

## SITUATING COLONIAL FEMINISM IN IBN KHALDUN'S THEORY OF 'ASABIYYAH

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“Feminism itself has never been disaggregated from the white gaze. It has become the only kind of feminism we recognize or even have language for. And that means that, most of the time, when women speak ‘feminism’ they unintentionally take on the cadence and concerns of whiteness.”<sup>1</sup>

- Rafia Zakaria, author and journalist.

In her powerful discussion of the War on Terror, Rafia shows the devastating impact white feminism had on legitimizing the invasion of Afghanistan, creating chaos in the lives of Afghan women and children while claiming to advocate on their behalf.<sup>2</sup> Prior to Rafia, Junaid Ahmad was among the few scholars who discussed the ways in which the Afghan War had been framed as the good war as opposed to the invasion of Iraq.<sup>3</sup>

Viewed within the framework of feminism as sisterhood and solidarity, the actions of white feminists would be deemed a betrayal of the cause. To me, however, the more interesting phenomenon is the actions of the other types of white feminists—coloured women, and men, who become agents of empire or hegemony when they attain positions of power in Western society. I am talking about Condoleezza Rice's role in the War on Terror,<sup>4</sup> about Oprah hosting propaganda against Saddam Hussain on her talk show,<sup>5</sup> about Huma Abedin as Hillary Clinton's aide while the latter plotted

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1. RAFIA ZAKARIA, *AGAINST WHITE FEMINISM: NOTES ON DISRUPTION* 11 (2021).

2. *Id.* at 70.

3. Dialogue of Civilizations, *Junaid Ahmad (Pakistan) – Assistant Professor, Lahore University of Management Sciences*, YOUTUBE (Dec. 24, 2014), [https://www.youtube.com/watch?v=1\\_dMcOqTxF4](https://www.youtube.com/watch?v=1_dMcOqTxF4).

4. Office of the Press Secretary, *Dr. Condoleezza Rice Discusses the War on Terror on “60 Minutes,”* THE WHITE HOUSE (Mar. 28, 2004, 11:15 AM), <https://georgewbush-whitehouse.archives.gov/news/releases/2004/03/20040328.html>.

5. Ann Brown, *Tricknology: Remembering When Oprah Winfrey Helped the U.S. Military Industrial Complex Sell the Iraq War to the American Public*, THE MOGULDOM NATION (Mar. 17,

to overthrow Gadaffi.<sup>6</sup> When I discuss hegemons, I mean not just Obama bombing Pakistan and Afghanistan,<sup>7</sup> but also Mike Tyson literally destroying most of historical Tashkent to build a Hilton and a theme park despite local protests.<sup>8</sup>

While reading Rafia's book, I was relieved to see someone else viewing the Afghan War as I did, but I also felt that there must be a better way to conceptualize the actions of Americans abroad collectively. There was something missing in her framing of feminism in empire and that was considering the actions of colonizing nations as a collectivity, regardless of their race and gender. In this context, I argue that Ibn Khaldun's concept of '*asabiyyah*' provides a more holistic framework to understand Western colonialism.<sup>9</sup> While still considered to lie at the periphery of international relations theory, Ibn Khaldun can provide an alternative, non-Western lens to view imperialism and the rise of sovereign power.

According to Ibn Khaldun, '*asabiyyah*' is the bond of social cohesion that exists between groups of people.<sup>10</sup> This social solidarity is marked by a shared sense of purpose.<sup>11</sup> The stronger the '*asabiyyah*' of a nation, the more likely it is to become a conquering nation, regardless of gender and race.<sup>12</sup> Conquered nations, on the other hand, try to imitate conquerors in their language and lifestyle, but lack the virtues that makes the latter dominant.<sup>13</sup> I argue that America, and other Western nations, as international actors have shown a strong sense of shared purpose in their colonizing mission. Regardless of race and gender, whoever attains a position of power will continue the colonizing legacy of their predecessor, whether the mission is war, policy making, or social welfare initiatives.

This colonizing mission is backed by institutional strength, whether political or economic. When intergovernmental bodies such as the United Nations (UN) Security Council give five permanent member states veto

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2021), <https://moguldom.com/342066/tricknology-remembering-when-oprah-winfrey-helped-sell-the-iraq-war-to-the-american-public/>.

