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Extrajudicial Killings in Bangladesh by Law Enforcement Agencies: Exploring from A Cultural Perspective

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ABSTRACT

Culture shapes behavior and society and eventually it shapes society's common phenomenon. Extrajudicial killings are widespread in Bangladesh. Extrajudicial killing threatens rule of law and human rights. This study analyzed how culture affects extrajudicial killings by law enforcement agencies in Bangladesh. This study employed qualitative design, and data was collected through indepth interviews with purposively sampled respondents and content analysis of secondary sources. Based on the widely used cross-cultural theory of Greet Hofstede, depending on five distinct cultural dimensions, data has been analyzed manually. Each of the dimensions of culture has been proven as influencing to the phenomena of extrajudicial killings except one. Among five, a total of four cultural dimensions aligned with the emerging themes that may have impact on the practice of extrajudicial killings. However, 'uncertainty avoidance' could not be proven to influence extrajudicial killings though gathered data and secondary literature. However, this study has been concluded that cultural elements and practices have influence on the phenomenon of extrajudicial killing and based on the cultural values and norms of the society, pattern, incidents and perceptions of extrajudicial killing may vary.

Keywords: Extra Judicial killings, Culture, Power Distance, Masculinity.

INTRODUCTION

'Right to life' is one core human fundamental right that provides a human being the liberty to live freely. The right has been acknowledged by international declarations and national frameworks such as constitution by many nations. Among the causes that hinder 'right to life', extrajudicial killing possesses a great portion. Extrajudicial killing is frequent in third-world nations (Kaufman & Fagen, 1981).

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It diminishes the idea of human rights, the law, and the constitution. Despite not having exact definition, extrajudicial killings often described in a simple term as the killing a person without holding a fair trial to judge whether the person is guilty of the accusation or not (Hossain, 2017). This practice is a clear violation of human rights and affects other civil activities and rights of citizens of a society where this phenomenon is dominant (Islam, 2020, p. 12). This phenomenon is caused by plethora of reasons and earlier literature on this identified those like weak judicial system (Rahim & Hider, 2019), absence of rule of law (Monia, 2020), political violence (Chowdhury, 2003) and on. Acknowledging all these contributing factors to this phenomenon one other factor can be taken into consideration and that is culture. Cultural factors contribute to human rights violation, extrajudicial killing and torture in many ways (Anyangwe, 2017). As it has been stated, specific culture like pop culture can normalize the trend of extrajudicial killings (Bhagrava & Kumar, 2021).

Third world countries frequently face the issues of rule of law regarding extrajudicial and Bangladesh is no exception (Habib, 2015). Extrajudicial killings are more concerned when such actions are performed by the protectors of rules and orders i.e., law enforcement agencies. Recent years, the number of extrajudicial killings has been increased in this Bangladesh (Kamruzzaman, 2019). Lack of enforcement of rule of law, loopholes in legal framework, lengthy judicial process and lack of accountability has been found as the main causes of extrajudicial killings in Bangladesh (Kamruzzaman, et al., 2016). Bangladesh has been severely criticized by human rights organizations in last decades for exploiting human rights specially through extrajudicial killings and force disappearance by using state machinery such as law enforcement agencies (Bari, 2022).

At this point, cultural dimension of a given society can have potentiality to affect the process of extrajudicial killings. Culture is described as software of mind and as software, culture determines almost all the activities of a person, a society (Hofstede, et al., 2010). Since culture refers to the all the ways of life, it has a social dimension as well and culture shapes the human activities of a society (Kabir, 2013), incidents taking place in a society also can be influenced by the culture to some extent. As found, Specific cultural elements such as pop culture can normalize the trend of extrajudicial killings (Bhagrava & Kumar, 2021). However, there is no adequate literature that specifically explored and identified the contribution of the cultural factors to the extrajudicial killing phenomenon solely using previously established theoretical framework that dealt with cultural aspects.

