

Does the law work in a village like Gulapbari? : An anthropological insight.

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This article attempts to explore the relationship between law and anthropology, drawing on ethnographic research conducted in a Bangladeshi village. The article sheds light on the historical development of anthropological studies of customary law and its evolution within state law in the modern era. It is argued that ethnographic insights are integral in determining the extent to which state law is accessed and observed. It is further suggested that in the absence of an effective state mechanism for dispute resolution – due to a number of factors such as affordability and logistics, familiarity with the law, and bureaucratic obstacles – Bangladeshis continue to rely on alternative, pre-modern legal mechanisms in seeking justice and resolving disputes. The article also highlights some of the inefficacies of this process, particularly with regards to the disparities ordinary villagers face when demanding their rights. In so doing, a case is made for the inclusion of an interdisciplinary approach to the study of law.

Introduction

This article is written with legal scholars in mind. As an anthropologist, I have often been frustrated at the lack of interdisciplinary approaches within the humanities and social sciences. My discipline is often described as ‘auxiliary’ to others such as history, sociology, law, and political science and rather than rejecting this description in favour of maintaining disciplinary autonomy and integrity, I have always embraced it. This is because it is arguable that *all* humanities and social sciences are auxiliaries of each other – a point I candidly aim to make in this article. However, unlike the others, it can be argued that anthropology embodies certain unique and essential tools that provide for a more nuanced, holistic account of

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human phenomena. In this regard, the discipline stands autonomous - its greatest asset being the reliance on the 'ethnographic method'. Although anthropologists, like other social scientists, are expected to learn languages, to undergo archival research and to conduct interviews, the insistence on 'participant observation' sets the discipline apart. Paradoxically however, as the essay shall seek to contend, this point of disciplinary separation provides crucial insight in social, economic, historical, cultural, political and particularly for our purposes here, legal phenomena operating within a given body of people.

This article attempts to ground such methodological theories in ethnographic fieldwork conducted in a rural setting in Bangladesh. My hope is that through this investigation a better understanding may emerge for legal scholars concerned with how the law affects the lives of ordinary people in the practice of everyday life. Through the ethnographic material, I try to demonstrate that those in most need of legal assistance are perpetually misled, misrepresented, and manipulated by local elites and, at the same time, disenfranchised by state institutions, which, for most people, are inaccessible and situated at a 'distance'.

Legal anthropology: an overview

Anthropologists have long been interested in the law. In the early days of the discipline, the 'primitive law' of colonial people attracted much anthropological interest.² These accounts focussed primarily on the processes of dispute settlement and the traditional ways in which organised communities/societies maintained solidarity. In them, the concept of 'customary law' is explored widely and within various cultural contexts. A comparative analysis is offered between the 'exotic' systems' observed by anthropologists in the 'field' and those in operation back home in industrialised North America and Europe. By drawing out the differences, anthro-

2 Bronislaw Malinowski, *Crime and Custom in Savage Society* (London: Kegan Paul, 1926); Issac Schapera, *A Handbook of Tswana Law and Custom* (London: Oxford University Press, 1938); Karl N. Llewellyn and Adamson. E. Hoebel, *The Cheyenne Way* (Norman: University of Oklahoma Press, 1941); Max. Gluckman, *The Judicial Process among the Barotse of Northern Rhodesia* (Manchester: Manchester University Press, 1955) & *The Ideas in Barotse Jurisprudence* (New Haven: Yale University Press, 1965); P. J. Bohannan, *Justice and Judgment among the Tiv* (Oxford: Oxford University Press, 1957); Philip Gulliver, *Social Control in an African Society* (London: Routledge and Kegan Paul, 1963); and Fallers, Lloyd, *Law without Precedent* (Chicago: University of Chicago Press, 1969).

pologists of this period sought to show how law and legal processes—mediation, adjudication, and arbitration, for example³ – formed the basis of social harmony in 'Other' societies too.

