

# The Daily Star

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## A Fresh Approach to Handling Loan Cases

ON the dual question of loan recovery and default culture, we have heard the Finance Minister, Bangladesh Bank Governor, leading bankers, top economists and business and industry leaders from time to time. The only missing link in the chain of contributors to the voluminous knowledge we have seen piled on the subject has been a judge. This crucial void too, looks filled in now as retired justice Naimuddin Ahmed, a member of the Law Commission shared his insight into the question at a seminar organised by Bangladesh Institute of Bank Management (BIBM) on Wednesday last. Speaking on the topic of "Enforcement Status of Laws Relating to Defaulted Bank Loans," he did not spare the judges saying that they, along with the lawyers, bankers and borrowers, acted as a 'coterie' to delay settlement of bank default cases. With refreshing candour he surmised that sometimes high-profile lawyers, appointed by big defaulters at fabulous fees, tend to impress the judges by their appearances to a point where procedural delays might have been obtained.

The bankers have customarily held the view that default cases are intricately woven complex web of a matter which is why they favour writing off as many 'bad loans' as possible; so that undistracted, they can concentrate better on their present set of business agenda. Justice Naimuddin Ahmed with his experience as a judge sounded credible with his observations that the loan cases were not so 'complicated in nature' as to leave the courts bogged down under 'piles' of them. A verdict in a loan default case ought to be delivered in six months' time, according to him. Obviously, in comparison with the high degree of complexity entailed in a huge number of civil and criminal suits, the procedures in loan cases and the points of determination involved in them are bound to look simpler.

But delay is not the only point at issue here. For, what seems no less problematic is the fact that while courts give verdicts in 47 per cent of the cases brought before them, only six to seven per cent of those would be 'satisfactorily' settled in the end. In other words, it is the execution of the court verdicts that goes awry with the result that we have to put up with such a poor loan recovery position.

Given this track-record of the judicial handling of loan cases, it looks imperative that we have the Supreme Court monitor progress on default cases and send report to the Chief Justice by way of ensuring accountability in the system, as suggested by the ex-judge of a law commission member.

To our understanding, however, the best way to checkmate default culture would be to nip it in the bud. Undoubtedly, the primary responsibility in staving off bad loans rests with the banks. They will have to be demonstrably professional and thoroughly careful in sanctioning loans on pain of being penalised if they should compromise on the quality of lending, even unwittingly. As the first step to that end, the nationalised commercial banks (NCBs) in particular, should have strong law departments instead of making do with a clutch of part-time retainers.

## Friday Mailbox

### No time for masterly inactivity

Sir, It's time for the ruling regime to take some drastic action. Its negative image is hostage at the gunpoint of the terrorists, who are indulging merrily in double and triple murders; pumping 30 bullets into a body; and that too within the premises of a court of law; cutting bodies into pieces after killing and what not. Let us hope that crime and bad politics have not formed secret liaison.

The nation has become paranoid, hence the social scientists have to go into deep studies and come up with some practical recommendations to the administration for deterrent action. Are we becoming a nation of killers? The Bengalis were never that cruel to fellow Bengalis. What has gone wrong with the traditional values of life?

The question is how much this abnormal behaviour pattern can be attributed to bad politics and poor leadership? There appears to be a crisis in statesmanship. It is no longer a question of political parties, but of bad governance.

Can the nation afford to wait till the scheduled time for the next national polls? Time is running out and innocent lives are ebbing away. This is not the time for 'masterly inactivity'.

A Mawaz  
Dhaka

### Uniformed men on NCBs

Sir, A few days after her Millennium Speech at the UN where she roundly condemned military take-over of civil governments and urged the United Nations to take action against such army regimes, our prime minister very nonchalantly insisted on nominating army officers in the Board of Directors of nationalised banks despite Bangladesh Bank's advice to the contrary!

During the PM's recent phone in interview shown on BTV, one caller asked her why she was nominating army men to these boards to which her reply was rather naive. She said that army men were sons of the soil that they were engaged in relief work, for traffic control from time to time and so on. Evidently they were engaged in aforesaid works for the simple reason that during peacetime they were the only body of people readily available for such part-time work (for which they do claim remuneration, I am sure) who were not required to sweat it out for a living.

