

Rereading Feminist Negotiation(s) in Bangladesh

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“Race & Class: Are you making a distinction between a purely ‘culturalist’ feminism and one which takes in a class dimension?

Nawal El Sadaawi: Yes. ... We felt that radical feminists were not aware of the class struggle, of economic problems, of social problems, of the real suffering of the majority of men and women struggling for their livelihood everyday. They concentrated solely on issues relating to sexuality and male domination. And that was the major difference between us and them. Our position is that we must not merely fight against patriarchy but against the patriarchal class system. ... I live in Beirut, now working with Economic Commission for Western Asia, Women’s programme. I told them to come to visit me in Beirut to suffer from the war, where we bombed every day by Israeli planes, where we hear shooting every day, where we are physically unsafe, where we might be killed any time. How can we, in this situation, bother about whether we have an orgasm or not? ...

R & C: You have written that ‘it is Arab women alone who can formulate the theory. The ideas and the modes of struggle needed to liberate themselves from all oppressions’. Why this is so and how can solidarity from other women, which you see as a ‘powerful force of change’, be best expressed?

NS: Solidarity among women from other countries is needed, but not in order to liberate the women in our countries from our oppression; this is our duty. ... Their battle ground is there. Who is going to liberate American women from psychological, educational and cultural oppression? They are, it is their duty. So with Arab women, so with women in every country. Solidarity comes after that, because then it is on equal terms, not paternalist – ‘them’ helping ‘us’. That kind of help, which they think of as solidarity, is another type of colonialism in disguise.” (Race & Class 1980, pp. 175 - 182.)

1. Introduction

This paper attempts to have a closer observation on the recent debate and rampage centering around *Jatiyo Nari Unnoyon Neetimala* (National Policy for Advancement of Women, henceforth NPAW) focusing on feminist negotiations within development discourse and the role of contending organized religious groups on it. Historicizing

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and analyzing the policy regime focusing on changing state principles; development interventions and transnational industrialization are discussed to show that how women have become the subject of these wider structural forces and relocated women's lives at the local. Backlash of these changes have rendered newer forms of violence against women in Bangladesh. To resist violence against women at the local, global forces of feminism (and national level adoption of those by both state and non-state actors i.e. women's movement and NGO interventions) emerged as the globalization of norms of governance vis-à-vis women's emancipation. UN treaties, conventions on women's issues and transnational feminism become the tools for women movement at the local. It is then presented that how local women movement become increasingly a development agenda and reduced into the dispute 'modernity' against 'tradition', more of a clash between a traditional religious impugn and modern development actors such as NGOs and women's organizations. From an ethnographic observation, the social and cultural construction of 'masculine public space' in northern Bangladesh is presented to show that how feminist negotiation(s) in Bangladesh not only become a subject of dominant development agenda and but it also stands apart from the local class dynamics.

2. Formation of women as subject of the wider structural forces

2.1 State Politics and Women: '*Particisation*' of NPAW

Bangladesh began its journey as a 'nation state' from December 16, 1971 with a vision of 'secular' state. The constitution of Bangladesh, which was written immediately after the liberation war of 1971 adopted by the Bangladesh Parliament on 4 November 1972, and enacted from 16 December of 1972 promises fundamental rights to life and liberty for its entire citizens. 'Nationalism', 'Democracy', 'Secularism', and 'Socialism' were stated as state principles in the constitution of Bangladesh. From the mid 1970s state principles started to alter and turn out to be Islamic in nature. '*Bismillah-ar-Rahman-ar-Rahim*' (translation: 'In the name of Allah, the Beneficent, and the Merciful') was added in the beginning of the constitution¹, 'secularism' and 'socialism' deleted and replaced by

the principles of absolute trust and faith in Almighty Allah² (Sato, 1993). A phrase also included in the constitution that Bangladesh was part of the Islamic *ummah* (the brotherhood of Islamic nations) with an aim to develop fraternal ties with Muslim nations worldwide (Karim, 2004:295). On June 7, 1988 the Eighth Amendment to the Constitution declared Islam as the *Rastra Dhormo* (state religion) by the military autocrat Lieutenant General Ershad (Sato, 1993). From mid 1970s onward a systematic Islamization is taking place in the state machinery and in the political sphere. During military rule (1975-1990) 'Islam' becomes a political card to play to gain legitimacy and militarization coincides with the Islamization. Mid 1970s was the time when Bangladesh started to give space to political Islam. Ministry of Religion, Islamic University, Islamic Foundation³ were established, Jamaat-i-Islami Bangladesh and several other Islamic political parties were reinstated that had been banned after the independence of Bangladesh. Hanging of framed sayings from the Quran and hadith in government building was introduced (Karim, 2004).

Simultaneously, when Bangladesh was turning out toward an Islamic ideology, the year of 1975 was the beginning of UN decade for Women and UN member countries required to incorporate USAID policy mandate Women-in-Development (WID) in their development agenda. Ministry of Women's Affairs was established and women become the target of development. Jatiya Mohila Shangstha (JMS) was created in 1976 as the apex national women's organization to further the social, economic, educational and cultural upliftment of women (Karim, 2004).

1990 is the year treated as the new starting point of parliamentary democracy in Bangladesh after the mass uprising against military dictatorship. After 15 years of military rule four consecutive national elections took place, which are considered as the road to a 'democratic state'. However, 'practices of democracy founded on a respect for human rights are fragile at best. Over the course of the year, many political and civil rights continued to be violated with impunity by both state and non-state actors. For a majority of citizens, basic economic and social rights remained unfulfilled. Meanwhile, violence, intimidation and physical insecurity were

pervasive features of everyday life. Bangladesh now live in an environment in which politics has been criminalized while crime itself has become politicized' (Siddiqi, 2004: 4). By the mid 1990's, Islamic symbols and idioms had become part of everyday political vocabulary (Siddiqi, 2006). Religion has become the key to all most all major political parties to gain political support.*

The nature of democracy practiced from 1990 onward created a culture of political partisan divide or 'particization' (*doliokoron*), which render further human rights violations, and made it more complex that fractured with nationalistic, ethnic, religious, gender and class dynamics.

The concept 'politicization' which means make somebody/ something more interested in or aware of politics; to give a political character to something, does not contain the milieu that signified by the Bengali word '*doliokoron*' and there is no other concept readily available which is containing its etymological, epistemological and semantic level meanings and explanations. In brief, '*particization*' denotes a bipolar dichotomous milieu of the political process (structure and pattern) in Bangladesh for the ordinary people, in which their entitlement of access to resources and need satisfiers have been delimited or conditioned within it and optioned to entrée through the political party (or parties) who forms the government or *sorkari dol* that excludes who are identified with the party (parties) in opposition or *birodhi dol*. Gradually people are turn out to be the subject of that active bipolar dichotomous political process, which is mutually exclusive. People are passing their everyday life through it. Most of the collective actions, organizations have split into two wider blocks. It evolved at national elections in different times as *jot* or alliances of political parties to capture the state power. Instead of apparent bipolarity between the two blocks of political parties, the de facto bipolarity is laying between the said political process and the ordinary people who are being forced to compel with it.

NPAW has become a subject of *particisation* too in conjunction with the debate over state principles that are whether secularism should be reinforced in state principles or it should be a moderate Islamic country. Over the years, in the arena of political culture in

Bangladesh religion has become increasingly visible, politically crucial (Siddiqi, 2007). NPAW, introduced in 1997 during Bangladesh Awami League (BAL)⁴ government, was altered in 2004 by Bangladesh Nationalist Party (BNP) on religion ground without any consultation with the local women's groups, was protested by the feminist and women's rights organizations. It was then again endorsed in 2008 during military backed and controlled Care Taker Government and kept the principles closer to as of 1997 NPAW and tagged with Poverty Reduction Strategy Paper (PRSP) and Millennium Development Goal (MDG)⁵ which immediately rendered rampage on the streets of Paltan⁶ and around Baitul Mokarram Mosque⁷ by the organized religious groups. I will come back to this discussion after discussing other wider structural forces and subsequent subjugation of women.

2.2 Women as development 'target group':

The years of 1970s and 1980s are critical decisive moments for Bangladesh. Through out the decades Bangladesh became the subject of major wider structural forces and went through subsequent changes. As a newly independent country, from 1971 onward, Bangladesh had become the site of development interventions. It was started as post-war rebuilding. Numerous NGOs started implementing development projects at the local level and that amplified gradually⁸ (Wood, 2007) along with bilateral and multilateral organizations, and donor agencies. The idea of 'development', since then, is happening to rule and reshaping peoples' everyday life as it appears so vibrant. The NGOs become the modernizing force in Bangladesh whose work with women has begun to gradually dissolve the private/public distinctions that have traditionally guided and guarded gender roles (Karim, 2004). Development has invented women as 'target group' to render change at the societal level (White, 1992; McCarthy and Feldman 1983). Goetz (2001) argues that 'women become the development workers are changing the scenario both in rural and urban areas. One of the objectives of the promoting social and economic improvements in women's lives is greater gender equality; such interventions challenge the social prerogatives of men, even poor men. It was assumed and suggestive that, considerable institutional capacity to

resist local patriarchal interests is required to persist with these measures. Development initiatives and interventions have been on the go to make women fight back patriarchy. Micro-finance programmes become the key to empowerment. 'A "strategic presence" for women in development 'decision making' would also mean effective leadership in women's interest. Making women as the leader in the development process, it is understood as a qualitative change within development organizations and amongst beneficiaries themselves' (Goetz: 2001, pp 44).