6. Conor Friedersdorf, *Hillary Defends Her Failed War in Libya*, ATLANTIC (Oct. 14, 2015), <https://www.theatlantic.com/politics/archive/2015/10/hillary-clinton-debate-libya/410437/>.

7. Sarah Kreps et al., *Biden Can Reduce Civilian Casualties During US Drone Strikes. Here's How.*, BROOKINGS (Jan. 19, 2022), <https://www.brookings.edu/articles/biden-can-reduce-civilian-casualties-during-us-drone-strikes-heres-how/>.

8. *Mike Tyson Is A Real Estate Owner in "Tashkent City,"* KUN.UZ (Sept. 21, 2018, 11:10 AM), <https://kun.uz/en/news/2018/09/21/mike-tyson-is-a-real-estate-owner-in-tashkent-city>.

9. 1 IBN KHALDŪN, THE MUQADDIMAH: AN INTRODUCTION TO HISTORY 3 (Franz Rosenthal trans., Pantheon Books, 1958).

10. *Id.*

11. *Id.*

12. *Id.*

13. *Id.* at lxxxiii-lxxxiv.

powers, their leaders, regardless of their race or gender, will promote their nation-state's global interests, maintaining the colonial status quo. Concurrently, international law is framed on the doctrines of state equality and state sovereignty.<sup>14</sup>

These intergovernmental bodies also take part in the patronizing mission of defining which development projects would be suitable for indigenous women, often without consulting them on feasibility and sustainability. Rafia gives an example of this when she discusses the UN Population Fund Representative dismissing the idea of ordering grinding mills for rural women in Ghana because in their opinion doing so had no connection to reproductive health.<sup>15</sup> When developing countries fight back, such as by advocating for creating the United Nations Conference on Trade and Development, such organizations often get co-opted by blocs of dominant states such as the European Union, who then use them as their think tanks.<sup>16</sup>

I also argue, in conformity with Ibn Khaldun's theory that conquered nations imitate conquering nations, that non-white colonial elites in the developing world co-opt and impose Western theories of feminism on indigenous people disregarding local histories, conditions, and sensitivities.<sup>17</sup>

This process of co-opting Western ideologies begins with diaspora communities trying to forge and maintain their own identities in their chosen homes. Nonprofits operating for the benefit of racialized women adopt the language of the host colonial nation, as Rafia puts it, to become more "relatable."<sup>18</sup> The immigrant woman can only fit in when she learns the appropriate "soft skills," especially if she wants to have a seat at the table. This is a bargaining exercise however, and in order to be accepted, the immigrant must necessarily denounce parts of her "primitive" culture and beliefs.<sup>19</sup> I can personally relate to this struggle based on my brief career in Toronto's non-profit industry, which only lasted one year. I was working with a group of Muslim women training various institutions in Toronto on forced marriage and violence against women. Despite being the only person in the group with actual lived experience of the topics we were

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14. *Voting System*, UNITED NATIONS SEC. COUNCIL, <https://www.un.org/securitycouncil/content/voting-system> (last visited Feb. 27, 2023).

15. ZAKARIA, *supra* note 1, at 157-58.

16. RESEARCH HANDBOOK ON THE EUROPEAN UNION AND INTERNATIONAL ORGANIZATIONS 172 (Ramses A. Wessel & Jed Odermatt eds., 2019).

17. KHALDUN, *supra* note 9, at 3.

18. ZAKARIA, *supra* note 1, at 6.

19. *Id.* at 9.

providing training on, I grew increasingly disillusioned with the initiative because of my half-white, half-brown, lesbian boss's condescending uprightness. The reason for her behaviour was my unintentional inability to be woke and politically correct. I was not born in Canada, and was therefore unaware of the nonprofit industry's nuances and subtleties. Because I was also new to the country, despite being third generation Canadian, I was also "Fresh Off the Boat," a group that those born in the diaspora try to distance themselves from because the new immigrant represents "back home." And "back home" is necessarily backward.

