

Redefining secularism

The influence of religions is so immense that it is not possible to separate state from religion. So, the western notion will also fail to serve our purpose. In fact, Bangladesh has to define its own brand of secularism, considering the fact that the majority people of the country are Muslims and Bengali.

MD. ANWARUL KABIR

ESTABLISHING secularism was one of the principles of our Liberation War. After liberation, the 1972 constitution incorporated secularism as one of its salient features. However, post-1975 politics changed the situation and we reverted to the realm of communalism.

The reasons behind this U-turn are manifold. Yet, one may argue that, as the term secularism was not defined objectively, communal forces could misguide the people with a view to promoting their own political agenda.

The apparent debacle of communal forces in the last election does not negate the possibility of their revival in future. To annihilate communal forces, secular democrats must redefine "secularism."

There is no universal notion of secularism. The rationalist and atheist notion suggests that religion and secularism are rigidly incompatible as secularism is a non-religious, if not altogether anti-religious, philosophy. So, in framing state policy, a secular state should not care about the religious beliefs or practices of the citizens.

In extreme cases, a secular state can debar the citizens from practising their religious obligations. The communist blocs established this notion of secularism.

The western liberal notion of secularism suggests that there is no contradiction between religion and secularism.

Rather, it concentrates on the separation of the church and the state. This model suggests that the state should remain independent of the church and that the church has no role in framing state policies. However, the church can still play a significant role in the private sphere of life.

In Bangladesh, the communal forces have misguided the people by defining secularism in line with the rationalist and atheist notion. Thus, the majority of the people perceive secularism as an anti-religious ideology, and those who are religion oriented naturally don't endorse secularism.

Is the western notion applicable to our country? To answer this, we need to assess the influence of religion on state affairs from an historical perspective.

Throughout Europe, the church had played a role in framing and regulating state policies till the 18th century, when everything was determined in accordance with the biblical doctrine. In a real sense, the countries in Europe then were theocratic by nature.

Due to the development of natural science, rise of the Renaissance Humanists and the Enlightenment, the supreme authority of the church collapsed gradually and, ultimately, church and state were completely separated during the 17th and 18th centuries.

Martin Luther, the founder of Protestantism, initiated the first step of the separation of state and church by introducing the doctrine of two kingdoms (secular and spiritual) of God. Like

Europe, America also had a similar experience; separation of the state and religion was endorsed in 1791 through the first amendment to the constitution.

But the case of the Indian subcontinent was completely different. Before the Moghul Empire, most of India was ruled by Hindu kings. As Hinduism covers different varieties of indigenous religious beliefs, the ancient Hindu kings showed religious tolerance and ran the state in a secular manner.

The Moghul emperors, except Aurangzeb, continued to conduct state affairs in secular mode and they never tried to establish theocratic Islamic state. The tenure of Emperor Akbar was noted for his secular practices in running the kingdom. By combining the essence of all major religions, he introduced Din-e-Elahi with a view to upholding the philosophy of secularism.

Din-e-Elahi can be viewed as an effort to establish Indian style secularism, which did not negate religions. Rather this nurtured all religious doctrines, allowing peaceful co-existence of their followers.

After independence, Jawaharlal Nehru, realising the very essence of secularism, framed the constitution. So, it is unsurprising that in India the state promotes religions and religious activities. For instance, it sanctions huge funds for religious institutions and education.

However, such state funded institutions must not discriminate against any citizen for his/her religious belief. So, in the state funded Muslim madrasas, not only Muslims but also people of other religions can study without any religious prejudice.

Now the question is; what mode of secularism should Bangladesh follow? As the majority of the citizens are not orthodox but religious, we must discard the rationalist and atheist notion. Again, the influence of religions is so immense



Secularism is not negation of religion.

that it is not possible to separate state from religion. So, the western notion will also fail to serve our purpose. In fact, Bangladesh has to define its own brand of secularism, considering the fact that the majority people of the country are Muslims and Bengali.

