

Martial Law, Rule of Law and Legitimacy: A Sociological Analysis of Bangladesh Politics - 2008*

K.A.M. Saaduddin**

Abstract: *Third world countries today are grating increasingly aware of the scourge of military rule which had so often haunted them during the last quarter of the 20th century. In spite of this gradual awareness, some of the countries are even today, trying to perpetrate military rule and/or rule by military provenance. Bangladesh is one of the few countries which has a constant fear of reverting to the military rule due to political acrimony emanating from a vicious cycle of reprobate political economy. A brief overview of the historical process leading to political skirmishes need to be sociologically analysed in terms of legitimacy. Needless to say that such analyses are very inadequate in political literature of contemporary times.*

“Man is born free but everywhere he is in chains. One thinks himself to be the master of others but still remains a greater slave than they. How these things come about I do not know. But what can make it legitimate, this question, I think, I can answer” - (Rousseau).¹

In these words the famous eighteenth century political philosopher, Rousseau, who is also considered to be a philosopher of the French Revolution sought an alternative to the prevailing order of the society. But the question of legitimacy, which he believed, he resolved through his concept of General Will– the real will of the community– remains so much shrouded in mystery that it is still considered to be the ‘paradox of freedom’. The real will of the people which was supposed to be the liberator of mankind during the French Revolution was used as the worst kind of weapon to perpetrate a reign of terror in the wake of the Revolution. Even the most outrageous form of dictatorship may claim legitimacy by quoting passages from Rousseau out of context. Such was the state of affairs in this region when in 1971 an unprecedented genocide was sought to be legitimized in the electronic and print media by the domesticated Bengali intellectuals of that time in the name of General Will.

The legitimacy question was invoked also when the Pakistani rulers imposed the first Martial Law in this region in 1958. The constitution was suspended; elected governments, both central and provincial, were dislodged and an elaborate system of Martial Law judicature was established to the bewilderment of the entire nation. The main architect of this Martial Law, General (later designated as

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** Professor Emeritus, Department of Sociology, University of Dhaka. Email: kamsaaduddin@gmail.com

¹ Rousseau, J.J. *The Social Contract*. 1763,

Field Martial) Ayub Khan sought to legitimize his authority by castigating all the politicians of that time in the most vicious language. In his own words: "A perfectly sound country has been turned into a laughing stock. Politicians have started free-for-all type of fighting....There had been no limit to their baseness, chickenery, deceit and degradation."² It was the beginning of legalizing a downright illegitimate act, which, however, received immediate approval of the Western powers. The way the politicians were abused left the military with no room for compromise to return to the traditional form of democracy through a smooth transformation. It was also obvious that the military intervention of 1958 had a strong negative impact on the political development of the then East Pakistan, with a corroding effect on the natural and spontaneous growth of a political system in this region. Instead of bringing the murderers of Shahed Ali to book (Deputy Speaker of East Pakistan Provincial Assembly, Shahed Ali was killed a few days before the imposition of '58 Martial Law in a riotous situation inside the assembly) the military government used the incident as a pretext to declare emergency and Martial Law in quick succession. But they did not care even to initiate a murder case, far less an enquiry commission to probe such a heinous act. This led to a great suspicion as to the real intent of '58 Martial Law. There is thus a good reason to suggest that it was directed primarily to thwart the progressive movements in this region for greater autonomy.³

After a decade of rule by military provenance⁴, Ayub Khan finally surrendered to a friendly military coup in 1969 led by his own trusted Chief of Staff General Yahia Khan. Without losing much time Yahia Khan acted on two important agenda: the nation-wide election to be held on a day fixed by him and abolition of the 'parity principle' with one-man-one vote as its basis⁵. The election, however, was held under the Legal Framework Ordinance (LFO). The election result severely shook the foundation of the Pakistani establishment and the inevitable happened. General Yahia and Z.A Bhutto played the role of villains in an unprecedented genocide in East Pakistan perpetrated on unarmed civilians from 25 March 1971 till the last day of occupation, 16 December 1971.

² Kessing's Contemporary Archives. 1957-58, 16458.