My un-wokeness caused my boss to call me out in public on a few occasions. During a work meeting, I was recounting a story I had read in Mumtaz Mufti's *Alakh Nagri*, about a Muslim mother publicly putting charcoal on her son's face and parading him around a village for kidnapping a Hindu girl during the Indo-Pak Partition of 1947.<sup>20</sup> Though I was celebrating the mother's justness, I was told off because the act of painting someone's face black was racist. I am baffled to this day how an illiterate brown woman living in a small village in India would ever know that her action was offensive. I met the same fate when I described someone at a conference we attended as "the lady with the afro," unaware that this was problematic. At other times, group members, despite being ethnically Pakistani themselves, mocked my accent and indigenous (desi) habits. I eventually left the organization. In contrast to its claim of being the flagbearer of Muslim women's rights in Canada, I felt that the group's outlook further marginalized immigrant women who lacked the tools to convey their ideas in woke terms, as well as those who would never be completely onboard its agenda due to religious and cultural concerns. In negotiating their space in the Western non-profit world, people of colour have to forego their beliefs and values. The reason is that the only white feminist group that cedes them any space is liberals. And liberal ideology swings on the pendulum of one logical fallacy: You are either with us or against us. Any reservation to liberal values implies that you are ignorant and therefore stand discredited and canceled.

Diasporas also adopt the sense of moral superiority, smugness, and hegemonizing tendencies of the colonizing nations they migrate to, even when claiming to act in opposition to colonialism by being "woke." Wokeness gives a sense of superiority over white people, while allowing those from the diaspora to dress, act, and speak like the colonizer. An example is adopting the virtue of rebellion that Rafia refers to.<sup>21</sup> The non-

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20. MUMTAZ MUFTI, ALAKH NAGRI (2005).

21. ZAKARIA, *supra* note 1, at 11.

profit I was working for proudly published a comic book about a young brown girl facing abuse at home while keeping silent about it at her predominantly white high school, where she struggled to fit in. In the end, the girl liberates herself by leaving her family and her culture. The last illustration shows her cycling wearing shorts to symbolize her freedom, resolving to live her life on her own terms.

The problem with promoting rebellion as a virtue from an international development perspective is that it fails to teach conflict resolution and the ability to renegotiate one's place in existing setups. Rebellion can further isolate women and push them into more dangerous situations. Rebellion burns bridges rather than building them. While colonial feminists tie power to rebellion, it also creates the narrative of the perpetual victim who can only be saved by leaving behind anything that connects her to her ancestors. In this created self-image of the perpetual victim, the survivor lacks the agency to change the dynamics that created her trauma, and to break cycles of abuse that could hurt others in her family. The virtue of resilience, as Rafia advocates, is closer to the attribute of empowerment for precisely that reason. It grants women the agency to change their circumstances while being grounded in the cultures they were raised in.

I can speak to this as someone who decided to move back to my parental home despite my past experiences. I decided that it was important for me to be with my family, but I also had to learn to control my own impulses, set boundaries, become financially independent, while having empathy. The people who helped me negotiate my space, learn forbearance, and to receive the love and care I needed from my family members, were older women who belonged to Sufi tariqas rather than the archetypal empowered liberal feminist.

As someone who teaches family law in Pakistan, I see NGOs inadvertently teaching the virtue of rebellion while conducting their trainings on women's rights. In a recent workshop at my law school, a local organization taught students about the provisions in the *nikahnama* (marriage contract form) so that they, especially female students, could know their rights before they signed it. This is a good exercise, and one which I had been conducting in my lectures for at least three years prior to this workshop. However, this knowledge has little value without training students how they, or their clients, could negotiate their priorities with family members and prospective spouses without being confrontational. Most marriages in Pakistan are still arranged and even the parents' ability to negotiate their children's preferences with the other contracting party depends on their socio-economic status.

This mode of imparting information about women's rights brings me back to Ibn Khaldun's theory that conquered nations imitate colonizers in their mannerisms without acquiring the characteristics that made the latter conquerors. Since liberal virtues represent the values of the conquering, colonizing nation they eventually seep into feminist discourses amongst the elites in developing states like Pakistan. These elite feminists acquire the language of their colonizers, advocating for the same values, because to them they represent enlightenment even as they alienate the local populace whose dire economic circumstances give them little room to defend anything other than their right to live with dignity.