In the post-colonial period, a further development has complicated the picture – the emergence of the independent nation-state. Most post-colonial societies have adopted European-style legal systems. These systems had been imposed wholesale literally overnight, once the colonisers left. Over time, new laws have been generated and enacted to suit the specific conditions of the respective state. Not only did this new legal paradigm seek to replicate those in the 'west', it imposed itself on an already functioning and seemingly efficacious 'customary system' at the local level. This presented anthropologists with the further problem of 'legal pluralism' – how do you study societies where multiple legal systems are in operation?⁴ In many post-colonial societies, the official state legal system is not necessarily the primary source of legal legitimacy. In the Islamic world, for example, variants of Islamic Law operate in tandem with state law. Some Muslim states thus recognise both secular and religious law, the latter often in an unofficial capacity. The co-existence of multiple legal systems operating in conjunction with each other can pose problems for lawmakers and consumers alike.

Whereas legal scholars have tended to be more concerned with the generation and enactment of laws, anthropologists are primarily concerned with how social discourses and institutions are 'consumed' by ordinary people on the ground. Although positivist 'top-down' legal analysis is certainly of some sociological merit, without observation of embodied, everyday 'lived' practice, such analysis can become all too abstract. Moreover, in many parts of the post-colonial world, state law plays little or no part in the lives of citizens. People chose instead to visit their local Imam, shaman, tribal chief, or feudal lord when seeking justice or resolution. The

3 Koch, Klaus-Friedrich, *Access to Justice: The anthropological perspective* (Milan: GiuffrèEditore/Sijthoff/Noordhoff, 1979)

4 John. L. Comaroff & Simon Roberts, *Rules and Processes. The Cultural Logic of Dispute in an African Context* (Chicago: University of Chicago Press, 1981); Sally. F. Moore, *Social Facts and Fabrications. Customary Law on Kilimanjaro, 1880-1980* (Cambridge: Cambridge University Press, 1986); Rosen Lawrence, *The Anthropology of Justice: Law as Culture in Islamic Society* (Cambridge: Cambridge University Press, 1989); Sally. E. Merry, *Getting Justice and Getting Even: Legal Consciousness among Working-class Americans* (Chicago: University of Chicago Press, 1990); and J. Starr & J. Collier, *History and Power in the Study of Law: New Directions in the Anthropology of Law* (Ithaca: Cornell University Press, 1989).

existence of state courts is not necessarily enough to persuade its subjects to make use of them. Contravening factors such as high legal fees, travel distances, corrupt officials and bureaucrats, inadequate knowledge of processes, and a lack of time suffice in deterring citizens from seeking justice from the state. This is the juncture where anthropology and ethnographic inquiry can assist matters. Anthropologists spend their time on 'the ground', locating local people, observing their lives, engaging with individuals and groups, listening to their accounts – they are concerned with what Marcel Mauss defines as the 'total social phenomenon' – social analysis that incorporates the economic, legal, political, and religious spheres:

"These phenomena are at once legal, economic, religious, aesthetic, morphological and so on. They are legal in that they concern individual and collective rights, organised and diffused morality; they may be entirely obligatory, or subject simply to praise or disapproval. They are at once political and domestic, being of interest both to classes and to clans and families. They are religious; they concern true religion, animism, magic and diffuse religious mentality. They are economic, for the notions of value, utility, interest, luxury, wealth, acquisition, accumulation, consumption and liberal and sumptuous expenditure are all present⁵."

In essence, then, it can be argued that legal scholars seek to determine how things *should be*, whereas anthropologists attempt to discover how things *actually are*. It is my contention that both disciplines must work together in the pursuit of a just society (if, indeed, this is any motivation to lawyers). However, as exemplars of the most powerful institution within a modern nation state, the onus on lawyers to adopt a more sociological approach towards their discipline is all the more pronounced.