The schema for empowerment of women in Bangladesh is directly linked to donor driven agenda Gender and Development (GAD) (White, 1992) evolved from Women in Development (WID) (Pearson, 2000). State dependence on donor aid in the 1970s and 80s had significant effect on proliferation of gender and development projects implemented by the government and also the growth of the service delivery NGO sector (Nazneen, 2008). This has created a specific type of discourse around women's empowerment that stresses women's productive role, individual empowerment through economic projects and how women's economic empowerment can increase family welfare (Naznin, 2008).

However, development appears in a way where religion became obstacle to development and competing to each other in nature (Ashraf and Camellia 2008). Women's seclusion or *parda* has started considering as image of 'underdevelopment' and 'backwardness' against modern conception of womanhood. Modernization of became a crucial indicator of development (Siddiqi, 2008; Amin, 1997). At some point in 1990s development initiatives and organized religious groups plunged into clashes. Increasing Islamization of the state and the way development has been defining lives becomes competing in nature (Wood, 2007).

Antagonistic apprehension of the particular organized religious groups to development discerns women as the immediate target to resist development interventions. Major events of conflict between modernist forces in development discourse with organized religious groups started to concentrate on women's 'proper role' in the society. BRAC⁶ schools were attacked and torched countrywide by

Islamic religious groups in 1993-94 (Karim, 2004), mulberry trees were cut down over night by local religious groups, women were advised to be divorced by their husbands for being involved in plantation (Chowdhury, 2005), clash between PROSHIKA⁷ and local Kaomi madrassas⁸ in 1998 on the issue of democratic right of women to participate in a public rally (Karim, 2004) are some of the major expressions of the conflict.

Empowerment of women through engaging them into income earning activities in development initiatives became the key focus of development interventions. Providing micro credit to poor women has become the main programmatic approach (Naznin, 2002) becomes increasingly problematic. Empowering women through entrepreneurship become a dominant model of development (Friedmann, 1992; Kabeer, 2000, 2004) despite the fact that it became a 'myth' (Naheer and Harun 2000). Women focused development intervention reinforced and corrode the traditional power structure in chorus made women's lives more complicated and subjugated of development process per se. Women body and sexuality become the battle ground of the fight amongst Islamist groups, and developmentalists and women's group as well (Siddiqi 2007, Ashraf 2006).

2.3 Women and transnational industrialization: source of 'cheap labor'

Apart from micro credit programs and other development interventions by non government organizations, the social history of women's participation in the formal labor market is largely associated with increased participation in the Ready Made Garments (RMG) sector. Advent of globalization is continually intricate local life further. Government started to respond to the idea of trade liberalization in mid 1980s and expansion of RMG sector started. Nationalized industrialization abandoned with the idea of private entrepreneurship (Siddiqi, 2006). Like many other countries, Bangladesh too opened up to economic liberalization programmes, with the support read imposed by (read imposed by) World Bank and International Monetary Fund in the early 1980s (Chowdhury, 2005). In 1978, there were only 9 export-oriented garment manufacturing

units, which generated export earnings of hardly one million dollar (Siddiqi, 2006). The country experienced a dramatic growth in garment exports in the 1980s and 1990s; by now, it induced over 2.5 million workers in 4780 garment factories; about 80% of them are women (BGMEA 2009).

Increasing participation of female industrial worker in the formal labor market is breaking the typical stereotype of gender division of labor and stigma associated with women's work in the public sphere. Siddiqi (1991 cf Chowdhury, 2005) noted that women's so called invasion into previously male-dominated public spheres may have broken the norms of female seclusion. 'Garment workers have not only disrupted earlier spatial boundaries but also the social boundaries of class and gender' (Siddiqi, 2009). In the shift from rural subsistence economy to monetary economy, export oriented garments industry has become one of the major formal sector for Bangladesh in late 1970s. The garment industry in Bangladesh is dominated by increasing female labor force, which has shaken up the predominant patriarchal ideology related to women's participation in the labor force. Many rural women migrate to the city, living in urban settlements and joined garment factories.

In both the sectors, women become the primary focus as changing agents for development or source for cheap labor for the emerging RMG sector. It has brought some fundamental changes in the social and economic spectrum. In the social spectrum, women are earning an income and having to deal with the tensions of garment work still being viewed as 'bad work' by some as women spend time in public spaces, work and interact with male strangers. This new form of transnational industrialization against the background of growing development activities in the country, the RMG sector is considered a break through for women's empowerment, allowing women to work, earn an income and giving them increased mobility and visibility.

Siddiqi (2009: 160) argues that 'most scholars, policy makers and the social elite in Bangladesh welcomed the advent of export oriented garment work in the 1980's as a positive development for the nation as a whole and for its women in particular. The mainstream response can be understood in relation to the more or less uncritical

acceptance of dominant capitalist development paradigms, shaped by the pronounced presence of a Bank-Fund agenda in national policy making and knowledge making processes. 'Thus, the majority hailed the industry as a stepping stone toward the emancipation of women.'

The way structural and social inequalities are prevailing and globalization is re-localizing the local, however, it has brought different meanings for men and women at the local context. Traditional understanding of women's work in the predominant patriarchal society and women's participation in the formal RMG sector have created a backlash for the female garment workers, of which women's lives become subjugated.

2.4 Disciplining women and configuration of newer forms of violence

Simultaneously, while women's participation in the labor market and in the development process increased at a significant level from mid 1980s onward, women become the primary agent for changes for development interventions or transnational industrialization, the practice of disciplining women in the name of sexual transgression become widespread with young women experiencing many forms of harassment and sexual violence on the streets, at home and in the workplace, with cases of sexual assault, teasing, beating, rapes with perpetrators often not punished for their crimes (Chowdhury, 2005). Exploitation in the work sector (long working hours, lack of rights to demand pay increases, unpaid for overtime work, etc) as well as the larger backlash from society such as harassment and violence, all result in vary hard conditions for female garment workers. As Siddiqi (2009:156) argues 'Multinational productions (or variations thereof) have inconsistent and often contradictory effects on the lives of women workers and their families. Contradictory because they demonstrate that women may acquire a level of autonomy in some areas such control over cash resources, support from non-kin female workers, and are yet subjected to greater surveillance in other domains (in the home, streets and within the workplace)'.

Women body and sexuality become the battle ground for developmentalist and organized religious groups. Nature of punishments in *shalish* proceedings often connotes Islamic ones. Since the late 1980s and 1990s, newer forms of gender based

violence appeared sanctioned by self appointed religious clerics who issued *fatwas* (religious edicts) against women resulting in public humiliations (public stoning, burnt alive in one case etc., beatings), restricted mobility, and in some cases expelling women from their villages, forcibly getting them 'divorced' and ostracizing them for 'apparent sexual transgressions' and dowry related violence and killing increased at significant level (Shehabuddin, 1999; 2004, Siddiqi, 2003; Hossain, 2007; Hannan, 1999). Acid violence (mainly car battery or sulfuric acid) on women faces and bodies as revenge by 'rejected male suitors (Chowdhury, 2005). Siddiqi (2006:14) cautions, 'The rise of *fatwa*-related violence against women in Bangladesh cannot be understood as a simple backlash to modernity, that is, as a clash between a traditional religious leadership and modern development actors such as NGOs.'

Issuing *fatwa* (religious edict) against women, public humiliations, restrict mobilization, expel from the society or ostracize for mostly 'sexual transgression' or 'oral divorce' (Shehabuddin, 1999; 2004, Siddiqi, 2003) or throwing splash of acid (mainly sulfuric acid) on women faces and body as revenge of, amongst other causes, marital and 'romantic' refutation (Chowdhury 2005) or alike occurred concurrently Other forms of gender based violence against women have increased as well (ASK, 1999; Matin, 2002; Siddiqi, 2002a, 2002b; Halim, 2004; D'Costa, 2005, Siddiqi, 2006, Hossain 2007). Sexual harassment in the public realm as new trends in violence that obstacles women's mobility in Bangladesh become widespread in 1990s. Committing suicide amongst young girls caused from 'eve-teasing'⁹ becomes prevalent (Siddiqi, 2002a; 2002b; 2002c). 'Simi Banu wrote in her suicide note describing the situation she faced, "*worse than being raped and left by the wayside*" denotes the shifts in social, economic, and legal discourses in the past two decades have allowed women like Simi to "opt out" of main stream cultural ideologies of womanhood' (Siddiqi, 2002d).

