

Centre of Biomedical Ethics and Culture

Bioethics Links

The two lead articles in this issue discuss different aspects related to CBEC's international seminar held in March on the theme "Muslim Women: Through the Lens of History, Religion, Law and Society." Also featured is a brief report on an ethics workshop conducted in Swat currently recovering from the onslaught of the Talibans and last year's floods. Editor

The Women's Movement in Pakistan: Promoting a Different Kind of Value

*Asma Jehangir**

Ms. Asma Jehangir is among Pakistan's most active and well known human rights campaigners. The recipient of many national and international awards, she was elected President of the Supreme Court Bar Association (SCBA) of Pakistan in October, 2010. In her plenary talk at the CBEC international seminar on Muslim women, she focused on the women's movement in Pakistan and the status of women and minorities under the rule of law. Excerpts from her talk are reproduced below.

Today, I plan to discuss the status of women and minorities in the rule of law and also talk about women's role in nation building. In my view, there are two aspects of nation building. One is the visible development that takes place when you build bridges and material structures. But more important is the building of values of a nation. I am going to talk about how women in Pakistan have been leaders of a different kind of value in our society, the promoters of good practices and good traditions - traditions that are not discriminatory, that do not victimize people because of the colour of their skins, or their beliefs. Material progress is important, but far more important is the soul of a nation.

When Pakistan was created in 1947, women's leadership was marginal. We were expected to feed the refugees and be part of the movement for Pakistan, but once the country was created we were told that it was a man's world and we were expected to disappear from the public arena. It was not that women were not involved in nation building in their own way. The wives of commissioners faithfully carried out their

duties in their cities, and Fatima Jinnah, the sister of Quaid-e-Azam, Muhammad Ali Jinnah, stepped up to play the role of the first lady. They fulfilled their duties quietly with very little leadership emerging at the grassroots level initially. But flashes could be seen of women beginning to challenge values which discriminated against them. Among the first was Kaneez Fatima who proved that she was not simply a woman but *Continued on page 6*



*Ms. Asma Jehangir, President of SCBA, Pakistan

Post-seminar Reflections: Bioethics and Religion?

*Farhat Moazam**

In March 2011, the Center of Biomedical Ethics and Culture (CBEC) SIUT, organized a four day, international seminar on “Muslim Women: Through the Lens of History, Religion, Law and Society.” The aim of a deliberately broad theme was to challenge perceptions of Muslim women as a homogenous group, and Muslim laws as uniform and immutable. The seminar served as a forum to share the trials and triumphs of Muslim women in their ongoing struggle for justice. Sessions also focused on the evolution of Sharia Law (*fiqh*) and problems inherent in conflating it with Sharia.

While planning a seminar exploring factors, including religion, that influence lives of Muslim women, we were often asked thought provoking questions and offered well meaning advice. Genuinely perplexed questioners would inquire, “But you are a center devoted to bioethics and application of ethical principles. What does Sharia have to do with ethics?” Advice we received was along the lines of, “Approach issues of unethical practices and injustices towards Muslim women through secular paradigms like human rights. Discussing religion will get you nowhere, just into trouble in Pakistan.” Clearly, these comments reflect the dominant, global understanding of bioethics as a discipline of rational, philosophical principles, universally applicable and transcending other value systems, and experiences in Pakistan and elsewhere that Muslim family laws derived through interpretations of religious texts have often been the most inequitable towards women. A common thread was unease with linking bioethics to religion.

These concerns are neither unfamiliar nor do they sound outlandish to me. With my bioethics education in the United States of America, the cradle of contemporary bioethics, and my current involvement in running an ethics center in a very different country, I too have given serious thought to these issues. An important question for me has been the form and functions, the *raison d’etre*, of a bioethics center in a country

with a traditional, profoundly family centered society in which a majority of people comprehends ethics and law, and views the moral life, through the lens of Islam. How is one to ensure then that the center does not evolve into just one more bioethics center with academic programs and sought after graduate degrees, important as these are, while remaining inattentive to local realities, disengaged from indigenous influences that shape personal and public moral spheres?

In the last six years, I have gradually come to believe that those seriously interested in pursuing bioethics that is relevant to Pakistan must be familiar not merely with philosophically derived “rational” principles, but must also have a working knowledge of Sharia and its derivative law (*fiqh*) and understand the critical differences between the two, the first divinely ordained and immutable, the second humanly constructed and eternally changeable. Kevin Reinhart and others argue correctly that Sharia Law is the central domain of Islamic ethical thought, and an ethical and epistemological system. There is no getting away from it-Sharia and ethics are inextricably intertwined in the Muslim psyche, cutting across all social strata. It is no longer surprising to me to be asked by “scientifically” educated healthcare professionals, during a session on the “ethics” of end of life issues, “But what does Sharia say about these issues?”