Anthropological investigations are embedded within the 'ethnographic method'. Central to this is the place of 'participant observation'. Conducting ethnography requires researchers to physically situate themselves in the field for a sustained period of time. Along with collating archival data and conducting structured interviews, ethnographers are also expected to take part in the everyday mores of the communities under study.

⁵ Marcel Mauss, *The gift, forms and functions of exchange in archaic societies* (London: Cohen & West, 1966), 76-77.

Observation of life in natural settings, whether in homes, bars, offices, fields, or churches, whether at work, sport, politics or religion, is a mainstay of 'participant observation', and a good way to test, through anticipation, what one thinks one understands about the way things work. Formal recording of frequency of behaviour is difficult but possible, although rarely used, the more informal 'taking in what one can' [is] the common strategy.⁶

Through conducting ethnography, an anthropologist is able to ground theory in practice and evaluate concrete contemporary processes that operate within a given community. In this way, the discipline makes an empirically oriented, qualitative contribution to social phenomena at its frontier, rather than purely relying on speculative data and grand theory.

In a post-colonial country such as Bangladesh, in theory, state law rules supreme. The apparatus of the state reserves the right and capacity to insist on its citizens to adhere to and defer to the rule of law. However, in reality, this mandate is seldom fulfilled. Various other contributory factors seemingly muddy the waters. Firstly, Bangladesh is a religious society where Muslims constitute the vast majority of the population. As such, the influence of religious law and practices needs to be accounted for. Secondly, in rural areas of the country, the pre-modern system of the *gram shalish* (village court) remains in operation (and even endorsed by the state). A remnant of a by-gone feudal age, the village court remains a popular recourse in agricultural communities and in many instances defies state law and acts with relative impunity. Thirdly, the distortion, manipulation, and appropriation of the law are common, everyday practice in Bangladesh. Bureaucrats and politicians hold the power to act with impunity themselves and crucially, overturn legal processes in favour of their 'clients'. Fourthly, and connected with the previous point, those Bangladeshis with sufficient wealth and networks can purchase impunity from the law as well as certain state 'services' that they otherwise do not qualify for. Fifthly, law enforcement agencies in the country – particularly the police force – are underfunded, understaffed and institutionally corrupt. There exists an acute lack of trust and confidence in the police. And finally, due to a relative lack of access to information and formal education, many Bangladeshis simply remain unfamiliar

⁶ Philip Carl Salzman, 'Methodology' in *Encyclopaedia of Social and Cultural Anthropology*, edited by Alan Barnard & Jonathan Spencer (London: Routledge, 1996), 365.

with the law and legal processes. Given these factors, how efficacious is the law in everyday life? And, does that even matter? In the following sections, I explore how the people access justice in a particular rural setting in Bangladesh, through an ethnographic observation.

A village in Bangladesh

Between March 2013 and February 2014, I conducted ethnographic fieldwork in a rural community in Bangladesh⁷. The village of Gulapbari⁸ is situated in the sub-district (*upazila/thana*) of Osmaninagar in the north-eastern province of Sylhet, Bangladesh. Gulapbari is a large village. It is located within a wider borough or *Union Parishad* called Mansabpur, which boasts a population of approximately 22,000; with 5899 adult men, and 5706 women. The union comprises of nine political wards. Gulapbari is one such ward, and occupies a central position in the social, economic, and political fabric of the union. Mansabpur Union is very accessible. It is located just off the Dhaka-Sylhet Highway (N2), and is equidistant from the two largest towns in the province – Moulavi Bazaar and Sylhet, the provincial capital (approximately 25 miles in either direction). Dhaka, the capital city, is a four-hour drive away (200 miles), or, alternatively, a forty-five minute flight from Sylhet International Airport. Gulapbari is most notable for its eponymous *Qarawi Madrasa*, an independent Islamic seminary college affiliated with Deoband Islamic seminary in Uttar Pradesh, India. The *madrassa* has produced some of the most eminent Islamic scholars in the country, and is known for its good academic training. Consequently, students from all over the country come to study in Gulapbari, contributing to a uniquely cosmopolitan yet conservative atmosphere in the village.

