

**JOURNAL
OF
THE ASIATIC SOCIETY OF BANGLADESH
(HUMANITIES)**

Vol. 65

No. 1

June 2020

**Editor
Akmal Hussain**

**Associate Editor
Md. Abdul Mannan**



ASIATIC SOCIETY OF BANGLADESH

EDITORIAL BOARD

Chairperson	Professor Ahmed Abdullah Jamal
Editor	Professor Akmal Hussain
Associate Editor	Professor Md. Abdul Mannan
Members:	Professor Fakrul Alam
	Professor Asha Islam Nayeem
	Professor Md. Siddiqur Rahman Khan

Journal of the Asiatic Society of Bangladesh (Humanities) is published by the Asiatic Society of Bangladesh in June and December every year. Scholarly articles relating to *Peoples and Nature of Asia* are considered for publication in the Journal. It also receives books for reviewing.

Correspondence : All correspondence may be addressed to: Editor, Journal of the Asiatic Society of Bangladesh (Humanities), 5 Old Secretariat Road, Nimtali, Ramna, Dhaka 1000, Bangladesh.

Telephone : (880+2) 9513783

E-mail : asbpublication@gmail.com

Website : www.asiaticsociety.org.bd

Published by The Asiatic Society of Bangladesh

Price Tk. 200.00 (Two hundred taka)

ISSN 1015-6836

Guidelines for Contributors

The *Journal of the Asiatic Society of Bangladesh* is a peer-reviewed journal. Manuscripts submitted for publication in the journal should be printed, double-spaced on one side of A4 size paper with generous margins, and should not normally exceed 10,000 words using British spelling. In addition, a soft copy of the manuscript should be submitted. A *quotation* that will run more than fifty words should be set off as a single-spaced, double-indented paragraph. **Notes and references should be numbered consecutively throughout and be placed at the foot of the page.** *Tables* should be given separate numbers in the manuscript, such as Table 1, Table 2, etc. with running headings.

Notes and References should be cited as follows:

1. P.J. Marshall, *Bengal: The British Bridgehead, The Cambridge History of India*, (Cambridge 1987), p. 77.
2. Willem Van Schendel, 'Economy of the Working Classes'. Sirajul Islam (ed.), *History of Bangladesh 1704-1971*, Vol. II, (Economic History), (Asiatic Society of Bangladesh 1992), pp. 542-99.
3. W.H. Morris-Jones, "Pakistan Post-Mortem and the Roots of Bangladesh", *Political Quarterly*, Vol. 18 (April-June), 1972, pp. 187-200.

DECLARATION

A manuscript which is concurrently under consideration by another journal or press or which has been published elsewhere will not be considered for publication in the Journal.

The author of a paper will sign a declaration to the effect that (i) the work submitted has been written by her/him; s/he takes public responsibility for the content of the paper; (iii) the content of the paper has not been published before in any referred journal or has not been submitted to such journal for publication; and (iv) s/he accords consent to the Asiatic Society of Bangladesh to publish the paper.

BOOK REVIEW

Books sent to the journal for review should be given in duplicate.

CONTENTS

**RIGHT TO HEALTH: A STUDY OF LAW AND PRACTICE
IN BANGLADESH**

Zahangir Alam Khan 1

**FEMALE STUDENTS' REPRESENTATION IN STUDENT POLITICAL
ORGANIZATIONS OF BANGLADESH: AN ANALYSIS**

Mst. Tahmina Akter 25

**THE FUTURE OF TORTURED IRAN-US RELATIONS:
ACCOMMODATION OR CONFRONTATION?**

Md. Abul Kalam Azad 51

Short Communication

A NOTE ON THE UNEQUAL ECONOMIC GROWTH OF BANGLADESH

Shehreen Amin Bhuiyan 81

Books Review

Rana Razzaque, *Bengali Muslims- Social and Political Thought (1918-1947)*

Sabbir Ahmed 89

Srinath Raghavan, *1971: A Global History of the Creation of Bangladesh*

Md. Rezwatul Haque Masud 97

Editor's Note

Since the beginning of this year, we have been passing a new normal situation. New normal is defined as a previously unfamiliar or atypical situation that has become standard, usual or expected. It has been caused by the outbreak of the pandemic called Covid 19. The outbreak began in December 2019 from a wholesale food market in Wuhan city in China. It is believed that it emerged from a bat-borne virus infecting human body and causing death. Until November 3, the total corona virus cases worldwide stand at 47,326,715, deaths 1,211,421 and recovered 34,035,878. For Bangladesh the figure is 410,988, deaths 5,966 and recovered 327,901.

The new normal situation has brought about changes in the life style of the people around the globe reflected in specific health rules for protection, quarantine, effective treatment for sick persons, social distancing leading to lockdown, accelerated use of e-commerce, shut down of educational institutions, economic sluggishness, etc. The world is also witnessing a massive research in developing a successful vaccine to prevent this deadly pandemic. Until the vaccine is available, all human beings have to get used to this new normal situation. It is relevant to say that the world has not witnessed such a pandemic in the last one hundred years since the Spanish flu in 1920. The epidemics like plague, small pox or cholera occurred in human history at different stages but never a pandemic like Covid 19 spread to all most the whole globe in such a rapid speed. It is not only a new disease but a new situation too, causing both economic and psychological shocks to societies. A very pointed remark of WHO Chief Tedros Adhanom Ghebreyesus about failure of the world leaders in terms of time and preparation to tackle the situation points to haphazard policies and steps in this pandemic time. On the other, there has been attempt to politicise the cause of the origin of the pandemic by some western countries, especially the USA.

We in the Asiatic society of Bangladesh have been facing similar situation like others. Its normal function is greatly affected. The Council and other sub-committees meeting, trust fund and monthly lectures are organised on the Zoom app. Our publication programme has also been affected to some extent. We could not bring out vol. 65 no.1 of the Journal of the Asiatic Society (Humanities) in time. A great deal of editorial work and correspondence with the authors and reviewers were carried on email and paperless.

A very big loss to ASB occurred now when many of its prominent members and fellows passed away due to Covid and non-Covid reasons. We record our deep condolences and remember their invaluable contributions to the Society activities. They were Professor Sufia Ahmed, Professor. Jamilur Reza Chowdhury, Professor Nazmul Karim Chowdhury, National Professor Anisuzzaman, Professor Kaiyum Chowdhury, Professor A B M Hussain, Professor Mokbula Manzoor, Professor Quazi Abdul Fattah, Dr. M Ali Asgar, Professor Emajuddin Ahamed and Professor Murtaja Baseer. The void they left in the intellectual, literary, fine art and cultural arena of Bangladesh cannot be compensated.

THE ASIATIC SOCIETY OF BANGLADESH
Council 2020 & 2021

President :	Professor Mahfuza Khanam
Vice-Presidents :	Professor Mesbah-us-Saleheen Professor Khondoker Bazlul Hoque Professor Ahmed Abdullah Jamal
Treasurer :	Professor S. M. Mahfuzur Rahman
General Secretary:	Professor Sabbir Ahmed
Secretary :	Professor Md. Abdul Karim
Members :	Professor Najma Khan Majlis Professor Syed Anwar Hussain Professor Harun-or-Rashid Professor Biswajit Ghosh Dr. Muhammad Abdul Mazid Professor Yearul Kabir Professor Siddikur Rahman Khan Professor Eshani Chakraborty Dr. Nusrat Fatema Mrs. Suraiya Akhter

**RIGHT TO HEALTH: A STUDY OF LAW AND PRACTICE IN
BANGLADESH**

Zahangir Alam Khan*

Abstract

This article proceeds with the premise that health issue is not only a matter of development of infrastructure and health services but also an important element of justice. Not only international soft laws, but also constitutional regime along with national laws essentially encompasses this vital aspect of fundamental human right. Traditionally, health related issues have not received adequate attention of the policy makers. Such a lukewarm treatment of right generally poses serious impediment to the enjoyment of health rights of consumers. As far as the legal system of Bangladesh is concerned, it lags behind in adequate protection of health consumers. While reviewing the legal regime on health right, this article highlights administrative as well as judicial avenues. An attempt has also been made to pinpoint challenges to overcome the stalemate in vindicating access to health in a meaningful manner.

Introduction

Health or food is not exclusively a branch of natural justice that stems from morality; it is the result of some evolutionary process.¹ The statement reveals that the matter of health is not only a matter of development, but also an important issue of justice. This relation is inherent and it has developed through an invisible process of human civilization.

Due to being associated with justice, it has largely influenced the legal thoughts of people, organization and so on. A review of the international legislations reveals that they have recognized this relationship as ‘right to health as fundamental part of human rights and understanding of our human dignity. It was first articulated in 1946 in the Constitution of World Health Organisation (WHO). Article 25 of the 1948 Universal Declaration of Human Rights also declared health as part of this right.² It

* Member, Court of Settlement, Segunbagicha, Dhaka-1000, Bangladesh

1 Zahangir Alam Khan, *Consumer Justice in Bangladesh: A Critical Review of Laws and Rules*, Dhaka University Institutional Repository, 2016, <https://www.repository.library.du.ac.bd/xmlui/bitstream/handle/.../Zahangir%20Alam%20Khan.pdf>.

2 *The Right to health*, Fact Sheet No. 31, published by Office of the United Nations High Commissioner for Human Rights, Palais des Nations, 8-14, Avenue de la Paix, CH-1211,

was further recognized by Article 12 of the International Covenant on Economic, Social and Cultural Rights 1966. In 2002, the Human rights Commission also recognized the right of everyone to the highest attainable standard of physical and mental health.³ Actually, this aspect of relationship has also influenced the shift in health jurisprudence, legal precepts, and maxims and so on.

The constitution of Bangladesh recognises the right to health as a fundamental principle of state policy.⁴ But a critical review of this aspect reveals that this aspect of relation between health and justice has largely been ignored by the law makers; rather, it has been propagated that health is exclusively an issue of development (infrastructural development, medical access, resource allocation, and so on), not an issue of justice (i.e. the right to legal protection). As a result, the health consumers are revolving in a vicious circle of denial or defiance of justice. In view of this, the debate that has been deepening ‘Is health an issue of justice or development? A review of this question is undertaken below.

Is health an issue of development or justice?

A sociological review of this aspect shall reveal that the idea that has dominated the thoughts of policy-makers is that the matter of health is the fundamental duty of the state. ‘As human beings and regardless of age, gender, socio-economic, ethnic background, health is considered to be our most basic and essential asset.’⁵ From this point of view, the acceptance of relation between ‘health and justice’ is very much required. But a critical review of this shall reveal that the law-makers are reluctant to accept this. While refusing they try to propagate that Bangladesh is ahead of India, Nepal, Pakistan, Myanmar, and Pakistan. Of course, this propagation is made on the basis of the Healthcare Access and Quality (HAQ) Index⁶ and the World Bank’s Human Capital Index (HCI).⁷ Referring some numerical statistics, it is claimed that

Geneva-10, Switzerland and WHO Press, World Health Organization, 20 avenue, Appia, CH-1211, Geneva-27, Switzerland, p. 1. <https://www.ohchr.org/Documents/Publications/Factsheet31.pdf>.

³ *Ibid*, p. 2.

⁴ Article 15 and 18, Fundamental Principles of State Policy.

⁵ *The Right to health*, Fact Sheet No. 31, p. 1, <https://www.ohchr.org/Documents/Publications/Factsheet31.pdf>.

⁶ *Lancet, Healthcare Access and Quality Index based on mortality from causes amenable to personal health care in 195 countries and territories, 1990–2015: A novel analysis from the Global Burden of Disease Study 2015*, 15 July 2017, 390(10091), pp. 231–266, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5528124/>.

⁷ This figure is 97.1 in Iceland, 96.6 Norway, 96.1 Netherlands, 95.9 Australia, and China 48, World Bank’s Human Capital Index: Bangladesh Ahead of India, 12 October 2018; <https://www.the-daily-star.net>.

the HAQ Index of Bangladesh has increased from 17.8 in 1990 to 47.6 in 2016 against the global average of 42.4 in 2000 and the South Asian average of 40.4 in 2016.⁸ Compared to 2016, the HAQ of neighbouring countries have changed significantly since 1990 to 2016—India from 24.7 to 41.2, Pakistan from 26.8 to 37.6, Sri Lanka is 71, and Afghanistan 25.9 in 2000.⁹ Among 195 countries, Bangladesh's ranking is 133.¹⁰ These statistics reveal that unlike many other countries, Bangladesh has also made a significant improvement in the health coverage since 1990.

There are, however, other indicators that does not support this view. A review of the state of universal health coverage (UHC) in Bangladesh shows that although people are not subjected to 'systematic health neglect through the absence of medical facilities...or lack of universal health coverage', 'or a clear social failure...or widespread exclusion from medical access which calls urgently remedying',¹¹ some other challenges goes to the very root of social and economic justice. These challenges include: an overly centralised health system, weak governance structure and regulatory framework, weak management and institutional capacity in the Ministry of Health and Family Welfare (MoHFW), fragmented public service delivery, inefficient allocation of public resources, lack of regulation of the private sector that employs 58% of all physicians, shortage of human resources for health (HRH), high turnover and absenteeism of health workers, and poor maintenance of health facilities and medical equipment.¹² Along with this, the factors that act as important impediment to the right of health are inefficiency, negligence, corruption, private spending and so on. In this connection, it may be mentioned that although the government has established 13,000 clinics for the rural population that shares 70% of the country's population, but, it does not signify that the health sector of Bangladesh has largely been revolutionised. Rather, some prevailing conditions amount to systematic denial, such as, lack or weak state of accountability, absence of remedy (legal or administrative), and dysfunctionality of redressal forums.

8 *The New Age*, 24 May 2018, <http://www.newagebd.net/article/.../Bangladesh-ahead-of-India-Pakistan-in-healthcare-access>.

9 Healthcare Access and Quality Profile, 18 May 2017, <http://www.healthdata.org/results/country-profiles/haq>; <http://www.healthdata.org/results/country-profiles/haq>; *The New Age*, May 24, 2018; <https://www.newagebd.net/article/.../Bangladesh-ahead-of-India-Pakistan-in-healthcare-access>.

10 This ranking of India is 145, Pakistan 155, Nepal 149, and Myanmar 143, and Afghanistan 191.

11 Amartya Sen, *The Idea of Justice*, (London: Penguin Books, 2009).

12 Global Health Workforce Alliance, <https://www.who.int/workforcealliance/countries/bgd/en/>.

In the socio-economic context of Bangladesh, the ratio of services delivered by public and private hospitals is an important indicator to judge the right of health. The matter of health is largely dominated by the private sector. The percentage of services delivered by government hospitals is only 28%¹³ which does not match the demand of people living below the poverty line¹⁴ and because of this the health consumers are pushed to taking services from private clinics or hospitals where they are caught by ‘out of pocket expenditure’ (OOP). The data of the Fifth Bangladesh National Health Accounts (BNHA) from 1997-2015 reveals that this expenditure is too high and it has risen from USD27 in 2012 to USD37 in 2015.¹⁵ Compared with the neighbouring and other countries, this percentage is 67%¹⁶ which is highest in South-Asia¹⁷ and more than double of the global average of 32%. A study report by the International Centre for Diarrheal Disease Research, Bangladesh (ICDDR,B), the Bangladesh Rural Advancement Committee (BRAC) and the James P Grant School of Public Health shows that 68.9 per cent of the country’s citizen find it hard to bear their medical bills,¹⁸ and every year 4-5 million people are pushed to poverty. These percentage of participation by government hospitals indicate the structural denial of the right of health to majority of population.

The health sector of Bangladesh suffers from shortage of HRH. There is a severe gap between sanctioned positions and the filled workers. The percentage of physicians and nurses per 10,000 population is 3.05 and 1.07 respectively. The most important dimension of this problem is shortage of HRH and geographic maldistribution due to which the majority of health workers are posted or concentrated in urban secondary and tertiary hospital. Conducted among 25,000 rural people (60 wards of Unions Council areas), the ratio of nurses to physician is only 0.4. For every 10,000 people, the number of doctors is 5 while the number of nurses is only 2.¹⁹ As of June 2011,

13 Global Health Workforce Alliance, <https://www.who.int/workforcealliance/countries/bgd/en/>

14 This figure is 21.8%. <https://www.adb.org/countries/bangladesh/poverty>.

15 Bangladesh National Health Accounts– An Overview on the Public and Private Expenditures in Health Sector, WHO Bangladesh 2020, <http://origin.searo.who.int/bangladesh/bnha/en/>.

16 The Business Standard, 26 September, 2020, <https://tbsnews.net/bangladesh/health/out-pocket-health-expenditure-74-89572>.

17 The percentage of this expenditure is Maldives 18, Bhutan 25, Nepal 47, Pakistan 56 and India 62. The percentage of this expenditure in UK is 9, USA 11 which is less than the global average of 32%.

18 Medical Bills Pauperize People in Bangladesh, The New Age, 26 September 26, 2020, <http://www.newagebd.net/article/38389/medical-bills-pauperise-people-in-bangladesh>.

19 Syed Masud Ahmed, Mohammad Awlad Hossain, Ahmed Mushtaque R Chowdhury and Abbas Bhuiya, Human Resources for Health, *The health workforce crisis in Bangladesh: Shortage, inappropriate skill-mix and inequitable distribution*. DOI: 11.1186/1478-4491-9-3, 22 January 2011, <https://human-resources-health.biomedcentral.com/articles/10.1186/1478-4491-9-3>.

there was a 50% vacancy rate for alternative medicine providers (MoHFW AMC 2011); only 32% of facilities have 75% or more of the sanctioned staff working in the facilities (World Bank, 2009).²⁰ The very reason of this problem is focusing less priority on HRH by the health administration. In the prevailing context, a stakeholder dialogue on HRH took place on March 28, 2012. Actually, it is first of this kind of dialogue in the history of Bangladesh. Although the organizers focused on the need for skilled health workers for the well-functioning of health system,²¹ still, the gaps between the demand and supply of HRH could not be narrowed down.²² The very impact of this shortage of HRH is that many of the medical equipment cannot be operated for lack of appropriate technical staffs. Moreover, absenteeism has worsened the position. The absence of doctors and health professionals is a common phenomenon; doctors working in the public hospitals do not work full-time; prolonged absence of doctors from hospital can be noticed, especially, in the rural areas. Moreover, 'corruption, informal payments, bribery has crippled this sector.'²³

The review of the legal structure of Bangladesh shows that it inherits the British system of legal history and culture, and it is largely based on Anglo-Saxon system of justice which allows both statutory and non-statutory aspects of justice. It places no bar to providing justice through non-statutory laws (law of tort). The courts have ample power in dispensing justice where the statutory law is not available. But a review of this system reveals that the matter of health is regulated or dominated principally by statutory laws and during the last 160 year's criminal justice system since 1860, the application of non-statutory law has never been seen in any court of law of Bangladesh.

In ancient period too, similar efforts have been made by health professionals. For this reason, they have drawn various codes, oaths and so on for persons engaged in dispensing these services. In this respect, the most important document is the Oath of Hippocrates. Although this Oath did not contain any provision of punishment, it tried

20 Global Health Workforce Alliance, <https://www.who.int/workforcealliance/countries/bgd/en/>.

21 Global Health Workforce Alliance, <https://www.who.int/workforcealliance/countries/bgd/en/>.

22 Md. Abu Shaheen, Md Rafiqul Islam and Razu Ahmed, *Challenges of Health Care Services in Bangladesh: An Overview* (2020), *IOSR Journal of Nursing and Health Science(IOSR-JNHS)e-ISSN:2320-1959,p-2320-1940, Voume1.9, Issue 1 Ser.1.(Jan-Feb.2010)pp.13-2*: <https://www.iosrjournals.org/iosr-jnhs/papers/vol9-issue1/Series-1/C0901011324.pdf>.

23 Nahitun Nahar, Roksana Hoque, Muhammad Shaikh Hassan, Dina Balabanova, Alayne M. Adams & Syed Masud Ahmed, *The influence of corruption and governance in the delivery of frontline health care services in the public sector: a scoping review of current and future prospects in low and middle-income countries of south and south-east Asia*, *BMC Public Health*, Vol 20, Article no. 880(2020), publication 8 June 2020: <https://bmcpubhealth.biomedcentral.com/articles/10.1186/s12889-020-08975-0>.

to import some moral compulsions on the part of the person who embraced it. The pledges made in this Oath are still in existence, and they are considered as primary document of protection for consumers. The most important code of the ancient era, the code of Hammurabi (1792-1750 B.C), considered the matter of health as an important issue of justice. Due to this, it contained some provisions. It comprised some provisions for punishment in relation to health— e.g. provisions of compensation for the offence of wrongful death or injury to health by medical doctors or professionals. In reference to the most notable ancient legislations on consumer protection—such as the Code of Hammurabi in ancient India—one can find that the main system of medical treatment was Ayurvedic and the main code of consumer protection was Kautilya's *Arthashastra*. This Code did not contain any provision of legal compulsion for health professionals, but the efforts that was made for bringing balance between the consumers and the related professionals was sufficient for ensuring justice to health consumers.

With the passage of time, some international documents, such as the 1942 Geneva Convention on Health, emerged for providing increased protection to consumers. It is one of the milestone covenants that paved the way for recognising 'health' not only as an issue of development but also as a matter of justice. The making of this convention encouraged law makers for the next two decades for enacting laws on health both at the international and national levels. In this respect, reference may be made to the Geneva Declaration of Medical Code of Conduct 1942. The very success of this declaration was that the WHO and the World Medical Association accepted it as the guiding principle of professional ethics for medical doctors.

An analysis of these conventions, declarations, and oaths suggests that the very objective of these instruments was justice for the consumers. The influence of these documents is so wide that they have been accepted as the unwritten constitution for bio-ethicists, health professionals, judges, rights-activists, policy-makers, legal-thinkers, and so on. Taking this matter into consideration, many educational institutes have taken the measure of administering this Oath in their curricula. A review of the progress of administering this Oath reveals that it has risen from 26% in 1928 to 100% in 1993. For the same reason, the British Medical Association, after gathering the common points and examples of ethical codes from all parts of the world, published the translated copy of this oath in 1997. This matter of success has encouraged the medical ethicists to make further development of this Oath. An analysis of these codes or oaths finds that the very reason of its success is the relentless efforts of its makers in integrating the idea of justice with the matter of health.

An analysis of the role of public international bodies, such as the WHO, reveals their area of interest is development. This trend of emphasis on development has helped attaining many landmark successes— e.g. eradication of cholera, pox, malaria, increasing life-expectancy by reducing morbidity of mother and child, and enhanced the coverage of immunization. However, the challenge that it could not wipe out is the apprehension of denial or defiance of justice to health consumers. This failure can be attributed to its increased emphasis on some development issues that may include universal health coverage, medical access, extended program of immunisation, resource mobilisation but not the legal issue of justice. Another important reason is that development is taken as synonymous with justice. But the proof of justice may be found in some international legal documents. An analysis of the 1966 International Convention on Economic, Social, and Cultural Rights (ICESCR) reveals that these organizations are interested in providing emphasis more on development than other issues like justice. This kind of emphasis places moral ethical forces upon states in allocating a significant share of its resources for this purpose.

For further clarification, one may refer to the 1985 UN Guideline of Protection of Consumers. A critical analysis of this guideline exposes that its provisions are influenced not only by economic considerations but also by legal compulsions. It made an effort to place some legal compulsions upon states by ‘promoting awareness of the health-related benefits bearing direct impacts on individuals’ health and collective effects, formulating guideline for pharmaceuticals as a priority areas, urging the governments in making provisions for the protection of physical safety and safety standards, enacting appropriate legislation with respect to it, mitigating the legitimate claim of consumers, ensuring the availability of effective redress, and providing the right of access to equitable justice. These aspects of the guideline may not provide justice directly to any consumer, but the compulsions that it places upon states is sufficient for ensuring justice to health consumers.

Academic works of legal thinkers finds that that the present day trends of consumer jurisprudence has shifted its focus from the narrower perspective of physical crimes—like torture, killing and so on—to a broader perspective of human rights. Rawls considers it as a matter of requirement for the basic structure of the society. He recommends ‘special measures for special needs of the disabled and handicaps’. The matter by which he is influenced most is the concern for human rights and justice. Similarly, Sen also associates the matter of health with justice. This trend of associating justice with health has been seen in many countries like New Zealand, India, and others. The justification for integrating it with justice rests mainly on the perspective of reasoning than resources. From this point of view, Sen sees the

problem as one of the problems of justice. The issue pertaining to development of this sector has been characterised as development of justice. The resemblance of his idea may be found in the judicial decisions of court. In the 1990s in Bangladesh, a few cases on the aspect of protection of health have been resolved, giving utmost emphasis on public interest. The influence of this aspect has been reflected in the 1998 National Health Policy—the policy that provides moral-ethical forces for justice to consumers. The policy, however, does not provide any provision for justice in it. In view this, the consumers need to be protected by appropriate law and measures— civil, criminal, constitutional, and administrative. In view of this, a review of the legal regime of Bangladesh is given below.

Legal framework of health service in Bangladesh

Health service is divided in two main parts— consultative, and surgical. Basing upon this broad division, a review services is given below.

Consultancy services

The process of statutory legislation in Bangladesh is traced back to the 1860s and the process of health legislation is pinned down in 1960. But, a review of legal regime of Bangladesh shall reveal that initiative have been undertaken to address the issue of health. Few laws were enacted in order to address the issue of health. The very features of these laws were that they addressed only the public issues of health, not individual violations. Therefore, no review is undertaken on these laws. A review of legal regime of Bangladesh shall also reveal It is pertinent to mention that various initiatives have been taken to address the issue of individual violation of consumers. In this respect, the processes that was adopted were incorporating the ‘violations’ in any major legislation. One of such legislations is the Penal Code 1860.

The Penal Code 1860

The Penal Code 1860 was a non-health law, but it contained some provisions that addressed, in a limited sphere, some of the health issues, such as adulteration of medicine and raw material, and the sale of adulterated medicine or its preparation. It did not provide any provision on the aspect of ‘services’: e.g. negligence, duty of care, deception, unfairness, and so on. Till 1960 since the 1860 enactment of Penal Code, approximately 200 laws were enacted on various aspects of health, such as drugs and medicine, but not a single law on the aspect of services. The important laws during this period were the 1930 Dangerous Drugs Act and the 1940 Drugs Act. During the period in question, law-makers considered the safety of medicine as the very instrument of safety and security of the health consumers. Because of this, the

very focus of these laws was checking or preventing irregularities, unfairness in the manufacture, and sale of medicine. Therefore, law makers did not feel the urgency of enacting laws on the aspect of service liability in health. After a long waiting of 100 years, the 1960 Eye Surgery Ordinance 1960 was enacted. It is the first legislation exclusively on health.

The Eye Surgery Ordinance 1960

Around the 1960s, some peculiar situations emerged that proved detrimental to the health sector. It was found that a few persons were conducting surgery of eye. With a view to checking or preventing the vulnerability of this situation, the 1960 Eye Surgery (Restriction) Ordinance was enacted. This Ordinance is a double-focused law that focused on surgery and consultancy services. It provided only criminal measures, such as imprisonment and fine. This Ordinance provided that any person, who is not a registered medical practitioner but undertakes the practice of eye, shall be punished with imprisonment for a term that may extend to six months and or with fine of Tk. Five hundred.²⁴ A review of this Ordinance reveals It was not a comprehensive law that could encompass wider issues of violation. In the prevailing context, the 1962 Allopathic System (Prevention of Misuse) Ordinance was enacted.

The Allopathic System (Prevention of Misuse) Ordinance 1962

Besides the problem of conducting surgery of eye, some other problems arose, requiring necessary actions to address them. These problems included, for example, the fake use of the title of 'doctor' or fake medical degrees, and undertaking the practice of medicine. In view of this, the 1962 Allopathic System (Prevention of Misuse) Ordinance was enacted. It prohibited the use of the word 'doctor' and its grammatical variations, cognate expressions or abbreviations after someone's name or address, or of his business so as to ensure that he/she is entitled to practice medicine unless he/she is a registered doctor,²⁵ or using fake medical degrees,²⁶ performing surgical operation,²⁷ or prescribing anti-biotic and dangerous drugs.²⁸ It stipulated that whoever contravenes these provisions would be punished with imprisonment for a term of one year or fine not exceeding Tk. two thousand.²⁹ Apparently, it seemed that this Ordinance had addressed the wider issues of health. But, a review of this Ordinance shall reveal. But it could not address the major issues

24 Section-4 of the Eye Surgery (Restriction) Ordinance 1960.

25 Section-3 of the Allopathic System (Prevention of Misuse) Ordinance 1962.

26 Section-4 of the Allopathic System (Prevention of Misuse) Ordinance 1962.

27 Section-5 of the Allopathic System (Prevention of Misuse) Ordinance 1962.

28 Section-6 of the Allopathic System (Prevention of Misuse) Ordinance 1962.

29 Section-6 of the Allopathic System (Prevention of Misuse) Ordinance 1962.

of health, such as, duty of care, negligence, and so on. Hence, it invited the enactment of another law, namely, the 1980 Medical and Dental Council Act.

