

Fortifying the economy for the long run

Policymakers should prioritise SMEs

EXPERTS at an event on Saturday opined that the government should focus more on developing small and medium-sized enterprises (SMEs) to help Bangladesh in its bid to become a middle-income country. SMEs often tend to be labour intensive and, as such, play a major role in generating employment. This means that by facilitating their growth, the government could help generate the employment opportunities for Bangladesh's booming population that are badly needed at this point.

Not only can SMEs tackle the problem of unemployment, but their growth can also increase the country's overall production by employing a greater number of people in the workforce, while increasing productivity through increased competition. According to experts, SMEs can also address the trend of growing inequality which has become a big challenge. Government data made public last October itself revealed that the share of national income belonging to the poorest five percent declined from 0.78 percent in 2010 to a meagre 0.23 percent at the time of its release. Meanwhile, the richest five percent increased their share to 27.89 percent from 24.61 percent over the same time period. Therefore, by taking measures to assist SMEs, the government could avoid a situation in future where the divide between the rich and the poor becomes untenable and social instability heightens as a result.

The government, according to experts, should address the difficulties of SMEs by conducting an insightful and thorough analysis of their challenges and conditions. We too believe that policymakers should work more proactively to create an environment where business can boom in order for Bangladesh to successfully achieve its economic ambitions. Among the measures the government could take are facilitating loans to SMEs and making the process of starting businesses easier.

No end to Afghan woes

US strategy in Afghanistan not paying off

THE latest blast in a crowded area in Kabul, where the extremists used an explosive laden ambulance that killed more than 95 people, shows that the extremists are still calling the shots in Afghanistan. More than 16 years after the US involvement in Afghanistan the situation there continues to be in a mess. That merely enhancing US force level is no solution to the long-running insurgency led by the Taliban and assisted by the IS has been proved by the series of blasts in the last one year in the capital. Reportedly, the artificially drawn up government of Ashraf Ghani controls only half of the 34 provinces, and the Loya Jirga council is long overdue.

The US may well shift its focus of threat from the IS and religiously motivated terrorism, but for the rest of us, given the continued muddle in Iraq and Afghanistan, and for South Asia in particular, the threat persists and will continue to persist, unless the US strategy is recalibrated. Only infrastructure development, or investing more troops, without taking the social and cultural reality of Afghanistan, cannot integrate the country and attain sustainable peace. The internal dynamics of the country must be reckoned with.

The US presence in Afghanistan is becoming open-ended, and it is, unfortunately, the people of that country who are bearing the brunt of the violence. The fractured Afghan leaders must come together sinking their parochial interest to establish peace at their own terms in the interest of the people.

Banning child marriage in light of religion



TAQBIR HUDA

THE Child Marriage Restraint Act 2017 which allowed girls under 18 and boys under 21 to be married off under "special circumstances" was undoubtedly the country's most controversial law of 2017. The Act was widely opposed by national and international human rights organisations and activists as they believe that it will only exacerbate the issue of child

marriage in Bangladesh.

Despite staunch opposition from most, the new law has been well received by "Islamist" organisations, which went as far as to say that "in the eyes of Islam, this is the correct decision" because apparently setting a minimum age of marriage would go against Islam ("Bangladesh weakens longstanding law against child marriage", *The New York Times*, February 27, 2017).

It is in this context that it is imperative for us to reclaim the narrative from hardliners, instead of granting them exclusive rights to speak on behalf of Islam. Banning child marriage is certainly not an affront to Islamic law; rather justifications for outlawing it can be found well within the rubric of Islamic jurisprudence.

There is no denying that child marriage has generally been permissible under classical Sharia but it is by no stretch of the imagination an exclusively "Islamic" practice. It was so prevalent across different faiths and

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regions during earlier times that academics have said that child marriage was virtually the norm. Even today, the practice of child marriage is not exclusive to Muslim countries since Christian-majority countries (e.g. Central African Republic, Ethiopia and Mozambique) and Hindu-majority countries (e.g. India and Nepal) are also on the list of countries most affected by child marriage (The State of the World's Children, UNICEF, 2016).

Crucially, child marriage as it is currently practised in Bangladesh stands in stark contrast to the type which gained permissibility under classical Sharia. Unfortunately, much of the discussion on child marriage in Islamic law is entirely devoid of context and is instead carried out deliberately in sensationalist and inflammatory terms.

It must be made clear that child marriage in the Classical period did not entail forcing a child into marriage (much less a detrimental one for perverse economic incentives) nor did it consist of forcing a girl into cohabitation or performance of marital duties, as it currently does. Rather, it usually entailed a betrothal or a type of formal agreement, which would defer final consummation to a later date. This is because Islam prescribes that irrespective of the age at which betrothal may take place, "final consummation must be postponed until both parties are ready for marital relations". Hence the minor (or minors, if both parties were prepubescent) would remain in their guardians' home(s) in the interim period. As such, it seems child marriage in classical *fiqh* was allowed as a contract to secure a future, rather than an immediate interest or performance, before such an opportunity was lost.

