

Equality in contention: exploring the debates of gender-equal inheritance rights in Bangladesh

Equality in
contention

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Received 24 August 2021
Revised 31 August 2022
Accepted 5 September 2022

Abstract

Purpose – The purpose of the paper is to evaluate what caused the debates and confusion in articulating a gender-equal inheritance policy in Bangladesh, and to identify the socio-political drivers and nature of the political power play that thwarted the policy's adoption.

Design/methodology/approach – The research undergirding this paper is based on a qualitative approach involving a case study with in-depth semi-structured interviews, focus-group discussions, and secondary data analysis. The interviews were conducted with policy makers, officials, lawyers, women activists, Muslim religious scholars, Hindu priests, academics and researchers, and women representing Hindu and Muslim religions.

Findings – The findings illustrate that the controversies between the Islamic religion and national and international policies led to serious debates and confusion about gender-equal rights of inheritance in Bangladesh. The failure to formulate and adopt a gender-equal inheritance policy was influenced by several socio-political phenomena and gender-biased institutional settings. This kind of policy is deeply political, and cultural compatibility is necessary to formulate it, especially when the policy affects religious sentiments. Religious sentiments and beliefs, which are associated with religion-based personal law, therefore influence both the formulation or non-formulation of a gender-equal policy. To move forward with the fundamental idea of women's inclusion, there is a strong need to identify the socio-cultural and political drivers behind formulating, non-formulating, as well as implementing a gender-equal policy.

Originality/value – The paper will be beneficial to scholars and policy makers who seek to explore the epicenter of challenges and opposition to formulating a gender-equal policy in the context of a developing country with a Muslim majority.

Keywords Inheritance rights policy, Legal pluralism, Religion, Policy formulation, Gender, Bangladesh

Paper type Research paper

Introduction

Democracy is threatened in most Muslim-majority countries (Karatnycky, 2002; Norris and Inglehart, 2002), particularly where gender equality is not observed (Glas *et al.*, 2018; Kostenko *et al.*, 2016; Rizzo *et al.*, 2007). In such cases, the relationship between Islam and authoritarianism reflects a narrow view of democracy, and the discrimination is based on gender and religion (Fish, 2002; Norris, 2007; Rizzo *et al.*, 2007). Women tend to have inferior positions in autocratic and patriarchal Muslim societies (Rizzo *et al.*, 2007). The quality of democracy is shaped not only by institutions such as informal rules, norms, and illegitimate practices, but also by how these institutions function, how different social groups participate in them, and how their rights are preserved in the formal institutional arrangements



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Public Administration and Policy
Vol. 25 No. 3, 2022
pp. 323-335
Emerald Publishing Limited
1727-2645
DOI 10.1108/PAP-08-2021-0049

(i.e., legislation) (Moghadam, 2004). Religious minorities in such countries also encounter challenges when seeking to have their needs fulfilled and their values and rights respected — even in practicing their religion (Gouda and Gutmann, 2021). Democratic practices such as gender equality and religious freedom therefore face significant challenge in such countries.

Despite strong patriarchal-Islamist settings, it is now the case that in many developing countries, a few of which have Muslim-majority populations, women are increasingly included in higher-level political and administrative spheres. Nevertheless, formulating gender-equal policies and legislation is always challenging due to socio-political and cultural-religious factors. In many countries, some interpretations of rights are based on formal laws and constitutional principles, and others on the informal institutions such as social and/or religious norms. The informal institutions may undermine the formal rules and policies and challenge the formulation and implementation of gender-equal policies (Waylen, 2017). But revising or reformulating formal regulations based on customary sources is not simply due to the religious sensitivity of the majority of the population (Hossain, 2020a). Moreover, multiple political-power dynamics and interests among the ruling coalition and other social and political groups influence governments to either adopt or not adopt gender-equal policies (Hickey and Nazreen, 2019). Based on this complex scenario, the paper seeks to identify the socio-political factors behind the formulation or non-formulation of a gender-equal policy in a Muslim-majority country.