The Medical and Dental Council Act, 1980

Political events between the 1960s and the 1980s had serious impact on the socio-economic life of people of Bangladesh. Professional knowledge and skills, fairness, and standardization were major health concerns. With a view to curbing the abuses and misconduct in medical profession, the 1980 Medical and Dental Council Act was enacted. The Act is a landmark in the history of health legislation in Bangladesh.

In the first place, the 1980 Act addressed the matter of health by a superior council of health professionals that led to the creation of the Bangladesh Medical and Dental Council.³⁰ The council provided a uniform standard for medical and dental education and profession, recognition of medical educations awarded by medical institutions,³¹ inspection of medical examinations,³² and withdrawal of recognition of institutions that imparts medical or dental education,³³ for discipline, professional misconduct use of false title and matters connected thereto striking out of name from the register of health professionals,³⁴ or fine.³⁵ The Act sought to streamline the profession of medicine and dentistry, but it failed to specify any penal actions. The failure of the Act went to the very root of health justice that eventually paved the way for the promulgation of the 1982 Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance.

The Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance of 1982

At the very out-set of 1980s, health service consumers witnessed the evolution private sector in health. The health consumers were witnessing the establishment of new clinics, diagnostic centers, and laboratories in the private sector. The influx of major capital investment in the private sector helped transforming the health services from public to private-public services. However, due to the absence of any laws in this connection, the private health sector largely failed to meet the minimal standards of safety and security, provide spaces for hospitalization, fulfill the basic requirement of equipment for operation theatre, and lacked provision for emergency medical

30 Section-3 the Medical and Dental Council Act, 1980.

31 Section- 9, 10, 12 and 15 of the Medical and Dental Council Act, 1980.

32 Section-18 the Medical and Dental Council Act, 1980.

33 Section-19 of the Medical and Dental Council Act, 1980.

34 Section-28 of the Medical and Dental Council Act, 1980.

35 Section-25 of the Medical and Dental Council Act, 1980.

services. Moreover, due to weak monitoring system doctors of government hospital engage in private practices during business hours. Indeed, a state of *laissez faire* was prevailing in this sector. Against this backdrop, the government of Bangladesh promulgated the Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance in 1982. Its key provisions were as follows:

- a. It made provisions for obtaining license from the government for establishing or operating private clinics, and laboratories;³⁶
- b. It made a list of charges for surgical operation, conducting labor, echocardiogram, pathological or radiological examinations and other medical examinations or services;³⁷
- c. Regarding the establishment of private clinics, it provided that these clinics should provide hygienically proper space (at least 80 square feet for each patient), air-conditioned operation theatre, adequate supply of medical equipment, life-saving drugs, required number of full-time medical doctors, nurses, and other assisting staffs,³⁸ and display of charges for these services;³⁹
- d. It prohibiting private practice by doctors during their business hours in government hospitals;⁴⁰
- e. It provided provisions for inspection of clinics and laboratories by Directorate of Health , in order to ensure compliance;⁴¹ and
- f. For non-compliance, it stipulated penal measures, such as imprisonment for a term of six months for clinic owners, and fine of taka five thousand for medical doctors, forfeiture of moveable properties of the facilities.⁴²

According to a report, a good number of private clinics and laboratories are running without license. Out of 15000 facilities, only 5000 have valid license.⁴³ In view of

36 Section-8 and 10 of the Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance, 1982.

37 Section-3 of the Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance, 1982.

38 Section-9 of the Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance, 1982.

39 Section-7 of the Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance, 1982.

40 Section-4 of the Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance, 1982.

41 Section- 11 of the Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance, 1982.

42 Section- 13 of the Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance, 1982.

this, the government asks all private hospitals to apply for license by August 23, 2020.⁴⁴ The main focus of the 1982 Ordinance was fairness in health services, but due to lack of comprehensiveness of legal provisions as well as the weak monitoring system by the government agencies, it failed to address the issues of justice for health consumers. As a result, the government enacted the Medical and Dental Council Act in 2010.

The Medical and Dental Council Act 2010

The provisions of this Act largely resemble the provision of the 1980 Medical and Dental Council Act. Some key provisions of the 1980 Act stated below:

- a. The establishment of a supreme council for medical professionals, namely, the Bangladesh Medical and Dental Council;⁴⁵
- b. Granting recognition to medical degrees as well as institutions that impart medical education,⁴⁶ and the withdrawal of recognition for breach of conditions;⁴⁷
- c. Registering medical professionals and issuing license to doctors for engaging in medical practices;⁴⁸

The Act of 2010 provided the following penalties:

- a. Three year imprisonment or fine of Tk. 100,000.00 for presenting oneself as a medical doctor or dentist, or for undertaking the practice of medicine or dentistry without being registered in the BMDC, and for deceptively using any word, symbol after one's name;⁴⁹
- b. Three years imprisonment or fine of Tk. 100,000.00 for deceptively using any mark, word, or symbol after one's name in a manner so as to indicate that he/she possesses additional medical or dental qualifications, and for repeat of the offence;⁵⁰ and

43 Private clinics, Diagnostic Centers: Two-Thirds run without license, the *Daily Star*, 11 July 2020: <https://www.the-dailystar.net/FrontPage/news/private-clinics-diagnostic-centers-two-thirds-run-without-licence-1928441>.

44 *The New Age*, 13 August, 2020, *Government asks all private hospitals to apply for license by August 23*, <https://www.newagebd.net/article/113106/govt-asks-all-pvt-hospitals-to-apply-for-licence-by-aug-23>.

45 Section-3 of Bangladesh Medical and Dental Council Act 2010.

46 Section-12 of the Bangladesh Medical and Dental Council Act 2010.

47 Section-17, 25,26, and 27 of the Bangladesh Medical and Dental Council Act 2010.

48 Section-18, 19 of the Bangladesh Medical and Dental Council Act 2010.

49 Section-28 of the Bangladesh Medical and Dental Council Act 2010.

50 Section- 29 of the Bangladesh Medical and Dental Council Act 2010.

- d. Three years imprisonment or fine of Tk. 100,000.00 for prescribing medicine that is misbranded or declared as prohibited by the Drugs (Control) Ordinance 1982.⁵¹

This Act cannot cater the needs of health consumers due to some inherent weakness. The forms and manners for which it failed to fulfill the conditions of justice is reviewed in the later part of this discussion.

So far as we have reviewed consultancy-related laws. The following discussions offer a review of surgery-related laws.

Surgical, organ-transplantation and transfusion services

Surgery and organ transplantation

The service that forms an important part of medical treatment and continuing to exist since long is surgical services. Health consumers are subjected to the risk of loss and injury in many cases. There is scarcity of skilled surgeons and lack of training. Due to this, a good number of surgical cases are conducted by personnel without having sufficient knowledge and skill in the respective field. There is no adequate law to address this problem. Few laws include the Eye Surgery (Prevention) Ordinance 1960 and the Allopathic System (Prevention of Misuse) Ordinance 1962. These laws lacked comprehensiveness. The 1960 Eye Surgery (Prevention) Ordinance is the first legislation on surgery, but it was a single edged law focusing only on the surgery of eye. It provides that “any person not being a doctor who performs eye surgery shall be punishable with imprisonment for a term of one year, or three years for partial blindness, and seven years for complete blindness.”⁵²

Likewise, the 1962 Allopathic System (Prevention of Misuse) Ordinance 1962 lacks comprehensiveness. It provides that “no person other than a registered medical practitioner shall perform any surgical operation”.⁵³ Subsequently, the legal regime of Bangladesh provided another two important legislations, namely, the Bangladesh Medical and Dental Council Act 980 and 2010. These two laws do not provide any provision on surgical treatment. With the rapid expansion of surgical treatment, an initiative was taken for catering the needs of health consumers. This service is related to donation and transplantation issues. Although it has been continuing to exist as an important branch of surgical treatment since long, there was no specific law in

51 Section-30 of the Bangladesh Medical and Dental Council Act 2010.

52 Section-3 of the Eye Surgery (Restriction) Ordinance 1960.

53 Section-5 of the Allopathic System (Prevention of Misuse) Ordinance 1962.

Bangladesh. Hence, with a view to meeting the safety and security of persons, the Human Organ (Regulation of Artificial Transplant) Act 1999 (amended in 2019) was enacted.

The Human Organ (Regulation of Artificial Transplant) Act 1999

The Human Organ (Regulation of Artificial Transplant) Act 1999 is the first law on organ donation and transplantation. Unlike many other countries, it allows donation by persons from the age of 18 -70 years. It paved the way for some donation and implant services like kidney transplant. But, a cursory eye view of this Act reveals The objectives of this Act could not be attained due to some legal bindings. The Act recognises voluntary donation only by nearest relations, legal heirs, or persons, and not by any other persons. or forms of donation which has been characterized as violation of the rights of patients.

In Bangladesh, every year 40,000 to 45,000 fresh patients are affected by End Stage Renal Disease (ESRD). Approximately 10,000 patients undertake kidneys transplants out of which 200 to 250 kidneys transplanted are conducted in Bangladesh. The rest of the patients receive their kidney transplant from India, Sri Lanka where the donors are also Bangladeshi citizens. Hence, the existing organ transplant Act influences both the donor and recipient to conceal the information. This law violates citizens' rights.⁵⁴ In the USA, where the first kidney transplant took place in 1954, there is no such condition; rather, donations from other sources are largely encouraged.⁵⁵ Similarly, the laws of the UK, Canada, and the USA do not require any such preconditions.⁵⁶ The laws of these countries recognize donations from patients' living relatives, non-relatives, and altruistic, swap or paired donation.

Other factors that bar voluntary donation from relatives are selfishness of and non-cooperation from family members, lack of awareness and knowledge, superstition, and defective mental construct.⁵⁷ There are also other problems that warrant attention. They include unhindered opportunity of manipulation; the absence of a credible birth and death registration system; weak monitoring system; poverty and

54 Zafrullah Chowdhury and Tauqueer Karim, "Limitations and Remedies of the amended Human Organs Transplantation Act 1999, <https://tbsnews.net/opinion/limitations-and-remedies-amended-human-organs-transplantation-act>.

55 Donate Life America. Available at: <https://www.donatelife.net>. Accessed, December 31, 2017; Glazier AK: *The principles of gift law and the regulation of organ donation. Transplant*, Vol. 24, 2011, pp. 368-372.

56 For example, In: UK – the Human Tissue Act 2004, USA- The Uniform Anatomical Gift Act 2006.

57 Zahangir Alam Khan, *Consumer Justice in Bangladesh: A Critical Study of Laws and Rules* (2016), eds. *Health Laws in Bangladesh: Justice for Consumer?* Ch. 6, p.132.

lust for money. Several groups of brokers have emerged for collecting these donors from amongst the poor mass. Thus, the objectives of the 1999 Human Organ (Regulation of Artificial Transplant) Act has largely failed to achieve its objective.

Auxiliary services

In the above we have reviewed the principal branch of services. With the passage of time, some other auxiliary services, such as diagnosis, hospitalisation, and transfusion have emerged. The legal regime of Bangladesh provides laws also on these services a review of which is given below.

Transfusion service

Although, it is not considered as one of the principal branches of health services, but, the matter of Transfusion of blood forms an important part of medical services when combined with other principal branches of services, e.g. surgical services. From this point of view, the legal regime of Bangladesh has provided law on this- the Safe Blood (Transfusion) Act 2002.

A critical analysis of this Act from the point of right to health reveals that although the principal provisions of this Act are based on voluntary donation of blood by persons is not below 18 years or above 65 years of age, still, the donation of blood is still dependent on some professional donors of whom the majority are sick and drug addict who sell their blood for money.

With a view to ensuring the supply safe blood this Act provides a supervisory body, namely, the National Council on Transfusion of Safe Blood. But, a critical review of the compliance of the provisions of this Act reveals that the matter of transfusion services is dominated by private sectors; the matter of collection and preservation and delivery of blood are run by persons who do not have any professional training or knowledge.

The failure of Act may also be seen from sociological view point. For the matter of safety and voluntary donation of blood, the educational institutions which could have been made the principal driving force. The main source of donation would have been students between 18-24 years of age. For mobilizing this resource, it requires campaign and public engagement which had not been explored due to which no landmark voluntary and non-profit organization— like Shondhani, or Red Crescent— have emerged. Rather, the matter of transfusion service has been made dependent on the private sector and the very failure of which goes to very root of health justice.

The very risk of the failure of transfusion service may apparently seem to be simple failure of law. But, a pragmatic review of this failure reveals that it may be fatal for

human life. In this connection, we may refer to a case⁵⁸ where the plaintiff purchased a bag of blood for his wife from blood bank. The fact remains that the blood was contaminated, and the patient was infected with Hepatitis-B. Accordingly, the plaintiff's wife got infected by Hepatitis-B. In another case, the blood group was tested in the laboratory of opposite party (BB Pathak), and the report indicated the blood group as 'AB Positive'. In the second report from another laboratory, it showed 'B positive'. Because of this discrepancy, the right group of blood could not be transmitted in time and the patient died.⁵⁹ From the above discussion it may be revealed that the failure of transfusion service is not simply a failure of a law, it may amount to denial of the constitutional right of health, as well as life.

Diagnostic and clinical services

With the emergence of private sector in health, diagnostic and clinical services emerged in robust manner. Indeed, it is one of the major sources of income for private clinics and hospitals. The problem that attaches to this service is failure of standards of services; the majority of these laboratory or diagnostic centers do not maintain standard of service; the majority of these facilities are run by persons not having professional training. Moreover, the abolition of the provision of fees for the respective services, the uniformity of charges or fees are not maintained. To speak about hospitalization and clinical services, these facilities do not have required equipment and operation theatres; they do not employ the required number of doctors, nurses, technical staffs. Although, the Medical Practice and Private Laboratories and Clinics (Regulations) Ordinance 1982 provides provision for establishing private clinics only,⁶⁰ but, not on diagnostic services.

Framework of consumer remedies

The legal regime of Bangladesh provides four forms of remedies— administrative, legal or judicial (civil and criminal), tort, and constitutional a review of which is given below.

Administrative

Administrative and political mechanisms are complementary or parallel means to judicial mechanisms of accountability in health services.⁶¹ Legal regimes in Bangladesh provide various administrative measures, and the Directorate of health is

58 *Haraesh Kumar v. Sunil Blood Bank*, I (1991) CPJ 645 (647,648) (Delhi), India.

59 *Profulla Kumar Sahoo v. (Dr.) B.B. Pathak*, II (1993) CPJ 1023: 1993 (1) CTJ 765 (Orissa).

60 Section-9, 10 and 11 of the Medical Practice and Private Laboratories and Clinics (Regulations) Ordinance 1982.

61 The Right to health, Fact Sheet no.31, *Administrative, Policy and Mechanism*, p. 31. <https://www.ohchr.org/Documents/Publications/Factsheet31.pdf>.

responsible for implementing the measures. These measures are principally applicable to private clinics. The measures include the following: inspection of private clinics to ensure compliance; cancellation of license for operating clinics; closing down of such clinics from carrying out its business; forfeiture of moveable property and equipment of the defaulting clinics; and imposing fine.

But, a review of this aspect shows that due to weak monitoring system, reluctance, and corruption the opportunity of administrative justice is very low. The majority of clinics in Bangladesh run their business without license; the cases of closure of these clinics for violation of law is very low.

Criminal

The health laws of Bangladesh provide criminal remedy as follows:

- a. Section-304A of the Penal Code 1960 provides imprisonment for negligent death;
- b. The Eye Surgery (Restriction) Ordinance provides the provisions of fine (Tk. 500), and imprisonment from six months to seven years;⁶²
- c. The 1962 Allopathic System (Prevention of Misuse) Ordinance stipulates the provision of imprisonment for a term not exceeding one year, or fine not exceeding Tk. 2000.00, or both;⁶³
- d. The 1982 Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance enunciates the provision of the following penalty: a fine of Tk. 5000.00, or imprisonment for a term of six months.
- e. A provision imprisonment for seven years, or a fine of Tk. 300,000.00 is provided by the Implant of Human Organ Act 1999.
- f. The 2010 Bangladesh Medical and Dental Council (BMDC) Act is considered as the principal legislation in the health sector. It provides the following measures:
 - Three years imprisonment or a fine Tk. 100,000.00 for false identification as a medical doctor;
 - Three years Imprisonment or a fine of Tk. 300,000.00 for presenting false medical degree and title;
 - Three years imprisonment or a fine of Tk. 300,000.00 for prescribing contraband medicine;
 - A fine of Tk. 500,000.00, and a fine of Tk. 50,000.00 for every day if the commission of the offence continues, for an offense of imparting medical and dental education without approval, or falsely awarding the degree of medicine or dentistry by any institution.

62 Section- 3 and 4 of the Eye Surgery (Restriction) Ordinance 1960.

63 Section 9 of the Allopathic System (Prevention of Misuse) Ordinance 1962.

- Illegal propaganda or advertisement of medicine or system of medical treatment is subject to penalty by fine or jail; and
- Forfeiture of moveable property or closure of these facilities.

Traditional medicine: For the breach of any provision of the 1983 the Bangladesh Unani and Ayurvedic Practitioners Ordinance, or the 1983 Bangladesh Homoeopathic Practitioners Ordinance the two ordinances contain penalty provisions: imprisonment, or fine. The term of imprisonment may extend to one year and/or a fine of Tk. 1000.00.

Civil and tort

The civil statutory laws of Bangladesh do not provide any remedy, e.g. compensation and refund for wrongs done to health service seekers. It is worth noting that as Bangladesh follows the Anglo-Saxon system of justice, there is no bar for the victims to seek remedies under non-statutory law, namely, law of tort. Yet the problem lies in the fact that the courts and the lawyers are less interested in exploring this avenue.

Constitutional

The constitution of Bangladesh provides ample opportunities to health consumers for seeking remedies for wrongs done by service providers. This remedy is very much different from the traditional nature of civil or criminal remedies. Any person aggrieved by any act of any person or authority may apply to the High Court Division of Bangladesh Supreme Court.⁶⁴ These remedies may include -

- declaring the rendering of service by any person, or entities as illegal or without lawful authority;
- compelling any person or entities for rendering any service or taking any measures; and
- Preventing any person or entity from doing any act.

Now the answer to the question ‘How far these remedies are available or accessible to health consumer? The answer to this question is tried to search by reviewing the aspect of ‘right of access to justice.

Right of access to justice

This discussion is undertaken from three important point of view – Administrative, judicial and constitutional.

Administrative

The first of remedies that the legal regime of Bangladesh provides is administrative. It may seem that it is open to all, and it can be easily approached by a victim

⁶⁴ Article-102 of the Constitution of Bangladesh.

consumer. However, if seen critically, it is also 'restrictive and discouraging' in nature; the conditions that it sets for availing this remedy is not easy for a consumer to comply in most of the cases. Thus, it has become inaccessible to a victim/consumer. For soliciting the remedy of 'striking the name of a person from the list of the BMDC's medical practitioners list', is quite difficult for a victim to comply. Section 23 of the 2010 BMDC Act requires that the person, whose name is to be removed, has to be priory prosecuted under Sections 28-30 of this Act. This condition is also applicable in case of traditional medicine. Under Section 25 of the Bangladesh Unani and Ayurvedic Ordinance 1983, the accused has to be criminally prosecuted and convicted. The same provision is available in the Bangladesh Homeopathic Ordinance 1983. Indeed, the pre-conditions that these laws set amount to denial of justice.

Judicial-Criminal

The legal regime of Bangladesh does not provide the right of direct access to justice. Due to this, remedies have become quite inaccessible for the victim consumers. The precondition that these laws require is 'report of the authorized officer' appointed by government due to which individuals' right of protection has become immaterial. For example, section-10(1) of the 1962 Allopathic System (Prevention of Misuse) Ordinance states that 'No prosecution shall be instituted except by an Inspector appointed under the Drugs Act 1940 or by a person especially empowered by the Government'. Similarly, section-14 of the 1982 Medical Practice and Private Laboratories (Regulation) Ordinance utters that 'No court shall take cognizance of an offence under this Ordinance except on a complaint in writing made by the Director General or an officer authorized by him.' The very construct of the 'Right of access to justice' under the 2010 BMDC Act is quite defective. The BMDC Act provides no provision for addressing remedial issues and no court for trying the offences. It results in the denial of justice. Of course, there are some laws that do not require this condition; for example, the Eye Surgery (Restriction) Ordinance, 1960 (Section-5), or the Human Organs (Regulation of Implant) Act, 1999 (Section-10). This Act does not require any report from the authorized officer and the legal proceedings shall follow the Code of Criminal Procedure 1898.

Civil and tort

Although the legal system does not impose any pre-condition for invoking civil or tort remedy, but, a review of this aspect reveals that the system civil remedy has not yet flourished in Bangladesh. This failure is not so much because of the failure of judicial system as much as the psychological construct of lawyers, law-makers, and victims who prefer criminal remedies than the civil or tort.

Constitutional

‘To be protected by law’ is a fundamental right of the citizen and this right (access to justice) has been recognized and guaranteed by the constitution of Bangladesh. When the Acts, Ordinances and other kinds of subordinate legislations do not provide any remedy to the aggrieved person, the victim may seek protection of law under Article 102 of the Constitution of Bangladesh. This right may take the form of individual application as well as Public Interest Litigation (PIL).

Now the question is ‘How far this right is accessible to the citizens? The access to this justice is not easy, but stringent. Aggrieved persons are, however, caught by various deficiencies – structural, notional, ethical, jurisprudential defiance or denial, resulting in the denial of justice. These problems occur not because of the failure of the law, but the judicial culture. The applicant has to prove his *locus standi*, that is, the *prima facie* of his/her grievances. In an environment of conservative legal system, it is very difficult to convince the court for recognizing public interest as the very basis of *locus standi*. It has been observed that a good number of initiatives have failed due to the failure in proving *locus standi*. In view of this, it may be said that the right of access to justice is not easy and open for all.

In reality too sensitive and perceptive judges across the world are increasingly applying the law creatively in their pursuit of delivering appropriate justice. In the event that law is silent or absent on a particular point, or is unsuitable for a new circumstance, it would appear that judges have a duty. Therefore, modern jurisprudential thinking goes to interpret the existing laws in a progressive fashion so as to adapt them with the changing needs of the society. The judges engage in judicial activism to the extent they ascribe new life to the black-letter laws so as to arrive at a legal solution, or remove the posited-law’s limits in terms of both procedural rigidity and substantive deficiencies, or to fashion novel or effective remedies in order to do justice.⁶⁵ Indeed, ‘the modern era canbe said to be one of judicial activism, a phenomenon that perhaps, by now, has turned out to be a “central feature” in the global juridical landscape.’⁶⁶

In view of this, in December 2012, the UN General Assembly recognised the right of justice and unanimously adopted of the UN Principles and Guidelines on Access to

65 Ridwanul Hoque, *Judicial Activism in Bangladesh- A Golden Mean Approach* (2011), pp. 2-3, Cambridge Scholars Publishing. 12 Back Chapham Street, Newcastle upon Tyne, NE6 2XX, UK.

66 P.N. BHagwati, ‘Judicial activism and public interest litigation’. In: *Columbia Journal of Transnational Law*, Vol. 23, (1984-85), pp. 561-77; ‘Human rights as evolved by the jurisprudence of the Supreme Court of India’. In: *Commonwealth Law Bulletin*, Vol. 13, No.1 1987, pp. 237-45.

Legal Aid in Criminal Justice System (67/187). This is the first international instrument on the right of legal aid; its principles and guidelines establishes minimum standards for the right to legal aid in criminal justice systems and provide practical guidance on how to ensure access to legal aid in effective in criminal justice system.⁶⁷ This aid is open to both the plaintiff and the defendant where the litigant cannot afford his access to justice.

Traditional medicine: Access to justice

The legislations dealing with the traditional system of medicine provides the fewer number of penalties if they are compared with legislations for modern system of medical treatment. It also does not provide the right of access to justice to an individual. Section-36 of the 1983 Unani and Ayurvedic Practitioners Ordinance, or section-41 of the 1983 Bangladesh Homoeopathic Practitioners Ordinance prohibits this right of access to justice (court of law). It provides that ‘no court shall take cognizance of any offence except on a complaint in writing made by an officer.’

Absence of rational legal system

In a ‘rational legal system, offences are cognizable; there is autonomy of the institutions that redress grievances, along with the uniformity of law. Such rational legal system is largely absent in addressing the grievances of the consumers of health services.

Cognizability of offences: This is the first requirement for a ‘rational legal system’. It helps taking legal measures, conducting investigation, and lodging complaints with the appropriate institutions by law enforcing agencies or the authorised person or entity. In an Anglo-Saxon legal system, that also exists in Bangladesh, laws need to follow its own course. But this rarely happens in Bangladesh. Some laws clearly define whether the offence is cognizable or not, and some remain silent. For example, section 5 of the 1960 Eye Surgery (Restriction) Ordinance; section 14 of the 1982 Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance, section 10 of the 1962 Allopathic System (Prevention of Misuse) Ordinance, and section 59 of the 2009 Consumer Protection Act define the offences as cognizable offences. On the contrary, the 1999 Human Organ (Regulation of Transplant) Act and the 2010 Medical and Dental Council Act remain silent on the same issue. The very silence of law largely puzzles the victims, courts, forums— all that strikes at the very root of justice.

Absence of autonomy of redressing institutions: An analysis of health legislations in Bangladesh helps find that customary forums of justice cannot exercise their

67 <https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/>.

jurisdiction; in some cases, they are clearly debarred from exercising their inherent jurisdiction. The court of Judicial Magistrate, which is traditionally the first forum of justice under the provision of the Code of Criminal Procedure 1898, is clearly debarred from exercising its inherent jurisdiction on any matter relating to health; even they are debarred from taking cognizance of offences. As a case in point, section 73 of the 2009 Consumer Protection Act states that if any anomaly in private health service is found by the Directorate of Consumer Protection, it shall not take any measure; rather, it shall inform the matter to the Ministry of Health. Such provision of law inevitably results in the denial or defiance of justice, directly or indirectly.

Absence of appropriate and sufficient redressing forums: In a country like Bangladesh, where the number and volume of consumer violation is very high, it is necessary to have adequate number of special courts. The 1985 UN Guideline for Consumer Protection, which provides broader guidelines, urges the member states to establish sufficient number of special forums in this connection. In some cases, international bodies have urged to incorporate the international covenants in their domestic laws. This can significantly strengthen the scope and effectiveness of remedial measures. It enables courts to adjudicate violations of the right to health by direct reference to the International Covenant on Social, Economic and Cultural Rights.⁶⁸ Bangladesh, however, has failed to establish sufficient numbers of redressing forums.

Absence of laws on medical negligence: The lives of health consumers is largely caught by medical negligence, wrong treatment, flawed diagnosis and others alike. But the health legislations is quite silent on this problem. If death is caused due to negligent act of the medical practitioners, the legal heirs of the victim has no remedy under the laws of Bangladesh. In such cases, the only remedy to the legal heirs of the victim is soliciting alternate remedy under section 304A (read with section 337) of the 1860 Penal Code. But no remedies do exist under the health legislations of Bangladesh. A few years back, a draft of law on this problem was prepared by the Law Commission of Bangladesh, but it could not be passed by the law makers. The result is the continuity of the denial of the right of to health service.

