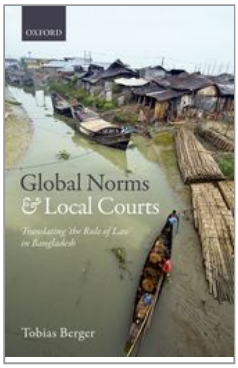

Global Norms and Local Courts: Translating the Rule of Law in Bangladesh
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Translating Practices and Normative Orders

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Abstract and Keywords

This chapter analyses, firstly, the translation of a key practice of the rule of law—the formal documentation of court proceedings in writing. It shows how the grassroots-level NGO fieldworkers do not use the official paperwork provided by the project to neutrally record village court sessions. Instead, they use the documents as symbolic capital that allows marginalized people to access local elites they could have otherwise not have accessed. Secondly, the employees of the local NGOs also translate the normative vocabularies in which the rule of law is justified. Instead of advocating access to village court justice in the secular registers of human rights and the rule of law, the fieldworkers draw on Islam and Islamic law to enhance participatory spaces in non-state courts, particularly for women. This, however, leads to contestations with established religious authorities over competing interpretations of Islam and Islamic law.

Keywords: practice, paperwork, symbolic power, Islam, Islamic law, Muslim Family Law Ordinance, religious authority

In this chapter, I analyse how the four local NGOs translate the rule of law in order to have an impact on the dynamics of conflict resolution in rural Bangladesh—and why this impact cannot amount to the outcomes envisioned by the EU and UNDP. To anticipate my argument: the local NGOs integrate the village courts into the landscape of non-state conflict resolution in rural Bangladesh by translating both the practices and the normative order that (together with the institution of the village court) constitute the EU's notion of the rule of law within the context of the project; they thus translate the village courts against the background knowledge that I have reconstructed in Chapter

4. The first part of this chapter is concerned with the translation of practices, and in particular with the practice of documenting institutionalized conflict resolution in writing. The four local NGOs make use of the official forms and formats provided by UNDP within the context of AVCB. However, they do not use these documents as neutral carriers of information that render the messy complexities of particular conflicts transparent and intelligible in the eyes of the state-backed judiciary. Instead, the fieldworkers and court assistants who are employed by the project use the official documents as a symbolic capital, which allows them to replicate the logic of non-enforcement for those people in rural Bangladesh who do not have access to the state-backed courts—and can consequently also not use these courts as a tool to alter the dynamics of non-state institutions. Thus, through the use of official documents as symbolic capital, the field staff of the local NGOs succeed in generating access to the UP chairmen. Although this access improves the lives of vulnerable, poor, and marginalized people in rural Bangladesh, it is not identical to the access to justice that the EU seeks to promote.

The second section of this chapter subsequently shows that the translation of practices is paralleled by the translation of the *liberal* rule of law into a normative vocabulary that is intelligible in rural Bangladesh. Thus, the four local NGOs translate the ostensibly secular vocabulary that informs the EU's **(p.131)** ideas about the rule of law into explicitly religious narratives of justification. More precisely, the local NGOs try to improve the situation of women in rural Bangladesh through frequent reference to Islam and Islamic law. They use this vocabulary of Islam and Islamic law both to prevent violence against women and to carve out participatory spaces in which women can influence the social contexts they are navigating on a day-to-day basis. However, as argued in Chapter 4, the interpretation of Islamic principles in rural Bangladesh closely interacts with the maintenance of patriarchal social structures. Consequently, the promotion of women's rights through reference to Islam and Islamic law is fiercely contested. These contestations revolve around the question: who has the right to interpret Islam and Islamic law in rural Bangladesh? In the final section of this chapter, I therefore show how the local NGOs respond to this contestation through a dual strategy: on the one hand, they use theological arguments to support their interpretation of Islam. On the other hand, they argue that *their* interpretation is congruent with the interpretation of Islam and Islamic law that informs the state-backed Muslim family laws. Before turning to the translation of the normative vocabularies of the rule of law, however, I turn to the translation of practices by starting with my observations of one of the training sessions that has been facilitated by a local NGO for their fieldworkers and court assistants.

7.1. Documenting the Village Courts and the Symbolic Power of Paperwork

In November 2012, I joined a training session by one of the local NGOs for their fieldworkers and court assistants in Rangpur. At that point, the project had been running for almost two years and it was a refresher training for the

documentation of village court cases. Within the project, the court assistants are explicitly employed to facilitate the proper documentation of all village court sessions held within the context of the project. They file the application sheets, send the notification letters to all parties involved, protocol the actual sessions, and write the verdicts (see also Chapter 5). In every union where the project is operating, the local NGO employs one court assistant and one fieldworker. Whereas the fieldworker's task is to spread information about the village courts, the court assistants quite literally write the village courts into the landscape of non-state conflict resolution of rural Bangladesh. As the project was implemented in thirteen UPs in the district where the refresher training took place, twenty-six court assistants and fieldworkers (thirteen men and thirteen women) assembled in the training centre of the local NGO to rehearse the documentation of village court sessions.

(p.132) It was a two-day workshop and I joined on the second day. During the first day, the participants had studied, again, the rules and regulations of the 2006 Village Court Act, i.e. the composition and jurisdiction of the village court. On the second day, the revision of the actual documentation of village court sessions was scheduled. In order to rehearse the correct ways of filing court sessions, i.e. writing the application, invitation letters for the jury and both conflicting parties, documenting the trial, and filing the verdict, UNDP has designed training materials that use the following hypothetical case:

> Kader Sheikh one day was taking tea in his village while Shiaz M. came along and asked him for a loan. Kader gave him 8000 Thaka in the presence of a witness. Shiaz told him that he would return the money after the harvest. But three, four, five months passed—and Kader did not get his money back. Kader frequently went to Shiaz's home to ask for the money, but Shiaz did not answer. After some time, Shiaz said that he would just not return the money, never. Shiaz used bad language and insulted him; he even told Kader that he was a fisherman [a person of low status]. Kader told Shiaz: 'please treat me politely and don't use bad language against me'. Later, Shiaz even threw a sandal to Kader and hurt him. Kader now became demoralized and insulted; so he went to the village authorities and asked for their help to get justice. But he did not get any justice. Without any other option left, Kader decided to go to the Village Court and filed a case to get his money back, and to get compensation for the insults. A village court session is opened and both Shiaz and Kader nominate two representatives. They hear the case and discuss the matter. In the end, Shiaz understands his mistake and apologizes to Kader. He has to give the money back and also pay 1000 Thaka compensation for the insults.
>
> (Fieldnotes, November 2012)

