

## Book Review

# More Than Skin Deep

*A fascinating book on women, Islam and fatwa sets cat among the pigeons*

By Ziaul Karim

WRITING about fatwa and Islamic fundamentalism is a lucrative endeavour for scholars as the West's fascination with Islam, it seems, is insatiable. Edward Said has given a convincing picture in his seminal work 'Orientalism' of how the Orient has been constructed through west's intellectual practice with the prime goal to rule it in every possible sense of the term.

Orient, Said has shown, is more of a construct of the west rather than Occident's own reflection of

itself. We basically look at ourselves through the spectacle provided by the west, which has picked up the animosity with Islam since the Crusades. Naturally west is much more interested in projecting Muslims as mindless fanatics who live culturally in a dark age and for whom intellectual enlightenment never occurred and sniffs a Muslim connection in every act of terrorism and violence as if Muslims are fundamentally barbarians.

West's glorious victory of sanity against insanity in recent history is Iraq; and we all know how western media portrayed the mythical demon of the underworld in Saddam



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Hossain (I'm not a supporter of Saddam).

Even when a brilliant mind like V.S. Naipaul writes about the Muslims in 'Beyond Belief' in a fashion that west loves to hear from a third world writer. Said has rightly labelled the book as an 'intellectual catastrophe.'

There is always a danger lurking about writing on Islam and a writer might slip into west's trap of showing Islam as a religion that fuels all sorts of fanaticism.

In recent years west seems more interested in looking behind purda. The inside stories of Muslim women are getting scholarly interest in

western academia. Against this backdrop Taj I. Hashmi's book 'Women and Islam in Bangladesh: Beyond Subjection and Tyranny' is published from one of west's prestigious imprints Macmillan.

Dispassionate scholars might look for the western biases within the covers of the book and if they do they would be highly rewarded for the solid research work which forms the backbone of the book, plus the open eye with which the author has examined his sources and materials before making any assessment and before putting forward any generalised view. His approach is historical

when he wants to deal with the issues that could have been otherwise slipped into emotional latitudes of arguments, and fortunate for the readers that it is hardly been the case with Taj Hashmi.

He argues that women have always been under male domination in all societies ever since the days of Socrates and that is not something particular to Islam or Muslim societies. The book is a brilliant blend of theory and facts. Taj Hashmi in one hand provides the facts of how women in urban and rural Bangladesh are persecuted at the behest of the self-proclaimed custodians of

Islam or mullahs and on the other hand tries to comprehend the status of women by impassioned analysis of the Quran and that is where the importance of the book lies. Here we get facts and theory, belief and practice through the analytical eye of a scholar.

Finally, Taj Hashmi points his finger to a chemistry of 'mass literacy and mutual understanding between the custodians of Islam and human rights activists and feminists' for Bangladeshi women to achieve equal rights and opportunities in society. A simple chemistry maybe, but we feel visionary.

# Women and Islam in Bangladesh: Beyond Subjection and Tyranny

An extract

By Taj I. Hashmi

WOMEN along with slaves and other under-privileged groups of Makka were among the first converts to Islam. In fact, Khadija, Muhammad's first and only wife till her death at 65, was the first convert to the new faith. She also wholeheartedly supported her husband in establishing the religion, which 'in a surprisingly contemporary manner' concerned itself with women's rights.<sup>35</sup> The rights accorded to women by Islam included the right to receive education, to earn and manage their income, to inherit property and rights in matters relating to marriage, divorce and maintenance. With the ascendancy of Islam to political power, with the Prophet's assumption of the new role as the head of the polity or ummah, composed of Muslims and mostly Jews and other non-Muslims in Madina in 622, gradually many pre-Islamic cruel practices, including (female) infanticide, were abolished. However, many other vices, such as slavery, prostitution, concubinage and temporary marriage (muta) were still in vogue both among Muslim and non-Muslim members of the ummah in Madina.