³ While the majority of the people in East Pakistan detested it was hailed in West Pakistan, a fact that demonstrates that there was not only two economies in Pakistan but also two polities. It is all the more demonstrated by subsequent events when Awami League got the majority in the national assembly of Pakistan and was destined to capture the power of the central government, it was almost a nightmare for the West Pakistanis. *Dr. Mehkri* who was the external examiner of MA Final examination of 1970 of the department of Sociology of the University of Dhaka came here during the first week of March 1971. He informed us in an informal chat in the committee meeting that he had heard a young Karachi journalist saying after the election of 1970 "if Mujib comes to power I will throw away his pen and pick up my gun". In Mehkri's opinion that was the prevailing sentiment of the people there.

⁴ Or 'quasi civilization of military rule', as characterised by Professor Newman and supported by S E Finer (see *Man on Horseback*. 1988. P.173).

⁵ The 'parity principle' was drawn in Muree conference in 1955 and adopted in the constitution of 1956, which goes in the name of Hossain Shahid Sahrawardi as its architect. The principle stipulated that there would be equal number of seats in the national assembly from East and West Pakistan. Ironically, however, in the Awami League's Six point Programme, which was considered as the magnacarta for the movement of autonomy and rights of the people of East Pakistan, there was no demand to nullify the 'parity principle'.

After independence Bangladesh faced several military coups. The most significant and horrifying was the coup of Aug 15, 1975 in which Sheikh Mujibur Rahman, the architect of Bangladesh, was killed with his entire family except his two daughters, who were out of the country at that time. A civilian court in 1999 in its verdict mentioned, Major Syed Faruque Rahman and Major Rashid as the main organizers. Senior army commander and later President Ziaur Rahman had the foreknowledge of the coup and covertly cooperated with the rebel majors. This was followed by two other coups, one on November 3, in which Major Faruque along with Khondaker Mustaque were overthrown and brought Major General Khaled Mosharraf to power. Again a counter coup four days later, killed General Mosharraf. "This was led by Col. Taher (who) rescued Ziaur Rahman from captivity but was later executed in a 'Kangaroo Trial' (secret trial) by Ziaur Rahman."⁶ General Ziaur Rahman survived as many as 21 coups during his 5 years' tenure until he succumbed to the 22nd coup. That was the coup of 30 April, 1981 which took place in the southern city of Chittagong. "Many quarters later accused the then army chief and later President Hossain Mohammad Ershad to have covertly organized the coup using General Manzur. The circumstances of Ershad's support of anti-coup forces are also mysterious and alleged to have only followed the clear, national revulsion against the assassination of Zia. The mysterious death of Manzur, alleged to have been at the hand of an 'in enraged mob', but later shown in autopsy report to be via a clean bullet shot to the back of the head, added to the mystery and allegations."⁷ The coup by General Hussain Mohammad Ershad however took place almost after a year of the assassination of President Zia. "In a bloodless coup on 25 March 1982 Ershad ousted the elected president, Justice Abdus Sattar."⁸

Both Zia and Ershad seized power in the name of constitution and sought to legitimize their position by claiming that they brought stability to the country in order to guarantee democratic freedom. In general almost all interventions sought to bring a 'military controlled civil administration' in this backdrop. Zia did it for a long time and so did Ershad. Thus Martial Law was followed by a period of so-called democratic set up where the army remained in effective control of the government. Ershad's support from the army in 1982 intervention came from this feeling. Zia dismantled Martial Law after Feb 1979. Ershad withdrew his Martial Law on May 1986 though with less leverage.

Only a year later, Ershad sought to legitimize the role of the army still further by hastily pushing a controversial legislative bill through the Assembly to include military representation on local administrative councils. This had a boomerang effect as the opposition parties quickly joined hands for a united movement against it. In the absence of Martial Law, which was withdrawn only a year before, Ershad invoked the Special Power Act of 1974 and dissolved the Parliament with a schedule for fresh elections in 1988. But this could not save his regime from the wrath of a mass movement,

⁶ L.Schutz, *Bangladesh: The unfinished revolution*. 1979.

