11th April 2019 as the amendment to the Voter List Law (2012).[58] The amendment added the option "hijra" under the title of sex, and later that month the Election Commission Secretary, Helal Uddin acknowledged it and said that a separate voter list will be reformulated accounting for the *hijra* population, and the corresponding NID cards will

---

[56] Ibid.
[57] The news that reported this can be accessed here.
[58] The original gazette is in Bangla, and can be accessed here.

follow.[59] A decision that took five years to begin its official implementation obviously meant a further delay in actually processing new NIDs. While correcting existing NIDs is an option, it is nonetheless just another option to harass the *hijra*. The correction can only be made when supported with relevant medical documents, and as I have discussed above, medical tests identifying "real hijra" have proven to be unclear and traumatising. The *hijra* who tried to correct their existing NID that had the incorrect gender assigned faced harassment because, yet again, what constitutes a "proper" or "real hijra" is not made clear.[60] Additionally, as a report from earlier this year suggests, making corrections to existing NIDs has become more challenging because the government wants to ensure full "transparency" – a process that is already complicated for cis-hetero population is a much more difficult one for gender-diverse population as the "transparency" comes at the cost of physical and mental harassment.[61]

In the era of the current government's reign (beginning in 2009), which the Prime Minister Sheikh Hasina has named that of 'digital Bangladesh', a person is nearly handicapped without their NID as it ensures access to most of the civic services. In 2021, when COVID-19 vaccines were made available by the country, the only way to register for it was through NID. In the initial months the vaccine was only available for those 24 years of age or above, so it was a given that the recipient of the vaccine has an NID. NID still remains the only way to register for the COVID-19 vaccine for those above the age of 18. This means, a person can be denied vaccination if the responsible staff decide that the information provided in the NID does not match the person in real life, as Afia Jahin writes in her article on *The Daily Star*:

> Now that the NID is still the only document using which the general populace
> can register for the Covid-19 vaccine, third gender people are being subjected
> to even more discrimination and trauma on the basis of their gender identity.

---

[59] The news reporting the comment can be accessed here.
[60] This is the news report that documents the situation.
[61] The full news report can be read here.

54

[…] A young transwoman and a development worker based in Cox's Bazar, Chaity's experience tells us all we need to know about how unfair this country's treatment of this community still is. As she stood in the female queue at the vaccination centre, Chaity was anxious about being subjected to harassment at the inoculation booth itself, […] And she was not wrong about being harassed: when the man at the desk called her by her registered birth name, Mamun Mollah, and she appeared, he seemed to be unaware of the term "transwoman." Chaity argued with him, trying to justify why she should be able to get her vaccine too. This, unfortunately, only attracted taunting from others in the queue. When she was eventually able to convince the clerk to let her go to the inoculation booth for females, the same type of ignorance was displayed by the staff there, causing Chaity further humiliation.[62]

Rany Chowdhury, the general secretary of Sheman Welfare Association also adds, "The plight of the gender-diverse population is not prioritised in emergencies. Many members of the hijra and transgender communities were not allowed to get a Covid test done and were not considered for relief or financial aid during the pandemic."[63] This summarises how language used in favour of the state when constructing laws and 'recognition' ultimately naturalises systemic violence on the *hijra* community.

Tracing the state's complete lack of concern in implementing the legal recognition of *hijra* was meant to demonstrate yet another discourse strategy by the state to use language as a deceit; to throw bread crumbs in the name of 'recognition' constantly in a loop for specific bodies to run in a circle. It is a comment to add to the discussion in Chapter 4 in relation to how the state legally avoids accountability by systematically generating an ideal body through language. Any instance of the Government's language use does ideological work in the sense that what is spoken out loud and what is unspoken and implied are woven together as a particular discourse of cis-hetero nationalism in the political communication of Bangladesh

---

[62] The full report can be read here.
[63] The full news report can be read here.

that is in fact ripe with religious nationalism. To contextualise, the fact that the state only recognises *hijra* as sexually disabled (intersex) bodies, is in perfect harmony with the Islamic understanding of the matter:

> Islam, assertively, affirmed that humankind was created into two kinds that each one, biologically, only relates to one gender identity, male or female. […] For example, in the case of ambiguous genitals. In the Islamic jurisprudence (*fiqh*) terminology, this case [sic] namely *khunṡā*. In a case like this, it can be accepted because it is an absolute decree of God. This is different from the transgender phenomenon that is known as *mukhannas*—it refers to men that resemble women—and *mutarajjilāt*—it refers to women that resemble men. *Mukhannaṡ* is considered as illness [sic] an abnormality caused by depression. The depression affect [sic] their mind and encourage them to keep behaving even to identify themselves as women (Gibtiah, 2014, p. 354). It is also the same with *mutarajjilāt*. This behavior is considered as deviation from human nature and God's provision and therefore strictly forbidden in Islam. (Afif 186)[64]

This understanding is reflected in the legal recognition by the state, and it cannot be a coincidence that the state's hetero-normative vision of the nation so aptly utilises the Islamic perception on the matter to mobilise greater support by the population.

The act of politically disabling certain bodies is a matter of very specific nationalist agenda, as has been highlighted through the way *hijra* are kept from accessing civic rights. It is not done through physical violence, but through very clever state bureaucratic schemes. For another example, the state follows religious inheritance law for followers of each religion, mainly Islam, Hinduism and Buddhism. For others, the Succession Act 1925 is to be followed. Religious inheritance laws are all based on hetero-normative understanding of the family and rely on a daughter-son dynamic.[65] Granted that a large part of the population identifies as Muslims, the legal recognition given to *hijra* did not encourage the formulation of a separate

---

[64] In "Islam and Transgender (A Study of Hadith about Transgender)".
[65] For instance, the Muslim inheritance law goes: "Allah chargeth you concerning (the provision for) your children: to the male the equivalent of the portion of two females, and if there be women more than two, then theirs is two-thirds of the inheritance, and if there be one (only) then the half. Quran, 4:11" (Qtd. In Snigdha 32).

inheritance law for them. This was an obstruction to inheriting family property not simply through law but also through religion. A similar parallel can be drawn for marriage law as well. There is a nationalist ideology at play here that is determined to dehumanise intersex ('hijra') people through restricting their existence in the paradox of a recognition that disables; a nation feels lesser of a threat to its cis-heteronormative ideals by sentencing this disability on *hijra* bodies, and religion swings the sword.

These "sexually disabled" bodies mentioned in the Gazette consequentially hang in a limbo between legal recognition that supposedly promises respectable existence and systemic exclusion and disposal of *hijra* bodies. With said recognition as 'hijra' or "third gender," bodies are colonised and taken over, either to make them conform to existing cis-heteronormative order by making it increasingly difficult to identify as anything beyond male and female, or by simply leaving them with the choice of identifying as intersex people. This intersexuality is also granted at the cost of being labelled as disabled; one is either hijra (sexually disabled/intersex) or male and female (by implication abled to procreate). No other option is available to them, no other forms of sexuality and gender identities exist, and the state avoids facing repercussions of repressing sexualities that it pretends to not know to exist.

5.2 Language and the Materialisation of the "Hijra issue"

In this Section, I move on to more everyday language use of state officials. While the open-ended and vague language of recognition has 'justified' state endorsed violence on the *hijra*, the manner in which state officials communicate any matter regarding the *hijra* also has severe implications in shaping the political context of the gender-diverse community. On May 26th 2022, a meeting was held at the National Parliament, "the Parliamentary Standing Committee on the Ministry of Social Welfare recommended that measures be taken to prevent 'harassment' by third gender people on the streets, despite the government providing various

facilities" as reported by Nazifa Raidah in an article published in *The Daily Star*.[66] What is interesting here is that implementation of policies to actually bring the state recognition of *hijra* into practice took years to even begin, and in the process the *hijra* are still being harassed and violated every day, yet none of that called for an official session at the parliament. What did require an official meeting at the parliament is when *hijra* people, deprived of their fundamental rights and those promised by the 'recognition,' are forced to resort to the streets asking for money to survive. The material conditions that warrant such begging on their part is completely ignored, and the choice of words like "harassment" are used to shift the accountability on the *hijra*. What materialises out of this language is the "hijra issue" – the problem of *hijra* people harassing – by implication, decent citizens for money as if they decided to beg for their own enjoyment – standing in the polluted streets of Dhaka under the scorching sun instead of availing opportunities that the state has so generously provided them with! Rather than becoming a problem deliberately created by the state to actively deny *hijra* and other gender-diverse people legal means to survive in any other way, it becomes a character flaw on the *hijra*'s part. The *hijra* come out as the exploiters and not as people afflicted by the malicious workings of the state.[67]

The discussion of the meeting was such that "real hijra" must be identified properly and given identity cards to keep them from "harassing" people – the assumption is such that once identified as "real hijra" they can avail jobs and benefits allotted by the state for them and more importantly, their employment is implicated as a disciplining technology of punishment. However, "This development leaves us with two questions: (1) If these 'facilities' are really that accessible, why aren't we seeing more transgender people in job roles? (2) Even if they are accessible, why aren't more transgender people getting their national verification as well as

---

[66] The full article can be read here.
[67] I am trying to avoid using the term "victims" as much as I can as I believe it is not my place to negate any sense of agency that they may hold even in the most desperate of conditions.

these 'facilities'?" – author Raidah questions the paradox of the situation in the same article.[68]

As already discussed, the assessment to determine if one is a "real hijra" or not is unclear, in cases of actual deliberation biased, inappropriate and completely baseless given that no parameters of 'realness' are provided by the recognition. As Raidah further discusses the horrors of these tests in her article:

> As a result, various government agencies have been allowed to carry out identification processes in the manner they saw fit. In addition to "male" and "female," national ID cards in Bangladesh now have a "hijra" category. […] This, in turn, entrenches many deep-rooted misconceptions about the term "hijra" among common people. But an even more horrendous consequence of this lack of awareness was found during physical examinations carried out pursuant to a memorandum issued by the health ministry requiring "authentic hijras to be identified through medical check-ups." A report by Human Rights Watch (HRW) in 2016 found that after the social welfare ministry invited hijras to apply for government employment in December 2014, many trans individuals said they had been harassed and asked inappropriate questions about their gender identity and sexuality. Physicians instructed non-medical hospital employees, such as custodians, to touch the hijras' genitals as groups of staff and other patients watched and heckled – sometimes in private rooms, sometimes in public spaces – during these so-called "examinations." Some of the hijras were told to return several times over the course of several weeks to undergo additional testing. Not only that, private photographs of 12 trans women (who passed the interview and were instructed to take the medical exam) were released in print and online platforms, claiming that these "hijras" were really men who were committing fraud to attain government jobs and privileges. These photos sparked further ostracisation and harassment of the hijras, compromising their means to earn a living. Many engaged in sex work reported that they had lost clients, while others altered their appearances to seem more masculine in the hope of getting jobs. And when they altered their appearances, they were cast out of their own communities – leaving these trans individuals

---

[68] See footnote 66.

with no support system, or a roof over their heads as most of them had been turned away from their biological families. […] Individuals with different gender identities, such as transgender women and transgender men, are excluded because they are not part of the hijra culture – yet they remain vulnerable to societal shame, discrimination, and violence. [69]

However, none of this seemed valid enough for the government to hold a meeting and rethink the systemic, state sponsored harassment. It is only when these bodies, unable to avoid the everyday violence of the state under the label of 'legal recognition', take to the streets that they are seen but only inscribed as exploiters; otherwise they are bodies that do not matter as long as they can be marked 'proper' or 'real' by that logic they do not require policing. The paradox of their legal recognition calls for tests for verification, which are unreliable and violent, and this keeps the *hijra* from attaining proper identity documents/NID. Without proper identity documents, especially the NID, the *hijra* are retained from registering at educational institutions, from applying for jobs, and, in fact, from opening a bank account or simple mobile transaction apps. The state manufactures these bodies then as a threatening problem, which justifies the violence directed towards them. They become a threat to national unity and materialise as the violent 'other' as opposed to the 'peaceful' nationals and citizens.