From the justifications given by the PM for inclusion of army officers in the Board of Directors of nationalised commercial banks (without any banking experience etc) one would be hard pressed to think where they would not fit in! Why shouldn't we go one/two steps further and appoint them as university teachers or even cabinet ministers on deputation from the Army. Nothing should be barred for them! In the meantime, we should forget the PM's UN speech.

Under the circumstances, the governor, Bangladesh Bank should quietly resign for the sake of the dignity and prestige of the post.

Abul Mohsin  
40, Siddheshwari  
Dhaka

### PM's UN Speech

Sir, In unison with Mr F. Hussain's letter (DS Sept. 18, '00) I must say 'blaring bravado' in saying goodness of a culture is something but to do the practice is something else. I want to repeat Mr Hussain's words "What's the purpose of the so-called democracy in the country where corruption and terrorism overrules all the goals of democracy?" And what benefit people derive if they are deprived of justice. Let Sheikh Hasina be as bold as her speech and efforts be put together in all sincerity and in all fields so as to eradicate corruption and patronised terrorism from our society.

When our democratically elected government do make use of all undemocratic means to achieve their desired ends, isn't it a mockery of its leader to preach and canvass democracy for others. When the people of Pakistan didn't see any wrong at the take-over of power by the army why should our PM look at it differently? Though the PM didn't name any country in her speech it is understood by everyone whom she referred to. It is definitely a deviation from our foreign policy--which preaches 'friendship to all and malice to none'. Whom should we then blame--the hearsay is, Bangladesh became the lone country to raise the issue of 'undemocratic army rule' for no gain to her--jeopardising its own bilateral relationship. I want to mention here that the PM's speech has made more disservice to the congenial atmosphere prevailing than to do any good for the urgently needed cordiality amongst the SAARC member countries, for which she took extra initiative by sending her Foreign Secretary to Pakistan. Wasn't it a futile exercise as she did the same right before her trip to the UN?

A. F. Rahman  
Dhaka

### Who cares?

Sir, As Bangladesh turns thirty what we have to offer our next generation are 'killing of the father of the nation; killing of a president; rape; murder; smuggling; bankruptcy in our social, moral and political values; political, economic and social deprivation of the poor and the minorities with the total breakdown of law and order; upward mobility and access to wealth of a few by illegal means, politicising and corruption.

Is this going to lead us, the nation, in any way forward? Or the glory of cronyism by the parasites surrounding our leaders satisfies them so much that their vision gets blurred to see beyond the power they might be. Do these leaders really think Bangladesh is doing well? Do they really think they are doing a great job? Do they really think the people of the country respect them? Do they really think they can get away, forever, without keeping their commitment to serve the people?

The biggest asset or resource of any nation--the 'human resource' is being wasted severely by lack of proper education, technology, development and sheer negligence.

In one of his famous song, the acclaimed singer Bob Dylan has sang "The answer is blowing in the wind". But I don't think anyone really cares to find the answer.

Akku Chowdhury  
Banani

# Two Cheers for Democracy

Today democracy is limping along in Bangladesh but it is alive. It is also aware of liberal democracy beckoning in the horizon. With umpteenth attempts on her life democracy has not perished nor is in comatose. Two cheers for democracy.

Is this the best insurance against autocratic democracy.

The questions as to who will initiate and how will the steady change in the status quo of illiberal democracy be brought about beg for answers. But before these answers are given another question has to be addressed: how did the developing countries come to have illiberal democracy in the first place when they had the examples of liberal democracies before them? Farid Zakaria in his article only mentioned about the need for "appropriate preparations" by the new democracies to become liberal implying that achieving liberal democracy is a long-term exercise. To quote him "the process of genuine liberalisation and democratisation is gradual and long-term in which an election is only one step". He does neither elaborate why living examples of liberal democracies cannot be adopted right-away nor does he take the argument further to identify factors that according to him determine the duration of this process of appropriate preparation. More conspicuously, he does not take into account the fact that often the gradual progress of the process was disrupted by anti-democratic forces in the developing countries for varying periods, making the long-term process not only interminable but discrete as well. Every time such interruption took place the process had to start ab initio after the interregnum of non-democratic (also non-liberal) rule.