⁷ *Wikipedia*- The Free Encyclopedia

⁸ *Ibid.* (President Abdus Sattar however at a later interview with the press very surreptitiously admitted that he had to surrender at the point of gun.)

which was further strengthened by the participation of all the political parties who were hitherto at loggerheads. Within a couple of years he was forced to submit to the popular will.

There was also an abortive attempt of Military Coup (May 18-20, 1996), which ended in the forced retirement of the then Chief of the Army General Nasim. That along with some other subsequent events brought to light the conspiratorial murders, inner bickering and factional politics in the Army.⁹ Three things stand out most clearly from these frequent military interventions and attempted coups in Bangladesh. First, there is a severe lack of professionalism, glaring manifestation of which is seen in the first coup of 1975. The subordination of the army to the civil administration is the sign of a mature political culture. In a developed political system the institutional framework exhibits a system of check and balance where the different branches of government work as a safeguard against each other from becoming overbearing. But the system does not include the army, which remains always subservient to the civil administration, the latter being totally controlled by the elected representatives.¹⁰ Secondly, the top brass in the army are more politicized than it should be. This is because of their close connections with the leaders of political parties, which springs from their ambition and connection with civil administration.¹¹ Finally, militarization of the civil administration creates intense public resentment. But at the same time apprehension prevails among the military that civil supremacy will turn the balance of power against them and limit their influence and effectiveness in national affairs, which they are enjoying since the 1975 coup.

The latest intervention of army popularly known as one-eleven (should be eleven-one according to British tradition to which we are used) is of a different type since a combination of civil and military powers gained almost universal acclaim in the beginning. In fact the events preceding it were so horrifying to the vast majority of citizens that it came unquestionably as a great relief. However, the selection of the head of the caretaker government remains a great surprise to many as it was the furthest conceivable bid from the President, Prof. Iazuddin Ahmed, who himself was holding that post, to abdicate in favour of a retired World Bank Director and former Governor of Bangladesh Bank, Dr. Fakhruddin Ahmed, with no political background at all. (Constitutionally, only the President of the country is empowered to appoint the chief of the Care Taker Government (C.T.G). But in all probability Prof. Iazuddin Ahmed had no knowledge of the selection and no intention to abdicate. It remains a mystery as to why and how Dr. Fakhruddin Ahmed along with his Cabinet was so promptly appointed.)

⁹ Kabir B. M. *Politics of Military Rule and the Dilemmas of Democratization in Bangladesh*. 1999. P. 222-229.

¹⁰ Bangladesh army is too much exposed to foreign influences in very many ways. It is no deviation or dereliction or duty to have joint exercises or seminars or training programmes, but the limit must be drawn as to the real potential and prowess of the army to defend and to strike at the time of crisis. Unfortunately some foreign intelligence has so much access to our defense profiles, which is not desirable.

¹¹ It is a well-known fact in our country particularly after the latest emergency declared on 11/1 that military personnel man almost all the major decision making institutions.

However the full evaluation of the success or failure of this intervention is not yet possible since smooth transformation to a democratic system is still not achieved. But this intervention is different from earlier military takeovers in several respects: First, it took place within the constitutional framework though it needed and still needs some wayward interpretations and validation without which the legitimacy issue remains unattended. Second, the attempt to bring to surface outrageous corruption and abuse of power by politicians who held very important portfolios in previous regimes and on which legal proceedings are going to be drawn, received highest appreciation from all sections of people. Thirdly, the people with utmost grace silently accepted declaration of a roadmap to return to a democratic system of government eradicating the vicious political culture, which haunted our social life for decades. Most prominent of all is the fact, as it appears from the present scenario that neither the present civil government nor the army behind it is working with any clear design to get one or the other party elected in the ensuing election or to create a new party as was done by all other previous military regimes (though the currents and cross-currents behind the scene are still unknown).