Given the context of increasing violence against women, the Suppression of Violence Against Women and Children Act of January 31, 2000, for the first time made sexual harassment a criminal offence punishable by law (Siddiqi, 2002). On May 14, 2009 High Court of Bangladesh issued a set of guidelines defining sexual misdemeanors to prevent any kind of physical, mental or

sexual harassment of women, girls and children at their workplaces, educational institutions and other public places including roads across the country. The HC directed the government to make a law on the basis of the guidelines, and ruled that the guidelines will be treated as a law until the law is made.¹⁰

2.5 Retaliation violence against women

Women's lives have become subject of the confronting wider structural forces like modernity and tradition ('religion as against modernity'). Transnational industrialization, trade liberalization, development intervention, neo-liberal ideas of way of living, the whole range of ideas related emancipation of women's lives through engaging them in the income generating activities made women's lives vulnerable too.

Combating increasing violence against women was then become an issue to deal with especial concentration for the NGOs and women movements, and as well as for the state. However, the movement had gradually become a development agenda. Translation of transnational feminism in accordance with the aid industry at the national level intervention programme made women's issue a development agenda.

In the case of Naripokkho¹¹, as Chowdhury (2005:169) argues, 'while international aid helps to institutionalize women's political struggles, the flipside of this institutionalization is that feminists must frame their struggles in term of a developmentalist aid framework – more often than not leading to a deradication of the movement agenda – in order to receive funding, and consequently this generates schisms and unintended effects on the movement dynamics'. Women's movement, 'there by neglecting to question the social order sanctioning gendered violence, while advocating in a neoclassical model of economic empowerment for these young women' (acid survivors) (Chowdhury, 2005). The women's empowerment agenda has been advocated and promoted by the women's organisations and also development agencies (both international and local NGOs) in Bangladesh (Rozario, 2004 cf Naznin 2008).

State initiatives for combating violence against women are linked with the idea of women empowerment. Bangladesh government largely depends on foreign aid since its inception where development aid came with, amongst other, certain notion of emancipation of women that coincided neo-liberal ideas. Chowdhury (2005:170) argues, 'the growing intervention of international donors, facilitated by the global shift from feminist collective organization to the growing discursive weight of human rights discourses during the 1990s whose extensive transnational networks and access to funds' turned women movement an issue based campaign from social movement. Dealing women's question as an issue, in fact, is an act of bypassing the causes and rather maintaining the status quo of the social order that renders violence'.

State also responded to the 'Development Call' and transnational women movement, where local level civil societies (who are also the major part of the NGOs, citizen initiatives and other rights organizations) appeared as the pressure group to translate transnational human rights discourse (so as the transnational feminism) into the local one. Different political parties or alliances who formed government in different times responded to these transnational forces, donors' offers on women's issues in different ways, where participation, as mentioned earlier became an integral part of the implementation process. Government has enacted different laws related to violence against women. Context and major laws are discussed in the next section.

Aside developmentalist approach to women's movement in Bangladesh, class dynamics of the history of women's movement in Bangladesh has an impact on its strategic interventions too. Sadaawi (1980) emphasized in the context of Arab women, that feminist movement is much needed to be context specific considering social dynamics of local problems (i.e. of the class struggle, of economic problems, of social problems, of the real suffering of the majority of men and women struggling for their livelihood everyday) and also need to be free from feminist "colonialism in disguise".

Azim (2000) shows how the women's movement in Bangladesh has evolved and tried to frame categories for itself. The ground has

changed in the sense that everyone has to speak of women's issues and women's rights, but the political need for women to organize on a women's platform remains. To question this situation, Azim argues, 'it is fairly simple and self-evident for the many women's groups that form the women's movement in Bangladesh, it is the question of diversity amongst women that makes the question of who is to represent women's voices that creates the most angst and debate. The most striking example of this can be seen in the on-going movement for the rights of sex workers' (2000:120). Middle class dominated women's rights activism was timid and hesitant to address the question of sexuality in women's rights issues in this particular movement and the movement was in favour of elimination of sex work and it then dragged their feet out from the reality that what to do who are already in the profession¹². Women's movement with its class dynamics operates as NGOs in the country within the neoliberal ideas of progress alongside development initiatives.

Karim argues, 'the relations between urban feminists and rural women were often, whether by design or by default, based on a clientelist relationship. This is said not to diminish the hard work of feminist NGOs but to recognize that middle-class feminism is often trapped in its own class privileges, and in the clientelist culture of Bangladesh feminist practices often take on a patron-client relationship, which stands in direct opposition to the culture of equality that informs a feminist ideology and practice' (2004:312). As Siddiqi analyzed, 'the place of women in contemporary Bangladesh reflects the uncertainties and inconsistencies of the nation's politics, both in terms of the fraught relationship between politics and religion, and with respect to the nation's location in the global economy. In the economic realm, although macro economic growth has been robust, vulnerability to global trade and the fallout from neo-liberal economic policies remain potential sites of disruption. At the same time, a political culture of confrontation and inflexibility threatens to undermine a fragile democratic process' (2007:1).

3. Globalization of norms of governance: Transnational feminism, judicial activism and NPAW

Started from the 1948 Universal Declaration of Human Rights (UDHR) to the other international human rights treaties and conventions propelled the global 'imagined community'¹³ free of all sorts of discriminations to be ratified by the United Nations (UN) member countries. It applauds for homogeneity of 'Human Rights' that can be tagged as globalization of norms of governance and the rule of law.

Bangladesh ratified many of the human rights treaties and conventions. There are several human rights organizations working in Bangladesh and rather recently non-government organizations (NGOs) working in Bangladesh adopted rights based approach to implement their programme along with international human rights organizations as referral (i.e. Amnesty International). The quest for preserving the 'local cultural values and tradition' or caution to that may ponder the rights discourse to further complexities. Bangladesh has ratified the major international human rights instruments. But it has entered reservations in respect of several provisions in all most all treaties (Human Rights in Bangladesh 2003). The co-existence of local, national and transnational legal systems along with diversities within it offer to a citizen to choose from variance option that interconnected, may competing or of mutually constitutive manner. Bangladesh has ratified the following major international human rights treaties:

- International Convention on Slavery 1926
- Convention on the Prevention and Punishment of the Crime of Genocide 1948
- The Convention for the Suppression of Traffic in Persons and for the Exploitation of the Prostitution of others 1949
- Convention on the Elimination of all forms of Racial Discrimination 1963 (CERD)
- International Convention on Civil and Political Rights 1966 (ICCPR)
- International Convention on Economic, Social and Cultural Rights 1966 (ICESCR)
- Convention on the Elimination of all Forms of Discrimination against Women 1981 (CEDAW)
- Convention on the Rights of the Child 1989 (CRC)

- Convention against Torture and other Forms of Cruel, Inhuman and Degrading Treatment or Punishment 1989 (CAT)

Bangladesh has entered reservations in respect of certain provisions in ratifying almost all these treaties. Further it has not taken any steps to implement the provisions of these treaties into state law. International conception of 'Human Rights' has not yet translated into practice in the everyday dispensation of justice at the community level. At the local level it is closely linked with the moral code of conducts associated with the normative frame of Islam, which is not homogeneous. 'Social justice in Bangladesh is mediated by three overlapping moral 'codes of conduct'. In addition to state law, religious/personal laws and customary practices also inform the contours of everyday dispensation of justice (Siddiqi, 2004).' The moral codes of conduct are subjective and specific to culture and territory.

Human Rights organizations in Bangladesh are combating with the state and non-state actors regarding rights violations through judicial activism and community level rights advocacy and legal aid programmes. At the national level several Public Interest Litigations (PIL) were filed each year after the movement started. The human rights organizations supported individuals and groups or they filed cases against the state.

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) is a human rights treaty for women. The UN General Assembly adopted the CEDAW Convention on 19th December 1979. It came into force as a treaty on 3rd September 1981; thirty days after the twentieth member nation became a States party to it. CEDAW is one of the most highly ratified international human rights conventions, having the support of 185 States parties. This is one of the many benefits of the CEDAW Convention; it can stand as a treaty that has achieved a global consensus and thus reflects the normative standards applicable to women's human rights. Bangladesh ratified CEDAW in 1984 with some reservations. The Government of Bangladesh placed reservation to Articles 2, 13.1 [a], 16.1[c] & [f]¹⁴ which were thought to be in contradiction with *Shariah* Law derived from the Holy Quran and Sunnah. By

deduction the reservation an Article two was placed. All of the reservations are in the process of being reviewed.