Bangladesh consists of other religious communities along with some indigenous ethnic minorities. So, in defining secularism we must consider Bangladesh as a pluralist society in both the religious and the cultural aspects.

Our secularism may be close to that of India's, but it must originate from our own soil. Though the majority of the people are Muslims, historically they have been upholding and practising Bengali culture without any confrontation with Islam. The reason is the way

Islam is preached in this region.

Many people who converted to Islam in the erstwhile East Bengal were from the lower strata of Hindu community, and were inspired by the *Peers/Aowalias* who followed Sufism, which is contrary to the orthodox view of Islam. Sufism emphasised a spiritual union with God and did not require its adherents to abandon their traditional beliefs and practices totally.

The influence of indigenous Bengali culture is evident in the Muslim community in Bangladesh. The majority of the Muslims have a liberal outlook and traditionally believe in peaceful coexistence with other religious communities. So, implementing secularism in Bangladesh is relatively easier compared with other Muslim countries.

Perhaps, while defining secularism in the 1972 constitution, Bangabandhu had a crystal clear conception of secularism of the land. To him, secularism did not mean discarding religion. Rather, he was eager to promote all religions and bring religious harmony in the country.

During his tenure, recitations from all major scriptures at the opening of any state function can be cited. Besides, he was keen to maintain good ties with other Muslim majority countries and joined the OIC. His decision to form the Islamic Foundation and patronise major Hindu/Buddhist festivals was in line with our brand of secularism.

MD. Anwarul Kabir is an educationalist and a freelance writer. E-mail: kabiranwar@yahoo.com.

Good rule of good law

The law has to be pro-people and its application has to be well intentioned. The ruling caucus must adhere to the principle *salus populi est, suprema lex* (people's welfare is the highest law). Rule of law by itself does not stand up to this maxim. Good rule of good law does.

SAADAT HUSSAIN

RULE of law is a catchy slogan. It has tremendous appeal for the general members of the public and intellectuals alike. People tend to believe that no injustice and exploitation exist in a society administered by rule of law. In other words, absence of rule of law is the source of all evils in the society. Looks fine, but only when read superficially.

Rule of law means ruling by law. Application of law is meant to augment the welfare of citizens. Lawlessness is tantamount to instability and absence of happiness. Enforcement of law will take care of injustice and exploitation. The underlying assumption is that all laws are good and application of law is fair and well intentioned; it is not guided by any ulterior motive.

The law of the land guarantees the protection of an individual's right to the fullest extent. Blind obedience to the law is an attribute of a good citizen. Conversely, defying law in any form is delinquency, which deserves to be condemned. A law-abiding conformist is an asset for the society while the law breaking contrarian is a veritable liability. Rule of law is to be upheld at all times.

To examine the robustness or other-

wise of such position one has to look into the provenance of laws in a country. All laws are man-made; they are not natural products. This means that some people have formulated the laws, and those have been enacted or issued by an individual or a group of individuals who have the power to do so. It is aptly said that the law is the wish of the sovereign. The powerful person or group that commands the obedience of citizens embodies the sovereign.

In an ideally democratic state sovereignty resides with the people. There are other forms of government where sovereignty is manifest in persons other than common citizens. They could be king, conqueror, dictator or spiritual head. The most important thing is that people obey their commands. When formalised, they represent the body of laws used to rule the country.

Laws of the land reflect the power structure within the country. The powerful exact what they want and the powerless grant what they must. Things are smoothly formalised through the laws of the land, which are meant to protect the interest of the powerful.

A cursory glance over individual laws may not reveal the true situation. The law may look innocently pro-people or pro-poor. The groups may be diffused and

they may successfully camouflage their interest by using sugarcoated jargons and weasel words.

Is the adage "rule of law" good enough

to ensure fair deal, redress of genuine grievances, 'happiness' and 'welfare' of common citizens? Or it is a cliché to perpetuate the expropriation by the

powerful groups. There are no straightforward answers to these questions. Rule of law at times helps redress the grievances of the sufferer.

