

AN ICON TURNS 80

# The moral politics of Dr Kamal

MIRZA HASSAN

**I**n mid-1993, Dr Kamal (I am following the popular lingo of addressing him) was experiencing the most critical phase in his political career – he was about to leave Awami League on principled grounds. His demand for internal democracy in the party was rejected by the party stalwarts. He was also criticised for evincing 'anachronistic' behaviour not befitting a Bangladeshi mainstream politician. He congratulated the rival party on its victory and also the voters, even the ones who had voted for rival party candidates. Such elementary democratic norms were not appreciated within his party and they were puzzled. Why would someone congratulate the rival and accept the election result without any reservation or tantrums?

I first met Dr Kamal in 1993. Since then and throughout the period between early 1990s to early 2000s we spent innumerable hours – in Dhaka and in London – engrossed in *adda* on politics, economic governance and rule of law interspersed with discussions on cinema and theatre. It was during these *addas* that I discovered the intensely

for national unity (which he continues to do *ad infinitum*) across partisan divides to solve the perennial crises related to our democratic transition. In contrast, I perceived such unity of the contending political elites as an unlikely scenario (on empirical grounds). For me this notion was an undesirable strategy for the development of a robust form of democracy since I believed the *raison d'être* of liberal democracy (in the Joseph Schumpeterian sense) is competition and conflict, albeit processed through agreed forms of formal and informal rules of the game or institutions. Also, Dr Kamal preferred invoking moral authority of the Constitution to appeal to the political elite to comply with the rule of law and to remind them of their sacred duty to uphold citizens' welfare above everything. Sure, who can disagree with that? But in the real world of politics it is the elite political consensus or settlement, mainly arrived through informal bargaining, which will structure or determine their actual behaviour. Constitutional dictates will be followed (I am not referring to the politicians of any particular country but

father of economics, extolled sympathy and compassion in public life but felt "nothing is so mortifying as to be obliged to express our distress to the view of the public". The great Bengali writer Bankim Chandra Chattopadhyay hated the idea of Ram being made to cry in some versions of the Ramayana. He thought it made him effeminate or *balokochit* (childish). In both public events, Dr Kamal cried while reminiscing about the former Attorney General Aminul Haque, a man possessing deep moral conviction, who died trying to bring autocratic kleptocrat General Ershad to justice, amidst an amoral Machiavellian political culture.

It was much later that I came to appreciate the critical role that *abeg* (emotion) as well as *shohanubhuti* (compassion) play in the public sphere, which led me to reappraise Dr Kamal's worldview and his potential role as a politician and, more importantly, as a leader of the civil society. The shift in my thinking occurred when I started re-reading biographies and writings of two of the greatest Bengali social reformers and intellectual giants—Raja Ram Mohan

cannot stop cruelties and injustices perpetrated by the *somajpotis* (male elites). What would be needed, in addition, is the suffusion of *abeg* and *shohanubhuti* in the norms of the community. For the effective reform of the *satidaho protha* the entire community would need to be mobilised and this could be done effectively only when the members of the community are sufficiently motivated to develop a sense of responsibility (to support the reform) based on *abeg* and *shohanubhuti* resulting in *anubhutihomponno kortobobodh* (compassion laden sense of responsibility) to be internalised by the individuals of the community.

In a similar vein, Ishwar Chandra Vidyasagar also thought that logical and rational arguments of the *shastras* and deployment of Reason would be inadequate to win in his polemics with the conservative pundits, in his quest for mobilising community support to enact an Act which would allow Hindu widows to remarry (the Act was enacted in 1856). Thus he invoked, much more intensely, the idea of *shohanubhuti* in his intellectual discourse. In a memorable and oft-quoted passage, he, using intense emotional language, appealed to the men to do away with the patriarchal social customs and nurture compassion within them for the distressed widows:

*Habit has so darkened and overwhelmed your intellect and good sense that it is hard for the juice of compassion to flow in the ever-dry hearts of yours even when you see the plight of hapless widows . . . . Let no woman be born in a country where men have no compassion, no feelings of duty and justice, no sense of good and bad, no consideration, where only the preservation of custom is the main and supreme religion—let the ill-fated women not take birth in such a country.*