This is just one example of the many instances of language use that naturalises state violence on gender-diverse bodies. "Terming the association with the Hijra identity a mental health problem, the Parliamentary Standing Committee on the Ministry of Social Welfare on Thursday recommended taking necessary steps by the ministry concerned to identify real Hijras (transgender) through proper medical test, BSS has reported" – this text is an excerpt from a news report published on *The Business Standard*'s website on 17th November 2022.[70] The news focuses on the commentary by the Social Welfare Minister, Rashed Khan Menon, Chairman

___

[69] Ibid. Also the test that excluded the 12 *hijra* as males mentioned here is the same one discussed previously (see Section 5.1).
[70] The full news report can be accessed here.

of the Parliamentary Standing Committee. In relation to this piece of news, I will now analyse the implicit and explicit ideologies represented in the language of the arguments in reference to *hijra*, constructing them as fake and predatory as discussed below.

The problem with the Social Welfare Minister's statement is two-fold. As the report refers to his comment, the formation of *hijra* as a "mental problem" and recommending two types of tests to identify "real hijra" implies (1) the assumption that there lies a group of people who are not "real hijra" and pretend to be one due to some psychological disorder, and that (2) it can be verified through tests (with no detail of those tests to be provided) whether one is in fact a "real hijra." For the first point, implied here is the assumption that there exists 'real hijra' as opposed to the 'fake' ones, and falsely identifying as a *hijra* is indicative of a mental problem. The fake ones would, as the understanding so far suggest, psychologically be wired to identify as *hijra* even when their reproductive organs are fully developed (either as male or female) and not deformed/disabled, which would qualify them as intersex and by that, as 'real hijra.' However, what is explicitly said equates *hijra* ('real' or not) with 'psychological problem'. This is reflective of the dominant religious nationalist political ideology in Bangladesh that considers non-heteronormative gender and sexual identities to be a psychological disorder. Although Menon expresses support for 'real hijra', his conclusion defending the tests is based on the implication that fake *hijra* extort benefits of *hijra* communities, as if identifying as *hijra* has proven to be beneficial for the *hijra* since the recognition act.

What does not remain implicit but explicitly warrants the discussion in the argument is the negation of discussing the *hijra* community's livelihood. Most of them beg for money at traffic signals among other ways through which they ask/demand money from individuals/businesses as their access to education and labour is limited, which has already been explored in this Section. Menon's argument, therefore, implicitly draws on the ideology

of *hijra* community being disabled and not worthy citizens of the state that preserves their current livelihood; it is the ideology that takes it for granted that *hijra* must earn their livelihood in this way and restricts conversation about their access to basic rights and needs.

The report also presents a counter-argument by a transgender rights activist, that contends access to jobs have come at the cost of humiliating tests, which results in bodily violation, as have been pointed out. Explicit in this argument is the ideology of inclusion that *hijra* as an identity is not limited to gender and sexuality, it is an umbrella term for a community and state recognition of 'hijra' excludes other non-heteronormative identities.[71] However, in the language of the activist, the implicit understanding is that *hijra* as a community is still somewhat centred on the genitalia; here remains unaccounted for the ways recognition/visibility is not always limited to anatomy; *hijra* identity is enacted through dress-codes, body language and verbal language that aligns with that of the opposite gender. Language use is a strong marker of gender representation in social contexts, constitutive of and representative of social norms and ideologies. As Hall sums up this articulation, "Instead of occupying a position outside the female-male binary, the hijras have created an existence within it, one that is constrained by rigidly entrenched cultural constructions of femininity and masculinity" (Hall 12-13).

Since a large part of their livelihood is dependent on asking for money, their initial approach in terms of body presentation and verbal language is 'feminine,' but when they have to be assertive their tone and choice of diction is 'masculine.'[72] However, within the

---

[71] "A Hijra and a transgender are not the same. A transgender person, for instance, is defined as people who was assigned one of the binary genders at birth and then began to identify as the other one. The Hijra, on the other hand, is a community."

[72] Source of data can be accessed here. This data can be also analysed through paper on hijra/hijrin's diction where they say "but even the hijra must create self-identity by resisting and subverting a very real and oppressive gender dichotomy— a dichotomy that becomes very apparent in the hijras' own use of feminine and masculine speech […] hijras' speech patterns, who shift between 'women's language' and 'men's language' in order to express relations of power and solidarity' (13).

community the speakers may not adhere to the same ideological representation in language, as is revealed in an intertextual understanding of identification (Hall 72-73). Acknowledgement of *hijra* bodies takes place only when some consolation can be derived from it and they can be policed to non-existence.

5.3 What Remains: Un/making of Bodies

Language use so far has been mainly examined to highlight the violence that is instigated through it. I say violence for very specific reasons. Firstly, systemic harassment and selective labelling puts the *hijra* bodies in very precarious positions where they are vulnerable to physical violence. Secondly, the refusal to acknowledge any body other than those of males, females and "hijra" (intersex in this case) results in complete erasure of any other body, they are relegated into invisibility. Bodies are made and unmade in a systemic procedure of violence, deciding who exists and matters, who exists and does not matter, and who does not exist to begin with. In this section, I further investigate the implications of such discourse of bodily disciplining that language enables in connection with Section 375 and Section 377 of the Penal Code previously discussed in Chapter 4.

In the most practical sense, by not acknowledging trans and non-binary gender identities, the state ensures that the heteronormative order stays intact – if one has a fully grown and functioning male or female genitalia, they shall (be forced, if need be, to) identify as male or female. In case of the intersexed body, they are considered "sexually disabled" – a much easier concept to digest than considering intersex people as fully functioning humans with sexual agency. This also allows the state to deny intersex people any gender/sex reassignment surgery they may seek. In the case of Section 375 concerning rape of the Penal Code, it conveniently eliminates any form of protection that can be extended to *hijra* people. Firstly, the Section entirely omits any sexual violence directed towards men (because women are not considered to have any sexual agency to exert upon a man) and LGBTQI+ people and the *hijra*

other than 'intersex' people who cannot sexually violate another body as they are not considered sexual in the first place. This logic politically deprives transgender people to seek justice for rape and other forms of sexual violence.

As already established, the state's agenda inherently facilitates a cis-hetero Bangali Muslim "male" ideal, which means the law hardly supports or protects women, especially if they are non-Muslim or non-Bangali. Similarly to the legal language of the state in the matter, state officials' language about female victims of sexual assault propagate that ideal further. "Look at the world, is there a place where rape does not exist? There is no country where rape does not occur," said Home Minister of Bangladesh in September 2020 in response to the MC College rape incident of the same year.[73] On the night of 25th September 2020, a young married couple who were visiting the campus were intercepted in their car by the members of Bangladesh Chatra League (BCL) activists.[74] The couple was forcefully taken into the college hall by the activists who gang raped the woman while her husband was beaten up. No information about the onlookers/witnesses were released, and the motive behind the attack is not specified other than the fact that these BCL activists feel entitled to commit crimes due to their political affiliation. When the perpetrator rapist is endorsed by the Minister responsible for the citizens' safety, by the embodiment of state power quite literally, it is no wonder that the state officials try to lighten the severity of the issue by justifying it. This statement, paired with the problematic rape law of the country, not only plays down the severity of rape but essentially legalises it. In September 2020, another brutal rape case of a woman in Noakhali, Bangladesh received attention after the gang of rapists uploaded a video on *Facebook* of forcefully undressing and torturing the woman. The perpetrators were members of the

---

[73] The quote is a translation of my own as the original report is in Bangla, which can be accessed here. The translated title is "Look at the world, is there a place where rape does not exist?" and will be cited accordingly.
[74] The BCL is a student political party that is endorsed by the current government Awami League. They are active parts of public universities which grants them access to public campuses. More about the MC College rape case can be read here.

notorious "Delwar Party," a group of political goons who extort benefits and terrorise the local civilians due to being backed up by bigger political parties. The video of the incident went viral. However, while initially it was called an 'assault' and 'molestation' in the comments, after the woman demanded to Human Rights Investigation for being raped by Delwar members and for attempting to rape her multiple times, the incident was taken seriously and was called 'rape' and re-evaluated as such by the law enforcement and news media. Nevertheless, the Minister of Law, Justice and Parliamentary Affairs Advocate, Anisul Haque when asked about the case by the online new site, *Jago News 24*, did not deny its criminal categorisation but played down its relevance by saying that the case might be a "conspiracy" (sic): –

> Such horror cannot be a normal occurrence. Especially, uploading the video of the woman after undressing her is definitely horrible and an act done in poor taste. We are determined to ensure justice through further investigation. […] It cannot be called a mere social crime! I saw the description of torture in different media, it made me shudder! Nothing could be worse than that. Sounds like a conspiracy to me. But everything will come out only after investigation.[75]

It is necessary here to point out the different ideologies that are negotiated in this quote. Firstly, that rape, torture and murder of a woman, or gender-based violence in general, is not an 'abnormal' occurrence in Bangladesh, even though the Home Minister in Bangladesh had just a month before naturalised rape as a normal occurrence globally. Disregarding what the Home Minister said, just between January and September 2020, there were 976 rape cases recorded in Bangladesh by Ain O Shalish Kendra, a legal aid group, alone. 68 of those cases of rape were committed against children under the age of 6. In those same 9 months, additionally 432 women were victims of domestic violence, with 50 of those women tortured either by their husband or his family, and 235 women murdered either by her husband or his family. 21 women

---

[75] The quote is a translation of my own as the original report is in Bangla, which can be accessed here. The translated title is "Assault Against the Woman in Noakhali maybe a 'Conspiracy'" and will be cited accordingly. More on the case can be read here and here.

were victims of acid attack and 161 women victims of other sexual assaults in those very months.[76] Yet, when the video of the assaulted woman went viral, the Minister and advocate, Anisul Haque dared to call it conspiracy or a matter of poor taste (sic) if real. In his language, it is not the assault that is concerning but the act of publishing it online, and it is 'concerning' only for aesthetic reasons, especially so as the woman is stripped naked; it then also becomes a matter of her shame and honour – not that of her perpetrator. As a state official, the Minister's argument implicates that the state does not see the woman as a survivor of a heinous sexual crime but as a body whose honour has been violated because the world saw her naked. The Minister, of course, does not disclose or explain what kind of a "conspiracy" it should be or the motivation he supposes to exist behind it. Considering that the dominant ideology of Muslim nationalism has always been concerned with the properly wrapped image of the female body, it would not be surprising if the Minister claimed it to be a conspiracy against national image. Lastly, when a rape case gets labelled as conspiracy prior to investigation and by the minister of Law, Justice and Parliamentary Affairs, it has the power to impact the manner in which the investigation proceeds and towards what direction. At the same time, a woman's body sexually violated exposed to the widest general public on the social media becomes more and more invaluable for the state to protect from rape but, instead, it becomes a rave concern for the state to protect its 'honour'. The Muslim faith is weaponised to 'protect' the nation at the actual expense of woman and LGBTQI+ bodies. The state's nationalism leaves no place for them to matter in the eye of the law and be grievable when lost due to state endorsed sexual violence.