Zakaria's assumption about the need for appropriate preparation for adoption of liberal democracy is flawed because countries without interference from external forces can move towards building liberal democracy based on existing experiences elsewhere. Though exceptions do not make the rule, India is the best example of a newly independent country that went straight for democracy with parliamentary liberalism and except for a brief spell of emergency, it has maintained its faith and managed its state affairs according to the high principles of liberal democracy. The strength and influence of the experience gained by the country in democratic governance is demonstrated by the fact that even the extreme right-wing party leading the coalition government at present has slowly given up its extremist and militant policies for the sake of liberal democracy.

If India, with no prior experience with liberal democracy and with underdeveloped social and political institutions in 1947, could embrace democracy (rule of people through election) and liberalism (various rights guaranteed by the constitution) there is no reason why other newly independent countries could not do the same way. What is to be stressed here and the lesson to be learnt is that given the examples of living liberal democracies in the west, the political system did not have to be reinvented. And yet countries after countries in Asia, Africa and Latin America came to be ruled by autocratic military regimes from 1960s to 1970s (in Bangladesh even as late as the 1980s) who neither had respect for election nor for constitutional guarantees of the basic rights of the people. This was the genesis of the rise of illiberal democracies in most of the developing countries that followed military dictatorships of varying durations and not the lack of preparation for liberal democracies as Zakaria has made it out to be. Ironically, liberal democracies in the west often condoned and supported the overthrow of democratic governments as long as the military rulers became their allies in the cold war. It is unbelievable that Zakaria fails to recognise this widespread phenomenon in Asia, Africa and Latin America and hold the shortsighted foreign policy of the west as responsible

for the rise of authoritarian regimes that were even worse than illiberal democracies. If he acknowledged this development he would have found out that before illiberal democracies made their appearances on the scene after the departure of the military dictators there was a hiatus of what might be called disinherited democracy. Illiberal democracies therefore, are not caused by unpreparedness of the politicians or the immaturity of the political institutions, but are the direct outcome of the overthrow of democratically elected governments and a period characterised by disinherited democracy.

Military take-over through overthrow of elected governments by force (or under duress where a weakling head of the government surrenders powers) is usually justified on the grounds of failure of the political government to maintain law and order, corruption and subversive activities by political parties, press, trade unions, students and other sectors of the civil society. Whether or not all these allegations are valid, and if valid, to what degree, there is no gainsaying that under military dictatorship law and order improves significantly. But corruption, far from disappearing, flourishes and the longer is a military regime in power more widening and deepening is the

incidence of corruption. Indonesia under Suharto is the most recent example. But from the point of view of progress towards liberal democracy the greatest blow is dealt by a military regime.

It bans all political parties as a result of which the parties as political institutions to sustain democracy go into long hibernation or slowly disintegrate. In either event the norm and practice of day-to-day politics are slowly forgotten. Established hierarchies within parties break down for lack of practice and in their place new cliques emerge who give two hoots to party discipline. If and when politics is revived in future, the number of parties multiply because of this hispanious tendencies that were let loose during the period of suspended (banned) political activities. Often martial law regimes having played their innings with uniform decide to don civilian clothes and participate in politics. The disarray in the political arena lends nicely into their game plan. They either co-opt an existing party or float a new one by enticing away politicians using carrot and the stick. Politics of expedience and opportunism replace that of ideological conviction. Elections are held under the new dispensation (managed democracy) but they are never free and fair and the turnout of voters above ninety per cent is rare. They are shames mature democracies. When elections are thus rigged the virtues of constitutional liberalism remain more on the statute than are reflected in the daily lives of the people. Except the charade of election with pliant political parties participating, almost all the other features of a martial law regime prevail in this new incarnation of democracy. Such regimes cannot even be called illiberal democracies as Zakaria because election considered as 'an important virtue of governance' by him has been made a mockery of through manipulation. Then 'there is life after election', so aptly pointed out by Zakaria, and here an illegitimate democracy has very little to offer to the people by way of basic

racy, satisfying both the criteria (a) free and fair election; and (b) constitutional liberalism. But countries like Bangladesh were not so fortunate and those who are critical of certain autocratic tendencies during the two political governments since 1992 should remember this in all fairness. Since 1947 Bangladesh (including its former existence as East Pakistan) was ruled by military dictators for 28 years and civilian-cum-military rulers for 22 years. The brief period of democracy after 1971 was faced with so many problems of post-war reconstruction and state building that it hardly enjoyed the congenial atmosphere to move towards liberal democracy. Then there was the short interregnum of one-party rule when many of the attributes of liberal democracy were shed.

