

How divine are Shariah laws?

The major concern of people critical of Shariah law is that it is extremely anti-women and subject to uncontrolled interpretation and evolution. There is virtually no formal certification process to designate someone as being qualified to interpret Islamic law. As it stands today, almost anyone can make rulings as long as they have the appearance of piety and a group of followers.

MOZAMMEL H. KHAN writes from Toronto

ON September 11, 2005, the Premier of Ontario, Canada's largest province, emphatically declared: "Ontario will reject the use of Shariah law and will move to prohibit all religious-based tribunals to settle family disputes such as divorce." Sharia Court in Toronto, Canada, was the first legal one in Western soil because of political Islam's global ploy that the West was unaware of. His announcement came after hundreds of demonstrators around the world protested a proposal to let Ontario residents use Islamic law for settling family disputes.

In fact, the fight between the proponents and opponents of the introduction of Shariah law in Ontario, Canada, has been going on since 2003 when a group of Islamic clerics led by a Pakistani-born lawyer who set up a so-called "Darul Kade" (House of Justice) in Ontario and subsequently appealed to the Ontario government to give Darul Kade the arbitration power to settle the disputed among the Muslims. The word Shariah means "the path to a

watering hole." To its proponents it denotes an Islamic way of life.

It is indeed a matter of great pride for the secularist Bangladeshi Muslims that the theological fight against the introduction of Shariah law was largely led by the Muslim Canadian Congress with its Director of Sharia Law, a Bangladesh born scholar, who conducted extensive research to portray, to the Muslims and non-Muslims alike, around the globe that very little of what is termed as Shariah is divine order. The name of this humble man is Hasan Mahmud who resides in the outskirts of Toronto.

Hasan Mahmud participated in scores of global TV and radio debates and international conferences, the most recent of which was conducted over the phones by the Voice of America on January 18 against Jamaat-e-Islami's Assistant Secretary General Mr. Kamruzzaman, scoring important points over his opponents who are bent on introducing Shariah law, in any society they rule or reside.

His numerous citations from the authentic documents transcribed by learned Islamic theologians from across the globe

have dispelled many of the myths of Shariah and have, in fact, glorified the great religion, where the Holy Qur'an is believed to reign over any other directives or declarations. A few very common and detrimental anomalies, as cited by Hasan Mahmud through his tenacious research on the Shariah law which most of the common people fallaciously perceive as directives from the Qur'an, in the Shariah law as compiled by the Bangladesh Islamic Foundation under the title Bidhiddha Islami Ain (BIA, Islamic laws) could be summarized as follows:

The Shariah laws clearly do not place men and women on level ground in seeking justice, acting as witness, in inheritance and divorce. According to BIA, a husband can instantly divorce his wife where witness is not a prerequisite.

On the contrary, the Qur'an in Sura Baqarah in Verses 228-229 and Sura Talaq Verses 1-2, clearly states: "When ye do divorce women, divorce them at their prescribed period and count (accurately) their prescribed period (that delays finality of divorce for at least two months) and take for witnesses two persons from among you."

Likewise, Article 576, Volume 2 of BIA cites: "Women's witness is not acceptable in hudud (killing, robbery, adultery, etc) and kisas (eye for an eye, etc) cases." This is in direct violation of verse 283 of Sura Baqarah where it is affirmed: "conceal not evidences, for whoever conceals it, his heart is tainted."

Regarding dispensing justice for killing of human beings, BIA in its Article 56, Volume 1, attests: "If a muslim kills a non-muslim and non-muslim kills a muslim, in either case, the killer must be given the capital punishment." However, Articles 914c and 64 of the third volume of BIA claims: "If the head of state kills anyone or if anyone kills his son, daughter or grandchildren, then the killers must not be given the capital punishment."

On the other hand, the Penal Law of Islam on page 149 declares: "In an Islamic state, no muslim should be given capital punishment for killing a non-muslim." Bokhari in Hadith 283 of Volume 4 supports the above dictum when it says: "A muslim must not be given capital punishment for killing a non-believer."