To link this discussion to Section 377, previously I discussed how the law criminalises penetrative non-heterosexual sexual activities, where the intention was to show how that law

---

[76] All the data has been collected from the reports of Ain o Shalish Kendra, a Bangladeshi legal aid and human rights organisation. The data can be accessed on their website through this link.

criminalises homosexuality, which results in homosexual individuals living in the shadow of violence and fear. The reason for connecting this Section with that discussion is to extend on the erasure of bodies. That is, the law that criminalises homosexuality does not spell it out as homosexuality in the first place. The state can create and operate under a law that obliterates non-heterosexual bodies, but it does so without even acknowledging that these bodies exist in the first place. This, yet again, exposes not only the violent denial of the existence of non-heterosexual bodies, but also, in the case of the *hijra*, reveals that acknowledgement is given to intersex people only (even if with no positive change in their lives upon it) specifically because they are stripped of their sexuality, dehumanised and rendered non-threatening to the image of the nation. The 'unnatural' is not named yet indirectly conceptualised as the opposite for all that is 'natural', bound by all that is the self, the natural, and the able: "This naming of what cannot be named is itself a penetration into this receptacle which is at once a violent erasure, one which establishes it as an impossible yet necessary site for all further inscriptions" (Butler 44).

5.4 Conclusion

The aim of this chapter was to focus on the more informal, everyday language of the state and its power to illustrate how said language articulates a violent discourse of nationalism that writes out of existence certain bodies. This is achieved through systemic exclusion and erasure; a process that produces 'proper hijra' bodies who can conform to hetero-normative standards while writing out of discourse and existence bodies of the 'improper hijra'. As a corollary of that logic, the language also provides and denies protection to particular bodies – making women and LGBTQI+ people targets of violence that the state effectively endorses. This also means that the structural violence can go beyond sexuality and indirectly target other bodies that can be considered 'improper' for the nation in all the many ways, leaving no safe space for even the ones who are not explicitly targeted in the intersectional matrix – "queer

67

precarity is not a mere symptom of rising intolerance/fundamentalism in Bangladesh but should be situated within a broader framework that accounts for an authoritarian state, its historically ambivalent relation to religion, and the nation's structurally marginal transnational location" (Siddiki 2). The reading of Section 375 and Section 377 of the Penal Code function as a powerful tool to in fact penalise the disposed and vulnerable in defence of the cis-hetero ideal whose sexual violence is defended.

Chapter 6: Of Heard Cries and Unheard Screams: Writing Out Secular Violence

"What is most important is to cease legislating for all lives what is liveable only for some, and similarly, to refrain from proscribing for all lives what is unlivable for some."

- Judith Butler, Undoing Gender

Chapter 4 and 5 explored the discourse of exclusion and the erasure of certain bodies in favour of manufacturing the ideal cis-hetero Bangali Muslim male body. Both chapters dealt with the implicit and explicit meanings and implications of the law and the statements generated by representatives of state powers and pointed out the structural violence that targets not only the *hijra* but indirectly women and people of diverse gender and sexual identities caught in the intersectional matrix of power relations. In this chapter, my aim is to investigate the existence of a strategically deployed hierarchy in determining which bodies are more or less disposable than the others across the intersectional spaces occupied by women and LGBTQI+ individuals. I will situate the analysis within the context of international reports on the gender diverse population in Bangladesh to establish how they reflect the environment of fear and violence; the lack of state accountability; and lastly, the strategies that are undertaken by the local NGOs to operate in the country.

6.1 Lost in Translation: How to Matter?

This section further investigates how structural violence of the state is not solely directed towards sexuality. The ideal body of the nation is a cis-hetero Bangali Muslim male one for sure, but above all, it is a loyal one. Bodies are made disposable when they are seen to have become a threat, showing the slightest sign of dissent against the state.

The *Hijra* in this sense, is not a loyal subject of the state as it subverts the heterosexism that the national values are built upon. On the surface, a close equivalent English term for *hijra* seems to be 'queer'. However, queer is both gendered and sexual, which is more complex in the case of hijra, its socio-cultural connotations are intertwined in a much deeper level (see Section 2.2). The restriction on non-binary gender and sexual behaviour manifested in colonial legislation: Section 377 of the Indian Penal code is not simply a threat to same-sex behaviour but also to any non-procreative sexual behaviour, including heterosexuality. However, there is no uniform application of this punishment due to the intersectional belonging of the bodies concerned. It is difficult to police the private sphere to this extent. Women are less visible in the public sphere than men, hence it is easier to detect 'un-masculine' or 'effeminate' men and police them, including *hijra* individuals.[77] Fast forward to Bangladesh's emergence as a sovereign state in 1971, queer rights have not gained momentum and surely does not have a space in a national agenda that is focused on building a distinct identity post Liberation War. The *hijra* movement began in the late 1980s to take shape "less as a response to outright oppression and more as a way to tackle systemic injustices that prevented equality", with the goal to tackle harassment and stigma through valid state mechanisms (Ahmed 104). Pushed to a state of delegitimisation under the colonial heteronormative order, a bigger challenge now was to form a movement that could be recognised globally:

> That loss of native identity misrepresented the community by forcing it to translate itself into a LGBTQ+ rights framework and be coopted 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

---

[77]As discussed in "Decolonising Queer Bangladesh: Neoliberalism Against LGBTQ+ Emancipation," the wording of Section 377 made any intercourse that was strictly not penile-vaginal a criminal offence. This conservative definition is extended to same-sex couples having oral, anal or masturbatory sex. "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" (Ahmed 104).

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. (Ahmed 105-106)

British colonialism and its consequences (criminalisation of non-heteronormative behaviour, the 1947 partition and the subsequent birth of Bangladesh in1971) forced the hijra into a complex situation of discrimination in the context of a tumultuous political scenario of articulating the ideal Bangladeshi against West Pakistan (which had imposed its cultural and linguistic elements on then East Pakistan). At the same time, it also needed to sustain pan-Islamic values to differentiate its national identity from India perceived as 'Hindu'. The complexities of the Bangladeshi identity have left no space to reverse Section 377 in 1971, which would have allowed decriminalisation of non-heteronormative behaviour, including the un-gendering and unsexualising of the hijra identity. As a consequence, "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" (Ahmed 106).

In a way, it is a valid strategy in the face of such unprecedented challenges, however, it does not change the social expectation of conforming to fit international understandings of *hijra*. International attention was gained at the loss of a historically specific meaning in exchange for reducing hijra to sexualised and gendered terms of Western framing, as a consequence of which, a large part of the *hijra* identity was lost in translation.

Queer or *hijra* men were also imagined and expected to form coalitions under more global markers, such as "men who have sex with men" (MSM), which made their resistance

71

even more centred on sexuality.[78] At the same time, female sexuality or queerness was not a matter of concern for either British colonial powers or the new state of Bangladesh (See Section 4.2) but was simply considered non-existent or not as potent as male sexuality: Queer women were left out of the equation almost entirely in the early years of. Paradoxically, this allowed for some 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. […] However, this safety only extended as far as their own front door, as evidenced by the persecution of women in same-sex relationships" (Ahmed 106).

While this is true, the argument ignores the hierarchy in what can be thought as a homogenous space of safety: not all women had the financial privilege to live away from a family. Moving out of one's home is mostly a matter of educational or professional purposes, a privilege that is very much dependent on class and social networks.

Being heard and cared for in case of the *hijra* and LGBTQI+ community thus came at the cost of a co-optation by neo-colonial agendas:

> 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. (Ahmed 106-107)

---

[78]As mentioned in Bandhu Social Welfare Society's report titled *A Tale of Two Decades*, "Bandhu was responsible for the inclusion of MSM in the first ever Strategic Plan of the National AIDS/STD Programme, Bangladesh in 1997" (8). The report will be explored further later in the Chapter.

The structural violence of the state has indirectly reaching impacts on the efforts of the *hijra* to build coalitions in the global political scene. A body that is deemed disposable by the state is made less disposable by foreign organisations, provided they go along with gendering and sexualising on neo-colonial Western terms.

6.2 Bodies, Bodies, Bodies: To Hack and to Hang

In this section, I will overview a few cases of murder, rape and assault that happened between 2013 and 2021 to explore further the hierarchies within disposable bodies, revealing the intersectional intricacies of embodiment in contemporary Bangladesh. The contemporary neo-colonial Westernisation of *hijra* identity is not an isolated event. The murders of Xulhaz Mannan and Mahbub Rabbi Tonoy, the two homosexual activists can also be connected.

At a time when the country saw a surge in atheist bloggers and LGBTQI+ activists and bodies being violently targeted and murdered, the homicide of Xulhaz and Tonoy received international attention. Yet, the death of Xulhaz was addressed significantly more than Tonoy's; not every LGBTQI+ body is made equally grievable. Xulhaz Mannan came from a privileged social bubble, and while his social standing did not provide him with complete immunity, it did make him more of a valuable body than Tonoy, who was a theatre artist and was socio-economically not as stable. Furthermore, the fact that Xulhaz was an USAID employee allows us to be more critical of the global attention his death received and indicates that the mourning that followed was contingent upon his social position and not accidental:

> For the hypernationalist and authoritarian state, […] queer and politically dissident bodies are equally disposable. In contrast to this equal-opportunity indifference, the global media (and international bodies of various kinds) tend to act on a specific hierarchy of suffering in which queer bodies in Muslim nations carry a particular representational burden. (Siddiqi 2)

From 2013 to 2019, several writers and activists were murdered brutally for several of the following reasons: they were secular, free-minded, openly atheist bloggers and/or identified as LGBTQI+ or were involved in LGBTQI+ rights activism. Ahmed Rajib Haider, who was hacked to death by machete wielding attackers, was an atheist blogger. In December 2015, two students were sentenced to death for Haider's murder.[79] Avijit Roy, victim of another machete attack in February 2015 in Dhaka, was another atheist blogger whose murderers were identified as Islamist militants. Five of them received death sentence and one received life imprisonment in February 2021.[80] In May 2015, Ananta Bijoy Das, a secular free-minded writer was hacked to death in broad daylight in May 2015 in Dhaka. The verdict for his murder was given in March 2022, which sentenced four people to death.[81] Xulhaz and Tonoy's murderers, who hacked them to death in April 2016, received their verdict in August 2021, where six attackers were sentenced to death.[82] Avijit Roy's publisher, Arefin Dipon, was another life claimed by attackers who hacked him to death in October 2019 in the capital. In February 2021, a verdict was reached, sentencing eight to death.[83]

Among the thousands of rape cases, the case of Sohagi Jahan Tonu, a college student comes to mind, who was raped and murdered afterwards. "Comilla Victoria College student Tonu left home for tutoring at a house inside Comilla Cantonment. She was later found dead

---

[79] "The judge in the fast-track court found both students and another man, Maksudul Hasan, guilty of murder and convicted another five people on lesser charges related to Haider's death. [...] 'Two students of North South University, Faisal bin Nayem and Rezwanul Azad Rana, were sentenced to death. Rana has been a fugitive since the trial began,' Mahbubur Rahman, prosecuting, said. Rahman said the students had been inspired by the sermons of firebrand cleric Jashim Uddin Rahmani, who was given five years in prison for abetting the murder" – reported by *The Guardian* in December 2015.

