



**musawah**

For Equality in the Muslim Family

## **Musawah Global Life Stories Project**

### **BANGLADESH COUNTRY REPORT**

**Documenting Women's Life Stories  
Relating to *Qiwamah* and *Wilayah***



**This report, which was submitted to the Musawah Secretariat by the country team,  
has been lightly edited by the Secretariat for format and style.**

## Table of Contents

<b>Executive Summary</b> .....	<b>3</b>
<b>Our goal</b> .....	<b>4</b>
<b>Objectives</b> .....	<b>4</b>
<b>Methods</b> .....	<b>4</b>
<b>Conclusion</b> .....	<b>4</b>
<b>Research team</b> .....	<b>5</b>
<b>Country Overview</b> .....	<b>6</b>
<b>1. General demographic information about the country</b> .....	<b>6</b>
<b>2. Health</b> .....	<b>6</b>
<b>3. Education</b> .....	<b>7</b>
<b>4. Participation in the economy</b> .....	<b>8</b>
<b>5. Property rights: Legal and customary land rights for women</b> .....	<b>9</b>
a. Legal overview .....	9
b. Inheritance and division of property.....	10
<b>6. Participation of women in the political realm and decision-making</b> .....	<b>11</b>
<b>7. Marriage and divorce</b> .....	<b>12</b>
<b>8. Violence against women</b> .....	<b>14</b>
<b>9. Summary and Millennium Development Goals in general and relating to gender equality</b> .....	<b>15</b>
<b>Life stories</b> .....	<b>17</b>
<b>Life Story #1: Rafia</b> .....	<b>17</b>
Growing up as the youngest member of an extended family.....	17
Entering adulthood, concepts of gender and ideals of sexuality.....	19
Romance and marriage .....	20
Security and partnership .....	23
Facing reality and rediscovering herself.....	24
Reflections of the interviewer.....	25
Summary matrix .....	26
Notes on the links between the story of Rafia and <i>qiwamah</i> and <i>wilayah</i> : .....	27
<b>Life story #2: Ranu</b> .....	<b>28</b>
A floating childhood: Rejection, abuse and forced “independence” .....	28
Entering adulthood: Abandonment, trafficking and survival.....	30
Settling down: The constant need for “protection” .....	31
Reflections on the interview process (Ranu) .....	33
Summary matrix .....	35
Notes on the links between the story of Ranu and <i>Qiwamah</i> and <i>Wilayah</i> .....	35
<b>Life story #3: Ruba</b> .....	<b>36</b>
Early years .....	36

Marriage: Finding a way out.....	37
The trials of building a life together .....	38
Religious turn.....	39
Reflections of the interviewer.....	41
Notes on the links between the story of Ruba and <i>Qiwamah</i> and <i>Wilayah</i> .....	42
<b>Life story #4: Sultana .....</b>	<b>43</b>
Marginalization in childhood.....	43
Experience of marriage negotiations: Did the civil and <i>Shari'ah</i> laws help? .....	45
Experience of marginalization within marriage .....	46
Decision to leave her marriage: Constrained agency and dilemmas .....	47
Constraints in the divorce process .....	47
Experience of marginalization post-divorce and mitigation strategies.....	49
Marginalization during daughter's marriage and making "pragmatic" choices .....	50
Views on life and agency .....	51
Reflections on the interview process .....	52
Summary matrix .....	53
Notes on the links between the story of Sultana and <i>Qiwamah</i> and <i>Wilayah</i> .....	55
<b>Life story #5: Simi .....</b>	<b>57</b>
Childhood .....	57
Marriage .....	59
Divorce.....	61
Life after the divorce .....	62
Reflections of the interviewer.....	62
Analysis on the interview findings.....	62
Summary matrix .....	63
Notes on the links between the story of Simi and <i>Qiwamah</i> and <i>Wilayah</i> .....	64
<b>Summary of <i>Qiwamah</i> and <i>Wilayah</i> Elements in the Life Stories – A Compilation .....</b>	<b>65</b>
<b>Rafia .....</b>	<b>65</b>
<b>Ranu .....</b>	<b>66</b>
<b>Ruba .....</b>	<b>67</b>
<b>Sultana.....</b>	<b>69</b>
<b>Simi.....</b>	<b>70</b>
<b>Summary of stories and their links with family laws .....</b>	<b>72</b>

## Executive Summary

This report is the product of the involvement of a research team, based at BRAC University (<http://www.bracu.ac.bd/>), with Musawah's Knowledge Building Initiative on *Qiwamah* and *Wilayah*. As a part of this knowledge building initiative, Musawah has embarked on a multi-country project to understand and deconstruct the Quranic concepts of *qiwamah* and *wilayah* "which are commonly understood as sanctioning men's authority over women. As interpreted and constructed in Muslim legal traditions, and as applied in modern laws and practices, these concepts play a central role in institutionalizing, justifying and sustaining a patriarchal model of families in Muslim contexts."<sup>i</sup> The main objective of Musawah's knowledge building initiatives is to

*Produce new feminist knowledge and a rethinking about the idea and realities of qiwamah and wilayah that can empower Musawah Advocates to ensure that laws and practices promote equality and justice in the family.*<sup>ii</sup>

With the above objective in mind, Musawah approached a few of us, stationed at BRAC University, to see if we were interested to partake in Musawah's Global Life Stories Project, tracing the prevalent role of *qiwamah* and *wilayah* in the lives of Muslim women, both in everyday life in general, and as affected by family laws in particular. This seemed to be a wonderful opportunity to think critically and substantively about patriarchy, but in a direction, that has not been thus far greatly explored in the context of Bangladesh. Much of the gender analysis in the context of Islam has taken poverty, socio-economic inequality, and the accompanying culture as the core of women's oppression. Religion in general, and Islam in particular, have entered the equation only to the point that it is a part of the structural inequality that subjugates women to an inferior status. The assumption is that when women's socio-economic conditions improve, oppressive discourses around of religion will cease to have an influence on women's lives. Thus, an opportunity to undertake a project where religion is not seen distinctly from structural oppression, but an integral part of it that warrants an address beyond socio-economic remedies, was interesting and new.

The argument for putting religion more at the center for a better understanding of, and remedy to women's inferior standing lay in the family laws to which all Muslim women are behold, whether believing, practicing or not. To think that women can come out of patriarchy as their socio-economic conditions improve is simplistic, as long as family laws remain guided by religious interpretations that are not always favorable to women. The Bangladeshi experience is that changes in family laws are always highly sensitive matters, and always highly protested and contested by conservative religious clergy, and other quarters. Thus, the need to think about women's struggles against patriarchy with the aim of making a dent in the religious discursive roots of patriarchy, was a new approach Musawah's Life Stories Project brought in.

It allowed the research team to not only engage with issues around patriarchy and women's inferior status, but also around religious discourse as it effects family laws directly and therefore trickles on to women's everyday lives, choices and opportunities. Religious discourse has become the domain of the clergy. The pursuit of a certain kind of secularism has seen scholarship and expertise in religious arenas left solely to the clergy, without any checks and balances. Our involvement with Musawah, allows us to thus think about the religious discourse simultaneously with patriarchy. This work thus holds the promise of ushering in new kinds of scholarship and thinking about women in a Muslim majority country with secular aspirations.

## Our goal

The goal of the Bangladesh project is to advance gender equality and development for women in Bangladesh through their own agency, and their own critical reflection on the role and effects of *qiwamah* and *wilayah* in their everyday lives. As feminists working in academia and beyond, we are committed to justice and equality as the building blocks for women's lives and the laws that affect them. Consequently, we undertake this project as a way of understanding the women's lives, their recourse against patriarchy, and the reasons for their silence. Through an understanding of women's lives, as they are lived out in the everyday, we hope to ease out what constitutes injustice, inequality and how, along with the manner, in which religion is articulated as a cause or remedy for these injustices. Through such a textured understanding, we hope to make available women's lived realities as way of improving their lives as well as liberating an Islamic discourse on women.

## Objectives

- To collect at least five stories.
- To fulfill the objectives of the Global Life Stories Project for a greater understanding of how notions of protection and guardianship influence women's lived realities. The stories collected will provide evidence for future directions towards change.
- To create a space for diverse views that accommodate different voices and different ways in which patriarchy is negotiated and diffused. This is a space where different views are heard and factored in while thinking long term about gender equality and bringing about changes in the Muslim family.
- To empower resource persons (in the long run)
- To provide inputs to specific policies (and reforms), if and when openings are available.

## Methods

The life stories were collected using open ended interviews. Each resource person was interviewed up to four times. The resource persons had some familiarity with the researchers. Thus, each researcher had the advantage of some background knowledge of the resource person. This served as a useful check and balance of what resource persons were narrating, and helped guide the course of the interview. Each interview session lasted approximately one and a half hours. Given pre-existing familiarity, the building of rapport was not difficult. However, it was evident that with each passing session, resource persons had opened up more. The interview sessions were also an exercise in reflexivity, where each interviewer was asked to take note of what shocked them about the narratives (if at all), and why. One of the aims of this reflection was to ensure that the final analysis is able to mitigate personal biases, whereby the stories could be understood as lived and real, shedding light on the contexts and reasons that gave birth to choices, constraints and experiences. Researchers have tried their best not to lace their analysis with their biases. A section on reflections of the interview process at the end of each life story, included in the report, aims to highlight some of the issues and concerns of the researchers.

## Conclusion

The stories from Bangladesh are varied on the basis of age, and socio-economic category. The resource persons were selected on the basis of their class position and life experience, where women endured some form of gender discrimination. There are two issues that came out in the interviews. The first very prominent feature of the life stories is the apparent invisibility of "religious" norms, and the dominance of "cultural" edicts and poverty. An issue that we struggled with even in the team is that women's marginalization has nothing to do with religion, but everything to do with socio-economic marginalization.

The assumption is that if women’s socio-economic conditions improved, regressive religious ideas would no longer be able to exert a coercive force. Given such a belief, it was difficult to initiate the project in Bangladesh where women’s groups have prided themselves on changing women’s lives in a way that does away with religion. The caveat in this is, while women’s rights activists, or even the women on the ground themselves may have their eyes only on socio-economic indices, there are other forces in society, notably the religious clergy, in cahoots with governments and states, who are hesitant to put women on top of their agenda. Whether as a matter of faith, or a tactic of oppression, these groups constantly throw out edicts which women may absorb into their repertoire of cultural norms. Thus, to separate cultural norms from religious ones is counter-productive if one is not equipped with the knowledge that many religious interpretations, which are manifold, can have dire effects on women’s lives. The second feature which the interviews bring out is not so much of economic marginalization, but the hold of religious interpretations, which is enabled by existing cultural logics that supposedly with the intent of empowering women, bring them anxiety and unhappiness. Here, contrary to the very poor who are least concerned about religion, everything is about religion.

Whatever the situation may be, we entered the research project with the belief that women’s lives must be understood as objectively, yet as compassionately as possible. The stories speak of a spectrum of issues, ranging from abandonment by fathers, husbands, the vulnerabilities experienced by young girls for the lack of a mother or close female bonds, emotionally and physically abusive husbands, polygamy, and abandonment by husbands. Other features of women’s lives and experiences that came up in the stories are women’s constant need for protection, to rely on husbands/men for ultimate protection and guardianship, in spite of the fact that men seldom deliver on that promise. Women also expected husbands to be providers, an expectation that men often felt emasculated by. Thus, many of the stories also have a thread of nervous masculinity running through them. The stories are therefore complex and we have tried to narrate them with as much complexity as possible. It is through a consideration of the complexities and nuances that we hope they will speak to gender and class discrimination and the need to rethink cultural, religious edicts that inform many of our personal laws.

## Research team

Name	Organization	Role
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## Country Overview

Bangladesh is a delta, sharing its borders with India, Myanmar and the Bay of Bengal. In the colonial era, East Bengal, which is now Bangladesh, was an important outpost of the East India company. In the early twentieth century, the city of Dacca (now Dhaka, and the capital of Bangladesh) gave birth to, and housed the first office of the Muslim League. As Muslim League politics unfolded in the context of an “about to end” colonial era, Bengal arose as a hot bed both of communal riots as well as contestation over the partition of India. The numerical representation of Muslim as majority in Bengal lent itself to partition along religious lines. There were also calls for a United Bengal movement that promised Bengal’s standing and sovereignty not through religion, but a shared Bengali identity and culture. Ultimately, the former trumped and Bengal was divided. East Bengal became East Pakistan in 1947. However, soon after, discontentment started to brew over linguistic and cultural sovereignty, which spilled over onto the economic and political spheres. The movement for political representation and economic rights, supported by robust activism led to a bloody nine-month war and finally the birth of Bangladesh in 1971.

The post-independence years were tumultuous, especially economically. The after effects of war, the imperatives of recovery and law and order were overseen by poor governance. The scarcity of resources, problems in distribution, floods and famines led Henry Kissinger to label Bangladesh, a basket case. However, Bangladesh has achieved several developmental feats – driven by both NGO initiatives, as well as the private sector, albeit with poor governance, years of military rule, unstable democracy, and corruption. The economy currently grows at 6% with more potential yet. These achievements in socio-economic development have paralleled an upliftment in the lives of women. This has been the case largely because the very large and thriving NGO sector has targeted women for many of their programs such as providing micro credit, education, and healthcare.

However, many challenges remain, and critics argue that changes in numbers are not consistent with the extent to which the underlying assumptions about women’s dependence and inferiority have improved. For the first two decades after independence, Bangladesh’s growth aligned itself to a constitutionally stated secularism, where development initiatives sidelined questions around religion and religious identity. However, the increasing strength of Islamists in national politics, the influx of *Wahabi* and *Salafi* ideas, as well as the large numbers of migration to the Middle East have made questions around religious identity, and women particularly salient. However, the (secular) development world remains unsure of how to factor in religion, especially Islam. In the pages that follow, I outline some key development issues and how they affect women.

### 1. General demographic information about the country

Bangladesh has a population size of approximately 150 million (14,97,72,364). Of this, men and women are almost equally divided with men numbering at 7,49,80,386, and women numbering at 7,47,91,978. It holds the second largest number of Muslims in the world, after Indonesia. The ethnic population of the country is mainly Bengali comprising of 98% of the population, and the remaining consisting of Adivasis, tribes, etc. numbering at 15,86,141, which is a mere 1.10% of the national population.

**Composition and percentage of different ethnic and religious groups:** Muslim 89.5%, Hindu 9.6%, other 0.9% (2004)

### 2. Health

Life expectancy of male: 68.48 years

Life expectancy of female: 72.31 years

Infant mortality: 47.3 deaths/1,000 live births  
Child mortality 44 deaths/1000 live births (2011)  
Rate of maternal morbidity 240 deaths/100,000 live births (2010)

More than four decades after development, the Lancet argues that Bangladesh has made significant improvements in women's health issues. Bangladesh's success in health is attributed to a "pluralistic" health system pulling in government and NGOs that emphasized the role of women in delivering action on family planning, immunization, oral rehydration therapy, tuberculosis and vitamin A supplementation. An education policy that now enrolls more women than men, as well as women's strategic placement into national development programs, has had direct results in women's health too. As a result of both these initiatives, women have been brought to the forefront of development work as leaders, implementers and receivers of services. The Lancet report cites the importance of NGOs such as BRAC, Grameen and Bangladesh Diabetic Samity in contributing to the improved health of poor people in rural areas. "NGOs as a group have innovated to address issues of poverty, unemployment, health, education and the environment, and in many cases the government and NGOs have worked together to achieve a common goal," it said.

In spite of certain improvements, many challenges in women's health remain. Women continue to be seen as burdens on the family. This, coupled with norms of sexual propriety and women's chastity, put pressure on women towards early marriage. While the legal age for marriage is 18, three-quarters of women aged 20-49 were married before the age of 18.<sup>iii</sup> Early marriage leads to early pregnancy and childbirth, especially in rural areas and in urban slums. Bangladesh has one of the world's highest rates of adolescent motherhood. One in three women start childbearing before the age of 20. While the number of births to adolescent mothers is fewer than before, the pace of decline is slow.

Young motherhood is associated with higher maternal mortality, pregnancy complications and low birth weight. Patriarchal expectations make it difficult for young women to refuse sex, or insist on birth control. Women thus become prematurely pregnant and exposed to sexually transmitted diseases. Patriarchal norms and practices are also causes of maternal health and mortality. Many women are denied the freedom to seek help at health care facilities, or their husbands and/or their families take the decisions about healthcare. Despite an increase in health care facilities nationally, 85% of deliveries still take place at home<sup>iv</sup>, and less than a quarter of births are attended by skilled health personnel.<sup>v</sup> The coverage of antenatal care among pregnant women is low.

Another health factor that contributes to poor maternal and child health is inadequate nutrition. While there have been some modest improvements in Bangladesh in the past decades, the overall nutritional status of women in Bangladesh remains with its challenges. One-third of women of reproductive age have a body mass index less than 18.5. Girls are also likely to be more stunted and underweight for their age, compared to boys of the same age.<sup>vi</sup> Anemia affects 30% Of all adolescent girls, compared to 25% boys, and half of all pregnant women. Girls (37%) also have lower levels of iodine than boys (31%). Poor nutritional status is the direct outcome of inadequate intake of food and a poor diet. Especially amongst the poor, there remains a tendency to prioritize boys for better diet, while mothers and daughters eat the leftovers and eat last.

### 3. Education

When Bangladesh won independence in 1971, adult literacy rate was only at 19.61 percent (BBS, 1981). The rates went up to 25.8 percent in 1974 to 29.2 percent by 1981, and to 35.3 percent in 1990. According to the population census of 2001, literacy rate was estimated at 48 percent.<sup>vii</sup>The last literacy survey



conducted by the government of Bangladesh marks the literacy rate in 2013 at 53.7 percent. Female literacy rate for the age of 11-45 is 50.2 percent, whereas for males the rate is 56.9 percent. It is especially since the 1990s that Bangladesh has made great strides in improving gender parity in education. It has already achieved its Millennium Development Goal (MDG) of gender parity in primary and secondary education, well before the target date of 2015.

The increase in literacy is due to both the government's commitment, as well to non-governmental initiatives in education. The Bangladeshi education sector hosts different types of schools. At the primary level, there are eleven types of schools. Of these, 80% of all enrollment take place in the government and state aided non-government schools. In addition to these, Bangladesh has one of the strongest NGO presence in the world, where approximately 400 NGOs provide basic education to marginalized groups. At the secondary level, NGOs are less active. It is mainly the government schools, state aided schools and *madrasas* which provide secondary education to the country's young citizens.

Currently, Bangladesh has one of the largest primary education systems in the world with an estimated 16.4 million primary school aged children (between the ages of six and ten). The Primary Education Compulsory Act passed in 1990 made primary education free and mandatory for all children up to grade 5<sup>viii</sup>. According to a report by the directorate of Primary Education, female primary enrollment is at 94% and for boys, 87.9%. 55% of all enrolled children actually complete grade 5. 57% of the girls who enroll and 53% of the boys who enroll in primary schools, make it to the finish line at grade 5.

Certain measures undertaken by the state, notably the conditional cash transfer scheme targeting female students in primary and secondary education in the early 1990s, has seen a remarkable growth in female enrollment at the secondary level. Interestingly, it is *madrasas* that have absorbed more female students than secular schools. For example, female enrollment in *madrasas* jumped from 7.7% in 1990, to 52% in 2008. The same state incentive ensured a rise in secular secondary institutions too – from 34% to 54%. Registered non-government secondary *madrasas* and schools today enroll one girl for every boy.<sup>ix</sup> Female and male secondary school enrollment: Net attendance at secondary schools 45.5% male and 53% female in 2009<sup>x</sup> Ratio of female to male secondary enrollment (%) in Bangladesh was last measured at 115.35 in 2011, according to the World Bank. Ratio of female to male secondary enrollment is the percentage of girls to boys enrolled at secondary level in public and private schools.

#### University education:

Table: Number of enrolment by university type and gender, 2012

Type of university	No. of University	Total	Female	% of Female
Public	34	316,331	108,377	34.26
Private	52	280,822	70,977	25.27
Total	86	597,153	179,354	30.03

Source: <http://www.banbeis.gov.bd/webnew/index.php?view=article&catid=127%3Auniversity-education-2011&id=810%3Atable-81-number-of-university-teacher-and-enrol>.

## 4. Participation in the economy

One of the biggest challenges facing Bangladesh today is the creation of employment for the new entrants into the labour force, as well as ensuring jobs for the currently unemployed. The labour force is growing

at almost twice than the growth in population – a relationship that is likely to persist for the next two decades.<sup>xi</sup> Labour markets in Bangladesh consists of three types of markets: formal, rural informal and urban informal.<sup>xii</sup> Labour market participation, which varies across the different regions in the country impact on poverty alleviation, women’s empowerment, among other things.

Data from 2005 shows that labour force participation for women was 12%, compared to 82% for men. By 2010, this statistic changed marginally where 79% of labour force participation was by men and 21% by women. A range of causes have been attributed to women’s low rate of participation that include women’s lesser participation outside the home, and social norms and barriers. Low rates of labour force participation is intriguing, especially since women’s enrollment in secondary education exceeds that of men. How to enable women to transition from secondary education to the workforce is an issue that the government and other stakeholders have been keeping on their list of priorities.

According to the UNDP Asia Pacific Report of 2010, in 2007, 10% of women were legislators, senior officials and other managers. In 2005, 8.3% of administrative and managerial positions were occupied by women. In 2007, 7.9% of ambassadorial positions, and 6.45 of university heads positions were help by women. According to the Bangladesh Informal Sector Survey of 2010, 5.41% of the male population is engaged in the informal labour sector. The number for females is 2.63%

Percentage of female headed households: 12.8%

Wages inequality between men and women: Data from 2002-2003 shows that the wage difference between men and women was Takas 25 nationally and in the urban areas, and Takas 32 in the urban context.<sup>xiii</sup>

Duration of state paid maternity leave and child care rights: 6 months for government employees.

Percentage of unemployment rate of women compared to that of men: The rate of unemployment increased in Bangladesh during the 10-year period (2000-2010). According to the labour force survey, in 2010 unemployment rate was 4.5%. Interestingly, women’s rate of unemployment has decreased, bringing the number down from 7.8% in 1999 to 5.8% in 2010. While this may signal positive changes for women, this decrease in unemployment occurs due to the employer’s ability to exploit women through lower wages, the rise in female headed households, women’s compulsions for survival in the wake of declined support from family, etc.

## 5. Property rights: Legal and customary land rights for women

### a. Legal overview

The original Constitution of Bangladesh, effective in 1972 ([https://www.constituteproject.org/constitution/Bangladesh\\_2011.pdf](https://www.constituteproject.org/constitution/Bangladesh_2011.pdf)), guaranteed equal rights to all citizens, regardless of gender, religion, and other social divisions. The constitution includes provisions granting equal protection under the law<sup>xiv</sup> forbidding negative discrimination of women, providing equal rights for men and women in all spheres<sup>xv</sup>, and allowing positive discrimination, or making special provisions in favor of women for their advancement. No uniform civil law exists in Bangladesh to govern family law matters, such as marriage, divorce, division of property, or inheritance. Family law in Bangladesh is governed by the personal laws applicable to each community – Muslim, Hindu, Christian, Buddhist, and tribal communities have separate laws. Much of the Muslim personal law is unlegislated,

the basis for the law being classical Hanafi *Fiqh*, except where this has been amended by legislation. The Muslim Marriages and Divorces (Registration) Act requires civil registration of marriages. Although there is no law to this effect, there is a custom in Bangladesh of inserting stipulations relating to property rights on divorce in the marriage contract. The Family Courts Ordinance provides that the application of the personal laws of all Bangladesh is through Family Court of the state judiciary. Family Courts have exclusive jurisdiction to try and dispose of suits relating to the dissolution of marriage, including those matters that pertain to property such as dower and maintenance.

The Child Marriage Restraint Act sets the minimum age of marriage as 21 for men, and 18 for women. Penal sanctions apply to those who contract an under-age marriage; however, an under-age marriage is not invalidated by contravening the law. The Bangladeshi Muslim Family Laws Ordinance<sup>1</sup> governs, in part, the application process for contracting polygamous marriages (i.e., requiring the reasons for wanting to contract a polygamous marriage, and certification attesting to the existing wife's or wives' consent). The Ordinance also establishes penalties for contracting polygamous marriages which contravene the law; but again, such marriages are not invalidated. In addition, there is no penalty for failing to obtain the existing wife's consent. The Dissolution of Muslim Marriages Act<sup>83</sup> remains in force in Bangladesh, with amendments initiated in Pakistan by the Muslim Family Laws Ordinance 1961 and governs Muslim divorce.

