

# Moving Beyond the Binary: Gender-based Activism in Pakistan

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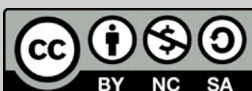
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## Abstract

*This article challenges the binary framework within which women in Pakistan have been viewed, by political actors, the state, and more broadly as well, as either 'secular/feminist/godless/Westernised' or 'authentic/Islamic/traditional'. It begins by contextualising the genealogy of this binary in Pakistan's colonial and political history, which has led to the state's side-lining of moderate religious voices and promotion of right-wing religious parties that suited its political objectives. Even the scholarship produced by the women's movement, which arose in response to a politicised Islamisation process begun under military rule in the 1980s, inadvertently reproduces this binary as activists sought to assert a rights-based agenda and were supported by international donor funds. A shift in recent years in response to West-based international scholarship post 9/11, which focusses on the subjectivity and organisation of Islamist women, has influenced work on women in Pakistan as well as a donor turn to funding faith-based initiatives. The paper then examines current gender justice movements that emerged independently at a grass-roots level, and draws attention to their effectiveness despite lack of strong linkages with either the women's movement or Islamist women. These include rights-based mobilisations by peasant women, community health workers, tribal women in the Taliban/conflict-affected north-west, and transgender activism. It ends by challenging feminists to engage more deeply with these forms of activism.*

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**Keywords:** *Gender justice, activism, Pakistan, women's movement, Islamisation, secularism*

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## **Introduction**

This paper challenges the binaristic approaches to understanding Muslim women's subjectivities as either pious subjects or as Westernised, secular feminists. In Pakistan, this binary is present in the discourse of various political parties and is reflected in the media as well. More subtly, it is often reproduced within scholarship about women, which, by focusing on either self-professed secular feminists or explicitly Islamist women's groups, ends up reinforcing the notion that women must fall into one or the other camp. This raises serious concerns for us as feminist scholar-activists because it has limited the public debate around women's issues. In the context of heightening sensitivities around the question of religion, it has also led some external development actors to fund faith-based organisations and support informal cultural institutions, which contributes to making such bodies appear more relevant and authentic at the expense of rights-based initiatives.

This binary can be traced to the reification of the category of religion in the period well before Pakistan's inception, as colonial discourses attempted to solidify religious boundaries in terms of their depiction and strategies of rule vis-à-vis 'the natives' (Pandey, 1992; Ludden, 1993; Kaviraj, 1994; Oberoi, 1994). These framings were reinforced by indigenous Hindu and Muslim elites as part of religious revivalist movements that emerged in the decades preceding independence (Robinson, 1974; Metcalf, 1993; Mayaram, 2004). However, the secular/religious distinction has evolved and been reinforced in recent decades following the growth of Islamist movements worldwide and in

Pakistan in particular since the 1980s and following the global war on terror post 9/11.

The solidification of this binary must be understood within the wider political history of Pakistan where the state has played a defining role in cultivating the notion that a foreign, 'Western' hand has had a suspicious role to play in fostering corrupt, secular, and liberal values amongst some women, who benefit from donor funds as they run their fundamentally un-Islamic (read 'anti-state') NGOs (Khan, 2001). This is in contrast to the state's historical elevation of religious parties, which are often used to lend credence to military rule in the name of Islamisation (Nasr, 1994). With the support of the United States, the Pakistani state supported the use of *jihadi* ideology during the anti-Soviet struggle in Afghanistan during the 1980s. It also allowed Arab funds to flow unchecked into a burgeoning *madrassa* (religious seminary) sector to support these policies (ICG, 2007; Dreyfuss, 2005).

Further, the state has consistently sidelined moderate Islamic *ulema* and academics, for example, forcing out of the Council of Islamic Ideology, and country, the internationally acclaimed modernist Islamic scholar Fazlur Rahman in 1969 (Noorani, 2014) and the liberal scholar Javed Ahmed Ghamidi in 2010 (Walsh, 2011). Whether within the state apparatus or in public discourse such as television channels, the space for moderate and modernist interpretations of Islam is virtually blocked. These processes have strengthened right-wing ideologies in the country as a whole and marginalised both leftist and liberal voices, including those of women's rights activists.

Most of the academic literature on women's activism in Pakistan since the 1990s inadvertently reflects this binary, falling into one of two camps: writings produced about the self-identified women's movement, focusing largely on the Women's Action Forum (WAF), and research on Islamist

women's groups. The former body of scholarship highlights the narratives of those activists who largely identify as 'secular' and 'feminist'. Much of this work has been written by members of the WAF themselves and highlights their efforts to resist the Islamisation policies introduced under the dictator, Zia ul Haq (Mumtaz and Shaheed, 1987; Khan, Saigol, and Zia, 1994; Shaheed et al., 1998; Saigol, 2016). The latter studies emerged more recently (Iqtidar, 2011; Jamal, 2013; Mushtaq, 2010; Ahmad, 2010) and examine women in religious political parties such as Jamaat-i-Islami or the Islamic academy for women, Al-Huda. This research builds upon a wider body of international scholarship that is concerned with understanding the subjectivities and agency of Muslim women in various contexts (Abu-Lughod, 2013; Mahmood, 2005). It is largely produced by scholars either from, or trained in, universities in Europe and North America, many of whom are influenced by poststructuralist approaches and operate within a context of increasing Islamophobia inside and outside of the academy. While their critiques emerge from their particular positionalities within Western academia, their influence has travelled far beyond its borders, inadvertently contributing to efforts to delegitimise local rights-based activists.

