

## Bashkhali: The height of criminality Muslim women and modern society

KAZI IHTESHAM

ON Wednesday (19th November) when I heard the news and saw on TV the gutted two storied mud structure where 11 members of a family were burnt alive by a group of so called dacoits and read it in further detail in the newspaper next day, I had an instant reflection of the multi-storied bombed and gutted structures of Baghdad. The metaphor may sound too far, but I would say too little to express our fear of the gun-slingers, masts and murderers roaming in the cities, town and villages of Bangladesh.

What happened in Bashkhali is very significant to me. First, it is a Hindu family who are already soft spots for victimisation, and number of incidents had already taken place all over Bangladesh making them political scapegoats. Second, the Hindus who are in Bangladesh are no serious challenge or competitors to established authority or establishments. Third, they are dedicated, disciplined and devoted teachers, traders and workers. It is not only true in Bangladesh, all over the world it is a verified fact that minorities' contribution in the nation building is higher than the majorities'. They are our prized possession and we have a duty to safeguard their life and liberty.

The other day Mahathir Mohamad before his retirement was saying that: if the minority Chinese were given opportunities what the government was giving to the majority Malays, their contributions would have been ten-fold to the nation. Even then the contribution of the Chinese in the development of Malaysia is enormous both in business and entrepreneurship. The incident in Bashkhali is the waking up call for the government and the governed to act. Otherwise Bangladesh is and will fast become another Bulgarkhana, the epitaph left by the 16th century Muslim historians, for its lawlessness, or matsya-nyaya of the 8th century, a period of anarchy and disorder before the establishment of lawful authority.

I am not going too far or blame anybody. We have enough of blame game by politicians, parties, and the people here and there, for the last three decades. I blame myself of not doing enough to stand straight and face the consequences. I did face a few of hooligans under the great chagrin of my brothers and sisters who felt that I was not brave enough to confront the local marauders. What I found is that in the battle of nerves, they are the most vulnerable, but how do you know that they are not going to gun you down when pistols, revolvers, not to speak of AK-47 assault rifles, are not in short supply. Our family members, friends and neighbours are constantly dealing with them by emptying their pockets and purses. It was hard to find a single family who has not been mugged and often even mutilated, and in some instances murdered by these enemies of the people. I was boasting for long that somehow I was strong enough to

evade them. The other day I lost my driving licence, along with few thousand taka from my flapped chest pockets. It has become my habit to put on double flapped pocket shirt whenever I go out and disperse my possessions in them and in the concealed pockets of my trousers. But these are shoddy pretensions of safety. I heard my family members and friends telling stories how they were bodily searched by the criminals. These criminals roam around in gangs, take possession of

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bus seats or jump into your taxi and clean you up. All the stories do not come to the newspapers nor do they get headlines, but these are facts of life. Some of the petty thieves, burglars, and muggers have been graduated to higher activities of arson, rape, murder and mass killings. Bashkhali incident is one of many.

Dhaka is fast becoming a city of day time dacoits. Chittagong, as we read in the newspapers, is also becoming a centre of criminals. Khulna, Sylhet you name any major city, the citizens there are no less terrorised. I can't tell much about the villages, but certainly the terrorists abound there too. People are maimed and murdered by the masts who have full control of the villages. The petty businessmen, the landholders pay them tolls on a regular basis. Bus terminals, launch ghats, and train terminals are run by gangs, they prey

on innocent passengers, and in these holidays many people can only go home at the mercy of the marauders. Even the airports are not safe. Our most foreign exchange earners, the labourers working day and night abroad, when come home and land at Dhaka airport, they are first harassed by officials of kinds, and once they get out of it they are surrounded by bunch of criminals. They are either mugged on the spot or huddled into predetermined taxis. Some of those most

lamentable stories came to light through the newspapers. Let me tell you of yet another harassment. A yellow taxi stopped at a garage with a Middle-East returnee passenger in Mohakhali as if the driver had some mechanical problem. The passenger had to take a scooter, and as soon as the passenger left, the taxi zoomed towards the airport again. It happened so fast that I could not intercept the taxi driver. In most airports of big cities, to save passengers from harassment, the airport authorities have their own pre-arranged taxicabs.

What is it, what's going on all over Bangladesh? Can we survive as a nation with such insecurity and inefficiency? I was telling many friends and family members: if things do not change by 2020 we shall be an example of another failed state. The 2020 is arbitrary, anyway, you can add to it any

one or more years, if things do not improve even then, we will simply be condemned as a nation. The first priority of a people's government is to give security, safety and sense of belonging to its citizens, and other things will follow.