In contrast, the Qur'an is very explicit in its declaration in Verse 33 of Sura Bani Israel where it was revealed: "Nor take life -- which God has made sacred -- except for just cause" and Verse 178 of Sura Baqarah which states: "The law of equality is prescribed to you in case of murder." No exception has been granted in the Qur'an so far as the punishment for taking an innocent human life is concerned.

One very despicable phenomenon that is mostly prevalent in Bangladesh that a few clerics very often declare a muslim as murtad (someone who has renounced his faith) citing the violation of specific Shariah law by the victim and promulgate a unilateral death sentence to him. It is obvious that a person himself can only renounce his own faith. It is like committing suicide. No one from outside can shoulder that responsibility.

The Qur'an in this case clearly indicated in Sura Nisaa, Verse 94: "And say not to any one who offers you a salutation: thou art none of a believer!" Verse 137 of Sura Nisaa went further by declaring: "Surely those who believe then reject faith, then believe again and again reject faith, and go on increasing in unbelief, God will not forgive them nor guide them." This verse clearly directs the believer neither to proclaim any one murtad nor to take the law in one's own hand to deal with the so-called murtad.

The Qur'an is one out of at least ten sources of Shariah law and it deals with only a very little segment of it. However, the Qur'an itself in Verse 9 of Sura Hijr describes itself as a "book of advice," and as such, each verse of it may not be deemed to be a directive.

Hanafi books alone contain more than six thousand laws. The laws illustrated by five madhabs (school of thoughts) are numerous and in many cases they contradict each other. The existence of different school of thoughts itself amplifies that there are hardly any universality in them. In fact, Shariah law has, in many instances, tarnished the universalism of the Qur'an by indulging itself in contradictory interpretations.

Moreover, Sura Ghashiyya's verses 21, 22 of the Qur'an revealed, indicating to Prophet (SM): "Therefore do thou give admonition, for thou art one to admonish. Thou art not one to manage affairs." The similar messages were delivered twenty eight times in the Qur'an where it was revealed: "I sent messengers only to convey my messages of fear (to those who reject truth) and good news to the mankind."

For these reasons, probably, none of the preachers of Islam ever applied Shariah law and the four Jurist Imams never called their legal opinions "God's Law."

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[Hasan Mahmud's Bangla website: BanglarIslam.com is a great source of most authentic Islamic documents about Sharia.]

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Painting a miniature on two inches of ivory

TALKING BOOKS

I have no compunction about admitting that we all need a little romance and fantasy in our lives and a story set in far off England, hundreds of years ago, reaches out to captivate us in the delightful persons of an Elizabeth or an Elinor. I also delight in the happy endings that make fiction a form of escapism for many readers. As Emma Thompson found out, the anticipation of Hugh Grant gazing into one's eyes and pledging eternal fidelity is enough to capture the flintiest feminine heart or, as in my case, make it a treat to curl up on a sofa and spend a delightful evening with a book!

YASMEEN MURSHED

WRITING is such a difficult pursuit -- thoughts which sound scintillating and brilliant while gazing into the mirror as I brush my teeth, dwindle to the prosaic, even ludicrous, and words that appear sonorous and riveting, when engaging in mental composition to while away the boredom of a traffic jam, become derivative and banal when set into type. A great deal of perseverance is required to write and rewrite and rewrite yet again and polish a piece until it is able to stand on its own and see life in print.

I say this because when I was writing my last column I had mentioned Jane Austen in passing, thinking that she would be the subject of my next column. However, when I sat down to write about her I found that everything to be said about her had already

been said -- and by much better writers than I. What could I say that would not be derivative and boring? Indeed what can one say about a woman living and writing in a small provincial town in England two hundred years ago whose reputation for being one of the "greats" rests merely on six slim novels and a few other minor works. Slim and slight the novels are, especially compared to the voluminous output of others -- think Tom Jones, think A Suitable Boy -- but what a world they contain!

That world may no longer have any relevance to ours as some young people complain when they find one of these novels given to them as recommended reading for a college or school course. This is mainly because History and Literature courses today have a wider, more global base so young people know less about the different eras of British History than we

do. When I was growing up I was so steeped in British Literature and History that reading Austen did not require any supplementary background or knowledge of the period.