The twenty-six fieldworkers and court assistants worked with this hypothetical case in four groups, preparing all the pre-trial, trial, and post-trial documentation of the case. The documentation of this case is very comprehensive and includes not less than twenty-one different forms that need to be filled in, including the formal application of Kader with the village court, the invitation letters to the UP chairmen, the representatives, and Shiaz, the documentation of the trial, the verdict sheet, and the registration of the case in the village court case register. After the group work had finished, the groups swapped their documentation and had it double-checked by another group. The results were subsequently discussed in open plenum. What emerged in the plenary discussion was that not a single documentation of the case was complete. The most common omissions included:

• Description of the case in the application was not done properly as crucial information, like the amount of money owed by Shiaz, was missing.
• The notification sheet for the defendant, i.e. Shiaz, was missing.
• The names of the nominated representatives were missing. This was the case for each of the four groups. **(p.133)**
• The verdict documentation was incorrect.
• The signature of the chairman on the verdict was missing.
• The dates were incorrect. In one case the date of the verdict preceded the date of the actual application for a village court session.
• The name of the applicant was missing.
• The copies of application, trial documentation, and verdict for the court registry were missing.

As the plenary discussion proceeded, both the trainer and the district supervisor of the local NGO got increasingly upset: ‘so many mistakes! How is it possible that, after two years, you make still so many mistakes?’ The trainer added: ‘this is serious, very serious! It is a big problem if you do not fill the forms in correctly…In the future, we cannot tolerate these mistakes anymore!’ As their complaints continued, the atmosphere in the room was deteriorating—and the participants were as puzzled about the trainer’s anger as the trainer and district supervisor were about the participants’ difficulties with the seemingly endless paper trail of village court documentation.

These apparent difficulties of the fieldworkers and court assistants to use the official documents in the ways intended by the EU and UNDP are surprising. Rangpur is regarded as the most successful of all four divisions where the project is implemented (EU-m-069). It is also the ‘showcase’ of the project and the only field site frequently presented to representatives of the EU and the country directors of UNDP. Just six weeks before the workshop, the ‘Ambassador and Head of Delegations of the European Union to Bangladesh Mr. William Hanna highly appreciated the ongoing activities of the Village Courts in bringing

justice to the doorsteps of the rural people while visiting Bhangni Union Parishad of Mithapukur Upazila in Rangpur District on October 4, 2012'.[1] Mr William Hanna's applause for the activities of the local NGO in Rangpur is not unjustified: between September 2010 and October 2012 the twenty-six fieldworkers and court assistants who participated in the workshop had helped to file a total of 2,246 cases with the village courts in Rangpur District, out of which a total of 1,627 cases had been resolved either through a village court session or through a formal pre-trial settlement in accordance with Rule 33 (ESDO 2012).

As only 452 cases have been dismissed for default, 80 per cent of the over 2,000 cases that the twenty-six fieldworkers and court assistants had filed over the course of the past two years have been (or are still being) dealt with by the village courts. Thus, there is a clear discrepancy between the court assistants' ability to comply with the formal requirements for case documentation and **(p. 134)** the actual number of cases they do file. But why is there such a discrepancy? The fieldworkers and court assistants are clearly very motivated; otherwise, there would be no (or at least fewer) cases that are actually filed. Is it because the official formats, up to twenty-one for a single case, are intellectually too demanding for the court assistants who have generally only received a rudimentary level of formal education? The notion of 'capacity building' that informs the kinds of training activity described above implicitly seems to suggest this: it presupposes a lack of knowledge. However, as Timothy Mitchell has argued, learning something new *always* presupposes delearning something old, something which is familiar, known, and deeply engrained in embodied background knowledge (Mitchell 2002). This background knowledge can hardly ever be fully superseded and replaced. Instead, it leaves its traces on everything new that is entering the social worlds we inhabit. Thus, new information can only be absorbed against our background knowledge—and new information as well as new capacities are always unavoidably filtered through it. Thus, something new is only learned in light of the already-known. But what is this 'already-known' in the context of this workshop and for the fieldworkers and court assistants throughout Bangladesh more broadly? In the next section, I argue that it is the logic of non-enforcement—analysed in Chapter 4—which influences the ways in which the field staff of the four local NGOs do (and do not) understand the use of official documents, formats, and templates that are used within the AVCB project.

The Symbolic Power of Official Documents

As seen above, the fieldworkers and court assistants struggle to fill out the forms and documents provided within the context of AVCB as prescribed by their NGOs' internal supervisors as well as the staff members of UNDP. This thick description as well as evidence provided in Chapter 6 shows how the production of legal documents within the context of the AVCB project does not amount to the creation of a legal rationality in a Weberian sense. The documentation of

village court sessions does not close the gap between abstract and nationally applicable legal principles and particular instances of conflict. Although UNDP provides a total of twenty-four different forms and formats—eleven prescribed by the government and a further thirteen developed by UNDP—these documents do not render the messy realities of local conflicts legally transparent. This was also more than apparent in the thick description of the village court session in Chapter 6: the way in which the case was filed had hardly any resemblance to the ways in which the dynamics of the conflict resolution had unfolded. This, in turn, seems to suggest that the substantial production of written documents in the village courts is rather useless and informed primarily by a (somehow unfitting) Weberian fantasy **(p.135)** about the rule of law as bureaucratic paperwork. On the one hand, the written records do not actually record what happened in a process of conflict resolution; on the other hand, even if the documents did accurately depict social and legal facts, these facts could not be acted upon as the state lacks substantial enforcement capacities. In the village courts, these enforcement capacities are even further diminished as the oversight mechanisms of the village courts through the MLGRD are weak, at best: no uniform reporting mechanisms exist, and the UP chairmen do not have to provide detailed information about the village courts to their respective superiors (Asaduzzaman 2012, 50–1). All of this seems to suggest that the paperwork produced in the village courts is nothing but an administrative burden. But are the files and formats written by the court assistants really that meaningless for people in rural Bangladesh?

In contrast to my own initial suspicion, most of my respondents in rural Bangladesh have singled out the production of written documents as *the* distinguishing feature of the village court. As one of them has argued very clearly: ‘the only difference is that in the village courts, you get written documents, in *shalish*, it is all verbal’ (RB-m-099). Using a total of twenty-four different files and formats, the fieldworkers and court assistants write the application for a village court case, the letter summoning the contestant as well as potential witnesses to the village court sessions, and the final judgment. Thus, virtually everybody who is somehow involved in a village court case, either as applicant, contestant, witness, or jury member, is equipped with at least one official document, written on official paper. These official papers were considered to be very important by most of my respondents in rural Bangladesh. Thus, through the official paperwork, the approximately 650 fieldworkers and court assistants employed within the project quite literally write the village courts into the universe of non-state justice institutions in rural Bangladesh. Within this context, where roughly 40 per cent of the rural population are illiterate (UNDP 2013, 120), writing these documents was almost univocally considered to be an essential service that the field staff of the four local NGOs provide to their constituencies. But why is this service so important?