I believe it is important for students of

Continued on page 8

*Dr. Farhat Moazam, Chairperson, CBEC.

First Batch of PGD Graduates to be awarded Diplomas from the Sindh Institute of Medical Sciences



In 2009, following approval by the Higher Education Commission (HEC) of Pakistan, the Provincial Government of Sindh granted SIUT academic independence as the Sindh Institute of Medical Sciences (SIMS). This charter provides the institution autonomy to develop and administer educational and research programs, conduct examinations, and confer diplomas, postgraduate degrees and doctorates.

On March 14, 2011, 8 graduates of the Postgraduate Diploma in Biomedical Ethics (PGD) program, Class of 2010, became the first to be awarded diplomas through SIMS, conferred by SIUT Director, Professor Adib Rizvi. This photograph shows the graduates, draped in the traditional Sindhi *ajrak*, with faculty.

Selection begins for next Batch of Students in CBEC's Programs Academic Year Commences January 2012

CBEC offers two formal academic programs, a one year long Postgraduate Diploma in Biomedical Ethics and a two year long Masters in Bioethics. Both programs combine on campus courses with distance learning components.

Masters in Bioethics (MBE), Class of 2013: Applicants must be professionals holding degrees in a primary field such as healthcare related services, biomedical sciences, social sciences, law, education, etc. Those involved in educational, training, and/or research programs will be preferred.

Postgraduate Diploma in Biomedical Ethics (PGD), Class of 2012: Open to all healthcare related professionals. Preference will be given to applicants employed in academic/teaching/research institutions.

Deadline for receiving applications: August 22, 2011

Details of both programs, and admission forms, available at www.siut.org/bioethics

Research Ethics Workshop, Saidu Sharif, Swat May 13 - 14, 2010

*Aamir Jafarey**

CBEC faculty is now routinely invited to conduct ethics related workshops at institutions across the country. One such invitation to conduct a Research Ethics Workshop was from Saidu Medical College in the beautiful valley of Swat, in the Khyber Pakhtoonkhwa province. The college, now in its 13th year, is located in the city of Saidu Sharif, and graduates 50 doctors each year.

Our journey took us on a PIA flight to Islamabad from where we took a 5 hour journey by car to Saidu Sharif, initially on the modern motorway and then through country roads along the majestic Swat River, through high mountains, all the way to our destination. Saidu, and its twin city Mingora are at a height of 3200 feet. These twin cities, along with the entire district of Swat have been in the news these past few years, all for the wrong reasons. Taliban infiltration had led to a complete isolation of this once famous tourist destination, with a peaceful populace being terrorized into submission. Action by the Pakistan Army in 2009 finally cleared the area of terrorists and brought back normalcy. During the army action, the entire area was evacuated and the medical college was also shut down for 3 months. No sooner had life crept back to normal than the area was once again devastated, this time by the massive floods of 2010. The floods took with them entire villages, and networks of roads and bridges, rendering the northern parts of the region completely inaccessible by road.

When we visited the area, it was heartening to see reconstruction efforts everywhere. Although roads have not yet been constructed to the most popular tourist destinations, work is progressing rapidly. The farthest that we could reach on

metaled roads was to Miandam (6000 feet) and then onwards on a precarious dirt track to Madian. It was striking to see the number of schools that were up and running, since the Taliban had specifically targeted and destroyed numerous schools in the area. Swati people have had among the highest literacy rates in the country and their eagerness to learn was evident in the efforts to get the school system fully functional so quickly again.

The workshop at Saidu Medical College was primarily for their faculty and members of the newly established Ethical Review Committee. During both days we had an attendance of over 70 participants. We also used this opportunity to discuss the Ethical Guidelines for Physician Pharmaceutical Interaction, developed by the Karachi Bioethics Group. A number of medical students also joined the group and were eager that we organize a specific session for medical students in the future.

It was a great pleasure for us to see the focus on ethics in a place that has been through so much turmoil and trauma.



A view of the picturesque campus of Saidu Medical College in Saidu Sharif, Swat

*Dr. Aamir Jafarey, Associate Professor, CBEC.

CBEC Research Ethics Workshops



Participants engrossed in a small group discussion exercise during CBEC's research ethics workshop in Saidu Medical College, Swat in May. Workshops were also conducted in Karachi at the Bahria University in January, and Patel Hospital in April.