How we perceive culture can be segmented into multiple dimensions and one of such identified organized dimensions are Masculinity/femininity, power distance, individualism/collectivism, uncertainty avoidance and short/long term perspective (Hofstede, 2001). Each of these dimensions may have different types of influence over the phenomenon of extrajudicial killing. Masculinity and femineity two opposite cultural variable where masculinity strives for power, task orientation, strict embeddedness while femininity goes for care, welfare, and emotional relationship orientation (Andrijauskienė & Dumčiuvienė, 2017, p. 92). As lawlessness is identified as one of the reasons of judicial killing in some literature, the relationship between masculinity/femininity and power or law may have some implications as masculine society is focused more on exercising power (Hofstede, 2011). So, this cultural dimension can either positively or negatively contribute to extrajudicial killings based on the social context.

In some societies, individualism ensures much more efficient execution of rules of law compared to the collectivist society (Kyriacou, 2016, p. 12). There are some works stated that collectivism can be initiated in response to absence of rule of law and protection (Kyriacou, 2016) from arbitrary power. Similarly, cultural dimensions of power distance also vary from society to society. The incident of extrajudicial killing greatly depends upon the legal and judicial system of the society and it is observed that this two are influenced by power distance dimensions in many ways (Matsuo, 2005, p. 62). Studies found that in lower power distance societies, laws are used in a manner that ensures legitimate action and as a differentiating factor between good and bad and it also ensures basic human rights (Perry, 2002).

Countries with high uncertainty avoidance are in needs of rules and regulation on the other hand in lower uncertainty avoidance countries are seen as 'not much important' (Perry, 2002, p. 296). Literature shows that extrajudicial killings are mainly practiced from a perspective short term benefit (Kamruzzaman, et al., 2016) as some countries take a long time to reach a verdict. Therefore, to get rid of this lengthiness, countries practice extrajudicial killings which is related to Hofstede's fifth dimension.

As literature suggests, there may be a plausible relationship between cultural norms and dimensions and the practice of extrajudicial killings in country. In a country like Bangladesh, where the phenomenon of extrajudicial killings is almost a regular incident, it demands a dedicated exploration from cultural perspective to analyze the interplay between these two. Existing literature on extrajudicial killings focused on almost every aspect other than the cultural aspects and the cultural literature sometimes indirectly the extrajudicial killing to address absence of rule of law or justice. Even how Hofstede's cultural dimensions fit in governance or political arena have been explored but missed extrajudicial killing (Licht, et al., 2007). Therefore, the venture of finding out the relevancy of cultural dimensions in extrajudicial killings is a literature gap and this study strives to fill that gap. This study strives to explore the influence of cultural dimensions on the practice of extrajudicial killings in Bangladesh.

CONCEPTUAL FRAMEWORK

This study has adapted the well-known cross-cultural theory introduced by Geert Hofstede as the theoretical framework for this study. Cross cultural theory identifies five dimensions of culture of one given society. Five dimensions are Masculinity/femininity, power distance, individualism/collectivism, uncertainty avoidance and long/short term perspective (Hofstede, 2001).

Masculinity and femininity dimensions refer to the idea that how roles are distributed in a society depending on gender. Power distance means the extent of inequality exists in society between people or groups and that distance is well accepted. Individualism and collectivism demonstrate the times a society has within a community. Uncertainty avoidance describes how a society deals with uncertain events while short- and long-term perspective is concerned with how a society looks for the result in terms of pragmatic or normative approaches. All these cultural dimensions have been considered as independent variables while the phenomenon of extrajudicial killing as dependent variables.

The theory is primarily developed to answer how culture affects to shape of the nature of people and productivity in an organization but as a work on the field of culture, this is well renowned (Kabir, 2013). It is because of its robust ground on which the cultural dimensions are prepared. This theory is also applicable in individual level (Yoo, et al., 2011). This theory is also used to explore fields other than organizational setup. (Manrai & Manrai, 2011).



Figure 1: Interconnection between cultural dimensions and extrajudicial killing phenomenon

This specific framework transcends the organizational arena and has been applied to different fields such as national culture. As the basis of this study, theoretical elements of this framework have navigated this study, and cultural dimensions have been used as the basis of analysis. The other important reason to use this as a theoretical framework is that Bangladesh's cultural profile is well developed and described in this framework (Hofstede, 2001) (Hofstede, et al., 2010).