As stated in article 2, 'States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.' is the main obstacle to full implementation of CEDAW in Bangladesh. Over growing women movement in Bangladesh, government removed reservation from 13 [a] and 16 [1] [c]. Bangladesh continues to keep reservation on Article 2 and 16 [1]. However, While the Constitution of Bangladesh guarantees equal rights to all citizens in Article 27 which states that "All citizens are equal before law and are entitled to equal protection of law" and Article 28(1), "The State shall not discriminate against any citizen on the grounds only of religion, race, caste, sex or place of birth", it is self-contradictory. Article 28[2] states, "Women shall have equal rights with men in all spheres of the State and of public life" thus restricting family matters such as marriage, divorce, custody, maintenance, and inheritance to the discriminatory laws of the "private sphere".

3.1 Jatiyo Nari Unnoyon Neetimala: translating transnational feminism at the national

A strong network of women's groups started advocacy at the national level, hoping to mobilize other women to push for implementation of CEDAW provisions in domestic legislation. A CEDAW Forum was formed and launched in 1992, composed of individuals and organizations dedicated to the women's cause and the implementation of CEDAW. Bangladesh National Women Lawyers Association (BNWLA), Mahila Parishad, and Nari Pokkho frontlined the said Forum. With the help of the International Women's Rights Action Watch (IWRAW), workshops, training, and CEDAW forums were conducted for different groups, from lawyers to journalists to ordinary citizens. These were to raise public awareness on how to incorporate the convention with emphasis on Articles 2, 13.1 [a], 16.1[c] & [f] into their domestic laws.

Advocacy for the withdrawal of Bangladesh reservations forced the government to call on several women's groups to discuss their opinions about the country's CEDAW Report. The UN CEDAW Committee fixed 1997 as the year for reviewing the report of the Bangladeshi Government. The three frontline organizations jointly prepared a commentary report. Embodied in the report were women's sentiments on state policies and programs that do not reflect women's agenda and the government's inability to remove reservations on specific CEDAW provisions. The government even chose two women activists as their consultants for the said report.

Women's movement was successful in urging the government to withdraw its reservation on articles 13 [a] and 16.1 [f]. The other provisions remain the top priority of women's organizations and NGOs in their lobbying and advocacy activities. Women have begun to be vigilant and participative in political decision-making. The government's action to consult with women's groups and activists for the preparation of the country report to CEDAW and the integration of CEDAW in domestic legislation proves that women's voices can no longer be ignored. This involvement in the law reform process is by far a great achievement for women. Finally, the effort has united women and other NGOs in articulating the promotion of women's equal rights.

Formulated in 1997, following the United Nation's Beijing Women's Conference, directly involving activists and thinkers in the process. It was participatory and highly acclaimed at home and abroad. A National Policy on Women's Advancement was approved by the National Council for Women's Development (NCWD) in February 1997 and declared by the Prime Minister on March 08, 1997. Its main objectives are as follows:

- Establish equality between men and women in all spheres;
- Eliminate all forms of discrimination against women and girls;
- Establish women's human rights;
- Develop women as human resource;
- Recognize women's contribution in social and economic spheres;
- Eliminate poverty among women;

- Establish equality between men and women in administration, politics, education, games, sports and all other socio-economic spheres;
- Eliminate all forms of oppression against women and girls;
- Ensure empowerment of women in the fields of politics, administration and the economy;
- Develop appropriate technology for women;
- Ensure adequate health and nutrition for women;
- Provide housing and shelter to women;
- Create positive images of women in the media;
- Take special measures for women in especially disadvantaged situations.

(Bangladesh Country Report 1997)¹⁵

After adopting the NPAW, Bangladesh government integrated women's issues in the ongoing development process in 1997. As the Country Report submitted to UN, Bangladesh reported, 'women are considered as a distinct target group by the national development plans. The empowerment of women has been emphasized in the latest plans. Afterwards, in 2004 the BNP-led four party alliance government amended the policy and omitted the words hereditary, women's equal rights in resources, and women's equal participation and it had done without any consultation with the women's groups. It was then again reaffirmed in the National Policy for Advancement of Women 2008, which rendered rampage on the streets by the organized Islamic groups. I now move to the discussion of the rampage.

The major deletion and alteration in the NPAW 2004 was 'constitutional rights' instead of 'equal rights' for women in Economic Policy, Trade Policy, Money Policy and Tax Policy formulation and implementation. Provision for equal access to resources and equal rights in inheritance were deleted etc.

4. Women body and sexuality: battle zone for women empowerment vis-à-vis development activism and religious movements at the national level

Military backed care taker government was in the power when National Policy for Advancement of Women 2008 was announced in

the day of International Women's Day 8 March 2008. It was argued that Bangladesh government is committed to and abides by the rule of UN treaties to merge NPAW with the existing development strategies that is Poverty Reduction Strategy (PRSP)¹⁶. NPAW 2008 is prepared based on the ideas of women empowerment and equity in every spheres of the society. The Chief adviser of care taker government unveil the cover of NPAW and said that it is required to build appropriate political and socio-economic structure for the over all development of the women in the country. In this NPAW suggests formation of new law regarding women's equal rights and control on property and resources. It also advocates equal rights in political, economic, social and cultural spheres for women and elimination of all sorts of violation. In the national parliament one third of the constituencies are reserved for women with the provisions of direct election is also a mandate. It is also advised to extend maternity leave for five months, take initiatives to employ women in top raking positions in consulate offices, universities, University Grants Commission (UGC) and in the judiciary.

While government declared NPAW, *Shamajik Pratirodh Committee* (SPC) comprised of forty women's organization demanded amongst others "women's equal rights in resources". Apart from this platform other women rights and human rights organizations, labor right organizations, Women and Gender Studies Department of Dhaka University, students organizations, women's wings of political parties and NGOs observed with huge enthusiasm with the same spirit¹⁷.

4.1 Battle over women body and sexuality: announcement of NPAW 2008 and aftermath

The description of the events is based on news paper reports published in the national dailies from March 7 to June 13, 2008. There are all my direct translations of the Bangli news paper and cited as published both in Bangali and English news papers. An in-depth recant on the event mould shed cleaner light on the issue.

March 7: It was Friday and in the preaching session of the Friday prayer, many *imams* talked against the NPAW in different mosque including Baitul Mokarram Mosque. The day before announcement

of the NPAW, Jamaat-I-Islami, Bangladesh commenced processions against it in different mosques in the country¹⁸.

After the announcement of the NPAW, leading Islamic organizations started protesting the policy and argued that it is against Islamic *shari'a* law. Women's rights cannot be 'equal' and that has to be 'just' as said in the Quran and hadith. Inheritance law is already stated in the Islamic Inheritance Law, which is largely practiced in Bangladesh and cannot be altered according to NPAW. They identified this policy as contradictory to Quran. In public meetings, rally, processions, *Mahfils*¹⁹ and *Khutbas*²⁰ the Islamic leaders have been constantly saying that if the government enact this policy, they would declare hard-line programmes. Jamaat-i-Islami, Bangladesh, the major Islamic political party in Bangladesh warned government to withdraw the policy. Secretary of Jamaat-I-Islami, Bangladesh said, 'Government wants to make the Islamist group fuming by throwing the NPAW issue in the air with an intention to make Fundamentalist Bangladesh image'. Another leader claimed that it is a do or die issue for them. They also claimed that implementation of NPAW is total defeat for Jamaat-I-Islami, Bangladesh.

March 9: BRAC's Gender Justice and Legal Unit organized a meeting where equal rights in parents' property for offspring demanded²¹.

March 10: The Amir (chief) of Islami Ain Bastobayon Committee (Islamic Law Implementation Committee) and Chairperson of Islami Oikkojot declared the caretaker government '*dhormo drohi*'. They also demanded dismissal of the caretaker government to the president.

March 11: Caretaker government had arranged a press briefing and said that there was no alteration of the inheritance law passes in the ministerial meeting, and there is no intention of doing that in near future. Caretaker government had no intention to implement any law that goes against Islam. Bangladesh Mohila Parishad claimed that the policy is not against Islam. Advisor of the Ministry of Women and Child Affairs and Law Advisor of the government requested the

Islamic groups to read carefully to understand that NPAW is not against Quranic law²².

March 11: However, Khelafot Mojlish leader Shaikhul Hadis rejected government's statement and to protest the policy he called for a protest procession at Baitul Mokarram Mosque north gate on March 14.

March 12: Leaders of women movement and members of civil society declared a call to protest Islamic groups in the meeting titled, 'Fundamentalism and Women's Rights in Bangladesh'. They declared 'anti-jihad' against Islamic fundamentalists and they also claimed that those Islamic fundamentalist was doing that to avoid the demand of tribunal of the 1971 war criminals²³. Bangladesh Samajtantrik Dal and Sromojibi Nari Shonghoton came forward and declared their position in favor of the policy²⁴ and demanded full implementation of the NPAW.