Conclusion

It is quite revealing from the article that it is not only the medical access but also the absence of justice is an important challenge for health service consumers. Apart from

68 The Right to health, Chap. *Judicial mechanisms*, Fact sheet no.31 p.32. <https://www.ohchr.org/Documents/Publications/Factsheet31.pdf>.

this, the problem of health is a matter not only a problem of development but also an important problem of justice which the law makers have largely failed to grasp. Therefore, there is necessity of awareness among law makers and policy makers, and other actors— such as media, civil society, legal professionals—who may play a vital role. As a whole, the study offers the following recommendations:

- ‘Health is not only an issue of development but also an important issue of justice’. This issue requires the conceptual development encompassing campaign and awareness building. Addressing the issue also requires increased participation by civil society, media, law-makers, and other stakeholders;
- In this respect, there is imperative to strike a state of balance between development and justice. It requires review and reform of laws, and transformation of the judicial system in which the judiciary will be independent from the executive;
- Laws are supposed to provide not only medical access but also ensure the right of access to justice, recognising the cognizance taking power of court as one of its inherent jurisdictions;
- A congenial atmosphere of justice needs to be created. For this end, the matter of health justice may be brought under the broader umbrella of law making processes;
- There is the urgency to mobilising the law-makers, rights-based activists, health professionals, Non-Government Organisations (NGOs), national and international bodies, and other stake-holders.

If the measures mentioned above are accepted by all the stakeholders—such as law-makers, health professionals, and consumers, they will help facilitate remarkable shift in the health sector.

**FEMALE STUDENTS' REPRESENTATION IN STUDENT
POLITICAL ORGANISATIONS OF BANGLADESH:
AN ANALYSIS**

Mst. Tahmina Akter*

Abstract

This study analyses female students' representation within the decision making structure of student political organisations in Bangladesh. It examines the quality and quantity of political representation of female students in the central decision-making structure of major student political organisations: the Bangladesh Chhatra League (BCL), the Bangladesh Jatiyatabadi Chhatra Dal (BJCD), the Bangladesh Chhatra Union, the Bangladesh Chhatra Federation and the Bangladesh Chhatra Front, etc. Apart from these, this paper has also selected Bangladesh Islami Chhatri Sangstha (BICS) as one of the well-known Islam based female student organisations. A total of 30 student political leaders have been interviewed. All interviewees were the executive members of the central decision making bodies of major student political organisations. In this regard, a random sample survey method has been followed in the selection of respondents. In Bangladesh, female students' representation in student political institutions remains low showing large-scale democratic deficit in the country. Female students' lower representation in student political organisations is considered as one of the main pillars to women's political empowerment, as student organisations offer space for the nurture of future leaders. It is argued in this study that, female students' low representation within the decision making structure of major student political organisations is hindered by the predominance of masculine political culture that the students' organisations practice within the organisational political culture. Some exceptions are also taken into cognizance.

Introduction

Achieving the target of 'equal engagement' of all in decision-making process regardless of sex ensures a balanced, fair and just society which is essential for strengthening democratic practices and encouraging the proper functioning of it (Art.183, UN 'Platform for Action', Beijing, 1995). Many developed and developing nations are fighting with the problem of women's under-representation, a sign of acute democratic deficit. These nations are trying their best to enhance women's representation in all spheres of life. Although representative democracy seeks equal

* Lecturer, Department of Political Studies, Shahjalal University of Science and Technology, Sylhet, Bangladesh. E-mail: mtahmina06@gmail.com

access of all citizens in policy process irrespective of race and gender, the level of female representation in the emerging democracies, like Bangladesh, has not yet to reach at the expected level. The capacity of female in exerting influence in decision making structure is regarded as a crucial step for women empowerment. In Bangladesh, youth force (18-35 years) constitutes majority of the total demography, who is considered as the vanguard of the nation. Here student political organisations give opportunity to the youth force of the country for nourishing their innate capacity of leadership so that they could perform in national politics. “Equity in representation” is considered as one of the prerequisites of modern democracy as females’ representation in politics is regarded as indispensable for functioning of proper government. In addition, progressive role of female through different representative actions is a symbol of justice and equity.¹ In Bangladesh, female youth represents 48.5% of the total, an overwhelming majority of whose are being kept away from the representation process. The existing state of representation with increasing discrimination postulates a serious democratic shortfall threatening the legitimacy of institutions and political parties. If female representation is exercised within student political organisations, it is likely to contribute to greater democratisation in national politics. It is true that at the present rate of females’ engagement in student political organisations is notable than the previous decades. It is, however, still minimal in comparison with their successes in other spheres of life.

Bangladesh is a South Asian nation, where a patriarchal system reinforces women’s backwardness and subjection not only to men but also to the society at large, who have conservative attitudes towards women in leadership positions. The country’s Prime Minister, opposition leader and speaker of the parliament are women who prominently have performed back and forth for the last few decades (as of 2019). This may pose a good impression about the dominance of women in the political arena of Bangladesh. The real picture, however, speaks quite different. Despite the presence of constitutional and legal formalities, here comes masculine dominance in political culture. Constitutional provisions and other legislations have yet not seen notable success.² Bangladesh is a country of transitional democracy where political parties have an important role in the process of democratisation. In almost all the political parties, it is the male who tends to dominate the leading position in the key decision making structure. In the context of Bangladesh, female representation in

1 Nomita Halder, “Female Representation in Parliament: A Case Study from Bangladesh”, *New Zealand Journal of Asian Studies*, Vol. 6, No.1, June, 2004, p.1.

2 Momtaz Jahan and S. Lasna Kabir “A Review on Women’s Representation in Parliament: Bangladesh Perspective”, *Nepalese Journal of Public Policy and Governance*, Vol. XXXI No. 2, 2012, pp. 33-41.

student political organisations is considered significant to ensure women empowerment in every sphere of life. Females' socio-economic position in the society has been strengthened but it has little impact. In these organisations, decision making power is highly concentrated in the hands of a few top level male student political leaders. This study analyses the quality and quantity of female representation in the major student political organisations of Bangladesh in national context. Against this backdrop, the central question of this study is: How does masculine political culture being practiced in the political spheres of Bangladesh demotivate female representation in the student political organisations? With this, a couple of supplementary questions are worth asking such as: To what extent is the representation process in student political organisations inclusive? What are the factors acting behind this lower political representation of the female students in comparison to their male counterparts?

For the convenience of the readers, this article is divided into eight sections. In the first section of this paper, I have described the state of female representation in Bangladesh. The second section of the study illustrates a brief history of students' political representation in the democratic development of Bangladesh. The third section concentrates on the methodology of the study that has been followed to find out the stated research questions. The fourth section has covered the review of literature on students' political representation in Bangladesh. The fifth section conceptualise the idea of representation. It also shows the distinctions between participation and representation. The sixth section has focused on the state of female representation in student political organisations in Bangladesh with an analytical framework. It also touches on the dominant factors affecting females' political representation in student political organisations. In the seventh section, I have analysed the core findings of the study that have been collected from the interviews with a number of top level student political leaders of the central executive committee of prominent student political organisations. In the concluding section, I have summed up the whole discussion and asserted that the practice of female students' representation in student political organisations in Bangladesh remains a token only.

Historical Background of Students' Political Representation in Bangladesh

In the early twentieth century, students' role gave a new dimension to Bengal politics. Before this, student politics also existed in the 19th century. From the very beginning of the 19th century, students in this sub-continent rose up as the leading force against all forms of oppression, discrimination and exploitations. The Young Bengal movement was an act of students which was primarily an intellectual

response to western education. The Young Bengal group also traced different social, cultural and other issues that later became a part of politics in this sub-continent. The practice of student activism came from the nationalist movement launched by the western educated middle class in the early 20th century.³

During the Pakistan Movement, student participation was at a large scale organized by the Muslim Students League. After 1947, students of East Pakistan, at first, organized themselves and triggered the issue of new constitution making for their nation. They strongly refused the proposals of Pakistan Basic Principles Committee for future constitution.⁴ During this time, students took part in different political programmes and played an active role in national politics.

The crucial phase of student politics was from the language movement (1952) to the liberation war of Bangladesh (1971). Students played their vital role in the historic language movement of 1952 upholding the spirit of Bengali nationalism passionately. In June 1962, they raised their voice against Ayub Khan's undemocratic insertion of several provisions into the constitution of Pakistan and also struggled for the restoration of democratic system in the country.

Students spontaneously participated in the education movement of 1962 and had a sparkling role for achieving Bengali autonomy under Six-point programme (Charter of freedom) of 1966 under the leadership of who is now venerated as the father of the nation, Bangabandhu Sheikh Mujibur Rahman. During 1967 to 1969, students waged movements for Bangabandhu's release from the Agartala Conspiracy Case. Thereafter, they performed a significant role in organising the mass upsurge of 1969 that resulted in the fall of autocratic government of Ayub Khan. Students were the most powerful force in the history of Bangladesh who sacrificed their lives in the 1971 war of independence. In the aftermath of 1971, students also played their crucial role for the restoration of democracy. They became vocal for the establishment peoples' rights, justice, equity and freedom in independent Bangladesh. During the military regimes of Zia and Ershad, they waged movements for the withdrawal of martial law and curfew, reinstatement of parliamentary democracy. In 1990, students raised their voices against the dictatorship of Ershad, and put an end to the autocratic governing system. They acted as catalyst in re-inventing parliamentary democracy with full spirit.

3 *National Encyclopedia of Bangladesh*, Banglapedia, Asiatic Society of Bangladesh, Vol. 9, 2003, p. 443.

4 G. W. Choudhury, *Constitutional Development in Pakistan*, (Lahore: Longmans, Green & Co.) 1959, p. 72.

Even, they proved their representation in the Shahbagh Gonojagoron Movement (2013)—the movement that called for death penalty of those persons who perpetrated war crimes during the war of independence in 1971. The country witnessed powerful student movements in 2018 on two key occasions: one of the movements forced the government to reform quota system in public service, and the other demanded road safety.

In fact, without the leading roles of students, Bangladesh perhaps could not have achieved independence. Students acted as an important pressure group in strengthening democratic process of the country and in materialising public demands for far-reaching reforms. In all the movements that preceded 1971 including the movements after independence, the history has only recorded the role of male students replete with their success. Very few literatures have touched on the role of female students. This gap justifies this study on female students' representation in the major student political organisations in Bangladesh.

Methodology

To find out the answers of the questions discussed above, I have followed primarily qualitative research method. I have collected both primary and secondary data to analyse the issue. I have taken a total of 30 interviews of the student political leaders who were the executive members of the central decision making bodies of major student political organisations. In addition, I have managed to talk with students (both political and non-political) of different departments at Dhaka University. Regarding this, the random sample survey procedure has been followed. Secondary data have been collected through content analysis of relevant books, research works, journals, daily newspapers, etc.

Literature Review

In the absence of serious academic study on student politics in Bangladesh, this area has remained unexplored. In this section, a brief review of literatures on student political representation has been done in order to do this study.

Ullah discusses the role of students as a vigorous anti-autocratic force during the military regime of Zia and Ershad, and how they became vocal against the martial law, curfew and undemocratic practices. He argues that the role of student politics in the democratic development of Bangladesh has been more enriched, as they raised their voice against all forms of discrimination, injustice and exploitation. They played in ousting military autocracy.⁵

5 S. M. Akram Ullah, "Student Politics in Bangladesh under Military Autocracy", *Asian Studies, Jahangirnagar University Journal of Government and Politics*, No. 32, June 2013.

Khasru and Zami claims that after 1991, the degenerating trend of student politics had been found. Student political wings have been used for the preservation of the interests of their parent political parties at the national level. The authors claim that merit and educational qualifications were ignored in selecting topmost student political leaders, and non-students were given priority. Student political organisations were used by their parent political parties to serve the party interests of the latter.⁶

In his work, Mohammad argues that in recent times, dominance of money and muscle power has been prevalent in student politics. In the pre-liberation period, student politics was considered as ‘ideological excellence’ of that time while this trend had been declined with the passage of time in the post-liberation era.⁷ Murshid explains that student political leaders led almost all the political movements of the country such as the 1969 mass uprising. But today they have been acting as the agent of the mainstream parties, and their enslavement by their parent political parties has turned them into surrogate forces. The power and domination of student political leaders is highly linked with the rise and fall of their national political parties.⁸

All these studies have focused on different aspects of student politics. But, none of the above studies has solely included the representation of female students’ role in the student political organisations. This gap on female students’ representation in the political development of Bangladesh warrants intensive scrutiny. This paper addresses this gap. The following section presents the conceptual framework of the study.

Understanding Representation

Giuseppe Di Palma defines the term “participation” as the exposure of “a person’s integration into the system of social and political relations.”⁹ Political participation implies an active engagement of citizens with political processes and people’s affiliation with the political activities performed by the political institutions of a country. Here, “active engagement” signifies voting, competition for party office, nomination for election, getting party membership, involving in party functions (e.g. election campaign) and participating in any kind of party programmes. On the other hand, the concept of representation refers to ‘the ability to exert influence in decision making structure by means of public debate, bargaining, discussing with chosen

6 Syed Munir Khasru and Md. Tamid Zami, “Student Politics in Bangladesh: A Historical Overview”, in Imtiaz Ahmed & Iftekhar Iqbal (eds.), *University of Dhaka-Making Unmaking Remaking*, (Dhaka: Prothoma Prokashan), 2016.

7 Anu Muhammad, “Student Politics in Post-1971 Bangladesh”, in Imtiaz Ahmed & Iftekhar Iqbal (eds.), *University of Dhaka-Making Unmaking Remaking*, (Dhaka: Prothoma Prokashan), 2016.

8 Sarwar Khan Murshid, *Kaler Kotha*, (Dhaka: Mawla Brothers), 2001.

9 Giuseppe Di Palma, “Apathy and Participation: Mass Politics in Western Societies”, (New York: The Free Press), Vol. 66, Issue. 2, 1970, p. 4.

representatives and exercise power by controlling office of the institutions at different levels—local, regional, national and international. The goal of representation can be attained only when individuals are incorporated at different stages of decision making process. Therefore, representation, in actual sense, is the capacity to exercise power and practice of authority to influence the policy making process, ensure spontaneous involvement of citizens in the central decision making irrespective of sex, race, caste, religion or place of birth. Understanding of the substance of representation has essentially led to the distinctive categorisation of the notion. Hanna Pitkin conceptualises the term representation from a more specific perspective: “representation indicates the action of raising individual’s voice, reasonable expression of opinions, opportunity of playing equitable role and ‘presence’ in all aspects of public policy processes. Political representation is ensured when political actors keep significant performances in decision making through speaking, advocacy and actions on behalf of the rest in the field of politics.”¹⁰ Pitkin categorises representation into four types: (a) authorised representation is one which seeks for a legally empowered representative’s action for another; (b) descriptive representation in which an individual represents a group by virtue of homogeneous features, such as race, sex, region, and ethnicity; (c) symbolic representation that implies a representative’s performance as the guard of national ideas; (d) substantive representation that refers to the role of a representative in ensuring the preferences of a particular group by emphasising their interests and development related policy process.¹¹ Here, a combination of authorized and descriptive representation has been focused for the analysis of this study.

To understand the sharp distinction between representation and participation in student political organisations, I have used the diagram (Figure 1) mentioned below. In this framework, I have tried to focus that the few student political representatives represent others and thus, influence the central decision making structure by engaging themselves in the central executive committee of student political organisations. On the other hand, individually as a student worker, females can only participate in student political organisations without representing in the central executive committees. Although the main focus of my study is only on political representation of female students, the discussion on participation cannot be ignored.

The existing organisational structure of almost all the major student political organisations of Bangladesh can be sketched below (Figure 1).

10 Hanna Pitkin, *The Concept of Representation*, (Berkeley: University of California Press, 1967).

11 Sarah Childs and Joni Lovenduski, “*Political Representation*”, *The Oxford Handbook of Gender and Politics*, Oxford University Press, 2012.

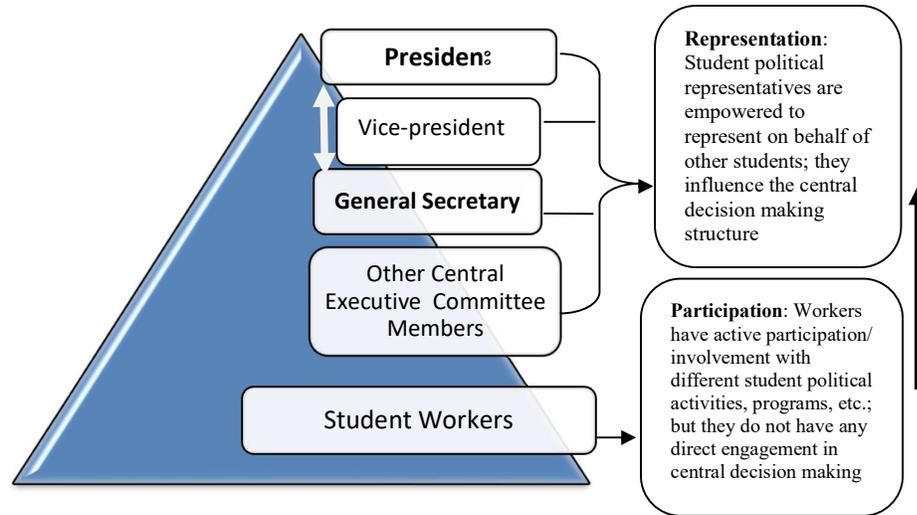


Figure 1: Organisational structure of student political organisations of Bangladesh

Females' Representation in Student Political Organisations of Bangladesh: An Analytical Framework

This study addresses the factors which influence female students' representation in the student politics. These factors have been categorised into two sections: constraining factors, and encouraging factors.

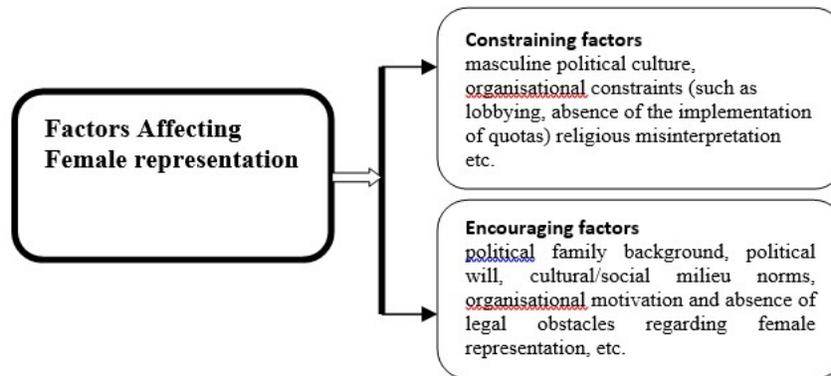


Figure 2: A Framework of Influencing Factors of Female Representation

Constraining factors

Without an active engagement of females in all aspects of decision making and strengthening their influence in policy processes, socio-political development cannot be fully attained.¹² In Bangladesh, there is a trend of uneven development in which females are systematically excluded from the decision making with the excuses of “capability” deficit. In addition, there are a number of interrelated factors which operates behind the under-representation of females at organisational level. These factors create constraints for which females do not feel passionate to represent in student political organisations. Scholars like Norris and Lovenduski identified two interacting causal factors—one is supply, and the other is demand—that result in females’ underrepresentation. Here, supply-side factors are explained as those factors for which females usually do not feel interest in politics. This is considered as a reason behind the lower level of females’ representation. The supply-side factors, also termed as structural factor, include culture, religion, socio-economic conditions, class, education, and patriarchy. The demand-side factor is related mainly to the political culture and male dominance. It also includes masculine political culture, organisational constraints, such as lobbying and absence of quotas. Norris and Lovenduski correlate these two factors which discourage not only females’ engagement in politics but also their level of representation in organisations.¹³ In this regard, both supply and demand side factors are responsible for females’ lower representation in the context of Bangladesh. Prominent Bangladeshi scholars pointed out that female’s marginalised position stems from a complex interplay of socio-economic, religious, cultural, attitudinal factors.¹⁴ Broadly, these factors can be categorised as structural and political.

Culture of patriarchy: Political culture comprises the “beliefs, values, attitudes and orientations of an individual toward politics shared by members of a political system.”¹⁵ In many countries, political culture is being subjugated by a number of third factors, such as “masculinity”. R.W. Connell in her gender order theory conceptualises the notion of “masculinity”. According to her, “masculinity” is regarded as the practice which formalises and institutionalises male dominance in

12 A. Endale, “Factors that Affect Women Participation in Leadership and Decision Making Position”. *Asian Journal of Humanity, Art and Literature*, 2012.

13 P. Norris and R. Inglehart, “Cultural Barriers to Women’s Leadership: A Worldwide Comparison”, 2000, pp. 3-5. Accessed on 8 October 2017, <http://www.ksg.harvard.edu/people/pnorris/acrobat/IPSA2000culture.pdf>.

14 Momtaz Jahan and S. Lasna Kabir, “A Review on Women’s Representation in Parliament: Bangladesh Perspective”, *Nepalese Journal of Public Policy and Governance*, Vol. XXXI, No. 2, 2012.

15 Gabriel Almond and G Bingham Jr Powell, *Comparative Politics: A Developmental Approach*, (Boston: Little, Brown & Co., 1966), pp. 32-35.

society and helps reinforce female subordination to male. It is a complex cultural construction of human being that is not a static entity bestowed upon a specific body or individual; rather, it involves certain practices which are purposively constructed by society's dominant groups. Masculinity differs in a society based on gender relations in a given social and cultural context.¹⁶ There are multiple forms of "masculinity", often referred interchangeably to "patriarchy". "Hegemonic masculinity" is one of them that permits "male dominance" in a particular social setting reinforcing the inferior position of females.¹⁷ In addition, men determine dominant beliefs, norms and values of the society in favor of them so that they can posit themselves as the "regulator" of women. In reality, "men exist in control" is the main motto of masculine political culture.

Bangladesh is a highly patriarchal society. One of the essential features of its society is the domination and supremacy of male and powerlessness of female. Patriarchy supports the creation of a stringent division of labor that control females' mobility, roles and responsibilities. Regarding this, family is considered as the central organ of patriarchy where members are encouraged to reinforce male dominated sexually differentiated roles and also females' inferior position.¹⁸ Discrimination between male and female begins at birth and continues throughout the family and societal life. It increasingly leads to unequal access of women to basic rights. In addition, the socialisation process in the family also discourages females to take leading role in the society.¹⁹ Generally, the female members of the family are forbidden by their male counterparts to participate in student political organisations. Thus, patriarchy reinforces female's dependency on men and their lower representation in organisational level. Moreover, a male dominated patriarchal social attitude is also noticed within the student political organisations through which females are kept outside the mainstream representative roles.

In Bangladesh, the practice of pervasive nature of masculine political culture helps reinforcing a lower and secondary status of females. This male dominated culture in politics, along with other factors, is exercised in the political spheres of Bangladesh. It greatly discourages female representation in student political organisations. Female representation at institutional level, especially in power structures, is constantly

16 R. W. Connell and James W. Messerschmidt, "Hegemonic Masculinity Rethinking the Concept", *Gender & Society*, Vol. 19, No. 6., 2005, p.836.

17 P Doney, S. Mitra, A. K. Nazmul and H. Mohiuddin, "*Masculinity and Gender-based Violence in Bangladesh*", Working paper-7, Dec. 2013, p.7.

18 Kate Millett, *Sexual Politics*, (New York: Doubleday & Company), 1970.

19 Nomita Halder, "Female Representation in Parliament: A Case Study from Bangladesh", *New Zealand Journal of Asian Studies*, Vol. 6, No.1, June, 2004, pp. 34-37.

undermined by the presence of “male dominance”. Males often assume themselves as the master, the protector or guardian of females viewing assuming the latter as weak, imprudent and ineffective entity. Females are kept away from the significant position of mainstream political institutions in excuse of male prudence, discretion and efficiency. Female voice is less prioritised, seldom reflected in the central decision making of the organisations and subsided by male decision.

Power relation in the model of “masculine political culture” that exists in the major student political organisations in Bangladesh is explained below:

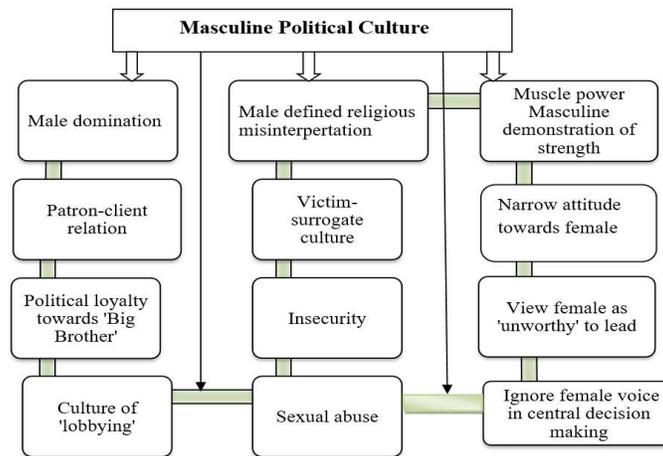


Figure 3: An overview of masculine political culture

The existing culture of political subservience in Bangladesh promotes lower level of participation and also helps encourage higher level of underrepresentation. Usually, females get little chances to reflect their opinions in the decision making process in political organisations. It is argued that the student wings begin to be used for national party political machinations. Merit is disregarded in selection of student leaders and non-students are increasingly enlisted in the leadership. The relationship between the student political organisations and their affiliated political parties becomes degenerated. The student wings subordinate themselves to the political parties in return for patronage by the latter. This political subservience abrades the creative substance of representative politics and organisational autonomy of the student activist. It lead to intra and inter-party conflicts where the use of deadly weapons and firearms is a commonplace. Traditionally, in Bangladesh, students are regarded as “agent-victim-surrogate” where females are mostly being victim and

surrogate but not agent yet today.²⁰ This trend of political practices helps create a bad image of student political organisations, and act as barrier towards the representation of females.

Societal culture significantly shapes male-dominanted political culture. Traditionally, in the cultural context of Bangladesh, politics is viewed as a “male-dominated activity”, and females are sketched as physically and politically ineffective, unfit, weak and dependent upon the wisdom of men.²¹ Culturally, there is a belief that females are supposed to be led but not to lead. In fact, stereotyped notions about females and negative societal perception about their leadership quality hinder their representation in organisations.²² Therefore, females are not encouraged by the practiced norms and values to participate in representative activities. Prevailing narrow societal attitude helps draw a passive image of females, discouraging their representation in leadership position within the student political organisations.

Religious constraint: Religion acts as a strong force in constructing mindset, attitude and belief of the individuals a particular society. In Bangladesh, religious identity of the people defines their attitude towards others. In most of the religions, it is believed that power and authority divinely belong to male, subjugating females and excluding them from the mainstream leadership position.²³ Women are confined to home in the name of religious values and purda, and they are also e-motivated to join institutional bodies. Some of the Muslim females prefer to remain outside of student political organisations, as they have a different view on equality issues. They blindly believe that female leadership is prohibited (haram) in Islam. Apart from this, some of the religion-based student organisations do not believe in gender equality and propagate a “sharp public-private dichotomy by directing females’ seclusions and subordinate status”.²⁴

Organisational obstacle: The absence of constitutional compulsions—such as quota or reservation of seats for females—is often considered as institutional limitations of the major student political organisations. The absence of structural initiatives is

20 Syed Munir Khasru and Md. Tamid Zami, “Student Politics in Bangladesh: A Historical Overview”, in Intiaz Ahmed/ Iftexhar Iqbal (eds.), *University of Dhaka-Making Unmaking Remaking*, (Dhaka: Prothoma Prokashan, 2016).

21 S. Baxter and M. Lansing, *Women and Politics: The Invisible Majority*, (Ann Arbor: University of Michigan Press, 1980).

22 S. L. Kabir and M. Jahan, “Women’s Representation in Bureaucracy: A Study on Bangladesh,” in *Social Science Review*, University of Dhaka, Part-D, Vol.24, No.2, 2007, p.17.

23 L Kunovich, P Paxton and M Hughes, “Gender in Politics”. *Annual Review of Sociology*, Vol. 63, 2007.

24 Momtaz Jahan, “A Review on Women’s Representation in Parliament: Bangladesh Perspective”, *South Asian Journal of Policy and Governance*, Vol. 31, No. 2, 2012, p. 1.

highly affiliated with females in engaging themselves with major student political organs. Moreover, the political culture of “lobbying” and “pressure from the top level politicians” demonstrates the organisational constraints of the organisations.