It reins in the wayward swashbuckler. It is apt to create an impression that law is blind, it punishes the offender and helps the victim; it protects the innocent against the onslaught of the perpetrator.

In the real world situation, the outcome of the whole is far from this impression. The poor, the downtrodden, the hapless seldom get a fair deal under the rule of law. They do not have the resources to tap the benefits provided under this dispensation. The law itself may not be pro-people; it might have been framed to serve the purpose of a tyrannical regime. How can an anti-people law serve the pro-people purpose?

Myriads of examples may be cited where breaking the law was eminently justified because the law was against humanity, it was tyrannical, oppressive and brutally against the interest of the common people. Take the case of the apartheid law in former South Africa.

It ran counter to fundamental human rights, it was a black law meant to undermine the interest of the majority of the citizens and was not based on any moral premises. Actions taken under the cover of this law might be justified in line with the rule of law but they are fit for unqualified censure on moral ground.

Similarly, the Electoral Bodies Disqualification Ordinance (Ebdo) and Public Representative Office Disqualification Ordinance (Prodo) were abominable black laws promulgated during Ayub's regime to suppress the

democratic rights of citizens.

Actions taken under these laws may be in conformity with the rule of law but they are without any moral basis and deserve to be defenestrated by people's upsurge. Dozens of such black laws may be cited to highlight the message; as long as such anti-people black laws exist rule of law will be an inveterate curse for the nation.

The other problem is the mischievous application of the law by the powerful group. The law might have been enacted with a benign purpose, but it might be used as an instrument of oppression by crooked tyrants. Innocent people or non-conformist idealists may be persecuted through misapplication of the law.

Whatever be the law, it is administered by a set of functionaries who are under the control of the ruling oligarchs. They can bend the law, ignore it or distort it at the instance of their masters. Common people are booked for persecution if the ruling masters so desire. The law does not help them in any way. The pressure of power lacerates the law beyond redemption.

Rule of law is, therefore, not enough to protect the interest, or ensure the welfare, of common citizens of the country. What is necessary to realise these objectives is good rule of good law. The law has to be pro-people and its application has to be well intentioned. The ruling caucus must adhere to the principle *salus populi est, suprema lex* (people's welfare is the highest law). Rule of law by itself does not stand up to this maxim. Good rule of good law does.

Dr. Saadat Hussain is Chairman, PSC.



The law is only as good as its application.

Important note regarding financial advice



THIS is an apology and correction issued by the global financial industry (formerly known as the Masters of the Universe, the Lords of Capitalism, the Gurus of Free Market Economics and so on). Our headquarters were in Wall Street, New York, but we had representatives in every major city on the planet.

Our reps wore black suits, had fancy offices in the central business districts, and promoted our philosophies in every newspaper. Today, we are using this space to issue an unqualified apology to

well, pretty much everyone else on planet Earth. And particularly to folk in emerging markets such as Asia.

First, we'd like to apologise for the "long-term investment fallacy." We told you in hundreds of books, thousands of speeches and countless financial advice columns that stocks may fall in the short term, but always rose in the long term.

The phrase "long term" was traditionally defined as a generation, which is 25 years. We now realise this was completely wrong. Following this advice, millions of people bought stocks in Japan in the 1980s, when the index hit 38,000 points. They are now about to retire and are wondering why the index, more than a quarter of a century later, hovers at around 7,000 points.

Oops! Sorry! Second, we wrote large numbers of negative reports about organisations in

emerging markets. In particular, we never wrote about banks in China without sneeringly adding the words "which are technically insolvent".

We now realise that there are many insolvent banks around the world, and the worst examples are not in Asia. They are in London. And Iceland. And right here in Wall Street.

We goofed. Sorry!

Third, we peddled the wonders of globalisation. We and our acolytes, the financial press, worked tirelessly to tell the world that it was a good thing that your bread came from Germany, your butter from New Zealand and your marmalade from Valencia. We now realise this makes no financial sense at all. (Not to mention the fact that it causes climate change which might just destroy the world.)