## **b. Inheritance and division of property**

As in marriage, in Bangladesh, inheritance is governed by Muslim personal law or the law of the religion of the person to which it applies. The Muslim law of Inheritance is derived from the Quran and other exegetical material. These laws are referred to as "*Shari'ah Law*". According to the *Shari'ah Law*,

### **As a daughter:**

1. A daughter of a late father has only one daughter and no son, then the daughter will get only half of the property.
2. If a late father doesn't have a son and he has more than two daughters, then they will get two thirds of the property together.
3. If a late person has a daughter and a son. Then every son will get half of the property, that means one daughter will get half property of her father. More than one daughter will get two thirds of the property. If there is a son then the daughter will not get the half of the property, relatives will get part of the property. In this case according to Muslim law no one can donate more than one third of property, and if there is another inheritance, they cannot make a will of the whole property to the daughter.

### **As a wife:**

1. If a late person doesn't have any children, or doesn't have any grandsons or generations downwards, then wife is entitled of one fourth of the property. For any children, the wife will get one eighth of property.
2. If a late person has a son or a grandson then wife (One or More than one together) will get one eighth of the property.

### **As a mother:**

1. If a deceased person has children or a grandson or generations downwards, then the mother will get one sixth of property.

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<sup>1</sup>Muslim Family Law Ordinance, 1961, Ordinance No.VII I of 1961.

2. If a deceased person doesn't have any children or doesn't have any brothers or sisters, then mother is entitled of one third of the property.

The distribution of property of a deceased Muslim person is made according to the principle that within the limits of each class of heirs, the nearer in degree excludes the more remote. While Muslim women have the right to inherit in Bangladesh, many women forgo that right in exchange for *naior*, a right to visit her parents once or twice year. The Dayabhaga school governs the system of inheritance for Hindus in Bangladesh. A Hindu woman's inheritance rights in Bangladesh are virtually non-existent. Under the Dayabhaga law, the right to inherit arises on the heir's capacity to confer salvation to the souls of the paternal and maternal ancestors through those who live. A widowed, sonless, or childless daughter cannot inherit, but unmarried daughters and daughters with sons can inherit. A widow is only given a life estate to the deceased's property, and this is believed to be her inheritance. The Succession Act of 1925 governs inheritance in the case of the Christians. Under this act, a wife will inherit one third of the intestate deceased's estate, and the remaining two thirds are divided equally among lineal descendants regardless of sex. Generally, son preference prevails in Bangladesh. For the most part, property is inherited along the male line. The basis for this norm is that daughters only "belong" to their natal family until they are married, and parents should not live with their married daughters or accept financial help from them.

(Women's Inheritance Rights to Land and Property in South Asia: A Study of Afghanistan, Bangladesh, India, Nepal, Pakistan, and Sri Lanka. A Report by the Rural Development Institute (RDI) for the World Justice Project, December 2009; Shah I Mobin Jinnah: Land and Property Rights of Rural Women in Bangladesh: Community Development Association (CDA), January 2013)

<http://www.ohchr.org/Documents/HRBodies/CEDAW/RuralWomen/CDABangladesh.pdf>

#### **Percentage of male and female property owners (e.g. land, business, etc.)**

No one knows exactly how unequal the distribution of property is (the government does not disaggregate its statistics by gender). But there is agreement that the share held by women is extremely negligible. In 1993, the UN's Food and Agriculture Organisation (FAO) (<http://www.fao.org/home/en/>) estimated that women in Bangladesh owned just 3.5% of the country's agricultural land. Twenty years on, this share has almost certainly shrunk further, to perhaps as little as 2%.<sup>xvi</sup>

## **6. Participation of women in the political realm and decision-making**

Currently, the number of women in parliament is .... This is a remarkable upwards shift resulting from primarily the Awami League government's commitment to placing women in key political and administrative positions. An example of this was the past regime's appointment of women as foreign ministers, and speaker of the parliament. In addition, the fifteenth amendment to the constitution allowed for an increase in reserved seats from forty to fifty. Some figures from the Awami League tenure of 2008-2013 are<sup>xvii</sup>:

**Parliament:** 18.5 percent (9<sup>th</sup> parliament), 57 women in various parliamentary standing committees.

**Cabinet:** 6 women out of 43 members

**Union Parishad:**(2003 elections) 22 women chairpersons elected out of 232 total contestants  
79 women (out of 617 women candidates) won in general seats.

**Upazila Parishad:** (January 2009 elections) 480 women elected for reserved seats of vice chairperson

**City Corporation:** (2008 elections): 194 (2.4 percent) women contested for 39 reserved councilor's seats,  
120 (0.47 percent) women contested in nine Pouroshavas.

However, in spite of these strides, several challenges remain. Of all Bangladeshi elections, 2008 was the year with the maximum number of nominees for parliamentary seats and that too was only 4.08%. Such low numbers are attributed to several factors. First, the selection of party candidates is an important factor in women's participation in politics. Most, if not all, of the political parties suffer from an absence of democracy within the party. This inhibits party nominations from the grassroots level, rather favoring candidates who are closer to party central committees, all of which consist exclusively of male members. Furthermore, the violent nature of student and grass roots politics where party leaders and parliamentary candidates are recruited, fails to provide a secure environment for women to participate. Grassroots level politics is also enmeshed in money and muscle power, thus creating an additional barrier for women in a society where women do not control much wealth. This has resulted in a dynastic sort of scenario whereby women who do make it to the political forefront are connected to wealthy and politically influential men, and who have a direct access to the central committees of the political parties. Representation of People Ordinance 1972 (amended up to 12 November 2008) (RPO 2008) is an oversight mechanism to implement regulations of the electoral laws and rules. Article 90B of the RPO recommended, gave certain conditions for a party to be eligible for national elections. These include the election of members of the committees at all levels including members of the central committee, and to fix the goal of reserving at least 33% of all committee positions for women including the central committee and progressively achieving this goal by the year 2020. The parties' response was that currently there are not enough qualified women to fill the requisite number of seats, but that a deadline of 2020 should allow them the time to make the right changes. However, some of the other obstacles laid out within the political field itself will remain significant challenges towards meeting the RPO goals.

## 7. Marriage and divorce

The median age of marriage for girls is approximately 15.5 years reported by married women ages 20-49 in 2007—men by contrast average approximately 26 years of age as of their first marriage—figures which have remained stagnant for decades despite improvements in girls' education. Statistics (for 2004) showed that by the age of 25, 95% of all Bangladeshi women were married. This number is contrasted at 54% for men.<sup>xviii</sup>

Of the vast majority of women married by their early twenties, 33 percent of girls begin childbearing before the age of 20. The legal stipulation that a girl cannot marry before the age of 18 does not seem to affect the cultural practice. Girls continue to be seen as burdens for the family – an unnecessary mouth to feed, and therefore are married off as soon as the family hears of a suitable match. Families also believe that early marriage will ensure a long cycle of fertility with greater promise of the birth of sons. Certain surveys show that more than 50% of women do not know the minimum age of marriage. In addition, the lack of birth registration, the lack of knowledge on the part of parents regarding the negative effects of early marriage, along with the fact that most marriages take place without official/legal registration, make it difficult to single out and penalize early marriages. Consequently, adolescent fertility in Bangladesh is still one of the highest in the world, with 126 births per 1,000 women between the ages of 15-19. The figure is approximately 50.26 births per 1000 women ages 15-19 on a global average.<sup>xix</sup>

While marriage is high for both sexes, especially for women, divorce is also on the increase. Women from poorer backgrounds have a history of being abandoned by their husbands, without the marriage necessarily terminated through divorce. Men usually just wander off – often for employment outside their locality, where they remarry without the permission of, or any notice to the existing wife. Wives then tend to stray, leave their homes and also seek employment. Such ends to marriage are fairly common amongst poorer households, and are placed at the intersection of a rural-urban divide and transformation. However, given the “unofficial” status of these terminations, they are difficult to enumerate. In addition

to these fairly “unofficial” marital dissolutions, official divorces have also taken their place in the social landscape of the country. According to a research initiated by the Nari Nirjatan Protirodh Cell (Women’s Repression Prevention Cell), across six divisions of Bangladesh, and from March 1995 to March 2013, the total number of divorce cases filed was a staggering number of 1,730. Out of all the divisions, Dhaka stands at the top in witnessing the maximum separations taking place.

Every year in the city, families are broken apart through divorce and the number is rapidly rising. From November 2009 to December 2010 in DCC zone no. 2, a total of 371 divorce cases were filed out of which 110 such cases were registered by the husbands, while the remaining 261 had been filed by the wives. In the same zone, from January 2012 to December 2012, the number of divorce cases was 172, where 59 husbands were found to seek separation, while the remaining 113 cases of divorce were registered by women. DCC zone no. 1 portrays a picture of total family destruction in the areas concerned. An astonishing number of 16,453 cases have been registered from January 2012 to December 2012. Of these, about 1,1203 women have sought divorce and the rest 4,759 cases were filed by men. Chittagong has had about 137 cases, 101 applicants in Barisal, 72 in Khulna, 48 in Sylhet and only 1 in Rajshahi.<sup>xx</sup>

The fact that divorces are registered indicates that these cases come from more educated and affluent families. The causes of divorce range from the usual torture and oppression of wives, due to dowry demands, to incompatibility, to increasing education, and employment and mobility of women. Thus, increasing divorce appears to be caused by women entering modernity and finding a voice to express dissent. However, while women choose to and now can opt out of marriage, divorce is not an easy process for women. Muslim personal laws are discriminatory in their embrace of polygamy for men, their greater barriers to divorce for women than men, and their limited provisions on maintenance. Under the Muslim family laws in Bangladesh, women have no right to maintenance beyond 90 days after notice of divorce (or birth of a child, if the woman is pregnant at the time of divorce). Human Rights Watch found that even the limited procedural protections for women under the Muslim Family Laws Ordinance, 1961, were often not implemented. The law provides that a husband should seek prior consent of his first wife for remarriage, requires that local government arbitration councils approve polygamous marriages, and establishes formal procedures for divorce. Human Rights Watch interviewed 40 Muslim women in polygamous marriages, and in no case, was an arbitration council convened to approve a subsequent marriage. Similarly, activists and lawyers stated that husbands often flouted divorce notice procedures without penalty.

Polygamy is legal in Bangladesh, but many consider the practice to be outdated and the practice is highly discouraged.<sup>xxi</sup> A 2002 World Values Survey found that nearly 83% of respondents held strong reservations against men having more than one wife at a time<sup>xxii</sup> Another statistic shows that Bangladesh has seen a sharp decline in polygamous marriages, the current prevalence standing at only 10% of the population. While women’s and human rights’ groups continue to fight for further decline in that number, a certain kind of Islamic revivalist rhetoric is soft, if not favorable to polygamy. The position that polygamy is more in line with “men’s nature” and can even protect women from being shunned through divorce, and continue to safeguard the rights of children, is one that has some appeal in a culture where divorce and life after divorce affords women little economic and social safety nets.

Islamic law regards women as “custodians”, but not legal guardians of their children. In the event of divorce, women can retain custody of sons until age seven and daughters until puberty. If a father dies, his children may be taken away by his family. Hindu law also views fathers as the natural, legal guardians of children. Women’s rights to divorce are limited under Islamic law. Perhaps for this reason, more than 87% of Bangladeshi women believe that divorce is never justifiable.

## 8. Violence against women

Domestic violence is a major problem in Bangladesh placing women at constant security threats. A 2007 research study shows that more than half of ever married women aged 15-49 reported that they had experienced some form of physical and/or sexual violence from their husbands.<sup>xxiii</sup> Other reports show similar statistics. A few examples include reports by UNFPA (<http://www.unfpa.org/icpd>) of 47%, ICDDR, B of 60% and UNIFEM (<http://www.unifem.org/progress/2008/>) of 50%.<sup>xxiv</sup> The law called “Woman & Child Repression Prevention Act – 2000” (Bangla name– *Nari O Shishu Nirjatan Damon Ain – 2000*) deals specifically with women and children and includes measures against domestic violence against women and children. However, the Penal Code does not deal specifically with domestic violence. The penal code in Bangladesh also has no measures against marital rape. This does not help the cultural attitudes that perceive women as ever-willing and ready to meet the sexual needs of their husbands.

Dowry related violence is another form of violence women suffer from in Bangladesh. The dowry Prohibition Act of Bangladesh (<http://www.bdlawdigest.org/wp-content/uploads/kalins-pdf/singles/the-dowry-prohibition-act-1980.pdf>) stipulates that the payment of dowry by the bride’s family to the groom and/or his family is punishable with an imprisonment of up to five years, or a fine or both. However, dowries continue to be demanded and paid. The negatives of dowry include bitter negotiations, threats, and extortions. In poorer households, dowry demands are met by raising the money from the sale or mortgaging of land at low prices, causing tremendous economic strains on the parental family. Failure to meet dowry demands results in verbal and physical abuse of the wife, including beating, burning with cigarettes, withholding food, sleep deprivation and denial of medical treatment. The arduous physical abuse often leads women to commit suicide. Suicide is also fairly common among girls between the age of 14-17. According to The Bangladesh Health and Injury Survey ([https://www.unicef.org/bangladesh/Bangladesh\\_Health\\_and\\_Injury\\_Survey-Report\\_on\\_Children.pdf](https://www.unicef.org/bangladesh/Bangladesh_Health_and_Injury_Survey-Report_on_Children.pdf)), more than 2,200 children, including about 1,500 girls committed suicide in 2004.<sup>xxv</sup> When dowry demands are unmet, women are also often sent back to their parents’ home. Being sent back to one’s parents’ home is a cause of great shame as most people believe that it is caused by some shortcoming of the girl. Such rumours and criticism also effects the marriageability of younger, unmarried sisters. When women are returned to their parents’ home, she is not particularly welcome back – especially by her brothers and their wives, who feel that the pie is theirs and their children’s, and not for sharing with sisters, who ought to be with their husbands.

In addition to domestic violence perpetrated by husbands, women also fall prey to other kinds of violence ranging from sexual harassment/eve teasing, to acid attacks. Acid attacks are common and potentially destroys a woman’s life for good should she survive. It is commonly used when young women reject/turn down male admirer’s proposal for romance or marriage. It is also used within marriage by angry husbands in search of more dowry or permission to take a second wife. Acid throwing is most common in rural areas and smaller towns, although garment factory owners and slum dwellers in the cities also fall prey to this cruel act. The damage is difficult and expensive to repair, and often women are left severely disfigured and therefore disabled from participating as an active female at home, and in society. Since May 1999, there have been almost 3000 reported cases of acid throwing. However, many more remain unreported.<sup>xxvi</sup> While there exists legislation to prevent attacks, enforcement remains weak.

Rape is another form of violence inflicting women in both rural and urban areas. Rapes occur not only in dark, deserted areas, but homes, in the fields, in public and government institutions.<sup>xxvii</sup> According to the Human Rights Situation Report by Bangladesh Institute of Human Rights (BIHR) (<https://www.crin.org/en/library/organisations/bangladesh-institute-human-rights-bihr>) in 2000 and

2001, 749 and 586 adolescent girls were raped. The figure for 2002 was 4,106. However, most rapes go unreported.

Bangladesh is also a hotspot for the trafficking of women and children, with very little government control. Lured by the promise of good jobs or marriage, trafficked women are forced into prostitution. Some statistics on trafficking reveal that 20 percent of sex slaves in Indian brothels were trafficked from Bangladesh and Nepal. According to Center for Women and Children's Studies (CWCS) (<http://cwcsbd.org/>), about 100 children and 50 women are trafficked to foreign countries from Bangladesh every month. Since independence in 1971, at least 1,000,000 women and children were trafficked from Bangladesh and of them about 400,000 were young women forced into the sex trade in India. <sup>xxviii</sup> Some reasons leading up to trafficking include the break-up of traditional joint families and emerging nuclear families, child marriage and marital problems in general, dowry demand, acute poverty forcing parents to sell their children, unequal power relations and discrimination in the family by gender and age.

The [Domestic Violence Act of 2010](#) was formulated with initiatives from local stakeholders (women's groups, human rights organizations, and feminist legal coalitions) putting forth measures to tackle domestic violence as a "domestic" issue. This meant that while women would get police and judicial support for protection and injunction, the perpetrators would not necessarily be criminalized. Out of fear of criminalization of their husbands and other family members, women often do not even report domestic violence. Thus, the 2010 act aims to redress some of these anxieties, while lending women the support they need. Marital rape remains out of the purview of all acts and legislations thus far formulated.

## 9. Summary and Millennium Development Goals in general and relating to gender equality

Bangladesh is on track to achieving MDG targets for poverty, net enrolment in primary education, gender parity, both primary and secondary education, reducing child and maternal mortality, improving immunization coverage, rolling back malaria and controlling tuberculosis, and improved drinking water supply and sanitation. Bangladesh has made tremendous progress having already achieved gender parity in primary and secondary education at the national level. More girls are now enrolled than boys in secondary level due to female secondary school stipend programs and the removal of tuition fees for girls in rural areas. However, considerable gender disparity remains in tertiary education. The share of women in wage employment in the non-agricultural sector was 19.1 in 1990 and has slightly increased to 19.9 in 2010. It is reported that the gap between males and females in labour force participation and unemployment rate is declining. Improving maternal health is an important MDG. The MDG objective for Bangladesh is to reduce it by 75%, that is, 143 per 100, 000 live births by 2015. In 1990, the maternal mortality rate (MMR) in Bangladesh was 570. However, the Bangladesh Maternal Mortality Survey (BMMS) in 2001 and 2010 showed that progress made in reducing MMR (322 to 194), even though significant, will be challenging to bring it down to the target level in 2015.

Bangladesh has also adopted the following policies towards the advancement of women between 2004 and 2010:

- National Plan of Action Against the Sexual Abuse and Exploitation of Children including Trafficking for the period 2002–2007.
- National Plan of Action to combat Trafficking in Women and Children 2008.



- National Strategy for Accelerated Poverty Reduction II (October 2008), and the Revised version FY2009-11 (December 2009), which includes significant in for gender sensitive budgeting with the involvement of line ministries and participation of citizens' groups.
- The National Policy for the Advancement of Women announced in 1997 is under consideration by the Government.
- The National Education Policy Formulation Committee formed in April 2009 has recommended reforms for increase in women's enrolment and quality education measures for improving education of young women include (a) [Reaching Out of School Children](#) (ROSC) Project (2004), (b) [Approval of Non-Formal Education Policy Framework](#) (2006), (c) [Teachers Quality Improvement \(TQI\)](#) Program (2006), (d) Flexible School Calendar 2008.

## Life stories

### Life Story #1: Rafia

Name: Rafia

Age: 37

Occupation: Journalist

“There was time when I believed that life would be very simple – without any complexity. I am the youngest in my family – my father’s favorite and most beloved. Nobody ever scolded or reprimanded me. All of my five siblings are much older than me. I was born in the town of Feni on 17<sup>th</sup> February 1977.”

### Growing up as the youngest member of an extended family

Rafia grew up in Feni, in the Eastern part of Bangladesh. Give some context of Feni. Her family belonged to the educated Middle Class, and her father was a government servant. He was quite religious – a practicing Muslim. While he instilled that faith in all his children, he never lay down any serious injunctions for religion’s sake. Rafia learnt religious rituals as a child, but was never bound to their performance by her family. While her father prayed five times a day, the emphasis lay much more on ethical conduct such as never lying. For Rafia, her father epitomized good ethical conduct through his treatment of her mother. Rafia writes, “He was very respectful towards my mother. They would always refer to each other as “*apni*” (French *vous*). They shared everything with each other, which enabled her to know all technicalities and procedures of the government, in spite of having little formal education. The following statement exemplifies the sharing and respectful bond her parents shared. Rafia says,

Our house in the town (as opposed to the rural natal home) is on 30 decimals of land. The land has a story. *Amma* used to save every month from the domestic expenses *abba* gave her from his government salary (although government jobs come with many perks, the actual salaries are not very high). She used to also save the money all of us siblings would get as gifts during various festivals (*Eid*, birthday etc.). She would never spend our money. A cousin of my mother’s who used to work at an insurance company, made my mother buy a policy for which my mother got 10,000 takas. With this money, and the savings she had accumulated, she bought the piece of land on which our house was built. Half of the land was registered in my father’s name and the other half in my mother’s.

With her parents setting the model for the relationship between household heads, Rafia argues that all the children were treated with equal love and respect by the parents. The equal love was even extended to other spheres, where Rafia’s father would often verbalize that all property must be divided equally amongst his children. In sum, Rafia’s father was a dutiful household head, who had bought land in his wife’s name, and kept away money for each of his daughter’s weddings.

Rafia, thus, remembers her childhood as a happy period with very definitive markers of respect and partnership determining how male guardians and matriarchs should behave. This ideal scenario was dealt a blow when, at the age of twelve, Rafia suddenly and untimely lost her father to a heart attack. Her father’s demise saw the beginnings of a certain conflict and contestation over authority in the home. While her mother was to assume the father’s position as household head, especially also given the fact that she had enjoyed a position next to, if not equal to her father’s, the reality was fraught with more tension. Conventional norms that deem men to be “natural” sources of authority, led Rafia’s eldest brother to presume that he was the heir to his father’s domain. The tensions that ensued were neither refuted and

resolved, nor accepted whole-heartedly by anyone. Such tensions owe their continuity and persistence to the cultural hegemony that accedes authority, without question, to male members of the family and society at large. As a result of these patriarchal norms, it is difficult for Rafia's mother to keep her son at bay. In the face of these persisting norms, a woman often feels that her sons are a security blanket – a route to social, financial and familial protection. However, other norms stemming from both culture and religion, also give a certain esteem to mothers, which prevents sons from launching outright challenges.

The ensuing tension is further exacerbated by the fact that daughters-in-law often feel that it is they, and not their mothers-in-law, who should share the authority with their husbands. This is a classic patriarchal construct whereby older women, through the loss of their husbands, must concede authority to younger women in the household. In the case of Rafia's family, we find that her eldest sister-in-law found herself aspiring to familial authority. However, she did not overtly lay out her turf. Rather, she resorted to covert measures that would grant her more power and authority in the home. Rafia states, "when there was an important decision to be made vis a vis the family, *amma* would always consult my older brother. *Amma* doesn't come to any decisions without him, and he doesn't come to any decisions without his wife. His wife didn't miss an opportunity to take full advantage of this. She was insecure and saw our affection for other brothers' children as an affront on her potential authority." Rafia's oldest sister-in-law's insecurity may have stemmed from the fact that although her husband was the eldest son which granted him and others the privilege of viewing him as his father's natural successor, he did not substantially contribute to the family financially. Rafia's middle brother, who lived in a different city, and was also of a jolly predisposition, would often give his mother some money to ease her burden of looking after everyone. Her third brother had marital discord that ended in divorce two years later. Rafia claims that his personal life has made him somewhat of an introvert, and he preferred to stay to himself. With the two older brothers earning and settled in their personal lives, their desire for authority was heavily negotiated through their ability to financially contribute.

As the brothers were competing with each other and also with the mother for the title of "household head", Rafia found comfort in her eldest sister, with whom she felt the closest of all her siblings. Rafia refers to her second sister as selfish, and admits that the two were not particularly close growing up. It was her eldest sister – older to Rafia by many years – who used to perform most of the child care duties for Rafia. Due to this closeness, her older sister's life had a profound impact on Rafia. Rafia narrates her eldest sister's life story:

I was in fifth grade when she was married into an urban, wealthy family. The groom's family was very interested and had put pressure on my parents for my sister's hand for a while. My parents finally relented. But the groom turned out to be a drug addict. We also found out that he was once married before – to his class mate. If only my parents had known all this before! While he was married to my sister, he became interested in another girl that he wanted to marry. Amidst all this chaos, my father went and brought my sister back to our house. Once she was back at home, my mother bought her a sewing machine, and made arrangements for her to learn professional sewing. My mother loved her eldest daughter – especially as she was born after *amma* lost a pair of twin boys at birth. I suppose it's this love that made her so protective of her during this difficult time. My sister got busy sewing and settled back into her parental home. But, unfortunately, she didn't keep her daughter with her in our house. I came to know later that she had to send her daughter back to her in-laws because my brothers were not willing to take her responsibility. This naturally made my sister very upset. To add to her grief, her ex-in-laws wouldn't let the child come and visit the mother. She could only talk to my sister on the phone.

