

Justice for All: Resolving Contradictions in Political Development

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Abstract

This article is designed to address such questions as how applying the most fundamental human values of justice and fairness could alleviate growing inequality in mostly developing nations that undermine sustainable development, thereby containing ideological extremism/terrorism, and assuring peaceful co-existence of societies. Could our serious efforts to resolve such conflicts create a new world, MAP: Mutually Assured Peace? Another question that will be addressed is whether women's empowerment, by allocating needed resources in education, skill-building and healthcare, could help make the conflicts between ideological extremism and peaceful coexistence possible. To illustrate the question of peaceful co-existence through a case study method, Bangladesh, the third largest Muslim majority country in the Islamic World (seventh in the world), has been chosen to elucidate.

1 Introduction

Given the winner-take-all approach to political and economic development in most Less Developed Countries (LDCs), the task of ensuring balanced political development has become vital for leaders. But this task cannot be accomplished without an equitable allocation of resources, which involves a deep commitment of leaders to justice and fairness. Lacking institutional support for this decision, political leaders tend to become captives of their narrow constituencies, leading to a situation in which any segment of the ambitious adventurists, particularly in the military, is tempted to take over the government. Ambitious military officers in such a situation often succeed in taking over the government until a mass movement restores democracy. Another coup or coup-like event could reverse the political process, ending in another military take-over of government.

One of the leading political philosophers of the 20th and perhaps 21st Century, John Rawls, defines justice as basic fairness in multidimensional interactions involving humans and their institutions balancing democracy while striving for security. (John Rawls, 2003:3-102.). The fairness principle contributes to societal stability and helps to create a context in which political communities bring about a common ground of understanding and cooperation to resolve conflicts.

Without a deep commitment of the leadership to justice as the basic principle of fairness in both policymaking and policy implementing, i.e., governance, the potential for advancement would remain static. Ensuring human rights and the due process of law—two most important dimensions of justice—could transform a

static state into a dynamic state of just policies and good governance, reducing gross inequality and ensuring security, particularly in post-colonial countries.

But in the name of security most states have infringed the core values of democracy encompassing freedom of speech, press, assembly and religion enshrined in most constitutions. Using this framework this article explores a cross-cultural dimension of strategies and options for needed reforms of political, economic and social systems in Bangladesh and how democratization without a deep commitment of the leadership to justice tends to break down at the altar of narrow national and group interests.

2 Ideological Extremism and Terrorism

A questionable double standard of western democracies, eager to do business with dictatorships of different varieties, has impeded what otherwise could be a steady growth of ideas conducive to the pursuit of justice for democracy. As Kagan put it, "Advanced communications and computing technologies once thought to be forces for cooperation and freedom, have been turned into weapons of illiberalism. Nationalism and Tribalism are re-emerging. Territorial aggression and obsessions with borders have returned" (Kagan, 2018).

Ms. Benazir Bhutto, the assassinated former Prime Minister of Pakistan, the second largest Muslim majority nation, stated in her book on the vital issue of reconciliation between the West and Muslim world that reformist ideas always appealed to Muslim intelligentsia.

Even unlettered Muslims paid attention to Islamic reformers stressing the need for improving the fortunes and influence of Muslims through mass education, democracy and economic progress (Bhutto, 2008: 276-ff.).

Ms. Bhutto reiterated the need for modernist reform of the Muslim world by citing Mohammad Iqbal (1877-1938), the poet philosopher considered to be the spiritual father of Pakistan, questioning the "failure to reinterpret the principles of faith, unmodified since the twelfth century." He (Iqbal) called for "looking beyond the traditional Islamic schools of jurisprudence and reviving *Ijtihad*, meaning *reason*" (Ibid.). The stifling of debates under dictators, she asserted, undermined the pluralist environment necessary for an Islamic reformation needed for sustainable democratization of Muslim nations.

Far from engaging in constructive debate based on *Ijtihad*, extremist ideologues like Ayman Mohammad al-Zawahiri, late terrorist leader Bin Laden's second in command, had tried to distort a basic concept of Islam, namely *Jihad*.