To explain this, the authors focus on the case of Bangladesh, the fourth largest Muslim-inhabited country in the world (World Atlas, 2022) and analyze the policies and regulations related to inheritance rights. Inheritance rights in Bangladesh are guided by personal laws that follow respective religions. These personal laws often discriminate against women and are contrary to Bangladesh's constitution, which ensures equality in every sphere of life. The government's National Women's Development Policy (NWDP) initially had several initiatives for the gender-equal provision of inheritance rights (Hossain, 2020a). This provision was intended to ensure equal rights for women regarding the inheritance of property, and it was based on Bangladesh's constitutional principles of equality. The provision was, however, withdrawn by the government in the policy's formulation stage. The multiplicity of laws from different sources and multiple interpretations of rights triggered debate and antagonistic situations. Religious clerics challenged the policy's proposed provision because it violated existing practices that were based on religious laws. This brought about contestations over the proposed equal provision of inheritance rights, triggered violent protests by Islamic fundamentalist groups, and finally led to the withdrawal of the policy in the formulation stage. The objectives of this paper are thus as follows:

- (a) To analyze what caused the debates and confusion in articulating a gender-equal inheritance policy. Arguments both for and against the policy are presented, the actors behind these arguments are identified, and the challenges the policy faced.
- (b) To identify the socio-political drivers and the nature of the political power play that thwarted the adoption of the gender-equal inheritance policy in Bangladesh. It is argued that policy making is deeply political and cannot be relegated to technical and administrative personnel.

Inheritance rights in Bangladesh: geo-historical and political perspective

Bangladesh's legal system is mainly based on the legislative system developed during the British era. In the post-1947 partition period, British-era legislation continued in Pakistan, a situation which influenced the formulation of personal laws in Bangladesh after the liberation war in 1971 (Banu, 2015). Warren Hastings, in 1772, had settled the decree of "Personal Law," which meant the colonial ruler would not intervene in religious and family matters

(Begum, 2009). The notion of “religious personal laws” was therefore officially documented since the 18th Century (Begum, 2009). Interference laws in Bangladesh as well as in the Indian subcontinent evolved, particularly during the British era. While Hindu laws were followed here and there before the British regime, British rule in India initiated a new phase in the formulation of Hindu law (Agarwal, 1998). The Hindu Law of Inheritance Act, for example, was amended in 1919, and the Hindu Women’s Right to Property Act, 1937 specifically concerns a widow’s right to property. On the other hand, the Muslim Family Law Ordinance, 1961 was formulated when what is today Bangladesh was still part of Pakistan, and is based on Sharia principles. Since the multiplicity of laws often generated confusion, it was perhaps only to be expected that women activists and feminist organizations (notably Bangladesh Mohila Samity (BMS), Ain o Shalish Kendra, Women for Women) demanded the formulation of a unified family code (UFC) in the late 1980s (Banu, 2015). In 2005, the report “Marriage, Inheritance and Family Laws in Bangladesh: Towards a Common Family Code,” which is based on the basic principles of the Bangladesh Constitution and international feminist mandates, was published. Nonetheless, these initiatives failed to be effective, as customary laws based on religious and cultural values often discriminate against women and are still widely practiced. The prospect of gender-equal rights to inheritance is a radical move, and Bangladesh’s feminist movement has yet to push through with its demand.

