

FOCUS

The Story of Fatwa

by Mozaffar Hossain

FATWA is an Arabic word meaning a verdict or judicial pronouncement on certain debatable question of personal or social interest given by a Mufti or a jurisconsultant. Muftis are generally authorised experts in Muslim laws. They are selected by states from the reputed Imams of different Mazhabs, viz. Hanafi, Shafai, Maliki and Hambali according to the demands in a country. The aim of Fatwa is to answer a question of vital importance raised either by a judge or an individual to settle a dubious issue.

experiences from Fatwa Committees of Egypt, Turkey, Pakistan, Indonesia, Malaysia, Morocco, Jordan, Sudan, Saudi Arabia and the United Arab Emirates expose some characteristics of Fatwa as practiced.

Firstly, Fatwas were given by the committees formed by the respective states, not by whims or caprice of individuals.

Secondly, they were given only when they were sought for in cases of emergency.

Thirdly, Fatwas were not inconsistent with the existing laws of the respective countries.

Last but not the least, Fatwas were given only by the expert lawyers well-acquainted with the Islamic sources of law.

Fatwas are rampant in countries where social progress is not at par with the liberalism of modern democratic society. Fatwa-practised countries are like the replicas of medieval inquisition-practised countries of the bygone Roman Catholic Christian bishop dominated states. In the light of this perspective, the practice of Fatwa is related to fundamentalism.

accepted the modern view of secularism as a pattern of life. Islamic fundamentalism is in the orbit centring round the literal meaning of Quran and leading the life guided by 'shariah'. What was past in the Christian fundamentalism is now present in Islamic fundamentalism.

Islamic fundamentalism, if the term can be applied in the sense of limiting the area of freedom of human thinking, was at its height as a reaction against the Matzillite philosophers of the 8th and 9th centuries who introduced rationalism into Muslim theology regarding reason as the chief criterion of ascertaining the validity of truth and morals. Their main assertions were the denial of multiplicity of God's attributes, the doctrine of the eternity of Quran and upholding the idea of free-will. As a reaction against such a school of thought a reign of terror prevailed for some time demanding the adherence of literal meaning of Quranic teachings without questioning 'why and how' to things. This was an event in the history of theological development of Muslim

declare in Heliocentric theory of the rotation of the earth. Both Catholics and Protestants went against him and were about to punish him by death. Being afraid of the violent consequence of his hypothesis Copernicus restrained himself from publishing it immediately. He published it when he was just on the verge of death in 1543 with an introduction of admitting his idea as a fiction, not scientific theory. He did not forget to dedicate the book in the name of pope only to get rid of the omnivorous fire. Giordano Bruno (1548-1600 AD), the Italian humanist poet, dramatist and philosopher-scientist, was burned alive after long eight years of inhuman torture in the jail for his naturalistic theory of creation which went against the Biblical genesis.

Galileo Galilei (1564-1642 AD), the Italian physicist astronomer and proponent of scientific world outlook, defied the traditional Aristotelian world-view and attacked the dogmatic scholastic physics of his time. It paved the way for experimental science. His theory corroborated the

'Yahia-ul-Ulm' to be burned to ashes. Al-Gazzali had the courage to declare that the fanatic and dogmatic adherents of Islam were the real enemies of it. Ibru Rushd (Averroes, 16-98 A.D.) was the worst victim of Islamic fanaticism. He was officially declared atheist and was exiled from his root-land. His books were proscribed and burned to ashes. The fanatics publicly spilled upon his face.

In the Indian sub-continent fatwa created a serious social commotion in the 19th century when it was given with a political motive of anti-British propaganda. Leaders like Shah Wali Allah and Shah Abd-al-Aziz declared India as 'dar-al-harb' or the 'abode of war' not suited to foster the Islamic way of life and it was the duty of the Muslims to migrate and settle in any 'dar-al-Islam' or the 'abode of Islam' outside India.

The practice of fatwa in Bangladesh exposes a lamentable and pitiable picture of social anarchy prevailing in the country. Prior to the independence, the dismal instances of fatwa was

population is illiterate, culturally backward and helpless to do anything positive to the victims.

The different ways and techniques of torture adopted by the self-declared Fatwa-authorities are as follows:

(1) The victims are arbitrarily tortured either by physical torture (by scourging, stoning etc) or by extorting ransom money beyond the normal capacity of the victims.