The daughter was married off after her first board exams. Even then, she would still communicate with her mother mostly by phone.

Rafia clearly recalls the support her parents had lent the sister after the divorce. She recalls that her father had so wanted for her sister to stand on her own feet that he had taken her to be enrolled in college himself. However, her sister's aspirations consisted of marrying again – this time to a generous person, who would allow her to see her daughter more frequently, and even take some responsibility for her. Her second husband, according to Rafia, was a kind person, who was warm to Rafia and all of her family. However, he was extremely indifferent about the daughter, refusing to shoulder any responsibility for her wellbeing. Of the second brother-in-law, Rafia says, "He was a bit complexed. You know, it doesn't matter how generous or progressive men are, they just cannot accept a wife's past."

Rafia's childhood was marked by first and foremost, the death of her father. This event trickled down a strife for authority within the household that allowed Rafia to view her mother, brothers and sisters in particular ways. While the mother remained central, the power struggles, rendered Rafia fairly disillusioned with her brothers. Consequently, she formed an even closer bond with her eldest sister, and was also deeply influenced by the sister's life events. While this closeness allowed Rafia to reflect on her own life, form the ideals of marriage and partnership, her ideals of family remained embedded in, and indebted to notions around family as ideal guardian. Her position which sits at the intersection of feeling disillusioned with and indifferent of men and therefore endowed with a sense of agency, while continuing to hope that men will finally own up and act like the guardians they are supposed to be comes through later in her life, as the following discussions will illuminate, when she gets married and navigates new relationships. Rafia's elaboration of her childhood, while laced with disappointments, does not lead to her giving up hope that she can find the guardianship that her father offered her sister, the partnership she saw her parents sharing, and the robust sense of self and each other, men and women should ideally embody.

### **Entering adulthood, concepts of gender and ideals of sexuality**

Rafia entered adulthood with fewer restrictions than were applied to her older sisters. Strict norms preventing excessive free mixing with male cousins were not as forceful. Rafia thinks that the loss of stringency in rules had something to do with the fact that she was studious, had good grades in school, and that she was by nature, a quiet young person, who mostly liked to be left alone to read her novels and other books. This world of books has had a huge influence in forming many of Rafia's interests and ideas. It is her reading that led to her interest in writing. She claims that she began to write from a very early age, taking part in school and other local competitions and often even winning prizes. Her family was always very encouraging of her writing. Rafia says, "the world of novels and writing carried me to a different world where I found my true calling – a world that I could relate to."

The "imaginary" world that she found through novels also provided her with her worldview that defined many aspects of everyday life, including gender norms. Rafia says that it was the creative writing of Shomoresch that informed her ideals of gender roles and relations. When asked for a description of these, Rafia said, "Shomoresch always portrays man in his best form, on the basis of the highest potential of humanity he can attain. I found this depiction of men very inspiring. In Shomoresch's stories, men are pure, infallible—they represent all that is good. These men do not lust after women. They are not carnal. They provide friendship which is to a large extent platonic. I imagined being with a man like that—a man with whom I could walk for miles, because we are mentally compatible, spiritually bonded. Now that I have experienced reality, I see that men are so different. They are carnal, consumed with worldly desires and

competitions, their masculinity does not manifest in a quiet, calm sense of self, rather through all sorts of insecurities about their role in the public space. I find them hollow, superficial, much more so than women. Who says women play pretensions games (*dhong korey*). Men do it much more than women. “While novels taught her about ideal masculinity, she got her clues about femininity both from novels as well as from her own mother. She says, “I learnt from my mother that one needs not be a revolutionary, but women also don’t need to take a man’s ...*kortritto*... I learnt by *Amma’s* example that husbands should be respected, that our religion teaches us that too. However, she would also always tell us that we don’t have to reveal all our earnings to our husband – that what we earn is ours, and that this is also from our religion. My mother was progressive at heart but conservative in her outward appearance and demeanor. I liked that. I believe that conservatism conserves.”

Rafia’s conservatism along with that of her family conserved her in particular ways. Although she may not have felt too many injunctions coming her way vis a vis mixing with male cousins (important to note that as she was the youngest in her family, she did not have that many male cousins of similar age), her movement outside the home was subject to monitoring and even restrictions. For example, when Rafia wanted to go to the community library (*Biswa Shahitya Kendra*) with friends, or to the school picnic, she wouldn’t be allowed. Her mother claimed that she feared for Rafia’s safety in a rickshaw alone without any grownups, or in a fast-moving bus with other children. Rafia, however, did not look upon these as injunctions, but as concern filled anxiety on the part of her elders. She says, “All these anxieties became a part of my psyche. What happened as a result is that since childhood, I was accustomed to accepting, adjusting. Thoughts such as “perhaps *Amma* won’t like this, this would make my brothers angry” etc. would always run through my head. But really... I never felt bogged down by a million injunctions, and therefore didn’t desire a career for extra freedom. I didn’t really fancy boys either. When I was very young (about 9 or 10) a boy from the neighborhood used to bug me. I was very put off for a long time. In fact, I much preferred the company of women of all ages to the point that in collage some girlfriend would teasingly ask me if I was a lesbian!

Rafia’s entry into adulthood thus sees a further buildup of her childhood years that are marked by the loss of her father, the disappointment in her brothers, and the “left alone to grow up” that seemed to have been her fate. During these years, she sought comfort in an imaginary world constructed through reading and writing. She believed in the conservatism advocated by her family. She internalized many restrictions thrown her way under the guise of conservatism as acts of concern and care. Such measures have rendered her submissive, malleable, respectful of others’ wishes. Rafia does not necessarily look upon these negatively. However, her imaginary world remains for her, a tremendous source of riches and force. When she completed her Master’s degree, she took a job at a nearby collage. Her compliant self, made her believe that she didn’t really want the extra freedom or to be noticed by boys. She was comfortable in how her family was looking after her – through the clothes and shoes they could give her. Yet, after her Master’s she took a job teaching at a nearby college. While she did that job as it was the best thing she could get at the time, her work did not particularly inspire her. She longed to do something that involved writing.

So, an independent sense of self that she had constructed (even if through an imaginary/creative world) lives through her compliant, malleable, non-demanding identity. While she fashions her sense of self as culturally tied – to custom and to familial bonds, she also allows her creativity to live through her aspirations to the ideal job.

## **Romance and marriage**

With her sense of self molded both on submission and aspiration, she embarked on her first relationship with a boy soon after her Master's exams. The relationship was what Rafia calls a "mobile (telephone) romance", i.e., one that thrived primarily on long chats over the cell phone. Rafia says that the relationship was complicated as they were in different cities for most part of their friendship. It was further complicated by her male friend's inability to understand her regard for others' feelings and opinions, treating them as weakness. For Rafia, his lack of understanding was both insensitive and rude. However, Rafia treated the relationship casually, and on grounds of incompatibility, ended it, almost inconclusively – without a formal notice. They just stopped calling one another. She does not have any regret over the demise of her first relationship. She says, "he was dominating and disrespectful and I did not want to be in a relationship like that. It's good that I walked away."

From Rafia's narration of her first, brief relationship, we can see that she placed limits around male authority, and did not consider male domination to be a cultural ideal. For the male-female dynamic, mutual respect was very important. She drew her mental model of relationships primarily from the relationship she saw her parents sharing, and the ways in which her mother spoke of that relationship. She claims that there was immense mutual respect between her parents. They shared most important decision making regarding the family, as well as practical matters such as bank accounts and jointly owned property. She saw her mother showing due deference to her father, while father also allowed her mother a lot of space and authority within the home. Rafia says, "My parents lived in a different world, where spaces were clearly demarcated. Men were clearly breadwinners and commanded a lot of respect from their wives and the rest of the family. Women were in charge of the family and home, and that was their duty and privilege. Men didn't interfere, and so their duties remained privileges and not burdens that were constantly subject to scrutiny by male standards. My mother exemplified this female ness and exuded a certain respect for my father that flowed naturally out of their particular dynamic. Respect was thus of paramount importance for me. That husbands must be respected, is something I grew up with. However, that didn't mean that men wield uncontrolled authority. In fact, my mother always said: "Remember your money is your money, husbands don't need to be told of all of women's wealth." I liked that."

Rafia drew her mental models of relationships also from the world of fiction and novels. She was particularly taken by one Bengali author (Shomoreshe Mojumdar) whose male protagonists were idealistic, respectful and were depicted as "platonic, soul-mates" to the female characters. Rafia fashioned her ideal man on these characters. She says, "My fantasy was that I would go for long walks with my partner, talk endlessly, about anything-whatever I wanted. Shomoreshe's male characters never touched their beloved women. It was all very platonic. I felt that a real relationship had to be based on a friendship that allowed a couple, to talk, express, chat. So, from very early on, a focus on a physical relationship seemed superficial to me."

Rafia's entry into adulthood was thus framed by respect, freedom to express and to be and friendship as markers of the ideal male-female relationship. After her short-lived first relationship, she was single for a while. Her family was never really pressed for her marriage. Her mother who was very religious, considered marriage to be "up to Allah – that it would happen whenever Allah decreed it." Rafia's siblings were not able to locate a suitable match for her and so were not pressed either. Rafia says, between them they couldn't decide on a common set of criteria required in my prospective groom! Rafia had also declined a few proposals herself, because she didn't find the right combination of all she wanted. While she was not particularly rushed for marriage, she was troubled by the incessant eve teasing, lewd looks by lewd men, that she would get every so often. Rafia says, "There are men of 40 and above who think that if you're over 25 and unmarried, you must be easy – up for grabs. There was this on one side, and on the other there were colleagues who would constantly lecture me about my need to marry, would fix meetings with

prospective grooms. The whole situation was annoying. While a part of me appreciated the lack of pressure from my family for marriage, I also resented their lack of interest in my life, in my needs. I felt no one was looking out for me. “

Rafia’s emotions lay at the intersection of desiring the freedom to be, and the need to be taken care of. It was in this context that she met Mahmud in a train. She was then doing an M. Phil in Chittagong University, and so was on her way there. She was reading a newly launched popular daily which caught the attention of Mahmud who was sitting a seat away from her. They began chatting very enthusiastically and exchanged phone numbers. She never imagined that she would actually call him up. But once, when feeling rather low, she dialed his number, he answered and said. “Rafia, how are you?” Rafia was surprised and thrilled that he had saved her number even before she would call him once! They were able to talk for a long time, and with ease – just as Rafia’s imaginary world of novels had led her to think of friendship, and the ability to talk as ideal markers of a good relationship. Rafia wanted to get closer to him. As they chatted a few more times, she found him respectful of her and her opinions. He was always concerned, looking out for her safety. Rafia says, “He would insist on things like letting him know that I’ve reached any destination safely etc. He knew that I didn’t like talking on the phone late into the night, and was respectful of that. In one of our conversations I had mentioned to him that whenever my father would come home from Chittagong, he would bring biscuits and banana for us. The first day when I went to visit Mahmud in his house, he had bananas and biscuit for me. Of course, I was floored. He obviously cared. I fell madly in love with him. “

Her love for Mahmud did not wane in the face of her realization of certain traits of his. Rafia says, “He suffers from a misplaced sense of “heroism.” (her words, what I think she means is an exaggerated ego!). In any job, he thinks he knows it all. He won’t do a small business, a small, regular job. He always feels like he deserves and can do better.” Mahmud’s relentless pursuit of the perfect and best suited job landed him nowhere. He was frustrated and unemployed. He wanted Rafia to leave him then. But she did not want to lose him. And so, she decided that she not give him the chance to end the relationship on the premise that his career needed to take off. She suggested that they get married. His family had known about Rafia. He had shown them my photo and they liked how she looked. Her family, however, would never accept an unemployed man as her husband. She, thus, decided to keep him and her impending marriage to him from her family. Influenced by all the novels she had read, she had a crazy/romantic notion of marriage, thinking that eloping was ideal. Rafia says, “Yes, that’s how I wanted to marry Mahmud.”

“We decided we would elope – run off to the *Qazi*/registry office and just get it over and done with there. I had told Mahmud that I wanted my *Mohrana (Mahr)* to be takas 1001 (apx UDS 20). Mahmud was very pleased with this. He believed that the *Mahr* must be paid at the time of marriage and so the less the amount, the easier for him to get it off his chest. But a few days later he told me that someone told him that there is a lowest market rate for *mohrana (Mahr)* below which the *qadi* will not marry us. The amount was takas 59,000 (apx USD 800). I agreed that that is what the *mohrana (Mahr)* will be. On the day of the marriage, I noticed that his behavior was a bit strange, almost rude. He yelled at me while crossing the road and looked at me with dismay when I said to the *qadi* that the *mohrana (Mahr)* is 59,000. This was the first side I had seen these expressions, such behavior by Mahmud.”

After the marriage, Rafia returned to her mother’s house in Feni. Two years passed by. People in town and at home grew suspicious, especially after Rafia had filled in the “husband’s name” section on her voter ID. In 2009, when Mahmud got a good job in a garments factory, Rafia broke the news to everyone. She first told her brother’s wife who pacified her brother who then pacified her mother. But Mahmud left his job. The factory he had joined was not doing very well. Mahmud grew bored and impatient and quit. But Rafia

was not going to wait around any longer. Her family arranged a dinner at a Chinese restaurant and his whole family came to take Rafia away. And so their married life, living under the same roof, began.

### **Security and partnership**

Rafia and Mahmud moved into a small flat in Mugda. The area was not very good, and certainly didn't have the comforts or sociability Rafia grew up in. But Mahmud did not have the financial ability to keep her in a better area. Rafia took a job at a local college. Although it was just two of them with simple needs, they found themselves struggling financially, due primarily to the fact that Mahmud worked only erratically. Rafia became self-conscious of their financial predicament, and shied away from regular communication with her family. She says, "If I wanted to visit my brother or other relatives in Dhaka, custom demanded that I take something for them or small gifts for the children. I didn't have much extra money. So, I didn't visit as much."

At the end of that year (2009), Rafia fell pregnant, but miscarried within six weeks. She blames herself for the miscarriage claiming that she had not taken the required precautions. When asked what she had done (wrong), she replied, "The fault was really mine. I had quit my job at the college, and used to sit at home all day with weird thoughts running through my mind. I had fought with Mahmud the day before I miscarried. When I lost the pregnancy, I felt really empty. Mahmud also cried a lot, but he didn't really give me much support. Rather, distance between us grew." The distance Rafia speaks of marked most of their marital relationship. They would often fight, at the end of which Mahmud would ask her to leave. Rafia, however, could never bring herself to leave. She says, "I always felt that he really did love me, but didn't know how to express it. I thought his inferiority complex due to a lack of income made him unable to express his love for him. I noticed how he would always defend me to others, or get mad at anyone who behaved badly with me. I was sure that he loved me."

Rafia's certainty of her husband's love for her, in spite of their emotional disconnect and frequent fights, derived from certain gestures and courtesies Mahmud would show towards her. For example, he is very supportive of Rafia having a career. He would wait for her at the bus stop if she had been working late. When she was participating in a week-long workshop, he would wake up early and make her breakfast. However, he would also get jealous, suspecting Rafia of flirting with male colleagues. Mahmud's positive, supportive gestures nullify the negativity for Rafia. She says, "he doesn't really mean it when he accuses me of being flirty with other men. He's just insecure. I know he wants me to have a career. I carry 65% of the household, and he 35%. He feels bad about this – I know. But if he admits that, or shows me too much affection, he feels that he will be defeated. This saddens me." With the distance between her and Mahmud growing, coupled with the fact that she felt cut off from her family and friends, Rafia felt desolate. In fact, she was slipping into a depression.

The physical distance between Mahmud and her also grew. She thought that perhaps the miscarriage had put fear into him, which prevented him from approaching her sexually. As much as Rafia idealized platonic love and prioritized friendship and companionship, the lack of physical intimacy bothered her. She says, "I would ask for it, plead with him that it was an obligation upon him, mandated by God in our religion. I would try to do things together – around the house, simple household chores, hoping they would create some proximity and sparks. But to little avail." Mahmud also used to smoke marijuana. Rafia assures us that he is not an addict, but would occasionally smoke up with his friends. She thinks that that could be a possible cause of his lack of interest in sex, and motivation to improve himself at work.



Unable to manage the stresses, Rafia sought the help of a psychiatrist. The psychiatrist told her that she should weigh all the pros and cons of continuing her marriage before taking a decision either way. Rafia says, “I just couldn’t think of leaving him. I really loved him. I couldn’t think of another man.” Not only did Rafia not want to leave her husband, she was willing to stay and give another pregnancy a try. The psychiatrist warned her that it would be better to not have children at all, then have one in an environment of disharmony. Rafia felt determined to create (at least in her mind) the required state of harmony. She reasoned with herself that perhaps motherhood was not so essential as she has “tasted maternal feelings with nieces and nephews.” She says, “They may not call me “*ma*”, but I know they love me after their own mother. Although I haven’t attained motherhood biologically, many of my maternal instincts have been fulfilled through these nieces and nephews.” However, Rafia internalizes many of the social norms and expectations that ordain a woman to bear children. She is bothered by constant questions of why she does not have children to the point that she has stopped visiting Feni – the place where she grew up. She and Mahmud are no longer physically intimate.

Their emotional and physical disconnect had even led them to sleeping in separate beds. But the desire to imbibe social norms of womanhood through motherhood keeps Rafia hopeful that their situation will improve. She justifies Mahmud’s emotional and physical indifference through his financial inabilities. She says, “I think if his financial woes are lifted, he will be in a better place, he will behave better. His ego just can’t accept that I bear most of the household expenses. Before I would be upset at his harsh words. Now, I try to be more understanding of where he’s coming from. I just keep quiet.”

### **Facing reality and rediscovering herself**

Rafia found herself in a dark place emotionally and alienated socially. She was ill able to comprehend her own standards and thus things to expect from Mahmud. Within her, there were a complex and cross-cutting setting of norms at play. On the one hand, she subscribed to a certain notion of femininity where her vulnerabilities cried for acknowledgement. Her husband’s sense of emasculation prevented him from providing that acknowledgement to Rafia. On the other hand, she valued her freedom, her right to think and be, and most importantly her right to express herself creatively. It is this creative outlet that helped her out of her depression. In the depths of her despair, a childhood friend contacted her asking if she wanted to take part in a writing workshop.

The instructor of the two-month long workshop helped her find herself again. Of that experience, Rafia says, “I learnt to “feel” my own writing again. I had become disconnected from that too. I started to write again. I joined a new blog. I found myself feeling much happier and confident.” Since that workshop, Rafia has been working as a journalist for a popular daily in Bangladesh. The counseling, the workshop, reconnecting with her creative side, and finally a job of her choice makes her feel “empowered.” She feels fortified enough to take on many challenges that would not have been able to a few years ago. Rafia says, “I have been able to move away from the place Mahmud brought me to and discover old relationships (mainly with old friends) anew. My world of fantasy saw the light of reality. Now I think back to what I used to feel was my brothers’ generosity and liberal attitude (such as not being pressed for my marriage, my career etc.) and believe that in reality those were their way of shrugging their own responsibilities. I was never that close to my mother as most of the child care duties for me was performed by my elder sister, and sister-in-law. I remember when my father passed away, my eldest sister took me in her arms and told me that she would always be there for me. My brother made no such gesture – as if nothing had happened – as if I lost nothing. As Rafia finds her bearing amidst the uncertainty that marks her current and future life, she has a different understanding of her Family, a realization that she has unhappily come into. This realization that her family failed to be the guardian, reflects both an ideal that families ought to provide

guardianship, and also a sense of achievement and independence in surviving and thriving in spite of her family's failed obligations.

Her retrospection on her family's role and her life's trajectory has been made more intense also by her brothers' recent handling of their parental property. Rafia narrates, "Five years ago when my mother went for *Hajj* with my brother, she had said that if she dies during *hajj*, that all the property must be divided by *Shari'ah* law amongst all her children. Once they returned from *hajj*, my brother began to put pressure on my mother saying that the property, at least the ones in Feni town be written to the sons only. My younger brother has been supporting the older brother. I felt very betrayed when I learnt this. I may well transfer the property to my brother's children, but to think that my brothers wouldn't even allow our rightful shares to come into our hands at all – that's terrible. I couldn't believe these are my brothers. This confirms my feeling that the brothers have never really cared. They've only thought about themselves and shrugged responsibility. Because of my marital strains, because I had eloped etc., I used to feel like I had no face left to involve my brothers, seek their help in any way towards solving my problems. I felt I was alone to manage anyway. Now I think my brothers probably liked it like that."

Rafia feels resentful towards her brothers. However, she does not feel defeated. Rather, she describes her current state as "empowered" with wisdom, experience (although many of them are bitter), and reflection. Her empowered state is one that still has strong expectations of guardianship and provision by the men in her life as the normative premise. Her current sense of agency derives from a battle with that premise and consequently a struggle with the men in her life. She says, "I have Mahmud's indifference and harsh words on one side, and my brothers' utter disregard for my rights on the other. Somehow these pressures also make me stronger. I feel more independent of Mahmud than ever before." Having said that, she is still not ready to let go of Mahmud – perhaps daunted by the possibility of singlehood and the prospect of no motherhood. She is not at the end of her battle with those societal norms that she realizes that she has internalized.

The second last time that I met Rafia, she had sent legal notice to Mahmud for divorce after Mahmud one day packed up and left for his parents' home for months. Rafia had reached her wit's end. But then Mahmud came back, and proceeded to live in the house again, after having left her there for months alone, with no notice. He is ignoring the notice. Rafia's anger has waned. She ended our last meeting saying, "I am leaving the whole situation to time. I am in no rush to be with another man, and he obviously doesn't want to end it either. Let's see. But I have decided that after this cool off period, if we decide to give it a go, he will have to listen to some of my needs – emotional, physical. He has to break out of his bad habits and find work that motivates him. If he doesn't make these changes, I think I will be a fool to think that he loves me in his own strange way. I realize that things have to look different if we are to make this work."

## **Reflections of the interviewer**

I met Rafia for the first time through a research assistant, who was helping me out in the Life Stories Project. She had known Rafia well for many years. While we were seeking suitable resource persons, she told me about Rafia's life. To me, she represented the ultimate "modern, middle class" predicament, where women are transitioning to a next phase and embracing many modern opportunities, desires and life ways. Rafia's story spoke to this well, not only through her pursuit of independence, but also through the complexities which the transition entailed – complexities that are often glossed over when modernity is hailed as ideal for women. Rafia exemplified some of the pitfalls of a transition, where independence is

laced with certain lingering residual expectations of the past. I met Rafia for the first time on our first interview session. I was immediately drawn to her.

What drew me to her was her eagerness to talk about her life. Her participation seemed almost cathartic for her. In addition, she was analytical and often guessed ahead what next questions may be. She did not directly link or delink any of her life experiences with Islamic precepts. Thus, she was somewhat unclear of the emancipatory potential in Islam and was curious about what I meant by it. My explanation of Musawah’s position of *qiwamah* and *wilayah* helped her to think a little more deeply about her own life. However, as the story points out, her reasoning and arguments were not religious at all. What simultaneously intrigued and perplexed me about Rafia was that she saw herself and liberated yet a victim – a victim of her brothers’ neglect, her sister’s marital woes, and finally her husband’s indifference. She sought modern recourses such as working and getting psychological help. Yet, she seemed to be longing for family support and a responsible husband, where both could be sources of support and love. She seemed lonely and on a solitary and uncertain path to empowerment.

As an interviewer, I struggled with some of her positions. I felt that her independent and free-thinking force did not correspond well with her delayed realization of issues that seemed otherwise obvious to me. For example, as she was telling me how she knew that her husband loved her but could not express it, I felt that her naiveté was concealing the truth for her. I struggled at these moments when I felt that my own assumptions were interfering with my ability to hear and understand her. On the third interview session, when Rafia told me that she no longer wanted to be with her husband because whatever he felt for her was simply not good enough – that it may not even be love, I felt that I had known it to be so all along. However, by the end of the interview, I also learnt to see Rafia as not naïve, but rather as a young woman who was making sense of her life as she went along, with everything from *her* context and background she had at her disposal, just the way we all do. I felt a certain solidarity with her, in spite of our differences. I also felt that she had opened up and perhaps even been able to articulate some of her life experiences with greater clarity through the course of our interview sessions, thus paving the way for future interactions and even collaborations.