METHODOLOGY

Approach of the study

This study followed a qualitative research design because of the flexibility it provides (Kumar, 2011, p. 57). One variable of this research is culture, and this concept is very abstract in nature. Quantifying 'culture' is not the aim of this study, rather qualitative inquiry provides more flexibility in the research process as it deals with abstract and qualitative issues like justice, rule of law and so on (Atkinson, 2005).

Sampling

Participants of this study were selected based on purposive sampling considering the potentiality of availability of information on extrajudicial killings. In qualitative study, purposive sampling is a widely used approach of selecting study sample (Shaw, 2012).

Four specific primary sources were integrated in this study as the sample of this study and they are members of law enforcement agencies, human rights activists, journalists from two prominent dailies and general citizens. These categories have been selected because these categories of people are more prone to experience the events of extrajudicial killings, and they mostly have information on such incidents (Kelly, 2013). For each category of these four, six people were chosen based on purposive sampling that makes the respondent 24 in total. For a qualitative study, 24 participant is considered to be sufficient (Subedi, 2021).

Data collection method

Data for this study has been extracted from both primary and secondary sources. A portion of data came from secondary sources. Mainly, books, journal articles, newspapers, credible internet sources have been used as secondary sources. Using content analysis technique, data has been extracted from secondary sources.

For primary data, people who have experienced the phenomenon of extrajudicial killings were reached and from them the primary data is collected. in depth interview method was employed in this study since it has maximum response rate and provides rich data regarding the topic compared to the other methods (Rutledge & Hogg, 2023). Data has been collected through a semi structured questionnaire. Interviews have been conducted in person in the places where the participants felt convenient. Before each session, a written consent has been taken from each respondent and they have the liberty to terminate the interview session at any moment without notifying the reason(s). Though it took longer time than average, it provided original data for this study. Nonresponse rate was 14% and major cause of nonresponse was the engagement of participants with other activities.

Study time and area

This study has been conducted between late August to late October of 2023 and all the fieldworks were limited in Dhaka city. Dhaka was selected as the study area since it is the capital city and the experts who have contributed in this study are mostly based on Dhaka.

Data analysis

Collected data from primary sources has been transcribed at the first place. Interview was conducted in Bengali and translated into English. Later, the compiled and translated data from both primary and secondary sources have been coded based on main ideas related to the framework of the study. Codes are then organized into certain themes (cultural dimensions in this case) and based on that; conclusion is made. All the data is analyzed manually in this study by the author.

Limitation of the study:

There is no single reason for which extrajudicial killings take place rather than there are various reasons those act as instigator of extrajudicial killings (Abubakar, 2021). But in this study, only cultural factors are employed to find out the reasons of extrajudicial killings that denotes that the other factors are not emphasized in this study. Again, the cultural dimensions integrated for this study is rigorous since it has been widely used but there are other cultural dimensions that have been identified in relevant literature (Triandis, 2004). But in this study, the discussion and findings were limited to only five renowned cultural dimensions of Hofstede which is also a limitation of this study.

FINDINGS AND DISCUSSION

Analyzing the primary and secondary data carefully in the light of the theoretical framework, some new insights have been gained on the relationship between extrajudicial killings. Findings of this study and relevant discussion will be directed by the theoretical framework in following section.

Masculinity/Femininity and extrajudicial killings

This study found that there is significant relationship between masculinity and extrajudicial killings and on the opposing side, femininity has proved to be a remedy to the extrajudicial killing phenomenon. Most respondents directly agreed to the proposition that masculine characters of the society like assertiveness play crucial role either directly or indirectly to influence and prepares the bases for extrajudicial killings. A respondent stated,

> "I think, Masculine characteristics are in general assertive...tend to dominate the other in various ways. Extrajudicial killings also can be a tool of masculine society to silence others" (IDI 4, personal communication).

Another respondent, a human rights activist, said

"Masculine societies emphasize strength and dominance... feminine societies emphasize care and welfare. extrajudicial killings seem normal because masculinity wants to control everything, including the law, which could prevent them.."