Gulapbari is also what Katy Gardner describes as a “*Londoni*” village⁹. A significant proportion of its inhabitants have close kin who have settled predominantly in Britain, originally as a result of post-war economic migrations. *Londonis* contin-

7 This research was funded by the Economic and Social Research Council (ESRC), United Kingdom, as part of the Political Cultures of South Asia project, ES/I036702/1, University College London (UCL).

8 All names of people and places of study are anonymous in order to protect the identity of interlocutors.

9 Katy Gardner, *Global Migrants, Local Lives* (Clarendon Press: Oxford Studies in Social and Cultural Anthropology, 1995). The term “*londoni*” is used by Bangladeshis to refer to other Bangladeshis living in London, UK.

ue to maintain links and provide remittances to relatives in Gulapbari. Through the building of lavish and ostentatious mansions in and around the village, the perceived sophistication of their mannerisms and tastes, and various large-scale philanthropic ventures, *Londonis* wield unparalleled social capital in the village – a trend in common with the region as a whole. Possibly even more noteworthy, is their ability and willingness to procure funds for election campaigns backing their chosen candidates, or, to return to Bangladesh and run for and win local elections themselves. The influx of foreign capital into the village economy has, in turn, facilitated the demand for workers. As with most rural regions of Bangladesh, the economy is largely based on agricultural production, in particular, rice cultivation. The relative wealth of landed families in the village, due to the benefaction of overseas relatives, has meant that household that were once owner-cultivators now possess the means to recruit wage labourers. This demand has attracted migrant workers from various parts of Bangladesh, lured by the relative high wages offered by their *Londoni* patrons.

The demographic diversity of the village is further enriched by the considerable presence of various caste groups and religious minorities. Gulapbari is predominantly Muslim, however in certain parts of the village various artisan castes, such as *muchi* (cobbler), *napit* (barber), *dhookla* (musicians), *doofa* (laundry), and *kumar* (potter), continue to reside and provide services. These groups are non-Muslim and are either low-caste Hindu or devotees of various animist cults. High-caste landed (*talukdar*) Hindu households also reside in Gulapbari, and are a powerful influence in village affairs. Gulapbari’s landowning class are referred to as *talukdar* – those with certain “rights” over land. In all, there are sixteen *talukdar* patrilineage groups (*gushti*) in Gulapbari. The title of *talukdar* originates from the Mughal period, when early settlers to the region from West Bengal seized residential and arable land in the village and the *haor* (an extensive fen or marshland), located to the west of the village. Originally, land in the *haor* was claimed by five *gushtis*, however over time, these holdings were sold to other groups from both within the village and to outsiders. Those who have brought land in this way are referred to as *peti-talukdar* (“incomplete” or “secondary” rights). The combined *talukdar* class are the most powerful in the village, as they own all of the land and make up the local elite.

Talukdars had historically been supported by another group of village inhabitants

called *raiyat* (tenant), often derogatorily referred to as the '*ghulamgushti*' (servant group). *Raiyat* groups are predominantly cultivators and wage labourers, although some households have successfully diversified into business enterprises, or have gone abroad as economic migrants in recent decades. An entire quarter of the old village is occupied by *raiyat* lineage groups, the vast majority of whom remain landless. The final group worthy of consideration are the *machwa/maimal* (fishing caste). Fishing groups, along with animist artisan groups, are said to be the indigenous occupants of the eastern Bengal delta who were either driven out to the surrounding hills, or assimilated into Bengal. Unlike the artisan groups, however, the vast majority of *machwa* groups have converted to Islam. Fishing groups are exclusively Muslim in Gulapbari and inhabit entire wards and hamlets. Along with migrant labourers, artisan and tenant groups, fishing castes occupy a low social and economic standing in the village, and are often subject to implicit prejudice and discrimination. However, over the years, with their relative increase in wealth, again through business enterprises and economic migration, fishing groups have begun to exert some influence in political affairs in the village. This increase in influence on the part of lower status groups has irrevocably changed the political landscape and dynamics of power in recent years, seemingly to the irritation of the landed class.