The demand for equal inheritance rights brings together three contrasting debates. Islamists oppose change in the Sharia law (Hossain, 2020a; Tamanna, 2008). In contrast, secular and modernist women’s rights activists oppose the existing inheritance practices and demand uniform, secular, and equitable reform (Tamanna, 2008). Another group, which situates itself in the middle position, refutes the conservative arguments in Islam that continue to subordinate women. This school strongly demands the proper implementation of responsibilities and rights that are guaranteed under *Islamic* law rather than bringing about changes in the Sharia laws (Monsoor, 1999). It should also be mentioned that in practice, women are often deprived of the share they are supposed to get as suggested by the existing personal laws (Das, 2016). Muslim women often give their portion of property to their brothers in order to secure shelter at their parental place if their husband dies or leaves them (Mahmud *et al.*, 2021). The situation of Hindu women is even worse than that of Muslim women because the existing legal framework deprives them of any share of property. Furthermore, Hindus are the minority – constituting around 8.5 percent of the total population in Bangladesh (BBS, 2011). Due to their minority status, Hindus often become victims of forceful eviction from their land (Mohajan, 2013; Mithun, 2019). Frequent violence targeting the Hindu community triggers fear and sense of insecurity among them, and gender-based violence in particular is one of the most common fears (Naher and Tripura, 2010).

Bangladesh is one of the countries that prioritizes gender as a development component in its formal planning and policies (Panday, 2008). The government has signed and ratified many international gender-related treaties and conventions, examples being Article 7 of the Universal Declaration of Human Rights (UDHR4), the Convention on the Elimination of All Forms of Discrimination (CEDAW), and the Beijing Platform for Action (BPFA). Bangladesh ratified CEDAW in 1984, yet the country keeps reservations on articles 2, 13(a), and 16.1(c) (Khan, 2019), as these may conflict with Sharia law (Banu, 2015). These reservations are also factors behind not adopting non-discriminatory provisions such as the UFC and NWDP. A few Muslim countries have passed equality-based reforms in personal laws, examples being Tunisia and Morocco (Tamanna, 2008), and even India—a country with a vast Hindu majority—has enforced equal inheritance rights in five of its states (Bhalotra *et al.*, 2020). These achievements prompt the question of why Bangladesh, a country that gives gender a high priority in its governance, cannot even frame a policy for equal inheritance rights.

Theoretical lens: power domain and feminist institutionalism

To understand the complexities and contestations in formulating gender-equitable policies, the authors draw inspiration from the theory of feminist institutionalism (Waylen, 2014, 2017) and the “power domain approach” to investigating politics and gender equity (Hickey and Nazreen, 2019). Feminist institutionalism argues that formal and informal institutions can be gendered, and that these institutions interact, negotiate, and reproduce gender-equal or unequal power domains (Chappell and Waylen, 2013; Helmke and Levitsky, 2004; Waylen, 2017). As these scholars explain, the concept of informal institutions refers to rules, norms, customs, and illegitimate practices that are based on religion or culture rather than on a formal code of law. Such forms of informality may reinforce certain gendered norms and practices that disadvantage women—despite the presence of gender-equal formal rules (Waylen, 2014). Feminist institutionalism can offer a theorization of the gendered nature of formal institutions, the significance of informal institutions, and the power relations within and across them (Mackay and Murtagh, 2019).

Inasmuch as gender equality is primarily a question of power, feminists concentrate on how such power operates in society. Analyzing the interplay of power between formal and informal institutions makes it possible to understand how women have been systematically oppressed and rendered submissive since ancient times in various religious, custom-based, and formal-policy settings. Such systematic oppression leads to strengthening and reproducing patriarchy. The attempt to adopt a formal gender-equal policy may therefore often be grounded in what has been termed a “power domain.” The power-domain approach to investigating politics and gender equity offers an understanding of the distribution of power across actors and institutions. This in turn can be relevant for analyzing a specific policy problem (Khan, 2010). As for policy perspectives, this paper concentrates on how informal institutions influence the formal institutions during policy formulation, and how different forms of power exist, are distributed, and interact within and across formal and informal institutions (Hassan, 2013; Khan, 2010).

As Table 1 explains, the authors used feminist institutionalism and the power-domain approach (a) to portray men’s historical domination of women regarding inheritance rights prescribed in Islam and Hinduism, Bangladesh’s two main religions; (b) to map the actors involved at the fundamental junctures and in changes made to policy formulations such as NWDP; and (c) to understand how the dynamics of the power domain interact and distribute benefits and interests among actors.