### Summary matrix

Resource Person	Name: Rafia Age:35 Status in the family: Breadwinner Occupation: Journalism Relationship with the implementer of this documentation (if any): Friend Sex: Female										
Summary of experience on authority, protection and guardianship in the family	Age	0-4	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49
	<i>Nasab</i>	√	√	√							
	<i>Aqiqah</i>	√									
	<i>Mahram</i>				√						
	<i>nafaqah</i>					√					
	<i>Akad/ Nikah</i>							√			
	<i>Mahr</i>							√			
<i>Wali Mujbir</i>											

	<i>Tamkin</i>										
	<i>Nushuz</i>										
	Polygamy										
	<i>Talaq</i>										
	<i>Khul'</i>							v			
	<i>'iddah</i>										
	<i>Wali</i>										
	<i>Waris</i>										
	Other										

**Notes on the links between the story of Rafia and *qiwamah* and *wilayah*:**

Personal and Family	Society	Institution/Religious Figures	State
<ol style="list-style-type: none"> <li>1. Internalization of restrictions</li> <li>2. Family model where father was a benevolent guardian.</li> <li>3. Competition/ tension between mother and brother over authority of the joint family after father's death.</li> <li>4. Brother becoming de-facto guardian although not looking after the family as expected.</li> <li>5. Sister's failed marriage and inability to keep her daughter in her second marriage.</li> <li>6. Restrictions on mobility.</li> </ol>	<ol style="list-style-type: none"> <li>1. Mute women's sexual needs by idealizing the perfect romance as almost platonic.</li> <li>2. Pressure to get married</li> <li>3. Lack of safety nets if marriage fails.</li> </ol>	<ol style="list-style-type: none"> <li>1. Psychological counselor gave her liberating advice</li> <li>2. Work sphere</li> <li>3. Work place</li> </ol>	<ol style="list-style-type: none"> <li>1. Sister's custody battle did not even make it to the court.</li> <li>2. The tension over the property between brother and mother.</li> </ol>

## Life story #2: Ranu

**Name:** Ranu

**Occupation:** House maid

**Age:** 55

### **A floating childhood: Rejection, abuse and forced “independence”**

Ranu, aged approximately 55, was born in Muradnagar in Comilla district. She has spent most of her life working as a house maid. At this older phase in her life when her children have grown up, she undertakes domestic work on a part-time basis. Ranu has more time now, and some support from her son. She has a roof over her head. But this has not always been the case. Ranu recollects her troubles starting with the divorce of her parents when she was six or seven years old. Her father was a farmer. They had lost three daughters in infancy, and were left with two live daughters. Her father owned land – he still does. However, she has never been able to claim a share in her father’s assets. Both she and her sister were utterly deprived. Their deprivation went beyond the material to permeate all spheres of their lives to the point that by the end of his life her father barely acknowledged her.

For Ranu, the landmark event that ushered in this hardship was her parent’s divorce. Ranu and her sister naturally wanted to leave with their mother. But their maternal uncles only took their mother back to her parental home. When they cried, their uncles told them that they would come back for them when the flood waters recede. Ranu and her sister “grew up floating from one place to the next.” In depicting this earlier part of her life, Ranu speaks in a manner that frames herself and her sister as a unit. She says, “My sister and I remained at my father’s home. We would stay hungry most of the time. We couldn’t cook, and so we didn’t eat either. If my father’s brothers’ wives gave us food, we would eat. Otherwise, we would go into the jungle behind our house and eat whatever fruit was there. Our father would return to the house very late at night. Some nights, we wouldn’t even have oil to light lamps. My sister and I would sit scared in the dark, in one corner of the room, waiting for him to return. I would cry out of hunger and fear of the dark. My sister would console me. My sister was good to me. She was very protective of me. When my father divorced my mother, I was very small. It was my sister who used to look after me, even though she was only three years older to me.”

One evening my father came home with his new wife. Our stepmother was very nice to us in front of our father. When he went out, she would make us do the household chores, would keep food from us and even beat us. If our aunts protested, she would fight with them and then hit us even more. My father would pretend that he didn’t understand what was going on. Unable to endure the maltreatment by their stepmother, Ranu and her sister went to be with their mother at their maternal uncle’s home. However, in the meantime, Ranu’s maternal uncles had married her mother off again—this time to a widower with children of his own. When Ranu and her sister reached their mother’s home, she had already given birth to a still-born daughter. When she married and moved in with her second husband, she had promised Ranu and her sister that she would come back to get them soon. They remained in their maternal grandparents’ home, with their uncles and grandmother. Their maternal uncles were not terribly fond of them. But their grandmother was very kind. She would give them food in secret. Ranu and her sister knew that she felt the pressure from her sons. But she was always protective towards them regardless. Ranu and her sister waited and waited. But, “*Ma* didn’t come for us. So, we decided to go to her new home to be with her. But we couldn’t stay too long. Her new husband didn’t like it. He had so many children himself, that he couldn’t afford two more mouths to feed. So, we came back to our grandmother. But as she too was under pressure from my uncles, we were sent back to our father’s.”

Upon return to their father's home, Ranu and her sister were put back into the same harsh and hostile environment. Their stepmother continued to hurl verbal and physical abuse at them. However, there were windows within the hostility for the girls to seek some justice through their paternal uncles and aunts. So, one day the paternal uncles and aunts caught ahold of the father and interrogated him on why he is so silent about his new wife's abuse on them. This invoked a result contrary to the ones desired, and enraged the father even more. He took the girls to the edge of the village, put them on a boat and told the boat man to leave them at sea, to die! The boatman, obviously, didn't drown them, but dropped them off at the other side of the river. Ranu recalls,

"Just like that – we were dropped off on the street, with no one, at no particular address. My sister and I went from road to road. When night fell, we would just sleep under trees, or at a stranger's back yard. I used to cry of hunger. My sister would say this and that to pacify me."

One day, the girls were spotted by their father's cousin, who offered to take them to her home. Out of fear that their father would find out and kill them, they refused to go with her. But the cousin told their father that his daughters were wandering around on the street, and he found them and took them home. Once they reached home, he beat them black and blue. The other forms of abuse and discrimination from the step mother continued. Seeing our deplorable condition, a relative took them back to their grandmother's. There again, they experienced total rejection from their maternal uncles. Ranu says, "My sister could not bear it anymore. One day she attempted to hang herself. My grandmother came to her rescue. After this, my grandmother gave my sister to work in one of her relative's home. An aunty took me to Chittagong to work as domestic help. Once my sister and I went to different places, we never saw one another again."

And so began Ranu and her sister's "independent" lives – an "independence" borne out of a complete lack of options, abject poverty and no safety nets and social support from family. The sheer hostility from their father, the lack of acceptance from the male guardians on their mother's side are at the root of their misery. While female relatives such as paternal aunts, maternal grandmother and the mother appear to have more compassion, all of these women's overtures were heavily constrained by their lack of voice, authority that are a result of women's position within the larger structure of the society. Ranu sounds not only disappointed but angry at her father and maternal uncles. She seems, however, to be more understanding of the female family members' inaction. An affinity for female bonding is buttressed by the fact that her partner in misery was her sister. The two girls together faced the harshness and supported each other through it all. However, this bond did not endure over time. The severity of the socio-economic condition led them to separate. Once they were forced into their "independent" lives, the larger structural forces further propelled them towards adulthood.

The relatives with whom Ranu's sister was deposed found her a groom from within their family. Her groom was a migrant worker, living abroad. Soon after the marriage, Ranu received news of her death. Till date, she does not know the details that led to her untimely death. She presumes that it may have happened at childbirth. Ranu thinks so because her mother used to also have trouble at childbirth, with many of her infants dying at birth in both her marriages. Her mother also finally died giving birth. Ranu's presumption and reflection point to the stark socio-economic reality where women continue to bear many children without access to proper healthcare. Ranu's worldview posits her sister's and mother's shared reality as inherent, or even biological. However, the fact of the matter lies in poor knowledge about pregnancy, maternal health, unsafe deliveries, and early marriage and pregnancy. Ranu's mother and sister both seemed to have fallen prey to larger forces that simply could not deliver them out of normative expectations and ultimately their end.

## Entering adulthood: Abandonment, trafficking and survival

Ranu's first stint of working as a house maid did not end well. She broke a saucer and out of fear of the reprimanding that awaited her, she fled. Ranu says, "I roamed about the town and landed up in the train station. I took a train and came to Dhaka. I got work in a house in the cantonment area. I used to often run into people from my village. But I never felt like going back. I had no one left there anymore." In this new home in Dhaka where she worked, she found the employer-family kinder. They arranged a marriage for her. The groom was a *rickshaw* puller, and they were married in a *Kazi* office. Ranu remembers the marriage being registered and that a *mahr* was mentioned. But of course, nothing was paid to her, and Ranu remembers no other details. After the marriage, Ranu and her rickshaw puller husband took up home in Jatrabari. Once they arrived in Jatrabari, she heard that her husband had already married several times. Apparently, he had the habit of picking up a wife wherever he went! Ranu says, "My heart broke when I heard all this. But there wasn't anything to be done, a woman must endure and create and live a domestic life." She took a job at a garment's factory, while he continued to pull *rickshaws*.

They were getting by, at which point Ranu got pregnant. She started to feel weak and unwell. Suffering from constant nausea, she was unable to go to work properly. In this state, in her fourth month of pregnancy, one day her husband decided not to return home. He didn't return the next day either. And so, Ranu started to look for him, but to no avail. He was nowhere to be found. Right then, she lost her job.

Her inability to cope physically coupled with the fact that "no one wants to hire pregnant women," propelled her into a terribly dark and solitary part of her life. She lived off small sewing chores people would send her way out of sheer pity. And, this is how the rest of the pregnancy was spent. Ranu gave birth to a son. He was scrawny and used to cry all day. She didn't have enough breast milk. She would beg and borrow from here and there to be able to buy some formula for him. But neither the breast milk, nor the formula was enough. The child just cried. Ranu's married life and motherhood, thus, began through abandonment and financial hardship. She could not rely on her husband. Not only had he failed her through polygamy, his disappearance signaled an inconsistency that she simply could not depend on. She had no recourse to counter the fact that she had fallen into a polygamous marriage. Her only option was to accept it and move on. While she describes her pregnancy in abandonment as difficult and hard, that too she tackled on her own. Tackling the fallout of male negligence and lack of responsibility seemed to be her destiny.

When her son was four months old, Ranu's husband reappeared. He said he had been at his village in Jessore all this while. He said that his mother wanted him to take her to the village. Ranu was reluctant at first. But then everyone convinced her that at her in-law's, she would at least have a roof over her head and could eat from whatever they were having. I would have a place without so much worry. And so, she left for Jessore. But even there, her husband didn't work and earn regularly. There was very little food at home, and her son continued to cry day and night. When I stopped buying formula for lack of money, her child started to get ill. Ranu's mother-in-law used to work in Mumbai. She had first sent her daughters, and then went to Mumbai herself. She sent news that Ranu should join them there. Her husband was very keen. But Ranu couldn't stand the thought of parting with her child. If she went (to Mumbai), God knows when she would see him again. Or, if he would even live, given how scrawny and ill he had become. Ranu escaped the pressure by running away to Dhaka.

Once in Dhaka, Ranu couldn't get work anywhere. Everyone berated her for not taking her child to see a doctor. She admitted him in Komlapur Hospital and took up a job at a nearby garment's factory. Her son would stay at the hospital while Ranu would go to work. This arrangement was working well. But one day,

her son was released from the hospital. She could no longer work with her small child. Thus, began Ranu's misery—all over again. While she was in this very dark and desperate phase, a woman from her slum gave her a proposition. She said, if Ranu paid her Takas 10,000, she would send her too...where she could get work and earn a lot of money. She was told that she could supposedly take her child. But if she didn't and could leave her son with someone reliable, it would be all the better as she could save more money to send back for him. Desperate, Ranu was very excited by this proposition. She thought, "finally, I'll be able to overcome the odds and make a decent life for myself and my child." She kept her child with someone at the slum and went to the person who was her employer in Dhaka – the family who had married her off. The lady of the house greeted her warmly. She was obviously welcome in the house. But she scolded Ranu for even thinking that my neighbor's proposition was a good one. She said that Ranu was a fool and didn't realize that she was being trafficked, and that in this new place she would be forced into prostitution. She jolted Ranu into realizing that prostitution would be the source of the good life that she was dreaming of. Ranu was horrified. She decided to collect her son and come back and work in the same house again. She realized that her neighbors in the slum were traffickers. She no longer felt safe. She felt that anything could happen—that she may even be kidnapped. She decided to leave the slum at once. What ensued was horrific.

"I went back to fetch my child. But, Alas! He wasn't there! The family with whom I had kept him for a few hours completely denied that I had ever left my son with them. They said, "Why would we have your son? You never left him with us!" I returned home, gathered a few people and went back to their house in a group. But the family was gone. I never saw them or heard of them again. Till date, I don't know where my son is, where he went, whether he's dead or alive. I went mad after this incident. I used to wander the streets looking for my son day and night."

### **Settling down: The constant need for "protection"**

Ranu's life, already marked by desertion (by father and husband) was now faced with a new insecurity: kidnap and trafficking. She had escaped trafficking once before when her mother-in-law was pressurizing her to go to Mumbai. She had probably not yet realized it, and acted on the simple premise that she could not be separated from her child. However, the reality is that Mumbai is a popular destination for migrant sex work from Bangladesh. Women are often told that they are being sent abroad for work as house maids. It is very often the case that upon arrival that a vast majority are forced into sex work. Women comply out of necessity. Often having been subjected to forced sex/rape, women accept it as their destiny. They feel "spoiled" and ashamed to return home. They do enjoy economic improvement though, which, coupled with their embarrassment to face family at home, keeps them in the sex trade. Ranu was able to escape such a fate unknowingly. Her attachment to her son was prime reason for that. However, while she woke up to the reality the second time around, the reality was just too much of a shock – too much misery. Her son, with and for whom, she had been struggling and fighting against all obstacles, was lost to her, forever.

"Then, one day, my husband turned up again. He asked forgiveness from me. I took him back and fell pregnant. And then, one day, he disappeared again. I never again saw him after that. I was in a complete state. I had lost my child, was abandoned by my husband again, and was living in the slum pregnant and alone. My pregnancy prevented me from taking up a job. At night, men would bang on the door, throw rocks at my window. During day time when I went out, they would send me lewd propositions, say bad things to my face. I decided I had to marry again. I need protection. The child I was carrying would have to have a father. Many people had sent me proposals for marriage. But no one wanted to take responsibility of my child. Finally, there was an old man whose children were now older, who said he would take



responsibility for my child. I went to the *Jatrabari Kazi* office and divorced my husband. Then I married 'Oldie.' My *mahr* was Takas five thousand."

Although Ranu had been facing all the obstacles—physically escaping trafficking, emotionally coming to terms with losing her son, she could not live as a single woman. She was sexually harassed, unable to earn a living due to her pregnancy, and needed a man for protection. When she decided to marry a second time, she did not do so for love or any emotional support. She married an old man, simply for protection. It helped that he said he would share some of the parenting responsibility of her son whose father abandoned him even before he was born. Ranu considered this "oldie" all the more because other men who had proposed her marriage were not interested in her son. For her, her child was prime. She reflects on her own childhood and remembers how the absence of a mother to protect them led to a miserable and deserted beginning that seemed to have cast a spell on the rest of her life. While she doesn't fault her mother for not having more agency, Ranu took it upon herself to hold on to her right to protect and keep her children close to her at all times. Thus, leaving her child in someone else's care, marrying a man who would not accept her child, were simply not options. She could not subject her child to the fate she and her sister had been dealt. Ranu's strength, agency and resilience as a woman derived from her sense of motherhood more than any other aspect of her female self. It is in motherhood that she experienced the paradox of hardship, agency and pleasure. It is being a mother that helped her defeat the demons from her own childhood and carve out a tenuous road ahead.

Ranu and her husband set up home in a shed in Agargaon slum. She gave birth to a son. Once born, "Oldie" was reluctant to recognize her son publicly. He said that they didn't share the same blood. When the boy was older, he has even thrown him out of the house a few times. His children from his previous marriage behaved the same way, refusing to treat or recognize Ranu's son as one of theirs. They used to say that the boy is not of their father's blood. Ranu worked very hard – in garments factories, in people's homes, to raise her son, who is now a driver of a private car. He is married. He buys groceries for Ranu and looks after her as much as he can. Ranu had two daughters and three sons with "oldie." Her son looks after all his step siblings. He is a good son and brother. Ranu's daughters work in garment factories. Her first son in this marriage has mental health problems. The younger two go to school. After oldie married Ranu, he moved out of his old house where he left his first wife and children from that marriage. Those children are well settled with jobs. But they don't really inquire after their step siblings/Ranu's children. They do come to see their father though, and he visits them too. Ranu regrets the fact that they do not feel a connection with the children.

Much like her first husband, Oldie never earned much. So, with all these mouths to feed, Ranu did return to her father's home some years ago, hoping to get some financial assistance. She saw that her step siblings were doing well. Her father had a lot of land. One of her step brothers had gone abroad to work. Her step sisters also lived around and seemed to own land. Ranu gathered the courage to say to her father, "we never got anything from you. Why don't you give me a bit of land – I can put up a shed and live there with my children." Her father was furious. He said all his land was for his sons. He told Ranu that if she was going to ask for money or property, she should never come back, not even to visit. Ranu had gone to her maternal uncles too. Her mother should have had some rightful shares from her parental property. Ranu thought she could try to claim that, but her uncles didn't want to part with anything. Ranu had even filed a case. Her uncles bribed the court to prove that they never had any sister, let alone a niece.

"So, as you can see, I never got much assistance. I've always had to fend for myself. One would think that now that my children work, I would get some respite. Well, my son helps me out from time to time. But I still find myself contributing towards my daughters' households, even though all my daughters work and

earn. Their husbands are very demanding. My eldest daughter earns takas eight thousand a month which her husband takes away as soon as she receives it. He hasn't even bought her a mobile telephone. This *Eid*, my daughter had gifted me takas 500. The amount of commotion that created! Her mother-in-law said, 'A thief transfers money to another thief!' The fact that they all usurp my daughter's income is nothing. The fact that her son takes money from me is also nothing. But it's a big deal if my daughter gives me anything. It's insufferable. But I stay quiet for the sake of my daughter."

Ranu's life story exemplifies the horror of being left alone – rejected and abandoned by so-called guardians in a society where men are expected to be responsible for their daughters and wives. In such a context, women neither can take men to task for their failure to comply to norms, nor can they eschew "male presence" altogether and live completely alone—free to decide if, when and which kinds of men they want to spend their lives with by so-called guardians in a society, where men are expected to be responsible for their daughters and wives. As Ranu's story depicts, women fall into a vicious cycle of keeping men in their lives for the promise of protection, for security and paternity. With these promises are seldom delivered upon, it is these expectations that women hold on to, while eschewing reasons such as love, companionship, affection, joint responsibility, for relationships. In Ranu's case, the (vicious) cycle appears to be running through three generations. Ranu's mother's life seems to be one of no agency. Ranu's own life had greater autonomy – the agency towards which Ranu derived greatly from her role and insistence on the responsibilities of motherhood. While she was more discerning than her mother in the choices she made, she did not, however, question patriarchal norms, throwing out men's presence altogether.

Part of her agency lay in her realization that, whether she liked it or not, she had to have a man in her life, to play the rules of a societal game. Ranu even challenged men, i.e., her uncles in court. But, her inner strength and conviction were not enough to take on and overcome the larger structural constraints. Ranu's daughters had a stronger footing than her. Ranu's strong role and duty as mother helped them have more secure lives. She feels that she has been able to nurture her son to be a better male than the men that had come into her life, including her own father. However, her daughters' husbands, who are of the same generation as her son, continue to be demanding and irresponsible. Not only do the daughters oblige, Ranu does too. She is not yet unable to break away, help her daughters to break free for some negligence to carve out choices that offered greater respect and responsibility. Her inability possibly stems from the lack of alternatives in society. While women's solidarity, first felt with her sister, and now with her daughters, has proven fruitful for Ranu, she is unable to bank on it, nourish and give it a place as a platform from where women envision and draw on resources to move forward. In a highly patriarchal society that shapes both daily life and state machinations, Ranu remains beheld to and, silenced by arrogance, negligence and disrespect.

### **Reflections on the interview process (Ranu)**

The interview was an open-ended one, without strict guidelines. I was worried whether the lack of semi structured guidelines would yield the kind of insights I was looking for. Fairly soon into the interview, got the hang of the interview session. Ranu was known to me. She was a domestic helper in my neighbor's house. On occasions, she had also come to my house to help me with household work. This familiarity helped the interview process.

Ranu's class position and the experiences of poverty, deprivation and neglect meant that religious laws were not the overriding theme of her narrative. She was not particularly conscious of religious dictates or

of norms spoken in the name of religion. The difficulties and harassment she experienced were manifestations of a class and sex struggle – borne out of the harshest expressions of patriarchy. Thus, for Ranu, poverty and the wider culture in which that poverty unfolded, played a greater role than religious rights and formal laws. The disconnect between the realities of her life and the options made available by law is thus an entry point, where Ranu's case may be demonstrative of the need to rethink laws and the norms and assumptions that undergird them.

### **Ethics: interviewee's position**

I feel that the interview process was overall enjoyable for Ranu. She told me that this was the first time she had narrated her entire life in such an open, sequential manner. She was pleased that someone/I had taken an interest in her life. Recalling difficult periods in her life may have even been cathartic for her. However, they also raised uncomfortable memories and difficult experiences for her. Sometimes she was very emotional, especially when she talked about her elder sister's death and losing her first son. At those points, Ranu cried. I felt very helpless in this situation because as a researcher, I am equipped with very little knowledge, or practical tools or knowledge to handle such situations.

I found it difficult to ask her sensitive questions such as experiences of sexual harassment. In the first three rounds of her Interview she did not mention anything about this. I had to push her to tell me more about her experiences. I had the feeling that this is not something she is used to discussing. At these moments, we were both uncomfortable.

### **Self-analysis: power/ positionality and other issues**

As mentioned earlier, Ranu was known to me, as the domestic helper of a neighbor. Before I embarked on the job of gathering her story, there were other stories about her, of which I was aware. Amongst other housemaids in the apartment complex where I live, Ranu is known as the woman who "married another woman's very old husband." In other words, she is perceived quite contemptuously as a "bad woman." There was another story about her which is related to her struggle for parenting responsibility for her son from her second husband. I was curious to know how her life had actually unfolded and how the "bad woman" and "good mother" played out in the context of dire poverty and restrictive norms and opportunities for women. When I first approached her, it was obvious that Ranu was aware of what others say about her. She was unsure of my motive and shied away. She said that in order for her to recount her life, she would have to stay with me "from sunrise to sunset". We began chatting when one day she came to my house to help me make some *chapatis*.

The initial stages of the interview were uncomfortable. However, the dynamics changed as we both opened up. I have known this person, and yet I found it uncomfortable to ask questions that are very personal. It is perhaps the familiarity as well as the power dynamic between us that initially worked as barriers. If my relationship with her would end after the interviews, perhaps it would have been easier to ask and probe issues. Furthermore, it was difficult to translate the religious-legal nexus in a comprehensible manner for Ranu. I also worried that over explanation would alter the power dynamics of the interview. Thus, I did not stress too much on explaining the project, but told her simply that her life's lessons were to be put towards an emancipator agenda for other women.