Understanding the importance of providing written documents to extremely poor people requires a change in perspective, away from the content of these documents and towards a more careful analysis of what these documents actually do. This implies understanding documents as material artefacts whose meaning is unstable, context-dependent, and open to renegotiation, quite independently of the discourses that these documents are thought to carry. Such a change in perspective also sheds further light on the logic of non-enforcement that I theoretically introduced in Chapter 2 and empirically reconstructed in Chapter 4. According to the logic of non-enforcement, people file cases with the state-backed courts not in order to get binding and enforceable verdicts, but to alter the dynamics of non-state justice institutions like **(p.136)** the *shalish*. This logic of non-enforcement works in complex and complicated ways: it allows people to either access non-state institutions to begin with; or, in case they already have access to a *shalish*, it allows them to alter its dynamics in their favour. Paradoxically, this is possible in spite of the fact that most people in rural Bangladesh do not consider the state to have any significant enforcement capacity. Through this logic of non-enforcement, state and non-state justice institutions are linked; and this link is constituted by trails of official documents and bureaucratic paperwork. Through documents, the state is brought into non-state courts and starts to operate there. Although it does not impose its order, the state—mediated by its artefacts—therefore changes non-state justice.

Take the *shalish* outlined in Chapter 4 as an example: throughout the entire case, various kinds of official paperwork were present. As the police dispersed the crowd that had gathered after Yafi had been injured, the officers took testimonies from the conflicting parties, the chairman, and various witnesses. Scribbled in notebooks, these testimonies were subsequently transposed into an official report filed at the police station. This report, then, was passed on to the magistrate court and the prosecutor in charge who opened a case against Khairul. At the same time, medical reports were filed in Chittagong Medical College where Yafi was treated for his injuries. These reports became forensic evidence and travelled into the police file stored at the station and copied in the prosecutor’s office. A first court hearing had been scheduled for the week following the *shalish*; and Yafi’s brother had just received an official invitation as a key witness. This invitation, the medical report from the hospital, and further documentary evidence are lying on the desk, in front of the chairman who presides over the *shalish*. In the *shalish*, they are enacted in a particular way: in his introductory speech the chairman points out that this is the third *shalish* session; the previous two have failed to bear results and now this session has to succeed, otherwise, the state’s court gets involved. As he makes his case, he holds the court letter in both his hands, moving it up and down to the rhythm of his speech. The document is present, visible, part of the *shalish*. It is laid to rest on the table again as the conflicting parties give their statements. The invitation letter appears again in the *en camera* negotiations between the conflicting

parties. Together with the medical reports and hospital bills, the court letter and police reports circulate around the table. So do land titles and other documents indicating the financial situation of the involved parties. In the end, a compromise is reached. This compromise is public and pronounced at the end of the *shalish*. But before this, it has been written down and all parties have signed it.

What this example shows is an intricate interplay between the written and the verbal (Gupta 2012, 198–208). Written documents mattered; but they only mattered in the ways in which they were verbally enacted and thereby 'reinscribed', i.e. in the ways in which the meaning of these documents **(p.137)** was discursively presented (often quite independent of the information they actually carried). In the case of the document produced at the end of the *shalish*, the one signed by all parties, this was a process of validation. The chairman publicly announced that a compromise had been found and written down. Then, the victim's brother openly pardoned the perpetrators. He allowed them to rise again as they asked for forgiveness; and thereby he virtually enacted the reconciliatory outcome of the *shalish*. The document that fixed the terms of this reconciliation was thereby validated. In contrast, the documents of the state that circulated throughout the *shalish* were verbalized in a different way. The court letter that summoned the victim's brother as key witness to a first hearing, for example, was read by the chairman as a call to find a solution in this *shalish*. Here, the document acquired a function quite different from its apparent content; the content aimed at bringing witness testimony into the state's courtrooms to pass justice. But as it was read out by the chairman and subsequently discussed in the *shalish*, this document served the acceleration of non-state justice. What these two documents and the ways in which they were used in the *shalish* show is that the written and the verbal cannot be easily separated. Instead, they interact. And in these interactions, the state's documents do not further the enforcement of the state's laws; but they change the dynamics of the *shalish* nonetheless. In other words, as state documents are discursively enacted, they exercise a power that is incongruent with the state's enforcement capacities.

There are two ways of accounting for the power of state documents. The first is the rational fear of getting involved with the state. Although the enforcement capacities of the state are limited, getting involved with state agencies can turn out to be costly and burdensome. For example, prolonged cases in the state courts do consume money, time, and energy, as most of my interviewees in rural Bangladesh frequently stressed. Being involved in a court case requires a significant amount of paperwork. Yet official documents like birth certificates, identity cards, driving licences, land titles, tax records, death and burial certificates, police, court, and prison records, or the necessary paperwork sanctioning marriage and divorce are often difficult to obtain; and at least some of these are always necessary when involving the state. Acquiring these

documents often requires travelling to the offices of the relevant authorities, additional paperwork, and ‘a little money for tea’ (Shehabuddin 2008) for the bureaucrat in charge. Despite limited enforcement capacities, the state therefore still has a certain degree of ‘disturbance capacity’. This means that although its laws and rules are frequently not enforced, the state nonetheless exercises a tangible power in people’s lives; and this power is mediated by bureaucratic paperwork. Besides this rational fear of getting involved with the state, however, there is also what Akhil Gupta has described as an ‘irrational reverence for documents’ (Gupta 2012, 208–14).