It denotes two things; masculinity refers to, at least to some extent, coercion and dominance and femininity tends to be on the opposite continuum that carries values that are helpful for rule of law and justice (Connell, 2020). Rule of law and justice are the tools that are most effective against the practice of extrajudicial killings and most of the respondents also believe so.

Being a masculine society, as Hofstede pointed out in his cross-cultural study, Bangladesh inherits some general characteristics that all masculine society have like poor rule of law, vulnerable judiciary and so on (Aoláin & Hamilton, 2009). rule of law and justice and extrajudicial killings are totally opposing to each other and have an interplay with masculinity and femininity (Schippers, 2007). Masculine society like Bangladesh promote assertiveness and dominance of powerful groups and that marginalizes the weaker group since there is absence of rule of law in mass level (Mkhize & Njawala, 2019). The continuation of such dominance sometimes leads to the incidents of extrajudicial killings. So, masculinity, in one side, suppressing the values that is a remedy to the incidents of judicial killings, and in the other side, masculinity itself instigates this very phenomenon.

On the other hand, the values like rule of law and justice are promoted by feminine social order which is contradictory to the phenomenon of extrajudicial killing since it is totally opposite to the dominance and injustice and contrary it promotes caring or welfare attitude (Koivula, 2001). As one respondent said, "femininity is more like motherly and affectionate and that is prohibiting to the extrajudicial killings."

One respondent opined,

"I think that if society embraces feminine features...will be just and based on rule of law as feminine characters opposes the idea of dominance" (IDI 7, personal communication).

Power distance and extra judicial killing

Power distance refers to the hierarchical relationship between the subordinates and superior and how rigid or flexible the relationship pattern is (Greguras &

Daniels, 2014). In a high-power distant society, it is a normal trend that hierarchical rigidness is strictly maintained. Similarly, a respondent expressed

"Rigidity in superior subordinate relationships creates an obstacle to question any action done or decision taken by the superior authority. This is true for extrajudicial killings" (IDI 11, Personal communication).

To respondents, because of high power distance, when authority takes any decision related to the extrajudicial killings, are not being questioned by its subordinate authorities by whom it is being executed. It indicates that high power distance has a relationship with extrajudicial killings.

Though another respondent opined

"There may be a relationship between extrajudicial killings and highpower distance, but it is not necessarily one way relationship;...it can be both sided." (IDI 13, Personal communication).

High-power distance restricts subordinate bodies to question higher authority which is positively connected to the phenomenon of extrajudicial killings, but it also can be negatively related as strictness of higher authority may restrain the subordinate authority to conduct an extrajudicial killing. Such conflicting opinions may lead to confusion, but one thing is certain is that power distance has either negative or positive relationship with extrajudicial killings. However, to determine the pattern of relationship, we may focus on secondary data sources.

It has been well observed that high power distance is negatively related to the rule of law. In high power distant society, power is seen as a basic fact and its legitimacy is not an issue of concern rather the execution of that power is important (Matsuo, 2005). This perception results the rule of power rather than the rule of law and remained unquestioned. Therefore, state, with a sovereign power, when conducts extrajudicial killings, mostly remains unquestioned as well in Bangladesh.

One respondent from law enforcement agency stated,

"Because of higher distance between the authorities, one body of government does not want to interfere with the other's action... giving escape to an authority that is accused of some illegal actions, paves the way of heinous crimes like extrajudicial killings" (IDI 6, personal communication). The opposite scenario can be seen in the less power distant societies. The countries that are identified with less power distance in Hofstede's study have managed to maintain stable and proper rule of law. Norway, with power distance score 31, for example, has no cases related to extrajudicial killings (Hofstede, 2022) (Anon., 2022). on the other hand, in the countries with higher power distance like Philippine, with power distance score 94, where only in 2018, more than 27000 people get killed by the hand of the members of law enforcement agencies (BBC, 2019).

As a country with high power distance, Bangladesh (power distance score: 80), also experienced the shock of extrajudicial killings though as not acute as Philippine but various sources confirm about the existence of that phenomenon. A respondent expressed,

"In Bangladesh, rigidity of hierarchy is strictly maintained, and power distance is taken as principle...can be one reason of extrajudicial killings" (IDI 10, personal communication).