However, with the passage of time the drive against corruption is losing much of its grip in that it has failed to squarely haul all the elements engaged in corruption, a fact that is borne out by the soaring prices of essentials, making life of the masses almost unbearable. Further letting loose some of the very outstanding political criminals, as well as a move to return the black money that the government previously promised to confiscate, demonstrate the loosening of the governmental rigour. The latest take over has set up its target to eradicate reprobate politics and corruption before general election. It is laudable but ambitious; more specifically this line of thinking relies more on legal and moral means without trying to identify its root cause. To be sure moral precept and religious practice appear to have very little efficacy in reducing corruption, reprobate politics and moral degradation as is exemplified from our own national life. Over the last several decades there had been manifold increase in the number of mosque going devotees, which should mean that corruption level should diminish proportionately. But the record of corruption shows just the opposite trend.

The question is often asked as to why the army should intervene in national policies. Further, what kind of authority and legitimacy do they hold? Morris Janowitz¹² elaborately described the process of political control by military forces by ascribing it mainly to the failure of the civil political forces as well as the feeling of efficient organized group homogeneity by the military themselves. S. E. Finer¹³ has been more critical of the process where he pointed out multiple factors for military takeover: the political ambition of the military officers, the failure of political forces to meet the needs of the people, the congenial atmosphere and support from outside the country and ideological differences with the political movements which might in their view subvert the foundation of the state. The last of the

¹² Janowitz. *Military in the Political Development of New Nations*. 1904

¹³ Finer. S.E. *Man on Horseback*. 1988.

factors was the most important consideration for the two military interventions that this region experienced during the Pakistani regime. But the two military interventions after independence were prompted by specific political and personal motivations. At any rate legitimacy in all these cases is called in question. Invoking Rousseau's General Will is therefore untenable in varying degrees. It should be mentioned here that the 'paradox of freedom', which is inherent in Rousseau's formulation, is not in the least supportive of military takeover, far less its legitimacy. In his language: "If the people do not have the intent to be free, they will be forced to be free...this alone legitimizes civil undertakings, which without it would be absurd, tyrannical, and liable to the most frightful abuses."¹⁴

It should be noted that military intervention by itself does not always lead to Martial law. In most of the cases initially the military takeover is coupled with some civilian involvements and quasi-constitutional measures. This is followed almost immediately by imposition of Martial Law. In 1956 and 1962 constitutions there were provisions for Martial Law, but not so in 1972 constitution. The emergency provision also does not call for a suspension of the basic provisions of constitution. A.V. Dicey towards the end of the 19th century devoted a section to Martial Law in his famous book *Law of the Constitutions*. In his opinion, it is embedded in French Constitution but unknown in England. To quote him: "Marital Law means the suspensions of ordinary law a temporary government by military tribunal...unknown to the law of England. We have nothing equivalent to what is called in France 'Declaration of the State of Siege' under which maintenance of order and police passes entirely to the army."¹⁵ Dicey's abhorrence for Martial Law stems from his deep commitment to British constitutional system, which is firmly, entrenched in the rule of law and finds its support in all the countries, which have been influenced by British Rule. The essence of the rule of law had been laid down by him in no uncertain terms which is still today considered as the most authentic statement. The three characteristics of the rule of law that he mentioned are: Equality in the eye of law, no punishment without due process of law and individual rights defended by independent and neutral judiciary. In the light of this definition then there should be no doubt in our mind that for Pakistan as well as for Bangladesh with the influence of centuries of British legal tradition, Martial Law was a great deviation indeed. In effect, then, the claim to power by military regimes in Pakistan as well as in post-independence Bangladesh leads us to a very puzzling sociological issue, that is to say, why do men obey? Or upon what inner consent coupled with external means is the domination sustained? The answer to these questions I believe is to be found in the analysis of legitimacy as a theoretical issue.

Legitimacy was a central issue in Max Weber's discourse, which was very succinctly presented by him in a series lecture in 1918 at Munich University¹⁶ (though he had quite a bit of discussion in a

¹⁴ The take over that took place after 11 January 2007 was not a direct military takeover. It is in the words of S.E. Finer, a rule by military provenance, where military was the main support of the new regime.

¹⁵ Dicey.A.V. *Law of the Constitutions*.1885, P.287-88.

