



Justice Syed Refaat Ahmed

## ‘ADDRESSING COMMUNITARIANISM: A COMMENTARY’

**Justice Syed Refaat Ahmed**  
Bangladesh Supreme Court.

The recent government decision to implement the enfranchisement of at least a segment of the Urdu-speaking population in Bangladesh constitutes a prudent yet preliminary step towards recognizing the presence of policy gaps in effectively addressing the issue of the internal displacement of Urdu-speaking people in Bangladesh. But the attendant issues of ameliorating the effects of long-endured social and economic dislocation, and of ensuring shifts in entrenched attitudinal orientation, shall invariably require non-Executive interventions as a spur, if need be, for eventual governmental action.

The absence of any legal impediment to enfranchisement of those among the Urdu-speaking community seeking integration in the body polity of this country had already been adjudicated upon by the Judiciary several years ago as evident in the finding of the High Court Division in May 2003 in *Md. Abid Khan & others v. The Government of Bangladesh & others* (23 BLD (HCD) 2003, 364) that there is nothing inherently and indeed legally disabling about "the concentration of Urdu-speaking people" in "the so-called Geneva Camp" by which that Camp may have attained a special status as to exclude its residents from the benefits of the Electoral Rolls Ordinance, 1982 or the Citizenship Act, 1951. Implicit in the Court's finding is a recognition that physical dislocation does not necessarily translate into legal disenfranchisement. Rather, rights and entitlements always attach to an individual and the issue is simply of locating the appropriate sanction for the same.

The question that arises is, however, of the pervasiveness of societal impediments that can hinder effective integration notwithstanding such judicial pronouncements or executive policy formulations. One such impediment has to do with that ideology of social organization as emphasizes the existence of ostensibly self-contained communities each sustained by an extreme sense of responsibility of the individual to and his/her sense of identity derived from that community. The corollary notion of single-minded subscription and loyalty to each community's ideology exclusive of influence from or by factors extraneous to any such community completes the resulting sense of communitarianism. The picture that emerges is, therefore, one of an overarching sense of insularity as divides one community from the other, each coexisting within the larger societal plane with, at best, a resigned acceptance of the other(s). It is in this context that one is necessarily alerted to the fact that judicial and executive interventions shall, in all likelihood, have a limited outreach for the intended beneficiaries should concomitant processes not evolve for ensuring their effective citizenship occurring in tandem with socio-economic rehabilitation and integration. The realization has to be that unless there is a change in an entire substratum of social attitudes, judicial or political interventions shall reflect only a superstructure of mere isolated attempts at quick fixes, and no more.

The need is for an attitudinal shift in the larger societal plane as is sensitive to and appreciative of similar shifts within the Urdu-speaking/camp-based community that shall help create a general social sanction for rehabilitation and integration as a necessary prelude to such community's effective participation in the policy or organized society through legally and politically sanctioned mechanisms.

The present social apathy to the plight of the Urdu-speaking people, very likely, stems from a socio-political predisposition to inherited parochial attitudes. Such predisposition shall have

to be reevaluated and give way to a scrutiny, understanding and dissemination of an all encompassing notion of human security involving economic, nutrition, health, educational, environmental, personal, community, political and legal security. This will have to be weighed in equal measure against concerns of state security and interests to fashion appropriate responses to benefit the Urdu-speaking people on equal terms as any other citizen.

It is recommended that dialectical or dialogic exercises and measures be adopted to help chip away at the stranglehold of communitarianism that is evident in the general approach to the problem. The effort in this regard should be to dislodge the notion that a person's identification with one's community is the exclusive and singular determinant of such person's identity. Implicit in that notion is the belief that such an individual remains insulated from extra-communitarian concepts of identity and is not able, therefore, to nurture capacities of reasoning and choice to fashion and subscribe to an individualized, community-independent, and purely subjective index of identity. The necessity felt by many within the Urdu-speaking / camp-based people for that option and freedom of choice and selection singularly underscores the irrationality of a communitarian approach to the plight of these people. Nowhere is that approach as starkly manifested as in the coining of, and the currency attained, by the epithet '*Bihari*' in identifying a diverse community of people who like any other have otherwise multi-layered identities as men, women, children, the socially marginalized and economically deprived, and as aspirants of effective membership of our body polity - in other words, sharing commonalities with any other citizen in one way or the other, It is riot improbable that these identities, singly or collectively, and over and above the community identity, can indeed constitute the final determinant of the socio-cultural orientation of each such person. Here, one is reminded of Amartya Sen's reservations on the merits of a communitarian approach expressed in his work '**Identity and Violence: The Illusion of Destiny**' (Penguin/Allen Lane: 2006) on the grounds that such an approach ignores that

"even though certain basic cultural attitudes and beliefs may influence the nature of our reasoning, they cannot invariably determine it fully. " (page 34)

The argument therefore, is that there is no reason why the common Urdu-speaking individual may not be attributed with the capacity to consciously reason independently of the influence of inherited and inculcated ideas stemming from community-membership. It is heartening to see an increasing endorsement of that view within civil society in general, and research studies in particular, recommending community sensitizing and mobilization as would allow for a softening of attitudes within mainstream society and consequently the integration in our body polity of the willing common Urdu-speaking individual with dignity. The idea that is also gradually emerging from these efforts is for the best or majority Bengali community to undertake an introspection leading to a reorientation of perspectives that shall have far-reaching consequences. These views are now being propounded with increasing confidence as to the attainability of the desired objectives. There is no reason to fear that such confidence is premature or even misplaced, To quote Amartya Sen in '**Identify and Violence**':

"Our ability to think clearly may, of course, vary with training and talent, but we can as adult and competent human beings, question and begin to challenge what has been taught to us if we are given the opportunity to do so. While particular circumstances may not sometimes encourage a person to engage in such questioning, the ability to doubt and to question is not beyond our reach. " (page 35)

It is hoped that using that force within we are able to engage in the much needed dialectical and dialogic exercises as a necessary step to understanding and resolving intercommunity concerns that will assist in not only in the integration of the Urdu-speaking people but all those other groups and communities who continue to remain marginalized from mainstream society.

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