Individualism/ collectivism and extrajudicial killings

Individualism and collectivism also have been found to be related to the practice of extrajudicial killings according to the responses of the participants. To the respondents, the phenomenon of extrajudicial killings is higher in collective societies. Collective political agenda, collective operations like war on drugs, war on terror and so on. An issue on which society is collectively unified like "war on drug" as all sector of the society are collectively unanimously unified in a country where collectivism prevails, if any drug dealers executed extrajudicially, no mass protest is seen because collective interest of people on 'reducing drug usage' restrains them to raise their voice against this illegal practice (Khan, 2018). One respondent said,

"When collective interest is served by any incidents of extrajudicial killings, collective silence is observed in that matter" (IDI 4, personal communication).

Another respondent, a human right activist opined in this matter stating,

"Politically and ideologically connected groups form collective strata and to achieve political goal...actions like extrajudicial killing are executed by the help of law enforcement agencies and this way collectivism can contribute to extrajudicial killings" (IDI 16, personal communication)". Therefore, extrajudicial killings may be caused by organized and collective interest. As found, most extrajudicial killings in Philippines were executed by the law enforcement agencies to serve the collective interest of oppressive political regime (Holden, 2012). On the other hand, in an individualistic society, findings from primary sources show that since interest are scattered in such type of societies so collectively no cases of extrajudicial killings are generally found from organized and collective settings like law enforcement agencies. Other respondent opined that since in individualistic societies, rule of law exists, there is no need for commit an extrajudicial killing as everyone is ensured justice. And rule of law provides proper remedies to the victim or the family of the victim therefore, since there is no collective force, such as political influence, that can help the accused to escape the process of justice, therefore, no one is encouraged to commit such crime.

Secondary sources also provide the same scenario. Countries with individualistic characters experienced less cases of extrajudicial killings and on the other hand, collectivist societies experienced higher rates of extrajudicial killings. Taking Hofstede's insights on individualism into account, following table can show the scenario.

Countries with higher individual score	Score	Incidents of extrajudicial killings in a year (2019)
Finland	63	1
Sweden	71	3

Table 1: Extrajudicial Killings in Individualistic countries

Countries with lower individual score	Score	Incidents of extrajudicial killings in a year (2019)
Bangladesh	20	391
Pakistan	14	430

Table 2:Extrajudicial Killings in collectivist countries adapted from

(Chaudhry, 2022) and (The Daily Star, 2020)

Table shows that countries with higher individual scores experienced less cases of extrajudicial killings while countries with lower individual scores experienced more. And it supports the connection; to be specific, positive connection of collectivism and extrajudicial killings and negative connection between individualism and extrajudicial killings as opined by the respondents.

Short term/long term perspective and extrajudicial killings

Short term perspective has been found to have influence on the practice of extrajudicial killings. It is found that when traditional judicial system fails to provide justice within a certain time to the victims, they become desperate and see extrajudicial killing as solution (Habib, 2015). This same perception exists in the minds of the members of law enforcement agencies. One respondent from law enforcement background stats-

"When we catch veteran criminals, somehow, they manage to escape the judicial process and law enforcement agency can't let that happen. So, sometimes it (extrajudicial killings) is practiced as evil good" (IDI 9, Personal communication).

Another respondent stated,

"As criminals can easily escape the lengthy process of traditional judicial process, heinous crimes such as terrorism or drug supplying can be treated with extrajudicial killings as these are very sensitive and have drastic negative impacts on the societies" (IDI 12, Personal communication)

Therefore, in societies where short-term outcome is desired regardless of its impact or process, extrajudicial killings are likely to happen more. Bangladesh is basically a short-term oriented country (short term score 53) and its judicial process is a very lengthy. Therefore, short term perspective may play a role in extrajudicial killings phenomenon. On the contrary, long-term perspective will not focus on outcome rather on impact or process it follows. Therefore, in long term perspective, punishing is not the main goal rather the process it follows is given more emphasis. One respondent opined,

