

On the other side of a stray bullet



BLOWIN' IN THE WIND

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Is a call for justice a glorified cry for revenge? Is justice noble, while revenge unworthy? A few years back, in an article published in *The Chronicle of Higher Education*, Professor Thane Rosenbaum forwarded revenge as a healthy, human and biological necessity. The Jewish scholar used the Old Testament's eye for an eye to underscore a proportionate delivery of justice to prevent disproportionate revenge such as recycling of feuds or blood feuds. Any moral injury ensues a debt, requiring payback.

The modern court system was created to stop this vicious cycle of revenge and justice. The state takes on the role of seeking revenge on behalf of those who are wronged. But what happens when the state fails to deliver what is due? Or delays it? Some recent instances made me reflect on the two sides of the revenge justice coin that I usually touch on while teaching Shakespeare's play *Hamlet* or Aeschylus' Orestian trilogy.

Last month, when the stray bullet of an assassin employed to kill a political leader hit a rickshaw passenger, the victim's father said that he would not seek justice. "What good would come out of filing a case?" the aggrieved father queried. His daughter, Prity, an HSC candidate from Begum Badrunnessa College, was all set to start a job to ease the family's financial burden. Their dream was shattered by a runaway bullet. Thus, a moral injury has been created, and we expect the state to pay it back. However, people like Prity's father exist at the bottom of the totem pole. Unless personal initiatives are taken or top-level priorities are given, the case will be lost in a legal quagmire. The victim's father, Jamaluddin, knows it all too well. And he, therefore, finds solace in seeking justice not here, but in the life hereafter.

On Thursday, a three-year-old girl

was shot dead when miscreants targeted her father for intervening in a feud at Begumganj Upazila in Noakhali. Abu Jaher (38) took his daughter to a nearby store to buy some snacks when he saw a group of people abusing the shopkeeper. The gang shot at him as he tried to protest. While he himself lost an eye, Jaher's daughter died on the spot. A case

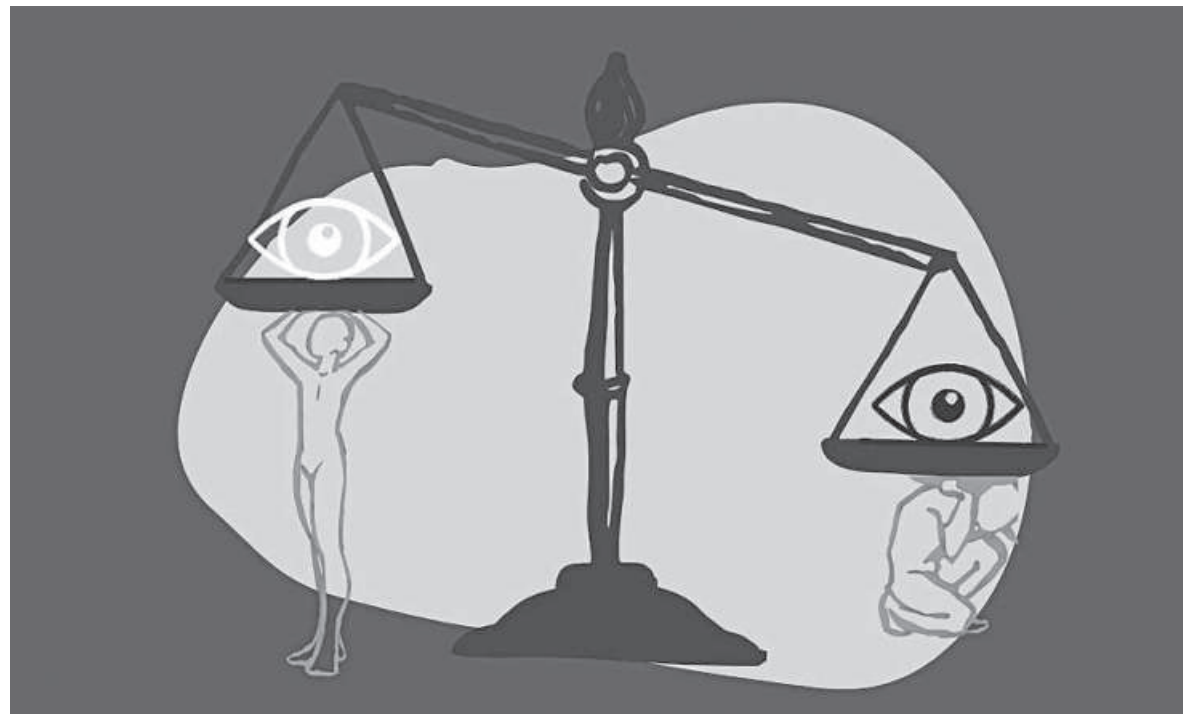
was considering the promotion of the perpetrator. The case created a sensation back then as the murderer was nabbed. However, Shegufta's family saw in horror how the lower court released the culprit on bail. The family did not have the means to engage lawyers to fight for justice. The young law student, who was advised to become a corporate lawyer by her

judgements. The final verdict in the murder of Humayun Azad case, 18 years after the incident, too, speaks volumes of the justice lag that plagues the system. Shegufta was lucky to get the support of the Attorney General in finding justice. Where does it leave us, the ordinary people, who are not privy to the system?

