

Introduction of Shia law - Socio-political consideration

By Jimmy C. Dabhi

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The introduction of Shia Law passed by the parliament and signed by the president has surprised many and shocked some. There were also protests by social and human right activists and gender sensitive people. There are reports and it has become international news.

The law is looked from human rights, women's rights and humanitarian consideration especially for women. Over all the law seems to be in favour of men. If ones examines the implication of this law it allows violence and sexual abuse on girls and women. In some way it also contradicts the provision made in the Constitution for example the marriageable age for girl is 16 and for boy it is 18 but shia law will allow to marry girls at the age of 9 or puberty which will be about 11-13 years approximately. There are social studies and medical reports from across the world about socio-psycho and biological implication on a girl child married at such a young age. One finds difficult to believe that people who have introduced the bill and those who have voted in favour of the bill are oblivious of these implications. They are legislators and the minimum a citizen expects is that those who are voted in power will safe guard the interest of the citizens, the public, and more so of those who are vulnerable in many aspects, the girl children and women.

But maybe there are other considerations at play here and why not? Election is round the corner? And after all politics as it is said is the art of possibilities. The billed passed has come to be known as Shia law, applicable to a religious community of shia in Afghanistan. It is in small in number, some suggest that they are about 20 % of Afghanistan's population. It may be misleading to consider this religious community as a cohesive community; there are diverse groups and ethnic affiliation within the community. However as a religious community, smaller in population compare to Sunnis they have felt and experience neglect, marginalisation from various public sectors of Afghanistan such as education, health, government employment etc. When a community feels and perceives marginalised or kept at the periphery in the governance and management system of a county there is bound to be some conflict and stronger assertion to be recognised and acknowledged as community.

The introduction of the bill may be viewed from this angle with other motives accompanying it. A few leaders from the community or those who want to be seen as friends of them for political or other reasons may find introduction of this bill as a legitimate of recognition and inclusion. But look at the law one wonders how much good of the community is heart and how much of other political considerations are at play here. If the parliamentarians want to be more inclusive of all the religious and ethnic communities in Afghanistan than there are many creative, meaningful and relevant of framing policies and programmes which further empower these communities in terms of their representation in parliament, their women included in the domain of governance, providing them opportunity in the public arenas mentioned above. Passing such a bill is not the only way of making this community feel included and acknowledged.

Political ambitions and interest of a few or a party does not always match the interest of the larger population. Islam teaches inclusiveness, brotherhood and sisterhood. Divisive and petty politics may not help rebuild Afghanistan as a robust and vibrant society where the women and men of all sections and communities enjoy the peace and prosperity Allah has blessed the human race with.

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