

Separation of judiciary from November 1

Efficiency and integrity of justice system must now be enhanced

IT will certainly be a historic moment for the nation when the process of judicial independence gets underway on November 1. The long-felt need for separation of the judiciary from the executive now looks about to be finally met. Indeed, we can reasonably say here that the fundamental and necessary changes being brought about in the way the judiciary will work from now on are an outcome of the long and sustained struggle put up by the nation over the years for the supremacy of law and fairness and efficiency of the justice system. Under the new arrangements, all control over the lower judiciary will pass into the hands of the Supreme Court. The system of executive magistracy that has so long operated in the lower courts will give way to one of judicial magistrates working under the direct supervision of the Supreme Court.

We welcome this development auguring well for the nation. Had political governments not dithered on it for years we could have benefited from it a long ago. But we should be fully aware of the challenges that this prospect brings forth. We have to put in place the required number of judicial cadre who will be carefully chosen against some set criteria. A supervisory mechanism is very much needed whereby the higher judiciary keeps an eye on the lower judiciary so that it refrains from any abuse of power. In fact, a code of conduct needs to be formulated and implemented by the highest judiciary for the working of the lower tiers with checks and balances embodied in the system. We have the prospect of a huge improvement in the system here. But in materialising this adequate funds and manpower should be placed with the highest judiciary.

We remain quite aware of the cloud the lower judiciary has worked under in the past years. Periodic assessments by such bodies as Transparency International Bangladesh have pointed to instances of corruption in the functioning of the lower judiciary. Now that it prepares to go under a new dispensation, we will hope that the image of corruption so long stifling its working will be wiped clean. That depends to a very large extent on the professional excellence and probity of the judicial magistrates who will now have full authority to deal with cases. Essentially, the Supreme Court needs to ensure that the powers enjoyed by the lower courts are not abused or misused.

In the end, it is on the purposeful leadership provided by the Chief Justice and his colleagues that the success of the new judicial order will depend.

FAO award for a Bangladeshi

He has done us proud

ABUL Kalam Azad, a Bangladeshi agriculturist, wins the prestigious FAO award for excellence in horticulture. He is in the company of four other recipients of the award in pisciculture, agriculture marketing, home gardening and social forestry from Cambodia, Mongolia, Samoa and Thailand.

Azad has always been an example for others for his devotion to and commitment for development of horticulture, a potential golden goose for export from the country. We are heartened by the news and join the nation in congratulating him.

Although our agricultural practices have been traditionally concentrated on cultivation of rice and other food grains, there is, however, an increasing sign of diversification of crops as is evidenced in people taking to pursuits like horticulture.

To that extent, development of horticulture in general is worth noticing. It is an important factor in meeting the overall nutritional requirement of public health. On the other hand, it could also effectively enhance our export earnings in a large number of countries where demands for fruits and flowers are on the increase. Basically, it can employ a large number of people.

This award is also unique on other counts. Azad, once an employee of the Bangladesh Air Force has set the unique example that given the will and trust in one's own self one can achieve excellence in any branch of human endeavour. It has become a money spinner for him serving as an impetus for those who are looking for a respectable and meaningful livelihood.

We urge the government to give due support in furthering development of horticulture in the country. Banks should provide loans on easy terms. Let us carry forward the good work done by Azad.

What's in a name?



ZAFAR SOBHAN

YOU just can't make this stuff up. When I first read about it in Maureen Dowd's New York Times column earlier this week, I wasn't sure whether to take it seriously or not. Surely this was just hyperbole on Ms. Dowd's part or she must have gotten hold of the wrong end of the stick or somehow misunderstood. Right?

But no, she was deadly serious. According to the Terrorism Awareness Project web-site: "During the week of October 22-26, the nation will be rocked by the biggest conservative campus protest ever -- Islamo-Fascism Awareness Week, a wake-up call for Americans on 200 university and college campuses."

This is not a joke. Starting next week, this is really happening the length and breadth of the US. Read it again. 200 university and college campuses. That's right.