[80] "A court in Bangladesh has sentenced five men to death and one to life in jail for hacking a secular blogger to death six years ago in Dhaka. Avijit Roy, based in the US and of Bangladeshi origin, was attacked with machetes as he left a book fair in the capital in February 2015" – reported by *BBC News* in February 2021.

[81] Reported by *Dhaka Tribune*, the murderers were claimed to be militants of "Al-Qaeda affiliate Ansar al-Islam—previously [known as] Ansarullah Bangla Team."

[82] "Six members of the banned militant group Ansar al-Islam were sentenced to death for murdering Xulhaz and Tonoy five years ago" – reported *Dhaka Tribune* on 31st August, 2021.

[83] *Al Jazeera* reported, "Among the 'secular' books Dipon published was one by Avijit Roy, an American citizen of Bangladeshi origin who was murdered in a similar manner in February that year. Both the murders were carried out by members of Ansar al-Islam – a hardline group that was banned by the Bangladesh government in May 2015. Officials say Ansar al-Islam is a local affiliate of al-Qaeda group"

behind a bush."[84] The case has been dragging on for years now without a verdict yet. In April 2022, the 19-year-old Nusrat Jahan Munia's body was recovered from a flat in the capital.[85] So far, no case has been able to hold against Sayem Sobhan Anvir, who is a business tycoon in the country. While Tonu and Munia's cases have been denied justice like many others, a swift investigation was carried out in the case of another 19 year old woman, Nusrat Jahan Rafi, who was torched to death in March 2019 by perpetrators due to her refusal to withdraw a sexual harassment complaint she filed against the principal of her school. Seven months after her death, in October 2019, a verdict was reached with 16 Bangladeshi men sentenced to death.[86] In March 2017, two women university students were raped at the Raintree Hotel Dhaka. Thirty eight days after the incident, the women came forward and filed a case, which resulted in the women receiving public backlash and legal disapproval.[87] The perpetrator accused in the case is Safat Ahmed, the son of a high-profile businessman, and is free to date.

Bodies hacked to death, bodies raped and assaulted, and bodies on the death row waiting to be hanged, all have one thing in common: they are all made disposable by the state in biased terms. Regarding the perpetrators, those who were sentenced to death are unvaluable to the state: it is much easier to execute students and 'militants' than people like Anvir Sobhan and Safat Ahmed who hold political and financial power. It is also strategic to stamp the label of "Islamic militants" on the accused as it allows for the state to seemingly come off as

---

[84] It is to be noted, the Cantonment area is a highly protected and surveilled military controlled zone. More can be read here about the case.

[85] *Dhaka Tribune* reported, "She reportedly died by suicide. […] Nusrat, elder sister of Munia, filed a case against Anvir, who had a relation with Munia, on allegation of 'abetment of suicide.'" During the three months of investigation, the police did interrogate Munia's ex-boyfriend, Anvir. The article can be accessed here.

[86] *The Guardian* reported, "Among those found guilty were former members of the school's administration, teachers and pupils – 12 of the 16 having confessed to participating in the killing in which Rafi was lured on to the school's roof, doused in paraffin and set alight." The full article can be read here.

[87] The tribunal responsible for the case asked law enforcement to not file rape cases reported after 72 hours of the incident. "Judge Mosammat Kamrunnahar said, 'The prosecution failed to prove the charges beyond a reasonable doubt because DNA tests and evidence did not prove the rape allegations. Victims went to the hotel voluntarily and took a swim there. Thirty-eight days after the incident, they said, 'We have been raped.' This case is baseless. It took 93 working days to complete the trial and wasted a lot of time of the state.'" She also added that the survivors filed the case after being "influenced" by Faria Mahbub Piasha, an ex-wife of primary accused Safat Ahmed. The report can be read here.

"progressive" fighting radical Islamist Other as though it were not the state that has not in the first place created the condition that has fostered such hostility towards the victims' bodies that suffered such fatal ends:

> Paradoxes abound. The secular Bangladeshi state has used sedition laws to silence "atheist" bloggers charged with hurting the sentiments of a religious community, even as it calls for (must be seen as calling for?) the protection of the same bloggers from Islamist terror (but not other kinds). (Siddiqi 12).

Here, yet again, two assumptions come to play. Firstly, against the radical Islamist Other, the state emerges as the secular Self and secondly, the secular state is implicated to be incapable of such violence:

> What do we miss when we accept conventional explanations for extremist violence—those that place religion (text, practice) at the core? What ideological labor does the exclusive, near obsessive emphasis on Islam and its potential for radicalism perform? Janet Jakobsen observes that a focus on religion distracts from the role of the secular state in the production of violence (Jakobsen 2016). Building on Jakobsen, I suggest that a priori associations of Islam with (extremist) violence correspond to the common sense belief that secular regimes provide the absolute bulwark against religious violence. At work is also the presumption that secular states are not generative of violence, at least not of the kind that matters. The narrative is persuasive only because of the entrenched assumption that 1) secularity brings safety to all bodies and 2) secular violence is not real violence. (Siddiqi 4)

On 12 October 2020, Bangladesh declared capital punishment for rape. Nevertheless, death penalty, as we have seen is implemented differentially: it targets bodies that can be disposed. These bodies are made into national villains and rendered ungrievable. At the end of the day, the state takes no accountability for facilitating the environment for these crimes to take place; it simply calculates whether the crime was committed by a disposable body and if yes, turns that body into an 'external other' (as opposed to its cis-heteo Bangali Muslim nationalist self) to blame, all the while doing nothing to reform its laws:

While there are "homegrown" individuals and groups in Bangladesh who are happy to turn to violence in order to eliminate certain kinds of speech and action—and while ISIS may well have a base in the country—an exclusive focus on "terrorists" obscures the complicity of the state (and transnational forces) in creating the context and conditions that enable such killings. (Siddiqi 5)

Regarding the cases of the victims, their deaths have also been publicised according to a hierarchical order. Avijit Roy and Xulhaz Mannan made more headlines than the others mentioned. Could it be simply a matter of coincidence that these two had good international connections, the former being a US citizen and the latter an USAID employee? These crimes against atheists, LGBTQI+ people and women took place in the first place due to the state's complete disregard, however, to avoid international media uproar about a 'humanitarian crisis' and to save the government's face, those deemed "disposables" were sentenced to death. It obviously overlaps with the agenda of international powers, who have selective interest in the protection of bodies, forming together a common enemy, the 'Islamic militant'. This binary of the Islamic Other versus the secular power of the state and global powers is necessary to be examined in support of the argument of this thesis as it brings to light more detailed intersectional underpinnings that each body bears:

A state that relies on eliminating political rivals through such extra-legal means, and appears indifferent to the violence visited on others, must also regulate, silence, and criminalize potentially threatening speech. The question arises: which speech and which bodies? The contours of Bangladesh's laws of sedition produce an environment that enables tolerance for some bodies and not others, for some deaths, and not others. What are the boundaries between what can be spoken of and what must remain unspoken? Who draws the lines between the terrorist and the political dissenter, recast as anti-nationalist? These are not questions that can be addressed if we adhere to a fundamentalism/secularism binary. (Siddiqi 5)

77

6.3 Documenting Violence with the Master's Tool: Who Gets Left out?

For this section, I will examine four different national and international reports – two by Bandhu Social Welfare Society, an NGO working for the gender diverse population in Bangladesh, one by Astraea Lesbian Foundation for Justice, a philanthropic organization working for LGBTQI human rights internationally and one by ILGA Asia, an international association of Lesbian, Gay, Bisexual, Trans and Intersex community. The aim of examining the reports will be to (1) demonstrate how they reflect the arguments made in the three analytical chapters so far and (2) to highlight what they reflect about the socio-political landscape of Bangladesh. The analysis facilitates a further understanding of who and what gets left out from the discourse of NGOs working for LGBTQI+ rights in Bangladeshi socio-political landscape.

In *A Tale of Two Decades*, Bandhu Social Welfare Society overviews its work and impacts over the course of 20 years beginning from its foundation in 1996 to 2016. The report stresses the fact that it started amidst the HIV/AIDS pandemic, and worked tirelessly to facilitate support and accessibility to sexual health rights by sexual minorities, such as men who have sex with men (MSM).[88] As the report says:

> The initial services were education and outreach among MSM networks, along with a range of socializing and community-building activities […] covering primarily central Dhaka. An STI clinical service providing syndromic management treatment and care was initiated in April 1998. […]This support also enabled Bandhu to scale up its male sexual health programme […] as well extend the Government support service in Chittagong. USAID/FHI Impact also supported the development of a sexual health project for Hijras in Dhaka city and Saver - "Shustha Jiban" - another socially excluded group of biological males who were extremely vulnerable to HIV/STI infection. (13).

---

[88] The report can be accessed here.