In the truest sense of the term Bangladesh so far has had two political governments (one nearing completion of its term) elected under multi-party system within the constitutional framework of parliamentary democracy. The constitution of the country lays down the fundamental rights for the people and the basic principles of State. Through the constitution not only the sovereignty of the people is articulated, it also guarantees their rights. The laws, rules and procedures for establishment of liberal democracy are all in place as is the separation of powers. But the burden of history is so awesome and the proclivity of legacy so strong that the expected movement towards liberal democracy after the convalescence from martial (also semi-martial) law became half-hearted at best and misguided at worst. Perhaps because of the burden of history rigging of election took place sporadically and became a subject of persistent allegation against the government that came to power after 1992. Refusal to listen to opposition parties' regarding caretaker government led to great chaos and almost non-stop political turmoil for months together. Allegation of corruption and patronage distribution among party workers were also made as

incidence of corruption. Indonesia under Suharto is the most recent example. But from the point of view of progress towards liberal democracy the greatest blow is dealt by a military regime. It bans all political parties as a result of which the parties as political institutions to sustain democracy go into long hibernation or slowly disintegrate. In either event the norm and practice of day-to-day politics are slowly forgotten. Established hierarchies within parties break down for lack of practice and in their place new cliques emerge who give two hoots to party discipline. If and when politics is revived in future, the number of parties multiply because of this hispanious tendencies that were let loose during the period of suspended (banned) political activities. Often martial law regimes having played their innings with uniform decide to don civilian clothes and participate in politics. The disarray in the political arena lends nicely into their game plan. They either co-opt an existing party or float a new one by enticing away politicians using carrot and the stick. Politics of expedience and opportunism replace that of ideological conviction. Elections are held under the new dispensation (managed democracy) but they are never free and fair and the turnout of voters above ninety per cent is rare. They are shames mature democracies. When elections are thus rigged the virtues of constitutional liberalism remain more on the statute than are reflected in the daily lives of the people. Except the charade of election with pliant political parties participating, almost all the other features of a martial law regime prevail in this new incarnation of democracy. Such regimes cannot even be called illiberal democracies as Zakaria because election considered as 'an important virtue of governance' by him has been made a mockery of through manipulation. Then 'there is life after election', so aptly pointed out by Zakaria, and here an illegitimate democracy has very little to offer to the people by way of basic

which could not be directly perceived in a visual way since the retinal image of any object is two-dimensional, as in a painting. He held that the ability to have visual experiences of depth is not inborn but can only result from logical deduction based on empirical learning through the use of other senses.

Needless to say, the theory applies to non-visual experiences of depth as well. The development of the third dimension of mental

was the persistent criticism of using students at all levels for political purposes. In the terminology of Zakaria the government could be branded as more than "illiberal". The fate of the next government has not been better. Because of its attitude towards the opposition, the latter has been forced to boycott the Sangsad and to call hartal in protest. The number of killings including political ones in broad daylight, sometimes within the premises of courts, have been cited as the failure of the government to maintain law and order. It is also accused of maintaining an armed cadre of youths who often indulge in internecine mayhem. Black money is alleged to be flowing in all directions to frustrate the rule of law. Because of these and other failings the present government has also been categorised as "illiberal democracy" ala Zakaria.

Perhaps both the governments qualify to be called "illiberal democracy" as defined by Zakaria, though there are differences of degrees, one may be more illiberal than the other. But that is not the moot point. The main consideration is the genesis of illiberal democracy in Bangladesh. An objective analysis of our past history and political experience leads one inevitably to the conclusion that for most of our political ills particularly, instability that have contributed to illiberal democracy the long and sporadic rules of martial law (beginning from Pakistan) are responsible. If our politicians are behaving undemocratically and illiberally it is because they have forgotten the rules of the game of liberal politics during the long period of exile from normal politics. If they are using black money and musclemen to get things done, this is because of the legacy of the martial law regimes, where it was a favourite modus operandi. If elections are not free and fair, that too, is a throwback to the martial law years. If martial law took place, even if for a long period, it would have been possible for the politicians to recover and stand on their own feet with confidence. But martial laws, coming intermittently, at intervals, have stunted their mental growth, having been thrown back into the netherworld of political oblivion time and again. If most of our politicians look like stunted pygmies and not like statesmen that they should be, it is not their fault entirely. They have been made to appear and behave like this during their aimless wandering in the political wilderness. To put it starkly, democracy and the practitioners of democracy (politicians and the public) have not had a long stretch of time free from interference from anti-democratic forces to make it an integral part of the polity as in liberal democracies. On the other hand, the absence from power for long periods has not only made the politicians inept in its legitimate use but more disturbingly has whetted the tendency to cling to power tenaciously once it is assumed through election. This is the hungry man's syndrome from which politicians can be cured only through equal access to power guaranteed by regularly held free and fair elections. Elections may not be sufficient but it is an important stepping-stone towards liberal democracy.