In certain circumstances, indigenous elites co-opt white liberal feminist problems to be their own and adopt the latter's narratives in their fight against patriarchy. An example is the placards protesting the stigma against menstrual periods in the Aurat Marches that have been held on international women's day in Pakistan for the last few years. One placard read, "Stop being menstrual phobic."<sup>22</sup> Another translated from Urdu, reads, "Your brain rather than menstrual pads is dirty."<sup>23</sup> There are significant barriers for women around menstrual hygiene in Pakistan and women should have access to information about managing their health. However, these placards, among others that stirred controversy, co-opt the language of rebellion while unnecessarily antagonizing brown men. During my Muslim Personal Law and Islamic Jurisprudence lectures I have to discuss menstruation in my classrooms because it is tied to Islamic divorce law and to the larger question of women's legal capacity. Most of my students are young men who belong to either rural landowning or business backgrounds—exactly the demographic that Aurat March participants would regard as the uneducated, patriarchal enemy. Male receptiveness to these topics depends on how one frames them. As with any human interaction receiving respect depends on giving it. The typical reaction I get from my students is somewhere between bewilderment, confusion, and in some cases down right bashfulness because they do not understand women's bodies. My students have always been respectful because I use

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22. Photograph of protester with "Stop being Menstrual Phobic" placard at the Aurat Marches in Pakistan, <https://i.dawn.com/primary/2018/03/5aa21b835ac7a.jpg>.

23. Aswa N. Warraich, at *National Press Club, Islamabad*, FACEBOOK (Mar. 8, 2021), [https://web.facebook.com/photo/?fbid=1397150640621756&set=bc.AbohQkH2\\_S\\_R\\_jhOmuW91cF2phMEN\\_tn\\_wfnUtWn277D8t\\_Rweg8VBAo9KGGcm21DXRQMGASwaSjU219qoM1bL7VuKzw576PpHnsJ9vml1RdCF-MH800uHvJGLDPiyo8yH\\_fCIJM1FGIFmEQ66Ltz&opaqueCursor=AboJEVykCvMap12kwFTTINeNc3FkP](https://web.facebook.com/photo/?fbid=1397150640621756&set=bc.AbohQkH2_S_R_jhOmuW91cF2phMEN_tn_wfnUtWn277D8t_Rweg8VBAo9KGGcm21DXRQMGASwaSjU219qoM1bL7VuKzw576PpHnsJ9vml1RdCF-MH800uHvJGLDPiyo8yH_fCIJM1FGIFmEQ66Ltz&opaqueCursor=AboJEVykCvMap12kwFTTINeNc3FkP).

language that is dignified in keeping with local traditions while getting my point across.

As for the placards' content, I argue that these assumptions about "menstrual phobia" are based on Judeo-Christian views of menstruation as a curse, co-opted from colonial feminism. Under Islamic law, menstruation is a temporary illness which exempts women from offering their five daily prayers while rewarding them of the same in the hereafter. For me, as with most practicing Muslim women, menstruation is a time of relief and joy. Islamic law gives menstrual blood the same ruling as anything that exits from the private parts. It is impure. However, Islam commands Muslims to be in a state of purity to the extent achievable. That is God's requirement to achieve His presence. Regarding menstruation as a curse is different from Islamic law's recommendation that all human beings remain as clean as possible.

Liberal feminist activists in the global south also adopt Western values without realizing that they are marginalizing communities that are already vulnerable. An example is Pakistan's Transgender Persons (Protect of Rights) Act, 2018 which subsumes "intersex" and "khwaja sira" into the definition of "transgender." Section 2 (1) (n) of the Act defines Transgender persons as follows:

"Transgender Person" is a person who is—

- (i) Intersex (Khunsa) with mixture of male and female genital features or congenital ambiguities, or
- (ii) Eunuch assigned male at birth, but undergoes genital excision or castration; or
- (iii) a Transgender Man, Transgender Woman, Khawajasira or any person whose gender identity and/or gender expression differs from the social norms and cultural expectations based on the sex they were assigned at the time of their birth.<sup>24</sup>

The Act's definition of transgender met both local and international resistance, despite being hailed as progressive legislation. The International Commission of Jurists critiqued the Act's failure to distinguish between intersex and transgender persons.<sup>25</sup> The Commission's report stated that gender identity is distinct from being born with variations in sexual anatomy, reproductive organs, or chromosome patterns. Intersex and transgender people face challenges distinct from each other despite some

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24. The Transgender Persons (Protection of Rights) Ordinance, No. 13 of 2018, THE GAZETTE OF PAKISTAN EXTRAORDINARY, MAY 24, 2018.