Thus a wide range of social groups, diverse in religion, caste, and class, inhabits Gulapbari. At the apex of the community are the landed cultivating groups who exert their influence in all village affairs, including law and order. Representatives of landed groups in the village form the bulk of the group of elders (*matbor*) who reside over the village council (*gram shalish*). These individuals are charged with the task of administering 'justice' to the villagers by mediating, adjudicating, and arbitrating everyday disputes that arise in the community. Aside from collectively owning most of the agricultural land, *matbors* also dominate the political realm, with local government positions consisting almost exclusively of the landed class. Mansabpur's Union Parishad Chairman (the highest elected post in the lowest rung of state governance) is a British-Bangladeshi (*Londoni*) and also a member of the landed class in Gulapbari. Any disputes between individuals and groups are referred to the Chairman who, in turn, organises a committee to address the issues. The members of the committee usually consist of prominent *matbors* in the locality who are 'respected' (*shommani*) and who have previously proven themselves capa-

ble. When the council (*shalish*) is held, the Chairman presides over the committee and is ultimately responsible for the final verdict.

Access to justice

Given the diversity of the village, the small band of villagers considered to be credible, capable, and respectful all originate from the most privileged group. Furthermore, due to being an agricultural community, a significant proportion of disputes that are presented at village councils are those concerning land, property, commodities and family – all areas of village life where this group are major stakeholders. The impartiality of any judgment arising from this group, therefore, is immediately thrown into doubt. How can a group which owns most of the land, employs most of the people, whose lineage groups are large in number, who are familiar with both plaintiff and defendant alike, and who have a vested interest in the *status quo* maintain the necessary neutrality when arbitrating disputes? However, despite this, villagers seldom make the journey into the city or local *thana* (police station) to seek settlement. For example a casual labourer in the village stated that:

"I don't know anything about courts. They are expensive and you need lawyers. I earn 250 taka per day and that money is spent in the bazaar even before I get home in the evening – how can I get a lawyer? (laughs). The elders know me, they know the village, they know who is a bad person and who is a good person. They know everyone and all their tricks. That's why I trust them. They are already rich people, why would they want money from someone like me?"¹⁰

This villager's account was consistent with many others who lived according to a 'hand to mouth' economy, where wages were paid daily in return for a day's labour. At times when a given worker could not attend work, in cases of illness, for example, he/she was not paid the daily wage (the rate in the village at the time of study was 250 taka per day). In such circumstances, taking time off to travel to the city to seek advice from legal representatives and/or to appear in court proved impracticable for many villagers. In addition, workers could not financially afford legal and

10 Interview with a casual labourer (late 40s), 6 January, 2014

travel costs as low wages meant minimal scope for making any meaningful savings. Moreover, the vast majority were committed to long-term debt to landlords and wealthy relatives who acted as *de facto* moneylenders at times of need – to finance medical bills, building materials, wedding expenses etc. – as is the case in many other agrarian societies in South Asia.¹¹ These ‘bonded labourers’ would repay the debt either in cash or in kind (usually free labour for a stipulated period). The result is that a significant proportion of the village population could not afford to seek dispute settlement from the state. Instead, they opted to seek ‘justice’ from local notables whom they knew, and some felt could trust. However, as I aim to illustrate, seeking justice from within the village also involves expenses.