(p.138) As Gupta has shown in his ethnographic study of the working of the bureaucracy in India, many people treated documents produced by the state as if they were ‘magical’ or ‘sacred objects’. And ‘although subaltern and illiterate people were especially likely to treat written documents as objects with inherent powers, to some degree that view was held by all subjects of the state’ (Gupta 2012, 212). Gupta discerns the ways in which official documents are treated almost as sacred objects by the ways in which they are kept, especially though not exclusively among poor villagers. Official documents are carefully wrapped in paper, the paper is then again wrapped in cloth, the cloth is placed in a metal container and, if available, the metal container is then stored within a glass cupboard (Gupta 2012, 212). In rural Bangladesh, documents are kept in similar ways and treated with the same degree of reverence. Often when I asked people about their village court experiences, and whether they would allow me to have a look at the documents, solemn ceremonies followed. Boxes were taken out of cupboards, cloth was removed, layers of protective paper carefully opened, and village court files were produced, often with an air of pride. This was the case among literate and illiterate people alike. In general, people who could not read documents would still recognize them; they would recognize how official they were, see whether they were signed, and how sophisticated this signature was. Was it one of those signatures of a poor and barely literate person; or was it an authoritative signature, complex, complicated, maybe even artistic, and designed in a way to make forgeries all the more difficult?

These recognitions are crucial. They are deeply engrained in people’s background knowledge and therefore operate almost pre-reflectively (cf. Bourdieu 1990). In Bourdieusian terms, official documents constitute a symbolic capital that is tightly linked to other forms of capital. As argued above, the access to documents depends first and foremost on money. In order to file a case with the state-backed courts, for example, people from remote villages first have to travel to the city where the nearest court is located. This requires not only taking the bus and paying for the fare, it also means losing income for one day, which is especially difficult for landless day labourers who depend on a daily cash income to sustain their livelihoods. In the city, further money has to be spent to get to the court premises. A lawyer has to be employed in order to navigate the complex ways of justice within the state’s judiciary. And if a lawyer

cannot be hired, extremely poor and illiterate or barely literate people need to pay at least one of the professional case writers who runs their offices on the pavements outside of court premises and other governmental offices. For a small fee, these case writers help people to produce the filled-out forms necessary for the acquisition of further documents like court records, police reports, or any kind of certificate. Besides money, access to state documents also depends on personal relationships and, increasingly, political affiliations (Lewis and Hossain 2008b, 43–50). **(p.139)** Personal relationships and political affiliations constitute a social capital that aids access to key figures in control of documents, like bureaucrats, police officers, or UP chairman whose signature is a necessary first step in the acquisition of identity cards, marriage certificates, or documents facilitating access to special governmental schemes.

Very poor and marginalized people with little money and not much social capital therefore have only highly limited access to official paperwork. This is where the fieldworkers and court assistants become decisive. They equip poor and marginalized people with official paperwork they could not otherwise access. The eleven different government forms are all highly official. They all include a cover page that displays the emblem of the MLGRD. They also display the flag of the EU and the logo of UNDP. Virtually everybody involved in a village court case is equipped with at least one of these forms. I encountered these forms as I talked, for example, with Karuna who had lost a calf in a conflict with her neighbour's son (see Chapter 6). Having unsuccessfully tried to receive compensation for her financial loss, it was literally the act of filing a village court case which brought the conflict to the attention of the chairman. This, in turn, facilitated the resolution of the conflict. Only the pressure of the chairman made the opposing party agree to a *shalish* that resulted in a compromise acceptable to all parties. Similarly, the village court-turned-*shalish* discussed in Chapter 6 was to a significant part facilitated by the presence of official paperwork. The chairman would usually not attend mediation sessions over what he termed 'such a trifling matter as six dead hens'. Yet, as an official village court case had been filed, and the applicants of the case arrived at the village court premises with their official invitation letter, the chairman felt compelled to hold a village court session.

The fieldworkers and court assistants therefore translate one of the key practices of the rule of law: the production of official paperwork. Instead of using the official forms and templates for the neutral and orderly keeping of village court records, they deploy these documents as a symbolic capital. By equipping poor and marginalized people with official paperwork these people could not otherwise access, the fieldworkers and especially the court assistants change not only the meaning of 'the rule of law', they also intervene in established power hierarchies in rural Bangladesh. This works only because the fieldworkers and court assistants translate the paperwork provided by UNDP into established patterns of conflict resolution in rural Bangladesh. More

precisely, they translate bureaucratic paperwork as key artefacts of the project into the logic of non-enforcement. According to this logic, inhabitants of rural Bangladesh can use the insignia of the state-backed judiciary to alter the dynamics of non-state justice mechanisms—and this is exactly what happens to the official forms and formats that are deployed within the context of the AVCB project. Therefore, the local NGOs fulfil one of the central additional conditions for succesful translations outlined in Chapter 2. **(p.140)** By enacting documents in practice, they transalte minimal material resources (literally only paper) into a symbolic captial that has a significant impact on local dynamics of conflict resolution.

This translation of paperwork is also apparent in the very high number of cases that are settled through a Rule 33 compromise that follows a formal appeal to the village court but precedes the jury judgment in an actual court session. Both the cases of Nafisa and Karuna described in Chapter 6 were settled by such a compromise. However, even if the village courts are formally constituted and pass a jury verdict in the second or third hearing, the overwhelming majority of these verdicts are passed either unanimously or with a 4:1 majority. As I argued in Chapter 6, this does not mean that a consensus is always reached. Often, it might simply be the case that the representatives follow closely the opinion of the UP chairman. Nonetheless, it means (a) that conflict resolution stays at the UP level as hardly any of the village court sessions are appealable, and (b) that the village courts are therefore one further avenue to circumvent the enforcement of state-backed laws. In that respect, they are very similar to the *shalish*. The key difference for poor and marginalized people is, as I have argued above, that they can make use of the official forms and formats provided by the project to gain access to the UP chairman in the first place, as also the case of Karuna in Chapter 6 clearly highlighted.

The translation of bureaucratic paperwork into a symbolic capital that follows the logic of non-enforcement is therefore decisive. It significantly improves the situation of poor and marginalized people in processes of conflict resolution. Yet it simultaneously undermines the aspiration of international donor agencies to activate the village courts as the lowest tier to the state's judiciary. Besides this translation of a key practice of 'the rule of law', the fieldworkers and court assistants also translate the normative vocabulary in which international donor agencies conceptualize it—from transnational liberalism into the normative vocabularies of community harmony and Islamic law.

7.2. Translations of Normative Orders

Translating Human Rights

During a group discussion with the governing board of MLAA, a pioneering legal aid organization, source of inspiration for the AVCB project, and one of the four local NGOs that implement the project in rural Bangladesh, I asked how they explain the concept of human rights to the people in rural Bangladesh with

whom they are working. In response, one senior member of the organization said:

> **(p.141)** so this is a very difficult question. And also motivating people about human rights is not that easy. But for that you have got to talk to them. What is a human right? What is the definition of a human right? The right one needs to be human, without which a man cannot be, you know, himself as a member of the community or a citizen of the state. That's simple but very difficult!
>
> (NGO-gd-112)

Here, human rights indicate the right to membership in a community, or, as Hannah Arendt has argued, 'the right to have rights' (Arendt 1973, 295–6), though in this case, this right is not granted by the state in the form of citizenship but by the village in the form of community membership. This right to have rights is never discussed in abstract terms but always contextualized and applied to concrete problems, conflicts, and challenges the participants of courtyard meetings or other NGO activities are facing.