Encouraging factors

Although women face impediments in participating and representing in the organisational level, there are a number of factors which seem to act as encouraging forces for them to prove their existence in student political organisations. These encouraging factors include: political family background, political will, organisational motivation, and absence of legal constraints. Female students, whose family members have an active involvement in politics both at national and local levels, feel more enthusiastic in participating and representing in student political organisations. They are passionate in politics, and they choose to hold on the leadership position. This is because they observe political activities from the very beginning of their life within the family. Moreover, political will of the female students is considered as another dominant factor for the engagement of females in student politics. Personally, they prefer to involve in student politics and dream to see themselves in the leading platform of the country. Also they are keen to represent people at the national level. Another pertinent factor is females’ desire to prove themselves as “worthy, competent and deserving” enough at the institutional level. Apart from these, organisational motivation play significant role in encouraging female to participate in student politics. For example, the Bangladesh Chhatra Union, the Bangladesh Chhatra Front, and the Bangladesh Islami Chhatra Sangstha (BICS) launched campaign and different motivational activities to increase female participation in their respective organisation. Besides, absence of legal obstacles regarding the representation of female is seen as an additional encouraging factor for female representation in student political organisations.

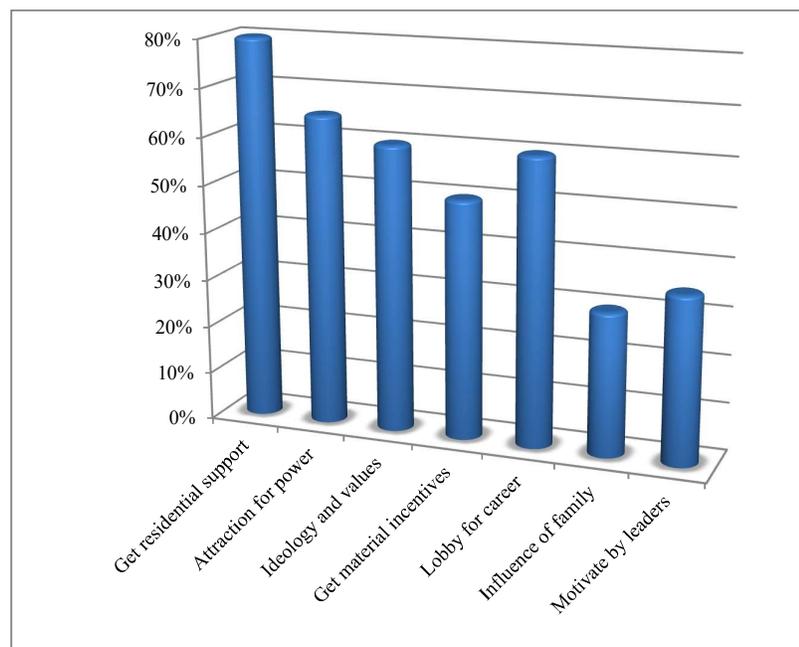
Though there has been an evident trend of women representation in the political organisation of Bangladesh, this percentage is comparatively low. Societal context has shaped a masculine political culture which is discouraging female representation within the student political organisations of Bangladesh. Despite the entrenched patriarchy, some female students have made their inroads into politics.

Findings of the Study

Female students’ participation in student political organisations

There are a series of factors which influence female students’ participation in student political organisations. As mentioned before, this study collected data from, among

other, interviews of student political leaders. As many as 30 interviews were conducted. As per the question regarding the reasons behind the engagement of female students in student political organisations, 80 per cent interviewees assume that “at initial stage, female students get engaged in student political organisations to have a seat in the residential halls in return for their participation in political programmes. Here, 35 per cent are of the view that after getting seats, female students are motivated by their leaders to have politics as their vocation. Remarkably, 65 per cent of them consider that “attraction for power” is one of the prime reasons behind the involvement of females in politics. They argue that female leaders of student political organisations are authorised with omnipotent power in residential halls where the general students remain in fear of harassment.



Notes: *Multiple response count*

Figure 4: Reasons behind the participation of females in student political organisations.

Regarding this, 50 per cent interviewees take “material incentives” as another reasons for their political participation. They admit that after getting political posts in the executive committees, lifestyle of female political leaders changes significantly through the blessings of power and financial incentives. Female leaders get money from confidential sources, as they allow non-residential students in the halls by using

their power. Sixty per cent respondents see that student political organisations are platforms for leaders with regard to securing positions in job markets. Also, 60 per cent respondents are of the view that female students are influenced by ideology and values to have their involvement in student political organisations. Thirty five per cent respondents have mentioned political background of the family as a catalyst for female students' participation in such organisations.

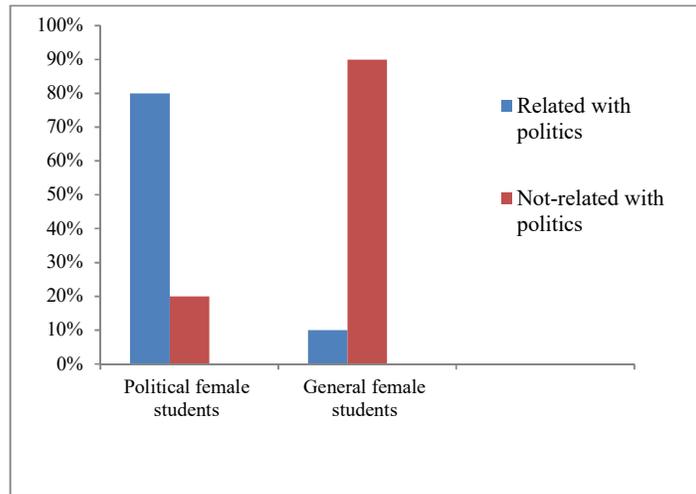


Figure 5: Family background of the female students

According to the findings of the study, female students—who have family members or relatives involved in politics—are more enthusiastic to participate in student political organisations. As it emerges from the responses of the interviewees, 80 per cent female student leaders have their political background where only 20 per cent female leaders come with a non-political family background. Also, I interviewed some general students. Ninety per cent of the general student's family members do not have any kind of political involvement while only 10 per cent general students have their family with political background.

Female students' representation in the central executive committee of student political organisations

In Bangladesh, female students' representation in the major student political organisations does not stand at expected level. They show their reluctance to engage in different political wings of the mainstream political parties in Bangladesh. There are multi-dimensional factors that discourage and de-motivate female students to

participate in politics. Despite the overall decrease of gender inequality in every modern nation, gender discrimination still exists in many sectors, especially in politics. In an interview with a number of top level student political leaders, they admitted that the representation of females in comparison to their male counterparts is very poor. They unfolded a series of factors and hindrances for which females are being constantly marginalised in politics.

Table 1: Female students in central executive committee of student political organisations, 2017

Name of Party	Name of the position	Total Member	Female Member	% of Female
Bangladesh Chhatra League (BCL)	Central Executive committee	301	45 (7 Vice-presidents)	14.95%
Bangladesh Jatiyatabadi Chhatra Dal (BJCD)	Central Executive Committee	736	12	1.63%
Bangladesh Chhatra Union	Central Committee	41	2	4.88%
Bangladesh Chhatra Federation	Central Committee	29	4	13.79%
Bangladesh Chhatra Front	Central Committee	24	5	20.83 %
Bangladesh Islami Chhatri Sangstha (BICS)* ²⁵	Executive Committee	11	11 President (1) Secretary (1) Joint Secretary (2)	100%

Source: Compiled by the author based on interview with the executive members of the central executive committee of student political organizations

25 * BICS is a female dominated Islam based student political organisation which runs its programs for the establishment of Islamic political system. But, this organisation has a strong affiliation and an indirect linkage with the Bangladesh Jamaat-e-Islami (BJI) which is completely a male dominated Islamic national political party. I have chosen BICS to focus on the male dominated BJI's influence on the activities of its wing BICS, even in its (BICS) top level leadership selection. I have just wanted to show that how a completely female dominated student organisation is indirectly controlled by its male dominated parent body.

For most of the interviewees, although women occupy half of the total population, the state of their political representation at organisational level still remains a question. Here, the general trend is that the higher the position, the fewer the females.

Reflection of Female Representatives' Opinion in Central Decision Making

Throughout the history of political participation in Bangladesh, women have always been involved in politics but their representation has been ignored. Though women have reached the top-most position of leadership in the two major political parties—the Awami League (AL) and the Bangladesh Nationalist Party (BNP)—they are still not much influential in decision-making positions in the central executive committees of the mainstream student political organisations. The actual scenario is that the powers of the student political organisations are predominantly vested in the president and secretary, usually selected from male leaders, who are authorised to exercise such powers. Most of the student political leaders, whom I interviewed, illuminated the problem that the student organs have a centralised power structure in which the president and the secretary make ultimate decisions. This decreasing level of females' representation in politics not only endangers the democratic representativeness of today but also jeopardises democracy of tomorrow. Thus, females' representation is widely neglected where their rights and expression is ignored.



Figure 6: Female students' representation in central decision making

Among the 30 students' political representatives I have interviewed, 27 per cent of them answer 'yes', giving their consent in favor of the presence of females' influence in central decision making. They acknowledge the visibility of participation of

female student leaders in the central decision making. According to them, females are given due respect, and their opinions are valued significantly irrespective of race, sex and religion. According to the interview findings, it has been noticed that this trend of practices is common to leftist student political wings, like the Bangladesh Chhatra Union, the Bangladesh Chhatra Federation, and the Bangladesh Chhatra Front. Within these organisations, females may occupy the topmost position, such as the positions of the president and the secretary—a practice that is mostly absent in mainstream student political wings like the Bangladesh Chhatra League (BCL) and the Bangladesh Jatiyatabadi Chhatra Dal. As the level of females' participation' in student organs is not remarkable in comparison to their male competitors, their representation in decision making is automatically subsided. However, 60 per cent student political leaders answered 'no' to the question of the participation of females in decision making, arguing that females are depicted as politically ineffective, ignorant and dependent upon the far-sighted male. They acknowledge the lower representation of females in decision making structure, arguing that females play a puppet role in most of the cases and they are kept outside of the key decision making process. Thirteen per cent interviewees inform that female student leaders sometimes participate in taking decision and execution of plans whereas sometimes they do not. Thus, females' involvement in the preparation and execution of the key decisions of student political organisations appears to be a case of disappointment.

Causes of female students' underrepresentation in politics

One of the core findings of the study maps the major impediments towards the representation of females in student political organisations. In this backdrop, I have interviewed twenty student political leaders, both male and female— about the reasons for the lower level of female representation. Regarding this, one of the members of the central executive committee of Bangladesh Chhatra League (BCL) stated:

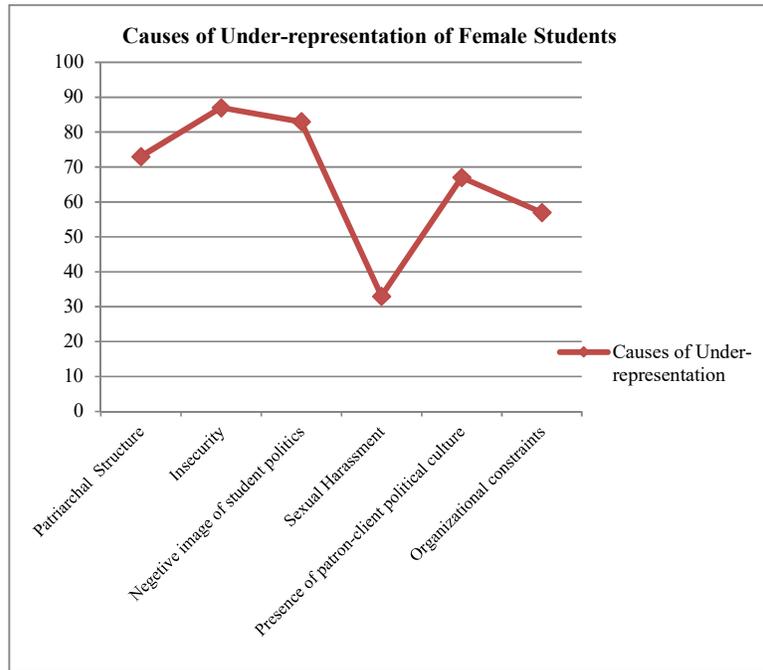
Politics in Bangladesh is a notable ground for exercising arbitrary power with an increasing cultural exclusion. Though there have no legal restrictions regarding female representation in political life, society's biased attitude and trend have defined politics as a 'man's vocation'. In a society where females are negated, ignored and marginalised from the very beginning of their life, their proper inclusion in politics is like "building castles in the air"! In our patriarchal social structure, female leadership is being discouraged by family members. In addition, a male dominated political culture seldom permits females to get autonomy and power to exercise effectively within the organisations.²⁶

²⁶ Interview with Tamanna Afrin (pseudonym), Member of Central Executive Committee, Bangladesh Chhatra League, 11 October 2017.

Regarding this, Kazi Ratna, Treasurer of the Central Committee of Bangladesh Chhatra Union said:

In our societal context, it is assumed that females are politically inefficient and passive where they are usually dependent on male. To survive in the field of politics and occupy different significant posts at central level of student political organisations, they have to struggle with their best, not only against family barriers but also with different organisational complexities. Within the leftist 'progotishil' (progressive) student political organisations, females are being deprived of highest posts like the president and the secretary, because they are treated as weak compared to their male competitors. It is generalised that female leaders will not be able to go to the remotest area of the country for the sake of organisational activities, especially in emergency.²⁷

The above mentioned two quotes primarily paint the picture of the reasons behind the lower status of female representation in major student political organisations of Bangladesh. In addition, there exists a trend of female apathy in politics.



Note: Multiple response count

Figure 7: Causes of under-representation of females in student political organisations

27 Interview with Kazi Ratna (pseudonym), Treasurer, Central Committee of Bangladesh Chhatra Union, 05 October 2017.

Regarding the lower representation of female, 73 per cent respondents consider that the prevailing patriarchal structure in societal and political spheres act as the root cause of females' underrepresentation in the major student political organisations. According to them, a male-dominated social and political system restricts females to be involved in activities outside their homes. Some of them consider "political, economic, social and cultural exclusions of the females" as the main cause of lower participation of females in policy process. They consider a host of factors—such as religious teachings, narrow attitude towards female and unequal treatment from the very beginning of their family life, exclusion from society and institutional structure—as the main impediments towards female representation in student political organisations. Some of them think that the major reasons which prohibit females from political representation are political traditions and social biases. They perceive that patriarchal values and institutions in our society do not demonstrate positive and supportive views about female. Political values, norms and institutions are deeply affected by male domination. These trends of the society, thus, increasingly endanger democratic liberalisation of the country in greater level. In most of the contexts, there is a culture that imposes a role on female which is different from the one that is set aside for men.

In addition, some of the respondents think that boy-friend issue or pre-marital relationship act as a major barrier towards females' representation in student political organisations. In most of the cases, they are disheartened by their so called boy-friends who usually do not prefer the involvement of females in political activities.²⁸ Thus, male domination in every sphere of females' life becomes a common trend. Some of the participants are of the view that male have strong reservations regarding female in leadership and management positions, with females systematically being kept outside the political domain.

Majority of the respondents, 87 per cent stressed the issue of insecurity as the prime reason in the name of which most of the females show excuses not to participate in politics. According to them, the violent nature of student politics is not safe at all, and that is why families do not support their female members' participation in student political organisations. Families have fear about their members attending political gatherings—such as rallies, processions, meetings, assemblies, and strikes.

Some of the student leaders inform that in Bangladesh, females are usually not interested to take politics as profession. For them, participation in student organisations is often stigmatised such that any political tag may hamper a female's future career in future in case of regime change.

28 Interview with Naznin Nahar (pseudonym), Member of Central Executive Committee, Bangladesh Chhatra League, 8 October 2017.

Thus, 83 per cent respondents admit the negative image of student politics as a key reason for lower participation of females in student politics. They consider the absence of family support, that is, families do not allow their female members having any political affiliation. This is a key factor that explains female's under-representation in politics.

Also, 33 per cent respondents consider sexual harassment as a common scenario within the students' political organisations, and for this, they viewed females' representation in student politics as 'quite impossible'. Sixty seven per cent of them regard the 'existence of patron-client political culture' is responsible for creating and reinforcing practices that contribute to the low status of females in organisational structures. Fifty seven per cent of them blamed 'organisational constraints' as the prime cause of females' less representative roles.

Presence of patron-client political culture

In Bangladesh, the political culture of patron-clientalism, apart from all other factors, is regarded as a common trend where female representatives are usually seen to perform the role of a client while male politicians used to patronise them. Sixty per cent of the student representatives, who are directly involved in mainstream student political organisations, admitted the presence of patron-client political culture within their organisations. Some of them termed this as 'lejurbrittik' (ingratiated) political practice. They observe that the obligations between the patron and the client are mutual, and the key point is that they are hierarchical. These relationships might be best viewed not as an entity but as a network. They perceive this culture as intimately related to other relationships and practices, including regional preferences in distributing posts and positions within the student political organisations, nepotism, horizontal exchange relationships, and corruption.

Student political organisations serve as the sub-organs of the mainstream political parties where they are considered as party based political wings. They rarely focus on students' problems but devote their organisational activities for party interest. Surprisingly, 40 per cent student leaders denies the presence of patron-client culture in their organisation, claiming that the general perception of people about the existence of patron-client culture in every student organisations is not real in all the cases. There are still some student organs where ideological commitment and political values of student leaders are highly valued.

Nargis Noor, an active member of the central executive committee of Bangladesh Jatiyatabadi Chhatra Dal, described how females are treated within the student political organisations,

... of course, females still face the hurdles of discrimination from male politicians in the name of patronisation. These gatekeepers claim that females are ‘unsuited’ to active politics – and then use the scarcity of females in central office to prove their point! In most of the cases, females are assured of giving the top level political posts in return for which they are convinced and trapped to maintain secret relationship with the so called political “big brother”. In this regard, females are suffered by both ‘mouno and jouno’ (muted and sexual) harassment by their male political leaders. Here, the male political leaders prefer to keep this under cover, as they have their own political image in front of the rest. But there may have some leaders who are fair in evaluating the qualified female persons without maintaining patron-client relation. But this percentage is very low. To me, these are the few exceptions which might not be considered as a representative example.²⁹

Masculinity with a ‘biased male-dominated political culture’ prevails in the organisational structure of other mainstream student political organisations of Bangladesh.³⁰ For the purpose of the study, one of the female political leaders posted in the central committee of Bangladesh Chhatra League, was asked to give opinions about the overall scenario of under-representation of female students in politics. But, at the first approach, she denied to give me interview without the permission of a prominent central political leader who is a male. Although this political culture is often regarded as ‘*Political Loyalty*’, in actual sense this kind of malpractices curtail the freedom of expression of the female representatives within the organisational political culture, proving an example of male dominance in politics.

Reserved seats or quotas: Is It a way of enhancing representation?

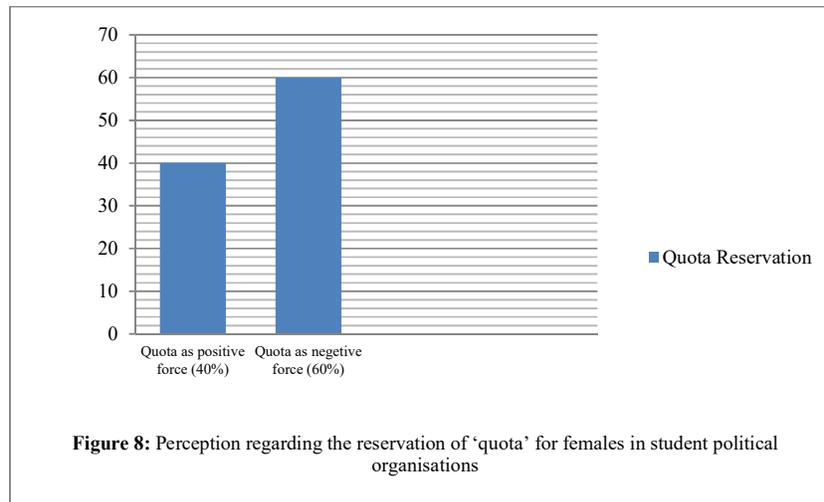
The majority of women in Bangladesh are yet to be empowered to participate actively in the social, cultural, economic and political life of the country. Gender discrimination is widespread in all spheres and at all levels albeit, the Constitution of Bangladesh [(Article 27, 28(1), 28(2), 28(3) and 65(3)] guarantees equal rights to all citizens, clearly incorporating provisions for equal status of women. There are 50 reserved seats for women in the Parliament in addition to the 300 elected seats in which women are equally eligible to contest. To ensure female representation in formal political party structures, the Representation of People Order (RPO) requires at least 33 per cent reservation of all political party’s committee position for women. Although it is required, no mechanism currently exists to monitor or encourage progress toward the 33 per cent goal.³¹ Therefore, females’ political representation

29 Interview with Nargis Noor (pseudonym), Joint Secretary, Central Executive Committee of the Bangladesh Jatiyatabadi Chhatra Dal, 7 October 2017.

30 Interview with Tamanna Afrin (pseudonym), Member of Central Executive Committee, Bangladesh Chhatra League, 10 October 2017.

31 Silja Paasilinna, Women’s Reserved Seats in Bangladesh: A Systemic Analysis of Meaningful Representation, IFES, 2016, p. 10.

within student political organisations has also not been changed. However, there is a common debate over “reservation of seats” or “quota system”.



Among the thirty student political leaders interviewed, all assure that there are no structural compulsions for the reservation of females' position within the student political organisations in order to increase the participation and representation of females. According to the interview findings, 40 per cent of them support quota system or reservation of seats for females as a positive force arguing that quotas are usually perceived as a transitional mechanism to lay the foundation for a broader acceptance of females' representation. They think that one way to explain the lower rate of female participation in politics is the presence of structural barriers that constrain the ability for them to run for election and become representatives. They believe that quota system is an instrument of political empowerment to compensate structural barriers. Also, they assert that quota system is essential for females' political empowerment in student political organisations. They add that disregard for quotas and absence of structural compulsions for female empowerment in the major student organisations act as barriers to female participation in student political organisations.

But surprisingly, a majority of 60 per cent leaders consider quota as a mechanism of political marginalisation, claiming that the prevailing patriarchal political culture of Bangladesh society tends to transform these instruments to limit females leadership in politics.

Centre–local gap in female students' representation

Forty per cent student political leaders believe that female participation and representation in student political organisations at local levels—e.g. District, Upazila, and Union—is not dissatisfactory. Sixty per cent student leaders admitted centre-local gap in female representation within the student political organisations. They believe that the participation of female at local level in comparison to their male counterparts is very poor as, local females do not feel enthusiastic enough to join student political activities because of the lack of civic education and political will. Also, organisational failure is another issue of concern, as there have been very few initiatives undertaken by the student organisations to encourage the level of female representation at local level. One of the executive members of Bangladesh Jatiyatabadi Chhatra Dal states:

As the viability of our organisation at local level (periphery areas or countryside) is almost zero and inactive, expecting the representation of females is nothing but a daydream. In addition, the organisational structure at both the centre and the local levels is fragile in practice subdued by ruling organisations.³²

The above scenario is slightly different in the case of Bangladesh Chhatra League which has recently declared several sub-committees at local level and has also successfully arranged conferences at colleges and universities in the periphery level. However, generally females are under-represented in political leadership position of the country, both at the local and the centre levels. Their political involvement and access to formal power structures are linked to different structural and functional constraints, such as political, socio-economic, ideological and psychological barriers.³³

Concluding Remarks

In this 21st century, females are keeping their footprints in every sphere of achievements whether political, economic and social. Although they are bravely fighting against different kinds of challenges, they still face discrimination at both societal and state levels. The persisting challenges include family obligations, religious restrictions, societal negative attitudes and increasing level of physical and psychological violence. They create impediments towards their participation and help to reinforce further under-representation. Here, creating a favorable female friendly

32 Interview with Sahinor Nargis, Joint Secretary, Central Executive Committee of Bangladesh Jatiyatabadi Chhatra Dal, 7 October 2017.

33 N. Shvedova, "Obstacles to Women's Participation in Parliament", Julie Ballington and Azza Karam (eds.), (Stockholm: International Institute for Democracy and Electoral Assistance, 2005).

atmosphere within the student fronts can attract female students for representation in the political parties. Women form half of the total potential talents in our country but it is a matter of great regret that they are prominently marginalised at organisational level. This is a loss for society as a whole. Without the active engagement of women at all levels of decision making, the goal of women empowerment cannot be achieved.

Flowing from this, the representation of females in student political organisations is viewed as one of the pre-conditions for participatory democracy. But in practice, there exists a gap between their participation and representation level while their under-representation within political organisations helps generate greater democratic deficit in Bangladesh. Although presently the level of their participation in student political organisations has increased than before, their representation amounts to token gesture only. Along with a couple of structural and political factors, there are several constraints for which females remain underrepresented in Bangladesh society. Male dominated societal status of females, lack of family support, masculine political culture and patriarchal social structure can be identified as the general factors that discourage females to participate and represent in student political organisations. In addition, lack of security and absence of female friendly atmosphere within the student political organisations are considered as other factors that have contributed to reinforce females' underrepresentation in politics.

THE FUTURE OF TORTURED IRAN-US RELATIONS: ACCOMMODATION OR CONFRONTATION?*

Md. Abul Kalam Azad**

Abstract

There is no denying the fact that the history of Iran-US relations is full of dimensions, and it is now replete with a plethora of mistrust, hostility and enmity. A brief period of cordiality and a long period of bitterness have shaped the relationship between the two countries since its inception in the second half of the nineteenth century. The Second World War (1939-1945), the oil resources and geo-strategic importance of Iran, the Soviet communism and the creation of Israel tremendously influenced the subsequent course of Iran-US relations. In the process of their bilateral interactions since the 1950s, both countries have inflicted irreparable tortures on each other. Hence, the present crisis of Tehran-Washington relation continues to persist and shows no signs of improvement of their relationship. As a result, the future of Iran-US relations has become a much-discussed issue to everyone from an international theorist to a political scientist to a Middle East analyst. This article first sheds light on historical factors and dynamics that have decisively shaped the current complex and tortured Iran-US relations. Then it draws some predictions regarding the future of Iran-US relationship in the midst of growing tensions following President Donald Trump's unilateral withdrawal from the 2015 Iran Nuclear Deal in May 2018 and his continued imposition of crippling economic sanctions on Iran (after backtracking Obama's Iran policy), sending of US warships and troops in the Persian Gulf region, and more recently, the US killing of an Iranian General Qasem Soleimani.

Introduction

In the contemporary world, the history of relationship between Iran (known as Persia till 1935) and the United States (hereinafter the US) is a vital factor of great and growing consequence. The case histories of Iran-US relations are unique, complex and continuous, however, replete with many myths, truths and half-truths. An enormous chain of historical interconnections, with a brief period of cordial moments and a long period of bitterness, have shaped the relationship between the two countries since its inception in the second half of the nineteenth century. Currently, Iran-US relations are rocky and hostile, with open demonisation of each other, which

* This article is partially based on the author's Ph.D. thesis entitled *Iran-US (United States) Relations Since 1945*, awarded by the University of Dhaka.

** Associate Professor, Department of Islamic History and Culture, University of Dhaka.

have started after the success of the Islamic Revolution in Iran in 1979. However, relations between the two countries have not always been acrimonious. Both the countries used to enjoy from positive to close bilateral relations since the establishment of their diplomatic relations in 1883.

The end of the Second World War, the oil resources and geo-strategic importance of Iran, the onrush of Soviet communism and the creation of Israel drastically changed the course of Iran-US relations. The change became evident from the early 1950s with the US involvement in a diabolic regime change affair in Iran in 1953. The 1953 CIA-engineered coup d'état in Iran is historically viewed as the first *torture* inflicted on the Iran-US relations, and the event left an indelible scar on the Iranian minds. Other torturous events resulting from hostile attitudes of Iran and the US towards each other have decisively shaped their bilateral relations leaving them to the current hostile, tortured and never-mending position. This article first sheds light on the historical factors and dynamics that have shaped the current complex and tortured Iran-US relations since 1953. It then draws some predictions regarding the future of such tortured Iran-US relations amidst growing tensions following the Trump Administration's unilateral withdrawal of the US from the 2015 Iran Nuclear Deal (officially known as the Joint Comprehensive Plan of Action or JCPOA) in May 2018, alongside its imposition of crippling economic sanctions on Iran (after backtracking Obama's Iran policy) and sending of American warships and troops in the Persian Gulf region.