¹⁶ Weber, Max. in 1918 at Munich University which came out as a publication in 1919 with the title: *Politics as Vocation*

number of other writings). He began with the premise that in a human community “it is the state alone which claims the monopoly of legitimate use of physical force within the limits of a fixed territory¹⁷.” However, as he tried to find out the roots of the claim to legitimacy he came up with three types, which according to him are historically tenable. These are legitimacy conceived as eternal and related to the past i.e. *traditional*; legitimacy achieved through extraordinary personal gift or grace i.e. *charismatic*; and legitimacy legally achieved through *rational* use of force. It is only the last one in Weberian analysis, which reduces obedience into duty for all citizens including those who exercise power.

The generic meaning of legitimacy thus hinges on three important issues: a) Whether the ruler has the right to exercise the supreme power on behalf of the entity he is representing, b) Whether a bonafide agreement is achieved through definite and acceptable enactment of law and c) Whether the enactment procedure is morally viable, that is to say whether it is good for the entire community. The consensus with regard to the ‘good of the community’ involves willing submission of the minority to the majority rule. But force as an instrument of submission without rational and voluntary acquiescence becomes inoperative and therefore dysfunctional. It has been found that representative character of elected representatives in many of the third world countries is questioned by the opposition, bona-fide agreement violated and even moral viability is lost by misuse of power. In effect, then, such communities turn into closed political systems, the extreme form of which results in the imposition of Martial Law.

Whatever elaborate and insightful analyses we find in Max Weber’s treatment of traditional and charismatic authority, his ultimate reliance, it appears, is on “the domination by virtue of the belief in the validity of legal statutes and functional competence based on rationally created values.”¹⁸ Legitimacy, then, is a contrivance for the state to maintain control over its citizens through a legal system which the citizens believe has been enacted in appropriate form by people who have the confidence of the majority if not all. The ‘rule of law’ is necessary but not sufficient for the vast majority of law-abiding citizens. The capacity of traditional or charismatic authority is very limited and is inadequate to cater to the needs of “communities or societies that have been torn by deep division and destructive conflicts”¹⁹. If there is a deep division in the society as suggested by the above narration, the conflicting situations call for very different analytical tools for solution. This leads us to an analysis of ‘legitimacy as an integrative power’ as well as ‘legitimacy in intractable conflicts with real or imaginary ideological differences’.

Integrative power is inherent in the formation of a nation. Geographical identities leading to a community, common historical development enforcing common experience leading to common outlook for nation formation and consensus on the meaning of nationhood, are the essential

¹⁷ *ibid*

¹⁸ *ibid*

¹⁹ *ibid*

ingredients of this integrative power. Loyalty of the citizens to the state is based on these elements having a moral force, which overrides loyalty to party, region, or sect. With the achievement of Bangladesh after a bloody war, it was established, at least outwardly that citizens' loyalty to the state has been firmly entrenched in the spirit of the war of independence. But due to several unforeseen factors, which the authority failed to perceive and tackle, the situation went out of control. Most prominent of the factors is the political villainy in the rank and file of the pseudo freedom fighters. The real freedom fighters from all sections of the country were relegated to oblivion; on the other hand, in the midst of a tremendous upheaval quite a large number of political self-seekers made successful inroads into the new political situation even before any governmental machinery could be set in motion. And when independence was finally achieved the unifying force of Bengali nationalism rapidly refracted since the Awami leadership "failed to build up a national consensus even among those who had constituted the vanguard of the liberation struggle. A sizeable number of Awami League leaders did not actually participate in the liberation war, but after the war they claimed a monopoly over state power"²⁰. Though liberation is the culmination of a long drawn political struggle where Awami League played the key role yet the war of independence was won with the leadership of internal armed force mainly from surviving Bengali section of Pakistani armed forces – the East Bengal Regiment and the East Pakistan Rifles. The key participants in the armed struggle were the vast number of very ordinary villagers, peasants, workers and groups of student volunteers motivated by revolutionary feeling and also those who were forced to join or otherwise the Pakistani army through their massive combing operation all over the region would have killed them. Ignoring the essence of the struggle for independence, the Awami League thus lost the opportunity of unifying the country's integrative power with the consolidation of the spirit of war of independence. To quote S.E. Finer, "In nearly all the new states...the moments of the charismatic leader is one of the most striking features of the first stage of national resurgence, and where a new state loses such leaders...its political future is immediately jeopardized."²¹ After the bloody military coup of August 1975, General Ziaur Rahman emerged as almost an undisputed leader primarily in the army and later on of the country. But "he remained without firm ideological or personal commitments... Suppressing this opposition was foremost in Zia's priority...Zia subdued several minor revolts in the army in the sense of which some of his military rivals were killed or sacked".²² Thus another glimmer of hope of national consensus towards integrative power was also lost in the maze of the personal ambition of a military ruler. In fact Zia's attempt initially was to bring homogeneity to the army and thereafter to consolidate his authority in civil government, which led him to enter into many questionable alliances. Most significant was his appointment of a Prime Minister and several ministers with questionable role in the independence struggle, which created a schism in the body politics of Bangladesh leaving very little common ground for a unified national identity.