The Austen and Bronte novels had mesmerizing appeal and Pride and Prejudice became a beloved book all through my teens. I was soon to reread these novels as a part of an undergraduate and post graduate English Literature course and I began to enjoy them even more. Maturity had lent an appreciation of Austen's wry wit, the strong sense of irony and "the measured sardonic eye" which was tempered with a gentleness and understanding of the foibles of aristocratic disaffection and the pretensions of the nouveau riche.

It is thanks to the BBC and film makers around the world that the younger generations have come into contact with Austen outside the boredom of academic require-

ments. There have been excellent television and film versions of the novels and other stories have been derived from them. Helen Fielding's Bridget Jones' Diary was a modern day retelling of Pride and Prejudice and brought the characters of the earlier story to life for us in a book as well as a film. Colin Firth as the new Fitzwilliam Darcy convinced many a trendy young lady to get to know the real Darcy!

In fact even British filmmaker Gurinder Chadda took up the challenge and made a commercial Hindi film version which she called Bride and Prejudice but which unfortunately did not do as well as expected.

The fact is that Austen's world was an extremely restricted one and one needed to understand the era and its social milieu to be able to appreciate it fully. Austen's famous quote about "painting a miniature on two inches of ivory" sums it up perfectly. She wrote only

about the people she knew well, minor landed gentry, country clergymen and their families living in the rural areas and small towns of England. Her stories were dominated by social events, boy-meets-girl situations and the prime focus was always marriage because it was Regency England that she was writing about and society dictated that it was her married state, or lack of it, which determined a woman's social status. Yet, despite the limitations which restricted Austen's scope to family matters and personal relationships, those events "on which the daily happiness of private life depends," ignoring political and historical events almost completely, her wit and observant narrative touch has been of inexhaustible delight to her readers.

Her great gift was characterization and she gave immortality to many of the people she wrote about so that her men and women walked out of the pages of her novels into our lives. Take the relationship between Mr. and Mrs. Bennet in Pride and Prejudice, for instance. If one could find their backstory one would no doubt discover a grave, bookish young man who values intellect above all else but is nevertheless attracted to a vivacious flibbertigibbet because of her physical attributes. The couple grow in different directions over the years, one into reflective scholarship and an acerbic wit, the

other into a preoccupation with maternal and materialistic ambition. When we meet them, the relationship is one of indifference even ridicule on the one part and incomprehension on the other. Do we not see examples of relationships among our own married acquaintances today which almost exactly mirror these circumstances? The difference is only that the older generations accepted and bore their personal differences and disappointments through years of sadness and pain, while today so many couples prefer to end the relationship because divorce no longer carries social stigma or criticism.

Another example is the opening of Pride and Prejudice: "It is a truth universally acknowledged, that a single man in possession of a good fortune, must be in want of a wife." It appears to be quaint and outmoded in the modern context when the institution of marriage and the appearance of "true love" have seen such radical change. But is that really so? If we think about real life situations we will find that no matter how much modern fashion puts "love" above all and emphasizes freedom of choice, meetings of minds, "chemistry" and all the other catch phrases about the relationship between men and women, the reality of economic eligibility, that Austen expresses so succinctly, holds true in the majority

of cases, particularly in South Asia even today.

In the succeeding centuries, the genre of "romance" novels developed under less able writers who followed Austen and the Brontes. In the later part of the twentieth century, there have been writers such as Georgette Heyer, Jean Plaidy, Winston Graham, and Bernard Cornwell, to name just a few, but their redeeming feature is that their romances are set in fairly authentic historical backgrounds. The other modern writers such as Barbara Cartland, and even more derivative and formulaic imitators, have taken the genre into pulp fiction because the emphasis is on story alone and the physical descriptions and passionate encounters which colour each page in lurid hues.

Austen counts as a "great" because her work has a much more serious aspect of social and familial insight and it reveals in its own wry and witty fashion her deep understanding of human relationships -- that alone is testimony to her enormous talent. Virginia Woolf wrote that Jane Austen was "the most perfect artist among women" and Sir Walter Scott, who was another great admirer, wrote "[Miss Austen] had a talent for describing the involvements and feelings and characters of ordinary life which is to me the most wonderful I have ever met with."