For instance, two closely tied but otherwise unrelated



A human chain in front of National Press Club in Dhaka to protest against child marriage.

PHOTO: AFP

family clans would contract to marry their newborn male and female wards to further cement their social ties but the marriage ceremony and cohabitation would only take place when both parties were ready to commence marital relations. Furthermore, Islamic law was careful to strike a balance between a parent's right to contract their minor ward into marriage with the minor's own right to self-determination. It did so by granting these minors the option to terminate the marriage contract upon reaching puberty if either felt the pairing was unsuitable by exercising their right of *khiyar al bulugh* (option of puberty), which has been granted under section 2(vii) of The Dissolution of Muslim Marriages Act 1939. Thus if either the girl or the boy decided upon reaching puberty that the pre-contracted marriage is not one they are willing to pursue, they would be able to exercise their option of puberty to repudiate it.

Additionally, it is undisputed that Islamic law requires that all minor marriage arrangements be made in good faith and in the best interest of the minors party to it. It is simply unlawful for guardians to act purely out of self-interest or put the minors in a disadvantageous situation, which unfortunately has become the norm today, whereby parents contract their minor children into marriage and force them to begin marital relations immediately, before she is even ready to do so, thereby breaching the requirements of Islamic law. What is even more tragic is that these girls are either unaware or unable to exercise their legal right under the 1939 Act to terminate the marriage.

Minor marriages are merely *mubah* (permissible), which is religiously value neutral. This then crucially renders the scope for reform to be substantially higher in comparison to issues which are *fardh* (obligatory, e.g. prescribed shares of inheritance), *mandub* (recommended, e.g. charity), *makrooh* (e.g. divorce) or *haram* (e.g. murder).

Out of the plethora of legal tools in Sharia that can justify a ban on child marriages, *maqassid al-Sharia* (objectives of the law) can be used as the philosophy on which the justifications for reform can be based. The law has to prohibit that which promotes harm and protect that which procurers benefit for Muslims in this world and the hereafter, and plainly speaking these are the *maqassid al-Sharia*. To the esteemed jurist Imam Al-Ghazali, the *maqassid* comprised of protecting the five cardinal values: religion, life, intellect, lineage and property. Hence any action which secures these values falls within the scope of *maslahah* (public interest), and

any measure which infringes them is *mafsadah* (evil).

Child marriage as practised today causes serious harm to female children, precisely the kind of harm and hardship Islam strove to eradicate upon its advent. Serious health issues that arise as a direct result of child marriage include, but are certainly not limited to, gynaecological problems due to early childbirth, higher risk of cervical cancer, higher risk of suicide, and other mental problems such as depression and anxiety. Furthermore, these young girls are usually met with the burdensome duties of an adult wife and homemaker imposed upon them, which often results in their being deprived of a proper education.

This in turn reduces the girls' "employment" options to cooking, cleaning, and having babies (*intellect*). Underage motherhood can go on to jeopardise the lives of the minors' own offspring (*lineage*) (for how can a child suffering from demonstrable harm be expected to look after another child, that too as a mother?). The injustice does not end there. Instances where minor girls are given into marriage so the father can use her dower to pay off a debt, to arrange a son's marriage or simply pocket the money himself can and have happened. Such practices are plainly misusing the dower of the bride (*property*), a portion of wealth that should rightfully have been for her own exclusive use. Taken together, the unjustified suffering by these minor girls and potential for corruption on part of the guardians and repressive regimes (such as the Taliban's commodification of child brides) severely endanger the inherent spirit of justice that is embedded within Islamic law (*religion*).

Thus the continued practice of child marriage without any restriction passes on all five counts laid out by Al-Ghazali so as to constitute *mafsadah* and these reforms are an essential step towards *maslahah* by ensuring these threats are averted and these archetypal Islamic values secured. This is why one of the greatest Caliphs of all time, Umar, like Al-Ghazali, was such a staunch advocate of focusing on the spirit of the law rather than the letter itself. They were fully cognisant of the fact that while the *maqassid* are timeless, the rules and practices that facilitate their attainment are not.

If we trick ourselves into obsessing over the letter of the law rather than the spirit of it, not only do we risk reducing the inherently evolutionary nature of Islamic law to a monolithic rigidity, but also let it obscure our notion of the very purpose of the Sharia itself.

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LETTERS TO THE EDITOR

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Making our roads safer

Whenever I read newspaper or watch TV news, news of road accidents never fails to come to my notice. More than four thousand people died in road accidents last year, with thousand others injured. I lost my best friend in a road accident last year. So I know how much pain the families and friends of the victims have to go through. What I find outrageous is that these deaths could have been prevented, had successive governments been strict about implementing laws to ensure road safety. The government should take this matter seriously and do everything in its capacity to prevent these unnatural deaths.