## Summary matrix

Resource Person	Name: Ranu Age: 54 Status in the family: Breadwinner Occupation: Maid Sex: Female											
Reasons for Choosing the Resource Person	Her life story was interesting to document, because throughout her life she experienced injustice, sexual harassment and domestic violence.											
Summary of experience on authority, protection and guardianship in the family	Age	0-4	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54
	<i>Nasab</i>	√	√									
	<i>Aqiqah</i>											
	<i>Mahram</i>											
	<i>Nafaqah</i>		√									
	<i>Akad/Nikah</i>				√	√						
	<i>Mahr</i>				√							
	<i>Wali Mujbir</i>											
	<i>Tamkin</i>											
	<i>Nushuz</i>											
	<i>Polygamy</i>						√					
	<i>Talaq</i>											
	<i>Khul'</i>						√					
	<i>'Iddah</i>											
<i>Wali</i>												
<i>Waris</i>												
Other					√	√			√			

## Notes on the links between the story of Ranu and *Qiwamah* and *Wilayah*

Personal and Family	Society	Institution/Religious Figures	State
<ol style="list-style-type: none"> <li>1. Father divorcing the mother.</li> <li>2. Mother re-remarries</li> <li>3. Father hatred and neglect of her and her sister.</li> <li>4. Rejection by maternal uncles</li> <li>5. Living with polygamous husbands</li> <li>6. Lack of acceptance of her son by second husband and his children</li> </ol>	<ol style="list-style-type: none"> <li>1. Extended/ joint family fails to provide support</li> <li>2. Sexual harassment of single women</li> </ol>	<ol style="list-style-type: none"> <li>1. Factories refused employment on grounds of pregnancy.</li> <li>2. Organized trafficking of women and children.</li> </ol>	<ol style="list-style-type: none"> <li>1. Courts can be manipulated to deprive women their inheritance claims.</li> </ol>

## Life story #3: Ruba

**Name:** Ruba

**Occupation:** Runs a catering business

**Age:** 45

### Early years

Ruba has no brothers, and she has three other sisters. She used to live in Chittagong, considering her father's hometown was in Comilla, and she was born there. Her father used to own a small shop, and spent most of his time there. He was not financially solvent. While the father managed to provide for the family, Ruba, even as a child always felt the pinch. She knew that financial security was hard-earned, and that getting out of financial dependence was the plight of her family, and others like them. Ruba only studied until class five (the end of primary school), and her other sisters were also in the same position. They were expected to, and were married off at a young age. Ruba laments that she wanted to further pursue her education, but could not due to her mother's sickness at that time – who later passed away after being ill for a considerable period of time.

The gap in education as well as early marriage are perhaps factors caused mostly by the economic condition of their family, but there are social conditions involved in this process as well. Ruba points out that in her social setting, women are expected to look after the family, rather than pursue further education, especially in times of crisis. For example, it was Ruba who took care of her ailing mother – a priority that took precedence over her going to school. While Ruba is hesitant to express any resentment in fulfilling these family obligations, she does mention that a son in her place would have been urged to go to school, and not given the responsibility to care for an ailing parent. Thus, responsibility and duty began early for Ruba. Familial duty, as a woman's burden, thus, set the tone for the events that followed in Ruba's life. The sense of duty and to channel that sense into redirecting the course of her life, acquired a certain urgency for Ruba. She was molded by all she had seen in her early life. Her mother's sickness and untimely death, the father's remarriage, and one of her sister's being married to an abusive man – all of these provided Ruba with both fear and a zeal to create a different life.

Ruba's biological mother, as well her father, were both religious. Ruba, along with some other family members at that time did not like their father remarrying. Her mother's death left a void in her life, mostly because Ruba took care of her during her sickness, which not only gave a heightened sense of attachment, but also responsibility. Ruba now had to deal with a completely new individual, or a mother, who she has no previous connections or attachment to. She was unsure what to make of this new mother (figure). She says, "I did not know whether my stepmother would be good or not." Because of this, she did not stay with her stepmother often and instead lived with her sister's family. When probed further, Ruba says that she was not sent away, but that she felt uncomfortable – almost like a stranger in her own home. Thus, she preferred to go and live with her eldest sister who was already married with small children. Ruba argues that while her sister was completely dependent on her husband, that did not deter her from welcoming her young sister into her home. Ruba found comfort in the familiarity of her bond with her sister – a familiarity she no longer felt at her father's home.

In order to keep the familial bond alive, Ruba got involved in her sister's household work – often aiding in the kitchen, and looking after her children a lot. Such being the arrangement, both Ruba and her father were on the lookout for a suitable boy for Ruba to marry. She declined many proposals. She says, "I absolutely didn't want to go back to the village. Men there beat up their wives and in general treated them

badly. I see the women looking very lifeless – older beyond their actual age. I didn't want to be burdened with many many children and being neglected. I wanted a good, tender man. I didn't think I was going to get one back in the village, and so I turned down many proposals." With the events leading up to her marriage in Ruba's life, she did not think too much about pursuing further education. She became disassociated from the world of education for too long, and she perhaps did not feel like pursuing it anymore. More importantly, her socio-economic position was also a factor that barred her from pursuing further education, regardless of what she wanted. Although, Ruba now regrets her decisions regarding education, as she mentions: "Back then I didn't realize how valuable education was." Ruba now strongly believes that an education would have served her well in her strife towards economic independence. But it is now too late.

### **Marriage: Finding a way out**

Ruba's father died when she was about 14 years old. This had two effects on her – first she felt that she was freer to not necessarily marry in the village. However, this sense of freedom also accompanied a certain sense of urgency – that she now has to move on, find a partner, a job, and take charge of her life as an adult. Ruba got married when she was 18 years old. Her husband, Liu, was Chinese – from the Chinese community who had settled in Bangladesh many decades ago. These families were mostly employed in the leather, laundry, beauty salon and restaurant businesses. Liu worked in the same garment factory as Ruba's brother-in-law. His family business had suffered after the liberation war of Bangladesh. Many of his family members migrated to foreign countries. Some returned to Hong Kong. Liu believed that once he got married, his situation – both socially and economically – might improve. Since he had grown up in Bangladesh, he felt that marrying a Bangladeshi woman was not such an alien idea. Ruba says, "he always liked Bengali women. He found them soft and tender and thought they took good care of their husbands and families." Liu was obviously drawn to Ruba, although she denies having any romantic link with him prior to the marriage. They had known each other because he would often come to her sister's house with her brother-in-law. He liked her, and proposed. Liu's family was not pleased by this. Their initial reaction was to not accept the marriage. Ruba accepted on the ground that Liu converts to Islam, which he did. Ruba was happy in the belief that she had started her life "differently", having escaped the pressure to marry a conventional man and return to a village life. She was happy also because Liu was a "good man." The marriage took place. She stresses that her husband always wanted to keep her well – both at home and outside, by securing her financially and being respectful to her wishes.

At the time of the marriage, Liu used to earn 7,000 takas per month. After the marriage, Ruba spent two years in Chittagong and went to Dhaka after that. Her first child was born meanwhile, who was almost ten months old by the time she came to Dhaka. They lived in a rest-house which cost 3,000 takas per month, and at the same time the child needed clothes and other necessary materials. Ruba and her husband started to face financial problems after they came to Dhaka, especially when she came to know that her husband did not have his previous job anymore. Ruba, to compensate for this, wanted to sell off her gold chain so that they could initiate a business. However, before this, the chain was lost, which is why they were unable to get any quick money. Liu then took work in a tannery that his siblings used to own in Hazirabagh. However, after the war, the tannery was no longer theirs. Liu was now a mere employee. His family had moved to the garment business. They retained some of their restaurant business. When his salary was not enough to get by well with, Ruba reached out to her in-laws and started working in a Chinese restaurant owned by one of her brothers-in-law. She learnt the necessary skills from the restaurant, and this provided her with an income source that she could use to sustain her family.

When Ruba's first-born daughter was young, her husband lost his job. Since then, Liu has found it difficult to find or hold on to jobs in a stable manner. In order to get by, he took up the work of an interpreter—working with many Chinese people who were traveling to Bangladesh for business purposes. This was a fairly good source of income, but it was not permanent. He would work for a week, and then have no work for two months. It became difficult for Ruba to maintain a decent lifestyle. Of course, Ruba did not expect to be in this predicament before getting married. In fact, she had expected Liu to be a little more “solid.” But, there was nothing she could do now. In fact, she did not want to exit the marriage. She loved him. In spite of his economic inabilities, he remained a gentle and good man. Ruba appreciated this.

### **The trials of building a life together**

Ruba's contentment with the “goodness” of her husband did not overshadow the immediacies of her life: notably that he was not a successful provider. This failing on his part worked to further catalyze Ruba's already active mind and spirit towards self-sustenance. The need to overcome marginalization was always a top priority for Ruba. She was not ready to accept defeat and dependence now.

At such a time, one of Ruba's brothers-in-law was traveling to America for a while, and offered Ruba and the family a place in his house. Moving into the house gave Ruba a proximity to the Chinese restaurant her brother-in-law ran, located in the same building as his apartment. While she was staying there, Ruba carefully observed what the employees in the restaurant were doing. Ruba wanted to learn the required skills so that she could make dishes of her own. Her husband became the manager of the same restaurant. They did not have a regular income. Her brother-in-law would pay her husband some pocket money. This coupled with the fact that they did not need to pay rent became the basis of their subsistence. Out of personal interest, and because she felt the need to keep busy and help out, Ruba remained engaged in the restaurant – mostly in the kitchen. Members of her in-law's family would often object to her working so close to the kitchen staff – an objection borne out of class and gender considerations. But these did not deter Ruba. However, financially there were still lags. At times when her younger son was ill, and she needed money for medicine, she used to ask the family. While the family came forward, Ruba was not comfortable with this arrangement. She felt guilty and dependent. She felt that she had to find another way out.

Once Ruba had learnt enough cooking, they moved out of her in-laws' house. They went to Uttara – a fairly middle-class area of Dhaka, where many new apartment blocks were coming up. They rented the servants quarter and a veranda of a newly built apartment. She used the veranda to cook, and it was there that she thought of making Chinese food to sell. Her husband became a partner in the venture. Together they bought a noodle machine. Ruba would prepare the dough and Liu would manually work the machine to make the noodles. Together, they used to pack the finished product and try to sell it to different shops. Initially, they did not make much profit. But then the situation improved. Ruba highlights, “my husband developed pain and blisters from working the machine.” Ruba says this to emphasize her husband's diligence in cooperating with her. Making and selling noodles was a tough job. Around about the same time, Ruba was pregnant with her third child. She had thoughts of aborting the child since she was already sending her daughter to school and they were not financially stable. She toyed with the idea, but then decided to keep the pregnancy.

The house that Ruba, Liu and their two children lived in was small. The open veranda was both the kitchen as well as a store for their belongings. When it rained, everything would get wet and would need to be moved. Monsoons became a logistical nightmare. Soon, it was time to find another place to live. They found a new house which was not really “up to the mark”, but had some extra space in the front which

made it easier for them to carry on with the business. Soon after they moved into this new place, Ruba's husband visited India, where his sister was living and saw more developed machines, which could make noodles faster and did not put a strain on the hand. Ruba's husband came back to Bangladesh, hired a mechanic, and brought parts of the machine from different place just so he could create a machine of his own. She now had the capability of making different food items, and started selling them to different places. Ruba's husbands also brings in a lot of income now and then, and along with the sales of her food items – their economic position was slowly becoming stable as well as sustainable.

In addition to helping out with the catering business, Ruba's husband continues to work, albeit intermittently, as a translator for garment factories and buyers. He has earned as much as 12,000 takas in 3 days, although this varies greatly from time to time. Ruba appreciates the fact that whatever he earns, he gives most of it to her. She feels fortunate because of this reason: "I'm very fortunate that he loves me a lot, he always tried to keep me in a good position within his capacity." Ruba feels that her prayers were answered, where she wanted a good husband.

Ruba continues to experience trials though. Her catering business took a hit when she lost a contract with a school where she was supplying snacks and lunch few days a week for all the students and teachers. This was a regular source of income for her. When the school administration changed, she was told that her food was no longer required, and that they would be sourcing their food from elsewhere. The loss of this regular income was hard because by now, Ruba's children were older. She needed to pay tuition for her eldest son whose good academic results have secured him a place in one of the top most private universities in the country. Ruba wants to make no compromise with religion. She has had to endure enough struggles as a result of not pursuing education herself. She was determined to provide her children with a better future. Ruba did not push as hard with her daughter though. The daughter went through high school. But afterwards, when there was much social pressure and many proposals for marriage, Ruba decided to marry her off. She says that the boy was "good" – from a good and solvent family.

The whole family was very keen on her daughter. While everyone initially agreed, in principle, that she would continue with her studies after the marriage, in reality that is not how it turned out. In fact, the marriage did not turn out well for Ruba's daughter at all. Her husband was petty and jealous, and often beat her up. For the first few years, she put up with it in the hope that his attitude would improve. She proceeded to have three children – one after the other. Then, one day she could no longer bear it. She opened up to her parents and returned to them, with her children. With the regular school catering gone, and burdened by the responsibilities of her son's university education and her daughter and three young grandchildren, Ruba finds herself seeking work opportunities and struggling again.

## **Religious turn**

Ruba has always been religious. Having faith and even performing rituals of Islam were always a priority to her. Armed with her faith, she began attending Islamic lesson circles about 15 years ago. She found it most inspiring. She says, "I learnt the "correct" things – there were so many errors in how I prayed, in how I believed, in what I prioritized in life. I learnt that we must be "correct" in all our conduct, and do things as the Prophet himself had done. To deviate from that and to do things in a new way – just because it suits us, does not bring us the rewards. After all, what are we here for? To pass God's tests so that we may find *jannah*, isn't that right? I have learnt so so much from attending these circles. I slowly took the *hijab*, then the *burqa*. I also became more conscious about raising my children with the proper *aqida*. *Alhamdulillah*, they all pray."



For Ruba, these lessons circle work as a platform in many ways, beyond the learning and perfecting of practice. Here, she has found a host of supportive women, some of whom have become her friends. Many others from a higher socio-economic category help her out financially by helping her with business contacts and even giving her loans and *zakat* money towards her son's tuition. Ruba naturally feels very indebted. She is not only spiritually sustained, but economically and socially supported too. Her religious turn has, thus, given her a new kind of strength. It has given her a reflection that allows her to judge her past and present actions more "clearly" – a clarity borne out of all Ruba learns in the discussion circles. She looks back and feels grateful that she never opted for abortion, even when, under economic duress, she had contemplated it. However, she does feel that, all the years she had spent working in the Chinese restaurant, in close proximity, she has committed sins. Ruba repents for indulging in "*haram* activity". She hopes and prays that God will forgive her undertaking such tasks, given she was in financial distress and that working in the restaurant was the closest option she had had. She argues that now, she would never take the easiest route. She would seek out only "*halal* options." Ruba believes that once anyone does that "prioritize God, God always finds a solution for them."

One example of rejecting the "easy path for God's sake" is Ruba's refusal to share her husband's bed. She came to this decision after hearing in the discussion circle that unless one performs *salat* (ritualized prayer), one cannot be defined as a Muslim. This got Ruba extremely worried for her husband's salvation as well as the correctness of her own conduct, if she were indeed living with a non-Muslim. Her logic that a non-praying convert is a non-Muslim and thereby illicit for her to share her life with has been the source of much anxiety for her. Ruba has gone from preacher to preacher asking what to do. They have asked her to try to convince him to pray, and if he does not, then Ruba should leave him. Ruba says, "leaving him, at this age and after so many years together, is not an option. She says, "he has been a good husband, he put so much of himself in supporting me in whatever I wanted to do. He is a wonderful, caring father and has always been very loving to the children. They love him dearly. I do feel responsible for him and want his well-being. If I leave him now, who will look after him. He is old(er) now and has had a heart attack once. He takes medication for hypertension, etc. It just wouldn't be right to leave him alone... now." This decision, however, is not one that Ruba arrived at easily. Most of the preachers think she is still taking the easy way out.

One preacher told her that she should go back to the village. Ruba's reaction to this was paradoxical. On the one hand, she expressed remorse and laments that she may just well be not strong enough and that she hopes God will forgive her. She asks for God's forgiveness on the pretext that Liu has been a good husband. However, she also throws a "veiled" challenge to the preacher when she says, "people do not understand that it is not as simple as that to go back to the village. My life is here, my children are here. I do have a responsibility towards them."

However, Ruba is absolutely certain that her decision to separate her bed from her husband of thirty years is the right decision. She says that this is her way of putting pressure on him to take up praying. She says, she asked him first. He would say, "I pray in my own way. Why don't you keep praying the way you want- I have no problem with that." But, this was not enough for Ruba who needs for Liu to take up *salat* (ritualized/prescribed prayer). In the absence of his doing so, Ruba will make her marriage, her needs, etc., secondary to religious dictates. In doing so, she is asserting herself as a woman in a context where women seldom have the voice and agency to do so. Ruba's track record shows that she was never a push-over. In this case too, she asserts herself and her wishes on the most intimate of circumstances. Of course, those from her support group who don't feel as though she's "settling" by taking recourse to more drastic measures, encourage her and even hold her up as an example of righteousness. Ruba has gone as far as veiling herself in front of her husband in the house.

Thus, Ruba finds yet another arena in which she leads, shows the way and enacts an empowered subjectivity. She is able to subvert feminine norms on unquestioning subservience in the role of a wife. However, she is not willing to question other kinds of authority – mainly those that frame the discourse of piety and “correct religion.” When I probed her, she was not interested. She was more than convinced that what she had heard at the Quranic circle, and the preachers who speak there, are absolutely correct in their “studied” teachings and conclusions.

The fact that Ruba is unwilling to question the discourse that shapes her decision has to do with many factors, ranging from Ruba’s lack of education, by which she may have done some studying on her own, the proliferation of a literalist Islam all over the country, as well as the larger context in Bangladesh where women’s sexuality and their ability to assert gendered needs and aspirations have long been a precarious matter. When this precarious world met Islamic literalism, the existing ambiguity, even shame around issues of gender and sexuality take a further hit. The pursuit of piety becomes a trope of further concealment and silencing. As Ruba’s case shows, the moment has not yet arrived for a critical (re)thinking of gender and Islam, at least not for the millions of women who are flocking to increased religiosity of a kind where there is little space to question definitions of faith and the construction of gender and sexuality within it.

### **Reflections of the interviewer**

I have known Ruba for the past ten years as someone who would regularly come to Islamic discussion circles that I was involved in, both as participant and observer. She seemed outwardly religious, and an attentive listener in the discussion circles. However, she, as someone from a lower socio-economic category than other circle/group members had an additional role. Ruba used to sell cooked and semi-cooked food after the discussion circles ended. Thus, in addition to a pious aspirant, Ruba also had a patron-client relationship in the discussion circle. This had always intrigued me about Ruba’s presence in the group. I wondered how the intersectionality of class and gender conditioned her piety and her ideas as a woman. Ruba seemed to be a strong person. Between buying *samosas* and noodles from her, I caught a glimpse of her financial struggles and her central role in mitigating against them. Thus, she presented herself in a manner that posed many questions and conundrums for me. I had lost touch with Ruba over the years. It is in order to find resource persons for the Musawah project that I got in touch with her again.

Ruba was pleased to hear from me. She remembered me from years ago, and was intrigued to know that I had interests beyond religion. She was welcoming towards my research assistant and me. I found her very eager to talk about her life. My initial shock was upon seeing a Chinese man walk around the house, and her introducing him as her husband. For women to marry men of other ethnic and religious backgrounds is rare in Bangladesh—all the more from the socio-economic category that Ruba came from. When Ruba narrated to us how she had always wanted a different sort of husband, I saw her embodying a certain agency. There was much passion in her voice, and delivery when she spoke of her struggles to overcome financial constraints and her religious engagement. She linked everything to God and the need to follow what she thought was God’s dictates. She was under the impression that I would agree with most of her position, given the fact that she used to see me in Islamic classes years ago. I saw how linking both her financial woes and the subsequent struggles to overcome it to religious edicts was both pragmatic and also allowed a channel for catharsis. In fact, I was able to accept and comprehend how religion allowed her to create a particular agentic subjectivity that addressed many of her current concerns. But I was

concerned that she was willing to alienate her husband based on particular religious interpretations. While this too was an extension of her agency, I was worried about whether this was good for her.

A disagreement with Ruba posed a moment of ethical crisis for me. I was aware of the fact that as an interviewer, I was required to be open and receptive to the resource person’s narratives. I tried to probe and push her towards a different way of thinking about the estrangement with her husband. But, I knew that I could only push so far. It was not only a conflict of interpretations, but also a conflict of our different positionalities that endowed these interpretations different force and tenacity over each of us. When on a third interview session, I followed Ruba back to a religious discussion group, the differences in our positionalities became more apparent to me. I had to conclude the interviews with that insight.

**Notes on the links between the story of Ruba and *Qiwamah* and *Wilayah***

Personal and Family	Society	Institution/Religious Figures	State
<ol style="list-style-type: none"> <li>1. Mother’s death/ daughter’s feeling like strangers in their own home.</li> <li>2. The role of care giving to ailing mother from a very young age.</li> <li>3. Lack of opportunity to get an education</li> </ol>	<ol style="list-style-type: none"> <li>1. Expectation to marry from one’s own village.</li> </ol>	<ol style="list-style-type: none"> <li>1. Realization/ orthodox Islamic learning circle that teaches her the “correct” ways of Islam.</li> <li>2. Estrangement from her caring husband for greater piety.</li> </ol>	

## Life story #4: Sultana

**Name:** Sultana

**Age:** Mid-late 40s

**Occupation:** Domestic worker

### **Marginalization in childhood**

Sultana's father had completed high school and was a small businessman who had inherited most of the family's land. This is because her uncles had died while studying in college and the father inherited their share. Her father was not good at doing business, so he largely relied on selling his land and providing for family expenses. Sultana's mother had no formal education. Sultana has two sisters and one brother. Her birth as a second daughter was not a disappointment to her parents, which is different from the usual Bangladeshi village experience 40 years ago, when son preference was very strong<sup>2</sup>. This maybe because her mother had lost children at childbirth, so the parents were happy to have a healthy baby. She did not face or does not remember being discriminated against for being a girl in her immediate family while her father was alive.

### ***Insecurity caused by becoming an orphan and due to lack of male guardianship in childhood: descent into poverty***

Sultana's experience of hardships related to poverty and insecurity began after her father died when she was six. Her father had managed to sell most of the families' land by then. This insecurity had both material (economic/livelihood), and social dimensions.

Since Sultana had no uncles living or a grandfather – they had no male protection. Her mother became their guardian, but as her mother was illiterate and lacked social capital and networks, she could not manage the property or the family effectively. In Bangladesh in villages where marriages are patrilocal (a feature of classic patriarchy prevalent in Bangladeshi, north India, Pakistan – see Kabeer 1994), her mother did not have relatives in the village. *Purdah* norms implied that (public space such as land offices being considered male space) implied that her mother had no access to these spaces for checking land records etc. (assuming that the officials would have been willing). Mother's lack of literacy skills translated into the mother being able to comprehend official records and land deeds and use these to secure her property. After Sultana's father died, some of the neighbouring families in the village bought off the remaining family property (other than the homestead land) showing deed of sale at a lower cost than the market value. Sultana's mother, who could not read to verify these papers, and did not have male relatives in the village who could go to the land office to check whether these deeds were registered, had no choice but to give up these pieces of land. She was being deceived by influential community members so others in the community did not want to meddle when land deals were being made. The neighbours were powerful (had more money and muscle power) – and had threatened her mother that if she complained they would hurt the children. No one in the community intervened as they were also afraid of this family.

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<sup>2</sup> Son preference is still strong but the nature of it differs from neighbouring countries such as Northern part of India where female feticide and female infanticide takes place. Discrimination against the girl child do exist. Parents tend to invest more in boys however government policies such as school stipend for girls and immunization programmes etc. has allowed the country to reach gender parity in primary education and reduced child mortality (World Bank, 2008). When Sultana was a child these programs/policies were nonexistent.

Sultana's mother also sold off the remaining land to maintain the household (that were not claimed by these groups). She received a lower than market price as she did not know the land value, could not directly deal with land officials and processes and had to rely on others. Note that her mother was recognized as the property owner who could sell these pieces of land, though there was no process of formal registration done in her name. However, she did not have a strong bargaining position and her helplessness is a result of a few factors: lack of male guardians in immediate and extended family, lack of social capital to access spaces and information and also get protection, social and cultural norms that restricted her direct access and lack of literacy.