Since the ascendancy of Islam to political power did not signal the beginning of a social revolution, one may assume that the Prophet did not believe in taking revolutionary steps so that powerful elders were not alienated from the polity in the nascent state of Madina. Consequently many vices and immoral practices, including slavery, concubinage, prostitution and male supremacy remained unscathed. However, owing to the transformation of the polity (which was republican and egalitarian by nature) into a monarchy with all the paraphernalia of authoritarian, dynastic rule, with well-entrenched feudalism as the main mode of production, in the post-Madina period of the Khilafat from 661 onwards, the overall

position of women further deteriorated. Henceforth, not only were the Quranic verses, according to better rights and status to women, were interpreted in a way which ruled elites and jurists also started relying more on hadis. Muslim jurists and philosophers during the Umayyad and Abbasid periods (661-1258), with their patriarchal interpretations of the Quran and reliance on scores of spurious hadises, struck the last nail into the coffin of women's rights. The collective efforts of the ruling classes, jurists and philosophers to deprive women from their due did not look odd during the medieval and early modern periods as women's rights and status in non-Muslim societies were not much different, if not worse, from the situation prevailing in the Muslim world.

An elucidation of the Quranic injunctions with regard to women's rights and status in juxtaposition to those of the hadis literature and Islamic jurisprudence is useful for a proper understanding of the inherent contradictions and dialectic in Islam vis-a-vis the position of women. Quranic verses affirm that there is absolutely no difference between men and women with regard to their relationship to God and that God has addressed both men and women assuring them similar rewards and punishment for good and bad conducts respectively. The following verses substantiate this:

For Muslim men and women, for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who fast, for men and women who guard their chastity, and for men and women who engage much in Allah's praise, for them has Allah prepared forgiveness and great reward. [33:35]

Emphasizing equal rights for men and women the Quran declares: 'And for women are rights

over men similar to those of men over women' [2:228]. The Quran admonishes men who expropriate and oppress women:

O you who believe! You are forbidden to inherit women against their will. Nor should you treat them with harshness, that you may take away part of the dowry you have given them, except when they have become guilty of open lewdness. [4:19]

The equality of the sexes is further highlighted in the following verses:

O mankind! Revere your Guardian-Lord, who created you from a single soul. From that soul He created its mate, and through them He bestowed the earth with countless men and women. [4:1]

Some Muslim scholars point out that the term, 'the single soul' (nafs in Arabic) is a feminine noun and hence they believe it is man who was 'created from the rib of woman.' They denounce the well-known hadis which suggests that he first woman, Eve (Hawwa in Arabic), was created from the left rib of Adam as this view goes against the very text of the Quran.<sup>36</sup> It is interesting that while nafs or 'the single soul' is a feminine noun, the partner or spouse (zawj) created from the same soul is a masculine noun.

There are, however, Quranic verses which may be cited to justify male supremacy from the Islamic point of view. Both traditional ulama and ordinary Muslims cite these verses to justify the subjection of women. The ambiguity of some of these verses and their androcentric interpretations by Muslim scholars who are not enlightened enough to understand the Quranic text with regard to relationships between the sexes, have further made the issue very problematic.

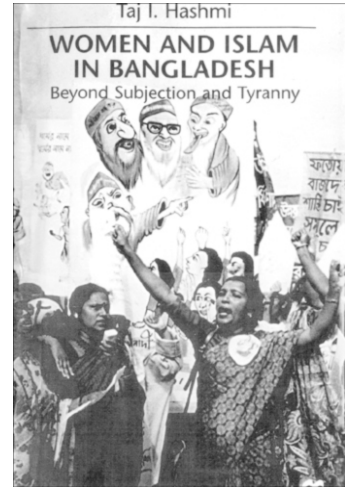
The Sharia, which is the basis of all androcentric arguments, is again based on the Quran as well as on the hadises or traditions and sayings of the Prophet of Islam and the opinions of the fuqaha (jurists). Both the hadis literature and the major

schools of thought is Islam developed during the early Abbasid period, in the ninth and tenth centuries. Although both the hadis literature and the various Sunni and Shiite schools of thought (mazhabs) lack universal acceptance among Muslim theologians: the bulk of the present-day ulama are not prepared to accept that medieval Muslim jurists imams and mujtahids were either influenced by different influences of their times' or they lacked the foresight and vision of modern scholars as their problems were different from those of their modern counterparts.<sup>37</sup> Their unwillingness to accept that the Sharia law also incorporated human opinion is a stumbling-block in the way of rational thinking.