Whatever Bangladesh's liberal Constitution says, in the real world of our illiberal democracy, the political elites tend to view the social contract between the ruler and the citizens (the main stuff of the Constitution) in a more Hobbesian way. This is the belief that citizens have voluntarily surrendered their rights and freedoms to the state and the state deserves unflinching obedience from the citizens. In return, the state will protect their lives and property. One of the leitmotifs of Dr Kamal's politics is to challenge this virtually hegemonic idea, and, like the great reformers of the 19th-century colonial Bengal, he has chosen to deploy *abeg* to launch trenchant critique of the powers that be and to reach the heart (as one scholar aptly observed, "The human heart is the first home of democracy"), more than the head, of the citizens. This probably explains, which I failed to understand decades ago, why he repeatedly invokes moral authority of the Constitution in public deliberations. Conforming to his strategy, he tends to project the spirit of the Constitution in a more Rousseauvian manner. This is the idea that Constitution is a written document of the *General Will* of the people and if the government and laws do not conform to this, people will discard them. In sharp contrast to the Hobbesian view, Rousseau believed citizens surrender their natural rights to gain civil liberties in return. Dr Kamal's adoration and even romanticisation of the power of the Constitution, to solve many problems of the citizens, know no bounds. He has uttered, in public, one statement from section one of the Constitution – "All powers in the Republic belong to the people" – perhaps a million times by now. He has also urged everyone to always carry a pocket-sized book of the Constitution with them. He realised that living in a society, characterised by perennial autocratic and illiberal democratic rule, people tend to forget that they are also rights-bearing citizens and it becomes even more difficult for them to comprehend that they are also the *malik* or owner (in Dr Kamal's words) of this

Republic. He rightly thought that to bring a transformation in such "habits of the heart" (to borrow a term from 19th-century French sociologist Alexis de Tocqueville) of the citizenry, moral exhortations and emotional appeals are the tools that may work best.

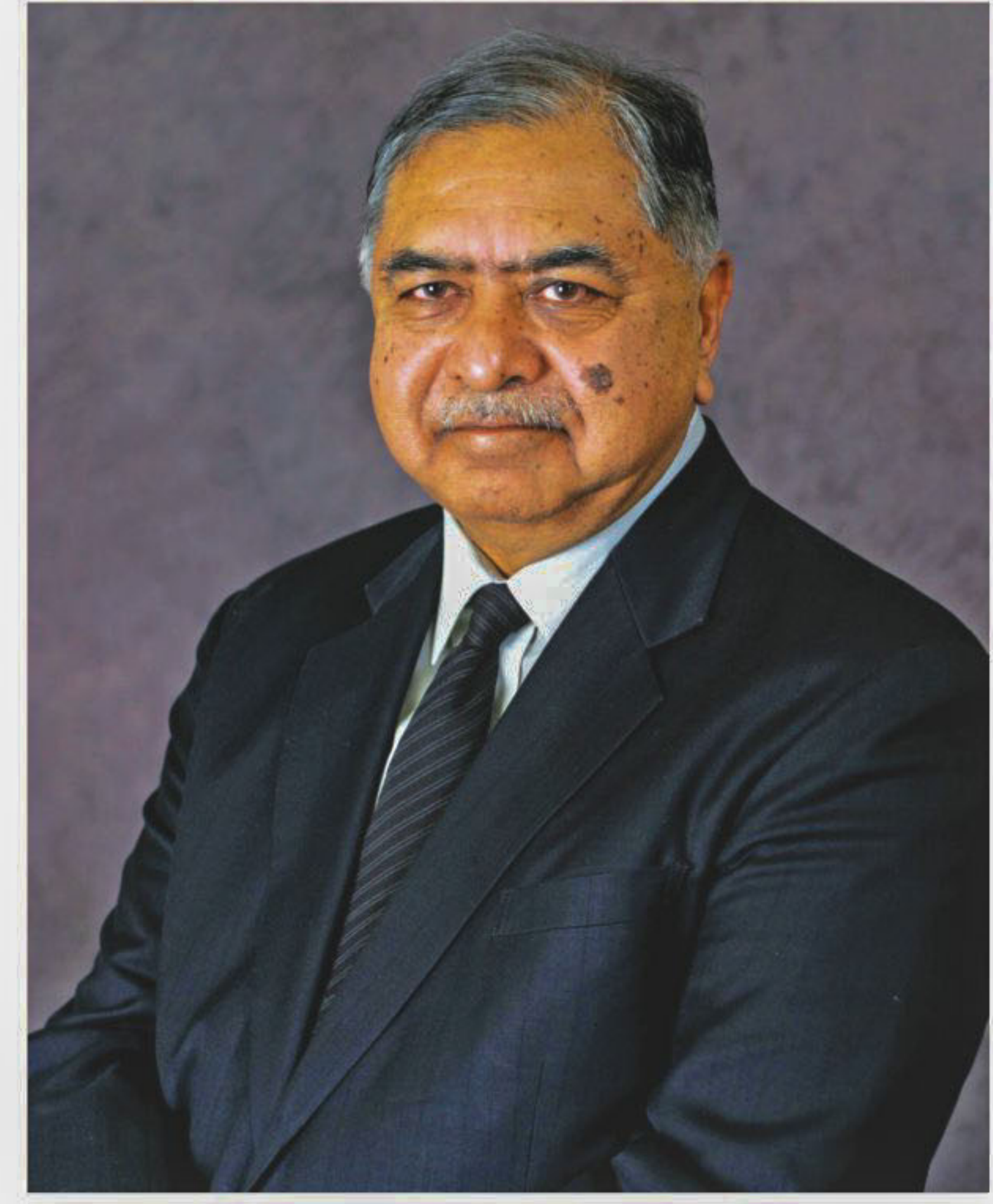
Dr Kamal's role as a moral leader is not only confined to the political society as discussed above. In reality, his leadership is deemed more necessary in the civil society where he has made significant contributions over the decades. *Shohanubhuti* was the *raison d'être* for many of his interventions in this domain of the public sphere. Let me just focus on one area – legal aid provisioning for the extreme poor – where he has been the trendsetter and continues to function as a role model to preserve the moral compass for successive generations of activists. When he became the Vice President of the Bar Council several decades ago, he institutionalised legal aid provisioning throughout the country by utilising the network of the Bar Associations. The process also led to the creation of the famous legal aid organisation Bangladesh Legal Aid and Services Trust (BLAST) in 1993 and eventually inspired the government to establish National Legal Aid Services Organization in 2000—an intriguing development where the norms of *shohanubhuti* even managed to permeate the 'heartless' bureaucratic system. The challenge for Dr Kamal was to motivate the lawyers to offer pro-bono services or at least provide services with a fraction of the fees the lawyers generally received in the market. He was very successful in motivating and energising an army of lawyers (of all ranks) for this admirable cause. Part of the success can be explained by the extraordinary level of social and moral capital he enjoys among the legal community across partisan divides, but the hardest challenge, one can assume, had been to successfully suffuse the norms of *shohanubhuti* among the lawyers which needed more than moral exhortations. For this, he himself became an example of what it means to be a *shohanubhutihil* lawyer. It is common knowledge that his pro-bono services have been enjoyed by numerous individuals ranging from elite politicians and NGO leaders to hapless poor persons in prisons—an overwhelming majority of these beneficiaries tend to be from the latter category.