A Brief Outline of a Unique Iran-US Relation

Since the early nineteenth century, Iran was dragged into the whirlwind of European power politics. Amidst this, Tehran and Washington established cultural and economic ties in 1830 and 1856 respectively. Then in 1883, Iran established diplomatic relation with the US.¹ Since 1883 Iranian government favored the third power strategy and turned to the US to break the see-saw of Anglo-Russian pressures and influences in Iran. Despite this, Iran was hesitant to antagonise European powers. Hence, uncertainty marked US policy towards Iran prior to the Second World War. It was during and after the Second World War that Iran became the theatre of US involvement, leading to a new turn in Iran-US relations. During the war years, the US became a key player in Iranian politics—a player which was seen to work for two objectives: for the promotion of US economic interest in the country, and for the

1. See, Mehdi Heravi, *Iranian-American Diplomacy*, (Maryland: Ibex Publishers, 1999), pp. 1-5; Abraham Yeselson, *United States-Persian Diplomatic Relations, 1883-1921*, (New Jersey: Rutgers University Press, 1956), pp. 8-11.

preservation of Iran's independence. Iran was considered by the US as a buffer state between the Soviet Union and the Middle East. Furthermore, it was rich in oil resources. Hence, after the end of the Second World War, Iran won a key place in America's policy in the Middle East. At the height of the Soviet threat to Iran's sovereignty during the 1945-1946 Iranian crisis, also known as the Azerbaijan Crisis, the US came to Iran's rescue. This was an event that eventually consolidated US position in Iran. The Iranians were pleased to see that it was the US which had driven the Soviets out of their country in 1946. The role of the US in the Azerbaijan Crisis largely convinced the Iranians that the US could ensure their destinies, especially independence, even when they did not. Thus, while the US played an important role in safeguarding Iran's independence in the Azerbaijan Crisis, the event appeared as a great turning point in the subsequent history of Iran-US relations. Indeed, after the Azerbaijan Crisis, which confirmed US support for Iran's independence, a sort of close bilateral relationship started to develop between Iran and the US on the basis of 'a friend in need is a friend indeed' principle.² After the birth of the Jewish state of Israel in 1948, a combination of US concerns—including access to oil, the containment of the Soviet Union, and the security of Israel—laid a solid foundation for the beginning of the relationship between Iran and the US. Since then Iran-US relations experienced the briefest and the warmest course in their long history, and this relationship continued till 1953.

Origin and Escalation of Tortured Iran-US Relations

As stated above, the Second World War years and post-war years witnessed the growing US involvement in Iran which contributed to the development of Iran-US close relations. However, Iran-US tension began to crystallise when, in 1951, Iran's populist Prime Minister Mohammad Mosaddeq nationalised Iran's oil industry which was then owned and controlled by a British oil company, known as the Anglo-Persian Oil Company. Tensions mounted between the Iranian government and the Anglo-Persian Oil Company, and the US appeared to have played a mediatory role between the two parties. As negotiated settlement failed to change Iran's stance, the US intervened in Iran's political affair. Mosaddeq government was overthrown in 1953 through a coup d'état engineered by America's main intelligence machine, the Central Intelligence Agency (CIA). After this event, Iran, until the 1979 Islamic revolution, became a key ally of the US in the Middle East until. The 1953 coup d'état, however, poisoned the minds of Iranian people who began to consider the friendly Americans as 'ugly' Americans. In the history of Iran-US relations, this

2. Md. Abul Kalam Azad, "Iran-US (United States) Relations Since 1945", PhD Dissertation, (University of Dhaka, 2017), p. 28.

CIA-led 1953 coup d'état was the first torture lashed on an evolving close Iran-US relations. The second torture emerged after an Islamic revolution had taken place in Iran in 1979 followed by the Iranian Hostage Crisis during 1979-1981. Since then Iran and the US have been witnessing a plethora of tortures in their bilateral relationship, resulting in hostility and mistrust between the two countries.

The CIA-orchestrated 1953 coup d'état in Iran

There is no denying the fact that the tortured Iran-US relationship has deep historic roots. Historically, the CIA-led 1953 coup d'état against Mosaddeq was an unforgettable and unforgivable trauma for Iran. Almost everyone in Iran has for decades known that the US was responsible for putting an end to their democratic rule in 1953 and installing what became the long dictatorship of Mohammad Reza Shah. This was first event to give birth to strong anti-Americanism in Iran. Later, it brought to power a passionately anti-American Islamic regime through the 1979 Islamic Revolution.³ Before the 2000 revelation by the *New York Times* and verbal confession by the then US Secretary of State Madeleine Albright,⁴ the story of US intervention in Iran in 1953 was a well-kept secret. The suppressed history of the event thereafter created an opportunity for anti-Iranian scholars like Kenneth M. Pollack to claim: "Many Americans know almost nothing about the sources of Iranian grievance against the United States, where our own grudge against Tehran came from, and why the two sides have found it so difficult to overcome their differences."⁵ Like Pollack, a host of scholars and the US government itself from that vantage point generally accuse the present Islamic Republic of Iran for poisoning Tehran-Washington relations through the Iran Hostage Crisis of 1979-1981.

This is, indeed, inaccurate, misleading and a misrepresentation of the fact. For that one may conclude that the problems of Iran-US relations began with the 1979-1981 hostage crisis, and that Iran is responsible for the beginning of the tortured relations. It is partially correct that Iran, as discussed below, is responsible for the tortured relationship with the US but blaming Iran does not correspond with the overall fact.

-
3. Stephen Kinzer, *All the Shah's Men: An American Coup and the Roots of Middle East Terror*, (New Jersey: John Wiley & Sons, 2008), p. x; Christopher J. Petherich (ed.), *The CIA in Iran: The 1953 Coup and the Origins of the US-Iran Divide*, (Maryland: American Free Press, 2003), p. 6; Eqbal Ahmed, 'What's Behind the Crises in Iran and Afghanistan', *Social Text*, No. 3, Autumn, 1980, p. 49.
 4. In 2013 CIA also acknowledged the fact. See: Saeed Kamali Dehghan and Richard Norton-Taylor, "CIA Admits Role in 1953 Iranian Coup", *The Guardian*, August 19, 2013.
 5. Kenneth M. Pollack, *The Persian Puzzle: The Conflict between Iran and America*, (New York: Random House, 2004), p. xxi.

Nobel laureate and Pulitzer Award-winning American writer Pearl S. Buck once said, “If you want to understand today, you have to search yesterday.” This truism is appropriately applicable in the case of Iran-US relations. In the light of this statement, the 1953 CIA-led coup d’état is just like the *yesterday* to the Iranians who painfully cherish the event and subsequent US intervention in their politics, economy and culture during the 1953-1979 period.⁶ This fact echoes the remarks of R. K. Ramazani: “For Iran, the past is always present.”⁷ Gary Sick is of the same view that in Washington, by 1978, the events of 1953 had all the relevance of a pressed flower; but in Iran, the memory of 1953 was as fresh as if it had happened only the week before, and the popular image of the Shah as a pliant creature of the US was a vivid political reality.⁸ These statements of some prominent scholars clearly point to the fact that the historic tortured Iran-US relations began in 1953 with the US intervention in Iran.

In fact, the US role in the coup and the subsequent assistance in the establishment and consolidation of the Shah’s dictatorship were decisive for the future of Iran-US relations.⁹ Gary Sick observed that after 1953 the US would never again be able to enjoy the presumption of benign objectives and enlightened self-interest when engaging itself in the affairs of Iran. He goes on to say that whatever interpretation one chooses to place on the objectives and consequences of the CIA-engineered coup in Iran in 1953, coded as Operation AJAX, 1953, it abruptly and permanently ended US political innocence with respect to Iran.¹⁰ Of late, Hilary Clinton, who served as US Secretary of State during the Obama Administration’s first tenure (2009-2013), has mentioned the 1953 coup d’état as “a classic Cold War move for which many Iranians never forgave America.”¹¹ The deep psychological scars of the CIA-sponsored coup d’état are still vivid on Iranian minds and Iranians continue to remember the event with great pain and hold the US responsible for all miseries they experienced during the Shah’s regime. The matter of the fact is that the 1953 coup

-
6. The result of which was strong anti-Americanism. For the study of this anti-Americanism that resulted from the US intervention in 1953 and the subsequent intervention in Iran see: Abul Kalam Azad, *Iran-US (United States) Relations Since 1945*, Ph.D. Dissertation, pp. 115-138.
 7. R. K. Ramazani, “Understanding Iranian Foreign Policy”, *The Iranian Revolution at 30*, (Washington DC: The Middle East Institute, 2009), p. 11.
 8. Gary Sick, *All Fall Down: America’s Fateful Encounter with Iran*, I.B. Tauris & Co. Ltd. London, 1985, pp. 7-8.
 9. Mark J. Gasiorowski, ‘The 1953 Coup D’état in Iran’, *International Journal of Middle East Studies*, Vol. 19, 1987, p. 279.
 10. Gary Sick, *All Fall Down: ...*, *op. cit.*, p. 8.
 11. Hillary Rodham Clinton, *Hard Choices*, Simon & Schuster, UK, 2014, p. 417.

d'état became the symbol of US betrayal to the Iranians, after that the majority of Iranians do not trust the US. Here lies the crux of the whole problem of Iran-US relations. That is why some analysts view the 1953 coup d'état as "the origins of the US-Iran divide",¹² while others are of the view that the coup had led to "the Iranian people's justified animosity toward the U.S. government."¹³

US Non-Recognition of the Islamic Republic of Iran

The US policy of non-acceptance of the Islamic Republic of Iran founded by Imam Ayatullah Khomeini is another principal factor for the current tortured Iran-US relations. Because of the consistent refusal of the US government to publicly acknowledge the present Islamic government of Iran, Tehran-Washington reconciliation has become entirely impossible.¹⁴ This is also because of the Islamic Republic of Iran's anti-US position. The Shah, during his time, was an "American king" in the true sense of the term and his foreign policy was dictated by Washington anyway. Conversely, the Islamic Republic of Iran completely rejected US influence in Iran's politics, economy and culture. In fact, the Islamic government and its foreign policy, as defined by Iran's constitution, have become a permanent source of adversarial relations between Tehran and Washington. Since the adoption of Iran's constitution in 1979, Washington has been viewing it as "one of the most bizarre political documents of modern times."¹⁵ The reason is obvious. The first sentence after the preamble of the Iranian constitution decries "the American conspiracy known as the "White Revolution", which was a step intended to stabilise the foundations of despotic rule and to reinforce the political, cultural, and economic dependence of Iran on the world imperialism,... in June 1963."¹⁶ Elsewhere in the constitution, the US has been described as an arrogant power. Such Iranian attitude toward the US remains unchanged even after the 1989 amendment of the

12. See: Christopher J. Petherick (ed.), *The CIA in Iran: The 1953 Coup and the Origins of the US-Iran Divide*. In fact, following the leak of CIA's secret history concerning its involvement in the coup in the *New York Times*, the history has been published in 2003 in the name of the above title in which Christopher J. Petherick—editor of American Free Press has added a preface, acknowledgements, and dedication to the original CIA's secret history.

13. *Op., cit.*, p. 6.

14. James A. Bill, *The Eagle and the Lion: The Tragedy of American-Iranian Relations*, Yale University Press, London, 1988, p. 282.

15. Rouhollah K. Ramazani, 'Document: Constitution of the Islamic Republic of Iran', *Middle East Journal*, vol. 34, no. 2, Spring 1980, p. 184; Constitution of the Islamic Republic of Iran, available at: <https://faculty.unlv.edu/pwerth/Const-Iran%28abridge%29.pdf>

16. *Ibid.*

constitution. Here lies the most important rationale of continuous US hostility towards the Islamic Republic of Iran. Every successive administration of the US since the Iranian revolution has been aware of the fact that the US is constitutionally an enduring enemy to the Iranians. Given this fact, the US was not in the past, is not at present and will not be in future in a position to recognize the Islamic Republic of Iran. All these facts indicate the continuation of hostile and tortured relations between the two countries in the days ahead.

The Hostage Crisis of 1979-1981

On November 4, 1979, some students of the Tehran University seized the US embassy in Tehran and held 52 Americans as hostages for 444 days. This has been another torturous event in the evolution of Iran-US animosity since 1979. The US viewed the storming of the embassy and the holding of Americans hostage as a barbaric act and a violation of international law. There are also evidences that the Carter administration's decision to accept the Shah in the US on October 22, 1979, contributed a lot to the beginning of the hostage crisis on November 4, 1979.¹⁷ But to the Americans, hostage-taking was a fundamental sin committed by the Islamic Republic of Iran in 1979. In an immediate reaction to the hostage crisis, Washington first imposed economic sanctions on Iran, then severed its diplomatic relations with Iran on April 7, 1980, and finally conducted, Operation Eagle Claw, a secret but failed military rescue mission in Iran on the night of April 24-25, 1980. As time progressed, the 'diabolical enemy' image was applied to the leaders of the Islamic Republic of Iran for the hostage crisis. It was because of the hostage issue, in Washington, Iran has permanently assumed the status of America's most unfavored enemy nation and it has periodically risen to near the top of the US enemies list ever since.

The US humiliation at the Iranian hands during 1979-1981 has, thus, become the seed of US vitriolic hostility towards the Islamic Republic of Iran. As Barbara Slavin

17. James A. Bill in his masterful history of Iran-US relations *The Eagle and the Lion: The Tragedy of American-Iranian Relations* has pointed out that the momentous decision of the US government to accept the Shah led directly to a new era in Iran-US relations—an era dominated by extremism, distrust, hatred, and violence. John D. Stempel, an acting chief of the section in the US embassy in Tehran during the revolutionary period, has observed that the Shah's arrival in the US on October 22, 1979, renewed the Iranians' fears of a counter-revolution. Elsewhere in his book entitled *Inside the Iranian Revolution* Stempel expressly stated: "Permitting the Shah to enter the U.S. set the stage for converting a nasty demonstration into an occupation [of US Embassy]." See also: James A. Bill, James A. Bill, *The Eagle and the Lion: ..., op., cit.*, p. 293; John D. Stempel, *Inside the Iranian Revolution*, Indiana University Press, USA, 1981, pp. 197-303;

claims that for many Americans, the hostage crisis remains the defining event of Iran-US relations. Americans, who were politically conscious at the time of the event will never forget the seizure of the US embassy on November 4, 1979, and the images of blindfolded US diplomats.¹⁸ President Carter himself admitted as saying, “Sunday, November 4, 1979, is a date I will never forget”.¹⁹ According to an observer, “If one mentions the number of 444 to many Americans, they will immediately think of the hostages from the US Embassy held by Iran for 444 days.”²⁰ In an article published in 1999, James A. Bill categorically points out: “The American public has not been so forgiving. The humiliating 444-day hostage crisis remains imprinted on the American psyche despite the passage of nearly two decades.”²¹ This can be comprehended from the reaction of one of the hostages to Mahmoud Ahmadinejad’s Iran Presidential election victory in June 2005. The hostage was quoted by *The Washington Times* as saying “As soon as I saw his picture in the paper, I knew that was the bastard,”²² indicating that Ahmadinejad was one of the hostage-takers. Although the US government later certified that Ahmadinejad was not a hostage-taker, the remark of the former hostage clearly shows that the 1979-1981 hostage issue is an unmitigated scar to the Americans.

The US role during the Iran-Iraq War

The US role in the eight long year Iran-Iraq war of 1980-1988 is another unnatural torture inflicted on the already hostile relations between Iran and the US. Since the failure of the US hostage rescue mission—Operation Eagle Claw— in March 1980, “America cannot do anything” became Imam Khomeini’s celebrated phrase which appeared humiliating for the US. In due response to this derogatory terminology plus because of agonizing and unbearable pain due to the ongoing hostage crisis, the US directed its ferocious revengeful anger towards the Islamic Republic of Iran and encouraged Iraq’s glory-seeking Saddam Hussein to start one of the longest, bloodiest and the costliest eight years conventional and brutal wars of the twentieth

18. Barbara Slavin, *Bitter Friends, Bosom Enemies: Iran, the U.S. and the twisted path to confrontation*, St. Martin’s Griffin, New York, 2009, pp. 16-17.

19. Jimmy Carter, *Keeping Faith: Memoirs of a President*, Bantam Books, New York, 1982, p. 457.

20. Paul Sullivan, ‘US-Iran Relations since 9-11: A Monologue of Civilizations’, *Alternatives*, Vol. 1, No. 2, Summer 2002, p. 178.

21. James A. Bill, ‘Iran and the United States: A Clash of Hegemonies’, *Middle East Report*, No. 212, Autumn, 1999, p. 45.

22. Quoted in Sasan Fayazmanesh, *The United States and Iran: Sanctions, Wars and the Policy of Dual Containment*, Routledge, USA, 2008, p. 167.

century against the country.²³ Hence, supporting Iraq during the eight-year long Iran-Iraq war was a reflection of US's anger towards Iran. Most Iranians still view the Iran-Iraq war as an 'imposed' war patronised by the US. During the eight-year war, Iran became the target of US aggressive policy when the US, as part of its tilt policy towards Iraq, shut its eyes towards the Iraqi use of Chemical Weapons (hereinafter CW) against Iran.- Thus, a major torture was inflicted on Iran-US relations during the war. Reportedly, emboldened by US continuous support, Iraq's Saddam Hussein used CW, including mustard gas, cyanide, the nerve agent Tabun, soman, sarin and other choking agents such as phosgene "almost daily"²⁴ against the Iranians and killed thousands of unprotected Iranian soldiers and civilians. Thus, Saddam Hussein inflicted horrifying damage on the Iranians for which they saw in him an American Devil. Previously, the US, as part of its tilt policy, provided Baghdad with intelligence and weapons, including the components for the biological and chemical arms.²⁵ The US tilt toward Iraq made Washington all the more reluctant to condemn Iraq's use of CW even though US intelligence confirmed Iran's accusations of Iraqi chemical attacks against Iranian soldiers and Kurdish insurgents. Due to the US negative role in the UN, Iran even failed to enlist international sympathy due to the US role in the UN. The US and its Western allies adopted "seeing and hearing no evil" and turned a complete blind eye to the Iraqi use of CW on Iranians.²⁶ Thus, the US appeared as a global villain to the Iranians, as it allowed Saddam Hussein to commit the most heinous crime in the history of human civilization.

It was during the war years, the US also imposed a worldwide arms embargo on Iran in the name of Operation Staunch which isolated Iran from the world arms market, while the US and its western allies supplied war materials and sophisticated ammunition to Iraq. Another point is noteworthy. In late 1987, the world witnessed Palestinian *Intifada* or Mass Uprising in Gaza Strip and the West Bank against Israel,

23. Abul Kalam Azad, *Iran-US (United States) Relations Since 1945*, Ph.D. Dissertation, pp. 172-182.

24. William O. Beeman, *The "Great Satan" vs. Mad Mullahs: How the United States and Iran Demonize Each Other*, Praeger Publishers, Westport, USA, 2005, p. 131; Bryan R. Gibson, "Covert Relationship: American Foreign Policy, Intelligence, and the Iran-Iraq War, 1980-1988", Thesis submitted to the School of Graduate Studies, University of Ottawa, Canada, 2007, p. 117. See also: Dilip Hiro, *The Longest War: The Iran-Iraq Military Conflict*, Routledge, New York, 1991.

25. Barbara Slavin, *Bitter Friends, Bosom Enemies: ..., op., cit.*, p. 18.

26. Trita Parsi, *Treacherous Alliance: the secret dealings of Israel, Iran, and the United States*, Yale University Press, USA, 2007, p. 113; Adam Tarock, *The Superpowers' Involvement in the Iran-Iraq War*, Nova Science Publishers, Inc., New York, 1998, p. xii.

Washington's key ally. The US resolved to end the Iran-Iraq war immediately. On Iran's airspace, it shot down an Iranian civilian airliner, Iran Air Flight 655, which was carrying 290 passengers, including 66 children. The US committed this act in a bid to force Iran to end the war. That is, when the Palestinians began a direct and violent confrontation with Israel and thus the world attention quickly shifted back to the basics of Middle East politics, the US government desperately and impatiently pressed the ending of the war by supporting actively Iraq but "without victor or vanquished".²⁷ The shooting down of Iran Air flight 655 over the Persian Gulf came in this background.²⁸ Iranians held the view that the US committed this heinous crime to prevent their victory against Iraq. One scholar points out that "nothing was more damaging to the US reputation in Iranian eyes than the shooting down of Iran Air flight 655 over the Persian Gulf."²⁹ Another scholar concludes: "The Iran flight 655 tragedy is permanently scarred in the collective Iranian memory."³⁰ In fact, the US downing of Iran Air Flight 655 plunged Iran-US relations further into the deep freeze.³¹ Following the incident, although the US government issued a "note of regret" about the loss of innocent lives, it neither admitted responsibility nor apologised for the destruction of Iran Air Flight 655. Contrarily, US Navy officials responsible for the incident were all nationally awarded adding injury to insult for the Iranian.

The Great Satan vs. Mad Mullahs

The viewing of each other with disrespectful terminologies and the calling of each other in extremely derogatory terms is also another reason for the current tortured Iran-US relations. The discord between Iran and the US is nowhere more evident than in the issue of differing views of each other. A noted historian William O. Beeman states that the conflict between Iran and the US, as it continues today, is a true post-modern culture conflict, because both Iran and the US have constructed the

-
27. Shireen T. Hunter, 'Post-Khomeini Iran', *Foreign Affairs*, vol. 68, no. 5, Winter 1989, p. 146.
 28. George C. Herring, *From Colony to Superpower: U.S. Foreign Relations since 1776*, Oxford University Press, New York, 2008, p. 880; Raymond Hinnebusch and Anoushiravan Ehteshami (ed.), *The Foreign Policies of the Middle East States*, Lynne Rienner Publishers, Inc., USA, 2002, p. 299.
 29. William O. Beeman, *The "Great Satan" VS. The "Mad Mullahs": ..., op., cit.*, p. 132.
 30. Reese Erlich, *The Iran Agenda: The Real Story of U.S. Policy and the Middle East Crisis*, PolipointPress, USA, 2007, p. 69.
 31. Spencer C. Tucker (ed.), *The encyclopedia of Middle East Wars: The United States in the Persian Gulf, Afghanistan, and Iraq Conflicts*, (vol. II: E-L), ABC-CLIO, California, USA, 2010, p. 576.

“other” to fit an idealized picture of an enemy and mutual demonization.³² During his lifetime, Imam Ayatullah Khomeini viewed the US not only as an arrogant world power and hegemon but also disparagingly described the country as the “Great Satan”. By calling the US as the “Great Satan”, Iran depicted the former as a permanent enemy of Islam. In Persian language “Great Satan” is called *Shaytan-i-Buzurg*, while in Arabic it is called “*al-Shaytan al-Kabir*” who is the archetypal principality of evil, in both Islam and Christianity.³³ Iran’s portrayal of the US in such a way questions America’s image at the world stage. Fundamentally, here lies the rationale for the US clash with Iran’s Islamic leadership since 1979. According to an analyst, accustomed to seeing their country as the most democratic and generous, Americans were extremely shocked to hear Iran’s Khomeini call their country the “Great Satan”.³⁴ Loathsome and odious, “the Great Satan” evokes contempt and outrage; the use of this name is meant to rally Muslims of the world around a common enemy—the US. The epithet has had extraordinary longevity, and is still being used, albeit less frequently today along with another epithet “Death to America” or “Down with America”— a popular chanting in Iran since 1979 which comes second only to the religious slogan “God is great”. For more than three decades, the Islamic Republic of Iran has stigmatised the US as “the Great Satan”. The US will perhaps never be able to shake off this shocking demonic epithet for the simple reason that it has hit the cultural nerves of the Americans profoundly.³⁵

The US government and the American public have never been short of showing contemptuous attitude towards the Islamic leadership in Iran. The Islamic Republic of Iran has never been recognised by the US; rather, rather the US has described the country as a “theocratic” or a “fundamentalist” society, and its rulers as dictators and “mad mullahs”.³⁶ While since 1984, the State Department has not only been designating Iran as the world’s “most active state sponsor of terrorism” on a regular basis but has also been documenting its links to bombings, kidnappings, hijackings, and other acts of terrorism.³⁷ The US also took satisfaction by calling Iran “backlash” and “rogue state” in the 1990s. To solidify this propaganda and to demonise Iran before the world community, President George W. Bush labeled it as a member of the “axis of evil” in 2002. This negative viewing of each other is still in effect. On

32. William O. Beeman, *The “Great Satan” VS. The “Mad Mullahs”*: ..., *op., cit.*, p. 4.

33. Lubna Abid Ali, ‘Historic US-Iran Relations: ...’, *op., cit.*, p. 51.

34. Fawaz A. Gerges, *America and Political Islam: Clash of Cultures or Clash of Interests?*, Cambridge University Press, USA, First Published 1999, p. 42.

35. William O. Beeman, *The “Great Satan” VS. The “Mad Mullahs”*: ..., *op., cit.* pp. 4-6.

36. For detail see: chapter 8 and 9 of William O. Beeman, *The “Great Satan” VS. The “Mad Mullahs”*: *How the United States and Iran Demonize Each Other*.

37. Israel has intentionally and continually been adding new dimensions to this American understanding of the Islamic Republic of Iran and its leadership.

July 30, 2018, President Donald Trump said that he was open to direct talks with Iran. In response, the commander of Iran's Islamic Revolutionary Guard Corps, Mohammad Ali Jafari, rejected President Donald Trump's offer of direct talks with Iranian leaders, saying Tehran would never allow talks with the "Great Satan."³⁸ A year later on June 20, 2019, President Trump went on portraying Iran as an implacable *rogue state* bent on acquiring nuclear weapons, and that the Iranian threat can be contained only through the threat of military force.³⁹

Clash of interests

Material conflicts or the clash of interests between Tehran and Washington is another aspect of their current tortured relations. Iran and the US have been in a state of undeclared war for most of the last three and a half decades mainly because of the clash of interests. The clash of interests between the two countries began even before the establishment of the Islamic Republic in 1979 when President Carter reversed President Nixon's policy of depending on allies in the Persian Gulf and decided to make US direct presence there. As the Shah had opposed Carter's move, he was secretly abandoned. The Shah was also abandoned for a number of reasons most of which clashed with US interests in the Persian Gulf and the Middle East region.⁴⁰ After the fall of the Shah in 1979, the Islamic Republic of Iran has been trying to establish itself as a power in the Persian Gulf region and in the Middle East by using Islam and proxy forces such as Hizbullah, Hamas, and Houthi. This has been vehemently opposed by the US. During the Cold War period, the US competed with the Soviet Union to establish its global supremacy. The end of the Cold War paved the way for the US to establish its unipolar hegemony on the world stage, especially in the Middle East. The reality, however, is that *Pax Americana* and *Pax Iranica* cannot co-exist in the region. Therefore, Iran and the US have been viewing each other as rivals for their respective interests in the Middle East. The US wants to see itself as the sole domineering superpower actor in the region with its ally—Israel—unaffected by any adversary. Conversely, Iran is not in a position to accept this US position unless and until the US recognises Tehran's due role and rightful status in the region. While the US has been active in isolating Iran from the world community, Iran has been struggling to curtail America's influence in the Middle East by allying itself with Russia and China. During the Bush administration, some in Washington came to view Iran as an "existential threat" to the US, similar to the threat posed by

38. *VOA*, July 31, 2018, <https://www.voanews.com/middle-east/iran-guard-chief-no-talks-great-satan>

39. *The New York Times*, June 20, 2019.

40. See my Ph.D. Dissertation: *Iran-US (United States) Relations Since 1945, op., cit.*, pp. 92-111.

Soviet Communism during the Cold War era.⁴¹ Although for minimal concurring interests the ‘frenemies’⁴² worked together in Afghanistan and in Iraq in 2001 and 2003 respectively, historically most of their interests were and are conflicting, contributing a great deal to their current tortured relations.

Ideological differences

The widening and irresolvable religio-cultural (Islamic versus Christianity) and ideological differences between the Islamic Republic of Iran and the US have also been playing a quite remarkable part in estranging their present-day inimical and tortured relations. Differences and hostility that emerge from conflict of interest may be resolved rationally. It is, however, difficult to solve the hostility that emerges from religio-cultural and ideological differences. Iran’s present antagonism toward the US and the Iranian campaign to eradicate Western values from the Islamic world guarantee continued hostility and suspicion between Iran and the US. Iranian society under Islamic regime since 1979 has been working for building its model society with Islamic norms, principles and values which are devoted to the glorification of Islam. In Iran, the US is seen as a formidable threat not only because of its strong armed forces and its regional ambitions but also because of the lure of its ideals and seductive culture.⁴³

Therefore, Iranian paranoia is that any engagement with the US might bring the menace of US closer to the land of Islam which is to be avoided. On the other hand, antipathetic to the idea of religious rule, the American government and people generally see the Islamic Revolution in Iran as a rejection of modern Western values. Therefore, after 1979, the US has identified Iran as Islamic theocracy, disorder, and religious tyranny. The US also views that the Islamic Republic of Iran has been threatening the link between secularisation, modernisation, and democratisation, and in doing so it has also threatened the national identity of the US itself.⁴⁴ Thus, because of ideological and cultural differences, along with material conflicts, every

41. Shireen T. Hunter, *Iran’s Foreign Policy in the post-Soviet Era: Resisting the New International Order*, Praeger, USA, 2010, p. 6.