Methodology

The study pursued a qualitative case-study method employing primary and secondary sources of data. For primary sources, in-depth semi-structured interviews, focus-group discussions, and interviews were carried out with key actors. As Table 2 elaborates, purposive sampling was used to choose respondents (a) who were directly involved in the

Theoretical lens	Analysis of the empirical case study
Feminist institutionalism (Waylen, 2014; Waylen, 2017)	(a) The historical oppression of women as regards inheritance rights in Islam and Hinduism
Power domain (Hickey and Nazreen, 2019)	(b) The role of religion in formulating a gender-equal inheritance policy
	(c) The distribution of power, which includes bargaining for interests and benefits between different actors and organizations in formal and informal institutions.
	(d) The role of the power domain in influencing the folding back of a policy provision favoring equal inheritance rights.

Table 1.
Theoretical lenses
linked to analyzing the
empirical case study

Data Source	Explanation	Themes	Number
Policymakers and officials	Officials in the Ministry of Women and Children's Affairs, and the Department of Women's Affairs	The process of policy formulation	5
Lawyers	Lawyers working with family and inheritance issues	Interpretation of Muslim and Hindu laws	5
Women activists	Activists involved in different women's movements (purposely chosen), particularly those who have been vocal on equal inheritance rights in national and international fora	Feminist interpretation of personal law, NWDP in regard to gender-equal inheritance policy	5
Muslim religious scholars	Interviews with imams and hafiz of reputed mosques in Bangladesh, Islamic voices heard through mass media, and authors of Islamic books	Sharia interpretation of the distribution of inheritance	3
Hindu priests	Hindu clerics working in central temples	Hindu religious interpretation of inheritance rights	3
Academics and researchers	Researchers and academics working with the topic	Exiting policy and regulations interpreting gender-equal inheritance	6
Women representing Hindu and Muslim religion	Purposely chosen with urban middle-class background	Perceptions and attitudes towards inequitable inheritance law	6
			Total 33

Table 2.
Categories of
respondents

policy process (policymakers and officials); (b) who opposed the state policy (Muslim religious scholars and Hindu priests); (c) who advocated for the policy (key actors, lawyers, women activists); and (d) women from both religions. The data collection process was from September 2019 to March 2020 and in January 2022. Narrative analysis was applied to the data, with the transcribed text being placed within the comprehensive context of the interviewees and participants (Herman and Vervaeck, 2019). The research follows all ethical protocols of social science research, including anonymity, confidentiality, and informed consent.

Secondary sources include religious edicts on Hinduism and Islam: The Holy *Qur'an* (Qur'an, 2001); *Hadith* (Bukhari, 1966); *Manu Smriti* (Manu, 1969); *Rgvedah* (*Veda*) (Wendy, 1981) and their interpretations in relevant blogs, books, and newspapers articles. The authors also reviewed the laws based on these religious interpretations, examples being the Muslim Family Law Ordinance, 1961 and the Hindu Women's Right to Property Act, 1937 (LPAD, 1937). Finally, content analysis was used to compare the policy and legal documents (Drisko and Maschi, 2016).

Unpacking the inheritance debate: reflection from religion

In Bangladesh, different practices and interpretations have led to variations of personal and family laws. This situation pertains mainly to the regulation of marriage, divorce, inheritance, and other family-related issues. This section presents strands of the debate on inheritance rights that emanate from inheritance laws and practices in Muslim and Hindu communities in Bangladesh. Islamic inheritance law, known as *al-faraid*, combines ideas from the Holy *Qur'an* and *Hadith* (Chowdhury, 1964). The *al-faraid* declares that (a) the share of one son is equivalent to that of two daughters; (b) a daughter will get half of the property if there is no son; (c) if there is more than one daughter, then they share two-thirds of the property while others will share the rest of the property; (d) if there is only a son, then he is entitled to all the

property (Holy *Qur'an*, 4; [Uthaimin, 1983](#), p. 45); (e) when the wife dies without children, the husband inherits half of what she leaves. Conversely, wives inherit a quarter of what the husband leaves.