It is unfortunate for Bangladesh's political society that a moral leader like Dr Kamal failed to make any headway in electoral politics. As it stands now, he continues to symbolise what politics could have been—politics not for the sake of politics but one which will enable all citizens to seek a good life. In the context of our largely amoral political society, Dr Kamal stands tall as a moral lighthouse, helping citizens to navigate the moral predicaments that have beset the country's politics—political elites' ever-increasing appetite for resorting to Machiavellian amoral strategies and engaging in Faustian bargains with the regressive forces. To deal with such a dire moral state of the political society, the role of civil society actors has become ever more salient. In times like these, the leadership of the civil society ought to follow the dictum of the great Italian Marxist philosopher Antonio Gramsci: "Pessimism of the Intellect, Optimism of the Will". I fully understand that the first bit of the dictum is not Dr Kamal's cup of tea—pessimism is not in his DNA. Fair enough, academic scribblers like us can very well handle this. But with his unfathomable optimism in the possibility of social progress, he is the man who can inspire us to nurture in ourselves the second bit of Gramsci's motto. For this, we will need him for years to come.

I wish him a healthy and long life. Happy Birthday Dr Kamal.

The writer is a social scientist and his research focuses on the political economy of development and political and social changes.

*Dr Kamal's role as a moral leader is not only confined to the political society as discussed above. In reality, his leadership is deemed more necessary in the civil society where he has made significant contributions over the decades. Shohanubhuti was the raison d'être for many of his interventions in this domain of the public sphere. Let me just focus on one area – legal aid provisioning for the extreme poor – where he has been the trendsetter and continues to function as a role model to preserve the moral compass for successive generations of activists.*



Dr Kamal Hossain

*abeg* *probon* (emotional) and *shohanubhutihil* (compassionate) public persona and intellectual that is Dr Kamal. His opinions on political and social dynamics were all 'hopelessly' (that was how I felt at that time) couched in normative logic (preference of what is ideally desirable over what exists or practically feasible). He passionately believed in a politics which was value-based, non-pragmatic and non-instrumental in nature, steeped in morality-based reasoning and evaluative criteria.

It was because of such intellectual dispositions of Dr Kamal that our *addas* became increasingly awkward for me. I had just graduated from an elite US university where I was taught to be a social scientist – capable of utilising rational choice-theoretic and positivist political economy methods (starkly opposite to his normative logic) relying on dispassionate (explicitly anti-emotional or at best non-emotional) analysis of politics and social changes. Given my professional creed to perceive dynamics of politics or governance in an amoral way (at least for scientific inquiry), Dr Kamal's thought pattern was clearly alien to me.