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I had been once to the Nagar-Bhaban to enquire about a problem. It is a huge building and there is no enquiring office at the gate. There is no complaint box. Should I urge them to have at least a complaint box and give due attention to that. Third, the only recourse left to the people is the newspapers. But the government is most often than not feels uneasy with them. The best virtues of a democratic government to my mind are tolerance and truthfulness, and both are in short supply. What's the harm in enhancing them?

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ASGHAR ALI ENGINEER

THE question of women's rights in general and those of Muslim women in particular have remained at top of agenda in developing countries. Muslim women continue to face many problems in not only Muslim-majority countries but also in democratic secular countries like India and even in western countries where Muslim personal law cannot be practised. Their Islamic rights are also denied to them in the name of shari'ah law which is supposedly divine.

One reason for this is ignorance of Islam in general, and Qur'anic pronouncements in respect of women, in particular. There are two extremes among Muslim women: one, who accept Shari'ah pronouncements in respect of women totally and uncritically being totally unaware of circumstances in which the Muslim jurists made those pronouncements. Most of these women are either illiterate or educated in traditional Islamic sciences. Second category is of those women who are totally indifferent to religion and consider religion an impediment in realising women's rights.

Both these extremes do not help as far as average Muslim women are concerned who, ignorant or otherwise, take their religion seriously and also are struggling against traditional shari'ah pronouncements about women. These women are in overwhelming number and one has to help them realise their rights in the Muslim society. This can be done only through the medium of Islam and by re-examining the Shari'ah pronouncements in the light of Qur'an and its normative verses.

There is enough in the Qur'an favouring rights of women but these Qur'anic pronouncements have so far been ignored or interpreted in ways loaded against women. It is, therefore, necessary to critically examine the Shariah pronouncements in respect of women in the light of Qur'an as understood by modern Muslim women in a democratic set up. We should bear in mind that cultural mediation affects our understanding of scripture.

Thus two things are important in this respect: reading the Qur'an from women's perspective and secondly from democratic cultural perspective since medieval cultural perspective has seriously affected our understanding of the Qur'an. It is heartening that some Muslim women are making serious attempt in this direction. Some of them are organising seminars and discussions and re-reading the Qur'an from women's perspective and are invoking the doctrine of Ijtihad which is dynamic principle of Islam. Ijtihad has been sanctioned by no less a person than the Prophet (PBUH) himself. Thus Ijtihad is integral part of Islam and has played a very important role in the entire history of Islam. The corpus of Shari'ah

laws would not exist but for Ijtihad. It is unfortunate that after 11<sup>th</sup> century A.D. the 'ulama began to frown upon Ijtihad for various reasons.

I have before me a compilation called *For Ourselves -- Women Reading the Qur'an*. This is an important compilation by Women Living Under Muslim Laws. This is a serious attempt by believing Muslim women from various Muslim and non-Muslim countries to re-read the Qur'an and re-interpret it. It is also important to note that there are different translators of the Qur'an and translation, howsoever honest and liberal, does tend to be in interpretation and translator's ideological dispensation sneaks in. For example, a presenter in the seminar points out, "Among translators there is a range from ultra-conservative to ultra-liberal, and Abdullah Yusuf Ali is a liberal translator." There are translators whose translations almost indicate as if women are secondary to men. The word *qawwam* in the verse

still continue to play subordinate role in these countries as in authoritarian societies the jurists and theologians too tend to be authoritarian and totally lack democratic perspective.

Thus a great struggle is going on in the Muslim countries for rights of women. More and more women are getting educated and becoming aware of their rights, Islamic or otherwise, and demanding changes in law. Something will definitely emerge from this great churning. Women scholars like Fatima Merssini from Morocco, having both Islamic and modern secular education have also shown the way. She has pointed out in her work *The Veil and The Male Elite* how to understand Qur'an and Hadith literature. She has critically examined the Hadith literature which is one of the main sources of Shari'ah formulations.

It is of course, not easy to challenge traditional sources of Islamic jurisprudence. It would require not

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4:34 has been translated in a number of ways as ruler, manager, protector, supporter, in charge etc. you find 30 different translations.