These challenges are also discussed in interactions between the fieldworkers of the local NGOs and the CBOs that have been formed in the course of the project. CBOs assemble widely respected representatives from village communities who ought to function as multipliers of village court-related information. They are a cornerstone in the project's sustainability strategy as they remain embedded in local communities even after the project has formally ended. CBOs are therefore a key channel of communication between the fieldworker and various constituencies in rural Bangladesh. In a long discussion with twelve representatives of CBOs in Madaripur, the notion of the right to have rights was further specified.

We are sitting in a community centre close to where Tapathi, introduced at the beginning of Chapter 1, had facilitated her courtyard meeting. Initially, the five women and seven men report different conflicts that had occurred in the vicinities, in which they were working. They discuss these conflicts as well as possible solution strategies involving village court proceedings as much as resolutions via *shalish* courts. I involve them in a prolonged discussion about the fundamental principles that ought to guide decisions in both *shalish* and village court proceedings, a topic they also frequently raise with members of their respective CBOs. They point to five fundamental rights everybody should enjoy—the right to food, shelter, health, education, and clothing. It is these five things, they argue, that are necessary in order to be part of a community, and to be able to participate in community-based processes of conflict resolution.

This right to participation is not abstract. It departs from the abstract universalism of contemporary transnational human rights discourse and, instead, always starts from the specific context, and—probably even more importantly—the social relations in which a person is embedded (Siddiqi 2011d). Not all of these relations, and the hierarchies they imply, are questioned though. Take generational hierarchies as an example. Talking to a community-based women's organization in a rather remote village where **(p.142)** MLAA has been working for decades, one of the women clearly approved of the outcomes of different kinds of human rights-based training programmes that the NGOs had been running for the past two decades. As she argued, 'these rights are wonderful, you know. Because previously, our husband simply decided to whom to marry our daughters; but now, through human rights, they know that they have to consult us and that we make this decision together' (RB-gd-107). Here, the notion of human rights is employed to widen the participatory spaces for married women (though not necessarily for unmarried ones).[2] This widening of participatory spaces was not limited to marital politics, but also included increased participation in decisions about which crops to seed and which investments to make as a household. This notion of human rights does not explicitly point back to the Universal Declaration of Human Rights or the various sets of rights anchored in international treaties.[3] It neither reproduces the abstract universalism that underpins contemporary transnational human rights discourses. Instead, human rights as they are translated by the fieldworkers and court assistants at the grassroots level in rural Bangladesh start from existing social relationships and seek to develop social traction by enhancing spaces for participation within these relationships.

This strong emphasis on the right to participate in decision-making processes which significantly affect one's life is part of the broader argumentative strategy pursued by MLAA. As an organization, MLAA facilitates conflict resolution in *shalish*, village courts, or other ADR mechanisms through community participation. This was highlighted in particular by a gender specialist who has worked for many years with the organization. She argued that 'community participation can solve any kind of conflicts', including those **(p.143)** that the state-backed laws cannot solve, for example the divorce of Hindu marriages, which is not provided for in Hindu family law. It is thus only that 'people's participation makes the decision, the MLAA fieldworker only observes that this decision is made in accordance with the law' (NGO-gd-112). However, here 'the law' refers not only to the state-backed laws of Bangladesh but to a diverse set of legal and normative resources, including the state-backed laws as well as international human rights discourse and religious principles (NGO-f-056). Thus, the local NGOs operate in a context where multiple legal and normative codes govern the lives of poor and marginalized people (Shehabuddin 2008, 27).

In order to navigate this complex context, the local NGOs use a wide repertoire of normative vocabularies to carve out and increase the existing participatory spaces for poor and marginalized people, and in particular women. One of these resources is the language of human rights, which is, as I have shown above, translated into a basic claim for enhanced participation, which is often expressed in terms of *samaj* justice (see Chapter 6). In this way, the local NGOs do not necessarily contradict global human rights treaties, but make them accessible to people in rural Bangladesh by including them in prevailing logics of community harmony, with all the complexities and complications this entails. Besides this translation of human rights into participatory spaces within non-state conflict-resolution mechanisms, Islam and Islamic law constitute a powerful normative order in rural Bangladesh. The next section shows how local NGOs use the language of Islam and Islamic law to improve the situation of women, the kinds of contestation this provokes, and the ways in which local NGOs in rural Bangladesh respond to these contestations.

Promoting Women's Rights through the Language of Islam and Islamic Law

As argued in Chapter 6, addressing the concerns of women is only possible if the local NGOs expand their institutional toolkit and thus abandon the exclusive focus on the civil and criminal cases that can be negotiated in the village courts. As they are expanding the institutional toolkit, the local NGOs not only focus on the village courts but also include the arbitration councils in their field activities. They thus add another quasi-formal institution that deals explicitly with Muslim family law. However, including the arbitration council unavoidably expands the normative vocabulary through which matters of social and local justice are communicated as the promotion of women's rights is only possible through the language of Islam and Islamic law. As I talked to a senior gender specialist at UNDP, who has worked for many years as a fieldworker, and later as a trainer of trainers for one of the local NGOs involved in the AVCB project, the importance of the language of **(p.144)** Islam and Islamic law for the improvement of the situation for women in rural Bangladesh became very apparent. As she argued:

> It is our duty to make the connection between Islam and what the [state-backed] laws say. Our [Muslim family law] comes from the Qur'an; so if you follow the law, you are following Islam. Bangladesh is a Muslim country—and without respecting religion, without showing the connections between the law and the Qur'an, nobody will listen to you! This is my experience as a trainer, as a social activist…In my trainings, I always show: there is a law—and this law comes from the Qur'an. The inheritance law comes from the Qur'an, the divorce law comes from the Qur'an, every Muslim [family] law comes from the Qur'an. But in the villages, there are many illiterate people. They might recite the Qur'an in Arabic, but they do not know what's written in the Qur'an. So it is my duty to translate the Qur'an into their language.

(NGO-f-056)

Literally translating the Qur'an into the language of people in rural Bangladesh is in some instances identical to the promotion of the state-backed family laws, which are based on religious law (see also Chapter 3).