For instance, he would recourse to moralistic appeal to the political elite

the general behaviour of politicians) as long as these conform to the logic of the elite political settlement or are amended to suit the needs of the evolving settlement. Clearly, the Constitution (again, I am referring to the Constitution in general, not of any specific country) does not enjoy the privilege of being an 'Archimedean leverage point' (as many in the legal community, of normative intellectual inclination, tend to believe); rather it largely reflects the current political consensus or settlement reached by the political elites.

Dr Kamal's normative and my positivist worldviews hardly converged in the course of our *addas*. But I thoroughly enjoyed interacting with him on a cerebral level and I greatly appreciated and respected his deep and passionate commitment to social and political change.

His compassionate public persona was revealed to me in two separate public events, where I saw him crying in public. One can say that he is in the same league as Ishwar Chandra Vidyasagar who cried many times in public witnessing the plight of young widows. In many societies, it is not considered 'manly' for a man to be crying in public. Adam Smith, the

Roy and Ishwar Chandra Vidyasagar.

As is well known, during the early 19th century (1818-19 to be precise), Raja Ram Mohan Roy launched his reform to abolish *satidaho protha* (the custom of widow burning) and for this he deployed a skilful strategy: re-interpreting (rather than ignoring) ancient Hindu *shastras* (scriptures) to neutralise the arguments of the pundits who defended *satidaho* based on the same *shastras*. This was essentially a battle of intellects and both sides used *shastra* based formal jukti (logic) to win the arguments. But Raja Ram Mohan, well-versed in the Enlightenment philosophy of the West, had an added advantage over his rivals – he could use Reason to sharpen his argument and conceptually move from the particular (suffering of an individual widow) to the universal (collective suffering of the female community). Still, for him, all these were not deemed enough to attain real victory over his rivals, since *shastra* based formal jukti and Enlightenment and Reason can only ensure *buddhir joy* (victory of the intellect), which, he thought, would be of limited consequence for the deeper and robust social support he wanted to garner for his reform. For he understood only *buddhi* (intellect)

A WORD A DAY



**P**ERIPATETIC  
adjective, noun

Travelling from place to place, especially working or based in various places for relatively short periods; a person who travels from place to place.

CROSSWORD BY THOMAS JOSEPH

- |  |                               |                           |
|--|-------------------------------|---------------------------|
| <b>ACROSS</b>                          | 27 Sprinted                   | 5 Makes banjo music       |
| 1 Field yield                          | 28 Santa's helper             | 6 Furious                 |
| 5 Farm towers                          | 29 Donuts, in slang           | 7 Back muscle, for short  |
| 10 Gushing review                      | 33 Golf goal                  | 8 Stop sign shape         |
| 11 Followed the path of                | 34 Macaroon ingredient        | 9 Vendor's work           |
| 13 Genesis setting                     | 35 Lace's place               | 12 Condescends            |
| 14 Baby's toy                          | 37 Verne captain              | 16 Brooklyn team          |
| 15 Turnable fastener                   | 38 Made over                  | 21 "You can be sure!"     |
| 17 Boxing great                        | 39 Words from one who tripped | 22 Paging device          |
| 18 Flippant alternative to "I'm sorry" | 40 Under sedation             | 23 Passed on              |
| 19 Musician's job                      | 41 Brit's spare               | 24 Creamy sauce           |
| 20 "-- Now or Never"                   |                               | 25 Judges' seat, in court |
|  | <b>DOWN</b>                   | 27 Revolted               |
| 21 Old German capital                  | 1 Ship staffs                 | 29 Play part              |
| 22 Grain coats                         | 2 Ham's device                | 30 Foe                    |
| 25 Forehead cover                      | 3 Kitchen fixtures            | 31 Bit of gossip          |
| 26 Snaky swimmers                      | 4 Antarctic birds             | 32 Supply with fuel       |
|  |                               | 36 Cut off                |

10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43

YESTERDAY'S ANSWER

S H A M U S J A V I A  
T O M A T O A L I T  
A W A K E N P A I S O  
R I S E S C A B I N  
T E S S D O N A T E  
D E E R M O D  
T R O J A N W A R  
W Y E E L S E  
I M P A C T I B A R  
S P O U T P R O M O  
D A R T D A D G U M  
O N T O A R O U S E  
M I S S M E S S E S

BEETLE BAILEY BY MORT WALKER



BY MORT WALKER



BABY BLUES BY KIRKMAN & SCOTT



BY KIRKMAN & SCOTT