42. “Frenemies” is a plural form of frenemy which means a person or group that is friendly toward another because the relationship brings benefits, but harbors feelings of resentment or rivalry. Iran and the US have been acting like frenemies since 1979 and they both got involved in secret arms dealings during the Iran-Iraq War in 1985-1986 period, they cooperated each other to oust the Taliban regime in 2001 and to topple Saddam’s regime in 2003 and recently to defeat the ISIS in Iraq in 2014 despite their strong rivalry for a number of reasons.

43. Ray Takeyh, *Guardian of the Revolution: Iran and the World in the Age of the Ayatollahs*, Oxford University Press, New York, 2009, p. 163.

44. Elizabeth Shakman Hurd, ‘The International Politics of Secularism: U.S. Foreign Policy and the Islamic Republic’, *Alternatives*, vol. 29, 2004, pp. 126-128.

area of common interest and potential co-operation between Tehran and Washington has become a battleground from the very day of the declaration of Iran as the Islamic Republic in 1979.

Regime change policy of the US

US policy of regime change in Iran has become one of the most torturous issues in Tehran's relations with Washington. The US first successfully tried a regime change policy in Iran in 1953 when Iran's democratically elected nationalist Prime Minister Dr. Mohammad Mosaddeq was overthrown and pro-western Shah was installed. The US got the Shah as a loyal client, friend and partner during the 1953-1979 period, and for this the US supported Shah's repressive regime by alienating the Iranian people. However, the success of the 1979 Islamic Revolution in Iran, mostly due to the anti-Americanism, forced the US-backed Shah to flee the country and transformed Iran into the Islamic Republic under Imam Ayatullah Khomeini. The subsequent events, including the traumatic hostage issue, Imam Khomeini's anti-US rhetoric and his declaration of 'export of revolution' to Iran's neighbouring countries posed a serious threat to US national interests in the Middle East region. Against this backdrop, two twin goals—regime change and restoration of a pro-American secular government—have dominated US goals in Iran since 1979.

For the US, only the change of the Iranian regime can reduce the Iranian threat. One scholar has noted that although US officials assert that they have accepted the Islamic Revolution in Iran, some of their pronouncements and actions indicate that their real hope is to destabilise the clerical regime.⁴⁵ In the past, the US supported Iranian opposition groups, including the Mujahedin-e Khalq (MEK), alongside sanctions, in order to contain the Iranian threat.⁴⁶ In 2014, the then Secretary of State Hillary Clinton (2009-2013) admitted American strategy of supporting Iranian dissidents, as she stated that the US government had invested tens of millions of dollars and trained more than five thousand Iranian dissident activists around the world for a regime change in Tehran.⁴⁷ The US regime change policy is still in operation. In a hearing before the House Foreign Relations Committee on June 14, 2017, Secretary of State Rex Tillerson told that Washington's policy toward Tehran was based on regime change.⁴⁸ Although in mid-July 2019, President Trump declared that he was not

45. Fawaz A. Gerges, *America and Political Islam: ..., op., cit.*, p. 132.

46. See my thesis: pp. 221-222, 240-242, 252-254. See also: Kenneth Katzman, *Search For Stable Peace in the Persian Gulf*, Diane Publishing, USA, 1998, pp. 1-27.

47. Hillary Rodham Clinton, *Hard Choices, op., cit.*, p. 424.

48. Tehran Times, June 16, 2017, <http://www.tehrantimes.com/news/414311/Zarif-U-S-better-save-own-regime>

seeking regime change in Iran. Iran analysts, however, strongly held the view that the Trump Administration's 'maximum pressure' policy on Iran has been designed to change the regime in Iran.

*Iran's stance against 'militant Israel'*⁴⁹

Israel—an important ally of the US—had enjoyed very close relations with Iran during the time of the US-backed Shah. However, following the establishment of the Islamic Republic of Iran in 1979, Iran's political leaders not only denounced Israel as an illegitimate state but also labeled it as the "Little Satan" who was acting as the agent of the "Great Satan"—the US—in the region. This new position of Iran under Islamic leaders incurred huge US-Israeli anger. Moreover, Imam Ayatullah Khomeini positioned Israel as an enemy of Islam and termed it as a "cancer" that would destroy Islam and Muslims if not removed from the region. According to Khomeini, Israel was a state that did not want the Qur'an to exist. "Every Muslim has a duty to prepare himself for battle against Israel", he urged.⁵⁰ Khomeini also named the last Friday of the Muslim fasting month of Ramadan as Quds⁵¹ or Jerusalem Day and urged Muslims worldwide to demonstrate on that day against Israel and in support of the Palestinians. As time progressed, Iran hardened its anti-Israeli position by extending its financial and political support to militant Islamic groups like Hizbullah and Hamas who have also been fighting Israel. With the loss of Iran as a key American ally in the Middle East after 1979, the US strongly advocated the idea of a "one-pillar strategy" where Israel became Washington's new policeman for stability in the Middle East. Thus, assuming the status of a vital ally of the US in the Middle East, Israel has been relentlessly demonising Iran in the eyes of the Americans. The diabolic role that is being played by "militant Israel" opposing Iran-US rapprochement is another key reason in the current hostile and tortured relations

49. The term "militant Israel" in its present use, is borrowed from *The Foreign Policies of the Middle East States*, (ed.) by Raymond Hinnebusch and Anoushiravan Ehteshami, Lynne Rienner Publishers, USA, 2002, p. 18. I have chosen to use the term—militant Israel—on the ground that the state of Israel was born by exterminating and evicting the Palestinian Arabs and the process is still on while it puts blame on the Palestinian side when the Palestinians respond helplessly with minor retaliation. Additionally, Israel is the only exception in the globe which was established as a Zionist nation without fixed borders while its illegal occupation continues unabated till today generating fear in the minds of millions of Palestinians as well as the inhabitants of Israel's neighbouring states. See also my Ph.D. Dissertation, pp. 337-358.

50. Imam Khomeini, *Islam and Revolution*, (The Writings and Declaration of Imam Khomeini), translated by Hamid Algar, Berkeley, Calif: Mizan Press, 1981, pp. 276.

51. Quds is the Arabic name for Jerusalem. Revolutionary Iran also has a special unit of Revolutionary Guard Corps by the name of Quds originally taken from the word "Al-Quds" and often used to refer to Jerusalem which incurred anger the US-Israeli allies.

between Tehran and Washington.⁵² Admittedly, since 1979, most Israeli politicians have singled out Iran as the greatest threat to Israel and regional peace.⁵³ Also, Israel compares Iran's Islamic ideology with Communism or Nazism. As known, there is a powerful Israel lobby in the US, known as the American Israel Public Affairs Committee (AIPAC). The AIPAC is also known as the "magic box of decision-making" in Washington. Israel and its lobby in the US have invested heavily in a concerted campaign to denounce and vilify Iran and successfully presented the Islamic Republic of Iran as "Enemy No. 1."⁵⁴ Thus, Israel and lobby groups have succeeded in presenting Iran as a potential threat to the US and its allies in the region. As a result, the US government hardly did anything to normalise its relationship with the Islamic Republic of Iran in the past. Scholars like Stephen Walt and John Mearsheimer asserts that: "Tehran has made several attempts in recent years to improve relations with Washington and settle outstanding differences, but Israel and its American supporters have been able to stymie any détente between Iran and the United States."⁵⁵

US policy of imposing continuous punitive sanctions on Iran

US constant policy of imposing crippling sanctions on Iran has become another major issue in the contentious and tortured relations between Tehran and Washington. The US first imposed economic sanctions on Iran in 1979 following the storming of the US embassy in Tehran and the subsequent Hostage Crisis. Amid the Iran-Iraq War (1981-1988), the Reagan administration imposed a world-wide arms embargo, called Operation Staunch, in January 1984. The subsequent years witnessed only the increase of US pressure and sanctions on Iran, targeting different areas of Iran's economic and military sectors. Convinced by Israel since the end of the Cold War, the US has perceived the Islamic Republic of Iran as a menace which has been trying to destabilize the Middle East by opposing the Arab-Israeli peace process,

52. Scott Ritter, *The Truth about the U.S. Government's Plans for Regime Change*, Allen & Unwin, Australia, 2006, p. 22; Fawaz A. Gerges, *America and Political Islam: ...*, *op. cit.*, p. 138; Shireen T. Hunter, *Iran's Foreign Policy in the Post-Soviet Era: ...*, *op. cit.*, p. 51; Trita Parsi, *Treacherous Alliance: ...*, *op. cit.* p. 175.

53. Gawdat Bahgat, *American Oil Diplomacy in the Persian Gulf and the Caspian*, *op. cit.*, p. 125.

54. James A. Bill, 'The United States and Iran: Mutual Mythologies', *Middle East Policy*, Vol. 2, Issue 3, September 1993, 98; Trita Parsi, *Treacherous Alliance: ...*, *op. cit.* pp. 162-164.

55. John J. Mearsheimer and Stephen M. Walt, *The Israel Lobby and U.S. Foreign Policy*, Farrar, Straus and Giroux, New York, 2007, p. 8; Uri Avnery, 'The Battle of the Titans', *The New Age* (BD), November 23, 2013, p. 8. Noam Chomsky, however, thinks that Israel is a US pawn, used by American imperialism as an instrument to promote its interests.

sponsoring terrorism, stockpiling Weapons of Mass Destruction (WMD) and pursuing a nuclear weapons programme. In order to undermine Iran's capability to pursue these goals, the US has declared economic warfare against Iran and targeted the country "with a panoply of economic sanctions". Hence, from 1995, the US "has regularly renewed a regime of strict sanctions against Tehran"; and by 2012, it was able to impose fourth rounds of economic sanctions. The 2015 nuclear deal relieved Iran from all US and UN sanctions for a brief period. However, the current anti-Iran US President Donald Trump quickly reversed that US policy and withdrew the US from the deal on May 8, 2018, and restored all stringent sanctions to Iran.⁵⁶ On April 8, 2019, President Trump first designated Iran's Islamic Revolutionary Guards Corps as a terrorist organisation and then imposed wide-ranging economic and travel sanctions on the group that went into effect on April 15, 2019.⁵⁷ On May 8, 2019, Trump placed a new round of sanctions on Iran, targeting the country's metal industry, the largest source of non-petroleum revenue of Iran. Then, the Trump administration hit Iran's oil exports, by effectively banning the import of Iranian oil by other countries.⁵⁸ The Trump administration has also imposed new sanctions on Iran, targeting its Supreme Leader Ayatullah Ali Khamenei and Foreign Minister Javad Zarif who negotiated the 2015 nuclear deal. In the wake of attacks on two Saudi oil facilities owned by US-Saudi oil giant ARAMCO on September 14, 2019, the US has expanded its long list of sanctions against Iran by further targeting its Central bank. On October 31, 2019, the US imposed sanctions on the Iranian construction sector and trade in four materials used in its military or nuclear programme.⁵⁹ Meanwhile, since September 19, 2020, the US government succeeded in reviving virtually all UN sanctions on Iran, including re-imposition of the UN arms embargo,⁶⁰ thus aggravating the tortured Tehran-Washington relations for an indefinite period.

US opposition to Iran's nuclear programme

Iran's insistence on going with its nuclear programme within the framework of the Non-Proliferation Treaty (NPT) and the virulent opposition to it by US-Israeli allies

56. Earlier the Trump administration imposed three sets of sanctions (on February 3, 2017, on May 17, 2017, and on July 18, 2017) on Iran over its ballistic missile programme.

57. *The New York Times*, June 20, 2019.

58. *The New York Times*, "The U.S. Has Turned Up Pressure on Iran. See the Timeline of Events." June 20, 2019.

59. *Reuters*, "U.S. imposes new Iran sanctions, but waives others", November 1, 2019, <https://www.reuters.com/article/us-usa-iran-sanctions/us-imposes-new-iran-sanctions-but-waives-others-idUSKBN1XA2S3>

60. "Status of UN Arms Embargo on Iran", Press Statement by Michael R. Pompeo, Secretary of State, U.S. Department of State, October 18, 2020, <https://www.state.gov/status-of-un-arms-embargo-on-iran/>

is one of the main causes of the ongoing tortured Iran-US relations.⁶¹ Iran's historic ambition for the nuclear programme began under the Shah regime with direct US backing in the 1950s. So long as the Shah remained a loyal client and a reliable ally and partner of the US in the Persian Gulf region, the US showed no discontent towards Iran's nuclear programme. However, since the mid-1970s, Washington viewed the Shah as an unpredictable partner that could jeopardise US-Israel interests in the region.⁶² It was in this context, the US reviewed Iran's necessity of advancing nuclear programme. At one stage the Shah, who had been assisted by the US from 1953, was quietly abandoned. In 1979, the Shah regime was succeeded by the Islamic regime in Iran with latter being hostile to the US and Israel...⁶³ The US government has been avowedly opposing Iran's advancement of the nuclear programme since the resumption of Tehran's nuclear programme in the mid-1980s. It is pertinent to state that one of the US policy priorities in the Middle East is to support Israeli military dominance in the region.⁶⁴ Iran's nuclear programme will definitely change this balance; and therefore, Iran's nuclear issue has become a central US foreign policy concern throughout the Bush, the Obama and the Trump administrations. Since the US does not want its two allies—Israel and Saudi Arabia—become the target of Iran's nuclear threat, it has been pursuing a strategy of increasing economic pressure on Iran, including the threat of military strikes, in order to prevent Iran from treading the nuclear path.⁶⁵ However, Iran has been criticising the US for its double standard policy, because it has tacitly accepted nuclear weapons of Israel, India and Pakistan. Although the US policy of imposing several rounds of sanctions on Iran aimed at halting its nuclear programme has ended in complete failure, the issue has appeared as serious torture to the current Iran-US relations.

61. For a detail of opposing perspectives of Iran and the US with regard to Tehran's nuclear programme see my: "Current Perspectives of Tehran's Nuclear Programme: Iranian Necessity Versus US Hostility", *Journal of the Asiatic Society of Bangladesh (Humanities)*, Vol. 63, No. 1, June 2018, pp. 18-37.

62. For example, after the 1973 Arab-Israeli war the Shah changed his attitude towards Israel and began pressuring militant Israel to make a land concession. He then favored oil price hike along with Saudi King Faisal. The Shah also fixed Iran's problems with Iraq in 1975 without informing the US. He finally turned to the Soviet Union to demonstrate an independent foreign policy.

63. Md. Abul Kalam Azad, Ph.D. dissertation, pp. 92-111.

64. *The Wikileaks Files: The World According to US Empire*, Introduction by Julian Assange, Verso, UK, 2015, p. 187.

65. Md. Abul Kalam Azad, "Current Perspectives of Tehran's Nuclear Programme: ...", *op. cit.*, p. 35.

Clash of civilisations

Lastly, but most importantly, the clash of civilizations, reflected on the theories of evolution-guided superiority,⁶⁶ has a tremendous influence on US domestic and foreign policy which has also caused a great degree of present inimical and tortured relations between Iran and the US. US foreign policy has outstandingly been influenced by this theory and it is seen in various forms. For example, white superiority over the blacks in domestic affairs and the superiority of capitalism over communism since 1945 in foreign policy continued until the end of the Cold War. As soon as the Cold war ended, malicious generalisations about Islam have become the last acceptable form of denigration of foreign culture in the West,⁶⁷ and the US has been playing the leading role in establishing the superiority of Christianity over political Islam. In this regard, Iran's Islamic regime has been a target. As an analyst claims: "An unstated factor in US hostility to Iran is that after 9/11, the Bush administration opposed radical Islamists, especially in countries viewed as hostile to the United States or Israel."⁶⁸ Washington has made the Iranian revolutionary regime as its prime target and has been dealing with Tehran accordingly. Under President Donald Trump, the tension between the US and Iran is often viewed as a clash between Christianity and political Islam. The tension between them has taken such a proportion that there is no hopeful ground for durable future rapprochement between Iran and the US. The current hostile and tortured relation between them is predicted to continue in days to come.

What Does the Future Hold for Strained Iran-US Relations?

In the light of the above discussion, it may safely be concluded that given the reality of the long tortured relationship between Iran and the US it is quite difficult to predict a rapprochement between the two arch-foes. Since both Iranians and the Americans cherish their respective torturous events with great pains and strong negative attitudes towards each other, and till date they are not in a position to bury their pains, the hostile and tortured relations between the two countries will certainly

66. The issue may be clear if we look at the germ of the conception Darwin phrased as the "struggle for existence" and "survival of the fittest". As time progressed, the phrase "struggle for existence" lifted from the biology of the individual to the politics of the group and by the nineteenth century, the group meant the nation-state. The struggle of the nation-state had an ultimate form: war. The war in the past showed that the victorious groups were fitter over the defeated groups.

67. Edward W. Said, *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World*, Vintage, London, 1997, p. xii.

68. Mohamed A. El-Khaws, 'Iran's Nuclear Controversy: Prospects for a Diplomatic Solution', *Mediterranean Quarterly*, Fall, 2005, pp. 22-26.

continue in the days ahead. Opportunities for reconciliation and rapprochement between the two countries have come and gone time and again over the past thirty-five plus years, but the scale and intensity of their enmity has only intensified and additional new tortures have been added to the list of their bilateral relations. History documents that Iran, with real intention, attempted to mend its relations with the US by offering economic incentives in the 1990s. Iran also provided crucial assistance to the US-led wars in Afghanistan and Iraq in 2001 and 2003 respectively to fix its relations with the US. Iran also offered a proposal that later became known as the 'Grand Bargain' agenda to that end. However, to Iran's dismay, the US portrayed Iran as a state belonging to the "axis of evil" in 2002.⁶⁹ Credible shreds of evidence also show that the Bush administration prevented from reaching a settlement between Iran and Europe on Tehran's nuclear issue which could have closed this chapter before the issue came to the UNSC in 2006-2007.⁷⁰ The US then opted several rounds of punitive sanctions against Iran.

Years later, apprehensive of Iran's increasing influence in the Middle East, even after imposing crippling sanctions and taking punitive actions and policies to contain the country for the last 35 plus years, the Obama administration adopted a policy of appeasement towards Iran and succeeded in signing Joint Comprehensive Plan of Action (JCPOA) with the country on July 14, 2015. Once concluded, Israel vehemently opposed the 2015 nuclear deal with Iran, and its Prime Minister Benjamin Netanyahu called the deal "a historic mistake". Despite Israeli opposition, the Obama administration withdrew all US sanctions and supported the withdrawal of UN-backed sanctions imposed on Iran since 1979. A sort of accommodation and reconciliation between the two frenemies seemed to be a reality. Everything changed with the takeover by Republican President Donald Trump in the US. As strong supporter of Israel, Trump harshly criticised President Obama's appeasement policy towards Iran even during his election campaigns. Trump vowed to scrap the deal if elected to president. True to his words, Trump, as the President of the US, reversed Obama's Iran policy and on July 28, 2017, and imposed new sanctions on Iran. Then, on May 8, 2018, to satisfy Israel, he unilaterally withdrew from the multi-party 2015 nuclear deal with Iran, leaving the future of the deal into total collapse. Trump's subsequent decisions regarding the restoration of all previous sanctions on Iran has thrown the two arch-foes into a course of future confrontation.

69. For details of Iran's initiative to mend its relations with the US: see my Ph.D. Dissertation, pp. 210-242.

70. Shireen T. Hunter, *Iran's Foreign Policy in the Post-Soviet Era: ..., op. cit.*, p. 65.

The Trump administration's hard stance towards Iran runs the risk of a future military confrontation. The US Fifth Fleet is based in Bahrain since 1995. In May 2019, the Trump administration deployed several nuclear-capable B-52 Stratofortress bombers in the Gulf. Tensions between Iran and the US quickly rose to an alarming level following attacks on four oil tankers in the Gulf, two belonging to Saudi Arabia, one to the United Arab Emirates, and the other to Norway, on May 12, 2019. The US, Israel and Saudi Arabia blamed Iran for the attacks. However, Iran denied the allegation. About a month later another development of the present crisis of Iran-US relations occurred on June 13, 2019, in the Gulf of Oman. On this occasion, two more oil tankers—one Japanese and the other Norwegian— were hit by mines. Before having any conclusive proof, the US, Israel, and Saudi Arabia again blamed Iran for the incident. This time also Iran denied its involvement in the tankers attack. In this context, military tensions between the two countries suddenly heightened when Iran, with the help of a surface-to-air missile, shot down a \$ 100 million US RQ-4 Global Hawk—an unmanned spy drone—over the Strait of Hormuz on June 20, 2019. Iran claimed that the drone had trespassed into its territory. The US responded to this event. President Trump ordered a military attack in retaliation for the downing of a US spy drone, but he aborted the retaliatory attack on Iran “10 minutes before the strike”.⁷¹ Moreover, the US Army Cyber Command retaliated by hitting back through a cyber-attack on Iran's missile control system.⁷²

Practically, since then the two arch-foes have been locked in a war of words. Amid a raging war of words, in a tweet, President Trump threatened to obliterate parts of Iran if it attacked “anything American”. His tweet reads: “Any attack by Iran on anything American will be met with great and overwhelming will mean obliteration.”⁷³ Then, in an interview with Fox Business News, President Trump told that his country would not go to war with Iran; however, he made it clear that if the US attacked Iran, there would be no boots on the ground.⁷⁴ When such was the course of Iran-US relations, Britain joined the Trump administration's efforts to put “maximum pressure” on Iran by seizing Iranian oil tanker—Grace 1 in British territory off Gibraltar on July 4, 2019. Although at that time Britain said that it had acted at Gibraltar's request over an alleged breach of EU sanctions on Syria, there is no doubt that Britain captured Iranian oil tanker due to US pressure.⁷⁵ Iran said the tanker had

71. *The New York Times*, June 21, 2019; *The Daily Star*, (BD), June 22, 2019.

72. *The Guardian*, June 23, 2019; *The Verge*, June 22, 2019; *The Times of Israel*, June 29, 2019,

73. *The Daily Star*, (BD), June 27, 2019.

74. *The Daily Star*, (BD), June 27, 2019.

75. *The Guardian*, July 21, 2019.

been illegally detained and as a tit-for-tat response, its Revolutionary Guards captured a British-flagged Stena Impero tanker on July 19, 2019. Many Middle East observers see this development as an element of the broader Iran-US confrontation dragging other European powers in, while German foreign minister Heiko Maas warned that Iranian action had contributed to an “escalation spiral” that could lead to war.⁷⁶ Although the Gibraltar authority released Iran’s oil tanker despite US pleas on August 15, 2019; however, Britain’s position has become crystal-clear that in case of a possible future military confrontation between Tehran and Washington, Britain would not hesitate to take the side of Washington. Britain, under its new Prime Minister Boris Johnson, who is known as the ‘British Trump’,⁷⁷ has intensified this possibility. Following the attacks on Saudi oil facilities on September 14, 2019, British Prime Minister Boris Johnson hinted that the UK could join Trump in military action against Iran.⁷⁸

Meanwhile, the tension between Iran and the US grew to a new height when on January 3, 2020, Iran’s top military commander General Qasem Soleimani was killed by a US drone strike at Baghdad airport in Iraq. The incident marked a major escalation in tensions between Washington and Tehran.⁷⁹ As expected, on January 8, 2020, Iran retaliated by attacking air-bases housing US forces in Iraq with ballistic missiles. Amidst these tensions, on January 9, 2020, the Trump administration imposed new sanctions on Iran in response to the missile strike targeting Iran’s some influential officials, the construction, manufacturing, mining, and textiles industries.⁸⁰ The US killing of an Iranian general and Iran’s retaliatory military attack clearly indicate the sudden rise of Iran-US tension which might have created a grave situation for these two arch-enemies. The subsequent events also show that the current crisis between Tehran and Washington may persist. As a consequence, incidents like these may slip these countries into a possible future military confrontation in the days to come. Earlier, Iran warned the international community of scaling back of its commitments to the 2015 nuclear deal⁸¹ and set its own 60-day

76. *The Guardian*, July 21, 2019.

77. *The Washington Post*, July 23, 2019.

78. *The Independent*, September 14, 2019.

79. *BBC*, January 8, 2020.

80. *The Financial Times*, January 11, 2020.

81. Iranian supreme leader Ayatollah Khamenei on Tuesday said the Islamic Republic will continue to pull back from its commitments in the 2015 nuclear deal because the European powers that remain in the deal have been shirking their obligations. “According to our foreign minister, Europe made 11 commitments, none of which they abided by. We abided by our commitments and even beyond them,” Khamenei said in remarks broadcast by state television. “Now that we’ve begun to reduce our commitments, they oppose it.

or September 2019 deadline for saving the 2015 nuclear deal with world powers.⁸² After the expiry of the September deadline, Iran gave European powers two more months to try to save the multilateral nuclear deal. With no credible efforts on the part of the European powers to save the deal, Iran has finally resumed uranium enrichment at its underground Fordow facility,⁸³ risking the deal to die prematurely. Given this new situation, European signatories will definitely change their current supportive position towards Iran and ultimately join the US-Israeli axis to enforce Trump's "maximum pressure campaign" against Iran, if it be a military action. True, President Trump is averse to any further entanglement in the Middle East since that goes against his electoral pledge. However, militant Israel is ceaselessly working to change his mind on Iran.

Israel is believed to have attempted involving the US in a war with Iran even before the US military invasion of Iraq in 2003. At that time Israel failed to convince the Bush administration that "Israel's number one concern was Iran, not Iraq".⁸⁴ However, the Zionist militant Israel remained satisfied only when the Bush administration assured that Iran would be the next target after Iraq. After the US victory in Iraq, Israel hotly pursued and succeeded in drawing the US attention to attack Iran for regime change and for undoing Tehran's nuclear programme. But for strategic calculations, the Bush administration balked at such decision.⁸⁵ Then overtly to satisfy this US vital ally in the Middle East but covertly to weigh the Iranian power and influence in the region, the Bush administration engaged in a proxy war in Lebanon in 2006 by lending support to Israeli aggression. Being failed to weaken Iran's proxy Hizbullah in Lebanon in the 33-day long war, Israel moved to strengthen ties with Saudi Arabia in an effort to demonise Iran as well as to influence the US to attack Iran directly. Israel is also in pursuit of creating an opportune moment for the US to start a war against Iran not only by targeting and weakening Iran's proxies—the Hamas the Hizbullah, and Syria's Bashar al-Assad regime— but also by manipulating the Saudi-Iran rivalry in the region. During the Bush and the Obama administrations, Israel threatened to attack Iran's nuclear facilities.⁸⁶ In absence of such a military attack, both the US and Israel conducted complex cyber-attacks on

How insolent! You didn't abide by your commitments!" "We have started to reduce our commitments and this trend shall continue," he continued. *New York Post*, July 16, 2019; *The New Age* (BD), July 17, 2019.

82. *The Guardian*, July 8, 2019.

83. *The Guardian*, November 5, 2019.