Although the state-backed Muslim family laws have been heavily criticized by international human rights organizations for discriminating against women and for violating Bangladesh's obligations under international human rights law (see for example Human Rights Watch 2012), the state-backed Muslim family laws nonetheless carry an emancipatory potential for women in rural Bangladesh: as I have argued in Chapter 4, precisely those aspects of Muslim family law that threaten the established patriarchal order in Bangladesh are systematically not enforced.[4] Thus, women do not get their legally granted shares of inheritance, divorces are frequently not registered with the state, due maintenance payments are withheld, and multiple marriages are entered without the written consent of the first wife or wives (Human Rights Watch 2012, 3). Consequently, the promotion of compliance with the state-backed Muslim family law has the potential to improve the situation of women in rural Bangladesh. The four local NGOs I worked with throughout my field research thus promote the state-backed Muslim family law—and do so through the normative orders of Islam and Islamic law.

Take the question of divorce as an example. Most fieldworkers and court assistants in all four divisions of Bangladesh where local NGOs are in charge of activating the village courts have reported experiences with women approaching them with questions pertaining to divorce and the dissolution of marriage. **(p. 145)** Under the MFLO of 1961 (discussed in more detail in Chapter 3), the possibility of verbal divorce through the man by uttering the word '*talaq*' three consecutive times is foreclosed. Instead, the MFLO formalizes divorce proceedings and prescribes a ninety-day mediation phase after the application for divorce has been formally filed by the husband with the chairman. Although the precise legal implications of the provisions of the MFLO have been fiercely contested since its inception, the fieldworkers and court assistants defend the imperative of a prolonged mediation phase, and the resulting impossibility of spontaneous divorce. Yet they do so less in the terminology of the state-backed courts, which, as argued above, have seen intense litigation on questions such as what happens if a husband fails to provide written notice to the UP chairman. Instead, they defend sustained efforts at restoring good relationships within a marriage as a Qur'anic requirement.

Similarly, the fieldworkers and court assistants defend women's right to initiate divorce (*talaq-i-tafwiz*), which can be granted by the husband to the wife on the marriage registration form, as a religious imperative rather than a legal possibility. In addition to the possibility of *talaq-i-tafwiz*, the staff members of

local NGOs also disseminate information regarding the possibility of divorce in the case of mutual consent or if the wife relinquishes her claim to the dower that has been paid by her husband (*khula*). Dower (*mohrana*) is a central component of an Islamic marriage; it consists of a payment by a husband to his wife, usually in the form of money, jewellery, or other assets. Although at least an instalment of the dower is payable at the time of marriage, many women in rural Bangladesh do not claim its full amount out of fear of antagonizing their husbands (Shehabuddin 2008, 85–7). Similar fears also pertain to questions of polygamy, which is legally sanctioned in Bangladesh if specific conditions are met. Again, in questions relating to polygamy, the fieldworkers of local NGOs point to Islam as a normative order and highlight the Qur'anic requirement of maintaining all wives equally. They also argue that the prior consent of the wife or wives to further marriages is a religious imperative. It is also a legal one; and in many instances in which the fieldworkers and court assistants aim at enhancing participatory spaces for women, they at least implicitly draw on existing state-backed Muslim family laws in Bangladesh.

Yet the use of Islamic narratives of justification by the local NGOs is not limited to the promotion of state-backed Muslim family law. Thus, the gender specialist and former fieldworker quoted above also explained that she always uses the example of the wife of Mohammed to convince the male participants of her workshops to treat the female members of their family respectfully:

> Our Prophet, when he got the voice from Allah, at first he shared with his wife. When he came back from *Eid*, at first he shared with his wife. When he made a decision, he first consulted with his wife. I always provide this example to my **(p.146)** communities: if you take any decision, please consult with your wife. You listen to your wife, because our Prophet did that as well.
>
> (NGO-f-056)

Similarly argumentative structures are used by local NGOs in rural Bangladesh (also beyond the AVCB project) to contest widespread dowry practices as well as violence against women as un-Islamic.[5] As Elora Shehabuddin has shown, arguments that 'it is said in the hadith that our Prophet never raised a hand against his wives' or that 'according to the hadith, men are not allowed to hit their wives' are used by both grassroots-level workers of local NGOs as well as villagers in rural Bangladesh to combat violence against women (Shehabuddin 2008, 102). In these cases as well as in the example cited above, references to the *hadith*, the collection of examples from the life of Mohammed, are used to combat violence against women as well as to enhance their possibility of participating in the social and political lives of their communities.

These references to Islam and Islamic law are persuasive because *both* villagers and fieldworkers firmly believe in them: as I asked a fieldworker of one of the four local NGOs if she thought that Islamic law was bad for women, she looked at me, laughed, and said: 'of course not! Islamic law is perfect, for everybody—also for women. The big problem is that Islamic law is not applied in rural Bangladesh' (NGO-f-063). In fact, most fieldworkers I talked to in rural Bangladesh shared this position and firmly argued that adherence to Islamic law (as they understood it in reference to the state-backed Muslim family laws) would be best for men and women alike. This is important as it fulfils one central pre-condition for translations outlined in Chapter 2. The translators understand, and at least partially share, the background knowledge of the people they are translating for. This is also the case in rural Bangladesh as all my evidence suggests that the translation of secular vocabularies into Islamic narratives of justification is not strategic in the sense that the translators would actually firmly believe in secular principles and then only deploy religious arguments instrumentally. Instead, my evidence suggests that the reverse is the case: the principled beliefs of the fieldworkers I met in rural Bangladesh are principled beliefs of Islamic law and the resources provided by international donor agencies can be used strategically to advocate exactly these beliefs. Consequently, the fieldworkers and court assistants in rural Bangladesh actually want to improve the situation of women through the interpretation of Islamic law that is codified by the state. The demand for the enforcement of the state-backed Muslim family laws is therefore both moral and political. It is, however, heavily contested.

(p.147) ## 7.3. Who has the Right to Speak for Islam?