The rules of Hindu laws mostly originate from *Śruti*, which is documented in different books. *Rgvedah* (*Veda*) and *Manu Smṛiti* are the primary sources on which the Hindu Women's Right to Property Act, 1937 is formulated. Hindu women's rights to property fall into two categories: a) absolute ownership of property, called *stridhana*, gives a woman full rights to the property she owns, meaning she can do whatever she wants with it, has full access to and control of it, and can dispose of it anytime she wants; b) limited ownership of property, called *women's estate*, means that on the death of the female owner, the property will not pass to her heirs, but to the heir of the last male who previously owned the property ([Zahur, 2016](#)).

As the ancient legal text *Manu Smṛiti* explains, daughters usually are only eligible to inherit if they have no son, grandson, or great-grandson, and if they are widows ([Aktar and Abdullah, 2007](#); [Manu, 1969](#)). Daughters do not inherit until all the widows are dead ([Mulla, 1986](#)). The Hindu Women's Right to Property Act, 1937 (Session 3.3) approves the principle that a Hindu widow can claim a share of her husband's property equal to that of a son, yet it also allows for the "widow's limited estate." This means a woman inherits from her deceased husband only during her lifetime and cannot sell or dispose of the property ([Zahur, 2016](#)).

The principles of offering an unequal share of land to women lie in how women are presented and how their roles and responsibilities are defined in these religions. For instance, *Manu* says the following:

By a girl, by a young woman, or even by an aged one, nothing must be done independently, even in her own house. In childhood, a female must be subject to her father, in youth to her husband, when her lord is dead to her sons; a woman must never be independent. (*Manu Smṛiti*, Chapter 5, verses 147–148)

Both Sharia and Hindu laws confirm that women must be taken care of by male relatives such as a father, a brother, or a husband ([Khan et al., 2016](#); [Sourav, 2019](#)). According to these religions, women are given less responsibility than men, particularly in managing formal and financial arrangements. Women therefore get smaller portions of an inheritance from the family.

Understanding the inequality in inheritance: a feminist perspective

In response to the position put forward by Muslim and Hindu clerics, women activists and scholars claim that religion leaves women in a secondary position and makes them unduly dependent on men. Regarding this aspect, one woman activist argues as follows:

I am quite sure that most religious practices in Bangladesh do not provide men and women with an equal share of the property. Although formally, Christianity gives equal share, who knows whether it is practiced or not. Further, I deny the logic of providing maintenance to women to compensate for their inheritance rights. I think providing maintenance for women and giving proper dower in the time of marriage remain only on paper. There are many cases of women who are the head of households; they work and maintain the family. (Interview with researcher, March 7, 2020, Dhaka)

Key informants argue that those Muslims who oppose the equal provision of shared inheritance should practice Sharia laws properly. For example, does every Muslim woman get the maintenance or the dower? But even if women get the property that Sharia law says they have a right to own, do women have control over it? Can they gain access to it when they need it? Do they have the power to use the resources? While discussing these issues, one woman activist expressed the following view:

The inequality in inheritance reinforces other inequalities in society. It justifies that women are unable to maintain themselves or their family. This paves the way for women to be restricted from

being productive. It limits women's opportunities, undermines women's capabilities, and confines women's power and skill. Religion does not allow women to handle financial matters that could have enabled them to exercise power. It seems that women are only given maintenance; they cannot earn it. (Interview with woman activist, February 17, 2020, Dhaka)

The conclusion drawn from this is that due to religious laws, women are obliged to be submissive and dependent on men. While the interviewed priests blamed social norms for keeping women from getting a fixed share of the inheritance, women activists explained that the regulations prescribed in religion reinforce discriminatory practices in society. Neither the practice of religious laws nor the socio-cultural norms allow women to receive an equal share of an inheritance.