March 14: It was Friday and after special Friday prayer at Baitul Mokarram Mosque, Islami Ain Bastobayon Committee, Islami Shashontontra Andolon, Bangladesh Khelafot Majlish, Hijbut Tahrir, Bangladesh Khelafot Andolon, Bangladesh National Imam Council, Islami Shashon Tantra Andolon, Bangladesh Chatra Mukti, Dawate Islami Andolon, Olama Parishad and other Islamic political parties commenced a protest meeting following procession. They declared 15 day ultimatum for the government to withdraw the policy and also demanded to protect women's right according to Islam²⁵.

Law adviser told in a meeting in Chittagong Jamiatul Falah national Mosque arranged by Musulli Parishad that government has no intention to implement any law that goes against Islam. The Khatib of the same mosque who the principal of Jameya Ahmadia Sunnia Madrassah said that after declaration of male's power over women by Allah, there is no option to change Quranic law and law advisor agreed to that point. He also told the audience that it was not possible for him to do such activity by his hand. If it happens he rather expects destruction of that hand.²⁶

SPC and other rights based organizations appreciated care taker government for the announcement of NPAW.

March 15: Protest and anguish continues from the both side. in another discussion session titled 'Islamic Shari'a in Women Rights and Development'; the leaders of Islamic groups rejected the idea amendment of the policy and demanded to cancel out the policy. They stated that government wants to create conflict amongst men and women. It is not possible to have equality between male and female and Islam does not permit *shomo odhikar* (equal rights), rather Islam says *Najjo Odhikar* (just rights). This discussion was organized by Jamat-i-Islami, Bangladesh where Alia Mdrassah teachers, Political leaders from Islami Oikkojot gave their statements.²⁷

March 24: The Federation of NGOs in Bangladesh welcomed the NPAW announcement. The director of the federation stated that without establishing equal rights between man and woman, the Development of Bangladesh is impossible and to establish that equal rights NPAW play the central role.

March 27: Caretaker government formed a review committee comprised to renowned *Alems* to review the policy. The *khatib* of Baitul Mokarram Mosque was appointed as the convener of the discussion committee. They were given 21 day to submit their review report. The decision was taken by the Religion and law advisor in consultation with *Olamas* in Islamic Foundation. It was told that government had no intention to introduce any laws that go against Quran and hadith. The review committee was advised to any deletion, change or correction to the NPAW. The meeting was presided with other advisors and secretaries from the government. The director general of Islamic Foundation, *Khatib* and *Imam* of Baitul Mokarram Mosque, National Imam Samittee secretary and the *Mufti* of National *Shawria* Council. The review committee was comprised of head *mufti* of Lalbug Madrassah, head *mufti* Mohammadpur Jameya Rahmania Madrassah, head *Mufti* of Boshundhora Islamic Research Centre, Principle of Tamirul Millat Madrassah, Head *mufti* of *Sylhet Dorgah* Madrassah, head *mufti*

ChittagongPotia Madrassah, *Khatib* of Rajshahi Shaheb Bazar Jame Mosque and head *mufti* of Barishal Mahmudia Jame Mosque.

March 28: Shamajik Pratirohd Committee (SPC) comprised of feminist organizations, human rights and development organizations expressed their grievances to the government for forming that review committee. SPC claimed that what were the necessities to form a review committee which already been approved by the government and declared by the chief of the government. SPC further claimed that government formed that review committee with the people and institutions which have been the main obstacles to women education, co-education, population control and opposition force to women development as well as over all social development for last 50 years. SPC invited to all political parties, social and cultural organizations, and professional groups who are working on male-female equal rights, just and corruption free society to join the protest.

On the same day after Friday prayer at the north gate of Baitul Mokarram Mosque, there were 19 like minded Islamic political parties and organizations organized *gono bikkhob* (mass protest) against the *quaran birodho neetimala* (policy against Quran). Jamaat-i-Islami, Bangladesh participated in the protest in the name of *Shariah hefazzot Committee*. They organized this to protect Islamic Inheritance Law. They also criticized the government decision of review committee formation and said that government was wasting time with that. They declared in their joint rejoinder that no law, policy or custom would be introduced in Bangladesh which is conflicting with the Quranic law and Sunnah. They demanded to cancel the conflicting articles of NPWA and also warned government for wider protest programmes in the next Friday prayer. However, on that they the protesters became violent on the street and police charged baton on them to control the situation and many left injured.

29 March: Shommilito Shankritik Jot declared that none of the citizens would accept any changes of the NPAW and demanded full implementation of the policy to government. On the same day, in a discussion on 'Women Empowerment in Bangladesh' was held in the auditorium of Bangladesh Economic Association (BEA). In the discussion, it was argued that to ensure empowerment of women in

Bangladesh they have to have access in family, societal and state resources. They emphasized that review committee should be formed comprised of women not with the *Alems* and they way government formed the review committee with the *alems* was completely unacceptable.

April 4: after the Friday prayer different Islamic political parties organized protest rally and processions and demanded to cancel the NPAW and resign of the advisor Rashe K Chowdhury who were responsible for the Ministry of Women and Child Affairs.

April 5: Bangladesh Mahila Parishad celebrated their 38th anniversary and arranged a discussion on '*Constitution approved equal rights for women empowerment and National Policy for Advancement of Women 2008*'. Discussants claimed that the groups and political parties protesting NPAW because they were the war criminals of 1971 Independence war. They were protesting NPAW as freedom fighters were demanding judgment of the war criminals.

April 11: Around midday, the *Quran Birodhi Ain Protirodh Committee* (Committee for Prevention Anti-Quran Law) arranged meeting and procession in Paltan on the demand of dismissal of the advisor Rasheda K Chowdhury. At some point they started to march towards Chief Advisor's Office and police came in the scene to barricade the mob. Then they went berserk and started fighting with each other and the Paltan area turned into a battle zone. In the hour long battle members of police force and Islamic groups, and passer-by all together more than fifty people were severely injured amongst others. Protesters snatched arms from the police. Members of the committee set fire on police motorcycle and smash Islamic Foundation sedan as well. However, by doing that the committee broke the law of emergency and police arrested 17 protesters and filed case against unknown hundred and fifty people in Paltan Police station and in another case police filed case against unknown four to five thousand people. Government formed a 21-member investigation committee headed by the *Khatib* (on duty) of Baitul Mokarram Mosque to find out the people who instigated such rampage on the street. Shomajtantrik Mohila Coram arranged a discussion meeting and demanded dismissal of the *Khatib* (on duty)

of Baitul Mokarram Mosque. On the next day, Islamic groups had several meetings on the issue of dismissal of MOWCA advisor and further organized movements.

April 13: Samajik Protirodh Committee submitted a memorandum to the advisor of Ministry of Women and Child Affairs Rashe K Choudhury focusing the rampage happened on April 11 and demanded that government had to cancel the NPAW Review Committee. Government has to stop political activities in religious establishments. Government has to declare their position in front of the citizens as the constitution protects equal rights and equal participation.

April 17: the NPAW Review Committee submitted their review to government in which they suggested to replace the word '*Shomo Odhikar*' ('equal rights') with '*Najjo Odhikar*' 'just rights' in every articles and clauses of the NPAW. On the same day Shamajik Pratirodh Committee (SPC) rejected the recommendations on NPAW 2008 and SPC claimed that if government follow the recommendations then Bangladesh would go back to *modhdho jug* (middle age) and the Islamic groups, in fact, establishing religious fundamental politics in the country, which is against to the constitution, the spirit of liberation war and Bangladesh as well. On April 20 Uniono Parishad Oikko Jot demanded to implement NPAW and asked government not to step back in doing so, instead government should motivate people to do that.

April 22: By then, the total number of organizations under the banner of SPC increased at 40 mostly is women and human rights organizations. SPC again demanded to cancel NPAW Review Committee. SPC submitted a memorandum to government signed by more than hundred eminent citizens and the main demand was that government must not accept NPAW Review Committee recommendation for the NPAW. On the same day, *Shommilito Islami Oikkojot* arranged a discussion session titled 'National Policy for Advancement of Women in the view of Al Quran'. They claimed punishment for the rival Islamic groups and political parties who were resisting NPAW.

April 24: Bangladesh Women Journalist Centre and Progressive Journalist Forum arranged a discussion session titled, '*Nari purushers-homan odhikar shovvotar oporiharjo shorto*' (*Equal Rights for Women and Men is the Compulsory Stipulation of Civilization*, my translation) where the speakers claimed that by forming NPAW Review Committee, government showed their weak spot. The position government took aligned with the protest of Islamic fundamentalist, by doing this, government not only ignore the issue of women's equal rights but also violated the constitution. To preserve the honor of the constitution, dismissal of the review committee was demanded in the discussion session. Groups of journalists, writers, advocates, educationalists, businesspersons and women leaders demanded to implement NPAW without any further delay.

On the same day, leaders of the Islamic groups demanded dismissal of the advisor of MOWCA and claimed that those who are in favor of NPAW are the enemy of Islam and Humanity. For the actual development of women dependence on Quran is a must and anti-Islam forces taken NPAW as a test case. NGOs are in deep down conspiracies against Bangladesh since its inception.