The local NGOs also address the *fatwa*-related violence discussed in Chapter 4. However, besides the references to the illegality of extra-judicial punishments that was confirmed by the Appellate Division of the Supreme Court in 2010, the local NGOs also deploy a second narrative of justification: they contest those *fatwa* that demand the physical punishment of women as un-Islamic. In response to the kind of *fatwa* that has attracted a high degree of national and international media attention as they policed women's sexualities through the exercise of physical violence, the local NGOs argue that the imam who issued these *fatwa* actually lacked the knowledge and required education to issue a *fatwa*. Thus, these *fatwa* were not in accordance with Islamic law at all. As one district supervisor of the local NGOs involved in the AVCB project told me:

> in the courtyard meetings where they discuss the village courts they emphasise a lot that these *fatwa* are, in fact, against the Qur'an and the principles of Islamic law. In order to be allowed to issue a *fatwa* you have to study for many years. You have to study not only the Qur'an and the Hadith, but also what is called *fiqh*. The Imam in your village is a pious

> man and he knows the Qur'an and Hadith—but he is not allowed to give *fatwa*. If he gives a *fatwa*, this is against Islam.
>
> (NGO-m-061)

However, this strategy of arguing that some *fatwa* issued by local religious leaders constitute violations of Islamic law as well as the promotion of women's rights through the language of Islam draw the local NGOs into fierce contestations that revolve around the question: who has the right to interpret Islamic law in rural Bangladesh?

In order to analyse this contestation, it is helpful to look at 'the hard case', i.e. at the region of Bangladesh where this contestation is the most intense. Within the context of my field research, this region is Chittagong and, more precisely, the District of Hathazari. In Hathazari, the Al-Jameatul Alia Darul Uloom Moinul Islam Madrasa, popularly referred to as 'Hathazari Madrasa' or 'Boro madrasa', is one of the top ten Islamic educational institutions in South Asia in terms of academic standards and reputation (Ahmad and Nelson 2009, 33). Established in 1896, it is the largest Deobandi madrasa in Bangladesh and supervises in cooperation with two other madrasas a network of 7,000 smaller educational institutions throughout Bangladesh (Riaz 2008, 149). These institutions are largely Qwomi madrasas, i.e. they are not regulated through the state's Madrasa Education Board. Since 2010, the political movement Hefazat-e-Islami, a loose grouping of smaller Islamic parties as well as up to 25,000 madrasas, has been coordinated through the Hathazari Madrasa (Mustafa 2013). The Hefazat movement started in response to the government's 2009 draft Women's Development Policy, which would have given men and **(p.148)** women equal legal entitlements to inheritance. Mobilizing significant resistance, the Hefazat movement eventually pressured the government into abandoning the draft policy (Allchin 2013).

Four years later, in April 2013, the Hefazat-e-Islami reappeared on the political stage in Bangladesh, demanding stricter blasphemy laws and capital punishment for bloggers who allegedly had insulted the Prophet Mohammed. Gaining significant momentum, the movement organized mass rallies in April and May 2013 and presented its thirteen-point demands. Talking to a senior lecturer of *fiqh* (Islamic jurisprudence) in Hathazari madrasa in January 2012, I asked him what he considered to be the biggest problem in Bangladesh's contemporary legal system. He told me:

> The biggest problem is that the laws are written by humans. These laws cannot solve all human problems; as it has been amended time and again. These laws are not long-lasting. Long-lasting are only God's laws; only if they are implemented could the world live in peace…Every political party in Bangladesh is led by a Muslim. But an Islamic name does not mean that

> people really try to implement Islam. There is not a single party that seriously tries to implement Islamic law.
>
> (RB-m-014)

He explicitly referred to the Muslim family law, which he considered to be in clear violation of Islamic law. According to him, two aspects of the current Muslim family laws are in violations of Islamic principles: certain aspects of the laws of inheritance and the impossibility of immediate verbal divorce through *tin talaq* (discussed above).

A few days after this conversation, I attended a workshop of the AVCB project with religious leaders that took place in the immediate vicinity of Hathazari Madrasa. Halfway through the workshop, the trainer and the district supervisor of the local NGO were confronted with the following argument by one of the participating Islamic scholars: 'but in 1961, the government changed the laws of inheritance for Muslims—and now they are thinking about changing it even more! But the 1961 MFLO is against Islam—it must not be used; it is against the Qur'an'. In response, the district supervisor said:

> When the law was passed in 1961, the government consulted many religious scholars, who approved of the Ordinance. The Ordinance is in accordance with Islamic law. The government would never pass a law that violates Islamic law. All of you, you need to study the Qur'an and the Hadith, and the Sunna very carefully; then you will see that the government does not pass laws that are against Islam.

As the imam was not persuaded, the trainer and district supervisor eventually just ended the discussion and proceeded with the agenda of the workshop. Although unsuccessful in this instance, the contestation outlined above highlights two argumentative strategies employed by the local NGOs vis-à-vis **(p.149)** established religious authorities: on the one hand, the local NGOs engage in substantial debates over the content of Islamic law and thus draw upon theological lines of reasoning to justify the content of the state-backed Islamic laws in Bangladesh. On the other hand, the local NGOs simultaneously refer to the state as the only institution that is entitled to articulate legitimate and therefore binding interpretations of Islamic law.

This particular debate over inheritance in the 1961 MFLO is rather scholastic. It only concerns cases in which a child's father dies before the paternal grandfather. Thus, commenting on the debate that took place within the workshop, one NGO district supervisor told me: 'in the villages, most people do not know about the 1961 Muslim Family Law Ordinance. They only know about *shalish* and how they solve conflicts within a *shalish*. Thus, we only get these kinds of debate [as the one that has been outlined above] in the trainings with learned Islamic scholars' (NGO-m-031). However, even less learned religious

authorities, like the imams in the villages who have generally received only a rather basic training in Islamic jurisprudence, do know about the Islamic principles for divorce. As I have shown above, the fieldworkers and court assistants defend the registration of women's rights to initiate divorce, the imperative of prolonged mediation phases prior to divorce, and the illegitimacy of verbal divorce (*tin talaq*) as Islamic principles. Yet in contestations with religious authorities, the fieldworkers and court assistants expand their argumentative strategies. Like the trainer in the workshop quoted above, the fieldworkers and court assistants deploy a dual argument that aims at grounding the legitimacy of their interpretation of Islamic Law with, firstly, reference to religious sources and, secondly, the state-backed Muslim family laws. As a district supervisor of another local NGO in Dhaka Division explained:

> Sometimes, it happens that religious leaders don't agree with what we say about divorce. In these cases, we sit down with the Imam and discuss: we tell them that the question of divorce is not conclusively answered in the Qur'an. Thus, we have to look at the Hadith, Isma, and Kias as well. We show them the sources and argue that our interpretation of Islamic law is the correct one. It is also the same interpretation that we find in the [state-backed Muslim family] laws. For example: in the Qur'an it is written that when a husband says three times *talaq* [divorce], the divorce is valid. Then, the Imam might insist on an intervening Hilla marriage. But we show them that the right interpretation of Islamic law is the one in the [state-backed] Muslim Family Law, which always demands a 90 day mediation period, always. Thus, we tell the Imam that they need to register all divorces with the Union Parishad Chairman—otherwise, the divorce is not valid according to Islamic Law.
>
> (NGO-m-061)

Here again both lines of argument intersect: on the one hand, references to the religious sources are used to justify a particular interpretation of Islamic law. **(p.150)** In a second step, the local NGOs argue that this interpretation is the basis of the state-backed Muslim family law.