One of the detrimental effects of this binaristic approach has been to perpetuate the notion that feminism is a Western import and that an 'authentic', culturally sensitive and hence more effective approach to gender-based development interventions must operate within a religious framework. Thus some donor agencies increasingly support initiatives framed in religious terms, which engage with local 'religious' and 'traditional' actors, thus sidelining and de-legitimising women's and other civil society groups operating within a rights-based framework.

This paper begins with an overview of the literature produced thus far on women's activism in Pakistan over the past three decades. This includes a discussion of the writings and activism of the self-identified women's

movement, particularly related to the question of the movement's engagement with religion written largely during the 1980s and 1990s. This is followed by an exploration of the scholarship produced on the activism and organisations of Islamist women and the women's piety movement more recently in the period following 9/11. This literature represents a shift within the scholarship, from highlighting the work of feminist activists to reflecting scholars' increased curiosity about the subjectivity and organisation of Islamist women. This shift is further reflected in donor policies which increasingly fund faith-based initiatives.

We then turn our attention to more recent examples of gender activism that do not conform to the rigid religious/secular binary. This includes the struggle amongst peasant women in Okara, the movement for the rights of lady health workers, women's activism in the conflict-affected north-west, and transgender rights activism. These cases highlight the diverse and vibrant nature of gender activism, generated spontaneously and without the direct engagement of either the women's movement or pious women's groups/religious parties, both of whom represent particular middle to upper class interests and contestations generated within the context of increasing Islamisation (Khan, 1994). These cases demonstrate that while the self-identified secular women's movement may have declined in recent years in numbers and influence, and Islamist women's groups opposed to gender equality may be expanding in size and scope (Jamal, 2005; 2009; 2013; Iqtidar, 2011; Ahmad, 2010), gender activism continues in multiple forms across the country that exceeds the confines of the religious/secular binary. Understanding these diverse forms of gender activism allows for a more complex and nuanced view of gender politics within a variety of contexts, challenging the state and other actors seeking to address women's issues in Pakistan.

## Discourse on Women's Rights Activism

The contemporary women's movement emerged during the 1980s, when Pakistan witnessed a dramatic political and cultural shift rightward due to military dictator Zia-ul-Haq's Islamisation programme, which focused to a great extent on the control and regulation of issues related to gender and sexuality.<sup>1</sup> Zia's government introduced the Hudood Ordinances, which included punishments such as amputations, public whippings, and stoning to death as part of the formal criminal justice system. These ordinances also criminalised consensual sex (*zina*) between unmarried women and men and made it necessary for a woman to produce four male witnesses in order to prove that she had been raped; if she was unable to do so, she could be charged with committing *zina*, the maximum punishment for which is death by stoning (Shaheed, 2010). The government also introduced the Law of Evidence in 1984, making the financial testimony of two women or two non-Muslim men equal to that of one Muslim man. Islamisation included a range of measures to control women's mobility and dress, such as mandatory headscarves for those working in government offices or appearing on television, and a ban on women's participation in certain mixed public events such as spectator sports (Mumtaz and Shaheed, 1987). The aim was to push women back into the confines of the *chador* and *chardiwari* (the veil and the four walls of the home), thus marking women's bodies as symbols of the Islamic nation. The contemporary women's movement emerged from within this context of Islamisation. Hence, it is no surprise that much of the writing about the women's movement at this time deals with the issue of Islamisation/secularism.



(WAF Poster. Artist: Lala Rukh)

WAF, which spearheaded the modern rights-based women's movement, was established in 1981 as a platform to organise against Zia's Islamisation programme. WAF maintained a publicly ambiguous position vis-à-vis its

position on religion out of political necessity throughout the 1980s. However, they largely chose to work within a universalistic rights-based framework. Hina Jilani (1986), prominent human rights lawyer and WAF member, explained this choice, arguing that engaging with Islam was thought to be futile for activists as Islam contains many schools of thought, and it would inevitably be the school favoured by the government that would dominate. Similarly, Rubina Saigol said many activists by the late 1980s realised they would never win if they played on the ‘mullah’s wicket’ (Saigol, 2016), that is, by the rules set by conservative religious groups and leaders.

However, not all members of the women’s movement agreed. Khawar Mumtaz argued that it was impossible *not* to engage with Islam at the time:

We thought the best way of responding was to get progressive interpretations of Islam given that context, given the nature of the law, and given at the time it was an Islamic, very conservative religious government and military government that had imposed the law. The parameters were in a sense defined. (Interview, 11 May 2011)

For this reason, throughout the 1980s, WAF periodically engaged with religious scholars and texts in order to prove that laws passed during Islamisation such as the Hudood Ordinances, the law of *Qisas* and *Diyat*, and the Law of Evidence, were in fact fundamentally un-Islamic (Mumtaz and Shaheed, 1987). However, differences of opinion over the strategic use of religion remained throughout the 1980s, and were one of the reasons for WAF’s brief split within its Lahore chapter. WAF officially declared it stood for a separation of religion and state during its 1991 convention (Shaheed et al., 1998).