Northern Bypass Flood Relief Camp turns into the Indus Basti

*Anika Khan**



In September 2010, CBEC helped to set up a 'tent school' at the Northern Bypass Flood Relief Camp (NBC) in Karachi (See *Bioethics Links*, Vol. 6, Issue 2, December 2010). Our perception over subsequent months, that many of the inhabitants would choose not to return to their native villages and towns, and homes that no longer exist, turned out to be correct. NBC is increasingly taking on the air of a permanent community with concrete homes and shops springing up to replace the tents. Residents have named it Indus Town.

Almost 200 children still attend the NBC school. With the advent of Karachi's fierce summer, it became important to provide comfortable schoolrooms for these children. Through donations, CBEC constructed three rooms for the school in April 2011. These pictures show the school and the children in their newly constructed classrooms.

*Ms. Anika Khan, Associate Faculty, CBEC.

“The Women's Movement in Pakistan: Promoting a Different Kind of Value” from page 1

also a great labour union leader. In fact, the role of women in Pakistan within the labour sector and labour movements has been quite significant but very little has been written about this.

The first major flash which is documented occurred in 1955 following the second marriage of Prime Minister Mohammad Ali Bogra. Mr. Bogra's first wife was a member of the All Pakistan Women's Association consisting of influential women, and had opposed the marriage. The event produced resentment and insecurity among women and a movement that led to the Muslim Family Law Ordinance in 1961. The MFLO addressed areas of inheritance, divorce, polygamy, and child marriage based on the report of a national commission. This was a significant event, the first time when women protested against discriminatory laws, but it did not lead to complete equality of men and women within the law - Bano's role remained inside her house while Khalid's was outside in the village. However from this point onward, Pakistani women began to speak up against oppression and injustices. In the elections of the 1960s during a military regime, Fatima Jinnah rose to the occasion and challenged Ayub Khan for the presidential slot.

In Quaid-e-Azam Muhammad Ali Jinnah's historical address to the constituent assembly, he proclaimed a message of religious freedom, stating that people must be free to go to their mosques and churches. However, the relationship between religion and politics in Pakistan continued to remain dubious with increasing pressure from Islamists who insisted that religion be a central part of the socio-political life. The Objectives Resolution of 1949 made Pakistan an Islamic state giving non-Muslims the status

of minorities. Despite expressions of grave apprehensions at the time, the Objectives Resolution was eventually moved from the preamble of the Constitution to substantive law. As a result, personal law, which is based on an unenlightened interpretation of Islam, has led to suffering and injustices primarily for women. The MFLO, which was supposed to protect women's rights, neither prohibits polygamy nor provides any criteria for equitable distribution of wealth between husband and a wife even where she decides to divorce after decades of marriage. Women who are divorced and abandoned can at best get the husband a few months' imprisonment and Rs. 5000 fine!

Until the 1970s, women activists were generally restrained in their protests, but this rapidly changed in Zia-ul-Haq's time. The civil society that was born during and after Zia-ul-Haq's time turned to a rights-based approach. A defiant civil society of women was born as repressive influences began to creep into Pakistan, a sign of which was the increasing Islamisation of the law, such as through the introduction of the Hudood Ordinance in 1979. Women activists did not keep their focus narrowed to the rights of women but struggled for the broader concept of human rights. A deep understanding developed among them that the destiny of women is closely linked to the political and socioeconomic development of the country. Even today, whether it is protests against bonded labour or the rights of religious minorities, women are present in greater numbers in support. The initially timid response to the Hudood Ordinance began to change to a more defiant, active movement in which women activists learned to network with each other. There were protests at the whipping of women which were vigorously joined by lawyers. Meanwhile Pakistani lawyers and doctors

Continued on page 7

“The Women's Movement in Pakistan: Promoting a Different Kind of Value” from page 6

were successful in preventing Hadd punishments from being executed.

In 1983, a draft was proposed for the law of evidence which would reduce a woman's testimony to half that of a man's. On February 12 of that year, in the absence of any protest by political parties to the draft, women came out on the streets. I believe that had women in Pakistan not protested then, had they not stood up, what was happening in Afghanistan could have easily spilled over with great speed into this country. We went to jail, we were placed under house arrest, and we were followed around. But more women joined hands with us, and the movement continued to grow. We became better informed and more confident. We began to understand that campaigns are built not only with the heart but also with the mind, and we learnt from our experiences. When we were jailed, we realised that most women do not have lawyers, and so women's organizations picked up the issue of reforms for women's jails.