Jihad is an Arabic term, which means, literally, "to strive or exert effort." It has the same root as *Ijtihad*, an intellectual effort to develop an informed opinion on a new issue or problem. Extremists view *Jihad* as a holy war, which can be directed against noncombatants and innocent civilians for the sole purpose of putting fear in the hearts of enemies in order to promote their militant agenda.

But *Jihad* does not mean holy war; it means "struggle to be more human" by reforming the hearts and societies of Muslims for enduring peace (Armstrong, 2006: 125). Only through democratic governance based on checks and balances and freedom of press can the extremist ideologues be contained and the true spirit of *Jihad* restored.

3 Dictatorship and Democracy

Let us examine the case of Bangladesh, which had won its independence when the Pakistani military regime refused to accept the results of a free and fair election held under the military rule in 1970. The Pakistani military crackdown on the freedom movement of the people of East Pakistan was bloody, causing shooting deaths of many protesters including this author's students and colleagues of Dacca University in East Pakistan. Archer K. Blood, the then American Consul General in East Pakistan sent a diplomatic cable to the US State Department highlighting the bloody Pakistani military crackdown on the autonomy movement of Bengalis in East Pakistan as "Selective Genocide" (Blood, 2002:

215-117). The ruthlessness of Pakistan's military became the catalyst for the liberation struggle of the Bengalis in East Pakistan, resulting in the creation of a new nation of Bangladesh out of East Pakistan.

But like many developing nations with weak institutions—a legacy of colonial rule— bureaucracy, both civil and military, gained in strength due to the inexperience of political leaders with governance. Trying to make up for weak governance with strong political power led to unchecked corruption of power and mismanagement of scarce resources, to the dismay of a newly liberated people with great expectations. The first military takeover of an aspiring underdeveloped democracy happened in that environment on August 15, 1975, claiming the life of Sheikh Mujibur Rahman, the founder of the nation, and most of his immediate family.

Military dictatorship in different guises continued for the next fifteen years during which period General Ziaur Rahman and General Hussain Mohammad Ershad came to power. Both Zia and Ershad sought to legitimize their military based regimes by floating two new political parties-- Bangladesh Nationalist Party (BNP) and Jatio Party (JP), and holding orchestrated elections based on their party platforms.

Interestingly, Awami League, the political party of Bangabandhu Sheikh Mujibur Rahman, which had challenged the Pakistani military regime in 1971 and which was largely responsible for mobilizing the Bengali people in East Pakistan to their struggle for independence, found it expedient to collaborate with the second assassinated President of Bangladesh General Ziaur Rahman's military created party Bangladesh Nationalist Party (BNP) in 1990 for the restoration of democracy in Bangladesh. General Ershad's Jatio Party (JP) government failed to suppress the restoration of democracy movement by force. A series of mass demonstrations in 1990 against a dictatorship under the guise of democracy led to the collapse of General Hussain Mohammad Ershad and his government.

Among many casualties, one young popular physician Dr. Milon's death by shooting by the military police became the catalyst that galvanized a mass movement for restoration of democracy. It accelerated the existing mass movement, triggering the downfall of General Ershad and his subsequent imprisonment. In 1991 BNP won a five-year tenure through a free and fair election monitored by international observers under a caretaker government headed by the Chief Justice of the country's Supreme Court.

Upon completion of its tenure in 1996 a questionable election was held in February which was boycotted by the Awami League (AL) which had served as the main opposition party until March 1996. The resulting protest movement compelled the BNP government to amend the

constitution by enacting the 13th Amendment to the Bangladesh Constitution. It provided for a non-partisan caretaker government headed by the most recently retired Chief Justice of the Supreme Court to hold the election within three months upon the completion of the five-year tenure of every elected government.

Indeed, within three months of the forced resignation of the BNP government, the new Caretaker Government under the 13th Amendment held a free and fair election in June 1996. The Awami League party led by Sheikh Hasina, daughter of Bangabandhu Sheikh Mujibur Rahman, won the election narrowly and formed a coalition government. The viability of a Caretaker Government to conduct a free election was demonstrated five years later in the general election when BNP returned to power in 2001.

Unfortunately, five years later in 2006 a politicized Caretaker Government failed to hold a free and fair election, leading to another mass movement and rapid deterioration of law and order during 2006-7. Repeating history once again, it created another political vacuum for the military to intervene.