The project is the brainchild of David Horowitz, whose current incarnation appears to be as the head of the modestly named David Horowitz Freedom Center. For those of you who have the good fortune not to know who he is, Horowitz is a neo-

conservative in the original sense of the word (i.e. one who started his political life on the left before ending up on the extreme fringes of the right).

Raised by communist parents, Horowitz was a committed leftist throughout the sixties, among other things editing the fire-breathing Ramparts magazine. Disillusioned and embittered after falling out with the Black Panthers, in the mid-seventies Horowitz drifted rightwards in his political beliefs, moving effortlessly, as one commentator puts it, from the infantile left to the infantile right, and ending up the sick, rage-filled hate-monger he is today.

But enough about the execrable Horowitz. The unfortunate fact is that he is merely one of very many and his views are by no means out of the mainstream of the modern American conservative movement.

I have written at length in this column about the iniquities of the American right and how the current Bush administration's actions and rhetoric serve only to further create the impression that it is Islam and not terrorists acting in the name of Islam that they are opposed to.

There is really nothing I can add by way of commentary here.

STRAIGHT TALK

It thus seems to me that "pseudo-Islamic" is the perfect term to use for those who hide behind Islam, politicise Islam, and manipulate Islam for their own nefarious ends. These people cloak their profoundly un-Islamic thoughts and actions in the garb of Islam. Not only are they un-Islamic, they are the very antithesis of Islamic.

Stunts such as Islamo-Fascism Awareness Week make the point for me with perfect eloquence. If Horowitz and the educational institutions involved cannot see how this is offensive to all Muslims and how sponsoring such an event can only serve to poison the relationship between Muslims and non-Muslims, fanning the flames of fear and distrust on both sides of the divide, then nothing I write here is likely to persuade either him or the other haters.

But I am not writing this column to rail -- once again! -- against how tragically misguided the American right is when it comes to the war on terror.

Instead, I would like to take a moment to talk about definitions and nomenclature. Nomenclature is important -- if nothing else, Islamo-Fascism Awareness Week should bring home to us the dangers inherent in not being able to come up with a generally acceptable term to differentiate practitioners of one of the world's great religions from those who commit crimes against humanity in the name of the religion, and letting others do the naming.

Initially, the term used in the media and elsewhere to describe militants and fanatics was "fundamentalist." This, however, has

its drawbacks, since there are many pious and observant Muslims who would call themselves fundamentalists, but who can by no means be thought of as either militants or fanatics or radicals. The pejorative nature of the term as a catch-all grouping is thus offensive to many people.

Next up is the term "Islamist" which has gained wide currency in Europe and the US and is now catching on in other parts of the world, as well. I don't know, though. Something about the term does not sit quite right with me.

It seems to me that the term gives too much credit to those who politicise the religion and pervert it to their own ends. Even though it intends to convey the opposite, the term actually seems to suggest that there is something Islamic in the message and actions of the so-called "Islamists."

In addition, the term is surely too similar to "Islamic" and thus bound to create confusion among the theologically illiterate and likewise cause discomfort for the many Muslims who discern no connection between their faith and that of those who believe that it is acceptable to kill innocents in the name of religion.

The term I favour and would like to see gain more widespread currency to describe militants and fanatics who commit terror in the name of Islam is "pseudo-Islamic."

The idea came to me when I recently read an editorial of a Dhaka daily that railed against "pseudo-liberals." The daily defined the pseudo-liberal as one who professes ostensibly liberal values and beliefs but in truth is extremely illiberal in his other thoughts and actions.

The efficacy of this term is that it not only suggests that the pseudo-liberals are illiberal, it suggests that they are in act the very opposite of what they profess to be. It suggests that they are using liberalism as a cloak for illiberalism.

But liberalism is not the only creed that has its pseudo-practitioners. It seems to me that the term pseudo- could also be appropriately prefixed to all kinds of religious extremists whose thoughts and actions have absolutely nothing in common with the religion they claim to profess. Thus we have pseudo-Christians who by conduct and rhetoric appear to be thoroughly un-Christian (see, e.g., Iraq, destruction of) and pseudo-Hindus who distort their faith into something ugly and unrecognisable (see, e.g., Babri Mosque, destruction of). You get the picture.