In this key verse men have been described as *qawwamun* by the Qur'an and conservative translators translate as "men are rulers over women" and prove the superiority of men over women. However, liberal translators do not accept this translation and translate it as 'in-charge', or 'protectors' or 'managers' and so on. But even this carries a sense of superiority and others have translated it as those who run around to earn and nothing more. This reduces the degree of superiority and also they add that being *qawwam* is a function, not any biological superiority or inferiority and a woman can also be *qawwam*, if she earns and many women earn today in modern society and hence she also becomes *qawwam*.

Thus the Qur'anic text *per se* cannot be decisive but how it is understood by the jurist or theologian, is equally important and as pointed out before, cultural mediation plays an important role. The Qur'anic text cannot be understood in the same way today as it was understood centuries ago in feudal cultural ethos. Thus one great impediment in bringing about change even today is absence of democratic ethos in Muslim world. The women

only great Islamic scholarship but also sustained efforts in that direction. After all we have inherited a rich corpus of laws which have been integral part of Islamic practices for centuries. They carry weight of great learned 'ulama behind them. It is so difficult to disregard this juristic heritage.

But one need not despair. Much greater changes have taken place in the world in last two centuries. Until yesterday it was unthinkable that a Muslim woman can step out of four walls of her house and be active earning member of the family. But today it is an accepted practice even in countries like Saudi Arabia though with lot of restrictions. In other Muslim countries she can move freely, go out and earn and also hold important public positions. When Benazir Bhutto took over as Prime Minister of Pakistan many conservative 'ulama' objected quoting a hadith that if a woman becomes head of the state it would be a disaster for the country. Fatima Merssini effectively demolishes authenticity of this hadith in her scholarly work and the Muslim world also ultimately accepted women premiers in Pakistan and Bangladesh. In Bangladesh two women have been alternating as Prime Minister for last several years.

Despite the fact that there have been women Prime Ministers in

Bangladesh and Pakistan it does not mean that women in these two countries are not suffering. Quite to the contrary, the Pakistani and Bangladeshi societies are very complex in structure and Muslim women are suffering a great deal. In North West Frontier Province tribal customs and traditions are going very strong and honour killings are quite common. Women enjoy very inferior status in tribal areas. In Sindh too, there are practices like *karo kari* (local Sindh term for honour killing) and marriage with the Qur'an. The later practice is meant to prevent women from marrying outside family and thus keep the land within the family itself since a Muslim woman can inherit land also as per Islamic law of inheritance.

The mechanical interpretation of *huddud laws* (punishments for crimes like murder, theft and rape or adultery etc.) in respect of adultery and rape normally goes against women especially when she becomes pregnant or she goes to lodge complaint against man who raped her. This is taken as self-confession of illegitimate sexual intercourse and is arrested and jailed or even sentenced to death by stoning as it was the case of Amina Lawal in Nigeria.

The *huddud laws* also need to be properly interpreted in the light of the Qur'anic pronouncements and translators like Maulana Muhammad Ali, Abdullah Yusuf Ali, Muhammad Asad and others have tried to do that. Stoning to death is certainly not a Qur'anic punishment as there is no such verse in the Qur'an but is based on hadith literature and it is necessary to critically examine the entire hadith literature. Even Imam Bukhari whose collection of hadith is considered most authentic had rejected thousands of hadith while collecting them. Some of the ahadith that he accepted as authentic also are problematic and should be re-examined, in the light of the Qur'an.

We have to re-codify the Shari'ah laws pertaining to women on the basis of the liberal, modern interpretation of the Qur'an and some ahadith which are in conformity with the Qur'anic spirit. Such an approach, it is hoped, will be an instrument of struggle for women's rights for believing Muslim women. This requires a great deal of research in authentic Islamic sources. This would need great Islamic scholarship on the part of Muslim women activists in various countries, especially Pakistan, Malaysia and Indonesia and some Arab countries like Egypt, Jordan etc. They may have to face opposition from conservative Ulama but there is no other way.

I think this is the only way in the given situation. Rejecting religion altogether is not the way out nor total submission to what exists. A new way will have to be carved out by women themselves.