84. Scott Ritter, *Target Iran: ...op., cit.*, p. xxiv.

85. Md. Abul Kalam Azad, Ph.D. Dissertation, p. 267.

86. *The New York Times*, June 15, 2019.

the Iranian nuclear facilities to buy time to start a full-fledged military attack at an opportune moment. A scholar has expressly stated: “Israel and the Israeli Lobby are herding America down the path toward war with Iran, and most Americans remain ignorant and/ or indifferent to this fact. ... No one in the world wants such a confrontation, only Israel. Let there be no doubt: if there is an American war with Iran, it is a war that was made in Israel and nowhere else.”⁸⁷ Supporting this view, other scholars are of the view that the US Middle East vital ally—Israel was (and is) the only country in the globe which advocated in past and is advocating now the military option against Iran if it does not end its nuclear programme.⁸⁸

The matter of the fact is that militant Israel has a tremendous influence on policy-makers in the US in general and on the current Trump administration in particular. The Israeli lobby group in the US the Zionist Organization of America (ZOA) successfully helped appoint pro-Israeli John Bolton—a vigorous proponent for regime change in Iran and the architect of the Iraq war—as US National Security Advisor on April 9, 2018, removing H. R. McMaster who had supported the JCPOA. It took only a month for anti-Iran Bolton to influence President Donald Trump to withdraw from the 2015 nuclear deal.⁸⁹ In recognition, the ZOA awarded Bolton with the “Defender of Israel” title in November 2018.⁹⁰ Although a spirited Bolton was removed from his office before he had executed the Israeli plan to drag the anti-Iran President Trump in a war against Iran, militant Israel is unlikely to sit idle. Along with its lobby groups in the US, it will attempt to secure the support of another anti-Iran hawk in the Trump administration who would try to convince President Trump for the necessity of starting a war against Iran. Earlier in May 2019, President Trump stated that he was not seeking regime change in Iran.⁹¹ However, this position of Trump does not mean that the US is going to drop the military option. Trump’s decision to abort a military strike against Iran on June 22, 2019, reflects this view. If Trump’s current “maximum pressure campaign” fails to end up a revolution for a

87. Scott Ritter, *Target Iran: ... , op., cit.*, p. 211.

88. John J. Mearsheimer and Stephen M. Walt, *The Israel Lobby and U.S. Foreign Policy*, *op., cit.*, p. 302.

89. Bolton has an infamous and deceitful record of bluffing the Bush administration in 2003 to wage a war against Iraq’s Saddam Hussein by falsely claiming that Iraqi President possessed Weapons of Mass Destruction (WMD) and Iraqi leader harbored members of al-Qaeda group.

90. The Times of Israel, *November 6, 2018*; Whitney Webb, “John Bolton Wins “Defender of Israel” Award From Zionist Lobby Group That Helped Appoint Him”, *The Global Research*, November 13, 2018.

91. *The Washington Post*, “Trump says he is not seeking ‘regime change’ in Iran”, May 27, 2019.

regime change in Iran, his administration with Israeli assistance may start a military operation against Iran to achieve the desired goal. Or, it may take another term for President Trump or another anti-Iran US President to start a war against Iran. However, the US may do this at an opportune moment which entails a few essential requirements.

Firstly, currently, Trump's Iran policy is being run by anti-Iran hawks in Washington in close consultation with Israeli Prime Minister Benjamin Netanyahu who vigorously prefer a regime change in Iran. It seems that despite the US-Israeli eagerness to move militarily against Iran, the European allies of the US are opposing such action against Iran. Therefore, the US will wait until its European allies lend their crucial support to it on the Iran issue. Secondly, Iran has extended its regional influences from Syria to Palestine to Yemen. The US-Israeli allies have been constantly working to limit Iran's influence to its own geographical periphery. Once they succeed in this field by weakening Iran's proxies they will waste no time to start a war against Iran. Thirdly, Russia and China have been supporting Iran for years as opposed to US aggressive and punitive policies toward the country. The US-Israeli allies are also working closely to neutralise the attitude of Russia and China towards Iran. The moment they achieve this goal, there will be a US-Israeli attack on Iran. Fourthly, the Iran-Saudi tension is now at its peak. As soon as this ongoing Iran-Saudi tension climaxes a hot war in the Middle East wherein Saudi-led majority Sunni Muslim countries prefer to attack Shia Iran, the US-Israeli allies will choose the timing for a military action against Iran.⁹²

Fifthly, the US will wait until militant Israel masterfully and successfully exploits any future attacks on any US interests and put the blame on Iran. In this way, Israel may manufacture an excuse to launch a military attack on Iran. For its part, the US will make no mistake to use the Israeli source and propaganda as an incontrovertible

92. For long Israel alone has been persuading the US to engage with Iran militarily. By now it has successfully convinced Saudi Arabia to work together in an effort to drag the US into a war with Iran focusing on the threat of Tehran's influence and its nuclear programme in the region. Convinced by Israel and alarmed at Iran's influence in the region after the removal of Iraq's Saddam Hussein, Saudi Arabia first tried to involve the US in a war with Iran in 2008. Having been failed to this move, Saudi Arabia got aggressively involved in regional conflicts with Iran in Syria, Lebanon, and Yemen. In face of growing Iranian influence in the region, Saudi Arabia has eventually joined Israeli efforts to demonize Iran in the eyes of the US and is supporting the Israeli campaign to drag the US into a war with Iran. See: Madawi al-Rasheed (ed.), *Salman's Legacy: The Dilemmas of a New Era in Saudi Arabia*, Oxford University Press, 2018, pp. 10, 235-250.

proof to begin the war.⁹³ Sixthly, in the face of ongoing US harsh economic warfare, Iran may choose to close the Strait of Hormuz, a 21-mile choke point and one of the world's key transit points through which one-fifth of the world's crude oil and a third of all seaborne oil passes. By closing the Strait of Hormuz, Iran may force other world powers to reign in the Trump administration to ease the crippling sanctions. In that case, the US and its allies are predicted to respond militarily.⁹⁴

Finally, the US may start a war against Iran when the Americans will have an anti-Iran President like the incumbent Donald Trump or former President George Bush (2001-2008). As of now, President Trump's strategy is all but forcing Iran to escalate the present crisis so that the US can start a war against Iran. However, the US is waiting for its domestic Congressional approval and support from European allies. It is, therefore, argued that the Trump administration will quickly move militarily against Iran, as soon as it does have these requirements.⁹⁵ Moreover, there is a track

93. Israel may also encourage the US to attack Iran on the claim of the International Atomic Energy Agency (IAEA)—the UN's nuclear watchdog—that Iran has been breaching the 3.67% enrichment limit and start enriching to up to weapons-grade level of its own.

94. Realistically, the US has done everything it can to destroy Iran's economy and its economy has been squeezed ever more tightly since Trump's withdrawal from the 2015 nuclear deal in May 2018. One estimate shows that the US-imposed sanctions since May 2018 have drastically reduced Iran's oil exports to a relative trickle of 400,000 barrels per day compared with 2.5 million barrels per day in April 2018. By June 2019, the number had reduced to 300,000 barrels per day. The IMF has predicted that with US-sponsored crippling sanctions on its oil, petroleum, nonpetroleum and banking sectors, the Iranian economy is expected to experience negative growth of 6%. Reportedly, inflation has reached a staggering 40%. With the fresh sanction on the nonpetroleum or metal industries, employing a 600,000 strong workforce, the Iranians are bracing themselves for further unemployment and economic hardship. Under US such unrelenting sanctions aiming at putting maximum pressure on Iran to bring its revenue 'to zero', Iran is desperate for revenue from oil sales. When Iran will have no such option in the future due to the US punitive policy, it would have no alternative but to close the Strait of Hormuz which will definitely end up in a full-scale actual warfare. Ali Ansari, the Director of the Institute for Iranian Studies at the University of St. Andrews in Scotland is apprehensive that the response to the current 'economic warfare' might turn into an 'actual warfare.' John Andrews, "US-Iran Tensions: The Gulf of Deniability", *The Daily Star* (BD), June 25, 2019, p. 7; *The Daily Star* (BD), July 14, 2019. See also: *The New York Times*, June 15, 2019.

95. Trump may move against Iran by highlighting Iran's link with the al-Qaeda network which will give him an opportunity to use the September 11 Law. On June 19, 2019, Charlie Savage in an article (published in *The New York Times*) stated that the Trump administration officials have kept emphasizing purported ties between Iran and al-Qaeda in public remarks and classified briefings. The US claim of Iranian linking with al-Qaeda is not new; however, the time is very sensitive when it is repeating the claim. This time the US has readily arguments that Iran has been harboring al-Qaeda members and if the

record that since 1991, every Republican president had advocated for war in the region, and since 2001 President George W. Bush was able to bring regime changes in Afghanistan and Iraq. Even Democratic President Barack Obama did the same thing in Libya what his Republican predecessor did in Afghanistan and Iraq. Given his virulent anti-Iran position, this track record may embolden current President Trump to take risk of military action in Iran even before his term ends or it may take another term for him to act militarily against Iran.

Although President Trump has called off airstrikes on Iran immediately after he came close to them, however, he has bolstered the US military presence in the region in recent times. On May 24, 2019, Trump ordered 1,500 additional troops to the Middle East to increase protection of the US forces already there. About a month later on June 17, 2019, the Pentagon authorised the deployment of an additional 1,000 troops in the Middle East.⁹⁶ The sending of US troops in the region got new momentum following the June 20, 2019, Iranian shooting of a US spy drone. On June 28, 2019, the US deployed an unspecified number of F-22 Raptor Stealth fighters in Qatar to defend its forces and interests in the region.⁹⁷ In July 2019, amid concerns that it is preparing for a war with Iran, the US decided to send troops to Saudi Arabia, the first deployment of such US forces in the kingdom since the US toppling of Iraq's Saddam Hussein in 2003. With Iranian military threats in mind, the Trump administration has been sending US forces, including fighter aircraft, air defense

Trump administration were moved militarily, then the US September 11 Law (commonly known as the Authorization for Use of Military Force or AUMF) would permit as the Law covers Iran. Therefore, as the final move, the Trump administration may use the so-called al-Qaeda link as a pretext to attack Iran by using the September 11 War Law even without going to Congress for prior approval. After the September 11, 2001, attacks, the US Congress enacted a law that authorized a military response against whatever nations, organizations, or persons the US President "determines" planned, authorized, committed or aided the attacks, or who harbored such organizations or persons. Earlier, following the September 11, 2001 attacks, the 9/11 commission said that there was "strong evidence" that Iran also facilitated travel across its territory for several al-Qaeda hijackers. Later in 2011, a group of September 11 victims persuaded a federal judge in New York to rule that such assistance made Iran culpable in the attacks. In recent times, there have been murky reports in US media that stated al-Qaeda members living in Iran often in detention but sometimes with greater freedom. In 2016, during the Obama administration, the Treasury Department placed sanctions on three men it described as al-Qaeda members it said were in Iran. Charlie Savage, "Could Trump Use the Sept. 11 War Law to Attack Iran Without Going to Congress?", *The New York Times*, June 19, 2019.

96. *The New York Times*, June 20, 2019.

97. *The Daily Star*, (BD), June 30, 2019.

missiles, and likely more than 500 troops to Saudi Arabia.⁹⁸ This position of the US is increasing the possibility of a future Iran-US military confrontation. Following the attacks on two Saudi oil facilities on September 14, 2019, the US termed them as “an act of war”. Although Yemen’s Iran-backed Houthi claimed responsibility of the attacks, the US blamed Iran for the attacks without having final proof. Even President Trump was seen to raise the possibility of a military response tweeting that the US was “locked and loaded.” Iran denied its involvement in the attacks and warned that any attack would spark an “all-out war” with immediate retaliation from Tehran. President Trump later indicated that he did not plan to strike back and decided to send reinforcements to Saudi Arabia noting the US forces would be “defensive in nature.”⁹⁹ This clearly shows that the US under the Trump administration is ratcheting up tensions in the Persian Gulf region, ‘making a conflagration or even a full-scale war’ between Iran and the US increasingly likely.¹⁰⁰

Conclusion

It is now an admitted that since 1953, Iran-US relations have been plagued with a plethora of mistrust, hostility, and enmity. Iran and the US have been experiencing deep and bitter “enmity” for many years. During this time, both Iran and the US pursued antagonistic policies toward each other that fueled their mutual enmity. They have turned into such enemies that they viscerally dislike each other, they consider each other as potential threat, they demean each other, attribute evil motives to each other, and they find no redeeming value in the statements or actions of one another. At present, their relations have reached such a point that there is no scope for one party to normalise their relations with each other. For its part, the US is determined for regime change in Iran, and it has been relentlessly working to that end since 1979. That is why, the US neither wanted a real rapprochement with Iran in the past, nor it does want so at present, nor will it want that in the future. Trump’s position in the G7 summit at Biarritz in France on August 25, 2019, has only reflected this US position. Baffling an attempt by France’s President Emmanuel Macron to reach out to Tehran to defuse tensions between Iran and the US, the US President flatly rejected any possibility of discussion with Iran on the latter’s nuclear programme and categorically stated that he would carry on with his own initiatives.¹⁰¹ Given this

98. Robert Burns, “U.S. to send troops to Saudi Arabia amid tensions with Iran”, *Global News*, July 19, 2019, <https://globalnews.ca/news/5661030/us-saudi-arabia-troops-base/>

99. *The Washington Post*, September 21, 2019; *The Guardian*, September 21, 2019.

100. Mohammad Khatami, “By Punishing Iran, Trump Risks a Full-Scale War between Our Two Countries”, *The Guardian*, July 22, 2019.

101. *The Daily Star* (BD), August 26, 2019.

reality, a future military confrontation between Iran and the US has shifted to probability from possibility. Currently, the US under the Trump administration is working on a two-track strategy on Iran. Firstly, it is imposing all-out economic sanctions and tightening their loopholes overtly to force Iran to renegotiate a nuclear deal. Secondly, it is fortifying its position in the Persian Gulf region. It may be predicted that if the first option fails to bring the desired results, the Trump administration (or the US under a new anti-Iran President) may move militarily against Iran. As a matter of fact, the outbreak of military confrontation between Iran and the US is inevitable in the long run if Washington's present policy fails to bring about regime change in Iran. The anti-Iran hawks in Washington have been maintaining such a hard-line policy towards Iran for a long. They have boosted up their position in the current Trump administration. Whether Donald Trump is re-elected in the next Presidential election or not, an anti-Iran US President like him will, for sure, follow the line of the anti-Iran hawks and may put an end to these prolonged tortured Iran-US relations.

- Short Communication

**A NOTE ON THE UNEQUAL ECONOMIC GROWTH
OF BANGLADESH**

Shehreen Amin Bhuiyan*

Abstract

The heart wrenching truth which we all are aware of is how the world's 1% holds 44% of the world's total wealth. We know it, we criticise it but we are not doing anything about it. Income inequality is not a myth. There is an incessantly growing upper rich class who own and control the means of production and are clenching maximum wealth in their own pockets, whereas poverty and hunger gets acute for a majority of the vulnerable working poor class. Bangladesh is no different to it. In recent times, Bangladesh is experiencing a GDP growth rate of 8.13 as of 2018-19. However, it is still a concern that Bangladesh is also experiencing a high income inequality, which signifies that progress is not spreading uniformly throughout the country. While Bangladesh is experiencing economic growth at a faster rate, there are discrepancies in the income distribution. A mounting economic growth is however only praiseworthy if the inequality in the country is low, because with a growing inequality, it is obvious that, "progress" cannot be made a generalised argument.

The overall world economy has grown 380% since 1980, yet the number of people living in poverty on less than \$5 a day has increased by more than 1.1 billion.¹ Although the trickle-down theory never worked, the world relentlessly pursued economic growth ignoring the humongous gap in income distribution leading to ever growing income inequality.

This paper intends to examine the intrinsic relation between income inequality and economic growth. The paper not only discusses vertical inequality, but also considers the concept of horizontal inequality given by Francis Stewart. Vertical inequality is the inequality that lines up individuals or households and measures inequality over the range of individuals whereas horizontal inequality is defined as the inequality between culturally formed groups, and hence it is multidimensional, with political

* Lecturer, Department of Public Administration, Jagannath University, Dhaka, Bangladesh.

1 Jason Hickel, "Forget 'Developing' Poor Countries, it's Time to 'De-develop' Rich Countries," *The Guardian*, 23 September 2015.

and social elements.² This paper argues that the connection between inequality and growth is intrinsically interconnected with mutually inclusive political and economic factors and, therefore, is neither exclusively economic, nor purely political. In order to illustrate this argument, I will draw on Bangladesh's development experience.

It is assumed that higher economic growth will lead to lower income inequality, but the reality is quite the opposite. Higher growth does not necessarily lead to lower inequality³. Theories such as the 'inverted U theory' by Kuznet and the 'labour-surplus model' by Arthur Lewis explain how and why higher economic growth increases income inequality. However, given the realisation that the 'inverted U theory' is not applicable to all countries, economists have started to consider their political context. In many developed countries, after a decline in inequality, there has been a rise again, especially since the 1980s.⁴ On the other hand, there are countries (e.g., Indonesia, Singapore and Malaysia) where inequality did not rise, even during the early stages of growth. Thus, neither a decline in inequality at an advanced stage of economic growth, nor a rise is unfaltering.⁵ In both cases, it is because of the political decisions and policy initiatives that have made the difference. In the absence of policies specifically aimed at reducing inequality, one cannot expect to see any significant change in the situation.

I believe that income inequality is a derivative of the dysfunctional economic situation when it is based on derogative and destructive political practices. Inequality is therefore economic in its existence but political in its nature. While the economic situation of a country is easier to calculate, the political reality cannot be put in a graph. Gross Domestic Product (GDP) captures the economy in monetary terms, but it does not encompass the basic questions like whose consumption, investment on what, what kind of government spending and most importantly, the informal unpaid labour. But these are exactly the loopholes where the issue of inequality originates and thrives. Societies are deeply rooted in political inequality that invariably translates to economic inequality and vice versa. Policy decision and political power

2 Frances Stewart, "Horizontal Inequalities: A Neglected Dimension of Development," *Wider Perspectives on Global Development*, Springer Link, pp. 101-135.

3 Simon Kuznets, "Economic Growth and Income Inequality," *The American Economic Review*, Vol. 45, No.1, March 1955, pp. 1-28.

4 Rizwanul Islam, "Addressing the Challenge of Economic Inequality," *The Daily Star*, March 2013.

5 Jose Gabriel Palma, "Homogeneous Middles vs. Heterogeneous Tails, and the End of the 'Inverted-U': It's All About the Share of the Rich", *Development and Change*, *International Institute of Social Studies*, Vol. 42, No. 1, 2011, pp. 87-153.

play of the state, the political parties and the privileged class manipulate the economy and cause uneven income distribution, thereby causing inequality.

The case of Bangladesh makes this clear. Bangladesh, a country of 160 million people with an economy worth \$686.5 billion, has recently entered a stipulated six year graduation period to become a “Developing Country” by 2024.⁶ Despite the overshooting GDP, which increased 6.5% more than the previous decade, the increasing Gini is still a concern.⁷

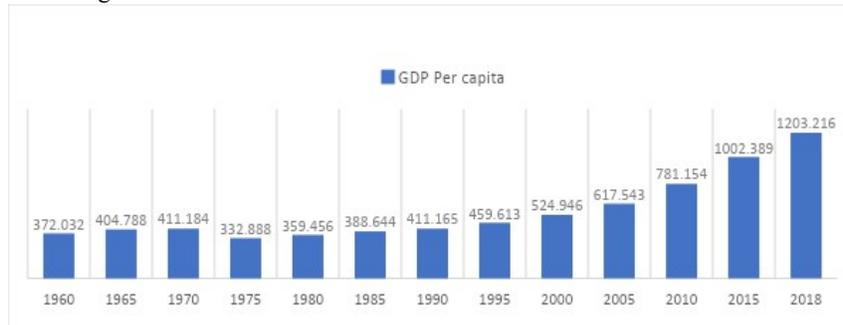


Chart 1: GDP Per Capita (Constant 2010 US\$, Bangladesh data)

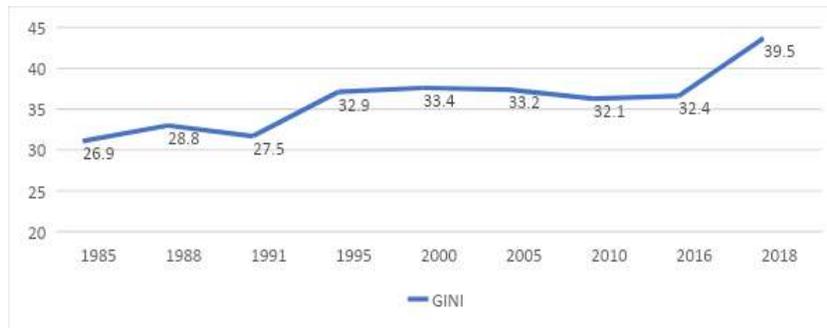


Chart 2 : GINI coefficient Bangladesh data Source : data.worldbank.org / www.ceicdata.com

The charts show that there has been a sharp increase in income inequality in Bangladesh from 1991-1995, which continued to hold stable till 2016 and another

6 Sharmin Akter, “What Waits for Bangladesh as it becomes a ‘Developing Country?’” *International Policy Digest*, 2018.

7 Sohel Parvez, “Tax, Fiscal Policies: Not Inclusive Enough,” *The Daily Star*, 13 June 2019.

upsurge from 2016 -2018, during the time when there has been continued economic growth.

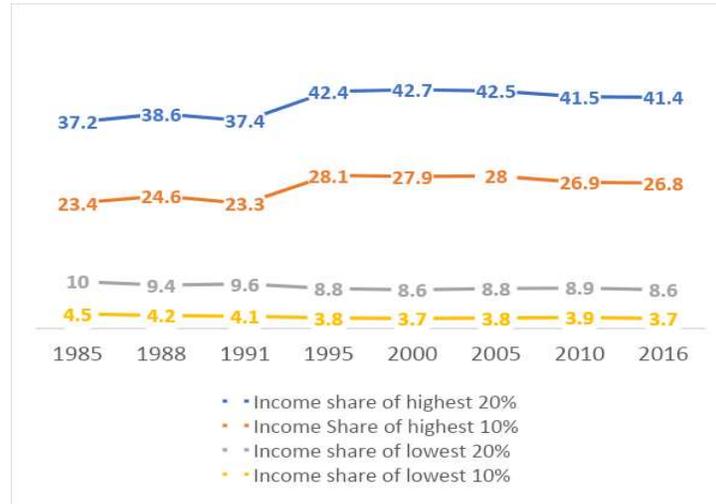


Chart 3: Income share by population group Bangladesh data, Source: data.worldbank.org

Chart 3 illustrates how the share in total income increased substantially only for the top 10 % of households from 1985 to 2016, giving them a bigger bite of the pie, whereas, during the same time frame, the share of the lowest 20% has reduced, widening the gap.

Inequality is accentuated by the centrifugal force working on the lowest 40% and the highest 10% of the population. In layman terms, the rich are getting richer and the poor are getting poorer. At this point, economic factors merge with political factors that determine and direct the income in different directions, mostly towards the persistent rich and moderately to the population in the 5-9 deciles.

Let us explore some of the mutually interdependent economic and political factors that are causing income inequality in Bangladesh despite sustained economic growth. Lack of proper redistributive fiscal policies and equitable taxation system is the basic reason behind income inequality in Bangladesh. In order to address this problem, the rich should be taxed more heavily than the poor. Unfortunately, the affluent class holds immense economic and political power, which helps them avoid every fiscal reform that would increase their tax burden. Essentially, how taxation will present advantages or not on the general public relies upon the manner by which the state and

the society negotiate revenue raising.⁸ Corrupt and inefficient tax administration and massive corporate tax reductions, exemptions, tax liberty for state owned enterprises have resulted in the low tax to GDP ratio which stands around 11%.⁹ Direct taxes constitute only about 30 per cent of total tax revenue and less than 2.0 percent of the population pay income tax.¹⁰ Furthermore, a consumption tax (VAT) exempts incomes generated through interest and dividend payments and also capital gains but an income-based tax does not, which therefore tends to create further income inequality. In 2018, corporate tax rate for banks was reduced to 37.5 percent from 40 percent,¹¹ 10% tax was deducted at source on income from share market by any company or partnership and tax exemption was extended on ICT companies from June 2019 to June 2024, all of which are politically favored tax policies taken to aid industrialists and companies. It is to be noted that, Bangladesh is experiencing the highest GINI of all time since 2018.

Neoliberal policies motivate a liberal taxation system on companies and investment ventures, foreign investment, modernization of production, etc. Chart 2 shows a rise in GINI from 1991 -1995, which was exactly the time period when the then ruling party, the Bangladesh Nationalist Party, introduced its free-market oriented stand.¹² It opened the national economy to international competition through economic liberalisation and privatised state owned enterprises, in an attempt to attract foreign investors, but the benefits of such investments was not spread evenly amongst the population and the country experienced the first GINI outsurge. These neoliberal policies lead to bias towards internal investment ventures and domestic industries. If profit moves out of the country, it means the population is deprived of its chance of capital accumulation. In contrast, if the government focused on domestic industries and investment, it would provide more national population with capital and savings. Moreover, the profits from these international investments do not reach the grassroots and therefore income inequality intensified.

Bangladesh's commendable economic growth has failed and is still struggling to show its positive effect in other spheres. Employment opportunities have declined

8 Muhammad Mahmood, "Bangladesh Budget 2018-19: An Overview," *The Financial Express*, 18 June 2018.

9 *Ibid.*

10 Rejaul Karim Byron and Wasim Bin Habib, "Budget aims to please all", *The Daily Star*, 5 June 2018.

11 *Ibid.*

12 Nations Encyclopedia, "Bangladesh— Politics government and taxation," <https://www.nationsencyclopedia.com/economies/Asia-and-the-Pacific/Bangladesh-POLITICS-GOVERNMENT-AND-TAXATION.html>.

over the previous decade. With less jobs created, income disparity is on the rise. Between the fiscal year 2005-06 and 2017-2018, we notice a decline in the employment elasticity, which indicates the ability of an economy to generate employment opportunities for its population as a percent of its growth process¹³ and a rise in GINI. Interestingly, this was a time when the economy was apparently on tremendous growth momentum with the Awami League Government implementing a host of mega projects, like the Dhaka Metro Rail and the Padma Bridge projects.¹⁴ With state industrial policies aiming structural transformation from agriculture to industrial sector and because of the industrial sector being more capital intensive, the government spending aided investment and growth, but not employment and income, resulting in income inequality amongst the mass population. Moreover, incidents like the Padma bridge scandal,¹⁵ the Hallmark and the Sonali Bank scandals¹⁶ are evidences of widespread corruption which prevents even income distribution in Bangladesh.

Gender inequality, which is an indicator of horizontal inequality, is another reason for income disparity here. With half of the total population being women, a drop in the female labour force participation means an increase in income inequality. The number of unemployed females increased to 1.2 million in 2018. According to Statistical Yearbook 2015, published in September 2016, females continue to lag behind in employment and their participation in the labor force is only 33.5% compared to 81.7% male. Even though the government introduced a gender sensitive budget in 40 ministries, women continue to remain socially marginal facing wage discrimination and are victims of violence.

The informal sector in the country has been growing and accounts to 43% of the GDP.¹⁷ Women's employment in the informal economy has a higher incidence at 93% compared to males' at 87%. Wages from the informal economy are 8% lower than in the formal sector; in the former, women's wages represent two-thirds of men's earnings.¹⁸ The unpaid and underpaid reproductive labour of the female population, the cheap labour of manual scavengers¹⁹ sweepers, day labourer, and

13 Rajaul Karim Byron, "High Growth, Fewer Jobs," *The Daily Star*, 17 August 2019.

14 *Ibid.*

15 The World Bank Statement on the Padma Bridge, June 2012.

16 Daniel Sabet and Ahmed S. Ishtiaque, "Understanding the Hallmark-Sonali Bank Loan Scandal," Monthly Current Event Analysis Series, University of Liberal Arts Bangladesh.

17 Labour Market Profile, Bangladesh, Danish Trade Union, Council for International Development Cooperation, 2014.

18 *Ibid.*

19 Joyoti Ghosh, "The Uses and Abuses of Inequality," *Journal of Human Development and Capabilities*, Vol. 20, No. 2, 2019, pp. 181-196.

contractual industry workers is used by the powerful capitalist class for their profit. The government is aware of this exploitation, but these issues are not addressed in national policies.

Group dynamics and group inequality is seen to be more life determining in struggling countries like Bangladesh. Individual welfare in rising economies is very much subject to the access to political economic and social resources by different social groups. Horizontal inequality, prevalent amongst different groups, is often one of the causes of economic or vertical inequality and vice versa. The political parties exploit and utilize the socio-cultural and religious tension between different religious and ethnic groups for their political agenda. Power politics, therefore, plays a nasty role in subjugating different groups. Generally, this underprivileged backward section of the society comprises of the female population, rural populace, and other groups based on their ethnic and religious identity. Members of minority communities—religious and ethnic groups—have less access to employment and education.

The above points demonstrate that whatever economic policy a government takes, there are innumerable political considerations and connotations to it that direct the political party in power to adopt such policies. A responsible government aims to strike a balance between the economic and political aspects in its policy decision.