(2) In cases of illicit sex-relations and love affairs the victims (mostly women) are stoned to death in half buried condition a barbarous tribal method.

(3) The victims, sometimes including the whole family, are mostly boycotted by the neighbouring society making them quite impossible to lead a normal life for want of food, shelter and communication etc.

(4) Politically, fatwas are used by declaring the victims as 'murtads' (renegades) demanding capital punishment or exile.

(5) The main targets of Fatwa are the Quadiwas (as their belief is contrary to the sunni order of faith), NGO activities, birth control measures, progressive women movements etc.

Some heinous examples of fatwa targets are the writer Taslima Nasrin, Prof. Ahmed Sharif (Late), Prof. Kabir Chowdhury, poet Shamsur Rahman, Nurjahan (stoned to death), Swapanahar, Firoza Khatun etc. These are only the few sporadic examples of countless crimes committed by the fundamentalists whose brains are in mortgage to the dark ages of Medievalism.

The usage of Fatwa in a modern secular and multicultural society is like putting the square peg in a round hole, for it is applicable only in the countries where 'Shariah' is the guiding principle of administration. It is no substitute for law and order based on democratic principles.

There is no way of denying the fact that Bangladesh is not yet modern state in its true sense. It is still in a state of transition from its medieval past to modernism dragging with illiteracy and age-long prejudices in its back. The eradication of such vices may usher in a new era of enlightenment. The following lines in The Daily Star of the 2nd January, 2001 attracted my attention about the future of Bangladesh: 'The High Court yesterday ruled that any fatwa or 'legal opinion' not given by a court is unauthorised and illegal.'

But my unmixt optimism was very short-lived. Soon came the known voice of old challenging the judgement of the High Court and declaring the judges concerned as 'murtads'. A new drama of fatwa is on the stage and we shall have to walk miles.

The author is retired chairman, Department of Philosophy, Jagannath College.

The usage of Fatwa in a modern secular and multicultural society is like putting the square peg in a round hole, for it is applicable only in the countries where 'Shariah' is the guiding principle of administration. It is no substitute for law and order based on democratic principles.

Historically, fundamentalism was a religious movement that arose among the conservative members of various Christian dogmatic schools in the early ages of Christian theological development with the object of maintaining traditional interpretations of the Bible and the doctrines of the Christian faith in the face of Darwinism, secularism and the emergence of liberal theology due to the impact of approaching modernism in the traditional Christian society. It was a belief that Bible is literally true and it is obligatory to the adherents of religion in a literal way. However, the Christian society has already crossed the bar of fundamentalism and has

thought which has already been passed into oblivion. Things are now different, yet everything is not in the way of balance.

History is replete with the horrible news about the victims of religions fundamentalism though the term 'fundamentalism' was not used in this particular sense till the birth of Christianity. Before Christianity, fundamentalism in the form of 'Fatwa' (the term came into history after the birth of Islam) tortured the early Greek philosophers like Pythagoras, Empedocles and Anaxagoras. The touching trial-story of Socrates leading to his tragic death is known to all. Plato had the experience of being sold as a slave by King Dionisus I. He had to pass a long restless life of insecurity. Aristotle had to leave his birth-place Stagira and die on Chalcis for his sophistication of thought. The only visible offence of these philosophers was their height of intellect and sophistication of thought crossing the limit of popular belief and faith. No contemporary merit of the mass can keep pace with or tolerate such a big dimension of thought. New ideas and thoughts are generally allergic to all average merits.

The worst victims of fundamentalism were the free-thinkers of Medieval Europe. The devouring flames of Inquisition, the religious trial court, begun in the early 13th century under the domination of the Roman Catholic church initiated mainly by St. Thomas Aquinas (1225-1274 AD), took many promising personalities of intellectual arena. Roger Bacon (1214-1292 AD), the Professor of Oxford University, had to remain captive in a church for several years for his insurrection against traditional blind faith and support for experimental knowledge. Joan of Arc (1412-1431 AD), a French young girl, who fought valiantly and brought victory for the English, was convicted of witchcraft and heresy by a church court and was burned at the stake in a marketplace. As the flames rose, she prayed in the name of Jesus. An English soldier watching the tragic scene cried out 'We are lost! We have burned a saint!' The verdict of the soldier was later proved right. In 1456, the church re-examined the trial and the ill-fated girl was found not-guilty of the charges of witchcraft and heresy. She was declared a saint posthumously.