So much for explanation of the current sorry state of politics. Explanation is not and should not be the same as excuse. We cannot go on living in a politically "dark age" where parties are constantly at loggerheads, drawn political and gangland killings are daily fare, grabbing of public land is done with impunity, rule of law is observed more by breach than enforcement, human rights guaranteed in the constitution are flouted flagrantly, day in day out. The nation is at the end of the tether just as its cup of misery is

full to the brim. The politicians in power cannot abdicate their role nor can those in opposition disown their responsibilities simply by wringing their hands helplessly. But in the present eyeball-to-eyeball confrontation who will deliver the people from the morass of despair and abyss of destruction? Well, who else? Us. We, the people who have already delivered the opening salvos of criticism against the failures and wrong doings of the government and for the lack of constructive engagement by the opposition, must make the political parties realise that they cannot take the public for granted. If bullets and bayonets could not snatch away our independence, the musclemen and black money holders will not be allowed to be the arbiters of our future. One of the most redeeming developments in the midst of the ruthless, no-holds-barred pursuit of political ends is the vigilance and criticism in most of our press. The government cannot ignore what is being printed as criticism, or even in condemnation. It cannot afford to be so insensitive as to ignore or ridicule public opinion as expressed in seminars, meetings and various other forums. Herein lies our hope for the future. Strong, neutral and vigilant public opinion sustained over a long period is the silver lining in the dark cloud of our political life. Then there are the opposition parties, all of their criticism cannot be spurious and the genuine ones touching the chord in the hearts of the people will surely be seriously heeded by the government. The credibility and effectiveness of opposition politics would increase manifold if they were to adhere to constitutional means more often. If these forces are joined by non-partisan intelligentsia and members of civic society a groundswell of public opinion can be built up which should take the country slow but steadily towards liberal democracy.

There appears to be no better alternative to hoping for a healthy political future based on constitutional populist movement as outlined above (e.g. through public criticism, media participation, comments and suggestions made in seminars, conferences, etc submission of memorandum of demands by citizens to the government: constructive criticism by the opposition political parties and independent views on matters of national interests articulated by the neutral members of the civil society including intelligentsia). For this to happen at least three to four elections will be necessary to instil habits of democratic conduct both for the party in power and for the opposition. With two elections giving power to each of the major parties just once is simply not enough to clean up the Augean stables of party politics which suffered so badly and were mauled ruthlessly by the men on the horseback and their minions.

One would be living in fool's paradise if one were to think that the alternative to the present political impasse is autocratic military rule. This will reverse the process of democratisation, however faltering, that is going on at present and hark back to the past of dictatorial regimes. It will be worse than falling from the frying pan into the fire. And democracy will have to be restored again in one form or another whether out of enlightened self-interest by the usurpers of power or under popular pressure. This is because time and again democracy has proved to be the only time-tested political system where people can exercise sovereign power. The more vigilant and active is public opinion in an atmosphere of freedom of choice the greater is the chance of democracy defeating the other illegal contenders. Today democracy is limping along in Bangladesh but it is alive. It is also aware of liberal democracy beckoning in the horizon. With umpteenth attempts on her life democracy has not perished nor is in comatose. Two cheers for democracy.

# Are We Losing the Sense of the Deep?

FRENCH poet Gerard de Nerval got into the habit of walking with a lobster on a leash. One day when someone asked Nerval why he did this he replied that the lobster didn't bark, and it knew the secrets of the deep. Needless to say, the anecdote reminds us of the age-old adage that empty vessels sound much. Sir Walter Raleigh, the English explorer, was creative about it when he wrote to the Queen, "Our passions are most like to floods and streams; the shallow murmur, but the deep are dumb."