When my husband died, our house and land were taken by my in-laws, I don't get any right of my husband's property [...] I got some property from my parents, but normally my brother is taking the benefits of it. I don't claim my right to my paternal land, maybe people will tell me I am greedy if I claim my land [...] I am only owner by name, I don't get its benefit. (Focus group discussion with Hindu and Muslim women, 24 December 2021)

Focus group discussions with woman representatives from Hindu and Muslim communities confirm how discriminatory and unjust the existing inheritance laws are in women's practical life. Different studies confirm such interpretations (Das, 2016; Hossain, 2020b; Zahur, 2016).

The National Women's Development Policy (NWDP): an initiative for equality

In response to the demand for equal inheritance rights made by the feminist movement and several national and international committees, initiatives were taken to include a provision for equality in the NWDP. The policy was formulated in 1997 during the Awami League (AL) ruling coalition. When first formulated, the NWDP expressed the government's commitment to ensure equality in inheritance rights for men and women. Section 7.2 of the 1997 policy stated that "Women would be given full and equal rights, and control over earnings, inheritance, wealth, loan, land, and wealth earned through technology and market management, and new laws would be enacted to achieve this goal" (GoB, 1997).

Women activists welcomed the policy, but with the change of government in 2004, it remained unimplemented. The new government led by the Bangladeshi Nationalist Party (BNP) reformulated the policy and excluded the equal inheritance provision. After 2008, yet another government, once again led by the AL, attempted to revise the policy from 1997. In 2009, the NWDP draft that contained the provision for equal inheritance rights for women faced severe opposition from Hefazat-e-Islam and a few other fundamentalist groups. Hefazat-e-Islam is comprised of Qwami madrasa students and teachers based in Chittagong (the second largest city in Bangladesh). The group mobilized against the draft policy with one of their 13-point demands calling for the "abolishment of the 'anti-Islamic' inheritance law" (Khan, 2019). A policy was eventually passed on March 8, 2011, but it had some confusion and un-clarity in its contents and clauses, particularly regarding inheritance rights (Gayen, 2011). Nevertheless, the policy sparked and prolonged the opposition and was challenged by various religious groups all over the country (Gayen, 2011). One woman activist who was interviewed also explained why it was a disappointment to women:

We expected that the NWDP, 2011, would contain the clause ensuring an equal share of inheritance like the NWDP, 1997, but when it was announced, it did not guarantee women's equal share in inheritance matters. Therefore, it took a while for the women activists and scholars to realize that the policy did not provide equality in sharing inheritance rights. (Interview with a woman activist, October 27, 2019, Dhaka)

The key informants interpret NWDP 2011 by pointing to clause 25.2, which states that the policy gives "women the rights to wealth and resources earned through income, succession,

loan/credit, land, and market management” (GoB, 2011, p. 42). This means women would get access to the property (i.e., land or resources) they have already acquired. The 1997 policy, in contrast, gave full and equal rights, control over earnings, inheritance, wealth, and loans, and proposed to enact additional new laws to achieve these goals. The activists therefore argue that NWDP 2011 was a step backwards from NWDP 1997, particularly regarding the right to inherit property. Table 3 explains the vagaries of equal provision in NWDP in different political regimes.

The officials interviewed from the relevant ministry justified the government’s position in response to the women activists’ claim:

Bangladesh has progressed a lot in women’s empowerment. The government is concerned about gender equality, and we are working for it. But the government won’t take any step that goes against the religious sentiments of the people of the country. (Interview with an official from the Ministry of Women and Children Affairs, September 13, 2019, Dhaka)

The government realized that implementing the NWDP that ensured equal-inheritance rights would be impossible because it angered Muslims – the dominant religious group in Bangladesh – and could result in the AL losing popularity. Fearing this and other forms of reprisal, the party consolidated its power through political negotiations with various political elites (e.g., religious groups like Hefazat-e-Islam). Consequently, despite having good intentions for NWDP, even 22 years after its initiation, the provision of equal-inheritance rights has never seen the light of day. The AL-led government did not expect such violent opposition and failed to anticipate its strength. When violence threatened national peace and security, the government omitted the clause ensuring equal inheritance irrespective of gender. At the end of the amended policy, a footnote was added stating that the policy would not include any clause that went against Islamic law.