It thus seems to me that "pseudo-Islamic" is the perfect term to use for those who hide behind Islam, politicise Islam, and manipulate Islam for their own nefarious ends. These peo-

ple cloak their profoundly un-Islamic thoughts and actions in the garb of Islam. Not only are they un-Islamic, they are the very antithesis of Islamic.

The term is not merely descriptive, it is pejorative, and it is meant to be so. There is a value-judgment, an opposition implicit in the usage that I believe is warranted. Use of the term implies condemnation of those who are so described (and at the same time differentiates them from genuine practitioners) and it is this strong implied condemnation that gives the term its edge, its bite.

So what to call those who commit terror in the name of Islam. Perhaps there is an argument for simply calling them terrorists, without recourse to mentioning their putative or ostensible religion. But this lets them off too lightly.

One, it is significant that they are acting in the name of religion and thus to obscure this fact is not helpful to the discourse. But, more importantly, the fact that they are abusing the teachings of a great religion needs to be pointed out at every opportunity. The fact that these people are not Muslims in any true sense of the word needs to be brought out.

So: not fundamentalists and not Islamists. And certainly not Islamo-fascists. Let us call the people who dare to commit terror in the name of Islam for what they truly are: pseudo-Islamic.

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Force and form



MOHAMMAD BADRUL AHSAN

LET me introduce the Shakers to you before I tell what I like about them. They are a Protestant religious denomination, which originated in Manchester, England, in the 18th century. But that isn't why I like them. I like them for their celebrated proverb, which goes like this: "Every force evolves a form."

Ironically, the Shakers have proven it with their own lives. They built 19 communal settlements that attracted some 200,000 converts. Strict believers in celibacy, Shakers maintained their numbers through conversion and adoption of orphans. Turnover was very high; the group reached maximum size of about 6,000 full members in 1850, but now has only four members left as per the last count.

Perhaps the Shakers never thought that celibacy was not a force and it couldn't evolve a form. It was Parmenides who

had popularised the maxim "Ex nihilo nihil fit" in the Greek cosmogony hundreds of years ago. In plain English that means nothing comes out of nothing. What Socrates preached, the Shakers practiced, and that reduced their number to as many as a table has legs.

Well, if brevity is the soul of wit, then what the Shakers have said in five words can be expanded to interpret this world. In fact, the form is as good as the force. The force of wind makes a storm. The force of will makes an ambition. But then Shakespeare said that ambition was the sin by which fell the angels.

If sin is a force, then so is virtue. It is all about action and reaction. It can be seen in another way. Form is the reaction to force, just like the dent on a surface is reaction to a blow.

In 1985, this year's Nobel

CROSS TALK

So hunger is a force that evolves masterpiece, whereas a sumptuous meal produces wind in the belly. Who hasn't heard it a few times in life that there is a way where there is a will? The willpower is the force that evolves a man. It is like a bulldozer that razes down obstacles and makes its way in the dense forest. But the fundamental question is what creates force? There are gravitational and magnetic forces, which influence objects. The force that evolves life, one that creates thoughts and emotions to set a life on its course, is a different force.

laureate, Doris Lessing, had said in her Massey Lectures for the Canadian Broadcasting Corporation that the future generations of historians would be puzzled by the fact that the Western civilisation had the knowledge it needed to avoid its collapse, but, yet, it did nothing to prevent it. This is eloquently summed up once again by another concise remark. "We would rather be ruined than changed," wrote W.H. Auden.

The best example of the Shaker proverb is man himself. He is the product of a force of passion, which starts with a man and a woman who are responsible for his birth. Then this man evolves on the force of his own passion to create and procreate throughout his life. He is propelled by his hopes and dreams. When it's said that a man is as large as his hope, again it's the Shaker proverb that makes the

sense. The form evolves as far as the force revolves.

