

Syariah Law Matters: The Kingdom of Brunei's Stoning Affair

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From time to time, celebrities recoil and, in anger, seek to march for a change to the status quo. Much of it is never intended to alter much, but they can count their names among the indignant luminaries and say they tried to do something.

The recent imposition of Syariah law in the Kingdom of Brunei, a tiny speck of territory wedged between Sabah and Sarawak, was enough to enrage **George Clooney, Sir Elton John**, and a few others concerned that their moral credentials might be hurt by the move.

In incensed words [penned](#) for *Deadline*, Clooney's moral advisory noted that,

"Every single time we stay at or take meetings at or dine at any of these nine hotels we are putting money directly into the pockets of men who choose to stone and whip to death their own citizens for being gay or accused of adultery."

Clooney is also careful to pour some scorn on the sultanate.

"Brunei isn't a significant country."

He also notes previous boycotting efforts against the kingdom for its treatment of the gay community that supposedly worked.

"We cancelled a big fundraiser for the Motion Picture Retirement Home that we'd hosted at the Beverly Hills Hotel for years."

Remarkable, indeed, but for the fact that the process of imposing Syariah laws remained unimpeded.

Such exasperated notes of anger ignore the fact that the Kingdom had been engaged in amending the penal code with these Hudood laws to better reflect religious doctrine for some six years or so: the **Sultan Hassanal Bolkiah** had made it [clear in 2013](#) that sharp and direct laws of that sort would be introduced in due course. The country, in [his words](#), would "have two criminal justice systems working hand in hand".

This would duly comply with his adopted direction as defender of the faith. He had [claimed](#) that the inspiration to alter the legal system was divine, its mechanism designed to immunise the country against debauching foreign influences.

“It is because of our need that Allah the Almighty, in all his generosity, has created laws for us, so that we can utilise them to obtain justice.”

Arguably, another force was at play too: desperation. Oil production [has fallen](#) and reserves may run out by 2025. Deficits are also ballooning.

In May 2014, the so-called first phase of the Syariah Penal Code was implemented. In an [announcement](#) by the Sultan,

“With faith and gratitude to Allah and the Almighty, I declare that tomorrow, Thursday, 1 May 2014, will see the enforcement of Syariah Law Phase One, to be followed by the other phases.”

This initial stage involved fines and jail terms for indecent behaviour, a lack of attention to attending Friday prayers, and ex-nuptial pregnancies.

The state, which remains in the anachronistic embrace of an absolute, oil rich monarchy, has been run by the Sultan for over five decades in a manner that can be considered part comic and cartoonish. (James Bartholomew, in his [The Richest Man in the World](#) (1989) offers a few treats on that score.) Laws, which include such richly cruel provisions as stoning to death consenting males who have intercourse, instances of adultery, and amputation for theft, came into force on April 3. These also include 40 cane strokes for those found consenting to lesbian sex and/or a maximum of 10 years in prison and fines or jail for those who “persuade, tell or encourage” Muslim children under 18 years “to accept the teachings of religions other than Islam”.

The International Bar Association’s Human Rights Institute, through its co-chair **The Hon Michael Kirby**, former High Court justice of Australia, has [expressed](#) his discomfort.

“It is a horror story that contemporary rulers are even considering the restoration of these shocking punishments in today’s world of the internet, science, the global response to disease and the United Nations Sustainable Development Goals. It is an affront to universal human rights involving ‘cruel, unusual and degrading punishment’.”

In such a view, the good judge has ignored the fundamental paradox of technological development and supposedly modern advances. Each era must have its witches and superstitions. The internet, far from doing away with them, has encouraged the imagination of a few more. There are conspiracies, fantasies and a continued fear of harmful influences. Indeed, the presence of sophisticated technology and innovation is no guarantee of a merciful disposition. Ancient Rome was, at its zenith, a technological giant, yet appreciated gladiatorial combat and the feeding of pious Christians to hungry lions.

The latest iteration of the Brunei penal code is the brainchild of one of the world’s obscenely wealthy. And it exists alongside such abysmal wealth that is measured in the hotel ownerships through the Dorchester Group Ltd, aircraft, gold plated Rolls-Royces, and an assortment of other very worldly possessions.

And he remains fickle about them. At one point, the Sultan had in his [possession](#) a custom-

made Boeing 727, equipped with a Jacuzzi that would, at a moment's notice, have water pumped from the sky in a matter of seven-and-a-half seconds. As with a person who can have quite literally anything, he duly lost interest.

He also has his defenders, those who wish to see him as a cut above the rest.

"It is a matter of importance that the Government and people of Britain should not be," [intoned](#) Lord Chalfont in the late 1980s, "misled into believing that the Sultan is a polygamous, profligate oriental potentate buying hotels as other people buy video cassettes and engaging with dubious associates in erratic financial transactions".

With any dogmatic, brutal code, inconsistencies are bound to arise. The rulers will never reflect the laws they pass. The Sultan's older brother, **Prince Jefri Bolkiah**, [owner](#) of a yacht by the name of *Tits* and two tenders by the names of *Nipple 1* and *Nipple 2*, is a noted womaniser (and, it would seem, enslaver of women, with several claiming they were kept in that virtual state). In terms of the filthy lucre, he is said to have embezzled some \$15bn worth from a sovereign-wealth fund. He has since agreed to make some restitution. He is, in short, a leech, and derives pleasure from it.

With such creatures, the code seems at odds. It is theatre, grand and distant, with regulations imposed from above, receiving the rubber stamp of consent from below. Pure and sometimes sincere credulity, where it exists, is a powerful thing indeed.

Besides, goes one particular sentiment, these latest impositions, at least the most savage ones, may never actually be enforced. The death penalty, despite being on the books, was last carried out in 1957 when the state was still a British protectorate. The onus of proof for stoning is onerous – the need for four witnesses. There are exemptions and exceptions. But history shows that moral righteousness is rather easy to satisfy when it comes to finding fault. Witness evidence can be mysteriously found; circumstances can be invented. In times of desperation, cruel laws tend to be enforced.

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