This stands true not only for Bangladesh but also for most countries of the third world, where the political party in power is often a member of the elite capitalist group who therefore does not take distributive and stern taxation policies to ensure proper distribution of income. Likewise, pro-people policies are rare in least developed countries and often, policies are taken to victimise different groups to exploit their cheap labour. Income inequality translates to socio-cultural inequality through inadequate access to education, healthcare, employment etc., which in turn leads to lower growth performance because it restricts and obstructs the expansion of human capital in an economy, thereby influencing the political behavior and decisions which consequently hinder economic growth.²⁰ This is a vicious circle and requires deliberate state actions and political commitment to be addressed properly. Income inequality is found to be breeding everyday through horizontal inequality of socio-political and economic groups in the country, be that gender based, religion based, ethnicity based or just based on social class. Such growth based on the

20 Christopher Cramer, "Inequality, Development and Economic Correctness," Department of Economics Working Paper, London SOAS, Issue 105, 2000.

exploitation of the poorest 40% is neither expected nor desired. Conducive monetary and fiscal policies for improving employment elasticity, demand driven skill development, fair taxation, infrastructure such as childcare facilities at workplaces, availability of maternity leave, increase in access to education and training for minorities, quota system in education and employment for the backward social groups, strict check on corruption and inclusive national policies are some of the steps to start with in order to lessen the growing income gap and inequality. All of these mentioned requires diligent political commitment and determination, and hence, in order to attain proper economic growth, it is imperative to acknowledge and address the political factors as well as the economic ones in play. Therefore, I would want to conclude that the relation between inequality and growth is a blend of both economic and political factors which are intertwined and mutually dependent.

Book review

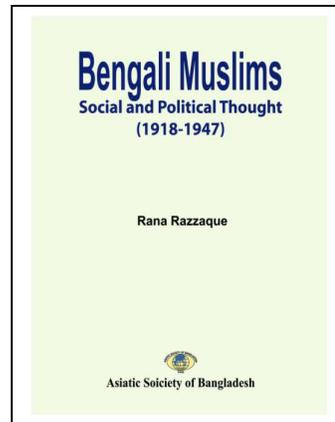
Rana Razzaque, *Bengali Muslims- Social and Political Thought (1918-1947)*, Asiatic Society of Bangladesh, 2019, Pages ix + 344, Price: TK. 500, ISBN: 978-984-34-7539-8

The above-titled book is divided into three broad chapters in which social and political ideas of a total of 13 Bengali Muslim Social and Political thinkers have been dealt with extensive research. The selection of these thinkers is made in light of their significant contributions which had long remained 'subdued or sidelined'.

In the introductory chapter the author set the discussion within the context of a host of socio-political and economic differences of Bengali Muslims.

The year 1918 has been mentioned as the starting point for this study. It is significant due to the following factors such as growing politicization of the Bengali Muslim middle-class, end of World War 1, and the changing dimensions in socio-political and economic spheres. This study focuses on the formation of thought process and influencing factors shaping the diverse religious, social and political trends existing in the Bengali Muslim community. This is a qualitative historical research. The use of primary sources for collecting information includes official records and reports, newspapers, periodicals and interviews.

The Bengali Muslims were a heterogeneous community in terms of socio-economic criteria such as urban-rural, ashraf-atrap, Bengali speaking and Urdu speaking, etc. Most of the Zamindars and landlords in Bengal were Hindus; they even largely controlled trade and commerce. Muslims lagged behind the Hindus in Bengal in their socioeconomic status as the Hindus were benefitted by the Permanent Settlement of 1793, the acceptance of English language and the establishment of the Hindu College in 1817 in Calcutta. The development of a Hindu middle class in Bengal further boosted up the position of the Hindus. Unlike the Hindus, the Muslims fell into



disadvantaged position for their negligence of accepting English. Therefore, the Bengali Muslims suffered a psychological barrier resulting in their economic impoverishment and social and political backwardness (Razzaque 2019, p.3). Illiteracy and poverty were two notable features of the Muslims in Bengal.

The irrational and conservative aspects of Hindu religions underwent reforms under the influence of western ideas of liberalism and humanism in the mid-nineteenth century led by Raja Ram Mohan Roy (1772-1833). As opposed to the Hindus, the Muslims were engaged in backward-looking reformist movements such as the Wahabi, the Faraizi and the Tariqah-i-Muhammadiyah in the early decades of the nineteenth century advocating strict adherence to Islamic Shariah and were directed particularly to purge Islam of all Hindu influences. This reformist attitude was confined to a small section of rural Muslims.

By the early decades of the twentieth century social and political leadership shifted to the emerging Muslim middle-class in Bengal. The English-educated Bengali Muslim social and political thinkers of this period had their origin mostly in rural Bengal. Influence of indigenous culture and syncretic beliefs were present in them. They developed a comparatively rationalist and liberal approach to religious and social issues. They also stressed the need for adopting Bengali as the vernacular of the Muslims.

Intellectual debates and controversies on religious, social and political issues in Bengal reflected, first, a separatist and a communal trend, second, there were humanist and syncretistic trends representing secular views. With the emergence of the English-educated Muslim middle-class in Bengal, a shift in the political perspective took place in the early twentieth century. It was the Muslim middle-class in Eastern Bengal which resented the annulment of Bengal partition in 1911 and soon began to take an anti-British stand. Politics in Eastern Bengal after this event came under the control of the Bengali-speaking professional middle-class who now preferred to adopt politics of agitation and collaboration with the Congress.

However, the western-influenced youths of Bengal in the 1920s believed in liberalism and preferred to retain syncretistic and eclectic views. The issues on that the Bengali speaking Muslims asserted their opinions and suggestions included agrarian question, education, language, nationhood, communal relations, politics of unity and separatism.

Orthodoxy and legalistic Islam and the syncretistic, eclectic and folk Islam formed the basis of two broad categories of thoughts among Muslim intellectuals in Bengal. The significant feature of Bengali Muslim thoughts particularly during the two

decades before partition of 1947 was separatism and the demand for separate state for Muslims. Since 1920s, the major crisis the Bengali Muslims lived with their ambivalence centered predominantly around the question whether they were Muslims first and Bengali second or vice versa.

The author classifies the social and political trends of thought in Bengal into three categories, such as 1) Conservative-Orthodox; 2) Moderate-Liberal; 3) Radical-Humanist which had their respective variations, sub-trends, divergences and contradictions. The bases of this classification –lie in religious orientations of the families, their educational background (religious and secular), learning of English language and acceptance of ideologies of European liberalism and Socialism by the thinkers under study.

The first chapter presents the discussion on the thoughts of Abul Mansur Ahmad (1898-1979), Mohammad Akram Khan (1868-1968), Mohammad Moniruzzaman Islamabadi (1875-1950), Syed Ismail Hossain Shiraji (1880-1931). They were all opposed to reforms either social or political. They rejected rationalist mode of thought, strongly believed in the Islamic Shariah.

All of them received both madrassah and English education. Privately they believed in Islamic Shariah, opposed the mix of syncretic beliefs with Islam. At one stage they believed in Pan-Islamism, then all stood for the separate Muslim state with some divergences in their views. All have identified themselves Muslim first, then Bengali. The above personalities wanted the abolition of the Zamindari. Even though personally religious they were, politically they maintained a secular approach. Despite their ambivalence about the acceptance of the Bengali language, in course of time they developed liking for Bengali language. Politically it was not a matter of surprise as these four thinkers involved in the Congress, the Muslim League and the Krishak Proja Party (KPP) in different stages of their lives. The then political opportunity structure allowed them to do so. Abul Mansur Ahmad and Syed Ismail Hossain Shiraji through their literary works addressed the social and religious dogmatism prevailing in the Muslim society. Abul Mansur Ahmad's *Aina* and *Food Conference*; and Shiraji's *Anal Prabaha* and *Ray Nandini* (1915) are important examples in this case.

Abul Mansur Ahmad considered the Muslims as a cultural minority of India who formed a separate nation. He rejected religion as the basis for nationalist movement. These positions contest the classification offered by the author that Abul Mansur Ahmed is a Conservative Orthodox thinker.

Despite his support for the Muslim League, the Lahore Resolution and the move for a United Independent Bengal, he was one of those who believed that Bengali was the language of the Hindus. A mixture of religious and secular education may have prompted him to think like this.

Mohammad Akram Khan underlined the importance of learning Bengali for Madarssah students. He brought out a daily in Bengali which acted as a mouthpiece of the Muslim League. In 1937 elections, the Azad contributed greatly to wooing the support of Muslims in Bengal for the Muslim League. Being a Muslim League politician, he supported the demand for a separate homeland for the Muslims of India. He considered himself a Muslim first, was opposed to any move for an independent Bengal. As a fundamentalist but non-communal, he shows a paradox in his character. He hated English education and supported music and painting, but opposed to the excess of music practiced by the sufis and the mystics.

Although educated at Madrasah, Mohammad Moniruzzaman Islamabadi was not an orthodox or a dogmatic person. *He was secular and rationalist all through his life and a liberal thinker with progressive social views.* This statement contradicts with the labeling him as a conservative-orthodox thinker by the author.

Never had he believed in parliamentary politics but contested elections in 1937 as KPP candidate from Southern Chittagong constituency, as the author claims (p.136). He believed in extra-parliamentary politics but he participated in parliamentary politics (p.137). These two statements could have merged in one avoiding repetition.

To him, education at madrasah is incomplete without the inclusion in its curriculum subjects such as English, Bengali, History, Philosophy, Chemistry, Geography, Sociology and Anthropology. He was against maulvis and mullahs, pir and pirism.

Syed Ismail Hossain Shiraji advocated social enlightenment and female education. He was against Child marriage, polygamy, against extravagance and the practice of dowry. He supported purdah (use of veil) but he was in favour of lifting aborodh (seclusion).

Both Shiraji and Islamabadi were intellectually very modern but emotionally they upheld Islamic tradition. They glorified Islamic culture and heritage, advocated the use of Arabic language. Shiraji shifted his position in favour of Bangla. Both of them believed in Bengali Muslim nationalism, in communal harmony, stressed the need for social upliftment through modern education and knowledge but at the same time adhered to Pan Islamism and to the strict shariah (laws) of Islam.

Separatist trend in Indian politics developed originally from the anti-syncretic attitude of the fundamentalist Muslims. Didn't India have any other valid ground than anti-syncretism which led to separatism in Indian politics?

The second chapter contains the discussions on 'moderate-liberal thinkers' such as Abul Hashim (1905-74), Abul Hussain (1896-1938), Ashrafuddin Ahmad Chowdhury (1894-1976), S. Wajed Ali (1890-1951), Shamsuddin Ahmed (1889-1969) and Syed Nausher Ali (1890-1972). 'Moderate-liberal' thinkers held secular and rationalist views about life. Neither of them wanted complete change in the structure of the society nor were they too prepared to move completely against the tradition. They were the product of European liberalism. These English-educated Bengalis in the early twentieth century began to shun religious dogmas and take recourse to a pragmatic approach regarding all religious, social and political issues. Being comparatively a smaller group, they were aware of their religious identity.

All of them were nationalist Muslims and non-communal. Therefore, they could not support Muslim separatism within the united India. They called upon the Muslims to be nationalist giving up Pan-Islamism. Many of the personalities belonging to this group such as Ashrafuddin Ahmad Chowdhury, Shamsuddin Ahmed and Syed Nausher Ali were much more concerned with practical economic issues of the subaltern Muslims (peasants). Of the personalities mentioned above, they believed in united India, secularism and anti-separatism. Support for embracing English education and European ideas have been explicitly supported by Abul Hussain and S. Wajed Ali. These two have stood for religious reforms, too. They even advocated for women's liberation abandoning purdah.

Abul Hashim supported "Two Nation" theory in the light of the right to self-determination of every nation. S. Wajed Ali spoke for language-based provincial autonomy.

Three of the above were strong advocates of abolishing Zamindari system, involved in the struggle for safeguarding peasant interests. Abul Hashim, Abul Hussain and S. Wajed Ali supported united India with the right to self-determination of different groups of people. However, they did not support the right to self-determination based on religious identity. All of them supported communal harmony between the Muslims and the Hindus. Little divergence is manifested in the thoughts of this group of personalities. It may be attributed to their complete faith in secular and rational attitude about life stemming from western educational orientation.

The third chapter is devoted to two important great personalities who represented radical-humanist trends of social and political thoughts in Bengal. They are as

follows: Kazi Nazrul Islam (1899-1976) and Muzaffar Ahmad (1889-1973). The radicals, however, sought to bring major reforms to the society changing its very foundation. The radicals advocated a complete change of the structure of the society. Nazrul, as a poet and a writer, believed in progressive, secular and humanist ideals, representing a trend quite radical for his time. With his humanistic approach, he preached communal harmony and called for the establishment of a society free from all kinds of oppression and exploitation. Nazrul's bold attack on the very basis of orthodox Islam was sudden and new. No other writer before him had made such a frontal attack on conservatism. The radicals, particularly, acclaimed him as the "rebel poet" or the "poet of revolution". Nazrul was neither a philosopher nor a politician. He did not either fall into the category of the intelligentsia because he was guided more by emotion rather than by reason.

Nazrul was critical of the Bengali Muslims' constant harping on their links with Turkey and the Arab world. He believed that these links gave the Muslims a feeling that they were aliens in Bengal. This attitude had further contributed to establish in their minds a feeling that their identity in Bengal was as Muslims and not as Bengalis. As opposed to this feeling, Nazrul, evoked the minds of the Bengali Muslims that they were Bengalis as a nation. Religious exclusiveness would lead them to a more bleak future.

Nazrul was the precursor of Muslim renaissance in Bengal. He was one of the few Bengali Muslim youths who initiated the movement for liberalism, nationalism and reform in the Bengali Muslim society.

Nazrul believed in secularism and, therefore, criticized both Muslims and Hindus for their intolerant attitude to each other. Religious squabbles on pretty issues like the slaughter of cows only exposed religious orthodoxy and narrow-mindedness.

For a short while, around 1925-1926, Nazrul got actively involved in politics. He joined the Bengal Provincial Congress Committee (BPCC) and worked mainly among the peasants and fishermen. Factors—such as the influence of the Russian Revolution and of the Communist ideology through Muzaffar Ahmad, and Nazrul's own liberal and humanistic leanings—turned him into a staunch preacher of equality of all classes of people. Nazrul believed in Democratic Socialism. He believed in the emancipation of woman, criticised the purdah (veil) system existing among Bengali Muslim women which had kept them in seclusion. Nazrul's belief in secularism was strongly and clearly reflected in his poems for instance, the "Samyabadi" in which he expressed boldly that men of all castes and creeds, of all religions and classes were equal. At the same time, he criticised the artificial barriers created by religious orthodoxy, social taboos and economic exploitation. Nazrul contested elections to the

Central Legislative Assembly in November 1926 from Dhaka Division. He was nominated to contest the elections by the Swaraj Party. Loss in the contest led to ending Nazrul's direct involvement in politics. He was anti-colonial and anti-imperialist.

Although Nazrul believed in Indian nationalism, some of his writings clearly expressed his ideas about the Bengali people as a separate nation and Bengal province to be politically, an independent state. Nazrul neither supported the movement for Pakistan nor did he want partition of Bengal.

The element of humanism inherent in Sufism and vaishnavism was strongly present in Nazrul's writings. Nazrul's writings and compositions contain a strong element of syncretism. The *Bidrohi* (the Rebel), for instance, is full of Hindu images and words. In this poem, Nazrul used only a few Islamic words, like Arash (spear), Beduin (nomad), Chengiz (the Mongol), etc. From the Hindu script, he used Bhagaban (God), Dhurjati (Shiva), Shoshan (place of cremation of the Hindus), etc. Use of these words by him established his non-communal feeling. In his poem "Samyabadi" (Equality) Nazrul expressed his view that peace and harmony could be achieved without creating religious conflicts. The poem expressed Nazrul's belief in humanism. Nazrul was the first among the Bengali Muslims in modern times to write about both the Hindus and the Muslims of Bengal and to call for unity. He was syncretistic and the 'cultural mediator' of modern times. The author epitomizes Nazrul's dream of creating a new society based on freedom and equality (p.292).

Like Nazrul, Muzaffar Ahmad held radical views on politics and society. He was seriously drawn to Marxism and began to establish contact with Communist organizations outside India. Under the leadership of M.N. Roy, he got involved in communist politics.

The existence of the Krishak Samities and the KPP in Bengal had reduced the significance of Communist propaganda among large majority of population in the province. Muzaffar Ahmad and Kazi Nazrul Islam were the two prominent Muslims in the 1930s and the 1940s who attempted to propagate the ideals of communism, equality, secularism and humanism. In the decades when most Muslims were drawn towards political separatism and communalism, ideas of communism and socialism in respect to society, religion and society set a very radical trend.

The Communists of India, though secular, supported the demand for a separate homeland for the Muslim on principle of self-determination. They asserted that each nationality should have the right to secede from the Indian Union.

Throughout her research, the author traces the root of secularism amongst the Bengali Muslims. In her views, secularism flowed from European education and European ideas. But the influence of local syncretism also reinforced their thoughts. The author's analysis offers the impression that Muslim's failure to receive English education and European ideas were the main reasons for their backwardness. Sticking to religious dogmatism and orthodoxy had identified the Bengali Muslims as backward compared to the Hindus in the nineteenth century and early decades of the twentieth century, as the author stressed in her book. This appears to be a self-evident historical truth shared by scholars who have long been conversant with social and political history of South Asia.

Be that as it may, the author has made her contributions to the knowledge by exposing and critically analyzing un-researched 'dominant and subdued' social and political thoughts of 13 Bengali Muslim thinkers. By classifying their thoughts into three types, as we mentioned before, the author offers the readers a trajectory of intellectual history whose influences seem to have guided the successive decades. Despite the presence of mutually overlapping elements of orthodox-conservative, radical-humanist, moderate-liberal trends of thoughts in each personality discussed above, 'a very clear and strong trend of secularism and syncretism' has emerged and laid the foundation of the progressive trend of social and political thoughts that largely shaped the politics of East Bengal since 1947.

Any new edition of the book should get rid of some typos such as broad has been mistakenly printed as 'board' (p.7). On page 13, 'Syed Nawab Ali Chowdhury of Mymensingh 'gave led' in this respect should be corrected. The book is a must read for the students and researchers of history, political science and sociology. I wish the general readers would be encouraged to read this book.

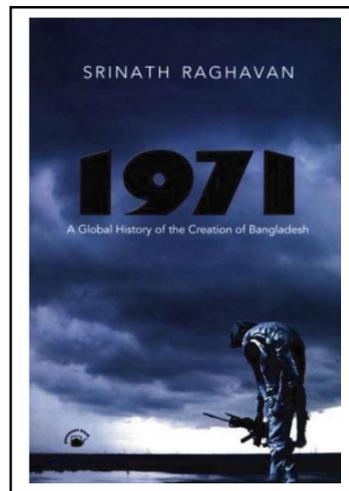
Sabbir Ahmed*

* Professor, Department of Political Science, University of Dhaka.

Book review

**Srinath Raghavan, *1971: A Global History of the Creation of Bangladesh*,
Harvard University Press, Massachusetts, 2013, pp. 358,
ISBN 978-0-674-72864-6**

The independence of Bangladesh is a significant event not only because it highlighted common people's triumph against powerful militaristic regime and victory of the struggles for representative democracy, but also because the birth of the country took place at an important juncture of the Cold War. After the British imperialist power left the Indian sub-continent, two newly independent states, India and Pakistan, were born on the basis of religious differences. What is known as Bangladesh today became a part of Pakistan due to a Muslim majority population; but it was not late for them to realize that religious commonality with the ruling elite serves little or no purpose in achieving equity and justice. Discriminatory policies from the West Pakistani rulers wreaked havoc for the common people living in the East Pakistan on many different levels, as socio-economic inequalities continued to grow worse. The politicians from East Pakistan demanded autonomy for the region and gained people's confidence in the 1970 general elections. Despite winning in elections, the Awami League, the party that got majority votes, was denied ascending to power in Pakistan by militaristic ruling elite.



The people of Bangladesh fought the liberation war for nine months starting from March 1971 till December 16, 1971 when the Pakistani forces surrendered. Although the contexts that led to the war were mostly domestic in nature, due to the geographical location of East and West Pakistan and cold war dynamics of the time, the war involved direct and indirect engagements by neighbouring countries as well as big powers of the time like that of India, the United States, Soviet Union and China. Conventional wisdom suggests that the United States and China favoured

Pakistan while India and the Soviet Union took stances supporting the creation of Bangladesh. However, historical events cannot necessarily be answered from a deterministic perspective, for there are nuances in traditionally held assumptions about which one needs to be aware. Questions remain as to what actually led to the stances held by powerful states at that time. What were their domestic and international considerations? Who took the decisions? How factual are the commonly believed perception?

Srinath Raghavan, a prominent Indian historian, attempts to highlight these questions in his book entitled *1971: A Global History of the Creation of Bangladesh*. The book, in a first-of-its kind attempt, seeks to present geopolitics of the time regarding the independence struggles of Bangladesh taking political and strategic calculations of powerful states into consideration. Raghavan keeps the readers engaged throughout the book by his brilliant writing style and depicts the narratives of decision-making process in lucid manner. The book consists of ten chapters where he starts from the context of the outbreak of war and concludes with the victorious scenario of Bangladesh. What is striking about the book is that the chapters consistently keep focus on discussing external dynamics of the war.

In the beginning, the book posits East Pakistan's youth movement of 1969 that made specific demands for more rights of the people in a global context when left wing student movements were making waves around the world. Throughout the chapters titled "The Turning Point" and "Breakdown", Raghavan makes references to the indifferent attitude from the West Pakistani rulers about the grievances that were fomenting in the region. To set the tone of the book, he also briefly discusses the events that led to the crackdown of March 25, 1971. The central Awami League leaders were compelled to leave the country and operate war-time government from India.

One of the most brilliant chapters of the book is that on India. Under the title "The Neighbor", Raghavan presents detailed description of how Indian politicians and bureaucrats responded to the crisis that emerged on its eastern front. Based on rich archival research, the author portrayed the doubts that many Indian strategists had in the beginning about the capability of Bengali leaders to handle the situation. The inner debates suggest that India was ambivalent about taking a military stance on the issue at the beginning. The role of Indira Gandhi stands out in this regard, as her valiant diplomatic effort to present the crisis from a humanitarian perspective helped the cause of Bangladesh at global platforms.

Raghavan scrutinizes the stance of Nixon-Kissinger administration carefully in the chapter titled “The Grand Strategists” which portrays the fact that the United States was driven by geostrategic calculation of coming in terms with China which was going through ideological disputes with the then Soviet Union. Nixon was confident that West Pakistan would be able to suppress the rebellion as he said in March 1971 that, “30,000 well- disciplined people can take 75 million any time . . . Look at what the British did when they came to India . . . anyway, I wish him [Yahya] well,” writes Raghavan (p.90). Kissinger sought to contain Soviet sphere of influence by opening communication channel with China through Pakistan. The writer informs us that when Archer Blood, the US Consul General in Dhaka reported about “selective genocide” in East Pakistan, James Farland, the then US ambassador to Pakistan opined that “righteous indignation is not of itself an adequate basis for our reaction” and commented that “it is undesirable that they (events in East Pakistan) should be raised to the level of [a] contentious international political issue” (p.89). Readers can find such informative correspondences of key actors throughout the book. The regional geopolitical considerations deterred the US from taking a principled stance on the question of Bangladesh, as President Yahya Khan was aiding the US in establishing the connection with Zhou Enlai.

The ambiguity of the role of the Soviet Union that Raghavan presents in the chapter titled “The Reluctant Russians” is an interesting finding. He argues that the Soviets were unwilling to see an unstable South Asia for a war between India and Pakistan would not have favored her interest. This is contrary to the conventional wisdom that the Soviets supported the cause for an independent Bangladesh from an ideological perspective. The book emphasized how Indian policy makers were keen to have the Soviets on their side fearing a military response from China. However, this focuses less on what were the considerations and internal arguments of the Soviet officials. The claim that Soviets were reluctant on the issue is a big one and deserves more scrutiny.

Raghavan’s findings on the Chinese stance, detailed in the chapter titled “The Chinese Puzzle”, are valuable for they shed light on some internal dynamics of the country that were playing important roles. While Pakistan was expecting active military support from China, and India was apprehensive of a Chinese intervention in case India steps in the territories of Bangladesh, the Chinese leaders did not have this as priority due to geopolitical reality of the time. Apart from the concerns of distancing Pakistan, an important ally for the region and due to the Soviet presence on the other side of the border, the author claims that China had no interest in the crisis from the outset. Moreover, Mao’s concerns over control of PLA deterred him

from being active on this front. It would be interesting to explore what the Chinese policy makers were really thinking on this as the author's source on China issue also depends on secondary materials and other correspondences with external actors.

It was thoughtful of Raghavan to include the role of international organizations, newspapers, artists and grassroots activists in painting the humanitarian crisis that Bangladesh was going through during the course of the war in the chapters titled "Poster Child and Pariah" and "Power and principle". The concert arranged by Pandit Ravi Shankar and George Harrison in the New York City attended by Bob Dylan, John Lennon, Eric Clapton and other bright stars of the time is one among many examples that played significant role in raising global consciousness about the war while the US policy makers tried to tone down the severity of the crisis. However, the crisis was treated like a pariah in the United Nations due to the US, Chinese and Pakistani attempts to divert the attention from real causes. Readers will also find the stories found out by Raghavan insightful regarding the dilemma between power and principles that many countries faced including Britain, Australia, Canada and some other Commonwealth nation states. The author deserves credit for his extensive research in highlighting the voices of these countries on the issue.

The chapter on the final stage of the conflict between India and Pakistan, named "Escalation", is a captivating one as it keeps the readers in suspense throughout. It remains a question till date whether India would have stepped in militarily had Pakistan not attacked the Indian airbases being frustrated at latter's attempt to defeat the case of Pakistan in diplomatic forums. What caused Pakistan to strike Indian bases would an interesting area to explore as Raghavan depended mostly on Indian sources in this regard.

The victory of Bangladesh in nine months against a powerful opponent came as a surprise to many in the battlefield. Raghavan reminds us in the chapter titled "Strange victory" that the rapidness with which the war ended came as a surprise to many at the global level as well. There were frantic efforts by Pakistan to strike a ceasefire deal which would have favored them at that point, but Indian and Soviet attempts to focus on political solution and urgency to mitigate the humanitarian disaster did not help Pakistan as they were not really looking for a political solution. The geographical reality of the region where India sits in between East and West Pakistan; lack of military supplies; and joint operations by Bangladeshi freedom fighters along with Indian military were important factors that accelerated the defeat of Pakistan in the end.

Considering the above-mentioned descriptions, it can be commented that Srinath Raghavan lets readers know many unknown events that took place behind the tables of negotiation among global leaders throughout Bangladesh's liberation war. The book has its strengths and weaknesses. The strength of the book lies in its rich archival research especially in covering the role of India on many fronts during the war. The range of countries studied deserve credit too as this was the first time that an attempt was made to study Bangladesh's independence at a global scale. There are some weaknesses too. Although the title of the book suggests a "global history" of the creation of Bangladesh, some readers may find the study too India-centric as the chapters on Soviet Union and China show that the interpretations about their stances were inferred from their correspondences with Indian counterparts. The actual thought process behind Soviet and Chinese stances of the time would be worth studying. As the role of Pakistan was crucial throughout the war, primary sources from Pakistani side would have enriched the study. One would also notice lack of voices of Bangladeshi leaders at the time. What were they thinking in terms of internationally positing their stance? How did they take international relations aspect into their consideration? Attempts to answer these questions could be a lead to further research in this regard. The book also misses to mention the role that many Bangladeshi nationals were taking in different countries in organizing grassroots events for raising public awareness worldwide.

To conclude, in a globalized world where physical borders are losing importance that they once enjoyed, the book opens our eyes in seeing that multidimensional factors lead to decision making in crisis moments. The gap between domestic and international spheres is lower than ever in the twenty-first century. The research is valuable as one can relate to the ongoing civil wars and conflict in Syria, Palestine, Yemen, Kashmir, Myanmar and other places, and the role of big powers in this regard. As the study shows, leaders hardly regard ideology or principle in dealing with such crisis, for they place power calculations over humanitarian considerations. Apart from learning about the 1971 war's international dimensions, for those who are interested in studying diplomacy during crisis, functionality of international organizations, and cold war calculations, the book is worthwhile to keep in collection.

Md. Rezwanul Haque Masud*

* Lecturer, Department of International Relations, University of Dhaka.
E-mail: masud.rezwan@du.ac.bd