Asadullah Asad, By e-mail

Lucy Helen should be given citizenship

Lucy Helen, a British humanitarian activist, came to Bangladesh in the sixties. Back then, little did she imagine that this country would turn out to be her home. This newspaper has recently profiled her. She started working at a hospital in Jessore and treated innumerable patients during our Liberation War. The government recently recognised her contribution to Bangladesh. She is still involved in social works and teaches English at a local school in Barisal for free. Although her contribution to Bangladesh has been recognised, she has not been given Bangladeshi citizenship as yet. Every year, it requires around Tk 35,000 to renew her visa, which she finds costly.

In my opinion, Lucy Helen deserves Bangladeshi citizenship. I urge the government to allow her to become a Bangladeshi citizen.

Kowsar Rahman Sadit, Dhaka

An 'epic' bond between India and ASEAN

PALLAB BHATTACHARYA

WHILE the use of hard power and tough diplomatic negotiations almost invariably hog the spotlight in international relations, the soft power rarely comes into play. But this was not the case when top leaders of India and South East Asian countries celebrated a quarter century of becoming dialogue partners in a grand manner in New Delhi on January 25-26. Even as the media focus was largely on the intense bonhomie seen during the celebrations among Prime Minister Narendra Modi and heads of states and governments from ten Association of Southeast Asian Nations (ASEAN) in an unprecedented summit-level outreach to each other, a much less noticed but important event was the holding of the five-day Ramayana Festival, organised by the Indian Council for Cultural Relations.

Culture, including Buddhism and Hinduism, has become one of the three key markers in India's close engagement with South East Asia, the other two being commerce and maritime connectivity. In fact, trade, connectivity and culture travelled from India to South East Asia almost inseparably and at the same time over the centuries, and the epic Ramayana has evolved as a powerful symbol of a strong cultural connect between India and South East Asia. So it was befitting that the ICCR organised the Ramayana Festival coinciding with the India-ASEAN summit to further India's diplomacy and energise its ancient links in a contemporary setting through the Ramayana, which has emerged as a soft power tool.



Narendra Modi, centre, with ASEAN heads of state at Rashtrapati Bhavan in New Delhi.

PHOTO: AFP

The Ramayana Festival featuring artistes from Singapore, Thailand, Malaysia, Myanmar, Indonesia, the Philippines, Cambodia, Brunei, Vietnam, and Laos began in Delhi and travelled to other parts of India before concluding in Ayodhya, the birthplace of Rama. Modi described the Festival as celebrating India's deep civilisational and historical relations with the ASEAN. The Indian prime minister was highly impressed by a performance based on the epic during the East Asian Summit held in Manila in November last year.

The Ramayana—or to be precise, various interpretations and depictions of the Ramayana in South East Asian countries—has become a potent symbol of India's shared cultural heritage and integration with the ASEAN. It is a classic example of how the assimilation of

India's mythology and folklore has become an integral component of South East Asian's culture. The various forms of Ramayana prevalent in the South East Asian region, be it Ramakien in Thailand, Ramakerti in Cambodia, Phra Lak Phra Ram in Laos, Yama Zatdaw in Myanmar, Kakawin Ramayana in Indonesia, or Hikayat Seri Rama in Malaysia, bear testimony to the historical bond. The similarities of 'Mudra' (hand gestures) in India's dance forms across ASEAN and India were also showcased during this Ramayana Festival.

The Ramayana has been a very popular tale in South East Asia but as the epic travelled to that region, it underwent nuanced twists and interpretations by the locals and assimilated with the local folklores and characters. Versions different from the

main narrative of the Ramayana Indians have come to know, and varied portrayals of the chief characters in the Indian versions of the epic, are available in Singapore and other South East Asian countries. The first part of Kakawin Ramayana in Indonesia is true to Valmiki's epic in India. Some experts opine that the emphasis in some versions of the Ramayana in South East Asia is more on story-telling than on evoking devotion.

One finds scenes from the epic in the temples of Prambanan in Yogyakarta in Indonesia, on the murals of the temple of the emerald Buddha in Bangkok, and on the remnants of the 12th-century Angkor Vat temple in Cambodia. Murals based on the epic are also found on the walls of the royal palace in Cambodian capital Phnom Penh. The present-day capital of Thailand was known in the 15th century as Ayutthaya, a derivative of Ayodhya, and the 18th-century King of Thailand, though a Buddhist by religion, took pride in proclaiming his royalist credentials by calling himself Rama I and made Ramakien, the local depiction of the Ramayana, the national epic.

In Myanmar, the 11th-century King Kyanzitha of Pagan dynasty backed up his credentials to the throne by declaring that he was related to the Rama of Ayodhya. The existence of diverse versions of the Ramayana in South East Asia notwithstanding, it can never obliterate the fact that the epic has formed a lasting bond between India and ASEAN whose enduring appeal has survived the ravages of time.

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