Discussion

This study clarifies that neither Islamic nor Hindu laws give women and men an equal share of an inheritance. This case study identifies that the non-adoption of equal inheritance provisions is influenced by several socio-political phenomena and gendered institutional settings. The reasons for failing to formulate and adopt a gender-equal inheritance policy are also rooted in the religious sentiments of the majority population, which is a big concern for the political parties. These religious sentiments and beliefs are associated with religion-based personal law. As the case study demonstrates, informal institutions such as religion-based customary laws significantly influence formal institutions by determining what kind of policy modification is possible and what is not (Waylen, 2014). Since the personal laws are discriminatory, such informal institutions influence the formal policy arrangements.

The failure to formulate and adopt the equal inheritance policy is also profoundly linked with the political mechanisms of the ruling party and its negotiation process with fundamentalist parties. Bangladesh was initially established as a secular state, but this status was contradicted inasmuch as it kept Islam as a state religion. The AL, which has led a coalition government since 2008, presents itself as a secular party. The BNP, the main

Table 3.
Timeline of
formulating and
deducting the equal
provision of
inheritance rights

Year	Political regime	Equal inheritance provision in NWDP
1997	AL	Equal provision of inheritance rights incorporated.
2004	BNP and four-party alliance	Equal provision of inheritance rights deducted.
2011	AL-led grand alliance	Withdrawal of the equal provision due to protests and opposition; later, equal access to property is mentioned, but that only concerns already-inherited property.

opposition party, has allied itself with Islamic fundamentalist parties such as Jamaat-e-Islami. The opposition often criticizes the AL-led government as anti-Islamic and closer to India, which is predominantly Hindu. The AL-led ruling coalition directed the prosecution of war criminals who were primarily Islamist political elites from the Jamaat-e-Islami movement and allied with the BNP, and several of its prominent leaders were executed in the past few years for atrocities committed during the 1971 war of independence from Pakistan. This generated hostile reactions from BNP supporters and severe criticisms from Islamic followers. In response to such criticism, the AL realized the need to be sensitive to the values and sentiments of the dominant Islamist religious group. The severe opposition to the NWDP put the government in a dilemma. On one hand, the AL portrays itself as a secular party promoting women’s upliftment; on the other hand, it does not want to hurt the religious feelings of the majority population and religion-based political parties. The current AL-led coalition government has expressed a positive attitude to the dominant religious values. For example, it collaborates with a few Islamic fundamentalist organizations or parties such as Hefazat-e-Islam. It has created an Islamic sub-wing called the Bangladesh Awami Olama League (*Dhaka Tribune*, 2019). Several Islamic parties have also shown interest in prolonging these collaborations. For instance, as a token of appreciation for favors extended by the government to *Madrasa* education, the Islamic groups recently honored Prime Minister Sheikh Hasina with the title “Mother of Qawmi” (*Dhaka Tribune*, 2018).

From this case study, some valid questions arise: Why is the AL government even being led by a woman, and after committing itself to a secular and gender-equal policy, why does it opt to negotiate with Muslim fundamentalists on the question of the policy? How does the non-formulation of an equal inheritance provision benefit different group of actors? As the case study demonstrates, the opposition’s violence and power made the coalition government reluctant to adopt a radical gender-equal policy for fear of losing state power. The government’s negotiations with Islamic fundamentalist groups led to an easy solution that allowed it to continue ruling. Nevertheless, the outcome fails to fulfil the rights and demands of women and feminist activists. They must mobilize extensively and work hard to get attention without any guarantee of success (*Nazreen and Hicky*, 2019). The outcome of removing the equal inheritance provision dissatisfied women activists, NGOs, INGOs, and many members of civil society. In turn, the religious-fundamentalist groups that had been sidelined by the AL-led government saw this as a window of opportunity to put pressure on the government, force it to negotiate, and make it realize that the fundamentalists are a formidable force to be reckoned with, especially concerning religious issues.