"Long term perspective is about the impact of an action and since extrajudicial killing provides speedy and prompt remedy but cannot provide assurance of following the due process, therefore, in a society where long-term perspective is dominant... the tendency of extrajudicial killing may be less than that of a short-term oriented society" (IDI 21, personal communication)

Secondary sources also confirm that lack of prompt judicial remedy provides a basis to formulate opinion-based among the people. Most of the countries where judicial process takes more time, practice of extrajudicial killings is more compared to the countries where speedy judicial remedies are available (Angel & Andrea, 2019). In some literature, it has been observed that, extrajudicial killing is perceived as a supplementary to justice when traditional system fails to provide that (Aceves, 2018). The famous incident of Hercules phenomenon in Bangladesh country can be an example here who used to kill the accused rapists and leave mark on them (Monia, 2020). This phenomenon was applauded by the people even it was extrajudicial and illegal, but it happened as traditional judiciary has failed to provide proper punishment to the rapist (Monia, 2020).

Therefore, depending on the position regarding short term and longterm orientation, practice pattern of extrajudicial killings may differ and since Bangladesh is more short term oriented, it influences higher incidents of judicial killings in this country.

Uncertainty avoidance and extrajudicial killings

Whether uncertainty of justice contributes to the phenomenon of extrajudicial killings or not is a matter of question and findings of this specific study provided diversified perspective and opinions that is not rigorous enough to reach a conclusion that uncertainty is responsible for extrajudicial killings, or it is not. Respondents opined that uncertainty of justice can influence extrajudicial killing to some extent, but it may not be the sole reason that inspire this.

One respondent describes,

"Uncertainty of justice may have some connection, but it might not be that significant factor contributing to extrajudicial killings because it cannot justify the crime...If uncertainty of justice becomes an inseparable feature of a society and the cases are no treated with justice often then uncertainty may contribute to the extrajudicial killings." (IDI 23, Personal communication).

Another respondent expressed her views,

"Uncertainty of justice has some contribution in the long run, but this factor is not as important as the other factors are. Rather extrajudicial killings pave the way of another level of uncertainty of justice where innocents may get killed" (IDI 15, Personal communication)

Some sources put a different scenario stating that uncertainty also has some influence of the practice of extrajudicial killings. Uncertainty of justice and pressure can instigate violence (Rana & Islam, 2021).

But another evidence, cultural profile of countries prepared by Hofstede, shows that there are some countries with feminine, individualistic, long-term orientation character but still highly scored in uncertainty scale. Such countries are as follows.

Countries	Uncertainty avoidance score
Finland	59
Norway	50
Switzerland	58
New Zealand	49

Table 3: Uncertainty avoidance score

Statistics of extrajudicial killings in mentioned countries are very low even though the uncertainty score is very high. Therefore, there may not be a strong influence of higher uncertainty on the practice of extrajudicial killings because it cannot be established with empirical evidence. Again, Bangladesh is a country with high uncertainty score (60) with high practice of extrajudicial killings (Hofstede, 2022) that may be evidence for its influence but with almost similar score Finland (59) and Switzerland seldom practice extrajudicial killings. Therefore, no straight conclusion can be made here. Further detailed investigation focusing on this specific dimension is needed to provide a conclusion on this matter.

CONCLUSION

Culture dictates our way of life, and it has a significant influence on what we do in a societal setting. So, societal patterns and certain practices also can be influenced by culture. In this study, influence of culture on the phenomenon of extrajudicial killings has been assessed based on specified five dimensions of culture. This study found that cultural dimensions have influence on the practice of extrajudicial killings can be established. Broadly, cultural dimensions of a given society have impacts on the practice of extrajudicial killings either directly or indirectly. Dimensions such as high-power distance, collectivism, masculinity influence negatively rule of law and justice. And poor rule of law and absence of justice lead to the other misdoings and extrajudicial killing is heinous one. This study provides a different lens to scrutinize the incidents of extrajudicial killings. This eventually may lead to scrutiny of deep-rooted cultural beliefs and practices that influence the practice of extrajudicial killings. Positive cultural shift of these aspects may reduce the heinous practice of extrajudicial killings that undermines the utmost fundamental rights of people.

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