The issue of whether to engage proactively with religious discourses, despite WAF's secular position, was never quite settled within the women's movement. There is a consistent concern amongst some activists that a secular approach - one that openly advocates for a separation of religion from the state - has been alienating to the vast majority of women in Pakistan (Shaheed, 2002). Thus, for practical and strategic reasons, a handful have continued to engage with religious texts and scholars periodically in order to defend against religious-based justifications for the denial of women's rights (Kirmani, 2013; Bradley and Kirmani, 2015). This has also been a strategy for dealing with the frequent charge lobbied against them by political parties and the media of being 'Westernised' and therefore inauthentic (Charania, 2014). For example, some activists from the feminist NGO Shirkat Gah provided legislators with religious-based arguments against the Hudood Ordinances during the Musharraf regime (1999-2008) to support legislative debates leading to the passage of the Women's Protection Act (2006)<sup>2</sup> (interview, Khawar Mumtaz). However, the use of such arguments has been very limited in practice and even that has drawn criticism from some feminists within and outside of the movement who argued it was exclusionary with regards to women from religious minorities, and played into the hands of right-wing forces (Gardezi, 1990; Sumar, 2002; Zia, 2009).

The women's movement has been prolific in generating research, and through its NGO work providing the majority of the discourse and analysis that forms the basis of knowledge production about gender in Pakistan. While activists have written on the detrimental effects of Islamic laws on women (Jahangir and Jilani, 1990), they have also addressed the long-term repercussions of Islamisation more broadly. This includes its effects on the education curriculum as a whole (Saigol, 1995), the rights of women in the context of the judiciary and Shariah courts (Shirkat Gah, 2000), the increase in violence against women in the name of culture/customs (Brohi, 2017; Shah, 2017), and the rise of religious extremism and the Taliban

movement in the north-west, which greatly restricted the rights of women and girls in the region (Brohi, 2006; Bari, 2010.).

Activists have not limited themselves to contending with the discourse and impact of Islamisation alone. They created and led the campaign for the restoration of a quota for women in elected assemblies,<sup>3</sup> generating the knowledge base to support arguments in favour of this and other legislative reforms.<sup>4</sup> Following a series of weak, civilian governments in the post-Zia era (1988-1999), activists produced research that focused on increasing women's political voice and strengthening inclusive democratic governance (Shaheed et al., 2009; Zia, 2005; Bari, 2015). They have also produced some of the first research and awareness-raising material on sexual and reproductive rights (Saeed, 1994),<sup>5</sup> environmental issues (Sadeque, 2012; Hanif, 2011), and citizen-based initiatives for peace between India and Pakistan (Sarwar, 2007). While the movement is criticised for its urban middle and upper-class bias, activists have built periodic cross-class linkages and supported women in workers' associations, trade unions and rural groups such as the Sindhiani Tehreek (Khan and Saigol, 2004) and the Anjuman Muzareen Punjab (see below), which they also document.<sup>6</sup>

Their research has fed into activism and political lobbying, and contributed to the movement's influence despite its limited size. For example, since the early 2000s, several pieces of legislation were passed in favour of women's rights. In 2002, the number of reserved seats for women in the national and local assemblies was increased, precipitated by Musharraf's strategy of promoting 'enlightened moderation'. It facilitated the passage of a series of women-friendly pieces of legislation in subsequent years, including laws related to honour killings, acid attacks, and harmful customary practices (Mirza, 2011). Although the women's movement may have waned, dispersed and to a large extent become NGO-ised during the 1990s - a fate that has befallen women's movements across the world -

women's rights activists have maintained an impressive influence on policy-making and legislative reform (Saigol, 2016).

Despite these gains, moves to protect and promote women's rights continue to be met with consistent opposition from conservative religious groups, with support from some parts of the state, such as the Islamic Federal Shariat Court (FSC) and the Council of Islamic Ideology (CII).<sup>7</sup> For example, the FSC ruled in 2010 that some parts of the Women's Protection Act 2006, which amended the Hudood Ordinances, were unconstitutional (Butt, *The Express Tribune*, 23 December 2010). The CII has subsequently taken positions in favour of child marriage, against the use of DNA testing in rape cases, and against women's right to object to her husband's second marriage (Ali, *Dawn*, 11 March 2014; Nangiana, *The Express Tribune*, 30 May 2013). Women representatives from influential religious parties, although they tacitly supported the women's movement in its activism to oppose the *zina* laws (Hussein, 2006), joined with their male colleagues in the National Assembly to resist the amendments, agreeing it would be tantamount to promoting a 'free-sex zone' in Pakistan (Pakistan News Service, 15 November 2006). This ideologically fraught environment is a major reason, despite WAF declaring its secularity in 1991, that women's rights activists rarely if ever openly 'come out' as secular in public debates.

### **Islamist Women's Subjectivities and the Post-secular Turn**

Since the 2000s, there has been a shift within the academic literature on women's activism in Pakistan from a concern with the women's movement to a growing interest amongst scholars in the organisation and self-identification of Islamist women's organisations. This is part of a wider trend amongst scholars of gender internationally, particularly those focusing on Muslim-majority contexts. These scholars are working within the context of an increased deconstruction of the origins of secularism,

liberalism, and rights-based discourse - three sets of ideas often viewed as interrelated products of the Western Enlightenment.