We cannot expect Jaher or Jamaluddin to become lawyers or policymakers to ensure justice. We do not expect them to take the law into their own hands either. After Enlightenment, the state became the guardian as well as the "designated avenger" for all citizens. The state became the neutral, dispassionate, and impersonal agent to redress the crime committed against society. The moral debts, which Rosenbaum mentioned earlier, are settled by the state as a wrong done against it. In other words, if you kill someone, you violate state law. The legal system prosecutes a crime against the state, not against individuals.

The problem arises when the state fails to see the crime with the same priority or passion with which it was committed. Why does a rape survivor often kill herself after being violated? In most cases, the survivor knows that patriarchy will find more avenues to punish her further. Even if the criminal is punished, the punishment will not necessarily heal the mental and social damages done to her. By ending her life, she brings closure to her personal turmoil and offers a public statement of protest.

The feeling that there is no justice in this world can be dangerous. In one of his famous soliloquies, "To be or not to be," Hamlet pondered over the three options once he realised that his father was wrongfully murdered by the incumbent king. He could have simply internalised his grief, he could have taken arms against the system, or he could have killed himself. By presenting the dilemma of Hamlet, Shakespeare was exploring an alternative to the tribal blood bath—the scope for a judiciary system. Sadly, after all these years of the establishment of the legal system, victims or those who are wronged are posed with the same dilemma. It is about time, the state changes its state of affairs so that its members can have faith in a system that renders justice in this world.



has been filed and a member of the gang has been arrested. What guarantee is there that the perpetrators will not get bail and there will be no further violence to keep Jaher and his family from seeking ultimate justice? Do we think that a righteous man like Jaher will have the courage to protest or redress wrongs? Who will he turn to for redemption?

Conversely, last week we heard of the heart-warming account of a daughter's 16-year-long search for justice following the gruesome murder of her father. Shegufta Tabassum Ahmed was a first-year law student when her father, Geologist Professor S Taher Ahmed, was killed by a colleague. His body was dumped in a manhole to stop him from attending the selection board that

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COLLAGE: TEENI AND TUNI

father earlier, took it upon herself to get into criminal law and seek justice. She doggedly pursued the case for the last 16 years and compromised her career growth in the process to finally get a verdict in her favour. The Appellate Division upheld the death sentences of the two accused and life sentences of the other two.

Shegufta is an exception. The same is true for our honourable Prime Minister. She had to win the people's mandate and fight an entire system to be at the helm of the country. She had to both respect the judicial system and remove the necessary stumbling blocks including the infamous Indemnity Act to ensure justice for her slain family members. Shegufta admits that outsiders do not often realise the procedural details that delay

'Hijra': Is it derogatory or not? Let them decide.



NOORA SHAMSI BAHAR

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SOME time ago, I took to Facebook and wrote about an encounter with a member of the Hijra community, and how, because I didn't have any change to offer, she (Ms Roy) told me she'd be happy if I could give her one of my makeup products. I gave her my almost-new, orangey-red lipstick, which made both of us happy. There was a debate in the comments section of my post, as to whether or not I should've used the word "hijra." While "hijra" is a Hindi word, it is, according to Ram Sarangan, "a term used to refer to what governments in India, Pakistan and Bangladesh—among other countries in South Asia—have legally recognised as a 'third gender,' and does not inherently possess derogatory, slanderous or disparaging properties" (*The Indian Express*).

That being said, "third gender," despite being the official term, is problematic because, in that case, there has to be a first and a second gender. "First," "second" and "third" sound a lot like ranks, which immediately put men at the top of the hierarchy and Hijras at the bottom, thereby encouraging and cementing patriarchy, which in turn maintains the status quo. According to Arnav Srinivasan, a member of the Hijra community, it's "like classifying the third gender as a separate gender while you are prioritising the first and second genders. So tell me, who is the first gender here—the men? And why is that so?" (*The Times of India*).

However, many use the word "hijra" in a derogatory manner, especially when insulting a "weak" feminine man, essentially making it an emasculating identifier, the English equivalent of which could be "sissy." The word "hijra" has a lot of hatred associated with it—Hijras have long been ostracised, persecuted, and treated like ugly, unwanted debris. But where does this dehumanisation come from? Is it cultural?