One has to understand the context in which particular Quranic verses were revealed, particularly the pragmatism and exclusive applicability inherent in these verses. Ironically, however, both the dogmatic, close-minded ulama, who assiduously defend what they understand as Islam, and the critics of Islam, often cite the same Quranic verses and hadises in support of their mutually contradicting arguments on the subjection of women under the Sharia law. The following Quranic verses may be conveniently cited by both the defenders and critics of Islam:

Men are the maintainers of women, with what Allah has made some of them to excel others and with what they spend out of their wealth. So the good women are obedient, guarding the un-seen as Allah has guarded. And as to those on whose part you fear desertion, admonish them, and leave them alone in the beds and chastise them. So if they obey you, seek not a way against them. Surely Allah is ever exalted Great. (4:34)

It is noteworthy that different scholars, both Muslim and others, have translated and interpreted the above verses in different ways. To some scholars, men have been simply 'classified by the Quran as 'protectors,' 'maintainers' of women,



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By Taj I. Hashmi

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not as their masters or over-lords.<sup>38</sup> Ahmed Ali's translation of the Quran, along with his interpretations of some of the Quranic verses, are quite radical and thoroughgoing. His translation of verse 4:34, from Surah An-Nisa (the Women), gives us altogether a different meaning and substance of the text. According to this version:

Men are the support of women as God gives some more means than others, and because they spend of their wealth (to provide for them). So women who are virtuous are obedient to God [According to Ahmed Ali "Qawwam... does not mean lord or master, but provider of food and necessities of life, and through its form qaim, to take care of; and qanit only means devoted or obedient to God, as in 2:116, 16:120, 33:35 etc.] and guard the hidden as God has guarded it. As for women you feel averse, talk to them suavely; then leave them alone in bed (without molesting them) and

go to bed with them (when they are willing). If they open out to you, do not seek an excuse for blaming them. Surely God is sublime and great.<sup>39</sup>

The following Quranic verses may be cited to dispel the myth about the male bias of Islam: 'If a woman fears aversion from her husband, or ill-treatment, there is no harm if they make a peaceful settlement; and peace is an excellent thing. But men keep self-interest uppermost' (4:128; emphasis added).

However, some scholars accept the androcentric interpretation of the Quran, holding that the verses which suggest male supremacy should be taken as 'pragmatic in approach, not normative,' and that these verses should be examined in their proper context. Since women were confined to their houses in the seventh century and men alone were their providers, these scholars argue, taking reality into account, the Quran accords men superiority over women without glorifying such a social structure and declaring it normative. One such scholar, Asghar Ali Engineer, further argues that Quranic verses, such as: 'And women have rights similar to those against men in a just manner', are the normative ones. According to Engineer, 'contradictions in the Quran are the reflection of the contradictions of a complex situation which provided the immediate context of its revelation'. He feels that while the normative verses are 'transcendent', the 'contextual pronouncements' are to be 'disregarded with the change of context'.

He is not prepared to accept all the views of earlier fuqaha (Muslim jurists) as transcendental and immutable under the changed circumstances and context. Shah Waliullah (1702-62), the most influential Islamic reformist and scholar of his time in India, also felt that both the Quranic verses and hadises were subject to particular conditions and time. He agrees with classical legal theory that 'not all traditions are legally applicable'

either. According to him particular rules of Sharia are 'in a sense specific to [a particular] people.'

While some liberal scholars insist on 'liberal interpretations' of 'subtle' verses of the Quran, suggesting that the Quran has only allowed the husband to punish his wife 'only lightly, as a warning', or 'only after the guilt has been determined by a court of law', scholars like Ahmed Ali, as cited earlier, do not accept that the Quran has ever empowered the husband to beat up his wife. Some scholars, on the other hand, argue that the economic superiority of men, not only in Arabia in the seventh century but everywhere in the world, even down to the present day, is the basis for male supremacy. Some Western scholars regard the Quranic verse which recommends sexual abstinence as a mode of punishment for an obstinate wife (nashiza), as 'proof of the importance attached to sexuality and sexual fulfilment for women as well as men in Islam.'