Although the outcome of stepping back from formulating the equal inheritance policy minimized political instability and violence, at least for that moment, there is still a question of whether the negotiated political regime will ensure sustainability, justice, and equality in Bangladesh in the long term. Did it only give the government an easy, short-term solution to staying in power? It is crucial to take into consideration that while such political negotiations maintain political stability, the survival of the regime, and the distribution of benefits to the Islamic fundamentalist groups and the ruling coalition, they ultimately prolong the systematic oppression of women and inequality in society. The whole process—that is, of initiating an equal inheritance policy, followed by the incidents that include the violent opposition which ultimately led to the folding back of the policy—is depicted in *Figure 1*.

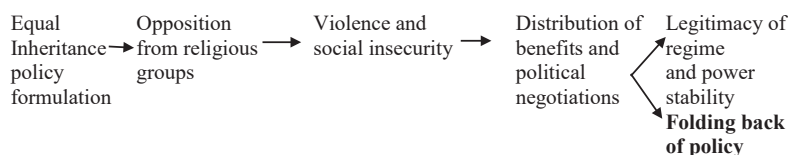


Figure 1.
How equal inheritance
policy folded back in
Bangladesh

Conclusion

The article analyzed the ongoing debates over inequality between Bangladeshi men and women regarding inheritance rights. Women's right to an inheritance is a sensitive issue amongst Muslims and Hindus in the country, inasmuch as their views are guided by religious values and norms that have been practiced for centuries. When the government-initiated change by formulating a formal regulation, it led to violent opposition, especially from the fundamentalist Islamic parties that threatened societal peace, security, and the survival of the regime. Despite positive intentions, the government failed to formulate the policy. Instead, it negotiated with the fundamentalist Islamic groups to quell their opposition, maintain peace, and remain in power. The case of Bangladesh's inheritance policy is an excellent example of how policy initiatives that are incompatible with religious sentiments cannot even be formulated.

What lessons can be learned from this failure in gender-equal policy formulation, and what strategies can the government embark upon to overcome the political negotiations that compromise the policy and keep it from being implemented? These questions are essential because while such political negotiations maintain the status quo, distribute power and interest among political elites, and keep the regime in power, they regenerate the systematic oppression of women and structural inequality. The lessons to be learned relate to the observation that the inheritance policy is not a technical, economic, or financial policy, but one that seeks to bring about a fundamental change in the formal (legislation) and informal institutions (socio-cultural and religious norms and practices) that have been in operation for centuries.

The first lesson is that this kind of policy is deeply political and, since it may affect religious sentiments, requires cultural compatibility. A culture-policy misfit is likely to make policies fail or remain unimplemented. Second, radical changes require supporters, allies, and people who believe in reform. Third, the state must be willing to support a gender-equitable policy, locate the epicenter of opposition, understand its nature, strength, and type. Fourth, it is necessary to go beyond the fundamental idea of women's inclusion to ensure gender equality; a broader framework is required to identify the socio-political drivers in formal and informal institutions and to understand the politics of negotiating gender equality. Finally, promoting bottom-up and participatory gender-equal policymaking may enhance a policy's legitimacy. Any policy that seeks to bring about fundamental changes in cultural and religious norms and practices requires a relatively long-time frame and the state's strong willingness to follow up and support the changes through subsequent governments, each of which must be supported by the major political parties. This is because different mobilizations and dialogues between various organizations and stakeholders are essential for building consensus with political elites and religious leaders. Such consensus would ultimately enhance the legitimacy of the policy and the regime and enable the policy's successful formulation as well as implementation.

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