25. *Pakistan: Transgender Persons (Protection of Rights) Act, 2018 – A Briefing Paper*, INT'L COMM. OF JURISTS 1, 7 (2020).

overlap. The Commission commented on the Act's failure to recognize the distinct legal protections intersex people required.

Intersex activists in Pakistan denounced the Act for further marginalizing them. Though Islamic law recognizes intersex people and grants them special rights, they still face discrimination in the Muslim majority country. Almas Bobby, Shemale Foundation of Pakistan's president, argued that intersex people face discrimination from birth, as opposed to transgenders.<sup>26</sup> Their families often discard them, and they are therefore unable to receive higher education and work in socially acceptable jobs. Transgender activists, on the other hand, belong to the elite class and are typically more educated—the two foremost trans rights activists are a doctor and a lawyer. On the other hand, none of the intersex community leaders have such qualifications. Conflating the two distinct groups would allow anyone to state that they are transgender and claim scholarships and job opportunities which intersex people should be entitled to.

Bobby, who had transitioned from being a dancer to a real estate agent after becoming a devout Muslim, claimed the Act had the colonial agenda of imposing Western norms. Bobby had played a pivotal role for intersex rights in Pakistan after successfully litigating at the Supreme Court for distinct identity cards in 2012.<sup>27</sup> The judgment would eventually pave the way for the Transgender Persons Act though Bobby's original intention in their petition was, among other issues, to distinguish intersex people from transgenders. Bobby, in addition to demanding shariah guaranteed inheritance rights to intersex people in the suit, had argued for medical examination to prevent men from cross-dressing and acting as Khwaja Siras, a tribal community intersex people often end up joining after being expelled from their families.<sup>28</sup> The reason was that such men would often be involved in crime rings and Bobby, as a leader of the Khwaja Sira community, received complaints that these individuals were involved in molesting and raping children.<sup>29</sup> Bobby argued that these activities furthered the stigma around intersex people, even though they were physically incapable of committing such crimes.<sup>30</sup>

Despite intending the opposite, the judgment would further marginalize the intersex community by terming them Khwaja Sira. The then Chief

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26. PNN News, *Almas Bobby Blasting Over Transgender Bill* | PNN News, YOUTUBE (Sept. 25, 2022), <https://www.youtube.com/watch?v=GkHWG39c7Tk>.

27. *Khaki v. Rawalpindi*, (2009) 63 PLD (SC) 188 (Pak.).

28. *Muhammad Aslam Khaki v. SSP Operations Rawalpindi and others*, (2013) PLD (SC) 188 para. 2 (Pak.).

29. *Id.* para. 5.

30. *Id.*

Justice of Pakistan, Iftikhar Chaudhary, asked Bobby's counsel, Aslam Khaki, which word to use for intersex on Urdu language identity cards. Khaki stated that the cards should state "Khwaja Sira," an act he, and Bobby, would later regret.<sup>31</sup>

Khwaja Siras are a unique part of the subcontinent's culture. They constitute both intersex people and eunuchs, though Bobby argues that only the former category are real Khwaja Siras.<sup>32</sup> They are organized as "tribes" in different localities with a guru heading each one. Khwaja Siras choose the tribe they want to follow based on its profession.<sup>33</sup> Unfortunately the "professions" available to them are limited: begging, dancing, and prostitution.<sup>34</sup> Khwaja Siras acknowledge that they are incapable of bearing children and remain unmarried.