There are her detractors, of

course, particularly feminists who claim that her work "confirms, rather than transforms, a woman's lot." The romantic ending in which "love conquers all" is frowned upon by some modern women as a fairy tale that is futile and diminishing for women. How shocking, they say, that so many of us still enjoy these novels when the ideal woman is independent, has a career, and wants a man but doesn't need him! Yet, Jane Austen endures even today and the number of new readers as well as those of us who reread her novels for pleasure, every so often, would run into the thousands if not the millions.

I have no compunction about admitting that we all need a little romance and fantasy in our lives and a story set in far off England, hundreds of years ago, reaches out to captivate us in the delightful persons of an Elizabeth or an Elinor. I also delight in the happy endings that make fiction a form of escapism for many readers. As Emma Thompson found out, the anticipation of Hugh Grant gazing into one's eyes and pledging eternal fidelity is enough to capture the flintiest feminine heart or, as in my case, make it a treat to curl up on a sofa and spend a delightful evening with a book!

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The design seems clear

The picture of the Jamaat-BNP government's design to manipulate the coming parliamentary polls appears clear. Still clearer is the need of the hour for all the opposition parties to join hands and take the people with them to usher in a mass upsurge to devastate any election engineering blueprint and regain people's right to vote freely, ensuring that election results truly reflect the wishes of the people.

AR SHAMSUL ISLAM

THE Jamaat-BNP government has inducted into the Election Commission (EC) two new Election Commissioners of proven allegiance to the BNP in the name of injecting workability to the EC, sharply divided between the two ECs on one side and the CEC on the other. The two newly introduced ECs will certainly give the CEC the needed majority of the EC and allegedly guarantee fulfillment of his desires that unfortunately often run opposite to the people's rights and privileges.

One new member is SM Zakaria who held the post of EC secretary till the morning of the day of decla-

ration of his new assignment. The media has perhaps rightly characterised him as an "election engineering expert." There is many a story of his game of clique, coercion, and conspiracy in and out of the EC secretariat. The other is retired Justice Mahfuzur Rahman who once hit the media headline for recovery of arms from inside his residence and arrest of his brother-in-law, a BNP local leader, by the Rab.

Curiously enough, their file of appointment to the new post moved in a very secretive manner till the last moment. And when they first burst into the EC office in the late hour of the day, donning their new prestigious assignment, they were not shy about splashing

emphatic display of their partisan character by words and gesture. Interestingly, they skipped over the age-old courtesy of meeting the two senior ECs present in the adjacent chambers. Before the media, they castigated their senior colleagues as irresponsible and ignorant, harming the dignity of the office. Justice Mahfuzur Rahman sneered that the judgement passed by the High Court Bench on the issue of voter list was unconstitutional, self contradictory, and beyond their jurisdiction. Doesn't it invite "suo moto"?

When the opposition political parties were clamouring for appointment, after the departure of the former CEC MA Saeed, of the new CEC on the basis of a consen-

sus among the political parties, the coalition government all of a sudden appointed Justice MA Aziz as CEC on its own, brushing aside the sentiments of other political parties. The newly appointed CEC Aziz began to work in partisan manner. Barring one or two prominent political parties, he conducted dialogues mostly with nameplate-letterhead-dependent political parties that totaled several scores. Regarding non-participation of the main opposition AL, he boastfully commented that it would not matter.

The CEC Justice Aziz, without consulting the existing two ECs, Munsif Ali and Mohammad Ali, started preparing fresh voter list throughout the country from

January 1, 2006 in a very questionable manner by engaging enumerators, fieldmen of dubious character including ruling parties cadres. Upon two writs filed by the AL leaders, the High Court Bench on January 4 passed a judgement asking for updating of voter list and taking decision in meeting of the EC.

The CEC Aziz got into a fix as the other two ECs Munsif Ali and Mohammad Ali agreed to obey HC order. He went sick and remained inaccessible to ECs and pressmen. But the present coalition government is never to be deterred by these snags. On recommendation of the CEC Aziz, the government appointed two new ECs, Zakaria and Mahfuzur Rahman, to tide over the difficulties.

The whole nation wants a neutral, strong, independent EC. They are clamouring for effecting reforms in the structure and laws of the EC so as to make it free and independent from the influence of the Prime Minister's secretariat, placing the EC secretariat fully at the control and command of the EC having its own budget with power to allocate and expend funds for various activities of the EC.