But unlike their Pakistani counterpart, the Bangla-deshi military chose a cautious path to form a civilian caretaker government under its wing. What set the military backed government apart was keeping their commitment to transfer power to the elected government within two years. It happened largely due to pressure from the civil society of Bangladesh, together with a number of democratic nations such as U.S.A., U.K. Canada and EU, among others, that continued their support for restoration of a democratic government.

Particularly, the UN made it very clear that without reinstating Democracy through a free and fair election Bangladesh's UN Peace Keeping Force could be discontinued, resulting in unmanageable politico-fiscal pressure on the government of Bangladesh. And also the UN and other nations made it clear that, like before, their election monitors would likely be unavailable during the vote counting phase if the elections were to take place in a questionable environment. The Bangladesh case demonstrated that at times international pressure could help restore democracy in developing nations. At the time it did help the consensus building process in Bangladesh to hold a free and fair election in December, 2008, under a military propped-up civilian caretaker government.

The largest democracy of the world, *i.e.* India, has from time to time confronted such a problem, most of the time resolving it by virtue of swift actions by a strong and apolitical Election Commission, headed by such strong-willed civil servants as T. N. Seshan and M. S. Gill.

But Seshan (1995) argued in favor of trying out the Presidential model for India because of electoral short-comings of the Parliamentary system in which elections could be more easily manipulated by corruption of political power and material resources (Seshan, 1995: 6-17). Interestingly, Seshan felt that Bangladesh's electoral innovation of Caretaker Government could be applied to elections in India's twenty-eight states (now twenty-nine) on an experimental basis and see to what extent it prevents electoral fraud. Indeed, actual and alleged incidents of electoral fraud have often led to bloody uprisings in Asian, African and Middle Eastern countries, triggering mass movements for change in the late 20th and early 21st century.

4 Justice for Sustainable Political Development via Women's Empowerment

To ensure justice in the evolving global order, powerful countries must be genuinely committed to helping the disadvantaged countries to help themselves through sharing of knowledge and technology. Ultimately the nation states in their global interests must provide additional resources and strategic support to nurture civil societies through non-state organizations, focusing on women's empowerment at the grassroots level through fiscal support of literacy-healthcare-skill-building training. Such an integrated approach could create the needed environment in the 21st century in which terrorism of different forms would be contained without curtailing human rights.

In all developed and newly developed countries, the empowerment of women has proved to be a crucial factor for the advancement of their civil societies. Exploited, under-compensated and under-represented, the women of Bangladesh have been pushing for a greater voice at different levels of government. This author conducted a survey which showed a considerable support (58%) for such empowerment in Bangladesh. Forty percent of the respondents felt strongly for applying the local government formula of women representation to the country's unicameral legislature. Interestingly, the lower house of the neighboring India's West Bengal Legislature, one of its twenty-nine state legislatures, has recently restricted male representation to a maximum of two-thirds. Perhaps a future bicameral legislature in Bangladesh could significantly alleviate the felt problem of representation for women in the highest policy making body.

Besides aiming for a world free of nuclear weaponry, leaders must make concerted and determined efforts at alleviating endemic poverty with dehumanizing effects on people in three-fourth of the world through women's empowerment, increasing access to life saving and life enriching systems. This would require coordinated actions by the industrialized, resource rich and developing countries to invest in human development-socially, economically and politically. Here again Rawls' "background justice" should be the basis for creation, allocation and distribution of resources, ensuring the basic fairness of the process. In specially convened sessions of the world body, followed by regional intergovernmental and non-governmental organizations, leaders at different levels could come up with acceptable action plans and needed resources to implement them.

Interestingly, the entire volume of the Journal of International Political Science Review (IPSR) has been devoted to *Women, security and peace in regional and international stability and development* (George and Shepherd, 2016).

5 Effective Confidence Building Measures (CBM)

Based on elements of CBMs contained in the Tashkent Agreement, the Simla Agreement, and prior notification of missile tests, the two South Asian nuclear rivals—India and Pakistan—could take further steps for building mutual confidence and trust. For example, they could agree to prior notification of military exercises involving over 25,000 personnel along the common border three weeks in advance, construction of forward air bases or runways within an agreed distance of the border, major naval exercises, and an agreement for mutual inspection of each other's nuclear installations.