According to the document, health concerns of this community was prioritised by both the government and international supports, especially in the backdrop of HIV/AIDS. However, it cannot be entirely coincidental that a disease that was mostly thought to be affecting cis-males was the one that was receiving well-funded attention. The report also states that "Bandhu's journey from a small informal group in 1996 to the largest community-led organization […] has experienced a matured evolution of the response to protecting health and human rights of sexual minorities in Bangladesh;" however, this protection of health and human rights of sexual minorities seems to be limited to MSM for the longest time (14). There are two points to underscore here. Firstly, in the context of HIV/AIDS, the attention to sexual health services for MSM was of utmost importance. Yet, it is tellingly selective as if only male bodies were affected, and who, due to their 'unnatural' sexual lifestyle, were disposable. Forced to live a secret life, many of them were married, which exposed the HIV to more valuable bodies of the state. Secondly, understanding the national and international interests in the health of sexual minorities when seen as a national threat, it was a strategic cover for NGOs to operate and work for sexual minorities. The 2021 report titled *Bangladesh Landscape Analysis of Political, Economic, and Social Conditions* by Astraea Landscape also reflects on this strategic necessity:

> In Bangladesh today, LGBTQI organizations and other groups providing support to queer people rely on a number of strategies to avoid unwelcome attention. Most operate under an umbrella of supporting gender diversity, health, cultural or social services, or youth outreach. Because sexual orientation is considered too dangerous to address publicly, queer and allied organizations are focused primarily on direct services, helping community members access healthcare, legal aid and employment opportunities. (Sajid 3)[89]

However, this strategy also compromises the ability of the national NGOs to reflect that work in their reports, leaving a lot undocumented. Additionally, with the current restrictions placed

---

[89] The full report can be accessed here.

by the government, much needs to be self-censored to avoid being criminalised under the DSA.[90] Additionally, "[…] the Foreign Donations (Voluntary Activities) Regulation Bill 2016 requires all civil society organizations seeking or using foreign funds to register with the NGO Affairs Bureau and receive approval for any activities carried out with those funds" which further acts as a barrier for organisations working for the gender diverse community (5).

The environment of fear and violence that the state has designed allows little freedom for organisations to advance LGBTQI+ rights in the country. Both reports by Bandhu Social Welfare Society, for instance, are heavily censored and parrot back the story of "progressiveness" that the government publicises. The *Annual Report 2021* of Bandhu Social Welfare Society states:

> All activities of the organization are in line with the overall guidance provided by the Ministry of Health and Family Welfare (MOHFW), the Ministry of Social Welfare (MOSW), the Ministry of Youth and other key ministries of the Government of Bangladesh (GoB). The principles, activities and approaches of Bandhu correspond to national priorities for healthcare interventions and are directly linked with the current National Health Policy and National Strategic Plan for HIV/AIDS response. (10)[91]

Can an organisation for a gender diverse and sexual minority community really work abiding the same policies and laws that have created such a condition for the same community? It is evident that under the current policies and law, it is difficult for pro-LGBTQI+ organisations to operate, which is reflected in their reports.[92] Neither reports by Bandhu establish the definition of *hijra* and they mention transgender people separately as though they are not part

---

[90] "Criticism of the government and administration officials is frequently met with persecution and harassment. […] Since the beginning of the COVID-19 pandemic, the government has used the DSA to justify the arrests of journalists, activists, and others whose media reports and social media posts discussed the government's response, criticized its handling of the situation, and investigated and exposed corruption in stimulus distribution" – as stated in Astraea's report, page 4.

[91] The report can be accessed here.

[92] Just between 1 January 2020 and 15 September 2021, more than 1500 cases were filed under the DSA, out of which 688 cases could be tracked with details by the Centre for Governance Studies. These 688 cases had 1516 people accused of which 571 people's profession could be found, and journalists made 142 (24.87%) of those. The full report can be found here.

of the *hijra* community. In the 2021 annual report by Bandhu, when refer to a consultation held to discuss the "issues" (read cases of harassment) the *hijra* community faces while registering as voters, the Election Commissioner Kabita Khatun's speech is mentioned for such binary: "In her speech, she discussed the differences between TG and Hijra, the definition of hijra, and reflected on some ongoing debates" (28). This quote nearly walks around eggshells to speak about the actual systemic concerns that has generated due to the state's policies – "The Hijra community was acknowledged as Hijra Lingo through a Gazette in 2013 by the Govt. of Bangladesh but to date, no laws are there focusing on the rights of TG and Hijra in Bangladesh" (30). The propositional assumption cements the distinction between *hijra* and transgender without spelling it out. Yet, if the organisation should accept the definition of *hijra* by the government, they could not speak of transgender people as they are made non-existent by the logic of the state. The document argues that no laws are focusing on transgender and *hijra* rights but it does not address (1) why it is relevant to mention transgender people if they are not addressed by the state; (2) why the two (transgender and *hijra)* should be mutually exclusive and not partially overlapping; (3) if they are two separate categories, why only *hijra* is recongnised as a separate gender but not transgender. In doing so, the Bandhu document shares the acceptance of the very problematic recognition and formulates a passive negligence of the law as though laws come to being by themselves and are not actively designed by the state.

In contrast to the Bandhu reports, ILGA's report titled *An Unsafe Haven: Challenges of Bangladeshi LGBTIQ people inside and outside the community* presents a clearer understanding of *hijra* (though a homogenising one) and indicates the responsibility of the state:

> This circular represented a significant step toward securing a range of human rights for Bangladesh's Hijras—a group of mostly those assigned "male" at birth, but self-

identified as feminine later in life, who prefer to be recognized as Hijra or a third gender. However, the State does not have a policy outlining the measures individuals must take to legally change the gender marker on their official documents from "male" to "Hijra," and the government still has no clarity about who qualifies as a Hijra. (7)[93]

The report further points out the crucial point about the consideration of gender relations in addition to that of sexuality when recognising the Hijra community (10). The report by Astraea, the international Lesbian Foundation for Justice, in addition to the observation about the state's inadequate and confusing definition of *hijra,* which results in exclusion makes a very important point: "However, it is important to acknowledge how community organizing has been influenced and limited by global discourses that do not include local understandings of identity and expression— for example, as embodied by the hijra community" (3). It is to be noted that while the Astraea report was put together by Bangladeshi representatives, the organisation is an international one and can therefore publish material critical of the state. As it has become evident so far, the environment of fear and violence that the state generates and continues to sustain acts as a strong barrier for LGBTQI+ activists and organisations. While international organisations have more freedom in terms of publishing, the funds they provide or their activities do have to pass through government channels which filters out actual support and advocacy for policy change. This barrier to advocacy is explicitly singled out in ILGA's (2021) report: "Only registered NGOs can receive funds from donors. Because most LGBTIQ organizations are not registered and run primarily by volunteers, they face several challenges in funding their programs or projects, including legal and administrative barriers" (24). However, registering is not a routine option because it requires going through several state approvals, including but not limited to the following:

> To register organizations as NGOs, the organizations need to go through police verification. When Nishchit, a trans-led organization, tried to get registered, they used

---

[93] The full report can be accessed here.

the word "sexual minority". The NSI (special section of the police) told them that this was against the culture of the country and they could not be registered. The LGBTIQ organizations feel that there is a risk of getting arrested as their activities may be framed as illegal. (25)[94]

As a result, there are organisations working for LGBTQI+ bodies, but either they have to do it either as a part of the other large scale government approved projects (which makes the actual advocacy for these bodies much smaller in scale), or they have to do so under the pretence of a completely different project, which not only limits the scope of advocacy but also risks exposure of the organisation, both staff and affiliates, to structural violence. The existing state regulations for national and international NGO activities can filter out the actual bodies that need help, generating reports that silence structural violence faced by these bodies.

6.4 The Phantom of Impacts: Support beyond the Glass Ceiling

What is also evident from Section 6.3 is the indirect articulation of problems by the local and international NGOs, mitigating state accountability for creating those very problems. As a result of that, the NGOs' impacts remain out of reach for LGBTQI+ bodies. This section continues to explore the reports introduced in Section 6.3 and examine how the structural causes of the problems faced by LGBTQI+ bodies remain in place.

Being an international organisation of established status and resources, ILGA has somewhat of a leeway to point out the state's accountability for disposing and erasing LGBTQI+ bodies. The report does call out the state on its actions to some extent in saying:

The current ruling system is still being defined by the misuse of power, silencing of voices against State mechanisms, and violation of freedom of speech, expression, and assembly by citizens and activists. […] According to Amnesty International, in 2019, the State continued to restrict the freedom of expression which was evident by the high

---

[94]Also can be read in connection to the Foreign Donations (Voluntary Activities) Regulation Bill 2016 mentioned in Section 6.3.

number of arrests of journalists, bloggers, and activists under the Digital Security Act 2018. […] The law enforcement agencies operate with impunity and are being empowered by the State to conduct severe violations of human rights. (6)

However, because it is still distanced from the local understanding of the socio-political fabric, ILGA's logic imposes its own ideology, compromising the narrative. For example, the report consistently seems to attribute problems faced by LGBTQI+ people to "religious conservatism" (2). It is no doubt that appealing to religious sentiments is a reoccurring strategy of self-defence on the state's part, however those sentiments cannot be singled out. Instead, they should expose how the state weaponises religion in the making of its 'national body'. The single-handed focus on religious conservatism is a neo-colonising trope that fails to account for how religion comes to play in the making of a nation, which comes at the cost of legitimising secular violence. True, when the report points out the state's responsibility it takes the advocacy a step ahead, but the trope takes it back.

The refusal to directly articulate the state's responsibility is a strong theme of both reports by Bandhu.[95] In light of the harassment faced by the *hijra*, the *Annual Report 2021* states:

Article 28(1) of the Constitution provides that the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, or place of birth. But unfortunately, the people from the gender diverse communities were deprived of effective participation in any election process despite equal qualification like other contestants. (35)

Additionally, the report continues:

According to the national budget for the 2021-22 fiscal year, corporate tax (5%) will be waived if any company recruits 100 members from the transgender community,

---

[95] In *A Tale of Two Decades*, to highlight Bandhu's initiatives it is said: "Considering the increasing frequency and magnitude of the rights violations and the vulnerability of the sexual minority populations to protect themselves against," which is also another example of how the organisation acknowledges the violence but does not state by whom or what powers it is caused, acting on the assumption that some passive force brings these violations in place (36).

commonly known as hijras in Bangladesh. […] Undoubtedly, this is a praiseworthy decision but in reality, employment opportunities for the GDPs in factories and companies are still scant due to the mindset of mainstream society as well as poor educational background of the hijras. (36)

In the quote above the blame is being shifted, firstly, to the "mindset of mainstream society," which makes all Bangladeshi citizens bigoted but not participating in the systemic exclusion orchestrated by the state; secondly, it also shifts the blame onto the "poor educational background" of *hijra,* making them responsible for their own material condition.

The discussion of the 'impacts' of the organisations also requires a close inspection. Bandhu prides itself for its initiatives and impacts for the gender diverse population, namely its creation of a legal wing called "Ain-Alap" that provides legal consultations to the community through helpline services:

> In 2021 Ain-Alap received a total of 494 phone calls and documented 113 human rights violation cases, which were about harassment, assault, property and monetary dispute, discrimination, sexual offense, etc. […] A total of 82 cases out of 113 were successfully resolved through the Alternative Dispute Resolution (ADR) mechanism at the local level […] This indicated that beneficiaries at the grassroots are becoming more comfortable with the ADR than the formal justice system. (37)

For the short-term, it is definitely a commendable support system for the gender diverse community. However, a parallel support system cannot be a long-term solution for the gender diverse community as that should take away pressure on the formal justice system to reform itself. Even if an alternative system should be able to emerge as some default option for the dispossessed, who would the formal justice system exist for? For the ruling class and for those who come to matter.