²⁰ Peiris, G.H. *Political Conflict in Bangladesh*. Journal of Ethnic Studies. 1998. P. 47-50.

²¹ Ibid

²² Ibid

Conflict intervention has thus become in Bangladesh the most important concern for all. Rule of law has become largely dysfunctional, as the opponents inevitably call legitimacy of the government or persons to authority in question. And more often than not, such accusations lead to protracted lawlessness, making the life of the citizens unbearable. Politicization of bureaucracy including judiciary, the last resort for protection of human rights, acrimonious inter-party relationship leading to frequent skirmishes and pervasive villainous politics paving the way for corruption at all levels often attract foreign donors and agencies to express their concern verging on interference in our national affairs. "Oftentimes...in intractable conflicts, the problem is not simply that parties do not have legitimacy; one or more of them are seen by some significant sector of society as illegitimate."²³ This general observation of Marie A. Dugan about Third World countries very well reflects the Bangladesh scenario.

This vicious cycle of questionable legitimacy has its roots in several contingent factors. We may identify these as follows: a) *Lumpen* development at the very initial stage of national life; b) Successive military interventions stifling the natural growth of political culture; and c) The dominance of foreign investments leading to high handedness of the transnational corporations (TNCs) and proliferation of *compradorism*. Reprobate politics, however, is a reflection of a *lumpen* economy where trade unionism represents a vested interest at the bottom, while *compradorism* at the top.²⁴ With the aid and assistance of persons in governmental authority nationalized industries are being plundered causing total shut down of those industries one after another. All the governments, including military, remained oblivious of the far-reaching consequences of those acts. This process can be traced back to the very early stage of national independence when a number of youths and former student leaders turned into businessmen-cum-politicians overnight! Without caring for national interest they looted and plundered industries left by the non-Bengalis and even some of the Bengali industrialists. The political process, which could weed out this *lumpen* development, was also questionable as a trend was already set for a total dependent economy subsisting on aids and loans from which they could not wriggle themselves out. The political process or political upheaval that could change the context could not gain ground as military governments relied on the same group of people for their power base. The same group of people joined the rank and file as well as leadership of the parties that sprang up under the aegis of the military rulers. In other words, military interventions not only stifled the natural and spontaneous growth of political culture but also relied heavily on the *compradors* to keep the ongoing economy as dependent as ever. The fact of the matter is that the economy that prevails in Bangladesh militates against any increase in the 'social

²³ Dugan, M.A. *Legitimacy*, 2004.