Though the Supreme Court placed intersex rights into the ambit of disability law, transgender rights activists in collaboration with elite feminists used the Khwaja Sira label to extend their own agenda. When the Court originally heard Bobby's petition most Pakistanis including the judges and Khaki were unaware of the distinction between Khwaja Siras, intersex, and transgender. In a conservative country like Pakistan, having detailed public conversations about genitalia is considered inappropriate. Add this to a legal system where judgments are delivered in English, though it is a non-native language. Anyone who reads the judgment can ascertain Chaudhary's command of the language themselves.

When the Transgender Persons Act was passed in the National Assembly, Bobby as well as other Khwaja Sira leaders opposed it, stating that the law makers drafted it without consulting them.<sup>35</sup> Even though Khwaja Siras are considered social pariahs who engage in unreligious activities, the vast majority still uphold the supremacy of Islamic law. They argued that phrases such as "gender identity" would eventually pave the way for legitimizing gay marriage as well as taking away the few

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31. Meher Mehtab, *Khwaja Siras of Pakistan: A Community*, DAILY TIMES (Sept. 12, 2017), <https://dailytimes.com.pk/117213/khwaja-siras-of-pakistan-a-community>.

32. *Transgender community slams Almas Bobby's 'true khawajasira' comment*, PAKISTANTODAY (June 19, 2018), <https://archive.pakistantoday.com.pk/2018/06/19/transgender-community-slams-almas-bobbys-true-khawajasira-comment>.

33. Anmol Irfan, *From Sacred to Shunned: The Khwaja Sira and trans rights in Pakistan*, SUNDAY LONG READ (May 22, 2022), <https://sundaylongread.com/2021/05/22/from-sacred-to-shunned-the-khwaja-sira-and-trans-rights-in-pakistan>.

34. *Id.*

35. Sarah Zaman, *Pakistan's Progressive Transgender Law Faces Opposition 4 Years Later*, VOA (Sept. 28, 2022), <https://www.voanews.com/a/pakistan-s-progressive-transgender-law-faces-opposition-4-years-later-/6768168.html>.

educational and employment opportunities they had.<sup>36</sup> The Act did not require any medical examination to classify individuals as transgender.<sup>37</sup>

Bobby and Khaki, along with other Khwaja Sira activists, and Jamaat e Islami challenged the Act's legitimacy at Pakistan's Federal Shariat Court.<sup>38</sup> The Court hearings, which aim to review the Act's repugnancy to Islamic law, are still ongoing at the time of writing this article.

Elite feminist organizations such as Aurat March, in collaboration with transgender rights activists, have opposed the review in a rather tone-deaf manner. The organization advocated that the Act receive consistent public support, while defending self-perceived gender identity.<sup>39</sup> Actively supporting trans rights activists, organizers have argued that medical examinations are against human dignity.<sup>40</sup> When Bobby opposed their stance on public platforms, transgender activists organized a smear campaign against them, claiming they were actually a "fake Khwaja Sira" themselves.<sup>41</sup> Bobby did not respond to the allegations. However, when I discussed the topic with Aslam Khaki, he confirmed that they were actually intersex.

Nadeem Kashish, a Khwaja Sira rights activist, has also criticized the Act for its colonial agenda while further marginalizing those it claims to protect.<sup>42</sup> Kashish's family cast him out after he struggled with gender dysphoria in his teenage years.<sup>43</sup> He later joined a tribe of eunuch Khwaja Siras but did not undergo castration.<sup>44</sup> He left the tribe after his guru molested him. Kashish eventually married his female cousin and had a son,

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36. *Id.*

37. *Id.*

38. Xari Jalil, *Federal Shariat Court Allows Petitions Against Transgender Law Sparking Backlash from Trans Activists*, VOICE PK (Sept. 21, 2022), <https://voicepk.net/2022/09/federal-shariat-court-allows-petitions-against-transgender-law-sparking-backlash-from-trans-activists>.

39. Human Rights Commission of Pakistan (@HRC87), TWITTER (Dec. 30, 2022, 2:47 AM), <https://twitter.com/AuratMarchKHI/status/1609142226545688576>.

40. Xari Jalil, *Pakistan's Transgender Rights Bill is a Small Step Towards a Big Leap*, THE WIRE (May 18, 2018), <https://thewire.in/lgbtqia/pakistans-transgender-rights-bill-is-a-small-step-towards-a-big-leap>.