Perhaps the most sensitive conventional step toward building mutual confidence and trust that the three largest nations of South Asia—India, Pakistan and Bangladesh—may consider is to try out a joint intelligence commission to monitor intelligence reports that often are exaggerated beyond reality. As suggested in the Shanghai initiative, such an instrumentality through inter-government officials and citizens could mitigate the "stranglehold of vested interests" in the Indo-Pak-Bangladesh decision-making elite, especially the malignant role therein of their intelligence services. Of them noted a columnist of *The New York Times* that in a crisis situation both RAW and ISI were eager to provide incendiary intelligence without being sure of its reliability (Harsch, 1996).

Unfortunately, their tendentious reports and prejudiced assessments of a crisis situation could easily turn into self-fulfilling prophecies as happened in 1998. Under pressure from U.S.A. whatever chance there was that Pakistan's the then Prime Minister Nawaz Sharif

would decide not to test nuclear devices in response to India's nuclear tests became nullified by a false, manipulated intelligence report of an imminent preventive or preemptive military strike by India and Israel. Observers strongly suspect that the dangerous misinformation was deliberately circulated by Pakistani military intelligence officers in order to force the government to opt for nuclear testing, raising significantly the level of politico-military tension in perhaps the most nuclear volatile region of the world (Dunn, Levoy and Sagan, 2000; Khan, 2003).

Manipulation of misinformation has been as dangerous as being criminally negligent in locating destructive trouble spots as recently demonstrated by unexplainable failure of all intelligence agencies—military, paramilitary and civil—to give any advance warning of the uprising of the BDR (Bangladesh Rifles), a border security force called East Pakistan Rifles (EPR) before Bangladesh's independence from Pakistan on December 16, 1971. It claimed the lives of more than fifty military officers assigned to BDR in 2009.

Given the long history of enmity between the two regional nuclear rivals, a few unconventional CBMs might be worth trying. Great emphasis needs to be placed on intra- and inter-state communication and training of civilian and military leaders. Along with the training of civilian leaders—political, bureaucratic and cultural—military leaders such as commissioned officers, junior- and non-commissioned officers should be educated to learn and appreciate the appropriate functions of the military institution in a democracy. Late Indian Prime Minister Jawaharlal Nehru had inculcated such a lesson in the Indian army with the help of his defense minister Krishna Menon following the Indian debacle in the Sino-Indian border war of 1962.

In fact, General Ziaur Rahman, a former commando of the Pakistan army, who created a new political party, Bangladesh Nationalist Party (BNP), and rose to the presidency of Bangladesh, sought to follow in Nehru's footsteps in reorganizing the Bangladesh army in order to prevent army takeovers of civilian government. Showing some promise at the outset it has so far failed in Bangladesh as in Pakistan, despite sporadic efforts of political leaders in those countries. The time has come for political and military leaders of the most dangerous subcontinent of the world to work together through either the existing regional association named SAARC (South Asian Association of Regional Cooperation) or by some other arrangement to come to grips with conflicts threatening one-fifth of mankind (Khan and Guhathakurta, 2012: 15-30).

With active participation of selected military personnel, the excellent facilities in military bases could be utilized more efficiently for training of selected members of civilian, professional and occupational groups from India, Pakistan and Bangladesh comprising ninety-six percent of the total population of South Asia. The main purpose would be to reinforce the values of cooperation, discipline, honesty, and of time, resource strategies to fight common problems of the region: poverty, corruption, failing governance and related ills of the civil societies of the eight countries of South Asia, namely Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka.

Besides maximizing available facilities, and supplementing civilian training venues, cantonments (military bases) in India, Pakistan and Bangladesh could serve an important purpose of exposing civilian and military trainees to various planning and implementing strategies of mutual confidence and security building for optimization of physical environment, utilizing available resources and creating new ones. Attractive incentives could also be offered to those trainees, including selected members of the armed forces, who opt to receive additional training to become trainers themselves in order to work at the grass roots, particularly at the village level. For cost cutting and quality control, a highpowered team of experts from public and private sectors of India, Pakistan and Bangladesh, and interested IGOs (Inter-governmental Organizations) and NGOs (Non-Governmental Organizations) from other South Asian countries could devise a mutual monitoring and evaluation system under the direct supervision of a joint commission.