The Hijra community was once a respectable one in undivided India, where they'd offer their blessings at weddings and childbirths. Their inclusion is evident in both *Ramayana* and *Mahabharata*; Hindu scriptures/mythologies have never ostracised them. They also held important positions during the Mughal Empire. It is the British who enforced the 1871

Criminal Tribes Act, which criminalised the Hijras as "innately corrupt" (Indian Penal Code, Section 377). The law was repealed after India's independence in 1947, but despite the passage of 75 years, the stigma remains and Hijras continue to suffer in ways no man or woman can understand. If it hadn't been for colonisation, would we have questioned the usage of the term "hijra"? Decolonisation, in this case, cannot simply involve amending colonial laws; it requires decolonisation of the mind—something that is yet to happen.

Noteworthy, despite their social/political status during the Mughal Era, Hijras were castrated males who, through their emasculation, got jobs such as custodians of emperors' harems, as they were deemed sexless bodies ("*Khawaja Sira*" in Persian, "eunuch" in English). Hijras today are not all castrated males as they were in pre-colonial times.

If we look at Bangladesh's government and its efforts to make this country a more inclusive one, it moved away from classifying Hijras as "*jouno o lingo protibondi*" (sexually and genitally handicapped) and put them under the category of "third gender." Consequently, they planned on appointing them as low-ranking government officials, but the plan came to naught upon humiliating medical examinations where candidates were classified as fully-functioning

led by an elder" (*The Washington Post*), and of course, leading life according to its distinct subculture. This is precisely why I used the term "hijra" in my Facebook post—because I couldn't find a suitable English equivalent.

And what about when we speak in Bangla? I don't think anyone interacting with a member of the Hijra community needs to call them that. For example, I

wouldn't be saying, "*Kemon achhen, Hijra apu?*" I mean, do you ever greet an unknown man or woman by saying, "*Kemon achhen purush bhaiya?*" or "*Kemon achhen, mohila apu?*" It's only when we have a dialogue or write about this community that we may need to give them an identifier. In Tamil Nadu, Hijras want to be referred to as "Thirunangai"—a Tamil equivalent of "hijra." A Bangladeshi Hijra, in the documentary film "Understanding Gender: Narratives of Hijras in Bangladesh," proudly says, "I am a Hijra, I like calling myself Hijra, I feel proud to call myself a Hijra." Does this mean that it is okay for me to use the term "hijra"? I am unsure. It is the Bangladeshi Hijra community that possesses the right to decide on the term that should be used by non-Hijra citizens to refer to them.

While I wait to know from the Hijra community if I should/shouldn't continue to use the word "hijra" (in a respectful way and not as a form of abuse), I will continue to treat them as I'd treat men and women. I believe that every person, irrespective of their gender (among other differences) is like a unique flower in a garden and the distinct features of each flower are what makes that garden so pleasing. We may be too blind to realise the beauty that lies in the diversities of the human race, but I'm hopeful that the veils of discrimination shall burn down and our vision may become world-embracing.

PHOTO: SHAHRIA SHARMIN



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men pretending to be Hijras. What the government failed to understand was the fact that Hijras are not *all* intersex—that is, a person who has both male and female genitals/organs. Many of them were assigned the male gender at birth, but later identified as women and decided on joining a Hijra clan. This, according to LGBTQIA+ lingo, would be referred to as "transgender." However, according to Max Bearak's article titled "Why terms like 'transgender' don't work for India's 'third gender' communities," one key distinction between transgender people and Hijras is "the time-honored ritual of leaving one's home—or being forced out—and undergoing induction into a clan of Hijras

CROSSWORD BY THOMAS JOSEPH

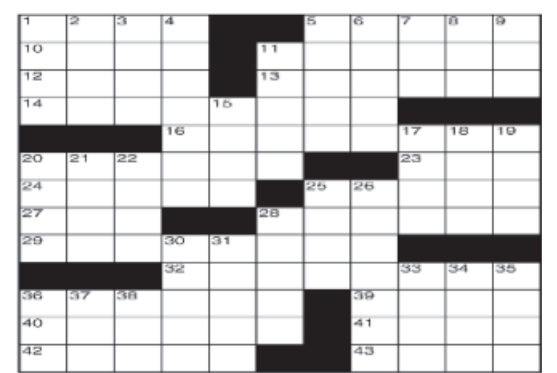
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DOWN

- 1 Pampering places
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- 9 German article

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- 18 Mob revolt
- 19 Start of a German count
- 20 Give off
- 21 Writer Jaffe
- 22 Tailless cat
- 25 Poet-singer
- 26 Titanic sinker
- 28 Goes under
- 30 Homer classic
- 31 Niagara sight
- 33 Lotion additive
- 34 Wander
- 35 Cuts off
- 36 Make a choice
- 37 "The Matrix" hero
- 38 Greek vowel



WEDNESDAY'S ANSWERS



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