My point is not to disregard the positive changes these can bring on a short-term, but to stress the need for activism by organisations that would have an impact on the structural nature

of violence against LGBTQI+ bodies. The success story that organisations weave of change and betterment eclipse the fact that these are lives and bodies that could access their help or the help could reach them. In most cases, these bodies are located in urban areas with better accessibility than those in more remote corners of the country. How long will it take for this support to reach them? What are the chances for them not to get wiped out by the system in the meantime?

Bandhu's *Annual Report 2021* also elaborates its various programs such as "different capacity building training programs for the GDP communities to develop their skills and groom them up for sustainable jobs" (41). As I have argued in Chapter 5, creating jobs is not enough if accessing those jobs come at the cost of harassment and humiliation and no advocacy is done to change those policies. The obsession with "capacity building" and "grooming" these bodies is a neoliberal biopolitical agenda. These bodies are put through the labour of assimilation with the greater workforce, while advocacy interests are not reflected to focus on reforming the system to provide better educational opportunities to this extent. LGBTQI+ bodies, subjected to the deprivation of equal opportunities by the state, are now subjected to the labour of being 'just as good enough as' the rest of the population. This ideology of the same is expressed when the 2021 report comments:

> We believe the mindset of people has changed over the years and increased opportunities for this community, therefore, are reflected in different sectors. In 2021, the Boishakhi Channel recruited a news presenter from the TG community who proved herself by showing her best skills. She has now become an icon of the TG community and other TV channels […] This is one of the direct results of our media advocacy. (34)

There is an apparent contradiction here: on one hand, the victory is due to the "mindset" of people changing for the better, but on the other hand, it is the organisation's media advocacy that earns the credit. The contradiction is resolved by the implied logic that the change in attitude should be also the result of that advocacy. Advocacy of what though? A transgender

woman having to "prove herself" to land a regular job, otherwise she would not be deserving of it? Also, there is no discussion of how to get here. It takes substantial privilege of class relations: its silencing only reiterates the structural distribution of violence. The particular TG presenter's "icon" status, who is called called Tashnuva Anan Shishir, is held up for the community for the ideological purpose of producing a 'proper' representative of the community.

This recruitment of a 'proper' transgender woman is a politically informed strategic move. It is not accidental that she was recruited on the occasion of Bangladesh's 50 years of independence and on the International Women's Day in 2021. Her recruitment could be manipulated to be seen as if a milestone of progressiveness in the journey of the state.[96] Regarding the relative gain of the state propaganda, is the fact that she identifies as a *hijra* in Bangla and transgender and this time no media was censored in addressing her as transgender instead of the official term of "third gender." As ILGA's report suggests, the reason for this tokenism has got to do with the elections: "The ruling party tried to make many progressive moves before the elections to set a liberal image for themselves and to receive international support to establish the election as a valid one," manufacturing 'proper' transgender or *hijra* bodies, conveniently appropriating them to polish the national image for their own party-political advancement (20).

6.5 Conclusion

To conclude, the structural violence that is sustained in the country is fuelled by religious nationalism to a great extent, and the goal of this chapter was to see the nuanced working of such ideology in the systematic exclusion of LGBTQI+ bodies and women. Knowing that the intersectional spaces occupied by these bodies can be quite layered, this chapter plays an

---

[96] Here is a piece of news by *The Daily Star* that reports her recruitment.

instrumental role in the discussion of religious nationalist violence inflicted on different sexualities and gender identities. I have investigated the neo-colonialising Western influence in how they come to further the structural violence by the state. Given that national organisations have to design their projects in a manner that does not provoke the government, they are more vulnerable and need to act self-censoring when making country reports of the situation. International reports can to some extent report the tacitly endorsed violence by the state, but being distanced from the local context such report can come at the cost of singling out religion as though it exists separately from politics. With such a process at play, any impact made by the organisations are only effective on the short-term, which simply means to put a band-aid on a wound that is bleeding internally.

Conclusion

Bangladesh was born out of several layers of conflict – namely the communal violence between Islam and Hinduism instigated by the East Indian Company which, after colonising India for nearly 200 years, decided the best strategy to continue its rule would be to divide and conquer. When all failed and it had to leave, they divided India in two, resulting in India and Pakistan, the latter also having two distinct parts – East and West. This is where another significant conflict transpired, where language and culture became defining markers for a nation that emerged after 9 months of war against West Pakistan in 1971. This of course, is a very simplified account of centuries of political history that led to the birth of Bangladesh. This thesis is not a genealogy that studies the historical elements in the making of Bangladesh as it is today, but focuses on how the past one decade has shaped the national ideal body in light of its historical political past.

While existing literature has shaped this research, is it mainly Peterson's (1999) concept of heterosexism, Butler's theory of how bodies come to matter (1993) and Crenshaw's intersectionality that has had the most impact in navigating the complex socio-political situation in Bangladesh. Current scholarship around this topic has two distinct gap. Firstly, in discussions of sexual Othering in favour of religious nationalism, the structural violence is not discussed with a theoretical focus on the heteropatriarchal nationalist logic through which certain bodies are constructed to matter. In missing to hit this spot, how the violence itself materialises lacks a nuanced articulation, resulting in isolated discussions on violence, as though violence against women would simply limit it to women and not target other bodies that are conveniently Othered in the service of nation making. Secondly, a singular focus on religious nationalism and its violence fails to account for secular violence; when we only speak of religious nationalist violence in this manner, it implicates that other forms of violence done under the label of secularism is justified. A theoretical formulation of Islamist Other, in the

case of Bangladesh, as the root of all evil paves way for international neo-colonialising tropes of politics to penetrate the local, which further sexualises and genders bodies to abjection in a mode of secular violence.

In addressing these gaps and filling them, this thesis engenders a specialised focus on how in the growing religious nationalist context of Bangladesh, some bodies come to matter and some do not; the textual mediation through which a cis-hetero-Muslim-Bangali-male ideal materialises simultaneously denies value to the sexual Other that defy the heterosexist norms. A crucial task that this thesis undertakes the investigation into how the structural violence affects certain abjected, unvaluable bodies more than the others due to hierarchical power relations present. Here, an intersectional approach precisely locates the sites in which bodies are the most vulnerable to violence.

The methodological approach of CDA has been an effective tool in unveiling the aforementioned textual mediation – in drawing both explicit and implicit meanings of texts within the socio-political context, each analytical chapter has established how the cis-hetero-Muslim-Bangalis-male ideal is produced, either partially or entirely. Chapter 4 intensively focused on the law that directs violence non-binary bodies and women in three ways – in ascertaining who belongs and who does not in through the Constitution, in denying protection to women under Section 375 of the Penal Code, and by criminalising non-binary bodies under Section 377 and the DSA. Chapter 5 argued that, with the understanding of the law as carried out in Chapter 4, everyday language of the state and its officials does ideological work of negotiating the ideal body. For this, the argument was anchored in the *hijra* body which is only acceptable when understood as disabled; a disabled sexual Other does not defy heterosexism as much as the diverse community of *hijra* does where trans, intersex, homosexual, bisexual and even cross-dressing bodies challenge the heterosexist narrative of the state through simply existing. Hence the identity is sanitised into unviability. Chapter 4 and Chapter 5 does a

synchronised argumentative labour in leading to Chapter 6, where I examine how and to what extent my claims made in the previous two chapters are reflected in the NGO reports. To successfully do this, I have sufficiently contextualised the colonial implications and the current neo-colonialising modes of labelling bodies, which facilitates the understanding of the potential and limitations of national and international organisations.

The three analytical chapters convincingly answers my research questions. All three of them answer what constitutes the "proper subject/body" of the state in relation to gender and sexuality on different levels.[97] Paired with the contextual background as provided in the Chapter 2, each of the analytical chapters have demonstrated how the non-valuable bodies/lives have emerged as a result of the religious nationalism in Bangladesh in the past decade – these bodies are already marginalised bodies affected by the colonial past, who have faced increasing violence in the resulting poilitical context post-independence of Bangladesh. What this thesis has ultimately answered is that, in a political scenario that grows fundamentalist behind the façade of a secular regime, bodies are inscribed to bear different meanings - "unnatural," as is the case with homosexuality, and "sexually disabled," as is the intersex body inscribed to be, to name a few. Therefore, to occupy a body specifically in this political situation is to bleed to death under *fatwa,* is to be hacked to death in one's own home, and is to fight every day to simply be, if alive.

---

[97] To recap with a few examples from the chapters, the constitution draws the parameter of who belongs as a respectable citizen, and in doing so constructs who belongs outside of this parameter; in recognising *hijra* only a sanitised and disabled version of the identity is made acceptable; and while the structural violence constantly pushes non-binary bodies to erasure, for tokenising purposes the state temporarily celebrates the abjected bodies for neo-colonialised representational value, but those abjected bodies come from a privileged positions of power (as was the case with Shishir, who was represented as the 'proper' transgender body).

Works Cited

"34 Journalists and Media Workers Killed in Bangladesh." *CPJ: Committee to Protect Journalists.* https://cpj.org/data/killed/asia/bangladesh/murder/?status=Killed&motiveConfirmed%5B%5D=Confirmed&motiveUnconfirmed%5B%5D=Unconfirmed&type%5B%5D=Journalist&type%5B%5D=Media%20Worker&cc_fips%5B%5D=BG&start_year=1992&end_year=2022&group_by=year.

Afif, Muh Bahrul. "Islam and Transgender (A Study of Hadith about Transgender)." *International Journal of Nusantara Islam,* vol. 7, no. 2, 2019, pp. 185-198. https://journal.uinsgd.ac.id/index.php/ijni/article/view/6138/3384.

Agathangelou, Anna M. "Nationalist Narratives and (Dis) Appearing Women: State-Sanctioned Sexual Violence." *Canadian Woman Studies,* vol. 19. No. 4, York University, 2000, 12-21. https://cws.journals.yorku.ca/index.php/cws/article/view/7925/7056.

Ahmed, Foisal. "NID corrections made more complex for 'transparency.'" *The Business Standard*, 1 Jan. 2023. https://www.tbsnews.net/bangladesh/nid-corrections-made-more-complex-transparency-561066.

Ahmed, Ibtisam. "Decolonising Queer Bangladesh: Neoliberalism Against LGBTQ+ Emancipation." *Sexuality and Translation in World Politics,* edited by Caroline Cottet and Manuela Lavinas Picq, E-International Relations, 2019, pp. 101-111. *E-International Relations,* https://www.e-ir.info/2019/08/16/decolonising-queer-bangladesh-neoliberalism-against-lgbtq-emancipation/.

Alam, Masud. "Six years on, no breakthrough in Tonu murder investigation." *Dhaka Tribune,* 20 Mar. 2022. https://www.dhakatribune.com/nation/2022/03/20/six-years-on-no-breakthrough-in-tonu-murder-investigation-2.

Alexander, M. Jacqui. "Not Just (Any) Body Can Be a Citizen: The Politics of Law, Sexuality and Postcoloniality in Trinidad and Tobago and the Bahamas." Feminist Review, no. 48, August 1994, pp. 5–23.