As any justification narrative, this line of argument combines arguments about normative validity with claims to political authority. In the case above, the district supervisor of the local NGO as well as his colleagues all argue that a three-month mediation period in potential divorce cases is normatively prescribed by Islamic principles. These principles, in turn, are enshrined in the state-backed laws. Thus, the failure to follow the state-backed procedures of divorce would render the divorce un-Islamic and thus invalid not only in a legal, but also in a moral sense. As I have shown above, the interwoven claims to normative validity and political authority are contested by religious authorities in rural Bangladesh. Their favoured interpretations of Islamic law also support

the patriarchal structures of rural society and thus do have a high degree of social traction. Furthermore, as I have shown in Chapter 3, contestations over the questions of who has the right to speak for Islam are not new in rural Bangladesh—and the role of the state in the interpretation of Islam and Islamic law has been, and continues to be, the subject of long but ongoing debate. The fieldworkers and court assistants I interviewed in rural Bangladesh have clearly sided in these debates. They continuously argue that the state—and only the state—has the authority to interpret Islamic law. In this instance, the four local NGOs actually promote the rule of law; at least in the narrow sense of the enforcement of nationally applicable state-backed law, irrespective of the context in which any particular conflict emerged.[6]

7.4. Conclusion

These translations of normative vocabularies as well as of key practices of 'the rule of law' as it is understood by international donor agencies explains why the project only has an impact in those areas where it is implemented through the intervening help of local NGOs. As argued in Chapter 2, translations only occur if they are facilitated by translators who transform the meaning of travelling norms and ideas in ways that allow them to resonate in particular contexts. The fieldworkers and court assistants of the four local NGOs master this task of the translators. They skilfully use all the artefacts, including the official forms and files provided by the project. Instead of using these forms to render particular conflicts transparent and intelligible within the legal **(p.151)** rationality of the state, they use them as a symbolic capital. This, in turn, allows them to replicate the logic of non-enforcement and thereby integrate poor and marginalized people in Bangladesh, who do not have any access to the state-backed courts, into the logic of non-enforcement. Thus, the four local NGOs facilitate access to the UP chairmen as respected arbiters of conflict in rural Bangladesh, but they do not promote the rule of law as imagined by the EU or other bi- and multilateral donor agencies more generally. Furthermore, the four local NGOs abandon secular discourses of women's empowerment, in which Islam is often understood as an obstacle rather than a resource. Instead, the local NGOs translate secular notions of human rights and the rule of law and improve the lives of women in rural Bangladesh explicitly *through* the language of Islam and Islamic law.

As I have shown in this chapter, translating the normative orders of secular liberalism into the vocabulary of Islamic law unavoidably leads to contestations over the question of who has the right to speak for Islam. In these contestations, the four local NGOs argue that the best interpretation of Islamic law is codified in the state-backed Muslim family laws. This narrative of justification for the enforcement of the state-backed Muslim family laws is the only instance in which the local NGOs promote the rule of law in the Razian sense that I introduced in Chapter 2 as the uniform and systematic application of substantial state-backed laws, regardless of the particular context in which a specific

conflict has emerged. Raz deliberately dissociated this consistent application of law from any normative considerations. In contrast, the activation of the state-backed Muslim family laws by the local NGOs is explicitly motivated by strong normative aspirations: the fieldworkers and court assistants that I met in rural Bangladesh defended Islamic law precisely *because* of the enhanced participatory spaces for women that it prescribes. Thus, the local NGO's promotion of the Razian rule of law is not that far removed from the normative aspirations that the EU attaches to the rule of law by combining it with notions of democracy and human rights (see Chapter 5). Ironically, it is precisely this clearest instance of rule of law promotion by the four local NGOs that is systematically ignored and written out of the official project and monitoring apparatus. Chapter 8 will turn to this irony—and discuss what is lost in the retranslation of the NGO's field activities to the headquarters of the UN and the EU in Dhaka, Brussels, and New York.

Notes:

([1]) 'EU Ambassador Applauds Village Courts', at http://www.villagecourts.org, accessed 6 June 2013.

([2]) Whether this is actually compatible with the Universal Declaration of Human Rights has to remain an open question: Article 16(2) of the Declaration only states that 'Marriage should be entered into only with the free and full consent of the intending spouses'. This does not preclude that daughters fully consent to their mother's choice of husband; and I would assume that in many cases her mother's participation in the decision-making process increases rather than decreases the likelihood of the daughter's consent to her future husband. At the same time, however, it is equally implausible to assume that this always happens; in rural Bangladesh, as much as anywhere else in the world, mothers and daughters do have, at times, fierce disagreements. Again, in this particular example it is important to note how the translation of human rights unfolds against the backdrop of intersecting power relations: in the example just quoted, married women are empowered vis-à-vis their husbands as much as vis-à-vis their unmarried daughters, For an analysis of the complexities of marital politics in rural Bangladesh, see White (2010, 2012).

([3]) This is not to say that the 'thicker' notion of human rights as they are articulated in international human rights treaties are not important for the work of local NGOs in Bangladesh: thus, the local NGO makes frequent references to CEDAW to combat domestic violence, for example, and protect the bodily integrity of human beings. In this chapter, however, I am more concerned with the ways in which fieldworkers make the human rights language of international treaties available in rural Bangladesh by translating it into local discourse. These are also translations, but translations that maintain a strong line of

recognizability as they preserve, at least most of the time, the normative cores of international human rights treaties.

([4]) This argument is inspired by and heavily indebted to Matthew Nelson's (2011) work on the effects (or lack thereof) of state-backed Islamic laws on inheritance practices in Punjab, Pakistan. The parallels between Pakistan and Bangladesh are striking, especially in light of Bangladesh's political history, which is, at least to a large extent, a history of trying to carve out a secular Muslim identity for Bangladesh *in contrast to* Pakistan.

([5]) For a detailed discussion on dowry practices, see White (2013).

([6]) Of course, by promoting the village court, the local NGOs also advocate the implementation of the 2006 Village Court Act. However, as I argued in Chapter 3, this is a peculiar kind of law, as it demarcates the boundaries in which state-backed law can officially be suspended as long as certain procedural criteria are adhered to.