In recent weeks it has become obvi-

ous that the one large country, which has escaped the financial tsunami is India, which ignored almost everything we said about globalisation.

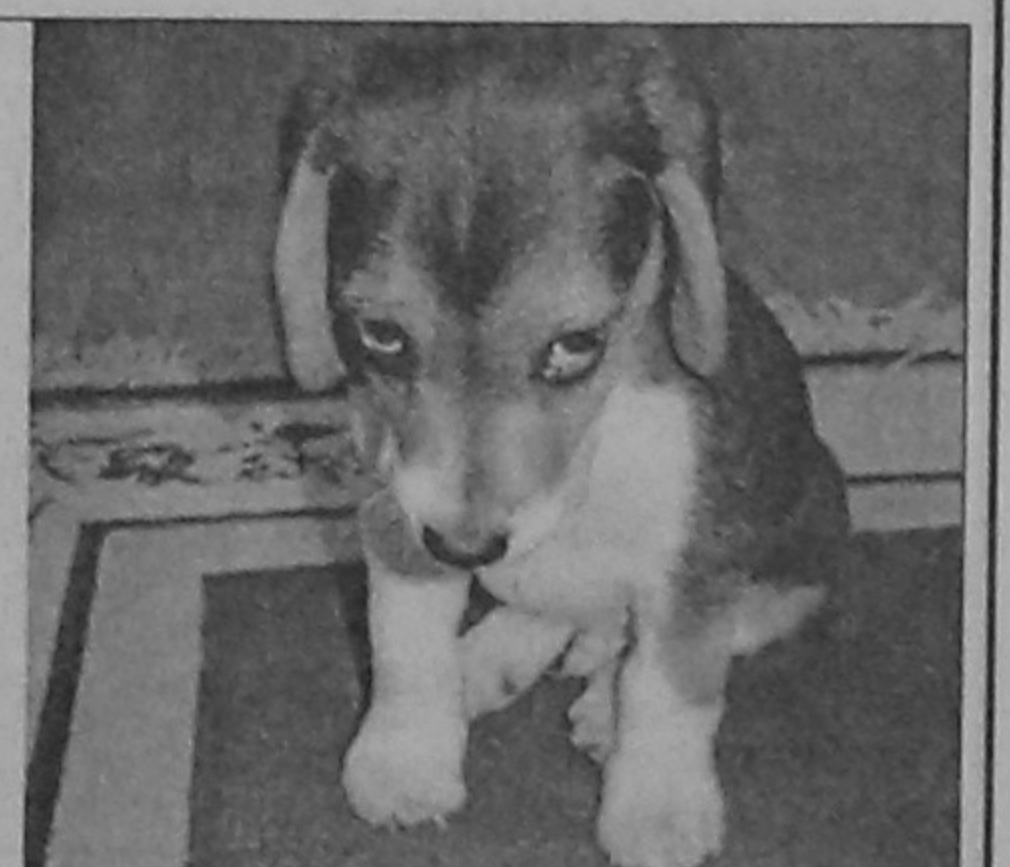
Oh dear. Yep, we screwed up.

Fourth, we pushed the phrase "trade not aid." When your organisations were in trouble, we said they should not receive bailout aid, since free market principles required badly managed institutions to go bust. But when our car makers and other institutions started to go belly-up, we realised that sometimes you should give troubled organisations bailout funds.

Ouch. Sorry again!

Fifth, we promoted commoditisation of bad investments. We thought that by chopping them into small pieces and selling them to lots of people, risk would be lowered. We now realise that bad investments are bad investments, and

EXCLUSIVE: THE FINANCIAL COMMUNITY APOLOGIZES



the more people involved, the more people lose money.

Yeah. Major goof-up.

To sum up, much of what we told you was wrong. We promise not to do it again. In the meantime, if you see an unemployed

person in a black suit wandering around your nearest central business district, please be kind. Buy him a bowl of rice.

But don't believe a word he says.

For more apology visit our columnist at www.vittachi.com.