41. *Transgender Community Slams Almas Bobby's 'True Khawajasira' Comment*, PAK. TODAY (June 19, 2018), <https://archive.pakistantoday.com.pk/2018/06/19/transgender-community-slams-almas-bobbys-true-khawajasira-comment/>.

42. Irfan, *supra* note 33.

43. Arhaba Waseem, *'Critics of the law do not know the law': Transgender people decry objections to rights bill*, LOK SUJAG (Nov. 23, 2021), <https://loksujag.com/story/transgender-protection-act-2018-eng>.

44. *Id.*

but he was one of the first people to advocate against guru culture.<sup>45</sup> He later created a shelter home and built a mosque for Khwaja Siras. Kashish has also been advocating for creating educational programs directed at parents of both intersex children and those who show signs of gender dysphoria.<sup>46</sup> He argues that parents often lack the skills to manage their special predicament, a situation exacerbated due to the stigma and shame attached to discussing these issues.<sup>47</sup> They end up excommunicating their children, which makes them vulnerable to further abuse.<sup>48</sup>

In a recent podcast, Kashish, who has been advocating for the rights of Khwaja Siras for almost two decades, outlined how LGBTQ activists, in collaboration with elite feminists, hijacked their movement.<sup>49</sup> Kashish wanted Khwaja Siras to live a life of dignity and created an NGO to create alternative career pathways for the community.<sup>50</sup> The government later hired them as the Punjab AIDS Control Program's (PACP) project coordinator and directed them to work with Khwaja Siras engaged in prostitution. While Kashish was excited that the program would give him a platform to redirect Khwaja Siras to more meaningful careers, he would soon find out that the LGBTQ community was funding it. Kashish was directed to promote "safe sex" and distribute condoms even to those who tested positive for AIDS. Kashish eventually exposed the program and had it closed down.<sup>51</sup>

When Kashish later set up his shelter home, a female NGO director approached with an offer to help with funding. Kashish took up the offer because he was having difficulty registering his own NGO. The NGO director told him that she would take them to the American embassy with the condition that he wear a sari. Kashish had stopped dressing in feminine clothing but obliged as the NGO director told him that would help them secure funding. When Kashish went to the U.S. Embassy, the NGO director introduced him as gay. He was taken aback but kept quiet.

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45. Jon Boone, *Pakistan transgender leader calls for end to culture of 'gurus,'* THE GUARDIAN (Dec. 25, 2016), <https://www.theguardian.com/society/2016/dec/25/pakistan-transgender-leader-culture-of-gurus--nadeem-kashish>.

46. *Id.*

47. *Id.*

48. *Id.*

49. Raja Zia ul Haq, *Confessions of a Khawajasara | Maulvi With an Attitude*, YOUTUBE (Dec. 10, 2022), [https://www.youtube.com/watch?v=7WOz0z\\_mTAM](https://www.youtube.com/watch?v=7WOz0z_mTAM).

50. Marginalised: Caught between two worlds, THE EXPRESS TRIBUNE (Apr. 13, 2013), <https://tribune.com.pk/story/535000/marginalised-caught-between-two-worlds>.

51. Punjab project for Aids control suspended, DAWN (May 21, 2010), <https://www.dawn.com/news/893577/punjab-project-for-aids-control-suspended>.

Kashish lamented his own inability to do grassroots work which reflected the actual needs of Khwaja Siras because funding was tied to promoting a colonial agenda. The Federal Shariat Court, however, recognized Kashish's advocacy and recently directed the Ministry of Human Rights to establish a Child Protection Unit for the welfare of eunuch and intersex children.<sup>52</sup>

Despite the Act's failings, elite feminists, adopting the colonial language of white feminism, deem anyone who criticizes it as an uninformed religious zealot. Any recourse to local realities, cultural values, or religious beliefs is considered an invalid argument and is often accompanied by a condescending smirk. In conformity with Ibn Khaldun's theory, the only effective way to convince them is by arguing that there are dissenting voices in the West.

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52. *Shariat Court Orders to Set Up Unit for Eunuch Children*, THE NATION (Dec. 16, 2022), <https://www.nation.com.pk/16-Dec-2022/shariat-court-orders-to-set-up-unit-for-eunuch-children>.