Sultana's view (and this is confirmed by land related studies and village studies in Bangladesh) is that lack of knowledge about markets/ land value/ procedures are problems that poor men would also face in the village. However, gender also made a difference as her mother did not have access to other channels of collecting information from the land office etc. (partly because she had no money to travel/ and partly she followed the *pardah* norms so did not go to public office). She feels that if they had a male guardian perhaps the man would have had a better chance in finding information from land office – though their class status would have limited them. Sultana's reading is that if her uncles were alive they could have contested the claims made by the neighbour's family over their land. Poor families even with male heads present have experienced such incidents in Bangladesh as they lack both financial and social capitals (i.e., network/access to other powerful people who would provide protection). However, in this society, her mother as a poor woman had very little to offer to those who may provide protection in terms of material or social benefits compared to a poor man.

#### ***Poverty related marginalization: diminished physical wellbeing***

Sultana's mother's inability to protect family property created material hardships for the family as they lost harvest and also income. Sultana along with her sister was sent to work in another well-off homestead in the village. There were physical hardships and the jobs she performed at other people's homes were laborious (cleaning, washing, sweeping, fuel/water collection). They had very little money and they often went hungry. Her mother worked in another house and could not offer them protection (when they were verbally abused, or hit by employers). The village community had not objected to the girls and the mother working in people's houses, which is generally perceived as a debasing form of work and which requires women to break the *pardah* and go into another's space. However; for the women from poor families (before garment factories were set up, or rice mills started operating), this was the only option for earning an income. Sultana also feels that there were no objections towards her mother or the girls breaking *pardah* norms, perhaps because they had grown up in that village and were known to all and everyone, who knew their dire situation.

#### ***Poverty related marginalization: lack of education***

Being sent off to work meant that Sultana was unable to attend any formal schools and learn to read and write. This later limited her chances of employment in formal sectors which later, her older sister and the only brother were able to secure. Her older sister, who was bright, managed to stay in school even while she worked in other's people's home. Sultana did not like to go to school or study so she had not pushed hard to stay in school as her sister. Moreover, as the younger sister she obeyed the decision by her older sister who chose to send the brother to school instead of her. The choice to continue brother's schooling of course reflects the predominant view that young boys needed to get an education to secure a good livelihood to support the family, and carry on family's name. It was decided that Sultana would work and channel her earnings towards supporting the brother and sister's education. To this day, while Sultana identifies her lack of literacy skills as a key source of

marginalization and the cause behind her lack of alternative economic employment, she views decision as a pragmatic step for ensuring her brother's education. Her "investment" in her brother's education and also her decision to obey her sister later allowed her to make claims on them for her daughter's protection after her divorce.

### ***Threat of sexual violence resulting from lack of male guardian***

When the sisters entered pre-teens (eleven/twelve) some of the men in their village started harassing the sisters. These men wanted to enter their house at night (this is very common occurrence in villages). They raised their voices and called on their neighbours, and the men had run away. There were no community control/measures taken against the men who had entered their home even after they had complained to the local community leader. They slept in a neighbor's house and not their home so they would be safe. Her sister was harassed on the way to school –they would use lewd language. The girls started sleeping in the neighbour's house for protection. As they were poor and did not have a male head of the household the women were seen as "fair game." This of course indicates that though the law in Bangladesh recognizes the mother as a custodian of the children – the mother (if from a poor background and without social capital) is unable to offer protection to her children. The harassments stopped a few years after all the sisters were married and settled (when it was established that they were some other men's property). This experience of harassment created a tremendous pressure on the girls and the mother to get them married, and secure male protection. (In fact, recent surveys show security and fear of sexual promiscuity are the key reasons that are mentioned by parents for justifying child marriage. Most teenagers in Bangladesh by the time they are 15 are married, when Sultana was a child – the average age at marriage was around 11/12.)

### **Experience of marriage negotiations: Did the civil and *Shari'ah* laws help?**

Sultana's marriage took place while she was working in the household where her older sister worked as a domestic help. The owner of the house was the local chairman (local union head) and an influential person. She got married when she was 12/ 13. The local chairman's house where she worked was close to her future husband's house. They met and would spend time going to the bazaar and roaming around. He was about 20 years old. He had no formal education and was working at a mill. His family owned some land and his father a small businessman. They liked each other.

When Sultana's husband decided to marry her, his family said no because she was a domestic worker and her family was poor and she was dark. The family felt that this match with would not provide any significant social connection or dowry. Her husband was insistent. Later her father-in-law relented. Her own family was relieved that she had found a match, since they lacked the means and also given that she had no father/male guardian meant that she had less value in the marriage market, as it is generally perceived that the dowry demands would be unmet if the girl does not have a father/male guardian.

The marriage took place in the house where Sultana worked. This man was influential and a local elected representative (UP chair). Her family paid no dowry, or did not give anything to the husband. The in-laws were not happy but went along with it because her husband was bent on marrying her, and also her employer was influential. They had not made any dowry demands during the time of the marriage because in her village no dowry is paid to grooms (grooms only can accept whatever is given by the bride's side, if the bride's side wants to give something freely).

This practice started because one time the chairman's niece was being married off and the groom's side made exorbitant demands. The chairmen had the groom and his party tied to a tree and everyone from around the village came to see them (imagine a pillory). After that the village gained a "reputation" and the villagers also did not practice dowry. She received *sari*, shoes etc. from her husband and also, they provided money for the wedding dinner (as her family was poor). Her *mahr* was determined 1,500. Her *wakil* was her employer. Her consent was asked for though she was a minor. Her marriage was registered as her employer had insisted on it. She did not have the right to divorce, as it is not standard practice in Bangladesh.

Sultana's experience shows that the civil laws did not provide her any protection from child marriage (though in this case she was not being forced). The religious provisions were followed in this case (consent and *mahr*) and the marriage was registered as prescribed in the law, however these were followed because of her connection to an influential man (her employer the UP chair) who insisted on it. Also, her family was spared from dowry related demands partly because they had this powerful man acting as the bride's "guardian." However, as the next section will show this connection did not provide her any protection from violence during her married life.

### **Experience of marginalization within marriage**

Sultana after her marriage lived a joint household, with her brother, sister, father and mother-in-law. She had to do all the work, cooking, cleaning, sweeping, washing, laundry. It was strenuous for a 12/13-year-old. They would scold and bad mouth her. They would call her poor, "low class" or "low birth," ugly, etc. The main issue was that she had brought nothing to the household. However, she was not physically beaten. This Sultana considered as good luck. Once Sultana's brother-in-law tried to hit her with a stick as she had come to the house empty handed and her family had no prospects. Her husband saved her. Also, her mother-in-law and grandmother-in-law scolded her brother-in-law.

There are laws against dowry related violence and domestic violence which provide scant protection. Studies on intimate partner violence show that communities do not resist violence against women unless there are extreme cases of physical abuse, and the girl's family is able to raise a hue and cry. Culturally, violence is sanctioned against a disobedient wife and justified using religion—stating that religion allows for punishment of disobedient wives by husbands. Research on intimate partner violence and village studies in Bangladesh show patrilocal residence post marriage create difficulties for the child bride as extended families, particularly the mother-in-law and other women in the household try to exert control over and constrain a bride's mobility, behavior, interaction with extra household members. As negotiations over child bride's behavior takes place between the in-laws and the bride herself, these become a key source of tension between them, and also between the couple. Given this context, a wife's key protection against violence by the extended family members is the husband, which is illustrated by the incident here.

Despite these hardships, Sultana felt that she had to maintain the marriage as her family would not be able to support her if she went back. Also, she would create a scandal by being abandoned. Sultana became pregnant after 2 years of marriage. She went to her mother's house to have the child as per tradition. Though she had a daughter, her in-laws were happy as this was the first grandchild. Her husband was willing to set up a separate household after her daughter was born. However, he could not hold a regular job and poverty created a lot of stress. Sultana's husband started asking for dowry. According to Sultana, he was being influenced by her in-laws. He would also call her poor, low class, ugly (even though he was the one who had chosen her). But he never hit her.

When her daughter was 2 months old, there was a fight over people visiting the in-laws house. She was asked to dress up for the impending visit. She said she did not have any good clothes, after that Sultana and her husband argued and he insulted her and hit her once the argument escalated over why her family had not paid any dowry. This was a watershed moment for Sultana and her decision to leave.

### **Decision to leave her marriage: Constrained agency and dilemmas**

After Sultana's husband beat her over dowry, she decided to leave. Sultana realized that once he started the beatings, he would hit her again. She also thought that since poverty issues would not be resolved very quickly, and as her family would not be able to give her any dowry, her husband would keep on abusing her over it. Sultana did not want to live in this kind of situation. A powerful motivator was that she felt her daughter would be adversely affected by the violent situation at home.

As Sultana looked back, she said that the decision was to leave, she came to it on her own. Sultana had watched TV dramas in the UP chair's house (her former employer), where she had worked. These dramas had shown incidents of family violence and how these escalate, and how it affects the children. These also showed that educated women leave these marriages and try to be independent. Sultana thought she may not be educated, but she should take this step for the sake of her child. She left the in-law's house and went to her mother's. When she came back to her mother's, her mother and her sister tried to reason with her and send her back to her husband. She refused, but she was ambivalent now about her decision to leave. Sultana was hoping that her husband would be contrite, and perhaps they still had a chance.

Sultana's husband did come to get her. But it was late at night and she insisted that they spent the night, which he was reluctant to do and asked her to pack and leave. She kept insisting to the contrary. After an argument, he left and never came back. Then after a few months she learnt from neighbours that he had married another woman, and had gotten a huge dowry. The marriage was arranged by her in-laws.

By then Sultana had already decided she would not go back. But this news of remarriage meant that the separation was final as she did not want to live with a co-wife. In Bangladesh polygamy is no longer frequent in villages. Law requires the husband to get permission of the first wife, which is rarely followed. Not securing permission from the first wife does not invalidate second marriages, and there is no punishment for not taking permission is minimum. This is how the law does not provide much protection against polygamy in cases where it happens. Muslim men are allowed up to four wives. In Sultana's case, this law did not provide any protection in deterring the husband, neither did Sultana seek redress for her husband not seeking permission, nor was she aware about its provisions.

Sultana felt bad that her husband had remarried, and that he could walk out of the marriage that easily. She also realized that she had lost formally the protection of her husband, but she also knew that she did not want to continue the relationship after this, as this demonstrated she and her daughter meant little to her husband.

### **Constraints in the divorce process**



After the husband married again, Sultana thought for a few days. Then she decided as the relationship was never going to work. "I would never have any peace now that he has remarried, I do not want to live with a co-wife. I could not go back and he still had legal and all claims of a husband over me."

Sultana might have considered going back to him if he had come back and apologized. "I would have gone back if he had said sorry for hitting me, asking for dowry when he knew how we were, and even if it was after 20 years, because that would mean he cared about me and realized he was wrong." To Sultana the second marriage meant there was no point continuing. She also felt if she remained married that would mean he had a claim (social and legal) over her, and he could come for conjugal visits, which would mean they would have more children and she did not want to have sexual relations, or children with him. Attitude surveys show that culturally and socially women and men think that the wife cannot refuse the husband if they are married, as he has a claim over her body. Refusal to have sex is cited as one of the major reasons for VAW in marriage.

Considering the above, Sultana asked for a divorce. She asked her former employer (the *wakil* of the wedding and the local chairperson) to send for the husband. Her employer felt a kind of obligation towards her as she had worked in his house, which culturally constructed her as a dependent. She was also a member of his village which implied a particular kind of kinship tie and obligation (related by having the same "*desh*," or living in the same location/community). Though her husband came to the former employer's house he did not contest to the divorce. Sultana could not go ahead and unilaterally divorce him, as she did not have the 'right to divorce' delegated to her.

Sultana was lucky as she had support of her employer and the community as they felt he would beat her for dowry, and also that the fact that he had remarried meant that there would be domestic disputes. Though she did not have the right to divorce, she could get the legal formalities of the divorce completed (sending three legal notices etc.) through her former employer, since he was the UP chair. The UP chair holds the village arbitration council and sends legal notices for divorce etc. In this way as a poor woman, she did not face legal difficulties for obtaining a divorce. It was also facilitated by the fact that she had support of the community and her husband did not contest or claim for conjugal reconstitution (since the second wife also did not want Sultana back.) As Sultana had a registered marriage (which many do not have), that made the paperwork relatively easier. The fact that 'her guardian' in this case the chair was more influential than her in-laws, meant there were little contestations over payment of *mahr* etc. And also, her husband did not want her back so no contest over her decision.

Once Sultana and her husband were formally divorced and it was registered by the chair (three notices etc.) She was paid takas 1,500 as her *mahr*. She was not paid any expenses for the '*iddah*' period. Initially she was not given custody of the daughter. The father took the daughter with him saying it is his child, and he would take care of it. Also, the arbitration committee reasoned that she may marry again so it would be best if the mother did not keep the child. (Though the law states that the mother can have custody till a daughter is 12, custody depends on whether the mother plans to remarry or not. Sexual purity/chastity, and also not remarrying in the case of the mother, are important factors.

After a few days Sultana went to her husband's and brought the daughter back. As childcare was difficult at the husband's house, no one objected. Also, she argued that she needed something to live for. The husband so far has not paid for childcare or provided any support. Sultana feels if she had

gone around and tried to get the UP and the community to pressure her husband to pay, he may have paid up. But Sultana did not want anything from him, so she did not do that. She said she detested the fact that she may have to rely on him. Sultana knew that if she worked she would be able to get by.

The incidents above show that the provisions in the law, and how they are practiced diverge. It also demonstrates the importance of having a male guardian. Sultana was able to negotiate against marginalization during the divorce process as she had a powerful “father-like figure” (her employer). However, this had its limits. The existing legal provisions and the fact that she had a powerful male’s support ensured a hassle-free divorce, and also payment of *mahr*, but it had its limitations. It also shows that the legal verdicts may not be followed for practical reasons (Sultana asked for her daughter back because of the practical issues around childcare, and the in-laws did not contest). The legal provisions on child care allowance were not met by the husband. Ensuring child care allowance is difficult even in well-off families. Family courts or informal arbitration may decide on the amount that needs to be paid, but it is difficult to monitor and enforce fathers fulfilling their responsibilities.

### **Experience of marginalization post-divorce and mitigation strategies**

After divorce, Sultana formally lost social and economic support from her husband. Her family could not afford to feed her and her daughter. This loss of protection led to various economic and social hardship.

#### ***Economic hardship and expressions of agency***

At first, Sultana worked in the village. She worked in the field, rice processing which was strenuous and laborious. “I did anything, whatever work people gave me to get food for my daughter.” After 2 years she took on domestic work in the district town, and then later in Dhaka. Sultana described this phase as a “war.” Sultana felt: “I was fighting a war on all fronts. I had to go and fight in the fields at work, I had to come home and fight the unhappiness I caused, the burden I became.”

Sultana’s family was displeased with her decision to divorce her husband. They did not want two extra mouths to feed. They had asked her to go back. Sultana knew she would not have their protection or support (from sister/ brother), unless she brought in an income. Sultana also needed the family’s protection to ensure social honour and protection for her and her daughter. Sultana told them that she would work and earn her and her daughter’s keep and bear other costs – that she only wanted help with childcare. She also reminded them about the support she provided during their childhood, after which her brother and sister agreed to allow her and her daughter to stay.

Sultana decided to migrate to Dhaka and take up domestic work to bear the costs of her daughter education, after her daughter started secondary education. She used the village network to find work in the district town and then later to move to Dhaka.

#### ***Social and personal hardships and negotiations***

Sultana has not thought about remarriage or being involved with anyone as to her, her daughter takes primacy. Sultana feels that other men may not take care of her daughter. She said that there were several proposals of marriage from the villagers, and also after she came to Dhaka. But Sultana turned all of them down. The men even said that they would write some land in her name but she felt none of these were a guarantee for a peaceful life, or that the men would look after her daughter.

Sultana also felt that she did not need a male guardian or protection. Sultana feels that she can provide for herself and her daughter.

Sultana is very clear about that she is the guardian of her daughter. Sultana points out that the father (her husband) had not done anything. She is the one who bore the costs and also made all the decisions concerning her daughter. So even if the law says otherwise in terms of fathers being guardians and mothers being custodians, she is in reality the child's guardian. "I have done both a father and a mother's job." Sultana stresses that she should be treated as such. However, under existing law Sultana cannot be the guardian, but the custodian, and a father's identity would be required for the child for formal applications, exam certificates etc. Recently the law was changed in terms of mother's name being included into the applications and certificates etc. as guardians. However, mothers are not socially accepted as guardians, which show the limits of laws. *Shari'ah* law still states mothers are custodians.

Sultana wants her daughter to finish her studies and then get a good job. 'If she can stand on her own feet, everything will work out, and it would have been worth it.' She has been helped immensely by her family's support in raising her daughter (day-to-day care), and monetary support from the family she worked for in Dhaka (school fees, etc.). She had never been worried about her daughter crossing the sexual mores of Bengali culture or dictates of the religion. Her daughter has lived in girl's hostels since completing 12<sup>th</sup> grade. Before that, the daughter stayed with her aunt (older sister), so that she had a guardian. This also reveals that kinship and affinity networks are still the largest assets for women in negotiating various life choices given the absence of state support structures. Legal provisions regarding a wife's or child's claim to maintenance from the father or through state support policies related to girls' education may not actually help women, even if they are classified as *Shari'ah* guarantees of women's rights. In this case, once the parents were divorced, the legal provisions did not help Sultana ensure that she was able to raise her child and address her basic needs – she needed family and community support to do so.

Sultana was mostly worried about her daughter's marriage. Sultana's status as a domestic worker, and the fact that she divorced her husband have led to two-thirds of the interested families to decline after initial negotiations. But Sultana is unwilling to hide any of these facts, her statement is: "those who will like my daughter will like her for who she is, and what I did or did not do, should not be an issue. What we did we had our reasons and that is our matter, why should that be dug out when my daughter as a person is being considered? If a man is smart enough and with the right sense, he would take her for the kind of person she is, not for what her parents are!" Sultana also pointed out that many have advised her to go through her husband when negotiating marriage and also for holding the wedding at her in-law's place (which would be deemed socially proper, and no questions will be raised about her status). She is refusing as he had not done anything for the child, so he does not get to act as the guardian.

According to Sultana, marrying off her daughter is important, not because it is dictated by religion, but because one needs support and companionship in life. She is worried that her daughter may like someone and want to marry him, but that person may back off because of Sultana's background.

### **Marginalization during daughter's marriage and making "pragmatic" choices**

Sultana's daughter was married off six months ago. It was a neighbor who arranged it. The groom's family knew that Sultana was a domestic worker, and also that she was a divorcee. Sultana's daughter

has values because she is educated (currently passed her B.A degree and she has the potential to get a good job). Her son-in-law works in a pharmaceutical company. He also lives separately in town which was an important factor, as that implied that the daughter would not have to live with the in-laws. However, the prospective groom was the eldest son which implied that he would have to continue to give money to parents, for he has younger siblings. Sultana was confident that she would be able to take care of her daughter's education after her marriage so that the fact that the groom has to give money to his siblings would not be a problem. Her only condition during the marriage negotiations was that her daughter would continue her studies. The negotiations were carried out by her siblings as Sultana lived away from home. She consulted her daughter and asked her sister to show a photo of the prospective groom to her daughter.

There were no dowry negotiations. The groom's family had not demanded any, as they wanted an educated bride. (Educated brides are seen as a dowry themselves, as they have earning potential.) Moreover, Sultana received (and asked for) large sums of money for the wedding from her employers (about 80,000) which was given to the son-in-law.

The daughter's marriage took place very quickly, as the groom's party liked her and decided to have an *akd*. Her *mahr* is around 20,000. It was registered. The father (ex-husband) only came on the day of the wedding. Sultana's sister and brother managed most of the arrangements. The father had not paid for anything. Though Sultana had not (and perhaps could not afford to, and did not have a father to pay for), wanted to pay dowry in her own marriage (the sum she handed over in cash), she paid one for her daughter even though it was not formally demanded. She had not wanted the ex-husband involved in the marriage, but relented to the pressure from her brother/sister and the community as it would look socially bad not to have the father present. She was not the main negotiator, it was her siblings who negotiated the marriage, as taking the role of the main negotiator would indicate that she/her daughter has no "guardian." She saw these are pragmatic choices even though these choices did marginalize/ or diminish her earlier steps towards independence/autonomy.

Sultana is worried about her daughter not being able to create a more companionable relationship with her son-in-law. Sultana says that the in-laws are good towards her daughter. But the extended family sometimes make remarks to her daughter about the father not being present, and also not communicating with the daughter. They also at times tease her daughter for being dark. At present Sultana's key focus is that her daughter gets a job. Sultana will be helping with tuition for her daughter's education. She wants her daughter to be economically independent.

The incidents above show the less powerful position of the girl's family in negotiating marriages in Bangladesh, given the marriage market is tipped in favour of men. Marriage is universal and girls have to marry within a certain age in Bangladeshi village, which is not the condition for boys, that limits/ constrains women's space for negotiations. It also shows that despite anti-dowry laws, the practice had found a strong root, and it is partly linked to the nature of the marriage market. The pragmatic choices that Sultana made show the limits of individual economic agency in enabling women to negotiate the cultural/social constraints.

### **Views on life and agency**

Sultana says that it is her life's lesson not to depend on men for one's living. She says that she learnt the hard way but the day she walked out, she had promised herself that she would never depend on

anyone. That she would do what she needed to do for it. However, she also says had she known more about how her life would pan out she would not have married that young.

Sultana's views on religion reveal that she is aware that she had not always followed cultural dictates (regarding her divorce, *de facto* guardianship of her daughter), and some of these are not permitted under religious personal laws/ also how religion is interpreted (guardianship of her daughter). Also, religion has not helped her out (*'iddah* costs, protection from violence at her in-laws). What she states is that: "If I am not able to take charge over and enjoy this life, then rewards in afterlife do not count. I would still be dead and this life will have been over, isn't it?"

## **Reflections on the interview process**

### **Limits of the interview tool and positionality in interview process**

We did not use any common thematic interview guide (even if this is an unstructured interview). This made the interview process a bit challenging. While a semi-structured interview guide (with themes and a few open questions) is not needed, and I had chalked out a few topics, I was worried about the quality of the interview and how this would compare to the other interviews undertaken by team, and whether we would be able to cover all of the different topics (in some cases all may not be relevant).

Given the class background and location (rural and extreme poor) of the interviewee, the concepts that we had listed and discussed under religious personal laws were not effective tools for the interviewee to explore her experience. For her, poverty and cultural mores played larger roles than rights enshrined in religion or in formal laws (*'iddah*, consent in marriage, right to divorce etc.). While reflecting on her experience, Sultana repeatedly stressed economic and cultural factors that she had to battle and is struggling to understand her life experience. I am wondering whether we have sufficiently discussed how to capture the experience of and get women to reflect on their experience, when the interviewee is a poor rural woman. What I am about to say next is exaggerating the point too far—but whether our current focus is on these issues is too much from an upper middle /middle class angle? While, as this interview shows, these issues, consent in marriage; being able to divorce, maintenance after divorce, child custody are issues for extreme poor women and they affect what these women experience in life—but these are experienced through the overall economic and cultural structures, and rights under / concepts used for understanding women's rights in religion, may not be immediately apparent to the interviewee, or may be irrelevant when asked to reflect upon and for the interviewer this requires a rethinking of the strategy. I think this would not have been the case had I been interviewing a middle class/upper-middle class woman.

The above issue was dealt with by focusing on the intersectionality of class and gender and the consequent plight of women. Rights specified by religion was not on the immediate horizon for poor rural women. Therefore, the focus was on exploring how these women experience the "cultural" idea that men are guardians and protectors. In the interviews, we explored how the resource person was sometimes was able to win over the obstacle presented by the notion of female dependency on men as "guardians and protectors," and other times was constrained by this cultural idea. The issue of her own agency is a complex one, and she had not used religion in any way to become an agent. In fact, she had questions about the provisions [and formal laws] when explained to her, though she had not rejected these outright. This may be the case for other interviewees from the same class/location background but needs further probing (or certain ways of understanding and using it).

I tried keeping my eyes out for how she may have articulated religion as useful or useless and when. In my analysis, I tried to explore how the “Muslim” laws see them and their ability to navigate and go beyond these laws as a result of their particular class positions. So, in this particular interview, for Sultana, religion may play no obvious role in her decisions, but the patriarchy that she must live with, with normative expectations of male guardianship and protection are reflective both of her socio-economic condition, with a direct link to the family laws she must endure, suffer or thrive under.