Why is it that those who bark don't know the secrets of the deep? Or, why do the shallow murmur, while the deep keeps mum? There seems to be a mismatch between the gift of gab and profundity of soul. Those who chatter seldom matter. To say it other way around, reflective minds don't rant.

But does the power of the mouth always contradict the position of the mind? Tongue-tied men of meditation like Buddha have changed the world, whereas oratory has made many great men. Talkative people are not always perceptive, for then the hawkers would have led many a social change! Likewise, reticent men don't always make sense, because people do stupid things when they are stoned.

Yet one cannot deny the correlation between mouth and mind like it exists between floodgate and a body of water. Demosthenes suffered from a lisp, but he worked on both mouth and mind to become one of the greatest orators in history. Winston Churchill was shy as a

youth, but then he turned it around and made history. Thoughts, like words, require purity when they spring from the deep. Again thoughts choking on the inability to express gets muddy and stale like water stagnating on the estuary.

Euripedes cautioned that of unbridled lips and lawless folly the only end is disaster. In the same breath he also said that thoughts too long would make life short. In as much as a garrulous person may not understand life, an excessively thoughtful one may never enjoy it. The middle course between the two extremes is identified by Raskolnikov's friend Razumikhin in Dostoyevsky's Crime and Punishment, who voices his distaste for an ideological approach to life. Razumikhin's own life exemplifies how one can solve problems neither by grand ideas nor by dramatic gambles but by slow, steady, hard work.

Hard working people often get the right connectivity between words and thoughts. They mostly talk from experience and show a certain control of the mind over the mouth. The weight of understanding holds their lives in a certain balance. These people, like deft divers, can go down to the depth of life and fetch the treasure of sober realisations as and when needed.

At the beginning of the 18th century, Anglican Bishop George Berkeley put forth the theory that depth was the third dimension,

which could not be directly perceived in a visual way since the retinal image of any object is two-dimensional, as in a painting. He held that the ability to have visual experiences of depth is not inborn but can only result from logical deduction based on empirical learning through the use of other senses.

Needless to say, the theory applies to non-visual experiences of depth as well. The development of the third dimension of mental

either be something different from the thing he knows or identical with it. If it is something different, then there is a discrepancy between what he has in mind and the intended object of his knowledge. One cannot know that blue is a colour if the object of that knowledge is something other than that blue is a colour.

Hence, true knowledge cannot be perfunctory or pretentious. Existentialist critics (especially Albert Camus) became fascinated with Kirilov in Dostoyevsky's The Possessed, who adopts a series of contradictory philosophical justifications for suicide. He argues that only an utterly gratuitous act of self-destruction can prove that a person is free because such an act cannot be explained by any kind of self-interest and therefore violates all psychological laws.

Kirilov expressed his knowledge, however horrendous, without fear or favour, and that courage of expression comes from the depth of one's realisation, not

from the surface or surfeit of exhibitionism. The mind, which has acquired that kind of depth couldn't care less whether it's denied or accorded recognition. The concern over recognition often despoils the power of knowledge, its depth silted with debris of parochial interests.

The crackle of voices around us, therefore, raises one question: what is happening to our sense of depth? Why do the flip-flop flourish and the silent suffer, while the tower of Babel rises ever higher? These questions are echoed in The Second Coming written by W. B. Yeats: Turning and turning in the widening gyre/The falcon cannot hear the falconer;/ Things fall apart; the centre cannot hold;/ Mere anarchy is loosed upon the world;/ The blood-dimmed tide is loosed, and everywhere/The ceremony of innocence is drowned;/ The best lack all conviction, while the worst/ Are full of passionate intensity.

How aptly it describes the world about us! The blabbermouths are full of passionate intensity, and the deep-hearted ones appear to lack all convictions. The specifiying politicians, the glib-tongued intellectuals, and whoever else love to talk, they don't realise that words are mostly two-dimensional if not uttered from the depth. They make sound and they even make sense. So does barking. But the words one speaks are not meaningful unless one knows the secrets of the deep. What is true for waters is also true for words. The best in both room is the deep.

## CROSSTALK

Mohammad Badrul Ahsan