Copernicus (1473-1543 AD) was another victim of the then Christianity. His cosmology went against many fundamental Christian beliefs based on Biblical teachings. He was the first to

heliocentric system of Copernicus. As the theory was a death-blow to the religion prevailing at that time, the Roman Inquisition compelled him to abjure his Copernican heresies. Due to extreme pressure Galileo has to withdraw his scientific view and beg pardon before the trial-court for his so-called blasphemy. Still he had to lead a secluded life of house-arrest for five years till his death in 1642.

The Dutch philosopher of Modern Europe Spinoza (1632-77) was tortured inhumanly for his pantheistic conception of God dissolved in and identified with Nature which went against the Bible Anthropomorphism. Though inherited with rabbinical education, he was excommunicated from the synagogue in 1656 for his 'higher criticism' of the Bible.

Charles Robert Darwin (1809-1882), the English natural scientist, propounded his theory of Biological evolution challenging the Bible teachings. His two epoch-making masterpieces (1) 'The Origin of Species' and (2) 'The Descent of Man' saw the light after much burling in the trial court. He escaped death only because of the influence of Renaissance-Reformation and the Industrial Revolution which paved the way of free-thinking much better than the previous dark ages.

Islamic dogmatism also took the form of Christian fundamentalism. Almost all the early Muslim philosophers were the victims of torture.

The famous early Muslim philosopher Al-Kindi (800-870 A.D.) could not expose his ideas freely. The teachings of Plato, Aristotle and Pythagoras influenced him much in his world-view. Medical science got proper nourishment from his creative genius. He emphasised the idea of 'proportion' in administering medicine. But the fanatic Muslims of his time could not tolerate many of his ideas. His books were proscribed by Calif Mutawakkil.

The versatile genius of Ibn Sina (Avecinna, 980-1037 A.D.) covered the vast region of knowledge of a poet, physician and a philosopher. He was also confined to jail for several months because of his lack of knowledge in the art of sycophancy. His books were devoured by fire.

Imam Al-Gazzali (1058-1111 A.D.) had to pass his worst days marked as an atheist. Everybody would spit upon his name. The Spanish Calif Ali Abu Yusuf ordered his magnum opus

few and far between. The main characteristics of fatwa as exposed through various news agencies are as follows:

(1) Most of the fatwa-cases are occurred in the interior and remote village areas where law and order position of the government is too weak to control the situation.

(2) Fatwas are given mostly by the local Imams of different mosques, Madrasa teachers or self-declared 'pirs' lacking in the proper knowledge of religious literature and having no authority of doing so. They do it in collaboration with the local 'mathbars' or socially influential leaders who are practically above the control of administrative authorities.

(3) The motive behind such fatwas are mostly to victimise the rivals of various interested groups (political or otherwise), or to exact illegal money by penalising the victims or their relations. All these are against the spirit of fatwa proper.

(4) Fatwa cases are concerned mostly with illicit sex-relations, love affairs, separations of husband and wife, supporting any political party by voting against the interested groups or adopting any progressive social outlook which may affect the age-long vested interested groups. In such cases, the different NGOs are the main targets.

(5) The silent majority of the

During the early ages of Islam the law-courts issued Fatwas until the period of the Ummayyads and the Abbasides. The renowned and wise theologians would take the lead.

In modern times, certain Muslim states have formed 'Fatwa Committees' consisting of famous law-givers of Islam. The



Dr. Rubatul Murshed
All health information to keep you up to date

Always children first

All syrups are sweet and some children might drink the bottle of any syrup thinking it to be eatable. Pain killers when taken orally, get absorbed in to the blood and they are broken down into simpler particles in the liver by the help of certain enzymes. In children, the liver may not be able to handle certain chemicals, if taken in excess. Even the safest of all pain killers, if swallowed accidentally by small children, can damage the liver. Keep paracetamol tablets or syrup bottles out of children's reach.

Product highlight

(To reduce body weight)

Name: Orlistat
Indications and Usage: It is indicated for long-term management of obese and overweight patients, including patients with risk factors e.g. hypercholesterolemia, noninsulin dependent diabetes mellitus (NIDDM), impaired glucose tolerance, hyperinsulinemia, hypertension associated with obesity and in a reduction of visceral fat.