April 26: Citizen Initiative arranged a discussion session titled, '*Women's Constitutional Rights: In the Context of Policy for Women Advancement and Contemporary Debate*' where the speakers claimed that anti-constitutional recommendations of the review committee under the pressure of Islamic fundamentalists are not acceptable. All the recommendations are unacceptable in the eye of constitution or even religion. On the same day Islamic Ain Bastobayon Committee and Khelafot Mojlish demanded to implement the recommendations of the NPAW Review Committee.

April 27: Oxfam and Prip Trust jointly organized a discussion session titled, '*Women Empowerment in the Light of Poverty Reduction Strategy Paper (PRSP)*'. Speakers emphasized that for the proper women empowerment, rational political process, extension of easily available credit focused budget and dismissal of NPAW Review Committee are required.

May 12: Bangladesh Development Partnership Centre demanded immediate implementation of the NPAW and dismissal of NPAW Review Committee.

May 18: SPC and Citizen Initiative jointly claimed in a discussion session arranged to raise demand of implementation of NPAW that care taker government surrendered to the Islamic fundamentalist groups.

May 20: Government invited the Islamic political parties and Islamic groups for a dialogue but that dialogue ended without any result.

May 25: Chairperson of Islami Oikko Jot and Amir of Islamic Ain Bastobayon Committee *Mufti* Fazlul Huq Amini said that caretaker government is playing foul in removing Anti-Quran clauses from NPAW. Government has received NPAW Review Committee's recommendations and government is not taking any decision on that and by doing this government, in fact, is helping their indirect source of power: NGOs and helping out their conspiracy. Ninety per cent of the population of the country is Muslim and government is doing that to intimidate religious sentiment of the Muslims and to stop Islamic movement in the country. The playing with the women policy would be very dangerous for the government.

June 11: National Convention was organized by the leading religious leaders of the country to demand dismissal of the NPAW and to protest handing over the responsibility of primary education to BRAC. On the next day, International Khotme Nobuot Movement, Bangladesh organized a discussion session on 'Women Rights in Islam versus Current Context' and said that no government has the authority or right to alter Quran in the name of revision of women's inheritance law. Islam has given the maximum rights for women compare to others. The 'just rights' that Islam has given is the best way to help women.

June 13: Bangladesh Mohila Parishad arranged a workshop aiming political empowerment of women through women representatives in the local government and specific budget allocation for that. Ensure equal right for women and men according to constitution was

demanded from the workshop. Speakers of the workshop asked a call to all political parties to arrange dialogue to create pressure on government to have clearer announcement of NPAW 2008 from the government. On the next day MOWCA advisor Rasheda K Chowdhury exchanged her views with the Shamajik Pratirodh Committee at Faridpur Circuit House and she told in the meeting that to established women's rights it is required to incorporate women rights implementation activities in the election campaign manifesto.

July 18: A Gender Book Fair was inaugurated at British Council in Dhaka with the demand of NPAW 2008 implementation.

Care taker government could not and then did not do anything on the NPAW further. It was suggested by the care taker government that this is rather a political issue that elected government should take decision on that.²⁸ From national level, let us have a closer look into the local village level.

5. Women body and sexuality: battle zone for development activism and religious movements at the local level

Rather recently, *shalish* (informal village tribunal) has become a common contested combat zone for two dissimilar forces; where women's question appeared fundamental to them from competing perspectives. From the early 1990s onward, a culture of issuing *fatwa* in the *shalish* verdict, grew all over the country which displayed a conformance with Islamic *shari'a* law²⁹, which has no legal legitimacy in Bangladesh. The number of such incidents that has been recorded is over 500³⁰. Following its fierceness and brutality (mainly against women), the High Court Bangladesh of Supreme Court declared *fatwa* and *fatwabaji* (act of practice *fatwa*) banned in 2000³¹. Around in the same time *shalish* had drawn attention of the international and national donor agencies and NGOs as a potential site for promoting a non-state justice system to the poor and to the women. Targeting the *shalish* was aimed at promoting 'gender justice' or 'democratization of *shalish* process' etc. and to combat religious edicts against women in various levels and degrees. In the light of this contested interwoven plight of the *shalish*, I would like to explain³² the relationship between the social

and cultural construction of 'masculine public space' and the process of the exclusion of women from the 'social justice' in a northern Bangladeshi village context, based on my ethnographic observations³³.

5.1 Recent change in 'village power structure' in northern rural Bangladesh

In the rural areas of Bangladesh, the village power structures have been transforming and have entered into the evolving fray of 'party politics' particularly in the last one and half decades following the mass uprising of 1990³⁴. However, this is not suggesting that the villages were presumably detached from the centralised power politics in the past, before this particular form of political party induction at the village level. The major national level political parties³⁵ have established their village level committees along with other party wings in a hierarchical manner parallel to the formal administrative structure, in the last fifteen years. These new competing structural forms of political party associations have precedence to challenge and intrude upon the village power structure that is antecedent, and on the formal administrative structure as well. Concurrently, in the villages, internal break ups in the power structure (i.e. disintegration of land-based power structure for the northern Bangladesh) gave space to party based political interventions. All these are resulting in direct corollaries on peoples' everyday lives and constructed the reality of '*doliokoron*' (particisation), which is clearly manifested in the control and distribution of government resources, and in often in the *shalish* verdicts. Particisation structures inequalities and institutionalises them in its particular pattern, and this institutionalised particisation has made the inequality sharpen. However, this recent shift of the power locus in the village power structure did little to alter women's position, sexuality, gender relations or family based identities and ideologies. Pertinent gender ideologies are embedded with the social and cultural institutions that existed in the village.

5.2 Social and Cultural Construction of 'Masculine Public Space' in Telkupigaon³⁶:

Mosque centered village societies are common, notably in the rural areas of northern Bangladesh among the Muslim populace³⁷. The smallest unit of this mosque centered communal life is called a

jama't. In the Telkupigaon village, the community divided into *jama'ts* by the number of mosques irrespective of economic class. The social leadership of a *jama't* typically comes from the affluent landowners or more recently from politically powerful individuals. The chief of a *jama't* is called a *sarder* and is always a male. *Sarder* led *jama't* committees operate the functioning of a *jama't*. Aside from the *sarder* and *khatib* (known as imam or religious leader), a *mullah* is common for every *jama't* committee. They are the interpreters of the religious teachings of the Qur'an and Sunnah for the community. The social structure of this associational way of life is tightly comprised of households and a mosque. This leaves no room for any Muslim households or individuals in the village to live without an attachment or membership to a particular mosque or *jama't*. By default, a mosque is the shared place where Muslim villagers attend worships. Mosque/*jama't* committees are playing the central customary role in both the social and cultural sphere of the village. Indeed, it can be said in the moral governance of an individual's family and community life ideology.

Jama't plays a role to endorse moral values for the society through its different activities. The *Jama't* committee regulates rituals related to birth, marriage and death along with all Islamic religious rituals, which requires collective participation of the member households in a day-to-day manner. The Mosque and the *jama't* committee, consequently, is an abstract public space, which enables social interaction and renders social cohesion possible for its member households. Only the household head, typically a male can be a member of the *jama't*, and represent his family or household in it. No female membership is possible in the *jama'ts* and in the *jama't* committees as well. In case of female-headed households, it is practiced that the household can continue membership in the name of dead husband/father/brother/son or any other male affinal or consanguineal kin. *Jama't* is essentially the abstract public space which subjugates women, and is comprised solely by males from the predominantly patriarchal society. They are the household heads at the same time. After creating a male dominated and informed patriarchal associational life, *jama't* then regulates the social and cultural spheres of the member households through an intermingling arrangement of ritual performing. The basis of this associational

form is the 'moral code of conduct' based on the knowledge of the figurative jama't leaders vis-à-vis to their local understanding of Islam. In cases where there is a need to acquire an interpretation of complex shari'a law, they often seek assistance to a higher authority like the *mufti*.

Performing rituals is a core activity of a jama't. As Seymour-Smith (1986) describes, 'ritual is symbolically complex and involving more deep social and sociopsychological concerns. Ritual is an aspect of behavior which has great symbolic value. Ritual reinforces beliefs and belief justifies it, which ultimately reinforces collective sentiment and representations symbolically. The social use of this symbolism is employed in order to express relations of authority. It binds the members of the group to the acceptance of the authority. Manipulation of ritual can act as a means of mystifying specific exploitative or unequal social system'³⁸.

In the Telkupigaon village context, Social and cultural rituals are distinctively different for men and women, and there is the presence of a demarcation line in the sense of the public and private life. This is an important factor for religious rituals. The notion of seclusion and control over women's mobility in the mosque delimits their participation in public religious life, which also enforces the position of women in the private/domestic arena. Through making separate roles for men and women regarding performing religious rituals, the mosque has become a public space which is masculine in character. The domestic sphere is typically seen as the private place for women in the village. In the village context, having a lack of participation in the every day religious public life reinforces the contour of public-private bipolarity strongly. However, the line between these realms cannot be so clearly drawn, as the public-private distinction is a subject of contestation (Eikelman and Piscatori, 1997:81).