But the coalition government is adamant to control the EC and make it move at government's needs and wishes. Because this government is all the more desperate to win the coming national polls of 2006-07 by any means and not let the opposition come to power anyway.

The recently held parliamentary by-election and several municipal elections might have given severe jolts to the Jamaat-BNP leadership. The coalition nominee lost in the parliamentary by-election and in only two municipal polls their

candidates were returned. These were a rude reminder of government's acceptability to the people. Is it any indication of silent ballot revolt?

It seems, for the national polls of 2006-07 to be in its favour, the Jamaat-BNP government has almost completed its manipulation devices. The age of retirement of the judges of the highest judiciary has been enhanced from 65 to 67 to put a hand-picked nominee of the BNP as the chief of the coming caretaker government. The police authorities have already been made completely docile by reckless practice of fixing seniority, promotion, posting, service extension, etc on one hand and by punishing all those they consider disobedient or recalcitrant incumbents with dismissal, forced retirement, denying seniority, promotion, cramming as OSDs, etc on the other. In the same sinister spirit, the EC, the most vital instrument of election administration, is now yoked to be loyal and obedient.

The prospect of progress of democracy in Bangladesh is made bleaker. Democracy has two legs -- the government and the opposition. It flourishes on the active participation of the government and the opposition. But the leaders of our main political parties are guided by a perverted psyche -- the winner takes it all. So they are led to a path of confrontation. The ruling BNP suffers from an inordinate greed of power and excessive fear of losing it. President Ziaur Rahman founded the BNP and a party born in power always entertains a doubt as to whether it could show its political mettle and temperament when out of power.

True, Begum Khaleda Zia proved

her class as the most uncompromising opposition leader in the movements to topple the dictator Ershad. This might have silently paid her in rather unexpected rise to power in 1991. Unfortunately when she lost power in 1996, that quality of her seemed somehow amiss.

More unfortunate is that the AL, that was born half a century before amidst untold political repressions and tyranny at the hand of the then brute West Pakistani rulers, has also proved itself to be lacking in political wisdom, tact, and tolerance to serve democracy. People are mortified to find many of the AL leaders no less self-seeking, corrupt, or dictatorial. However the AL has the plus point that it did not provide state patronage to religious militancy which brand, if it ever comes to power, will outright dig the grave of democracy.

The coalition government has taken all practical measures, most blatantly to politicise the EC. The opposition political parties' persistent demands for reforms in the structure of and laws governing the caretaker government and the EC, consensus appointment of CEC and EC have been rebuffed by the government with a big "no."

No hartals, street demonstration, human chain, meetings, seminars, threats of deadlines, trump-cards, boycotting elections, donors' pressure for good governance, etc could deter the government from going ahead with its mission of capturing national polls of 2006-07.

Apparently, the Jamaat-BNP have their own cadres, politicised administration, politicised police, politicised EC, Rab, Army, etc to fight out any eventuality that may

stand in their way of victory in the parliamentary election likely to be held in January next year. Is there any answer to this defiant, diabolical election engineering blueprint? Yes, it is the rise of the people that can foil any evil design and establish people's wishes in the coming national polls of 2006-07. The people proved it time and again.

At the back of every movement there remain political leaders, philosophers who inspire the people with the cause of the movement, and guide them to victory undaunted by odds. This is where our masses are badly deprived of. Self-seeking, greedy, dishonest, corrupt persons cannot rise to that level of leadership. The present government has offered many issues like price spiral of commodities, corruption in their ranks, deterioration in law and order, violence, bomb blasts, religious militancy, etc but the opposition could not capitalise on them. Only men of honesty, integrity, political wisdom and vision from the opposition parties can fill in the void in leadership and take the people with them to destroy any sinister design to hijack results of the polls of 2006-07.

The picture of the Jamaat-BNP government's design to manipulate the coming parliamentary polls appears clear. Still clearer is the need of the hour for all the opposition parties to join hands and take the people with them to usher in a mass upsurge to devastate any election engineering blueprint and regain people's right to vote freely, ensuring that election results truly reflect the wishes of the people.

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