Contraindications: In patients with chronic malabsorption syndrome and in patients with known hypersensitivity to 'Orlistat' or any of the other components contained in the capsule.

Precautions: The possibility of experiencing gastrointestinal events may increase when this drug is taken with a diet high in fat.

Pregnancy: The safety of Xenical has not been established in pregnant woman.

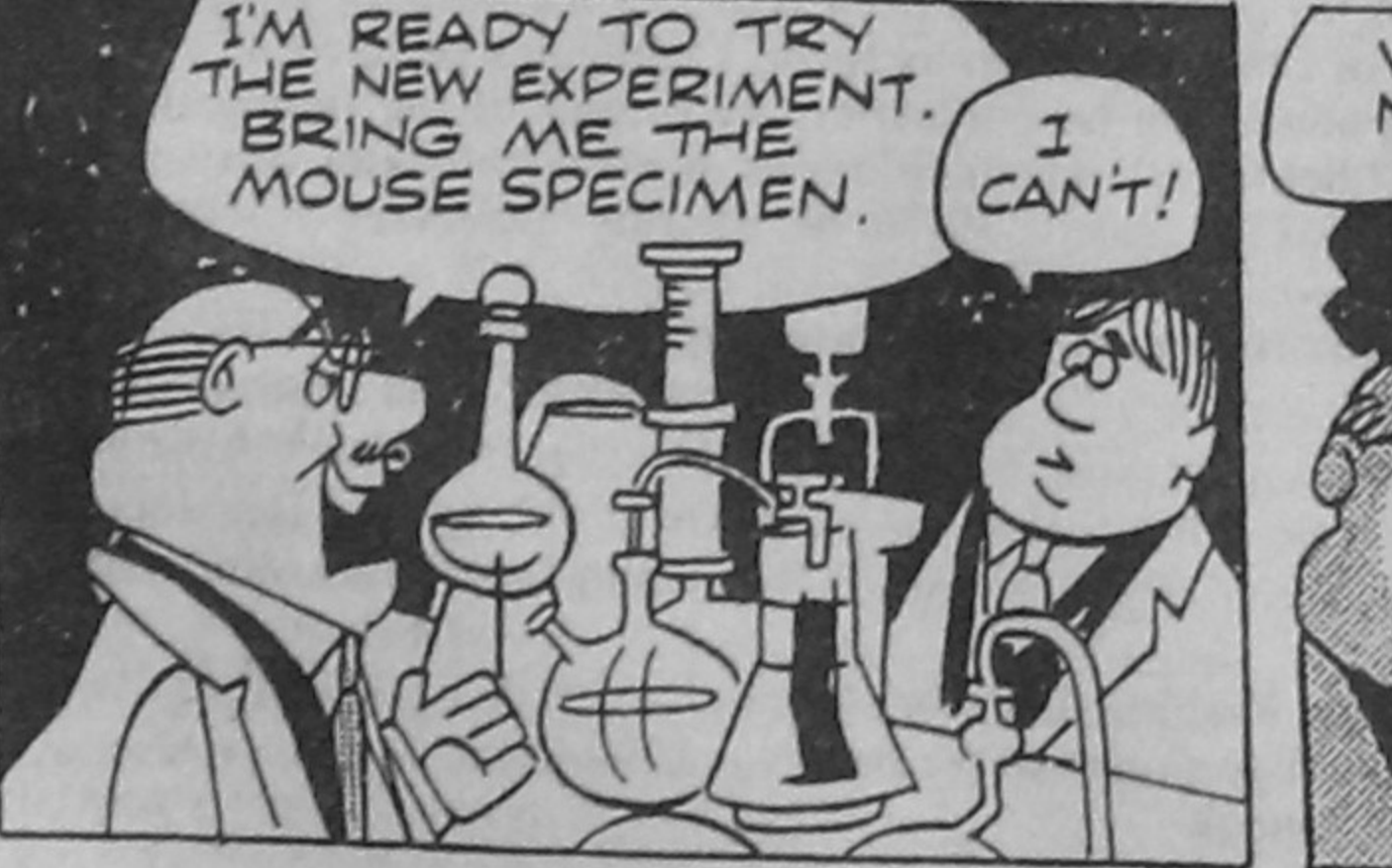
Nursing mother: Should not be taken, unless the potential benefit outweighs the potential risk.