During a village council meeting, an elderly man from a fishing caste told me that the village council was once a much respected institution. He said that, during his youth, councils would consist of some very honest, moral, and intelligent elders (*murobbian*) who would remain balanced and impartial in the face of hostility and outrage. He said that their judgement were always wise and fair, no matter who was in the dock. This rather romantic account of a by-gone era was further verified by a landlord who suggested to me that, in recent years, certain *matbors* had sought to earn a fee for their partial services on the council:

“If there was a dispute between anyone in the village, in the past some elders (most of them are dead now), they would insist on a bichar [arbitration]. They would then charge for the bichar – this spoilt the reputation of the elders. Some of these elders used to apply their talent for good causes, but not always. Sometimes they looked at their own interests.”¹²

At the time of fieldwork, there were a number of *matbors* in the village who many claimed also charged for their services. Intrigued by these claims, I decided to follow a minor case involving a dispute between two brothers from a poor fishing household. While the younger brother was at work, his wife became embroiled in a heated argument with the older brother. The conflict escalated to the point that the older brother chased his sister-in-law out of the homestead with a machete (*dba*). When the younger brother returned, his wife complained of the ordeal. The

11 Nicolas E. Martin, ‘The political economy of bonded labour in the Pakistani Punjab’, *Contributions to Indian Sociology*, (2009): 43

12 Interview with a landlord/*matbor* (55), 5 January, 2014

younger brother then decided to confront his elder brother who, upon the former’s approach, attacked him again, with a machete. The younger brother tried defending himself with a farming tool lying nearby. In the process, the younger brother struck his oncoming brother on the head, resulting in a deep cut and heavy bleeding. Onlookers intervened and took the elder brother to the hospital for treatment. Upon his return to the village, the elder brother sought a *bichar* (arbitration) and contacted certain known notables (*bicharis*).

Upon hearing the account, the notables ordered the younger brother to pay a sum of 10,000 taka for medical costs, even though the actual medical costs were nowhere near that sum. After being coerced into paying the sum, the younger brother immediately contacted another local notable known for his uncompromising style and a reputation for violence, who duly intervened on the basis that the order was ‘unfair’ since it was decreed before a fair hearing. After the intervening *matbor* confronted the council, he managed to retrieve the money and return it to the younger brother. The case was subsequently dropped. The younger brother neither confirmed nor denied to me whether some of that money was paid to the intervener, although it was widely felt in certain circles in the village that the intervening *matbor* had received a ‘cut’ for his services.

On another occasion, a large *bichar* was called regarding the case of an unclaimed pregnancy. A migrant domestic worker was accused of extra-marital sexual liaisons when it was discovered that she was pregnant. Being a deeply religious, conservative village, the news caused widespread outrage. The pregnant woman worked as a live-in domestic servant for one of the most powerful landed households in the union. It was claimed that one of the male youths of the household had been engaged in a sexual affair with the woman for sustained period of time. It was said that while many within the household were long since aware of the affair, this was kept secret in order to avoid widespread embarrassment and shame (*lojja*) in the community. When the woman was diagnosed to be pregnant, the young man suspected of impregnating her vanished from the village and, consequently, could not attend the *bichar*. In his stead, his father, who was a seasoned *matbor* in his own right, represented him.

The panel of *matbors* included close friends of the father of the accused, who ar-

gued fervently that the accusations against his son were unequivocally false and unfounded, and that there was no proof that his son is the father. He repeatedly stated that whereas there was no proof implicating his son, that there was unmitigated proof that the woman was of 'bad character' since, based on the fact that she is single and pregnant, there is no doubt that she engaged in sex outside of marriage. No one from the village community was willing to represent the pregnant woman. Throughout the *bichar* she remained silent, head bowed and gazing towards the ground. The council decreed that in the absence of the accused, no meaningful cross-examination could be performed. They concluded that it was clear that the woman, being unmarried, had committed the crime of fornication which had resulted in the further, more serious crime of conceiving an illegitimate child. For her crimes, the pregnant woman was excommunicated from the village with immediate effect.