This world, therefore, is about force and form. The big bang created the universe. The force of combustion evolves the speed of a car. The force of war creates national boundaries. The market force shapes economy. The force of intellect harnesses knowledge. The force of a potter's wheel fashions his craft. The spin of roulette formulates chance. Evolution itself is a force that evolved from tiny one-celled animals to trilobites, fishes, and eventually amphibians, quadrupeds, dinosaurs, birds, monkeys, and men.

Furthermore, life is the force that evolves death. Time is the force that evolves age. Seconds strike a minute, minutes strike a day and days strike a year. A single stir creates motion, and then motion creates commotion. In five words the Shakers

have given away the secret of life.

Faith is the force that evolves religion, and then religion is the force that evolves conduct of man. What he believes evolves into action when a man turns into a formidable weapon. He rises against governments, he rises against tyrants. One man can carry enough force in his conviction that ultimately evolves change. An image of that evolution was seen at the Tiananmen Square in Beijing in 1989. A lone man stood against a convoy of advancing tanks.

If love is a force, so is hatred. If privation is a force, so is satisfaction. If sleep is a force, so is wakefulness. If emptiness is a force, so is fullness. Nothing is a force like everything. Sorrow is a force like joy. Motion is a force like stillness. Van Gogh was starving once when he went to a rich relative and asked for money. He was told that it was the time to start painting, because when the when stomach was full, men always created on the wrong end.

So hunger is a force that evolves masterpiece, whereas a sumptuous meal produces wind in the belly. Who hasn't heard it a few times in life that there is a way where there is a will? The willpower is the force that evolves a man. It is like a bulldozer that razes down obstacles

and makes its way in the dense forest.

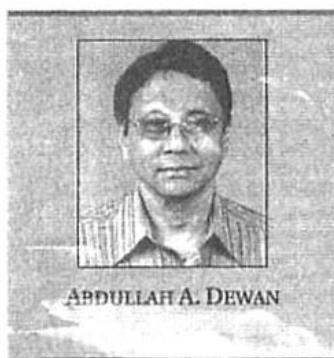
But the fundamental question is what creates force? There are gravitational and magnetic forces, which influence objects. The force that evolves life, one that creates thoughts and emotions to set a life on its course, is a different force. Fate is one way to explain it. It is written in the cards before a man is born. It is a certain alignment of stars, which favours or disfavors the luck of a man. Life is a mere stretch of time when its unfolding force unfolds the man.

If this civilisation ever crumbles, it will crumble not from failure but from success. It will crumble not from ignorance, but from knowledge, from understanding not from confusion. Evolution is so long as force dominates form. Revolution is when form dominates force.

Somehow the force and the form are coming too close, leaving no space between them. Man is trying to conquer hunger, poverty and ignorance, and then he is going to stall. Neither revolution, nor evolution will change anything. The force shall not evolve form for the same reason one can't shoot if one has no space to step back and take aim at the target.

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Loyalty to leader versus country



ABDULLAH A. DEWAN

MY friends often ask me if my column has created any impression among the top policy makers of the government, as if it is customary to receive feedback from them. How would I know if they even read my column? I always told them: "No -- not yet." But last week, I could say: "Yes -- I did."

On October 3, I received the following e-mail from a person whom I silently admire:

"Dear Dr. Dewan: Though I did not have the opportunity of knowing you personally, I'm an admirer of you and your columns in The Daily Star. I sincerely appreciate your kind feelings about the..."

NO NONSENSE

No one should ever pledge his loyalty and allegiance to a leader instead of the country. Absolute allegiance to a leader leads to cronyism, corruption, murder, homicide, extortion and, ironically, frequently hastens the demise of the leader upon whom these loyalties are placed. Today's BNP and AL politicians stand as testimony to these outcomes for loving their leaders -- not the country.

and myself. My only request to you is that you should keep telling us how to do our job better. Also keep the "..." in your prayers so that we do not stray from our path of serving the nation. With warm regards."

My immediate reply was as follows: "Time now is 2:30am. I stopped writing my next week's article once I saw your e-mail and the generous comments that came with it. I will pray for your success and, to be honest with you, I will not complain if God takes away 5 years of my life and adds to yours only if He keeps you in good health for the good of the country. I am in a far away land -- but never away from home."