In view of this, the position of women in Islam may be better explained by means of a discussion on Muslim women's rights with regard to marriage, divorce, inheritance and their overall position in the society, especially their socio-political and economic position and role. One may, in this context, take into account the differences between Quranic injunctions and pronouncements of hadises or sayings of the Prophet. The different Sunni and Shiite sects also differ on matters relating to the rights and status of women as regards marriage, divorce, seclusion, and so on.

## Impression

# One Step Forward

By M A Rahman

IT is a day of remembering the annals of struggle waged by Begum Rokeya against the social and religious injustices, inequalities, mental and physical tortures perpetrated on the womenfolk by the majority of men especially in the rural areas with the instrument of fatwa issued by professional religious taunts to serve their selfish ends. The High Court Division of the Supreme Court of Bangladesh has given a remarkable verdict on the first day of January 2001 in a suo moto case concerning an incident in a village in Naogaon in which Shahida Begum was forcibly given in "hilla" (interim) marriage. The court declares the fatwa of any kind is illegal and repugnant to the provisions of the Muslim Family Ordinance, 1961. There are innumerable examples of such tortures on the Muslim women in Bengal through fatwa which has resulted in the desolation of family lives of the illiterate, poor teeming millions of the rural Muslims against which Begum Rokeya had to wage her life-long war. Now she won the victory on her war against the social injustices upon women but posthumously.

The verdict of the court has a far-reaching effect on our social life. It removes the hurdles and major obstacles on the way of emancipation of our womenfolk who are the half of our population and any nation can not think of progress by keeping 50 per cent of her population away from the task of nation building. The participation of all the population of a nation is a pinnacle of her progress. The memorable verdict has paved the way for our going ahead in all the sphere of nation-building.

The court has observed that the world is changing and new circumstances are coming up and to cope with the new order of the civilization we also need to update and interpret the religious injunctions. But unregulated fatwa by the unauthorised self-appointed guardians of Islam must be regarded as a culpable offence. The court has recommended the Parliament to frame a law declaring all fatwa issued by unauthorised persons as punishable offence. The court has also suggested that the study of the Muslim Family Law Ordinance be made compulsory in all schools, madrasahs and the khatibs in the mosques be directed to discuss the subject in their Friday sermons. The court recommended a unified education system and controlling freedom of religion subject to law and morality within the scope of Article 41 (1) of the Constitution.

Many, however, and especially many women, render themselves miserable on entering life by theological doubts and difficulties. These have reference, in ninety-nine cases out of a hundred, not to what we should do but to what we should think. As regards action, conscience is generally a ready guide: to follow it is the real difficulty. Theology, on the other hand, is a most abstruse subject; but as long as we honestly wish to arrive at truth we need not fear that we shall be punished.

It would be quite out of place here to enter into any discussion of theological problems or to advocate any particular doctrines. Nevertheless I could not omit what is to most so great a comfort and support in sorrow and suffering, and a source of the purest happiness.

We commonly, however, bring together under the name of religion two things which are very different: the religion of the heart, and that of the head. The first deals with conduct, and the duties of man; the second with the nature and the future of the soul, being in fact a branch of knowledge. Religion was intended to bring peace on earth and goodwill towards men, and whatever tends to hatred and persecution, however correct in the letter, must be utterly wrong in the spirit.

We who are fortunate enough to live in this comparatively enlightened century hardly realise how our ancestors suffered from their belief in the existence of mysterious and malevolent beings; how their life was embittered and overshadowed by these awful apprehensions. As men, however, have risen in civilization, their religion has risen with them; they have by degrees acquired higher and purer conceptions of divine power.