Within this broader field is a subset of works highly critical of the ways Muslim women in particular have been depicted, both within Orientalist and Islamophobic discourse produced after 9/11 and within the discourse of feminist scholars in the West and Muslim-majority countries themselves. Scholars Saba Mahmood (2005) and Lila Abu-Lughod (2013) have argued against the determinism that feminism, and liberal feminism in particular, has imposed on Muslim women (whether Western or 'indigenous'), which they argue essentialises the complexity of Muslim women's lives and is unable to understand forms of agency that do not conform to the Western, liberal model of an autonomous subject (Mahmood, 2005). These scholars call for approaches that highlight Muslim women's agency and are sensitive to the specificity of their lived experiences. This trend within the academy has inspired a burgeoning of research on Islamist women's groups in Pakistan over the past two decades.

There are several detailed studies conducted by scholars based in Pakistan and in the diaspora that shed light on women's participation in Islamist political parties and movements. Through her research on the Jamaat-e-Islami (Jel), the largest and oldest religious-based political party in Pakistan, Amina Jamal (2005; 2009) has argued that secular feminists in Pakistan have failed to grasp the manner in which Islamist women negotiate with modernity actively through their political struggles. Her work demonstrates how women in the Jel use the language of rights to assert their religious identities in the public sphere. In her research on Islamist groups, Humeira Iqtidar (2011) also argues that women in the Jel and the Jamaat-ud-Dawa<sup>8</sup> are asserting their agency through their active participation in these groups and they should not be viewed as victims of false consciousness, which is often how they are understood by feminist

researchers. She takes the argument even further by arguing that the political activism of Islamist parties in general may be critical of secularism as a project but is actually facilitating secularisation through the rationalisation of religion - by bringing religion into the competitive public sphere.

Since the 1990s, there has been a growth in women's piety movements across the country, with Al Huda being the largest and most well-known. Al Huda is a women's piety movement founded by Dr Farhat Hashmi in 1994, which promotes Islamic education for women and follows the Wahhabi<sup>9</sup> school of thought. Sadaf Ahmad (2010) explores Al Huda's appeals to rationality as a means of garnering support amongst middle- and upper-class women through a detailed study of their pedagogical methods. Faiza Mushtaq's (2010) work focuses on the organisational strategies of the Al Huda movement and the manner in which its founder, Farhat Hashmi, is able to establish her authority, at least amongst a certain section of middle to upper class urbanised women in the country. Neelam Hussain (2014) too has written about *dars*<sup>10</sup> organisations such as Al Huda and Al Noor. She argues that, while participation in *dars* may be a form of agency, this agency will not lead to systemic or long-term change and rather reinforces unequal power relations for women. While the foci and arguments of each of these authors differs, all of these works are part of a wider effort amongst scholars of gender in Pakistan to take the activism of Islamist women seriously - something that was felt to be missing within the writing of feminist scholars during the 1980s and 1990s.

While the growth in detailed analyses of Islamist women's activism presented in the aforementioned studies deepens our understanding of these increasingly influential groups, the fact that this type of literature occupies growing space within the discourse on Pakistani women, and that research on Pakistani women in general has in many ways moved on from the study of feminist women's organising, raises some concerns. With the

focus on Islamist women, there is a danger of falling into the essentialist trap that many of these authors are actually aiming to critique - one that romanticises the notion of the pious subject and that does not account for the 'messiness' of identities as they are practiced in everyday life (Bangstad, 2011; Zia, 2009). By labelling only particular women 'pious' or religiously-motivated, namely those who hold conservative views with regards to Islam, these studies risk reaffirming the notion that only those who hold conservative positions are truly 'Islamic' and hence have a right to define the realm of religion.

The result of this is the inadvertent recreation of a binary between right-wing *religious* women and liberal or left-wing *secular* women - a divide that scholars like Mahmood (2005), who builds on the work of Asad (2003), actually aim to undo through their critical work on secularism; hence their work remains trapped within the system of binaries that they are actually aiming to deconstruct. This is also a distinction that Pakistani women's rights activists (Khan, 1994; Shaheed, 2009) have been actively critiquing and resisting even before these studies were published.<sup>11</sup> This approach can prove problematic for locally-based feminists because of the ever-increasing political challenges they face directly from Islamist movements, which include the female members of these movements (Zia, 2009). Further, as the following section demonstrates, the binaristic approach has called into question the social or cultural authenticity of women's rights activists, contributing to a change in donor funding approaches.

### **Faith-based Interventions and the Reification of Culture**

In the belief that instrumentalising faith and tradition implies greater cultural authenticity, and thereby greater acceptance in an increasingly anti-Western milieu, foreign donor agencies have begun to fund faith-based organisations to defuse potential government hostility and increase their acceptance within communities. For example, USAID funded an

expensive project to 'sensitise' religious leaders to win their support for contraceptive use and got a family planning manual approved by the controversial CII (Brohi and Zaman, 2016). The WHO and UNICEF invited Maulana Sami ul-Haq, widely known for his leadership of a religious seminary that trained many Taliban on both sides of the border, to be a spokesperson for the polio vaccination campaign in 2015 and 2016.<sup>12</sup>