²⁴ Marx describes in the *Eighteenth Brumaire* (1852), the lumpen proletariat as a class fraction that constituted the political power base for Luis Bonaparte of France in 1848. According to him this is the 'refuse of all classes' that worked as power base of political reprobates capturing power or lurking evil designs to capture power. Lumpen bourgeoisie is a term used by Andre Gunder Frank in his book "*Lumpen Bourgeoisie and Lumpen Development*" (1972) to denote refuse of all classes which can be manipulated to support neo-colonial exploitation (as in Latin America) bereft of any nationalistic feeling.

productivity of labour²⁵ to quote a phrase from Marx. This pseudo-capitalism can be compared with Marx's usurer's capital.²⁶ In his language: "Usurer's capital impoverishes the mode of production, paralyses the productive forces (labour) instead of developing them, and at the same time perpetuates the miserable conditions in which social productivity of labour is not developed at the expense of labour itself as in the capitalistic mode of production." In the light of this comparison of the mode of production it is obvious that without a significant change, if not a revolutionary transformation in the production relation, the process of impoverishment and consequent debasement cannot be halted.

The examples of dependency require no elaboration; but a few critical observations may be illuminating. In the face of the so-called globalization, dictated by donors in early 1990s, Bangladesh reduced its tariff from 225% to 45%. The idea was to allow increased repatriation of foreign investment profit from our country. But it made trade deficit a chronic problem. Unemployment and poverty level increased in unusual proportion and weakened the structure of governance, which was already riddled with multifaceted problems. All these were done at the behest of IMF. Rightly did the Nobel laureate Joseph E. Stiglitz point out: "... the perception throughout much of the developing world, one I share, is that IMF itself has become part of countries' problem rather than a part of its solution."²⁷

Unfortunately both military and elected governments in our country failed to perceive this stark reality, which had not only financial implications but impacted adversely on the socio-political aspects of our life. The fact that global economy is turning countries like Bangladesh to a new phase of corporate dominance under the myth of 'emerging markets' is obvious from the deals that have been made for their investments. Transnational corporations with the strong support of high-level state functionaries from within are expanding their horizon by leaps and bounds. These organizations (TNCs) numbering about 37000 all over the world are the bearers of capital and technology and the major agents of the new imperial order, which include the World Bank, the International Monetary Fund and other financial institutions. The global financial networks do not work for the improvement of the Third World rather their investment policies and activities are directed towards improving their own economic base which necessarily depletes the economy and resources of these countries. The trade liberalization policy that they imposed on Bangladesh to adopt has turned Bangladesh into its worst victim. "These indicate a very weak institutional mechanism to monitor, analyse and prescribe policy actions and sensitise higher levels of administration in support of Bangladesh economy".²⁸

²⁵ Marx, K. *Capital*, Vol: 3, P.596, Progress Publisher, Moscow 1971.

²⁶ The use of this concept may be misleading but usurer's capital as described by Marx has a clear similarity with our conditions. This however needs further analysis and explanation.

²⁷ Stiglitz, J.E *Globalization and Its Discontents*, 2003, P.97.

²⁸ See *Globalization and the People of Asia and the Pacific*, "Friends of the Earth" Ahy.Marvic.M.V.F Leonen, [LRC/FOE Philippines 2001-P.34-37].

The above discussion very briefly underlines the dominant issues of contemporary socio-political situation to find out the sociological significance of legitimacy as prevailed in different regimes. The question of legitimacy has unfolded some areas of concern such as national identity, conflict interventions, crisis of legitimacy, and the problem of governance. The brief allusion in this article to the military interventions at different periods of our history and consequent imposition of Martial Law may be seen as a parallel political process to that of democracy. The share of it is almost half of the entire period of independent Bangladesh. But even in a democratic set up in our country the nature of government and the exercise of power are almost equally centred on individuals' authority.²⁹

Democracy is a system of government with elaborate institutional framework reinforced by rule of law and periodic franchise. A fuller development of democracy is contingent upon a tradition enriched by tolerance and respect for each other's opinion. At societal level it calls for continued democratic practices. In fact Bangladesh is so much constricted by the vested interests in party organizations that all the mechanical devices and legal restrictions at the highest level cannot stave off the reprobate politics and highhandedness of money and muscle power.

Nevertheless military rule is no alternative to the rule of law. Though legitimacy is not necessarily or fully achieved by franchise and representative governance, with *lumpen* economic base and chronic trade deficit, democracy seems to be only a window dressing covering the emptiness behind. In other words for a fair play of democratic institutions in our country it is necessary to extricate ourselves from the financial imbroglio that has been created over the last four decades either by omissions or by commissions of persons in authority. Thus today the country is at the crossroad of cupidity and stupidity and it is only by raising the consciousness level of the general masses that this impasse can be overcome.