These instances reflect a complex, ambiguous reality when seeking justice in Gulapbari. On the one hand, options open to villagers are palpably restricted due to their material realities. Seeking justice from the state is a costly affair, both in terms of time and money. On the other hand, the village council offers a more accessible alternative, but at what cost? It is true that those notables charged with the task of providing a fair trial are familiar and intimately aware of village dynamics, but, as we have seen, such familiarity may affect their verdict. It is also true that *matbors* are, in theory, charged with providing their services on a *pro-bono* basis, however, it seems that a few are charging commission for their partiality. Those who cannot afford to pay the commission in order to attract a powerful patron (or, indeed, compete with rival bids) will thus find themselves in a position of considerable disadvantage. And what happens when a dispute occurs between the village elite and those from subordinate groups? What guarantees are there that those from the latter group will receive a fair hearing when precisely those charged with implementing justice have conflicted interests? As we have seen, in the case of Gulapbari, there are seemingly no such guarantees at present.

Conclusion

In this article, I have tried to provide an ethnographic insight on some of the legal issues facing ordinary people in a rural environment in Bangladesh. I have commented on how, in their everyday observations, anthropologists come across matters that require forms of social mediation, adjudication, and arbitration. I have suggested that in post-colonial societies such as Bangladesh, a historic imposition of a modern legal system has been juxtaposed wholesale alongside other, more traditional legal systems that have been operating for quite some time. Moreover, this state legal system, in theory, rules supreme over all other systems. However, as I have attempted to demonstrate, in practice, subjects of the state, particularly in rural areas, defer matters to local mechanisms for a variety of reasons. In actuality, 'the state' is a distant entity in the lives of villagers. Aside from the moribund, dysfunctional government clinic, post office, and primary school, there are no emblems, or institutions of the state that are visible or accessible to villagers. The state plays a negligible part in the everyday lives of the people – particularly in the realm of law and order. In these matters, villagers turn to fellow villagers in the pursuit of solidarity. Yet, to what extent is this solidarity achieved? My findings show that those at the lowest end of the social strata are most disadvantaged in accessing justice. Those at the top can not only act with impunity, but are also responsible for dispensing justice. A clear imbalance thus exists here. Seeking justice in Gulapbari, it seems, depends on one's social networks and level of wealth.

Legal scholars are rightly commended for seeking legislation in the pursuit of a more just society. However, when attempting to ascertain whether or not such legislation is causing tangible change in society, a more sociological approach is advisable. Through an embedded, ethnographic analysis, social scientists invested in trying to understand legal phenomena can not only gauge the extent to which state laws actually affect local lives, but such an analysis can provide material grounding and much-needed perspective for the generation of future laws. Moreover, in a relatively young nation state such as Bangladesh, this process will undoubtedly highlight the chasm that continues to exist between the state and civil society. One final issue for consideration remains the most crucial, however: the misappropriation of *power*. No matter how many laws are passed, if there are individuals and groups that exist within society that are immune from the law and act with impunity, the

legal system becomes redundant. Whether they are petty landlords in a remote village, executive officers at large corporations, or the heads of political parties, the law must apply indiscriminately. If not, the ensuing 'crisis' transcends the realm of scientific inquiry and undermines the very basis of democratic rule. Left unchecked, this is the foundation of an *unjust* society. As this article reluctantly tries to demonstrate, the rule of law in Bangladesh remains a distant dream.

A Critique of the Feminist Movement in Bangladesh:
The Struggle for Women's Rights against 'Patriarchy'

By Dr. Md. Akbar Hossain

The article discusses the feminist movement in Bangladesh, focusing on the struggle for women's rights against 'patriarchy'. It examines the role of the state and the impact of international organizations like the World Bank and the International Labour Organization (ILO). The author argues that the feminist movement has been largely ineffective in achieving its goals, and that the state has been a major obstacle to women's rights. The article also discusses the role of the media and the impact of globalization on the feminist movement.

Introduction

The article begins with an introduction to the feminist movement in Bangladesh. It discusses the historical context of the movement and the role of the state. The author argues that the feminist movement has been largely ineffective in achieving its goals, and that the state has been a major obstacle to women's rights. The article also discusses the role of the media and the impact of globalization on the feminist movement.