External actors such as the UK's Department for International Development and United Nations Development Programme, also support alternative dispute resolution (ADR) mechanisms in the conflict-affected province of Khyber Pakhtunkhwa (KP).<sup>13</sup> The purpose is to help the government reduce the enormous backlog of cases in the formal court system, which was viewed as one reason for initial support amongst some communities for the Taliban and their form of swift justice. Donor interest extends to financial support for government training of *jirgas* (tribal councils) in human rights (Bureau Report, *Dawn*, 7 December 2013) despite the fact they exclude women's representation and voice. Research shows *jirgas* represent the interests of the male elite and perpetuate traditional practices such as honour killings and exchange of girls to settle disputes (Shah, 2017). For this reason, they are becoming increasingly unpopular (Brohi 2017, pp. 47-8). Some women politicians have called for women's representation on ADR panels and question the enthusiasm amongst donors for these mechanisms (Raza, 2017). Further, the women's advocacy coalition Takra Qabailee Khwendo, working in conflict-affected tribal areas, rejects these efforts to formalise the all-male *jirga* councils (Shah, 2013).

Farida Shaheed argues the instrumentalisation of religious discourse by some NGOs should not be misconstrued, 'Just because somebody calls themselves faith-based does not make them the holders of the truth'.<sup>14</sup> Afiya Zia warns against growing donor support for the 'theocratization of development', in which rights are framed as negotiable and subject to

religious interpretation rather than as clear demands that one can claim from the state. If the moral imperative of a universal human rights approach is abandoned in favour of faith-based social development, she argues, 'then anything is possible on this slippery slope' (Zia 2013, pp. 201-5).

### **Moving Beyond the Binary: Gender Activism in Multiple Forms**

Although the self-identified women's movement has gradually reduced in visibility over the past decades and fragmented as a result of NGO-isation, this does not mean that gender-based activism has ceased. In various parts of the country, women are pushing back against oppressive forces and engaging in collective action in multiple forms - without relying on Islam to legitimise or frame their demands. They are doing so in a context where public mobilisation and criticism of the state carries great risks.

The last decade has witnessed an increasingly repressive culture of silencing all forms of dissent. Vigilante killings, generated by spurious charges of blasphemy against targeted individuals, has frightened non-Muslim religious minorities and silenced dissident intellectuals. Cases of enforced disappearances or 'missing persons' and extrajudicial killings have increased, particularly in FATA<sup>15</sup>, KP and Balochistan, under the cover of national security (HRCP, 2016).<sup>16</sup> Among the affectees are not only suspected terrorists and criminals, but also those critical of the state. And women are not exempt. Karachi lost two prominent women activists in recent years, Perween Rahman and Sabeen Mahmud, both outspoken in their criticism of powerful interest groups and both murdered in their cars under mysterious circumstances.





(Aurat March, Karachi, 8 March 2018. Photo: Hum Aurtein)

Despite all of this, gender-based resistance continues in multiple forms throughout the country. The following section documents some recent instances of activism amongst women and transgender communities that persist despite varying degrees of state/military repression.

#### *Punjab Peasants' Resistance*

Women have had a growing role to play in the peasant struggle which began in 2000 for proprietary rights over land owned by the government and military in the state of Punjab. Peasants formed a non-violent resistance organisation called Anjuman Muzareen Punjab (AMP)<sup>17</sup> to resist changes from sharecropping to a new contract system for tenant farmers, which left them vulnerable to eviction and limited their earnings. They rejected the new tenancy terms and demanded ownership rights over the land instead. Women wielding *thaapas*, or sticks, formed groups to protect their villages from police action and resist government efforts to force

compliance. A female leadership emerged from the peasants' Christian and Muslim communities, both working together to recruit support, block highways, stage hunger strikes, attend court hearings and speak at public engagements to rally support. As the AMP grew into a movement, women were inducted at all levels (Mumtaz and Mumtaz, 2010).

Women's spontaneous and self-generated involvement in this collective action has led to their improved mobility, greater say in domestic decision-making, reduced domestic violence and an increased desire to educate girls (Mumtaz and Mumtaz, 2010). In 2008 they formed a Peasant Women's Society and began to demand land rights for landless women peasants, as well as women's recognition in all property deeds drawn up during a government land reforms process (Yusuf, 2016). WAF and numerous other civil society organisations support their cause, which also receives occasional sympathetic media coverage. Political parties have promised to address the peasants' grievances, yet no elected government has yet delivered.

Peasants continue to be arrested on charges they are terrorists and land grabbers, indicating institutions of the state, whether government or military, are united to ensure the movement's goals are not met (Our Correspondent, *The Express Tribune*, 2018). In April this year, the Supreme Court rejected a petition by an AMP leader, incarcerated for being a terrorist and represented initially by women's and human rights activist Asma Jahangir, to be shifted out of solitary confinement. The movement has persisted in the absence of substantial backing from political parties, external development funding, or recourse to religious/cultural rhetoric, demonstrating the strength of their resistance and claims to the land.

#### *Lady Health Workers' Mobilisation*

The backbone of Pakistan's primary health care system is a cadre of 125,000 Lady Health Workers (LHWs) operating in rural and peri-urban

communities delivering vaccinations, antenatal screenings, nutrition counselling and contraceptives through home visits. Starting in 1994, the government programme paid LHWs a nominal sum as contractual workers. But as their numbers increased it soon became apparent they were making a significant difference to health outcomes, despite inefficiencies in management (OPM 2009, pp. 4-8). LHWs were often the main breadwinners in their families, and their jobs one of the only forms of non-agricultural paid work opportunities for women in their villages (Khan, 2014).