As a part of CBM, joint military exercises could be conducted periodically in coordination with America, Russia and China. The success of such a cooperative endeavor could significantly raise the level of mass consciousness about their common security problems that are solvable. Having participants from think tanks of regional countries with largest contingents drawn from India, Pakistan and Bangladesh could raise public awareness of opportunities for advancements through literacy, skill building, and healthcare drives. And implementing civil service reforms would accelerate the process of resolving nagging problems between the two competing nuclear countries of South Asia.

In the above scenario, the military expenditures could be reduced as a result of NFT (Non-Proliferation Treaty), and CTBT (Comprehensive Test Ban Treaty). Raising a regional security force drawn from countries in proportions to their populations could also reduce military and security related expenditures. And a 9-12% GDP growth, comparable to China's until 2008, needed over a ten-year period for poverty alleviation would no more be an optimist's unattainable dream. Even a partial realization of that dream would help reduce the gap between national sovereignty and public interests in the consensus building challenges being faced by India,

Pakistan and, to a lesser extent, Bangladesh for peaceful resolution of their outstanding disputes.

In that scenario, military institutions, particularly Pakistan's, would have no justification in taking over elected governments. Could it end the vicious cycle of a swing state restoring democratic form on a more permanent basis? Another question that remains is whether a military regime has the inherent capability to accept responsibilities for making mistakes and making corrections needed for enduring restoration of a representative democracy?

6 Effective Social Contract: Ensuring Justice for All

Values connected to bureaucratic power and electoral authority need to be reassessed and reprioritized. Here civil societies must play a crucial role. Different segments of different civil societies must develop their own expectations and the ways in which they can be met to become more humane, responsive and accountable for their decisions and actions. These values must be reflected in the recruiting, selecting and promoting guidelines of the Public Service Commissions and departmental committees dealing with career evaluation and advancement.

To this end, interactive, inter-sectoral decision making and implementing institutions could be formed for different purposes. For example, the charge of one such institutions could be to publicize dangerously counterproductive delays of policy implementation in specific cases and the degree of duplication, inefficiency and corruption involved. Such mobilization of support from the civil society could help increase responsiveness, cut red tape and remove unexplainable bureaucratic barriers against policy implementation for good governance. In this context, Bangladesh's constitutional provision of "Ombudsman" could be implemented, at least on an experimental basis. It could significantly "empower the citizens in registering their grievances against the bureaucracy—both career and political, which still carries the vestiges of colonialism-with minimal risk of retaliation" (Khan and Andaleeb, 2011).

Concerted effort by public and private sectors are needed to renewing the spirit of Social Contract. Such a renewal would contribute to a vital socio-economic-political balance by mixing human rights with accountability at every societal level. It would call upon institutional reformers to become transforming change agents, striving to be leaders and teachers at the same time, raising the consciousness of their followers to a higher level at which spontaneous mobilization of human and material resources could happen.

The value of the great leap "from status to contract" must be inculcated through a reformed, progressive education system. A deep political commitment to changing the mindset of leaders at every level in every field from the self-centered transactional relationship to public interest based transformational one would bridge the gaps between leaders at every level and their constituents.

7 Justice as Peace Offensive ensuring Cooperation at Different Levels

SAARC and sub-regional inter-state cooperative entities could also learn from inter-regional conflicts in Asia and make attempts to find acceptable resolutions. During the fifties a power struggle featured India and China over the fate of Tibet. Beijing reasserted its historical claim by forcibly incorporating it in China as a "national autonomous region" in 1951, nominally under the traditional authority of the Dalai Lama. Although lodging a formal protest against China's "aggression," India's Prime Minister Jawaharlal Nehru realized that India could do little to overturn Chinese control of Tibet. Interestingly, Nehru later gave the Dalai Lama refuge to live in North-East India.