Kawser Jamal, an IT expert in Arkansas and long time friend, instantly reacted by praying to God to allow him to give up 5 years of his own life to make up for my sacrifice, possibly because I don't have many years left to give. My wife told me that God, instead of taking 5 years from either of you, will add more years of life to all three of you.

I am truly blessed that my friends assiduously promote my column. For example, Moshen Farruk, a first rate scientist in New Jersey, and Kawser Jamal, always distribute my articles to their contacts and initiate discourses as we mine for fresh ideas. The addition of a new admirer from

the government back home would only make me a better writer -- and possibly take me back to where I belong.

Our country is always in our thoughts. Unfortunately, a few Bangladeshi expatriates in the US and UK see the current government as army rule in disguise. They don't see the creation of an independent judiciary, ACC, PSC, EC and reforms in the police, among others, as signs of progress, which were unachievable under previous governments.

They compare General Moeen U Ahmed with autocrat General HM Ershad. Are all generals created equal?

When we see Moeen speak on

issues in seminars and public forums we see a "think tank;" when we see Moeen distribute relief materials to flood victims, we see a man with "charitable disposition;" when we see Moeen in army uniform, we see a smart soldier and a "true patriot." Moeen's antagonists may now take pause after he announced that he had no interest for the presidency.

Our people back home are always in our prayers. When we heard the story that a woman in rags standing in waist-high flood water was bitten by a snake (and died) -- one that was desperately swimming for something to ride on, mistakenly glided onto the woman's body before biting her to death -- we see only the faces of those politicians who pilfered foreign aid instead of spending it for flood prevention.

When we heard the story of a little boy who, crawling in the mud on the flooded backyard of his house, mistakenly touched a snake (folded in concentric circles and resting), got bitten and

died, we cursed the ministers, MPs, and public servants who built many houses in cities, summer resorts and bungalows in rural areas or on illegally seized forest land and beaches by siphoning off funds approved for dredging canals and rivers.

And we were dismayed when we learned that 102 former MPs (AL), on October 10, jointly demanded Sheikh Hasina's release before allowing the legal process to impartially review the charges against her.

Former speaker Abdul Hamid said the other day that the government has many jurisdictions on which to release Hasina if it so wishes; and that would make 150 million people happy. Hamid claimed that the entire nation was surprised and shocked at the arrest of Hasina on false and fabricated charges filed by a few conspirators.

What a ridiculous statement! If Hasina's release would make 150 million people happy, as Hamid said, then where would BNP cronies find people to celebrate

Khaleda's release?

Mr. Hamid -- time to wake up. The people were surprised and shocked at Hasina's arrest, not because they thought the cases against her were fabricated -- they're surprised because they thought Hasina was untouchable -- and shocked because the charges appear compelling on prima facie reports. That may be the reason Zillur Rahman, Abdul Hamid and others don't want court proceedings of the cases in which Hasina was implicated. The same is true of Khaleda and her cronies.

No one should ever pledge his loyalty and allegiance to a leader instead of the country. Absolute allegiance to a leader leads to cronyism, corruption, murder, homicide, extortion and, ironically, frequently hastens the demise of the leader upon whom these loyalties are placed. Today's BNP and AL politicians stand as testimony to these outcomes for loving their leaders -- not the country.

They say they love their country

but, in the Bangladesh context, conducting politics and loving the country appear mutually exclusive. Politics is a form of business in our political realm because politicians invest millions to get elected. Businessmen also invest millions and love their profession, obviously because it brings them money -- politicians have proven that they're no different.

Corrupt politicians, public servants, and businessmen are afraid of the ACC. My friends and I are also afraid. We are afraid that, if the ACC is made dysfunctional by the old politicians, they will rule the country in the old ways.

We are afraid of the politicians who raise their hands, praying to God for their leaders' release from prison. We are afraid that God, in a moment of mercy, will listen to them. And it is that fear which keeps us busy, praying to the same God for maximum incarcerations for their crimes. We have to wait to see whose prayers are answered.

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