Amanullah, A. S. M. et al. "Human rights violations and associated factors of the Hijras in Bangladesh - A cross-sectional study." *PLOS ONE*, vol. 17, no. 7, 7 Jul. 2022, pp. 1-13. https://doi.org/10.1371/journal.pone.0269375.

Anderson, Benedict. "Introduction." *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Verso, 2006, pp. 1–8.

"An evident disparity in quality of life." *The Daily Star,* 26 Oct. 2022. https://www.thedailystar.net/news/bangladesh/news/evident-disparity-quality-life-3152401.

Annual Report 2021. Bandhu Social Welfare Society, 2021. https://www.bandhu-bd.org/wp-content/uploads/2022/09/Annual-Report-2021-of-Bandhu.pdf.

An Unsafe Haven: Challenges of Bangladeshi LGBTIQ people inside and outside the community. ILGA Asia, 2021. https://static1.squarespace.com/static/5a84777f64b05fa9644483fe/t/60b5f55ce39ebd5

29578e968/1622538224862/Bangladesh+Country+Report_ILGA+Asia2021_opt2.pdf
.

““Assault Against the Woman in Noakhali maybe a ‘Conspiracy’.” *Jago News 24*, 5 Oct. 2020. https://www.jagonews24.com/amp/615201.

A Tale of Two Decades. Bandhu Social Welfare Society, 2017. https://www.bandhu-bd.org/publications/a-tale-of-two-decades/.

“Bangladesh and Violent Extremism: RESOLVE Network Research 2016-2017.” Aug. 2018.

“Bangladesh Avijit Roy murder: Five sentenced to die for machete attack on blogger.” *BBC News,* 16 Feb. 2021. https://www.bbc.com/news/world-asia-56082108.

“Bangladesh government instructs TV channels not to use the word ‘Indigenous’ when referring to ethnic tribes.” *Global Voices,* 9 Aug. 2022. https://globalvoices.org/2022/08/09/bangladesh-government-instructs-tv-channels-not-to-use-the-word-indigenous-when-referring-to-ethnic-tribes/.

“Bangladesh: Investigate LGBT murders.” *Human Rights Watch*, 26 Apr. 2016. https://www.hrw.org/news/2016/04/26/bangladesh-investigate-lgbt-murders.

“Bangladeshi hijras angry over gender testing for government positions.” *Al Jazeera*, 2 Jul. 2015. http://america.aljazeera.com/articles/2015/7/2/bangladesh-hijras-angry-over-gender-testing-for-government-positions.html.

Beaumont, Peter. “Nusrat Jahan Rafi: 16 sentenced to death over Bangladesh murder.” *The Guardian,* 24 Oct. 2019. https://www.theguardian.com/world/2019/oct/24/bangladesh-nusrat-jahan-rafi-murder-16-people-sentenced-to-death.

Bhaba, Homi K. “Introduction: Narrating the Nation.” *Nation and Narration*, edited by Homi K. Bhaba, Routledge, 10 Apr. 1990, pp. 1-7.

Bhardwaj, Sanjay K. “Contesting Identities in Bangladesh: A Study of Secular and Religious Frontiers.” *ASIA RESEARCH CENTRE WORKING PAPER*, vol. 36. *Asia Research Centre,* http://eprints.lse.ac.uk/38640/1/ARCWP36-Bhardwaj.pdf.

Bhuiyan, Md Jahid Hossain. “Enforcement of Fatwas in Bangladesh and the Violation of Constitutionally Guaranteed Fundamental Rights of Others: Compromising Between Rights.” *Asia-Pacific Journal on Human Rights and the Law,* vol. 18, no. 2, 2017, pp.

155-171. https://brill.com/view/journals/aphu/18/2/article-p155_155.xml.

Bleys, Rudi C. “The Pre-Enlightenment Legacy.” *The Geography of Perversion: Male-to-Male Sexual Behavior Outside the West and the Ethnographic Imagination, 1750-1918*, New York University Press, 1995, pp. 17-44.

“Breaking the glass ceiling: Shishir first transgender newscaster in Bangladesh.” *The Daily Star,* 5 Mar. 2021. https://www.thedailystar.net/arts-entertainment/news/tashnuva-anan-shishir-appointed-first-transgender-news-presenter-bangladesh-2055541#:~:text=On%20the%20occasion%20of%20Bangladesh's,08%2C%20on%20International%20Women's%20Day.

Butler, Judith. *Bodies that Matter: On the Discursive Limits of "Sex,"* Routledge, 1993.

Chatterjee, Partha. “Whose Imagined Community?” *The Nation and its Fragments: Colonial and Postcolonial Histories,* Princeton University Press, 1993, pp. 3–13.

"Digital Security Act: More journalists facing arrest, cases amid hard days of Covid-19 crisis." *Dhaka Tribune,* 7 May 2020. https://archive.dhakatribune.com/bangladesh/2020/05/07/digital-security-act-more-journalists-facing-arrest-cases-amidst-hard-days-of-corona-crisis.

Duara, Prasenjit. "The Regime of Authenticity: Timelessness, Gender and National History in Modern China." *History and Theory* vol. 37, no. 3, 1998.

"EC secretary: Third gender people to get NID cards this year." *Dhaka Tribune,* 23 April 2019. https://archive.dhakatribune.com/bangladesh/2019/04/23/ec-secretary-third-gender-people-to-get-nid-cards-this-year.

"Ethnic minority, not indigenous people." *The Daily Star,* 27 Jul. 2011. https://www.thedailystar.net/news-detail-195963.

Fair, Christine C., and Parina Patel. "Bangladesh: Religious Intolerance in Bangladesh." *The Politics of Hate,* 2022, pp. 209-241. *ResearchGate,* https://www.researchgate.net/publication/360743682_1_Religious_Intolerance_in_Bangladesh.

Fairclough, Norman. *Analysing Discourse: Textual Analysis for Social Research,* Taylor and Francis E-Library, 2004.

Foucault, Michel. "17 March 1976." *Society Must be Defended*: *Lectures at the Collège De France, 1975-76,* Picador, 2003, pp. 239-263.

"Four sentenced to death for blogger Ananta Bijoy murder." *Dhaka Tribune,* 30 Mar. 2022. https://www.dhakatribune.com/court/2022/03/30/four-sentenced-to-death-in-blogger-ananta-bijoy-murder-case.

"Govt recognises sexual identity of hijras." *The Daily Star,* 12 Nov. 2013. https://www.thedailystar.net/news/govt-recognises-sexual-identity-of-hijras.

Guidroz Kathleen, and Michele Tracy Berger. "A Conversation with Founding Scholars of Intersectionality: Kimberlé Crenshaw, Nira Yuval-Davis, and Michelle Fine." *The Intersectional Approach: Transforming the Academy Through Race, Class and Gender*, edited by Michele Tracy Berger and Kathleen Guidroz, University of North Carolina Press, 2009, pp. 61–78.

H, Nafis. "'Bangladesh Has No Indigenous People.'" *Jamhoor,* 8 Jul. 2021. https://www.jamhoor.org/read/bangladesh-has-no-indigenous-people.

Hammadi, Saad. "'Anyone could become a target': wave of Islamist killings hits Bangladesh." *The Guardian,* 30 Apr. 2016.

Hammadi, Saad, and Aisha Gani. "Founder of Bangladesh's first and only LGBT magazine killed." *The Guardian,* 25 Apr. 2016. https://www.theguardian.com/world/2016/apr/25/editor-bangladesh-first-lgbt-magazine-killed-reports-say-roopbaan.

"hermaphrodite." *Merriam-Webster Dictionary.* https://www.merriam-webster.com/dictionary/hermaphrodite.

"Hijra community urges CEC to stop harassment in NID services." *The Daily Star,* 30 Nov. 2022. https://www.thedailystar.net/news/bangladesh/news/hijra-community-urges-cec-stop-harassment-nid-services-3183846.

"Hijras legally 3rd gender but yet to get rights." *The Daily Star,* 24 Jul. 2016. https://www.thedailystar.net/city/hijras-legally-3rd-gender-yet-get-rights-1258357.

"Hijras voice anger at gender test failures." *The Daily Star,* 22 Jul. 2015. https://www.thedailystar.net/country/hijras-voice-anger-gender-test-failures-106411.

Hossain, Mansura. "Age of marriage 18, but 16 with parental consent." *Prothom Alo,* 7 Mar. 2015. https://en.prothomalo.com/bangladesh/Age-of-marriage-18-but-16-with-parental-consent.

Huda, Taqbir. "Zero tolerance for fatwas that violate human rights." *The Daily Star,* 23 Dec. 2017. https://www.thedailystar.net/opinion/human-rights/zero-tolerance-fatwas-violate-human-rights-1509055.

Khan, Adilur Rahman. "Crisis in the Chittagong Hill Tracts – Bangladesh." *FOCUS,* vol. 7, Mar. 1997. *HURightsOsaka,* https://www.hurights.or.jp/archives/focus/section2/1997/03/crisis-in-the-chittagong-hill-tracts---bangladesh.html.

Kira, Hall. *Hijra/Hijrin: Language and Gender Identity*. 1995. UC Berkeley, Dissertation. http://escholarship.org/uc/item/6m5744jx.

Jahangir, B. K. *Nationalism, Fundamentalism and Democracy in Bangladesh,* International Centre for Bengal Studies, 2002.

Jahin, Afia. "Third in gender, last in line?" *The Daily Star,* 1 Oct. 2021. https://www.thedailystar.net/views/opinion/news/third-gender-last-line-2187871.

"JS body for identifying real Hijra thru medical test." *The Business Standard,* 17 Nov. 2022. https://www.tbsnews.net/bangladesh/js-body-identifying-real-hijra-thru-medical-test-533794.

Lakshmi, Rama. "This Islamic preacher might have influenced one of the Dhaka terrorists. Now Indians want him banned." *The Washington Post,* 6 July 2016.

Letherby, Gayle. *Feminist Research in Theory and Practice,* Open University Press, 2003.

Lintner, Bertil. "Religious Extremism and Nationalism in Bangladesh." *Religion & Security in South Asia: An International Workshop*, *August 19-22, 2002, Asia Pacific Center for Security Studies, Honolulu, Hawaii,* edited by Satu P. Limaye and Robert G. Wirsing, Asia Pacific Center for Security Studies, 2002, pp. 413-436. https://dkiapcss.edu/wp-content/uploads/2011/03/PagesfromReligiousRadicalismandSecurityinSouthAsiach17.pdf.

"Look at the world, is there a place where rape does not exist?" *Jugantor,* 29. Sep. 2020. https://www.jugantor.com/national/government/349802/%E0%A6%AC%E0%A6%BF%E0%A6%B6%E0%A7%8D%E0%A6%AC%E0%A7%87%E0%A6%B0-%E0%A6%A6%E0%A6%BF%E0%A6%95%E0%A7%87-%E0%A6%A4%E0%A6%BE%E0%A6%95%E0%A6%BF%E0%A6%AF%E0%A6%BC%E0%A7%87-%E0%A6%A6%E0%A7%87%E0%A6%96%E0%A7%87%E0%A6%A8-%E0%A6%95%E0%A7%8B%E0%A6%A8-%E0%A6%9C%E0%A6%BE%E0%A6%AF%E0%A6%BC%E0%A6%97%E0%A6%BE%E0%A6%AF%E0%A6%BC-%E0%A6%A7%E0%A6%B0%E0%A7%8D%E0%A6%B7%E0%A6%A3-%E0%A6%A8%E0%A7%87%E0%A6%87.