After years of receiving inadequate compensation under insecure work conditions, LHWs began to organise sporadic protests and sit-ins around the country to draw attention to their delayed and inadequate salaries, and demand to become regularised government employees with all associated benefits. Their national association made its first significant gain when the Supreme Court ordered in 2010 they be paid the minimum wage of a skilled full-time worker, a meagre Rs 7,000 (GBP 45) per month (Khan, 2011b). Two years later it ordered provincial governments to integrate them fully into the service structure.

Along with polio workers, LHWs risk their lives at the hands of militant groups. As the Taliban insurgency gained momentum in the aftermath of 9/11, militants began to abduct and kill LHWs for their involvement in the polio campaign, which they maligned as part of a US plot to sterilise Muslims. Between 2012-17 at least 22 LHWs were killed (Our Correspondent, *The Express Tribune*, 2017a). Attacks continue in the conflict-affected north-west and cities, where militants have a strong presence and the government struggles to contain a resurgence of polio.

LHWs are also subject to multiple forms of gender-based discrimination and must contend with routine sexual harassment and lack of control over their earnings at home. Civil society organisations are now stepping in to

highlight their struggles and support their efforts to make sure their voices are heard and demands met (Baloch, 2017). LHWs' mobilisation is possibly the most sustained, widespread, and successful example of women-led collective action in Pakistan's recent history, yet somehow their endeavour has operated quite independently from the women's rights movement and the NGO sector.

#### *Tribal Women's Association*

After the military cleared much of the country's tribal areas on the border with Afghanistan from Taliban control, the government initiated a FATA reforms process to end the colonial-era rule through Frontiers Crime Regulations and mainstreaming the region's governance and administrative structures. With support from another prominent women's NGO in KP, in 2012 the first tribal women's association was formed, called Takra Qabaili Khwendo (TQK). It is a network, bringing together women from diverse backgrounds and education levels in FATA. Members employ a mix of strategies - workshops, awareness-raising sessions, press statements, and political meetings - to ensure women's voices are heard in a context marked by the exclusion and silencing of women in 'an area where political citizenship is barely in its infant steps', dominated by militancy and 'myriad forms of violent intervention' (Fleschenberg 2015, p. 68). TQK began by presenting their demands to elected politicians; they included a government-allocated quota for FATA women within parliament (similar to reserved seats for women from other provinces), women's presence in election offices (to offset cultural and political controls against women voting), and inclusion in tribal *jirgas* (Shah, 2013).

The TQK have since shifted their position on *jirgas*, now rejecting these councils altogether because of their patriarchal implications (Shah, 2013). They have done so by opposing the government's proposed Riway Act, which is intended to be a first step in the FATA reforms process and legalises the informal *jirga* system while at the same time extending

jurisdiction of the higher courts to the area (Committee on FATA Reforms, 2016).<sup>18</sup> They demanded to be part of the FATA reforms process, arguing the *jirga* system should be replaced by the formal criminal justice system, which recognises women's civil and political rights (Our Correspondent, *The Express Tribune*, 2016).

Recently tribal women's groups have been surprised and encouraged by a spontaneous youth uprising from FATA with demands similar to their own. Known as the Pashtun Tahaffuz Movement (PTM), it is pressing for meaningful reforms in FATA, including full integration into the state administration and judicial system, recognition of their fundamental rights, and an end to excesses by the military forces in their communities. Contrary to established patriarchal tradition, PTM leaders have reached out to tribal feminist groups and other KP women activists. Many now openly support them by attending their rallies and making statements in favour of PTM's goals.<sup>19</sup> In response to PTM mobilisation and criticism of the military, the government has restricted the group's right to assembly; in a recent crackdown one woman activist from KP was also detained.

#### *Transgender Rights Activism*

The last ten years witnessed a dramatic growth in activism around the rights of sexual minorities and transgender communities in particular. While the presence of the third gender, or '*Khwaja Siras*'<sup>20</sup> as they have been come to be legally known in Pakistan, has deep historical roots, the rights of *Khwaja Siras* has only recently emerged as an issue in public debates. One of the reasons for this might be the increase in funding for HIV/AIDS-related projects, which has benefitted from organising amongst sexual minorities across the developing world (Fried & Kowalski-Morton, 2008). This has led to the emergence of several NGOs working for the rights of the transgender community across the country.

A series of Supreme Court rulings between 2009 and 2012 gave legal status to members of the *Khwaja Sira* community. The first major victory for *Khwaja Siras* was the addition of a third gender category in the national identity cards in 2011 (Khan, 2011a). This landmark decision, i.e. formal recognition of more than two genders, paved the way for recognition of other rights such as the right to education, healthcare and a reservation for members of the third gender in government jobs. Next, activists came together to draft a new law to protect transgender people from any form of discrimination or violence based on their gender identity. The Senate passed the Transgender Persons (Protection of Rights) Bill 2017 in March 2018, which many transgender activists had previously rejected because of its problematic definition of ‘transgender’ and its inclusion of medical tests as a determinant of transgender identity. However, after lobbying with legislators, the Senate passed a bill which does not require medical examination to claim transgender status, allows transgender people to register for drivers’ licenses and passports, prevents harassment and discrimination at multiple levels, includes provisions for transgender persons to be provided with loans and employment opportunities, along with several other progressive provisions (Guramani, *Dawn*, 7 March 2018).