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## Performing Hajj: Experience of a pilgrim

GAZI A RAHMAN

IT came as a blessing for my family and me as this year I had the unique opportunity to perform Hajj. Opinion and expression always differ from man to man. So this is my humble gesture to provide some information to those who are preparing to perform Hajj next year. The first thing that a person needs to do is to collect information as much as possible and proceed with the sequences. One can apply through the government, may contact the approved Hajj or travelling agencies and may proceed with the local groups. We decided to go through an approved agency who claimed to have reasonable years of experience in this regard. It was a package deal for 25 days (same for 35 days as well) for Tk.125,000 each including air fare, Muallim fees, hotel, food, local transport and other charges but exclusive of Qurbani that one has to do. The room was meant for five persons, but we paid an extra amount of Tk. 10,000 each so that we were not to stay with other persons, thereby having some privacy among ourselves. We were told that our accommodation/hotel would be only 50 yards from the Holy Kaba (Herem Sharif). But to our utter dismay it was found to be about 300 yards away on a small hill-top. Although we were provided with a detail food menu including eggs etc for breakfast, we were provided only three to four days with eggs. Their menu for lunch and dinner included vegetables, but I don't happen to remember to have any such items.

The arrival at Jeddah airport was a mess having our luggage not being carried in that flight, but brought by a subsequent flight after one hour or so. We were told to wait till our bus was arranged through the Muallim or his agent who would complete the necessary formalities. All the passengers showed patience, a gesture that a would be Hajji is expected to respect. It took more than five hours to complete all the formalities and subsequently we were asked to march to the bus stand in a single line. The journey to Holy Mecca took about three hours. The first thing that we were expected to do in

Mecca was to perform Omra (Tawaaf and Saie) to be free from Ehrem at the earliest possible time and that we did satisfactorily. Saying special prayer near Makam-e Ibrahim and drinking water from Jamjam fountain are other rituals that I performed before Saie.

Because of the tight schedule of Hajj, we did not venture to perform Nafal Omrah as we tried to keep ourselves fit for the actual functions and rituals. During our short period of stay in Mecca, we performed Nafal Tawaaf and paid visit to some historic places. During the Nafal Tawaaf, I managed to touch the wall of the Kaba. I just can't express the feelings that I had. It was as if I had come so close to Allah to receive his blessings and I was shivering. However, because of heavy rush I could not touch Hajre Aswaad (black stone). It was extremely difficult to find any pocket to move during Tawaaf. On the eighth of Jilhajj we moved to Meena by bus. We were instructed to take minimum luggage to Meena as it was for a short period of stay and that we did. On the ninth of Jilhajj, early in the morning we moved to Arafat. At Arafat, one is expected to say Johar and Asar prayer at one time, if possible at Masjid Namera. Since my family members were not that eager to go to Masjid Namera, I took the liberty to join one group which was on the move. But the mistake I did was not having any map or address of the camp. Halfway to the mosque, our group disappeared and I found myself along with two other Bangladeshi Hajjis from a different camp. We managed to occupy some place just in front of the Masjid gate and completed our prayer.

Returning to camp alone seemed to be an adventure and I was nowhere to the camp. There were other Hajjis looking for their camps. Since I could not speak Arabic that was another hindrance in finding the proper direction. I walked for more than two hours to the most likely directions but in vain. So far so good, I calmed myself not to be panicked and determined to find the camp. I walked back to Masjid Namera. Recollecting my sense of direction to the camp, I started for the camp again but soon I discovered that I was in the wrong direction. At one telephone