### **Ethics: interviewee’s position**

My reading of the whole process – after four rounds of interviews – is that for Sultana, in the end it was a relief to be able to talk about her life. What she had learned from the interview about religious concepts, etc., is indeterminate. My hunch is that the whole reflection process may not have been that empowering for her. Although recalling difficult periods in her life may have come as a relief for her, it had also raised uncomfortable and difficult experiences for her. Although we had discussed about mitigating the impact of these issues in team, I do not think we had prepared enough for the emotional trauma that the interviewee goes through when she recollects. Counseling or other services are not widely available here in Bangladesh for poor women – and the issue of ethics in this regard was not addressed fully by us. This placed me in an uncomfortable situation as a researcher probing into these issues.

### **Self-analysis: power/positionality and other issues**

This was an uncomfortable interview during the initial stages, and later the dynamics changed as both of us opened up. I have known this person for the last 8 years, and yet I found it uncomfortable to ask questions that are very personal. I think perhaps because I knew this person’s feeling arose, if I knew I would not be seeing her socially after the work is complete, it would have been easier to ask and probe issues. I had to keep thinking what her employers may think in terms of what I ask her (for example control over sexuality, possibilities of remarriage). Sexuality and remarriage only came up in the last round of interviews and only indirectly.

It was also difficult, as the participant’s expectations are of an “extractive” process (i.e., participant, despite the preamble that we had prepared for explaining the work process, she took the position where she expected me to ask questions and she would answer. At times, she did not want to reflect but just narrate facts and events). The power relations that exist outside in the “real” world (i.e., her and my relationship in real life) also made it difficult. This led to thinking about strategies to mitigate power relations, but also in terms of making it a learning process for both of us (asking her to explain; claiming that I had very little knowledge about the village life, that she knew more—the latter being difficult as she said I was a teacher, hence I knew a lot given the work I do!). At times, I felt I was unable to overcome the power dynamics, and at times the strategies worked (the interviews varied – the quality of the relationship and reflections were uneven).

It was also difficult: a) in terms of translating some of the rights under religion that Sultana would understand; b) given that some of these concepts did not come up at all and economic/cultural factors are discussed, whether to bring these up at all; c) worrying about whether over explanation alters the power dynamics of the interview. The decision was to leave the latter two issues out during the interview and bring these issues in for the analysis.

### **Summary matrix**

Dates of Interview	4 interviews (see script)												
Resource Person	Name: Sultana (not her real name) Age: 45+ Status in the family: (lives away from home; does not act as the head; has some decision-making powers) Occupation: domestic worker Relationship with the implementer of this documentation (if any): Sex: female												
Reasons for Choosing Resource Person	Class and rural background; interesting case as she left her marriage; self employed												
Summary of experience on authority, protection and guardianship in the family	Age	0-4	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	
	<i>Nasab</i>	x	x	x									
	<i>Aqiqah</i> (N/A)												
	<i>Mahram</i> (father died; no uncles; brother younger)	x	X										
	<i>Nikah</i>			X									
	<i>mahr</i>				X								
	<i>Wali Majbur</i> (did not have one her employer acted as one)			x									
	<i>Tamkin</i>			x	X								
	<i>Nushuz</i>												
	Polygamy				X								
	<i>Talaq</i>												
	<i>Khul'</i>					X							
	<i>'Iddah</i>					X							
	<i>Wali</i>												
<i>Waris</i>													
Head of the family	father	father	Mother/sister	Father-in-law	sister	sister							
<i>Nafaqah</i>	x	x	x	x									
Child custody (not formally given but de facto has it)				X	X	X							

Inheritance (the mother had it after father died; sold)		X										
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**Notes on the links between the story of Sultana and *Qiwamah* and *Wilayah***

Personal and Family	Society	Institution/Religious Figures	State
<ol style="list-style-type: none"> <li>1. She was given family responsibility of carrying out household chores and taking care of the family after her father’s death; her earnings were used to educate their brother. This was because she was not interested in education, but also, they were poor and brother’s education (and her elder sister who was bright) was given preference.</li> <li>2. Her inheritance was sold off after father died by the mother; lack of a male guardian meant they got bad deals.</li> <li>3. She chose to get married at a very young age; the family did not object to her choice as she did not have a father and the cultural/ social norms required her to be married so she does not violate sexual norms and has a male guardian.</li> <li>4. She faced sexual harassment and also her sister as they did not have a male guardian.</li> <li>5. She faced violence regarding dowry (no</li> </ol>	<ol style="list-style-type: none"> <li>1. Most girls at that time did not go to school in poor rural families in the 1980s.</li> <li>2. The family and the community thought it was ok that she does not go to school and also that her earnings are used to provide for the brother’s education, who would later take care of the household.</li> <li>3. Gender cultural norms: The mother received a bad deal for all her property though she was seen by the community as the key person; this is because they had no grandfather/ uncle to enter male space (land office)/ also prospect of threat.</li> <li>4. Community and the family thought marriage at a young age is normal.</li> <li>5. Gendered norms: ok to harass girls without male protection (mother is not viewed as a guardian).</li> <li>6. Society does not condone extreme</li> </ol>		<ol style="list-style-type: none"> <li>1. State at that time did not provide free primary education and stipend for girls, now it does (we have gender parity in education).</li> <li>2. The inheritance law is based on <i>Shari’ah</i>, women can inherit; the woman is also free to buy and sell property (as we see in this case); however, there are structural and cultural constraints (do women know about the provisions; can they hire a professional; do they have money to travel to the land office; can they read; there are gendered norms in interacting with unrelated males (land officials)—that may restrict women’s agency).</li> <li>3. Law bans child marriage (in practice it is different).</li> <li>4. Law bans sexual harassment; there and violence against women (VAW); implementation is a different case).</li> <li>5. Law bans dowry and dowry related violence (various acts).</li> <li>6. Law requires permission of the first wife; however, this is not effective given wives</li> </ol>



<p>father, so cannot provide one was the view).</p> <p>6. She experienced polygamy.</p>	<p>violence regarding dowry – most people will say dowry is evil – but the practice of dowry has increased since 1980s (easy way to access capital; the norm that women must be married).</p> <p>7. Polygamy is not widely practiced; no one to intervene on her behalf; looked down upon but accepted.</p>		<p>are dependent economically and socially on husbands.</p>
<p>1. Her family did not approve of her filing for divorce and with a child.</p> <p>2. She was not initially given child custody.</p> <p>3. Her daughter’s marriage prospects suffered because Sultana was divorced and her daughter lacked a father’s protection.</p> <p>4. During her daughter’s marriage, her ex-husband was asked to come in event though he had not provided maintenance and had not paid for the wedding.</p>	<p>1. Community and family thought her child and herself need a husband/ father to provide for them and also their protection; so, a woman should stay in a marriage.</p> <p>2. A child is though tot naturally belong to the father’s side; also, the mother cannot provide.</p> <p>3. A child’s lineage is through father; also, father’s presence brings in the prospect of material gains by the groom (dowry; social capital); the woman is viewed to lack these.</p> <p>4. Her ex-employer (UP chair) and also her employers in the city has been a constant source for economic and other types of help once she was divorced and needed to maintain her daughter and herself.</p>		<p>1. Law allows for women to divorce; generally, family courts are sympathetic; however, cannot ensure maintenance as there is no way to force men to pay child maintenance.</p> <p>2. Law sees men as the guardians, though in practice it is the divorced women who take care of the child.</p>

## Life story #5: Simi

**Name: Simi**

**Age: 35**

**Occupation: Entrepreneur/family business**

### Childhood

She was the first daughter. Her parents were happy with having only daughters. Her father was very liberal and had studied in Russia. Simi's mother had a Master's Degree in Soil Sciences, but was not able to pursue work outside the home as they lived overseas for a long time. It was understood that she would pursue something after they returned to Bangladesh but unfortunately, she was diagnosed with cancer and died suddenly before she was able to do something outside the home. Simi was from an upper-middle class family that valued education, thus it was not unusual for her mom to have a higher degree. While her father was working in the Middle East, there was not much opportunity for her mother to find appropriate jobs in her field. Simi's mother did not seem to mind that her career was on hold as she raised her children since she had a high degree of authority in the family, and assumed that she could pursue her career later when they were older.

Her parents had a happy marriage where her father often said, "go to your mother" for family decisions, so she seemed to have much authority in the family. However, when it came to money or "big decisions," then the father was involved, though there did not seem to be major disagreements between them. Later Simi realized that her mother was actually a feminist even though she did not work outside the home or keep her own money. There was no question that things should be equal, her parents were balanced as her father rarely took a decision without consulting his wife. She was responsible for saving for their daughters' higher education. The division of labor between home life (which her mother had primary responsibility), and earning a living was seen as a fair balance, because Simi saw how much her father respected his wife, and it was her conscious choice rather than his imposition on her. Thus, although Simi chose to work outside the home, she saw firsthand that one could be a full-time homemaker, and still be an emancipated woman.

Simi's mother demonstrated that a woman could hold her own beliefs without imposing them on others, or having to live by others' dictates. Although her mother was religious herself, she never imposed her practices on her children. When she found out that Simi drank in school she said not to do it, that it was bad for your health and explained some other consequences of drinking, but she was not judgmental towards Simi. Thus, Simi saw that being a feminist meant maintaining one's own views without judging others.

Until the first Gulf War, her family was living in the Middle East where her father worked as an Engineer. Then they returned to Bangladesh where her father became a successful businessman. Her family was not particularly religious, though her mother did pray regularly and would occasionally ask her father to go to Friday prayers. An *Aqiqah* was done for her by her father's parents as they were not living in the country at the time. Her father did accompany his mother-in-law to *Hajj*, which was a bit unusual for a son-in-law, rather than a son to take his mother-in-law to *Hajj*, especially as he was not religious, but he accepted this as part of his family duties. Her father's sense of responsibility towards family – whether his own or his in-laws was very clear in Simi's description of him. It was not clear why Simi's maternal uncles did not take their mother to *Hajj*. Simi's relationship with her brothers seemed fine, and she did express her own

criticism of some of their behavior, even while staying with them. However, there was potential for conflict as she did make it a point to let them know that all their property had been gifted to her daughters and was very careful not to let them know about one property, which was still only in her and her husband's names.

Simi danced as a child for eight years, and people used to say, "What's the point of dancing if your future in-laws won't like it." From this experience, Simi realized that girls' choices were not their own, based on these relatives and community members' comments. This was despite her own family's support of her and her sister, and their saving for their Western education. Her parents were very supportive of their individual pursuits. But then her mother stood up for her. While growing up, her mother insisted that her daughters be well educated and do whatever they wanted as long as they could earn their own money, this was a big factor for her mother. Simi described her mother as "future thinking" and always planning today to avoid problems in the future, stemming from not being financially independent. Her mother even started education insurance policies for her and her sister that mostly funded their education. At some point, she and her husband also started buying property in their daughters' names to avoid any inheritance problems. During her lifetime, she made it a point to say frequently and publicly that all their property was in their children's names. She seemed to want to protect them, in case there were questions or problems related to their inheritance, since they had no brothers.

One big result of her mother's passing, was the pressure to get married, perhaps earlier than might have been the case if her mother was alive. Although Simi was close to her mother, it appeared that her father was also important to her as a source of support and comfort, so she did not lose everything when her mother passed away. Her mother's passing seemed to represent a pressure to grow up quickly by other family members.

Only when her mother passed away and there was an issue in protecting a substantial land asset that was only in her parents' name from her mother's heirs or claimants, did her father lament not having sons. Their lawyer informed them that technically under Islamic law her mother's brothers who did not even know about the land or have anything to do with it, had a 1/12<sup>th</sup> claim to it. Apparently if there had been sons, this would not have been the case, as her share could have simply been transferred to them, or she could have gifted it to her daughters in her lifetime. Their lawyer just advised them to "let sleeping dogs lie" and not let anyone know that there had ever been any property in her mother's name, and have their father transfer the property to his daughters' name in the hopes that their maternal uncles would never know that there had ever been such property which they potentially had a claim to.

This did not fulfill Simi's sense of justice. She could understand why poor people had so many children in the hopes of having a son, or else they couldn't pass on their limited assets to their own children. Simi said that this issue affected population planning, and that no amount of family planning would lower the population until this was addressed. For the first time her father said, "all my life I have been happy that God gave me daughters but now because of this problem, He has made me miss having a son!" However, her father always supported his daughters and even publicly stood up for her. Once at a meeting with her maternal uncles to discuss his wife's inheritance from her parents, he took Simi along so she would know what was going on and when her uncle rebuked her for speaking up, rebuked them saying "why should she not speak up about her right?"

Although her own parents gave her positive role models for men and women, she and her sister were exposed to negative ones. When they returned to Bangladesh, they initially lived with her maternal uncle who was very authoritarian to his wife who was a doctor, yet gave all her earnings to her husband.

Although she was educated, she had no authority in the family whereas her mother was a homemaker but had a lot of authority in the family, particularly in running household matters and kept her own money. On one occasion, her uncle threw a hairbrush at his wife which Simi's sister complained to her mother about, asking why her uncle did not have any manners. Her mother rebuked her brother about his unacceptable behavior saying they should never fight in front of the children. Simi could understand how some girls as kids disliked men, though she did not, as her own father was loving and fair towards his daughters. But she could see how domineering men could be towards their wives and have double standards between their male and female children or grandchildren, preferring to better educate males.

## Marriage

After her mother passed away when she was 23, there was pressure on her to get married by her aunts and uncles but not her father. Simi does not think that this pressure would have been there if her mother was alive. She resisted by not meeting the boys they suggested, and also by not accepting the idea in her head, until she met her ex-husband whom she married when she was 25. In Simi's family it was definitely her choice who to marry. The witnesses to her marriage were men. Although she is not sure if this is legally allowed in Bangladesh. One interesting thing about her marriage was that her favorite *khala* or aunt was her "*ukkilbaap*" or guardian for the marriage contract. No one objected at the time and it was recorded as such. She did have the right of divorce (which apparently nowadays is automatically ticked off by the *kazis*), but did not realize that she was allowed to make other stipulations in her marriage contract that she thought was a simple template. Her *mahr* was set at 20 lakhs, but she never claimed it because Simi did not like the idea of a "*cabin nama*" or *mahr* as she thought it was like putting a price on a bride's head, which she felt demeaned women. Also, it wasn't a real protection as most women never claimed it.

Simi met her ex-husband at a test prep class. They had a romantic courtship. In spite of hers being a "love marriage," in that they met and chose to get married on their own, there was tension from the beginning. On the day of the wedding her ex-mother-in-law remarked, "Let's see how long this lasts," as she earned more than her husband. She felt that was a really catty comment to be making on the first day. Her in-laws never liked the fact that she earned more than her husband. Her birth family was wealthier than her in-laws, but it was not a major difference. Her ex-husband came from a broken home and lived with his father. As her mother-in-law did not like her much, she did not give Simi much in terms of jewelry, things for the wedding. Simi's husband did not seem to mind this. Simi did not seem bothered by it at the time.

Her ex-husband was the figurative head of the household even though she earned more money than he did. He seemed to want to have the authority, but not the responsibility of this role, since he made all the decisions, but did not assume financial responsibility, or any extra family responsibilities for his in-laws family. They lived independently in their own flat. Simi had to always compromise as he wanted to make all the decisions about daily life maybe because he saw that as his role and as a way to establish and enforce his authority. Also, she just got worn out when he was adamant and she just did what would please him to make things easier as he was the decision maker in their family.

Simi did not have a problem with men being the protector, but not if they can't fulfill all their responsibilities; she felt that you can't take one responsibility as the husband, but ignore your responsibility as the son-in-law. A husband should be able to take on different responsibilities and roles, such as a husband, son and son-in-law. Simi felt that although he would not inconvenience himself for her family, she would be expected to do so for his. Once when her father had to go out of town for business, he asked them to stay with his mother who was living with him. But Simi's husband refused to accompany her to her father's house as it would be inconvenient for him. He said that she could go on her own, but

her father said that as they were married, she should come with her husband but not alone. Despite knowing that Simi's family needed them, but did not want her to come alone, he refused to come. Simi saw this as disregarding his role as a son-in-law.

In her parents' marriage, her father took on responsibility for his own family, and even his extended family, but he never discriminated against his wife or daughters. So, although he may have taken extra financial or other responsibilities for his sisters, his wife always knew that his wife and children came first and then them. In Simi's case, her husband seemed to only prioritize his own needs above everyone else's. Simi's mother's only major complaint against her father was that he was a workaholic. Even now he takes on the actual financial or other support responsibilities, while the "*murobi*" or "*elders*" guides but does not do the actual work. While his elder brothers "*advise*" the others in the family, they never took any financial or other responsibility for them, whereas he actually fulfilled the responsibilities of elders without acting, or being in their role.

Although it seemed that her father was given the specific role to protect female members of the family, this did not have any discriminatory impact on them in any way. In the case of her uncles, she saw that they did discriminate against their female grandchildren in choosing better schools for their grandsons, with the idea that they would benefit from this more, because they would pursue higher studies abroad. Simi pointed out that even in liberal families like hers, patriarchy does creep in. Unfortunately, she realized her ex-husband definitely did violate his obligation to protect as he was not capable of providing a sense of security. He was not able to provide financial security to her, nor provide support that she might need to fulfill her own responsibilities as a daughter such as when her father asked them to stay at his house to watch her grandmother.

Her ex-husband seemed not to be able to take any responsibility or real authority. He definitely broke his obligation to protect; he could not deal with things properly such as being considerate to his in-laws. Although he was not physically abusive, he did throw and break things when he became angry. She thought that he might be capable of harming her if he could behave this way and did feel mentally tortured and helpless. At one point, she left him for some time but then returned to try to work things out before leaving him for good.

In her marriage unlike her parents there was a discrepancy between the husband's role and responsibility. Ultimately what caused her divorce was that she could not see her ex-husband as a father or a protector as he never lived up to his responsibilities. She definitely wanted him to be the protector but since he did not seem capable of this, she could not think of having children with him. Although Simi was raised and had the education and financial resources to be independent, she still expected a degree of male protection or guardianship such as her father provided his family. Simi stated that there was a fine line between being a protector, and being overly protective in making you feel safe but not allowing you to do anything.

Simi again brings up the example of Simi's father's wish that she and her husband stay at her grandmother's for a few days in his absence. Her ex-husband said that this was not possible for him because it was too inconvenient, but that she could go and stay. Her father said if her husband did not agree, he did not think it was a good idea though this was something he would have expected a son to do. Simi's ex-husband seemed to always put his needs and convenience over hers but if it was the other way around, she would have been expected to go and stay with his family. For a boy/groom to be let off the hook on matters that are much more binding for girls/brides, is not very atypical in Bangladesh. In fact, the fact that he was allowing Simi to go, can be read as quite reasonable. While Simi is annoyed that the

same standards don't apply, most women and their families accept it, and try to get their husbands to come around eventually. Both Simi and her father's insistence that he must also stay at her grandmother's reflect a certain pressure, almost indicative of Simi's father's desire to see in his son-in-law the role and duty of a son. This expectation stems from the fact that Simi's father does not have a son, and therefore the son-in-law would act like one. But also, such an expectation is exacerbated by the fact that the son-in-law does not fulfill his financial responsibilities properly. Such failings on the part of the groom/son-in-law lead to a certain emasculated familiarity – in this case casting him in the shadow of a son who will fulfill family obligations. If the son-in-law can prove his "worth" by fulfilling his "male" role of assuming financial responsibility, he may be spared of these more familiar and familial duties.

Another example was when after their divorce she asked for half of a large sum of money she had paid (10 lakh takas) for him out of her earnings to have eye treatment in India but he refused. She only asked for this money after she learned that he had come into a large amount of money. Although he never gave her the agreed upon *mahr* upon their divorce, she never contested this as she was not very comfortable with the idea of "bride price", but when he refused to pay back half of this large sum of money for his eye operation which she had paid for out of her earnings, it really hurt her even though there was not much she could do about it.

Simi said that a marriage in our society is the beginning of "obligations" for a woman that do not apply to a man. Starting from a wedding there are many more rituals and restrictions on a woman than a man, her aunt once remarked when she saw that the bride did not join in the dancing at her wedding, "It's already starting, the girl having to restrict her behavior more than the man." Societal expectations create pressure on a man to bear many financial obligations, especially if it is a "love marriage" to provide the jewelry, material things for a wedding. In her case she was not provided with a lot of material things for the wedding by either her husband or his family. He may have felt conscious of the fact that her family was wealthier than his. Since she had not been demanding of a large *mahr* or other material things, she did not cause more pressure.

## **Divorce**

Simi and her ex-husband were married officially 4 years, though they had lived apart for much of that time, as she left him a few times when he became violent, or mentally abusive. Her family did not want her to get divorced and tried to talk her into staying with him even though they knew what he was like as they wanted her to have the security of a marriage. She only informed them after going through the formal requirements of the divorce so there was nothing they could do to stop her. Then they were all supportive of her after the fact. Ultimately, they were comfortable with her making her own decision and did not judge her as they were loyal. It is plausible that she thought of her own mother's strength in building up her own. She still would love to get re-married and have a family someday.

Although they were separated after he first became abusive, and then he promised to change and then she would go back and forth, for a while Simi did not formally apply for a divorce until they had been married 4 years. Initially she faced resistance from her side of the family who wanted her to make the marriage work. Once the divorce was finalized everyone in her family seemed to accept it and did not give her any grief about it.

She initiated the divorce though her ex-husband did not contest it so it was considered a mutual divorce. She went to the *Kazi's* office on her own and thought that this process, unlike so many in Bangladesh, seemed relatively simple and this was one place where Islam was not complicated and allowed a woman

to end it and move on with her life. She did not have to deal with lawyers or go to court, Simi also recognized that this might have been the case because she did not try to claim her dower and in fact waived her right to it. She knew that if she had tried to claim it, her ex-husband would not have given it anyway so it would not have been worth the effort.

## **Life after the divorce**

Simi moved back into her father's home after her divorce. Neither Simi nor her family seem particularly religious, though not anti-religion either. In her case her economic independence, both through her own earnings and her father's wealth, seemed to give her a high degree of independence and self-confidence that she could make her own decisions. Although we discussed her right to her dowry after divorce, she said yes, but I did not need it and I just wanted to put it all behind me. She also acknowledged how problematic this is for women who actually were dependent on their dowry. Simi shared the example of one of her friends who didn't need, it but who fought for it in the courts as a matter of principle.

Simi brought up the point how nowadays many brides do not want to keep their wedding jewelry with her mother-in-law just in case of a divorce where sometimes their own jewelry is not returned. Again, she said that as a result of societal pressures some women say, "What's the big deal, every woman leaves their jewelry with their mother-in-law."

## **Reflections of the interviewer**

### **Interview tool and process**

I used the questions listed as a way to capture Simi's story. Both Simi and I found them too long and a bit unwieldy. Simi even pointed out that she did not think these were the best questions to elicit the issues being studied. Although I noted down the answers to these specific questions, I found that using a framework we talked about at one of our research team meetings (also used for other stories here) useful.

Perhaps because we came from similar backgrounds, though I did not know Simi that well, the interview process went very smoothly and I could relate to much of what she was saying.

## **Analysis on the interview findings**

Simi's class and professional background in some ways shielded her from some of the worst effects of unfair laws and practices. Simi seemed to be ambivalent about religion in general, but strongly felt it was discriminatory regarding inheritance. I think that ultimately class and education and not religion so much makes the real difference in women's lives. For Simi, she may not join a revolution to improve Muslim women's rights because she has the resources to address inequities in other ways such as legal help, economic independence, and a "liberal" father.

In my opinion, economic independence was a key factor for Simi's self-confidence, whether or not she acknowledged it (not to say that she wouldn't, but her choices and reactions might have been vastly different if she were dependent on her husband or had a supportive father.) She was also fortunate to have a very supportive father and mother who were progressive. Her mother was religious, but did not impose her beliefs on others other than to encourage her husband to pray, at least the Friday prayers. Simi pointed out that her maternal uncles who were trying to hamper her mother's inheritance from her parents did not even practice Islam, and thankfully did not know of their rightful claim to their sister's property, due to their lack of knowledge of Islamic inheritance laws as well as lack of knowledge about the only property that was not transferred to her daughters during her lifetime.