The *Khwaja Sira* Society in Lahore, GIA in Karachi, Wajood in Islamabad, and TransAction in Peshawar are some NGOs slowly gaining prominence at the national level. They raise awareness about the rights of members of the *Khwaja Sira* community and work on issues related to health and economic justice. In Karachi, activists such as Bindya Rana, have been highlighting the neglect of the community by the state for years in terms of access to employment and education. In KP, where several incidents of violence against the community have surfaced in the news and on social media, TransAction lobbies for greater protection from the police (Our Correspondent, *The Express Tribune*, 6 December 2017b).

The efforts of transgender rights activists are shaking established gender hierarchies at their very foundations. While the presence of *Khwaja Siras* may have a long history in South Asian society, the fact that the majority of transgender rights activists are challenging the biological basis of sex/gender as it is defined by law opens up space for a reconceptualisation of gender itself. At the same time, it must be noted that most activism on this issue has taken place by those identified as *Khwaja Sira*, who either identify as a third gender or as trans-women. There is very little advocacy by or on behalf of transgender men apart from a select few cases (Khan, 2009). For the most part, the concept of trans-manhood or gender nonconformity still has little or no recognition in the Pakistani context, but this has also started changing.<sup>21</sup>

### **Conclusion**

This paper provides a brief overview of the academic discourse produced over the past four decades with regards to Pakistani women's activism. Much of the scholarship about women's rights activism has come from within the women's movement itself and focused on the negative impact of Islamisation on women's lives, along with a wide range of social, economic, and political issues. The movement's extensive project of knowledge production represents their developing and deepening understanding of women's issues since the movement began its resistance to Zia's Islamisation. On the other hand, scholarship produced since the early 2000s on women in religious parties and piety movements provides insight into the current trend towards religious engagement that is arguably sweeping across swathes of middle- and upper-class women. Both bodies of work, which sometimes also overlap, have provided key insights into the important women's mobilisations across the politico-ideological spectrum in Pakistan.



However, we contend here this discourse has also inadvertently reproduced a restrictive binary distinction between 'secular' women's rights activists and 'religious' piety movements and women's wings of Islamist political parties, which overlooks the vast array of gender-based social and political activism in recent years. In order to highlight the shortcomings of this binary, we draw attention to new sites of activism that have emerged which cannot be understood through the narrow prism of a binary lens and rely on neither set of discourses. These newer forms of mobilisation embed gender justice demands within movements for workers' rights, peasants' rights, ethnic and gender identity struggles and citizenship rights. Hence, they challenge the confines of the secular/religious binary as an adequate framework within which to comprehend gender justice issues in Pakistan.

Neither the 'religious' nor the 'secular' activists can lay claim to forging deep linkages with more recent forms of gender-based mobilisation such as the collective action amongst lady health workers, Punjabi peasants, tribal groups, and transgender activists. Islamist women have not expressed support or otherwise engaged with these forms of activism as their underlying ideology does not challenge existing class, caste, and state structures. On the other hand, the engagement of the women's movement with these newer forms of activism has mainly been by way of support through NGO networks, legal aid and research, but this has been limited and fragmented. However, because the women's movement articulates its demands in the language of citizenship rights, there is more scope for a deep engagement with these new sites of activism. The fact that this has not yet occurred in any significant or sustained manner suggests that the class composition and urban bias of the rights-based women's movement has contributed to a failure to develop deeper alliances. This is also a result of the general decline of the public profile of the movement since the 1990s. Feminists find themselves in a challenging moment; to remain relevant they must build bridges with these newer



forms of claims-making in demanding accountability from the state for marginalised citizens.

The newer sites of gender-based activism also pose a challenge to donor-driven faith-based development initiatives, demonstrating that Islam and idealised notions of cultural authenticity are neither necessary nor relevant to driving these emerging mobilisations; in some cases these mobilisations pose a significant challenge to these donor-driven initiatives. In particular, in Pakistan's conflict-affected north-west, the grassroots campaign for ethnic Pashtun rights is a demand for citizenship status from the state and a rejection of the tribal *jirga* as means to deliver justice to both men and women. Thus, these newer forms of activism demand the state be held accountable to ensure citizenship rights and entitlements, in effect a rejection of the attempts of some donor agencies to earn legitimacy by reifying informal structures and Islam. Since the donors in question represent supposedly secular states that are meant to adhere to human rights within their own borders, it is all the more unacceptable they suspend the same standards in some of their activities in Pakistan.

While these new forms of mobilisation and resistance provide reason for hope, the risks of demanding rights for marginalised citizens are growing as the state closes spaces for social and political action by incarcerating and disappearing activists, holding trials outside the public purview, and imposing controls on NGOs in the name of security. This has limited the successes of the newer movements and further restricted the space of older movements. It has also affected the working of civil society organisations, many led by feminist activists, subjecting them to increased scrutiny and vetting to ensure they are not functioning to serve 'Western' interests, or opposed to 'the [Islamic] ideology of the state'. Thus, the state continues to rely on support from Islamists, whose NGOs and seminaries operate with relatively little oversight, to selectively circumscribe dissent.