## Fiction

# A Very Short Story of a Relay Race

By Shamsad Mortuza

I ran my race. At least that was my understanding. They action replayed the whole thing, scrutinized every bit of the video or should I say every step of my race, and then they were of the opinion that the baton wasn't collected properly. "It should have been passed on not thrown at," they said. The runner before me (Your predecessor) was the exact world that they used according to video clips threw the baton even before he finished his line. He exhausted himself a little too soon. I was disqualified; my team was disqualified although we finished the line first.

The same people that gave me the medal took it away. Relay race is all about team effort. Nobody cared for the fact that I outran most of my

ivals in the last lap to reach the finishing line. The silver lace brushed against my chest, giving me a sensation that I never felt before: The touch of victory, my victory over victory. But they cared little for such cheap sentiment.

In their video-screens, they made me run backwards. I must admit all their doings and undoing made an awkward funny noise. I ran backwards and backwards. And there I was at the point of my departure. Loosening up before picking momentum anxiously waiting for my partner to reach out. The first contact with the baton and then there was the first step they went further back. Far far away from my gold...silver...bronze. Oh! how I wished for metal...even iron. But they continued to run the tape backward.

What was there before Iron? Stone? Ice? In the dawn of civilization! It's funny to run backwards. You don't have any finishing line before you. You don't see that bright coloured lace in front of you. No indicative signs to focus No sound in replay, excepting the funny, subdued mechanical noise of the tape, of course. It's absolute chaos. You run without aim, and you do it in slow motion, too. You run like a crab until you hear the big bang: the gun shot. It all started there.

Then they played the tape one more time: fast forwarded it, slowed it down, and froze the shot where I received the baton. Now tell me, did Michaelangelo put a baton in the hand of God in his painting? Isn't that called 'Creation of Man'? The first man reached out. God, in his pink robe and white beard, reached out. They never touched their finger

tips on that wall of the Sistine Chapel, did they? Why don't you disqualify them? Disqualify the journey of man? Disqualify civilization? Disqualify Michaelangelo.

Technically, that's impossible. Technologically, too. What is a man without a medal, without recognition? I run for recognition. I run for that metal. Without metal, man is nothing more than a beast. Metal conquered the beast. The first knife attached to the stick, the first spear. The first shot, the first transition from the stone axe, the first kill with technology. You think that I am forgetting fire. Excuse me, but I always carry fire inside, we all do. Even beasts have it in them.

"Tiger, Tiger! Burning bright, In the forests of Delight!" Without metal (and they haven't even given me a lump of clay let

alone stone), I am nothing but a beast. I live my life for the basics: food and sex only. Indiscriminate food and indiscriminate sex. I am a polygamous omnivore. I can feed on you, and you, and you. I can get laid on you, and you, and you. Is food sex? Or vice versa?

Oh! What horrid thought! I am such a pitiable worm! A germ. I need no Satan to tell me which fruit to bite. I have seen my rise and I know my fall. I can be fruitful and multiply myself as well. Technically, they call it cell division. I call it splitting apart. One becomes two, two four, four eight, and the saga of the mitochondria continues. A part of me grows outside of me with me and myself intact in it. Now tell me, if that is technically correct, why on earth, I cannot run a race without the baton being passed on. Am I not part of my previous self?

combat HIV/AIDS. He also drew examples of state sponsored successful interventions from Uganda and Thailand.

The publication develops around Professor Nazrul Islam's keynote paper titled 'HIV/AIDS in Bangladesh: A Situation of Low Prevalence and High Risk'. Various studies and estimations have been referred to in this paper to give an idea of the extent of currently living HIV population in Bangladesh. But it is found that in most of the surveys and studies HIV mapping is highly inadequate, inaccurate and conjectural. Therefore the first thrust should be on actual mapping of HIV/AIDS in the country. In the keynote paper a range of causes were forwarded that show Bangladesh to be a high-risk area and a probably hotbed for HIV infection. High HIV prevalent population across the border con-

tribute to the infusion of virus to the unsafe sex practitioners. With around five million suspects India is currently accommodating the highest number of HIV positive population the world. Myanmar has around 0.8 million sero-positive people with a number of them living around Bangladesh frontier. An estimated number of 75 thousand sexually active populations go abroad every year as emigrant workers. Some of them, unaware of HIV/AIDS, indulge in sexual activities and return home infected.