Mahmud, Faisal. "Bangladesh sentences eight to death for publisher's murder." *Al Jazeera,* 10 Feb. 2021. https://www.aljazeera.com/news/2021/2/10/bangladesh-sent-eight-people-to-death-for-publisher-murder.

Makarychev, Andrey, and Alexandra Yatsyk. "Biopolitics and national identities: between liberalism and totalization." *Nationalities Papers*, vol. 45, no. 1, 2017, pp. 1-7. https://doi.org/10.1080/00905992.2016.1225705.

Mannan, Abdul. "Politics of Islamic Identity in Bangladesh: A Perspective on the Self-Other Comparison." T*he International Journal of Religion and Spirituality in Society,* vol. 3, no. 4, 2014, pp. 79-95. *ProQuest,* https://www.proquest.com/openview/71516e5b0f25a38aad45480ce2ceaba8/1?pq-origsite=gscholar&cbl=5529393.

Mazhar, Marufa. "Role of Indigenous people in Bangladesh Liberation War." *Daily Asian Age,* 17 Jan. 2018. https://dailyasianage.com/news/104201/role-of-indigenous-people-in-bangladesh-liberation-war.

"MC College gang-rape: 8 BCL men indicted." *Prothom Alo,* 17 Jan. 2021. https://en.prothomalo.com/bangladesh/crime-and-law/mc-college-gang-rape-8-bcl-men-indicted.

Mohsin, Amena A. "Religion, Politics and Security: The Case of Bangladesh." *Journal of Asia-Pacific Center for Religious Studies*, 1984, pp. 467-488. https://dkiapcss.edu/wp-content/uploads/2011/03/PagesfromReligiousRadicalismandSecurityinSouthAsiach20.pdf.

"'Mokha could not make an impact due to the good Islamic deeds of the Prime Minister.'" *Ukhiya News,* 14 May 2023. https://www.ukhiyanews.com/%E0%A6%AA%E0%A7%8D%E0%A6%B0%E0%A6%A7%E0%A6%BE%E0%A6%A8%E0%A6%AE%E0%A6%A8%E0%A7%8D%E0%A6%A4%E0%A7%8D%E0%A6%B0%E0%A7%80%E0%A6%B0-%E0%A6%A8%E0%A7%87%E0%A6%95-%E0%A6%86%E0%A6%AE%E0%A6%B2%E0%A7%87/141481/?fbclid=IwAR1YEyW58as1E5BKDxHDIZ5gZdnB9Ji_GXA7M5PulxdOZCs0608tLOJrevU.

Mosse, George. *Nationalism and Sexuality: Middle-Class Morality and Sexual Norms in Modern Europe,* University of Wisconsin Press, 1985, pp. 1-22.

"Munia murder case: PBI submits final report seeking Anvir's exemption." *The Business Standard,* 19 Oct. 2022. https://www.tbsnews.net/bangladesh/crime/pbi-probe-report-clears-bashundhara-md-rape-murder-charges-516106.

Mushtaq, Shakil Bin. "Bangladesh Adds Third Gender Option to Voter Forms." *The Diplomat,* 19 Jan. 2018. https://thediplomat.com/2018/01/bangladesh-adds-third-gender-option-to-voter-forms/.

Nagel, Joane. "Masculinity and Nationalism: Gender and Sexuality in the Making of Nations." *Ethnic and Racial Studies,* vol. 21, no. 2, 1998, pp. 242–269. https://doi.org/10.1080/014198798330007.

"Noakhali Gang Rape Victim: Delwar raped her several times before." *The Daily Star,* 7 Oct. 2020. https://www.thedailystar.net/frontpage/news/noakhali-gang-rape-victim-delwar-raped-her-several-times-1973669.

Oosterhuis, Harry. *Stepchildren of Nature: Krafft-Ebing, Psychiatry, and the Making of Sexual Identity*, University of Chicago Press, 2000.

People's Republic of Bangladesh, Election Commission. *Bangladesh Gazette,* Election Commission. http://www.ecs.gov.bd/bec/public/files/1/Law/voter_talika_corruction.pdf.

People's Republic of Bangladesh, Legislative and Parliamentary Affairs Division. *The Constitution of the People's Republic of Bangladesh (1972),* Laws of Bangladesh. http://bdlaws.minlaw.gov.bd/act-367.html.

People's Republic of Bangladesh, Legislative and Parliamentary Affairs Division. *The Digital Security Act 2020,* Bangladesh Gazette. https://www.cirt.gov.bd/wp-content/uploads/2020/02/Digital-Security-Act-2020.pdf.

People's Republic of Bangladesh, Legislative and Parliamentary Affairs Division. *The Penal Code (1860),* Laws of Bangladesh. http://bdlaws.minlaw.gov.bd/act-11/section-3233.html.

People's Republic of Bangladesh, Ministry of Social Welfare. *Bangladesh Gazette,* Ministry of Social Welfare. http://www.dpp.gov.bd/upload_file/gazettes/6851_39605.pdf.

People's Republic of Bangladesh, Statistics and Informatics Division. *Population and Housing Census 2022: Preliminary Report*, Bangladesh Bureau of Statistics, Aug. 2022. https://drive.google.com/file/d/1Vhn2t_PbEzo5-NDGBeoFJq4XCoSzOVKg/view.

Peterson, V. Spike. "Sexing Political Identities: Nationalism as Heterosexism." *International Feminist Journal of Politics*, vol. 1, no. 1, 1999, pp. 34-65. https://doi.org/10.1080/146167499360031.

Raidah, Nazifa. "The twisted plight of Bangladeshi transgender community: A critical error in policymaking." *The Daily Star*, 11 June 2022. https://www.thedailystar.net/views/opinion/news/the-twisted-plight-bangladeshi-transgender-community-3043841.

"Raintree hotel rape case: A judiciary failure." *The Business Standard,* 25 Dec. 2021. https://www.tbsnews.net/bangladesh/crime/raintree-hotel-rape-case-judiciary-failure-348424.

Ramachandan, Sudha. "What's Behind the Surge in Violent Islamism in Bangladesh?" *The Diplomat,* 15 Apr. 2021.

Riaz, Ali, and Syeda Salina Aziz. "Democracy and Sharia in Bangladesh: Surveying Support." *Resolve Network Research Brief*, no. 3, 2017. *Resolve Network, https://resolvenet.org/system/files/2018-08/RSVE_03BangladeshBrief_ShariaDemocracy2017.pdf.*

Saikia, Yasmin. *Women, War, and the Making of Bangladesh: Remembering 1971*, Duke University Press, 2011. *Project MUSE.* muse.jhu.edu/book/69915.

Sajid, Parsa Sanjana. *Bangladesh LGBTI: Landscape Analysis of Political, Economic, and Social Conditions.* Astraea Lesbian Foundation for Justice, June 2021. https://s3.amazonaws.com/astraea.production/app/asset/uploads/2021/06/Astraea_Landscape_2021_Bangladesh_ExecSum_2_WEB.pdf.

Sathi, Muktasree Chakma. "The Liberation War and indigenous freedom fighters." *Dhaka Tribune,* 15 Dec. 2013. https://archive.dhakatribune.com/uncategorized/2013/12/15/the-liberation-war-and-indigenous-freedom-fighters.

Salih, Sara. "Key Ideas." *Judith Butler,* Routledge, 2002, pp. 73-98.

Schendel, Willem Van. "Creating a Political System." *A History of Bangladesh,* Cambridge University Press, 2009, pp. 193-218.

Sharif, Chowdhury Omar. "Use of Language of the Third Gender in Bangladesh: A Sociolinguistic Study." *International Journal of Advanced Research and Review*, vol. 2, no. 8, 2017, pp. 31-35. https://www.ijarr.in/Admin/pdf/use-of-language-of-the-third-gender-in-bangladesh-a-sociolinguistic-study.pdf.

Siddiqi, Dina M. "Exceptional Sexuality in a Time of Terror: "Muslim" Subjects and Dissenting/Unmournable Bodies." *South Asia Multidisciplinary Academic Journal,* no. 20, 2019. *OpenEdition Journals,* https://doi.org/10.4000/samaj.5069.

Snigdha, Rezwana Karim. "An Obscure Perception of Transgender in Islam: A Case of Hijra in Bangladesh." *Global Journal of Human-Social Science,* vol. 19, no. 5, 2019, pp. 28.36. DOI: 10.34257/GJHSSCVOL19IS5PG29.

Stoler, Ann Laura. "Making Empire Respectable: The Politics of Race and Sexual Morality in Twentieth Century Colonial Cultures." *American Ethnologist,* vol. 16, no. 4, 1989, pp. 634-660.

---. "Carnal Knowledge and Imperial Power: Gender and Morality in the Making of Race." *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*, UC Press, 2002, pp. 41-78.

Tharoor, Ishaan. "These Bangladeshi bloggers were murdered by Islamist extremists. Here are some of their writings." *The Washington Post*, 2 May 2016. https://www.washingtonpost.com/news/worldviews/wp/2016/04/29/these-bangladeshi-bloggers-were-murdered-by-islamist-extremists-here-are-some-of-their-writings/.

"'Third gender' gets state recognition." *Bdnews24.com,* 11 Nov. 2013. https://bdnews24.com/bangladesh/third-gender-gets-state-recognition.

"Three Years of Digital Security Act 2018 (DSA): Observations and Summary Findings." *Centre for Governance Studies,* 1 Oct. 2021. *CGS,* https://cgs-bd.com/article/4671/Three-Years-of-Digital-Security-Act-2018--DSA--Observations-and-Summary-Findings.

"Two sentenced to death for Bangladesh blogger murder." *The Guardian*, 31 Dec. 2015. https://www.theguardian.com/world/2015/dec/31/two-sentenced-death-bangladesh-blogger-ahmed-rajib-haider.

"Violence Against Women." *Ain o Salish Kendra (ASK): A Legal Aid & Human Rights Organisation.* https://www.askbd.org/ask/category/hr-monitoring/violence-against-women-statistics/page/22/.

"Who were Xulhaz and Tonoy?" *Dhaka Tribune*, 31 Aug. 2021. https://archive.dhakatribune.com/bangladesh/2021/08/31/who-were-xulhaz-and-tonoy.

"Woman assaulted at Narsingdi station over 'indecent clothes.'" *The Daily Star,* 20 May 2022. https://www.thedailystar.net/news/bangladesh/crime-justice/news/woman-assaulted-men-women-narsingdi-station-over-indecent-clothes-3027486.

CEU eTD Collection