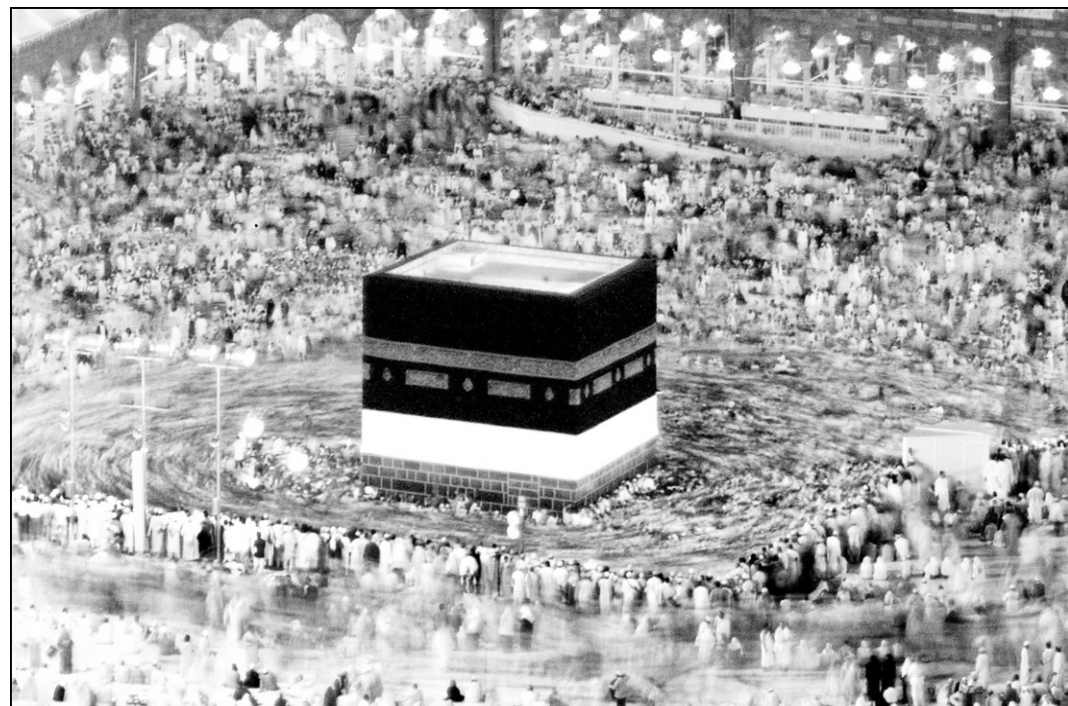
booth, I found a Bengali speaking young man residing in Saudi Arabia and explained my problem. I had the Muallim's telephone number on the badge and the Muallim was kind enough to inform that our camp was far off from where I was roaming about. One security/guide advised that I better go to Mujdalifah and don't worry about my family as they were in the camp and they would travel to Mujdalifah and obviously return to Meena the next day. By then it was getting dark, and few of the camps withdrawn. I found Hajjis saying special prayer. That was something unique to see millions of Hajjis standing and praying in groups here and there.

I spent the night at Mujdalifah under the open sky (it's the same for all) after saying my prayer. I also collected stones/pebbles for throwing at the Satans. Early in the morning of 10th Jilhajj, I started off to Meena with a Bangladeshi group but soon found myself alone as they had to go in a different direction for their camp. Fortunately, I found one Bangladeshi and asked him about the main road leading to Meena and Bangladesh Hajj office. Once I found the road, it was easy to reach our camp. I found some of my known Hajjis who told me not to worry about my family members as they had traveled to Mujdalifah together. So I waited for them to arrive by bus. But then there was heavy traffic jam and some Hajjis arrived on foot and said that because of the jam my family members were also coming on foot. It was almost midday, so I left a message for them and went to throw stone at the Large Satan (Jamratul Kubra) along with other Hajjis. It was not an easy task. There were millions of Hajjis flocking towards the Large Satan and with difficulties I managed to complete the ritual. There were some unfortunate incident resulting in casualties including that of security members. The most critical area appeared to be just within the radius of 3m to 5m of throw area. When I returned to the camp, I found my family members waiting anxiously for me. Unfortunately, there was a sad incident, as there happened to be a

stampede. They said that they were very tired and upset about the whole incident and requested me to throw stones at the Large Satan on their behalf.

For the next two days a person has to perform certain rituals which are obligatory to complete Hajj. These are: throw stones at the small, medium and the large Satan (these are symbolic stone structures/pillars representing the three Satans who misled Bibi Hazera, wife of Hazrat Ibrahim (peace be upon him). On the tenth of Jilhajj, we had to arrange for Qurbani and Dom (a secondary Qurbani to compensate for any error/wrong done during the Hajj). One can do this Qurbani through the approved bank, the agency itself and it is even possible to arrange this sacrifice through friends or relatives living in Mecca or nearby. We arranged for our Qurbani through the agency. It was necessary that I shaved off my hair after Qurbani and cut off my wife's hair partly. It was only at this stage that we were free from our Ehrem. The next morning on the 11th of Jilhajj, we went to Mecca and Herem Sharif to complete our Tawaaf-e-Ibada. Because of the rush as thousands of Hajjis had to perform this in a short span of time, we had to perform our Tawaaf on the first floor. It took about five hours to complete the Tawaaf and Saie. Indeed it was tiresome but fortunately we were able to complete. As it is obligatory to return to Meena to spend the night, we returned to Meena in the evening. We hired a microbus along with other Hajjis but unfortunately the driver did not know the exact route and asked us to walk about 700m to reach the Small Satan as that is the starting point. So far so good, we managed to throw stones at the Small, Medium and the Large Satan and return to our camp in Meena.