Being the holder of masculine public space, the jama't controls the private/domestic sphere through regulating it. Ideologies of family, family based identities and roles are at the core of the jama't ideology that describes social life, gender roles and relations. It promptly reacts to any deviation from the 'proper' code of conduct performed by any member of the society. In governing and conforming the 'ideal' of

family based identities for the individuals, the use and abuse of 'sexuality' has often become a tool for the jama't. The jama't has power to impose social sanctions against 'immoral' activities. The jama't can boycott one household if they are found guilty according to their perception. This is called *jama't-bondho* (boycott from the jama't). In this case, the other member households would not share in the social and economic life of the household found 'guilty'. These correcting proceedings are carried out by imposing sanctions through informal social tribunals called shalish.

5.3 Shalish as a norm setting behavior and exclusion of women from 'social justice'

Shalish is an intrinsic cultural system of mediation and an integral part of village administration in Bangladesh. 'A shalish hearing constitutes a dramatic public hearing of private matters. As an institution, the shalish is a crucial link to the village structure or the samaj (here it's jama't). It is not a homogeneous or an unchanging institution and it has changed over time along with changes in the relationships between village level politics and the wider world. However, social justice in Bangladesh is mediated by three overlapping moral 'codes of conduct'. In addition to state law, religious/personal laws and customary practices also inform the contours of everyday dispensation of justice (Siddiqi, 2004).'³⁹ The moral codes of conduct are subjective and specific to culture and territory. 'The shalish is an all-male affair reflecting the strong patriarchy that dominates Bangladeshi society. The shalish has been actively used as a means of social control, including up holding gender and social hierarchies.'⁴⁰ The following three stories depict the functioning and dynamics of shalish in the context of Telkupaon village.

Shalish 1: Life of Sukhu Bewa⁴¹ and Questioned Widowhood

Sukhu Bewa is 36 years old and a mother of two young daughters. She is maintaining her living as an agricultural day labor in the village. Her husband Mokim died 6 years ago and after that, she continued living in her husband's house as a member household of Shah *jama't*. After her husband's death, she continued asking help from her husband's *mita* (intimate friend having the same name) intermittently as her husband used to ask. However, two years later of her husband's death, the relationship between Shuku and her husband's *mita* was specified by

the Shah *jama't* authority per se as 'immoral' and 'improper' as per Islamic rule of relationship between non-kin male and woman, and manifestly 'offensive' against the good of the *jama't*. After the gossip of illicit sexual relations between them, *jama't* leaders advised her to get married again or, at least she must stop the relationship with her husband's *mita* and must follow a 'proper widow' life. But she disclaims the *jama't*'s decision and all the gossip. She resisted by saying that her husband's *mita* is a married man and she has a transparent relation with his wife and the neighbors. Afterward Shah *Jama't* claimed that she had superseded the *jama't*'s code of conduct and they leveled the relationship as illicit, which went against Islamic *shari'a*. They called a *shalish* and expelled her membership from the Shah *jama't*, which was, in fact, her dead husband's membership as a household head. Sheku tried hard to get a membership of a neighboring *jama't* in her dead husband's name as widow but they refused her due to her culpability with the *jama't*. For more than one year, she remained isolated from the participation of *jama't* activities, which meant a complete exclusion from all social and cultural rituals that took place in that *jama't* during that time. Thinking of her two daughters' future and of a social life, she compromised with the Shah *jama't*'s leaders by seeking forgiveness publicly from them. The *jama't* authority allowed her participation in social and cultural rituals under vigilance of her sexuality and advised her to conform herself into the proper widowhood.

Shalish 2: Fatherhood in Question

Falla *jama't* imposed the *jama't bondho* penalty on Dafor for one year for his 'questioned fatherhood' in the eyes of *jama't* authority. He has four daughters. Two of his daughters got involved in disputed relations that were found 'illicit' in the customary rule of relationship. One of his daughters Mira Banu was caught having an extra marital relationship with a neighbor, Kalam. Following a *shalish*, the *jama't* leaders caned both of them in front of the Mosque publicly and forced Kalam to marry Mira Banu. After Kalam's denial of the *jama't*'s decision, a *shalish* held and *jama't* leaders including the union parishad chairman fined him 10,000 taka. They fined that money and *jama't* agreed because if any girl has bad reputation, it is very difficult to arrange a marriage for her and that money supposedly would help poor Dafor to pay the dowry. Kalam did not give the money. Dafor could not arrange

Mira Banu's marriage. Following the public humiliation and the shame, Mira Banu migrated to Capital city and now working in readymade garment factory.

Another daughter Tunu Banu was also found having extra marital relationship with Jamal. Earlier she had an affair with Soleman, they had just got married and they spent more than two months as husband and wife in an adjacent village. As they did not inform the Falla jama't before their marriage, the jama't did not accept the marriage and declared it as false. After that, Soleman left the locality. In the shalish hearing Jama't ordered Dafor to arrange her marriage. Then Dafor arranged Tunu Banu's marriage with a person in the near by district town but it was divorced soon. After returning home, she got involved with Jamal. He was a married person and living in the same neighborhood where Dafor lives.

After happening of these two events, several shalishs were taking place to resolve the problem of unruly girls from the same household. The *Jama't* decided to impose *jama't bondho* on Dafor, as he was unable to control his daughters. The *Jama't* identified him as a bad father who has no control over his daughters. The *Jama't* imposed *jama't bondho* on Dafor for one year or until he arranges Tunu Banu's marriage. After that, Tunu Banu and Jamal left the locality and they got married in a registry office. However, even when Tunu Banu's marriage was completed, the jama't continued the jama't bondho as they denied jama't authority. During the *jama't bondho* period, Dafor was forbidden to transact anything with the other member households of the *jama't*. He was not entitled to perform worships in the mosque. No one of the *jama't* would take any food from Dafor's hand. No one would go to his house and vice versa. He could not participate in any occasions of the mosque in that year. He was not distributed festival meat. Even if he died in that period, his relatives could not get any mullah from this jama't to perform his death rituals. In his burial, no one of this jama't would participate. After Dafor managed the rest of his two daughters' marriages, the jama't dismissed the jama't bondho embargo.

Shalish 3: A Case of Fatwabaji

Nuri and Nosor went to cut grass in the field. They were living in the same neighborhood and both of them were married. On the day of the occurrence, after reaching the grazing land, Nosor attempted to rape

Nuri. She screamed and some members of the public caught them. A shalish was held in the Union parishad and they fined Nosor 7,000 taka as a penalty. However, the jama't did not except that official verdict. In another shalish, Falla jama't gave a fatwa claiming that the attempt of rape contaminated Nuri and the jama't expelled both of their memberships of the jama't temporarily. They kept themselves expelled for several months until the matter was resolved. During the period, the jama't authority refused to take their monthly contribution to the jama't. Meanwhile Nuri's mother-in-law, who belongs to the same jama't, died. In performing her death rituals properly, the jama't leaders consulted the local mullah Yasin to resolve it as per Islamic shari'a. He advised the jama't leaders to arrange a *towba* (public promise not to commit again) in the presence of him and in front of the other members of the jama't. Yasin mullah conducted the towba. In that event, Nosor promised not to try that again and Nuri had to promise not to 'entice' any male out side home, which was figured as the cause of the event and lack of purdah, and she had to promise that she would always maintain strict *purdah* in public. In addition to that, Nuri's husband had to donate three bags of cement to the mosque for his wife's misdeed of unveiling. Then Nuri's husband got back his *jama't* membership as the jama't performed his mother's death ritual.

A key dimension of 'Muslim politics' is the contest over the meaning attached to 'women' as a symbol. The underlying belief, common to all ideological formations, is that women must remain 'in their place' for political and social harmony to prevail. Women are thus central to the larger political and moral imagination, essential to the upholding of civic order and virtue. Societies worldwide invest the family with sacred significance and base other interpersonal relationships, including community and political obligation, on its model. The family is a primary unit for ritual observance as well as influential site of religious (and secular) education and the transmission of religious and worldly knowledge from one generation to the next. The family and the household are frequently taken as microcosms of the desired moral order⁴².

Shalish verdicts make the political role of the family explicit in the Telkupigaon village context. The idea of the family and the stereotypes of the women's role are so central in shalish. Jama'ts are the holders of

socially and culturally constructed 'masculine public space' and impose religious edicts on individuals through playing with the 'sexuality' of woman and man or family based identities i.e. widowhood, womanhood and fatherhood etc. Jama't, in fact, controls both the constructed spheres public and private. There was no way left for the villagers living without jama't membership. The Jama't binds its members through social and cultural (including religious) rituals. The Jama't practices shalish as norm setting behavior for the village populace. The whole process subjugates women's life and bars them from positions of authority and power in the jama't, which has caused women's exclusion from the subjective 'social justice'.