Although Simi had strong views about women’s independence and ability to earn their own living, she also felt that men should be able to provide for their families and give them security. She made the point that society had raised women to a certain standard but had not raised men to cope with that standard. Simi said that she felt sorry for today’s men who didn’t know how to deal with change and were not taught how to.

To Simi it seemed that the financial burden is always on the men traditionally. Equality would mean sharing of responsibility. The husband would need to acknowledge the wife’s work and contributions. Roles and responsibilities should be balanced rather than specialized. People should be able to do what they want, a homemaker or a stay at home dad. Simi again made the point that we have brought women to one level but left men behind.

### Summary matrix

Dates of Interview	May 11, 2012									
Resource Person	Name: Simi Age: 32 Status in the family: Eldest daughter of two daughters Occupation: Professional Relationship with the implementer of this documentation (if any): none Sex: Female									
Reasons for Choosing the Resource Person	Applicable					Not Applicable				
Summary of experience on authority, protection and guardianship in the family	Age	0-4	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40-44
	<i>Nasab</i>	X	X	X	X	X				
	<i>Aqiqah</i>	X								
	<i>Mahram</i>				X					
	<i>Nafaqah</i>						X			
	<i>Akad Nikah</i>						X			
	<i>Mahr</i>						X			
	<i>Wali Mujbir</i>						X			
	<i>Tamkin</i>						X			
	<i>Nushuz</i>						X			
	Polygamy									
	<i>Talaq</i>						X			
	<i>Khul'</i>						X			
	<i>'iddah</i>						X			
	<i>Wali</i>						X			
	Inheritance					X	X	X		
	Others									



### Notes on the links between the story of Simi and *Qiwamah* and *Wilayah*

Personal and Family	Society	Institution/Religious Figures	State
<ol style="list-style-type: none"> <li>1. Simi grew up in a progressive household where her father maintained and protected the household, shaping her idea that men should be protectors and providers.</li> <li>2. After Simi's mother passed away from cancer when she was 23, there was pressure from the extended family for her to marry.</li> <li>3. Simi's difficulties with her ex-husband stemmed in part from her idea that he wanted authority without responsibility, and did not fulfill her ideal of a male head of household who could provide for and protect his family.</li> <li>4. Her maternal uncles who had not taken much responsibility in her mother's family still assumed that they should inherit more than her mother's descendants.</li> </ol>	<ol style="list-style-type: none"> <li>1. Society assumes that the male is this the head of the household.</li> <li>2. Society supported a 23-year Bangladeshi girl getting married, especially if she lost one parent.</li> <li>3. Society also assumed that the male should earn more than his wife and take on responsibilities of protection and financial security.</li> <li>4. It was assumed that females did not need to inherit as much as their male relatives as they would take care of them.</li> </ol>		<ol style="list-style-type: none"> <li>1. Muslim Family Law in Bangladesh memorializes the idea that the male is the guardian of the family, whether or not he practically is.</li> <li>2. The legal age for females to marry in Bangladesh is 18 years.</li> <li>3. A female's income is tax free up to a maximum of 2 lakhs, which assumes that she is not the primary breadwinner.</li> <li>4. Muslim family law governs inheritance in Bangladesh, no matter whether the males fulfilled their familial duties.</li> </ol>

## Summary of *Qiwamah* and *Wilayah* Elements in the Life Stories – A Compilation

### Rafia

No.	Topic	Facts/ Incidents	Response	Development
1	<i>Nasab</i>	<ul style="list-style-type: none"> <li>Father shows responsibilities to child</li> <li>Sister deprived rights of custody or guardianship</li> </ul>	<ul style="list-style-type: none"> <li>Rafia has a lot of respects for the father</li> <li>Rafia is upset by her sister's misery</li> </ul>	<ul style="list-style-type: none"> <li>Father becomes a male role model</li> <li>Modern day marriages are seen as precarious and the neutrality that characterized her parent's relationship</li> </ul>
2	<i>Aqiqah</i>	Her parents had an <i>Aqiqah</i> befitting a girl child	Rafia does not question this	
3	<i>Mahram</i>	Family is strict about her movement. They do not allow her to go on school trip.	Rafia internalizes this restriction and takes to staying at home and reading.	Creates idealistic imaginary world.
4	<i>Nafaqah</i>	Rafia is not discouraged from working. Her father was main breadwinner. Rafia becomes the main breadwinner after marriage.	Rafia waited for her husband to earn. She supported and encouraged him.	Rafia believes that women have a right to income although her actions indicate that she still felt that men's ability to function depend on their earnings.
5	<i>Akad/Nikah</i>	Eloped and married in a <i>kazi</i> office.		Rafia does not regret this and looks back at this as a romantic act of independence
6	<i>Mahr</i>	To be paid by groom.	Rafia gave the priority to love, so she took the minimum price.	
7	Head of household	Father and brothers are dutiful heads of their household. Husband was not responsible towards their home.	Rafia passively accepts that her husband is/ should be head of household even if the latter does not fulfill his duties.	
8	Polygamy	x	x	x
9	<i>Khul'</i>	Rafia asked for a separation and changed the lock of the house.	Her husband returned some time later behaved as though nothing happened.	Rafia accepted this situation and is giving their stale relationship sometime.
10	Sexual relationship	Rafia is dissatisfied with the level and frequency of intimacy.	Rafia has tried to draw her husband's attention to the fact that her sexual needs are being neglected.	Husband does not pay need. Rafia rationalizes that her husband's sexual indifference comes from his financial insecurity.

## Ranu

No	Topic	Facts/ Incidents	Response	Development
1	<i>Nasab</i>	Father extremely cruel and negligent Paternal and maternal uncles take no responsibility.	Abandoned and sent off for domestic employment from an early age.	Ranu was forced into adulthood before her time. Financial and emotional insecurity.
2	<i>Aqiqah</i>	No <i>Aqiqah</i>	Though father was capable but she was neglected as girl-child.	Ranu does not question this.
3	<i>Mahram</i>	No policing as Ranu was practically abandoned.	Ranu moved around freely	Ranu experienced sexual harassment with no protection
4	<i>Nafaqah</i>	Ranu was forced into employment as a child due to her father's abandonment and her mother's inability to keep her after her remarriage. Maternal grandmother could also not keep her due to hostility from maternal uncles.	Ranu earns her own livelihood.	She has no social protection when she is fired from work due to pregnancy. Insecurity due to informal work where she fears admonishment for small errors.
5	<i>Akad/Nikah</i>	Her employer was witnessed in her marriage in the court.		
6	<i>Mahr</i>	<i>Mahr</i> was due to be paid by groom, Ranu does not even remember how much.		
7	Head of household	Father assumed responsibility for the children he had with his second wife. But, he had completely rejected Ranu and her sister after he divorced her mother with two daughters and a still born son.	Ranu expected her husband to be head of household although none of her two husbands were responsible. She worked hard to earn.	Ranu married an older man who did not marry much. Just so she could have a man in house and a father figure for her child. But, the second husband never expected her child.
8	Polygamy	First husband had many wives, he had married in different places over the years. Ranu did not know this at the time of her marriage. Second husband had a wife and family in a different	Ranu was upset but accepted this and tried to make a life with her first husband.  Ranu expected her second husband's children to be close to her son and the children she had with their father.	Ranu left her first husband not because of polygamy, but due to absence from her life, she wanted to marry again, so she divorced him.

No	Topic	Facts/ Incidents	Response	Development
		location. Ranu married him knowing this.		Ranu tried to warm up to her second husband's children.
9	<i>Khul'</i>	Got a divorce from the <i>Kazi</i> office.		
10	Trafficking and kidnap	Mother-in-law wanted to traffic her out to Mumbai.  A group in the slum wanted to traffic her out. Some group kidnap her son.	Escaped from mother-in-law as she did not want to be separated from her son.  Walked around from street to street looking for missing son.	Got some assurance from old employer after escaping the trafficking group.  Did not report to police.
11	Inheritance	Went to father to ask for some land where she could build a hut and live. Went to maternal uncles to ask for her mother's share in her parental property. Went to court.	She was turned down by both parties.	Father banned her from ever returning if she asks for inheritance. Maternal uncles bribed the court to prove that they never had a sister let alone a niece.

## Ruba

No	Topic	Incidents	Reality/response	Problem/ development
1	<i>Nasab</i>	Father allowed Ruba to move away to her sister's house after he remarried. He did not send her any money for her upkeep.	Ruba had to help out with domestic chores at her sister's house in lieu of the accommodation she was receiving from her. This was not a formal arrangement. However, Ruba felt obliged.	Moving away from her father's home left her financially and socially insecure. However, away from her father, she found the space to turn down undesirable marriage proposals and accept the offer of marriage from an unconventional candidate.
2	<i>Aqiqah</i>	No <i>Aqiqah</i> was done for Ruba due to financial constraints	Ruba does not mind or object to this.	
3	<i>Mahram</i>	Ruba left her parental village soon after her mother passed away. However, she did not want to return to the village out of fear that a marriage there will be	She enjoyed greater freedom at her sister's home. However, she mentions that she was mostly homebound and tied down to her domestic chores.	

		restrictive and inhibit her role and value as a woman		
4	<i>Nafaqah</i>	Ruba did not receive economic support from her father. She married her husband on the taken for granted premise that he would be the provider. A nice man otherwise, he turned out to be an inadequate provider	Ruba has had to engage herself actively in providing for the family	Tremendous physical and emotional pressure. However, she did get logistic support from her in-laws and full cooperation from her husband.
5	<i>Nikah</i>			
6	<i>Mahr</i>			
7	Head of household	Ruba's expectation was that her husband would be the head of the family. However, his earnings proved irregular and inadequate	Ruba assumed a central role in providing for the household. Her husband is cooperative and a loving and helpful father. She develops a network of women who study and discuss religion together and also help her out financially.	Ruba has complaints about her husband's financial inability. However, she does not complain of emotional torture or inferior treatment
8	<i>Tamkin</i>	Ruba has always enjoyed a good sexual relationship. She claims that she has always felt loved and respected	Her religious support group advises her to separate her bed from her husband's until he starts praying regularly	Ruba believes with her religious support group that it is unlawful in the eyes of God to remain married to a non-praying, thus unbelieving person. As she cannot divorce him after so many years of marriage, she withholds sex and any other kind of physical activity. This causes both Ruba and her husband grief. However, Ruba's certitude and faith override any sense of loss. Her husband is just sad.

## Sultana

No	Topic	Incidents	Reality/response	Problem/development
1	<i>Nasab</i> (lineage/patrimony)	Father was responsible for her till he dies; lack of a grandfather or uncles make them vulnerable.	After father dies she is sent off to work to provide for family	
2	<i>Aqiqah</i> (sacrifice of animal on the occasion of a child's birth)	Did not have one	She did not have one for her daughter either	Not seen as necessary for the brother; her or her sisters
3	Education	She does not have one, did not go to school was not interested; she was working to provide for her brother's education	She feels that she has lacked life choices	Sending her daughter to school and continuing education
4	<i>Mahram</i> (men with whom a woman has blood ties)	Father provided protection/ lack of it created economic problems and vulnerabilities (sexual harassment/ also loss of property)	Identified herself as the daughter's guardian after divorce and after she moved, her elder sister as the guardian	Sees her elder sister as the local guardian for her daughter, Acknowledges that men without blood ties (such as her ex employer) could be a source for protection
5	<i>Nafaqah</i> (sustenance/maintenance)	Only had it when father was alive and then when married.	Loss of it led her to become independent	Encouraging daughter to earn her own keep; migrating to Dhaka to earn
6	<i>Akad/Nikah</i> (solemnization of marriage)	Done by her employer (local village head-proxy father)	Though she provides solely for her daughter, her husband is recognized as her daughter's guardian by law and also community	She wants to be seen as her daughter's guardian
7	<i>Mahr</i> (Dower)	Was given by her husband after they divorced		
8	<i>Wali Mujbir</i> (a guardian who has the right to give his daughter or ward in marriage)	Her employer gave her away (as a father figure)	See above on <i>nikah</i>	See above on <i>nikah</i>
9	Head of the Family	Her father was the head; then her father-in-law; later when she divorced her sister	Had to accept what her father-in-law and extended family said/ did	See that marriage should be a companionship;

				wants that for her daughter
10	<i>Tamkin</i> (sexual relations)	Only when married	Cannot think of remarriage as that would create difficulties for the daughter	
11	Polygamy	Her husband remarried for dowry	Knowledge of remarriage led to her deciding on divorcing him	Beginning of being an independent agent
12	<i>Khul'</i> (Divorce at the request of the wife)	She asked for the divorce	Was secured with the help of her ex-employer	
13	<i>Talaq</i> (Divorce initiated by the husband)			
14	<i>'iddah</i> (Period of waiting for a woman who remarry after a divorce or the death of her husband)	Went through <i>'iddah</i>		
15	Child custody after divorce	Was not given custody; later the child was sent by the husband as there was no one in the father-in-law's house to take care of the child.	Initially accepted the decision but was trying to get the child back; has had to take on all the responsibility for providing; got no child maintenance.	Thinks of herself as the sole guardian.
16	Inheritance	Father inherited all property from grandfather (no uncles); mother had to sell off after father died; they do not have anything now; faced difficulties in maintaining the land after father's death.		

### Simi

No	Topic	Incidents	Reality/response	Problem/ development
1	<i>Nasab</i> (lineage/patrimony)	Father was responsible for her and all other females in her family as well as took some responsibility for her maternal grandmother. Her husband was not very responsible and did not fulfill what she expected from a husband.	After her divorce, she went back to live with her father by choice even though she could support herself independently	

2	<i>Aqiqah</i> (sacrifice of animal on the occasion of a child's birth)	Grandparents had one for her in Bangladesh since they lived abroad.		
3	Education	She is highly educated from abroad.	Education was very important in her family with her parents, mother in particular ensuring they had savings for further education abroad	
4	<i>Mahram</i> (men with whom a woman has blood ties)	Father provided protection directly as his daughter as well as protected her against her maternal uncles when they questioned her inheritance rights.		
5	<i>Nafaqah</i> (sustenance/maintenance)	Received this from her father before marriage and after she moved back in after her divorce, though she was independently able to provide for herself.	Her husband did not provide much maintenance rather she helped provide him with financial support	
6	<i>Adak Nikah</i> (solemnization of marriage)	Done by the <i>kazi</i>		She chose a female guardian which was accepted
7	<i>Mahr</i> (Dower)	Never received it and did not seek it after divorce		
8	<i>Wali Mujbir</i> (a guardian who has the right to give his daughter or ward in marriage)	Her father		See above on <i>nikah</i>
9	Head of the family	Her father was the head; then her husband; later when she divorced her father again as she moved in with him	Although her husband claimed to be the head of the household he never took much responsibility, financial or otherwise	Learned that practically there is a difference between authority and responsibility which her father had both unlike her husband
10	<i>Tamkin</i> (sexual relations)	When married		
11	Polygamy			



12	<i>Khul'</i> (Divorce at the request of the wife)	She asked for the divorce	Her husband did not oppose it; she did not claim anything	
13	<i>Talaq</i> (Divorce initiated by the husband)			
14	<i>'Iddah</i> (Period of waiting for a woman who remarry after a divorce or the death of her husband)	Went through <i>'iddah</i>		
15	Child and custody after divorce			
16	Inheritance	She and her sister had been gifted everything by their parents, except for one parcel which her father was trying to transfer over to them without their maternal uncles' knowledge in case they made a claim since their mother had passed away before them. Father was helping them secure their mother's inheritance against some opposition from their maternal uncles.		

## Summary of stories and their links with family laws

No	<i>Qiwamah/wilayah</i> Issues	Lived Realities	Problems	Laws	Comments
1.	Marriage	All the resource persons were married. Only two of the five were in their twenties when they got married. The others were below the legal age for marriage. All the resource persons had their marriage	In all of the cases, there is tremendous pressure around marriage. Even in the educated and upper and socio-economic segments of the society, there is an ethos that women must be married within certain socially accepted age limits.	According to Section 5 of the Muslim Family Laws Ordinance of 1961, it is compulsory that marriages are registered. Although it is not mandatory in Islamic law, the law in Bangladesh insists upon it to safeguard women's rights and interests. It is assumed that when marriages are	Although all the resource persons had their marriages registered, they were either unaware of their rights, or unable to insist upon them. Thus, it is not the case that without registration, women are left on a lurch. We find from the case studies, that registration of marriages did not

		registered, either by an official who came to the home, or in the <i>Kazi's</i> office where the marriage took place. They all had male witnesses for the marriage.	As a result, marriage was an extremely important milestone in the lives of all the resource persons. The expectation was that marriage would bring them a certain level of security and protection.	registered, men cannot deny the relationship or abandon the wife without due penalty. Registration is intended to ensure the payment of <i>mohrana (mahr)</i> , maintenance during <i>'iddah</i> and child support.	provide enough safety nets.
2.	<i>Mahr</i>	All the resource persons had a <i>mahr</i> mentioned and possibly even mentioned in the marriage contract.	The women were neither aware that they have a demand to place, nor did they remember the amount of the <i>mahr</i> after the marriage. One resource person's decision to go with the "market rate" instead on a previously discussed lower amount was met with anger by her husband.	The payment of <i>mahr</i> or dower is obligatory in the law. Under the Muslim Family law ordinance (1961), there is no division of dower into prompt and deferred payments. Rather all of the agreed upon amount has to be paid in full, once demanded.	The very poor women in this study are least concerned with <i>mahr</i> . They know that they will never get anything, accepting it so easily possibly because their husbands do not have money/wealth to give. The more affluent women are also negligent of their own rights to dower. Both waived off their rights to it, on the grounds that they were the initiators of divorce.
3.	Dissolution of marriage	All the resource persons have had or are undergoing some form of marital separation.	The very poor women did not wish to be divorced. They were prepared to endure almost anything in a marriage on the grounds that they need male "protection". However, they were abandoned, without any formal notice or procedure. It is only for reasons of a second marriage by which the women hoped to have a male/paternal figure permanently that they sought divorce from their	Under the <i>Dissolution of Muslim Marriages Act of 1939</i> and then the <i>Muslim Family Law Ordinance of 1961</i> Men can give unanimous divorce ( <i>Talaq</i> ), preceded by a notice. Failure to notify the chairman and the wife is punishable with one year in prison. Women can get a divorce by <i>Talaq e Tawfiz</i> , or by <i>Khul'</i> . Certain failings on the part of the husband, such as inability to provide, emotional and physical harm, abandonment, physical absence, etc. are grounds for a woman	While the laws appear clear cut, the cases show that women are not even aware of them. Men do not even feel the need to give <i>Talaq</i> . They simply walk away, for which women must seek divorce. From all the cases, it is apparent that courts grant women their desired divorce without much difficulty. However, they are left without any financial security. The husbands are not held accountable for the actions that lead to the dissolution of the marriage. Women seek divorce as a last recourse, not because

			abandoning husbands. The more affluent women sought/are seeking divorce because their husbands are unable to provide and behave badly out of insecurity of their own failure.	seeking divorce. This too has to go through a chairman's notice. But a woman must forgo any financial claims, including her <i>mahr</i> .	they want to. They often end up in bad marriages again, but are happy to have some form of male presence.
4.	Polygamy	The women from the poorer backgrounds have knowingly or unknowingly become second wives, or have been abandoned by their husbands for a second or third wife, without permission.	The women are all aggrieved over this. There is discord between homes and children of different marriages. However, women accept it as their fate as having a man to show society and the "protection" it brings is so urgent that these delinquent men are not taken to task.	According to the <i>Muslim Family Law Ordinance 1961</i> , a man can take a second wife only with the permission of chairman of the local administrative body who then decides if the grounds for a second or subsequent marriage are valid.	The procedural difficulties are often held up as reasons preventing seeking official permission for polygamy. However, in the case studies, the victim-wives are so dependent on their erring husbands that they do not question the practice, let alone take it up with the authorities. Men of a certain socio-economic group have full license to marry as many times as they wish.
5.	Custody	Of the two cases of divorce with children (both from poor backgrounds), in one custody was contested and initially vested in the hands of the mother. In the other, the abandoning husband could not care a less. The woman sought divorce from a philandering polygamous husband, only to become a second	That women get to keep their children is good in the sense that the maternal-filial bond is maintained. However, men's utter negligence towards their wives – emotionally, physically and financially means that women face a lot of insecurity and hardship in rearing their children.	Under the law, women have custody of their male offspring until he is seven years old, and female offspring until she reaches puberty. The Bangladeshi courts tend to give preference to mothers for custody. However, the assumption that she cannot financially manage means that no property of the child is passed on to her. Also, there is tension that should she remarry, the child will be neglected. These factors stop the legal system from	The reality is that amongst the very poor, the fathers do not take responsibility of the children at all. Even if custody is given to them, it is easy for a woman to bring the child back, provided she takes full responsibility financially. If she cannot provide materially, and given fathers are also negligent, children are left wandering in the homes of different relatives and eventually into employment and early marriage for girls. There seems to be little redress within the legal

		wife to a much older man.		empowering mothers with unilateral custody.	system that can be applied to counter the cultural practice of husbands eschewing responsibility of wives, and children.
6.	Maintenance	None of the divorced women, regardless of class position received any maintenance.	The women were compelled to file for divorce. This meant that they had to relinquish rights to any financial obligation from the husbands. They did not receive any child support either.	Husbands are expected to maintain their wives materially while in the marriage, although there is very little legal recourse if he fails to do so. Upon divorce, it is incumbent upon men to maintain their wives during the <i>'iddah</i> period, and also to pay child support when the children are in the mother's care.	
7.	Inheritance	The poorer women got no inheritance. For the more affluent women, there was tension around inheritance, i.e., whether the brothers would give the sisters their due share, and also around the fact that in the absence of brothers whether other claimants would arise.	Dire poverty and scarcity of resources, coupled with cultural norms that devalue women lead to women being denied of their rightful share. Amongst the more educated classes where women are treated and looked after better, tensions around distribution of property and inheritance rights prevail.	The law gives daughters half of the sons' share. Widows are also entitled to one-eighth of the husband's inheritance.	It is difficult for women to reach the courts to ask for and win their inheritance. Families are resistant and poor families believe (as in these cases) women should accept their fate. Demands or retaliation are harshly taken and women may even be denied any other kind of relationship or support from their natal families. This makes it difficult for women to raise a case. Furthermore, court cases require money and educated counsel which most poor women do not have access to. As Ranu's case demonstrates, courts can also be manipulated. Only 4 percent of women in Bangladesh receive their rightful inheritance.

8.	Violence against women	Two of the poorer women have experienced harsh violence, both as daughters, wives and daughter-in-law. The most affluent and western-educated resource person was also subjected to domestic violence.	Violence from the father had no redress other than sending the daughter away to live elsewhere. Violence as daughter-in-law and wife was not considered so natural that women did not question it. However, without an apology and a change in the situation, they did not want to remain in the marriage and in the in-law's home.	Violence against women is dealt with through several acts. <i>The Dowry Prohibition Act 1980</i> aimed at redressing dowry demands and dowry related violence. Asking for dowry was made illegal and subject to a fine and imprisonment. Dowry remains rampant. <i>Woman &amp; Child Repression Prevention Act – 2000</i> deals specifically with women and children and aims to redress forms of violence that include rape, acid violence and trafficking. The penalty is criminalization and imprisonment of the perpetrator. Domestic violence has long been subsumed within this act. However, the prevalence of domestic violence has gone up. A separate provision for domestic violence was formulated through the <i>Domestic Violence (Prevention and Protection) Act 2010</i> which offers women formal police and judicial support through shelters and injunctions without criminalizing the perpetrator. The hope is that this softer and more culturally applicable way of dealing with domestic violence will help women speak up and gain independence	The cases show that women do not really take recourse to any of the prevailing laws and acts. The very poor are not even aware that these laws are there. Even if they were aware, they do not have the means and the support to act on them. For the more affluent cases, women want to or have already left their husbands with “abuse” – both emotional and physical aggression as grounds. However, they made sense of their husbands’ irrational behavior in terms of their sense of inadequacy stemming from their inability to earn and provide. Thus, when they filed for divorce, they did so without a hue and cry and amicably.
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				without criminalizing the perpetrator, which women are reluctant to do so. Marital rape remains outside the purview of any of the laws and acts enacted thus far.	
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## Notes / References

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