Commercial sex workers numbering around one hundred thousand entertain people mostly through unprotected sex. Prevalence of sexually transmitted diseases is extremely high among the commercial sex workers. The number of intravenous drug users is rapidly increasing. Bangladesh is yet to popularise and make provisions

for safe blood transfusion service. Truckers are among the high-risk population having a good number of them already detected to be HIV positive.

The publication that is basically a warning for the broader society incorporates discussions of Mat Friedman, Halida Hanum Akhter, M Zakir Hussain, Abul Barkat, Habiba Tasneem Chowdhury, Alamgir Farouk Chowdhury and Professor Amanullah. Mahbubul Alam and Jalaluddin Ahmed also contributed to the awareness and intervention debate on HIV/AIDS in the Bangladesh perspective. UNICEF, Bangladesh supported the publication of this essential document.

and our tracks had bifurcated somewhere down the race. I wouldn't mind if you had won a different race, not my one. Now, my friend, in your victory, I see my defeat.

And you, who have adjudged my race as a faulty one, tell me please. If a unicellular life form can split and run a race then why can't more developed life form do so? Is it only because it is not technically correct? Let me tell you one more thing. It all began as a clot of blood that ran through the veins of those who came before me. If that is true, I am part of all that used to be. If that is true, who has given you the right to stop my race, our race, the relay race!

Now look at me. Everyone has deserted me. My fans too. You, my friend, who stood second in the race, came to me, hugged me, and congratulated me. We had our moments of fame, right! Then when the replay was done, they put a hold on the results, cancelled it, and announced you the victor. I saw you going for the lap of honour, cheered by the crowd. At that moment, I knew my feelings for you were gone,

## Book Review

# Ringling the Warning Bell

By Andalib Rashdie

WITH demographic pattern deadly threatened and development challenged in developing countries Bangladesh responds belatedly and in a half-hearted manner to address the impending gloom of AIDS pandemic. 'HIV/AIDS: A Case of Low Prevalence and High Risk in Bangladesh' is a recent publication of South-South Centre, Bangladesh, an institution that works in the broader format of reproductive health, population and development. The publication has broadened the focus on the extent of risk

of HIV/AIDS that has always been understated in the past. Despite the fact Bangladesh is still a low prevalence society in terms of HIV infection and subsequent development of AIDS, it remains a potential ground for infection explosion and rapid spread of the deadly disease. The prevailing condition is highly conducive to the promotion of HIV infections. With around 18 million deaths and many more waiting to die of AIDS, the pandemic has traumatised the world. Although AIDS deaths in Bangladesh are only a few it provides no rationale to be complacent.

Being surrounded by India and Myanmar and having a porous

frontier Bangladesh has no reason to be complacent over the low rate of infection. Many African countries devastated by the onslaught of AIDS had also experienced a very low prevalence of this infection. But complacency and low level of knowledge about the extent of its holocaust left these countries utterly punished with hundreds of thousands of death and many more thousands inching towards unfortunate deaths. With talk on sex still remaining a taboo and grave silence maintained Bangladesh has a long way to go to face the pandemic of AIDS if confronted with.

This publication is based on dialogue of HIV/AIDS arranged by

South-South Centre with professionals from both public and private sectors and different stakeholders. Geeta Sheti, UNAIDS Adviser for Bangladesh focuses on risky sexual behavioural pattern of people. She suggests that culture of risk-embracing in sexual activities is not an outcome of individual choice, rather it gets shaped by situation, circumstances and socio-cultural milieu. Shahida Azfer, UNICEF Representative mentions that in every five minutes 55 men, women and children around the world are being infected by HIV/AIDS and she underlines the need for demystification of dangerous myths pertaining to sex and sexuality. Balla Musa Silla, Executive Director for Partners in Population and Development attaches importance on translatable interventions in the backdrop of resource constraints in developing countries and on sustained political commitment to

combat HIV/AIDS. He also drew examples of state sponsored successful interventions from Uganda and Thailand.

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