There are some women and human rights organizations have been making on 'democratization of shalish'. However their reach is far less compare to the actual happenings of violation of women's rights on human rights.*

6. Postscript

Women body and sexuality: combat zone for national, global and local structural forces

Globalization of norms of governance i.e. UN treaties and ratification by the member states, transnational feminist movements and its collaboration with the aid industry, adoption of transnational feminist agendas into state principles, reformation of policy régime and legal structure through judicial activism, national level women movement, drip down of all these at the local level and infiltration of ideas in local power structure render further control over women body and sexuality through conforming predominant gender and sexual ideology within a class based hierarchical patriarchal society made women body and sexuality a combat zone to perform and have been reshaping women's lives and existence. Development intervention programmes and women movement, transnational industrialization, organized collective religious actions – all are fall into two contradictory but linked categories 'modernity' and 'tradition' vis-à-vis 'Development' and 'Religion' or 'Equal Rights' and 'Just Rights' where women's emancipation ends at a apparent 'dead road' regarding National Policy for Advancement of Women. Caretaker government left the contradiction on NPAW to be

resolved for the political government. However, it remains in the same deadlock situation for the current elected government formed by Bangladesh Awami League led *mohajott*.

Contradiction over 'Equal Rights' versus 'Just Rights' has its won history and complexities, which I tried to describe that how wider structural forces have been asserting positions in either block. Instead of apparent bipolarity between the two blocks the de facto bipolarity is laying between the divide and the women who are being forced to compel with it. Identification of woman's self in the frame of either framework made women's lives subjugated to this bipolarity.

When judicial activism and policy reform is the key to fight against patriarchy and suppression of women, local level dynamics are often ignored in the process. Feminist negotiation(s) in Bangladesh, thus, not only become a subject of dominant development agenda and but it also stands apart from the local class dynamics. Patriarchal class system is much needed to be targeted to fight back along with judicial activism.

Acknowledgement : I am grateful to Dr. Dina M. Siddiqi for having several discussion on the issue which I tried to organize in the write up.

Notes:

¹ By the proclamation of Order No. 1 of 1977

² By the proclamation of Order No. 1 of 1977

³ It is worth to mention here the introduction of the Islamic Foundation cited from its website, 'The Islamic Foundation Bangladesh was established on 28th March 1975 through an Ordinance with a vision to preaching and propagating the values and ideals of Islam, the only complete code of life acceptable to the Almighty Allah, in its right perspective as a religion of humanity, tolerance and universal brotherhood and imbuing the people of Bangladesh with the ideals of Islam.' http://islamicfoundation.org.bd/about_ifb.htm (accessed on 5th June 2009)

⁴ The political party who has the image of 'secular' political party

⁵ From few NGOs in early 1970s to more than 20,000 NGOs by now. See http://en.wikipedia.org/wiki/NGOs_in_Bangladesh

⁶ Bangladesh Rural Advancement Committee is the world biggest NGO, originated and established in Bangladesh.

⁷ Proshika Human Development Forum. One of the largest NGOs in the country.

⁸ Jamia Islamia Yunusia Madrassah located in Brahmanbaria and other local kaomi madrassahs are controlled by it.

⁹ The term 'eve-teasing' has a 'romantic connotation' which often renders social acceptance of certain level of youngsters' behavior or performance of certain notion masculinity propagated in popular visual media and romantic literature. These, in fact, undermine and cover the actual practice of sexual harassment and its implications on women's lives in Bangladesh context regardless urban or rural context.

¹⁰ The Daily Star, May 14, 2009. An HC bench comprised of Justice Syed Mahmud Hossain and Justice Quamrul Islam Siddiqui came up with the guidelines, directive and ruling in its verdict upon a writ petition filed as public interest litigation by Salma Ali, executive director of Bangladesh National Woman Lawyers Association (BNWLA). See details <http://www.thedailystar.net/newDesign/news-details.php?nid=88286>

¹¹ A leading membership based women's organization was established in 1983.

¹² Rights movement of sex workers has its own history. There are organizations and networks established afterwards i.e. Durbar Network, Bangladesh Sex Worker Network. The Sex worker's manifesto it clearly defined that the sex workers wants recognition of their profession and elimination.

¹³ As Benedict Anderson applied the term 'imagined community' to understand nationalism.

¹⁴ Article 2. States Parties condemn discrimination against women in 'all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.

Article 13.1. States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular: [a] The right to family benefits. Article 16.1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: [c] The same rights and responsibilities during marriage and at its dissolution; [f] The same rights and responsibilities with regard to guardianship, wardship, trusteeship, and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount.

¹⁵ See the detail report <http://www.un.org/esa/gopher-data/ga/cedaw/17/country/Bangladesh/C-BGD3-4.EN>

¹⁶ However, current government has moved to Five Year Development Plan instead of PRSP.

¹⁷ The Daily Shamakal, The Daily Star, The Prothom Alo 9.03.2008

¹⁸ The Daily Shamakal, The Daily Star, The Prothom Alo 9.03.2008

¹⁹ Islamic discussing meeting often conducted by Islamic scholars.

²⁰ Speech of the Imam during Friday prayer.

- ²¹ The Daily Shamakal, The Daily Star, The Prothom Alo 9.03.2008
- ²² The Daily Shamakal, The Daily Star, The Prothom Alo 11.03.2008
- ²³ The Daily Shamakal, 13.03.2008
- ²⁴ The Daily Shamakal, 13.03.2008
- ²⁵ The Daily Shamakal, The Daily Star, The Prothom Alo 15.03.2008
- ²⁶ The Daily Shamakal, The Daily Star, The Prothom Alo 15.03.2008
- ²⁷ The Daily Shamakal 16.03.2008
- ²⁸ NPAW and women's issues in election manifestos in Bangladesh national election is very important and relevant issue to discuss, however it is beyond the scope of the paper.
- ²⁹ There are several versions of Islam are divided into different sects, often competing in nature, practiced in Bangladesh. For the sophisticated academic interpretations, see Ahmed, Rafiuddin (2001) *Understanding the Bengal Muslims, Interpretative Essays* UPL, Dhaka.
- ³⁰ This is an approximate cumulative number of fatwa from 1993 onward. See Ain o Shalish Kendra (ASK) Bulletin (March 2001) on *Fatwa*, and Human Rights in Bangladesh vol. 2001, 2002, 2003, 2004, 2006 and 2008 ASK. Dhaka
- ³¹ However, the decision was then withheld based on writ petition
- ³² This portrayal is delimited within the village, which does not claim to observe village as a discrete unit. Description and analysis of market penetration, intervention of state, impact of globalization and development are beyond the scope of this write-up.
- ³³ This has been observed as a part of the ethnographic fieldwork being carried out from January 2004 to January 2006 in a village in Dinajpur district for the cross-country research project titled 'Well-being in Developing Countries (WeD)'. To see the project details please visit www.welldev.org.uk
- ³⁴ Known as '*nobbui er gono-obvhutthan*' (mass uprising of the '90s) which is treated as the break through pathway towards democracy for the Peoples Republic of Bangladesh after 15 years of military rule.
- ³⁵ More precisely Awami League, Bangladesh Nationalist Party, and Jamaat-e-Islami Bangladesh have established their village level committees in the research area within last one and half decades.
- ³⁶ This is the pseudonym for the research village used as per WeD Bangladesh research ethics.
- ³⁷ Muslims the followers of the religion Islam is not a homogenous group. In the study village, there are two sects of Islam practiced by the populace, follower of the Hanafi majhab and the Ahl-i-Hadith sect.
- ³⁸ For the discussion on ritual from the perspective of anthropology, see Seymour-Smith, Charlotte (1986) *Ritual* The Macmillan Dictionary of Anthropology. The Macmillan Press Ltd. London and Basingstoke. Page 248-250

- ³⁹ For a detailed historical account of shalish, and for its description of functioning and dynamics in Bangladesh context see Siddiqi, Dina M. (2004) *Shalish and the Quest for Gender Justice: An assessment of Strategic Intervention in Bangladesh*. Research Initiatives, Bangladesh. Dhaka.
- ⁴⁰ Lena Hasle (2003/2004) *Too poor for rights? Access to justice for poor women in Bangladesh: A case study*. London School of Economics. MSc Human Rights.
- ⁴¹ In the village context *bewa* means widow. Usually for the married women the word *bewa* sufficed to her name after her husband's death.
- ⁴² This paragraph has drawn and for more comparative and in depth analysis see chapter 4 *The 'Firmest Tie' and the Ties that Bind: the Politics of Family and Ethnicity* in Dale F. Eikelman and James Piscatori (1997) *Muslim Politics*. Oxford University Press, Delhi.

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