Women in Pakistan today are no longer just doing “soft” work, cooking and sewing. We now have many women as members of parliament, also a result of campaigns started by women activists. I think that we have failed to appreciate the struggle for female politicians to get to these positions. There are women bankers, and women in the media acknowledged as hard-nosed anchors covering the political scene. And, of course, Pakistan has had the first female prime minister in the Muslim world.

There are still many things that are wrong with us today and many challenges that lie ahead. We have the violence against and harassment of women, Islamisation

and discriminatory laws, deficits in the justice system including prejudices against women, and continuing lapses in minority rights. Women's movements are also largely urban based and we need to reach out into the furthest rural areas of the country. We now have a law against sexual harassment of women in the workplace. As president of the Supreme Court Bar Association, I have taken the decision to form committees, with a male and a female member, in every province to make it easier for women to lodge complaints against harassment. Within just a few months many have already been recorded.

Women of Pakistan have consistently demonstrated a kind of perseverance and immense resilience, but a disturbed, destabilised society can stop the progress of its most vulnerable members including women. In debates on television, Islamists often argue against women they perceive as “extremist liberals.” It is important that we engage with and respond to such arguments to prevent public opinion from being misled. We need antidotes against extremist ideas and dogmatic ideologies - another challenge for women today.

We know of unfortunate children in Pakistan who are taken to shrines by their parents to have an iron cap fitted around their heads. In a way we all have iron caps on our heads; if we are to progress we need to take these off.

CONFERENCE ANNOUNCEMENT

The 12th Asian Bioethics Conference is scheduled to be held in Taipei, Taiwan from September 28 to October 1, 2011.

Details: <http://www.blc.nthu.edu.tw/abc12>

“Post-seminar Reflections: Bioethics and Religion?” from page 2

bioethics today, the teachers of tomorrow, to grasp that Sharia Law is neither monolithic nor static but a social construct of human reasoning, an attempt to discern a divine Sharia, what God “wants.” Respecting others, removing injustices, and preventing exploitation of the vulnerable, when understood as central messages within Sharia and translated into Sharia Law, resonate far more profoundly in this country than do philosophical principles, often perceived as “western.” A recent case in Pakistan illustrates this point.

The Constitution of the Islamic Republic of Pakistan states that no laws can be made in the country which are “repugnant to the Qur'an and the Sunna of the Prophet.” In 1979, during the military tenure of Zia ul Haq, the infamous Hudood Ordinances were introduced to Islamize Pakistani laws and bring them in “conformity” with Sharia. Clauses pertaining to *zina* (adultery and rape), based on literal, non-contextual interpretations of the Scriptures, led to significant increases in exploitation and imprisonment of women. In 2006, a “Women’s Protection Act” was introduced in Parliament seeking changes in clauses of the Ordinance that were most detrimental to women. Proposers of this Bill, using data demonstrating deleterious effects on

women, crafted arguments based on Qur'anic verses and the Prophet's Sunna to prove that the clauses were unjust, biased and contrary to the spirit of Sharia. On November 15, despite active opposition by religiously conservative parties, the Bill passed unanimously in the National Assembly.

The Pakistani media, and the public, are prone to paint differences of opinion in black and white with terms such as “radical liberalists” and “radical Islamists,” ignoring the many shades of grey that exist between the two poles. Reductive labels - secularist versus Islamist, liberals versus conservatives, and modern versus traditional - ignore the multiple identities within which humans exist; they prevent civil discourse and result in talking at, rather than with, each other.

In retrospect, some of the comments we heard during the planning stages of the seminar also reflect compartmentalization - of bioethics from religion, of the secular (human rights) from the Islamic (Sharia), and a belief that “to do” one you have to forgo the other. Our seminar, using the historical and existing diversities of the lives of Muslim women, was an attempt to move away from polarized and polarizing debates. I hope we succeeded.

Centre of Biomedical Ethics and Culture, SIUT

Full Time Faculty:	Farhat Moazam Professor and Chairperson	Anwar Naqvi Professor and Coordinator	Aamir Jafarey Associate Professor
Associate Faculty:	Bushra Shirazi Ziauddin University	Rubina Naqvi SIUT	Anika Khan READyslexics
CBEC Staff:	Aamir Shehzad IT Administrative Assistant	Michelle Fernandes Executive Secretary	

5th Floor, Dewan Farooq Medical Complex, SIUT New Building, Karachi 74200, Pakistan
 Phone:(92 21) 3272 6338 Fax:(92 21) 3520 6738
 Email: cbec.siut@gmail.com Website: www.siut.org/bioethics