With a strategic shift from adversarial to cooperative mode, both Nehru and Chou En Lai engaged one another in a peace offensive, culminating in the Sino-Indian Treaty in 1954. The preamble of the treaty contained five principles or *panch sheel*: respect for each other's sovereignty; territorial integrity; non-aggression and non-interference in each other's internal affairs; mutual benefit; and peaceful coexistence.

It became the template for peaceful cooperation celebrated at the 1955 Bandung Conference, which led to the Non-Aligned Movement (NAM). The spirit of *panch sheel* once helped provide a middle ground in the bi-polar struggle in a "Cold War" environment with stabilizing effects. Despite periodic lapses in 1959, 1962, 1965, 1971, 1998, 2002, the spirit of *panch sheel* has survived.

Particularly for the emerging ex-colonial nations in a tense international environment it seemed to start a positive trend of mutual cooperation and respect—a reinforcement of the ideology of regional cooperation (Khan, 1991). To what purpose and extent the spirit of panch sheel applies to the environment of a fledgling Democracy like Bangladesh? Applied to domestic power relations panch sheel could have a stabilizing effect by creating a middle ground on which rational cooperation and compromises could replace traditional all or nothing approach to politics.

This could be achieved through a series of cooperative endeavors involving representatives from the government, professional-occupational groups, minorities, women associations and the civil society at large. Hopefully within a new institutional framework any interested segment of any cooperatives could lawfully participate in a policy making and/or policy implementing process in domestic and foreign affairs as non-voting members with the power of persuasion. This would prevent the screening of negative feedback from those adversely affected by a given policy and/or the way it is being implemented, reasserting autonomy of individuals and groups—an important dimension of justice as the principle of fairness.

Nowhere is the failure of conflicting groups and states to find common ground for negotiations more devastating than ethnic cleansing and widespread communal violence that have driven millions from their homes seeking shelter in other countries. World history is replete with heart rending cases of mass exodus, which often lead to new violence among the refugees.

And that is much easier to talk about than act upon. Whether involving opposing views being expressed by different individuals, groups, political parties and states, there has to be a basic willingness to listen to others in order to search for a common ground for engaging in formal and informal dialogues. An agreement to even disagree on selected issues could go a long way in building a step by step process of mutual confidence and trust.

On a formal level of such interactions, tested strategies of CBM could be applied to reach certain understandings on complex issues. It could at times be more fruitful, engaging one's adversary in informal dialogues as happened on a few occasions when regional and global leaders succeeded in diffusing inter-party or inter-state or inter-regional tensions, which otherwise could have taken a dangerous turn causing havoc on millions.

8 Conclusion

In a volatile setting, leaders of eight South Asian countries representing a fifth of the world population, are faced with a big challenge to move towards a creative trend of reinforcing regional cooperation for social, economic and political development of all members of the association, thus assuring regional peace and having a positive impact on global peace and stability. They must never lose sight of the fact that a mixed-scanning approach combining rational with incremental planning is vital to ensure sustainable development for reducing inequality and assuring sustainable peace. Myopic mindsets and shortsighted

politico-economic analysis are serious obstacles to mutually beneficial regional cooperation for national development.

Worse still is the threat being posed by a nagging lack of applying effectively CBMs to find a common ground to resolve different conflicts at different levels. In this context a strong non-government SAARC organization, open to all shades of public opinion in the region, can be a driving force towards confidence building measures.

If European countries could come together, forming a viable union after centuries of internecine warfare, there is no reason why South Asian countries with less traumatic experiences will not be able to close ranks and form a peaceful cooperative political entity. In that scenario Bangladesh could play a primordial role as Belgium did in the European Union. After all, Bangladesh did start the regional movement for cooperation among South Asian countries.

It is vital for leaders to work hard to develop the ability to anticipate the future in order to shape the present for ensuring justice for all. It is also vital for all kinds of leaders to know that the most effective way to prevent unjust exploitation of both human and natural resources increasing socio-economic inequality could happen through constitutional checks and balances, preventing addiction to power. Uncontrolled use of power leads to unjust exploitation of both human and natural resources increasing socio-economic inequality. By humanely managing security, stability and peace, nationally, regionally and globally, leaders of different kinds at different levels of existence would serve the greater interests of humanity, ensuring sustainable Justice for All.

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