²⁹ Individuals who headed the government (in serial order):

- * Tajuddin Ahmed – Govt. in exile took over and ruled the country – 16 December' 1971 to January ' 1972
- * Founder of the Nation, Sheikh Mujibur Rahman – 10 January' 1972 to 15 August ' 1975
- * Khondoker Mostaque – Major Faruqur Rahman - -August 15 to November 3' 1975
- * Major General Khaled Mosharraf – November 3 - November 7' 1975
- * Major General Ziaur Rahman – November 7' 1975 to April 30' 1981
- * Justice Abdus Sattar – June 1' 1981 to March 24' 1982
- * Lt. General Ershad – March 24' 1982 to December 6' 1990
- * C.T.G Justice Shahabuddin Ahmed – December 6' 1990
- * Begum Khaleda Zia – March 1991 to March 1996
- * C.T.G Justice Habibur Rahman – March 1996 to June 1996
- * Sheikh Hasina – June 1996 to July 2001
- * C.T.G Justice Latifur Rahman – July 2001 to October 10' 2001
- * Begum Khaleda Zia – October 10' 2001 to October 10' 2006
- * C.T.G Prof. Iazuddin Ahmed – October 10' 2006 to January 11' 2007
- * C.T.G Dr. Fakhruddin Ahmed – Moin U Ahmed – January 11' 2007 (Continuing)

So does sociology of law and sociological law, as a writer of this paper. once I got confused with both phrases. I wondered whether both phrases have similar meanings, different purposes, or most probably the background history of both terms are the same but it has been developing so now they are different to each other? 2008. Contributions in Sociology of Law. 5 www.law.yale.edu downloaded in 2015, Dec 27th at 13.47 6 Deflem, Mathieu. 2008. Sociology of Law: Visions of Scholarly Tradition. Cambridge: Cambridge University Press. This included the Laws of Continuance Enforcement Order, 1971, which retained those same laws regarding enemy property that were promulgated prior to Independence. The following year, on 4 November 1972, the Bangladesh Parliament adopted the 24 Later, in 1975, and following the murder of Sheik Mujibur Rahman, popularly known as Bangabandhu (Friend of Bengal) and the founding father of Bangladesh, religious and ethnic identities were again challenged, especially by Bangladeshi nationalism which accompanied the ascendancy of the military regimes of Zia Rahman (1975-1981) and Hossain Mohammad Ershad (1981-1990). In general, the rule of law implies that the creation of laws, their enforcement, and the relationships among legal rules are themselves legally regulated, so that no one - including the most highly placed official - is above the law. The legal constraint on rulers means that the government is subject to existing laws as much as its citizens are. Nonetheless, the initial sociological condition for the rule of law is shared across cultures: for the rule of law to be more than an empty principle, most people in a society, including those whose profession it is to administer the law, must believe that no individual or group should be above the law. As we all know, rule of law is the bedrock of a better society, a key component of better leadership and also the fundamental ideal enshrined in every constitution. It has numerous benefits and advances freedom and growth of the people. It helps to curtail excesses and arbitrary use of power by the mighty and brings in checks and balances. When we look at the stumbling blocks to rule of law in Nigeria and many other countries. Many things are catalysts. IGNORANCE. When we look at our societies around the world, there is one costly thing to these societies, that is ignorance. People do not unde Martial law has also been imposed during conflicts, and in cases of occupations, where the absence of any other civil government provides for an unstable population. Examples of this form of military rule include post World War II reconstruction in Germany and Japan, the recovery and reconstruction of the former Confederate States of America during Reconstruction Era in the United States of America following the American Civil War, and German occupation of northern France between 1871 and 1873 after the Treaty of Frankfurt ended the Franco-Prussian War. In his book "General Theory of Law and State" Kelsen, under the heading of "the Principles of Legitimacy", has given a logical explanation on the elements and effects of a revolution.