The growth and spread of Islamist ideologies, spread via state and non-state actors, has limited the space for all forms of dissent, including around issues related to gender and sexuality.

We have argued that the restrictive secular/religious binary operative in Pakistan must be understood within the context of the state's historic instrumentalisation of Islam for its political purposes. Thus an explicitly secular, rights-based women's movement arose in reaction to the state's cultivation of Islamist social and political activism, including amongst some groups of women, in order to further its interests. While the binary framework has historical relevance for understanding the contestations over women's rights since the 1980s, its instrumental purpose may finally be coming to an end. This is made clear by the recent gender-based mobilisations that we highlight, each of which demand accountability and recognition from the state. The efforts of these groups cannot be understood within a simplistic binary framework, and hence cannot be dismissed as either a 'Western' import nor justified as 'faith-based'. These emerging mobilisations demonstrate that while older spaces of feminist activism may be shrinking, newer spaces are being forged. Hence, this is a moment that is filled with transformative potential and may mark a turning point in the history of gender justice activism in Pakistan. As feminist scholars and activists, we would be foolish not to take note.

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## Notes

<sup>1</sup> This must be understood within the backdrop of the Cold War, with the Pakistani government acting as a bulwark against the Soviet Union in the region and strongly supported by the US, and the evolution of the Pakistani state, in which leaders have ceded increasing space to conservative forces for political gains.

<sup>2</sup> The Women's Protection Act (2006) took the teeth out of the Hudood Ordinances by placing rape within the jurisdiction of civil law and making it illegal for a woman to be convicted of adultery on the basis of her own complaint.

<sup>3</sup> A constitutional provision for a few reserved seats for women in parliament lapsed with the 1988 elections. Activists from WAF and some women's NGOs campaigned for their restoration and an increased (33 per cent) quota to include provincial assemblies and local government bodies. Between 2000-2002 the government introduced a 33 per cent quota for women in local bodies and 17 per cent in the assemblies and Senate.

<sup>4</sup> *Legislative Watch* newsletters, published by the activist-led NGO Aurat Foundation, have been a rich source of information and analysis on all laws affecting women since the 1990s.

<sup>5</sup> Activists also took part in the NGO delegation to the UN Conference on Population and Development in 1994.

<sup>6</sup> The NGO Applied Socio-Economic Research (ASR) led by Nighat Said Khan has ongoing links with women in trade unions and rural women. See: <http://asr.asrresourcecentre.org/history-rationale>.

<sup>7</sup> The Federal Shariat Court was established in 1980 to adjudicate on matters pertaining to Islamic law. The Council of Islamic Ideology, established in 1962, is a constitutional



body comprised of religious scholars to advise legislators on whether given laws are in conformity with the teachings of the Quran and Sunnah.

<sup>8</sup> Formerly Lashkar-e-Taiba, this proscribed group is accused of the 2008 Mumbai terrorist attack, amongst others.

<sup>9</sup> Wahhabism, an austere and ultra-conservative form of Islam originating in Saudi Arabia, encourages the literal interpretation of the Quran.

<sup>10</sup> *Dars* refers to gatherings in which ideas about Islam are imparted through lectures and discussion.

<sup>11</sup> Nighat Khan (1994) problematises this binary, pointing out that even the so-called secular states of Europe and North America are intertwined with religion. She argues in Pakistan there is no clear division between those who argue for an Islamic state versus those who want a separation of religion and state; rather, there is a spectrum of beliefs with regards to the relationship between religion and the state. Farida Shaheed (2009) points to the impossibility of separating religion from other aspects of social and political life, cautioning against labelling groups as 'faith'-based which implies those not labelled as such have no relationship with religion.

<sup>12</sup> He temporarily suspended support for immunisation after alleged US use of a polio vaccinator in its successful hunt for Osama bin Laden, linking it with the cessation of drone strikes in the area (Crilly, 2012).

<sup>13</sup> Bureau Report, *Dawn*, 25 September 2014; 7 December 2013.

<sup>14</sup> Interview with author

<sup>15</sup> The Federally Administered Tribal Areas (FATA), population 5 million, are under indirect government rule and lie along the western border of KP. Literacy levels are only 13 per cent for females (Bureau of Statistics 2016, p. iv).

<sup>16</sup> In 2015 alone, 1,390 cases of enforced disappearances were pending with the government's commission of inquiry; there were at least 15 attacks on journalists and human rights defenders, and hundreds killed in faith-based attacks against religious minority communities and sectarian conflict (HRCP 2016, pp. 4-5, 95-97, 108). More recently, Mashal Khan, due to his Marxist and secular sympathies, was killed by fellow university students for alleged blasphemy (Khan, 2018).

<sup>17</sup> Society of Landless Peasants of Punjab.

<sup>18</sup> The high-level committee includes no women. A second, but similar, version of the Riway Act was proposed in 2017 but subsequently withdrawn by government in the face of severe criticism.

<sup>19</sup> Author interview with women members of Qabailee Khor, an offshoot of TQK. Also, see Naseer (2018).

<sup>20</sup> *KhwajaSiras* identify either as members of a third gender or as trans-women. Not all trans-women in Pakistan identify as *KhwajaSira*.

<sup>21</sup> In 2017, a transgender man was able to obtain an ID card and passport, which legally declared that he was male.

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