Children below the age of 18 years: The safety and efficacy has not been established.

In brief: Non-systemic mode of action. Least side effects/reduces body weight more than 10% in 6-8 months/reduces cardiovascular and other risks associated with obesity/Specifically reduces body fat and thus body weight.

Tomorrow: Food and nutrition and other tips.

TOM & JERRY



James Bond



By Hanna-Barbera



AND BEFORE HIS HOST CAN OBJECT-



Government of the People's Republic of Bangladesh

Local Government Engineering Department
RDP-24: Greater Faridpur Rural Infrastructure Development Project
Agargaon, Sher-e-Bangla Nagar, Dhaka-1207

Memo No: LGED/PD(GF)/T-10/2000/09 Dated: 09-01-2001

Corrigendum

This is to notify that due to some unavoidable circumstances following modification/changes are hereby carried out in the invitation for short listing of firms for consultant services for design, supervision, implementation monitoring and institutional strengthening and effect evaluation & monitoring under Greater Faridpur Rural Infrastructure Development Project issued vide this office Memo No LGED/PD(GF)/T-10/2000/05 Date: 04-01-2000.

The last date of submission of application will be 8 February, 2001 in place of 25 January, 2001. Similarly the application and other relevant documents will be available up to 4 February, 2001 instead of 22 January, 2001.

It is to be mentioned here that all other conditions in the notice will remain unchanged. This corrigendum will be the part of the Bid documents.

DFF-847-11/1
G-136

Md Makbul Hossain
Project Director

Dhaka Water Supply & Sewerage Authority

Office of the Managing Director
WASA Bhaban
98, Kazi Nazrul Islam Avenue, Dhaka

Tender Notice

Tenders are invited from bonafide minibus owner/supplier for giving rent 2 (two) 30-seated minibus in good running condition for transport of staff of Dhaka WASA for 24 (twenty-four) months on monthly basis.

Tenders will be received on 29-1-2001 till 12-00 noon and will be opened the same day at 12-30 pm before the tenderers present (if anyone remains present).

Tender schedule containing rules & regulations can be procured on cash payment of the fixed price during office hours from the office of the Chief Accounts Officer of Dhaka WASA Bhaban, 98, Kazi Nazrul Islam Avenue, Karwan Bazar, Dhaka and all MODS zonal offices. No tender document/schedule will be sold on the day of opening tender.

Md Akkas Uddin
Deputy Secretary
Dhaka WASA
DFF-743-10/1
G-138

Government of the People's Republic of Bangladesh Health Directorate

Mohakhali, Dhaka-1212
Memo No-HD/ME/BDS/2000/469 Dated: 4/1/2001

Notice for admission in BDS Course in Dental College/Dental Units during 2000-2001 academic session.

Applications in prescribed forms are invited for admission in 1st year BDS Course in Dental College/Units during 2000-2001 academic session under the following terms and conditions.

Terms & Conditions:

- 1) A candidate willing to get oneself admitted should be a citizen of Bangladesh.
- 2) Should pass the SSC examination in any group from any Secondary Education Board/Madrasah or any recognised board or university outside Bangladesh and HSC or its equivalent examination without any third division with Physics, Chemistry and Biology. A total of 1300 marks should be obtained and should have the pass marks in the HSC or its equivalent examination in Biology subject (theoretical & practical) separately.
- 3) Candidates who passed the SSC before 1997 and HSC before 1999 are not eligible to apply.
- 4) Out of 103 seats in 1 Dental College and 2 Dental College units there are 63 seats in Dhaka Dental College and there are 20 seats each in dental units of Chittagong and Rajshahi Medical College Dental Unit. Besides, there are 2 reserved seats for Bangladesh tribal candidates and 5 (five) seats for foreign students. For 2 (two) reserved seats for the tribals, the candidates should have the identical minimum educational qualifications like the other general students. But, in their case, they are eligible to apply by obtaining a total of 1200 marks in SSC and HSC examination, but they will have to appear at the same admission test. The tribal candidates should enclose the certificate regarding tribes district, character certificate from the deputy commissioner of their respective districts and from head of tribals.
- 5) The final selection for admission will be done on the basis of the results of the following examinations:
 - a) Written admission test (MCQ method) = 100 Marks (Physics-30, Chemistry-30, Biology-30, English and General Knowledge-10). 4% of marks obtained in SSC examination 6% of marks obtained in HSC examination = 100 Marks
 - b) Time for written test (MCQ)=1 hour and no viva voce test will be held.
 - c) If the total marks obtained is equal, the merit selection will be done on the basis of marks obtained in Physics, Chemistry and Biology in HSC examination. If that is also equal, then merit selection will be made on the basis of marks obtained in Biology.
 - d) Out of 103 seats, 70% (72) on national merit basis and 30% (31) seats will be selected on the basis of divisional quota. In case of demand of divisional quota, the division as mentioned in the application will be treated as the permanent division of candidate. The names of respective districts and division, under no circumstances, can be changed.
 - e) The candidate will fill in the blank space as per his option as to in which college/unit he wants to get himself admitted. The chance of getting admission in college/unit will be determined on the basis of the results of admission test and the option of the candidate.
 - f) The cost of application form for admission is Taka 20 (twenty) only (non-refundable). It can be procured from Dhaka Dental College, Mirpur 14 No Section, Dhaka-1206 and Dental Units of Chittagong & Rajshahi Medical College from 27/01/2001. The admission forms procured will have to be deposited by filling up them properly in the college/unit, from where the application form has been collected along with centre fees for an amount of Taka 260/- (two hundred sixty) (non-refundable).
 - g) There must have signature of candidate in the application form. Application form without signature and with wrong information will be regarded as rejected outright. The examination/result of the candidate will be regarded as rejected if any wrong information is detected later.
 - h) Following documents must be enclosed with the application form:
 - a) Attested photocopies of marksheet SSC & HSC or equivalent examination.
 - b) Attested photocopy of certificate regarding respective permanent district and division from Mayor of City Corporation/Poura Chairman or approved official/Thana Mirbahi Officer/Union Parishad Chairman/Class 1 Magistrate working in respective district or official.
 - c) Three copies of attested recently taken passport size photographs.
 - d) Attested photocopy of certificate from deputy commissioners of respective districts and tribe chief for the seats in tribal quota.
 - 6) Processing of the application form scrutinising and finalisation of results will be done through computers. Examining answer scripts will be done by OMR machine. The number tested by OMR machine cannot be challenged in court. But if there is any objection regarding the result of the admission test for the scrutiny of the results, one will have to apply for scrutiny within 15 (fifteen) days from the date of publishing the result by depositing Taka 500 (five hundred) (non-refundable) in favour of the undersigned. The candidate will be informed after the specific time after scrutinising the answerscript by the scrutinising committee.
 - 7) At the time of publishing the result a list of 300 candidates in waiting list on the basis of merit along with publishing the final result will also be published. The seats which will remain vacant after the expiry of the specific period for admission, will be filled in on the basis of merit and option from waiting list, but chance will be given for changing college (automigration) on the basis of merit and option of students admitted in case of filling up the vacant seats and this chance will not be for more than 2 (two) times.
 - 8) All kinds of migrations among dental college/unit will remain closed absolutely later.
 - 9) The final admission of the selected candidates will be on the basis of the decision of fitness of candidate after the medical test done by a medical board as specified by the principal of the college concerned. The original copies of the following certificates and documents must be kept deposited in the college offices. Otherwise, the selection of the candidate will be treated as outright rejected.
 - a) Original certificate for passing SSC or its equivalent examination.
 - b) Original provisional certificate or testimonial for passing HSC examination or its equivalent examination.
 - c) Original certificate regarding respective district and division.
 - d) Original mark certificates of SSC and HSC examinations or their equivalent examinations.
 - e) Original copy of certificate from deputy commissioner and tribe chief for the seats in tribal quotas.
 - f) The admitted students will have to arrange the accommodation by themselves. The candidates will have to take one year compulsory internship in the college hospital from which the candidate will pass the BDS final examination. There is no guarantee of government job on completion of training.
 - g) The last date of receiving application form is 10/02/2001 and the written admission test will be held on 23/02/2001 at 9:00 AM in the specific place as fixed by the principal of the concerned college. The admit card will have to be kept with candidate. The answer script of the written test will have to be filled in by a ball point pen of black ink.
 - h) Information regarding admission can be known from the office of the principal of the college concerned.

DFF-741-10/1
G-140

Professor Shah Monir Hossain
Director (Medical Education and Health Manpower Development)
Health Directorate, Mohakhali, Dhaka