On the 12th of Jilhajj we repeated the same rituals of throwing stones at the Small, Medium and the Large Satan consecutively and returned to Mecca later in the evening with our group. This trip to Mecca was a chaos. Moreover, we were informed that there was shortage of buses and hence about two hundred Hajjis had to travel in two buses only. It was fully overloaded. Although there was not that traffic jam,



the driver appeared to be an outsider who could not identify the route to Herem Sharif. He circled around outskirts of Mecca within the vicinity of Herem Sharif. For about two hours he circled the same route and the Hajjis started losing patience. At last, he was forced to stop at certain point and we managed to find the route to Herem Sharif. This is the service you may expect from your agency, even though the responsibility of arranging all local transports lies with the Muallim and or his representatives.

Our next agenda was the trip to Medina for a period of eight days to complete 40 Waqts of prayer, although it is not obligatory to Hajj but it is imperative that all Hajjis do so. Masjid-e-Nabbi where we said our prayer is of significant architectural beauty. While in Medina, we paid visit to some historic places such as Masjid-e-Kuba, Masjid-e-Alkubatin, battle field of Uhud etc.

The package was such that we had to travel to Jeddah directly from Medina to take our return flight. On the morn-

ing of 23 Jilhajj, we were off to Jeddah. Here again the agency/Muallim was not able to organise the trip properly. The loading started about 6.30 in the morning and it took about two hours to complete the loading. We had to wait for another bus to follow ours. By the time we were out of Medina it was about 11 am. The trip to Jeddah airport took about six hours and this time the driver was a newcomer too. By mistake we were taken to the normal departure lounge in lieu of Air Saudia terminal and once again we were circling around the airport to find the terminal. It took another two hours to find the terminal as it turned out that the Syrian driver could not speak Arabic properly. Some of our fellow Hajjis directed him and we reached at the terminal. Once at the terminal, it was time for check in. In the mean time we were informed that, part of our unused bus fare could be refunded at the airport counter so arranged for. But due to slow work and perhaps due to language problem, I was in the queue for more than two hours without any luck. The return

flight was satisfactory and we safely made it to our home the next morning.

A few points here for those intending to perform Hajj this year. First, find about your travel/Hajj agency from your friends or relatives if you intend not to go through government Hajj Management Committee. Services provided by the government committee are in no way any better than the others. Since all the agencies offer you whatever you may ask for, make sure that they provide you proper services and assistance.

Try to obtain proper address, map and camp number before you decide to go to Masjid Nameera at Arafat. Always stick to your group. Obtain two to three mobile phone numbers of other Hajjis you are travelling with. Most likely that you will find some Hajjis having the phones.

I can't think of any means to improve the situation at the three Satans (Zamrats). *Verily Allah is the most gracious, the most benevolent and saviour of all.*

A few tips for our Hajj Management

Committee: Would it be possible to arrange one or more talk show through the BT? This discussion could explain the procedures and formalities that the Hajjis are expected to perform. The members of this group could be from those who have performed Hajj and representatives from the agencies as well.

No wonder, the coordination and administration of such a gigantic task of managing Hajj performance of millions of Muslims by the Saudi Hajj Authority deserves extra thanks. However, the following points may be noted for further improvement:

- + Try to shorten the waiting time on arrival at the Jeddah airport by ensuring that Muallim or his representative is present for arranging the transport to Mecca. This should not take more than two to three hours.

- + Maintain toilet facilities proper and clean at the airport. In addition, the toilet facilities in Meena being flexible should be supported with hooks instead of being littered on the floor.

- + The temporary drivers engaged during the Hajj period should be thoroughly briefed about the direction and locations of places to be traveled.

- + Engage trained volunteers, if possible non Arab English speaking to assist the Hajjis, specially etc in Arafat. Put up sign boards, maps etc in sufficient numbers for the Hajjis to find their way to the camp if they are

- + During the last span of years the authorities have improved the conditions and facilities for the comfort and ease of Hajjis. In this connection, would it be too much to expect that the authorities consider introducing high velocity train (HVT) between Mecca, Meena, Arafat and Mujdalifah'. This could be a circular train line not exceeding 60 km. That way it would save and reduce travel time significantly, reduce traffic jam and reduce accidents that are not desirable. As a result the Hajjis would be able to devote more time to prayer and other activities/rituals that they are expected to perform.