

The Process and Impact of *Ideologization* of Islam in Pakistan

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This paper was compiled as an MPhil dissertation at the University of Cambridge in the UK in 2003, and primarily relies on secondary literature and two primary sources, namely, Ms. Asma Jehangir, a lawyer by profession and the UN Special Rapporteur of the Commission on Human rights on extra judicial, summary or arbitrary executions since 1998, pioneer member of Human Rights Commission of Pakistan(HRCP), Women Action Forum(WAF) Pakistan and Mr. Aitzaz Ahsan, an accomplished politician and twice elected as senator from the platform of Pakistan People's Party, led by Ms. Benazir Bhutto.

This paper presents an argument different and distinct from what has been mostly written in the west and the Muslim world. This paper is not about, presenting secularism, as mostly suggested by the western intelligentsia or Islamic form of government, as upheld by the Muslim intelligentsia, as a panacea to the politically struggling nation of Pakistan. Since it is not a theological document it does not condemn or commend sacred text like many of the Muslim feminists, like Fatima Mernissi from Morocco and Haleh Afshar from Iran have done in a desperate attempt to break free of patriarchy. The primary task of this paper is to locate Islam within the "power construct" of Pakistan. It reveals those State practices through which Islam was largely used as a tool or an appliance to grab and maintain power and suppress the people of Pakistan. Pakistan came in to being because it was thought that the Muslims of India had a different identity, yet the question of its identity remains unresolved as its citizens question that was the birth of Pakistan related to rejecting Hindu dominance rather than the oft quoted stance that it was an affirmation of Islam. This is largely because what they have come across in their 57 year old history is just the political face of Islam, full of greed and power struggle amongst its various "users" with multiple subtexts, and not the religion as one would fancy emerging out from the heavens above

Right at the beginning it is pertinent to mention that though the paper itself is largely inclined towards modernist perspectives that perceive and appreciate that ultimate power rests in the State machinery, we are fully aware of post-modern discourses, especially the contributions of Foucault drawing inspiration from *Bentham's Panopticon* model, conveying that power is not a central phenomenon or does not rest in one particular institution but remains largely elusive. In other words, to place the State at the centre of every issue, without giving equal significance to the other non-state or societal power structures may not be an entirely accommodating analytical approach. However, for the purpose of profound analysis of at least the visible power manoeuvres on part of the State, it becomes unavoidable to focus more on the modernist perspective and map down the various ways in which the State precisely gains and maintains high level of power and authority to rule over its people, unchallenged and unquestioned. In Pakistan, the state repeatedly used Islam as an instrument to maintain the privilege of the privileged; bolster a patently unjust socio-economic order and to denounce and proscribe any attempts at social change and threat to the rule by branding it un-Islamic. Equally important in this connection is the fact that it was and remains difficult for the people of Pakistan to perceive or challenge any authority that comes enveloped in Islam. Apparently the State's approach is to use Islam in particular, and not any other element, for giving rise to its power construct. Though it is practically difficult to come across unbiased literature due to the constant struggling of academics over objectivist and subjectivist approaches to analysis, the issue will be sufficiently addressed, and the power struggle reflected

upon by mapping the process of ideologization of Islam in Pakistan in detail through available literature. The question arises that what are the reasons behind a State considering religion, or in Pakistan's case, Islam as an assurance to its power construct. One possible explanation can be the one presented by Bourdieu in 1993, "*Power is diffused and often concealed in broadly accepted, and often unquestioned ways of seeing and describing the world*". This is to safely deduce that the State, willing to enjoy ultimate authority, usually selects that particular institutional arrangement or mechanism for itself which comes in the realm of "unquestioned ways". Religion, being more a matter of belief and faith, especially for Pakistanis, remains unquestioned and unchallenged, no matter what levels of political and social forms of exploitation it may take after coming in the hands of the powerful classes. In Pakistan the State repeatedly wore the apparel of custodian of Islam, ensuring greater control over routine lives of its citizens. Nighat Said Khan, 1993 commenting on Gen. Zia-ul-Haq's Islamization program describes: "*The state moved on to take over the lives of women, to control their bodies, their space, to decide what they should wear, how they should conduct themselves, the jobs they could take, the sports they could play, and took it upon itself to define and regulate women's morality*". It is a State's own interpretation of Islam, the one that suits its power interests that is popularised. Khan goes on to emphasize that "the attempt to impose single interpretation of Islam has pitted Islam against Islam, sect against sect" and it can be added, men against women.

Post-structuralists like Bourdieu would rather assert with his notion of *habitus* and the *field* that people themselves are predisposed to indulge into certain cultural practices, regardless of power structures and state interventions. Similarly Durkheim, from amongst the classical sociologists used the phrase "*religious mentality*", now more of a cliché, to maintain that people would practice few things only because they want to do so. However, this paper would focus more on State's intervention using Islam as a mean and mode to perpetuate a culture that served its power interests best and legitimised its authority.

Prior to proceeding on an extensive analysis of the issue in point it is once again stressed that the various positions undertaken during analysis are actually mosaic opinions that reflect on how the process of ideologization of Islam "appears" to have occurred in Pakistan. These are only few explanations amongst the many untold ones and may be equally true or false. Having stated this, simultaneously these are significant enough to provide us small evidences that the forms of human especially women oppression and suppression, though justified through Islam by the proponents are not really God gifted. Instead, quite unfortunately these have been, presently are, and likely to remain as consciously designed, orchestrated and engineered efforts on part of the power structures in Pakistan to gain and maintain power and make it a source of security for themselves and insecurity for all those who remained beyond its ambit. It is almost like being trenchant and categorising people in what Durkheim called *sacred* and *profane*. But, the most interesting thing is that if one inquires from its users about what "sacred" is to them, the responses are varied and diagrammatically opposed. In other words, though the label "Islam" applies across power constructs, being apparently quite uniform, it holds very different meanings for different power groups, and ofcourse different uses. Hence as a factor in the power construct, Islam is invested with a wide ranging, even contradictory subtext. Often the "user", decides the subtext in accordance to what serves its power interests best.

The paper has three sections, namely: (i) The Islamic Republic of Pakistan: Ideology; Religious groups; Law and Legislation (ii) *State of Pakistan and the Process of Ideologization: and lastly, Impact of obscurantist versions of Islam on Pakistani Society* .

The Islamic Republic of Pakistan: Ideology; Religious groups; Law and Legislation

Wide-ranging ideologies exist in the Muslim world that is not monolithic. Ahmed (1985) suggests that ideology lends a sense of direction to the society and provides a cognitive structure, furnishes a prescriptive formula, and performs an evaluative task. Keeping this in mind, Pakistan's Islamic ideology should mean that Islam *must* form the cognitive, prescriptive and evaluative framework for the citizens of Pakistan.

Though 'Islamic ideology' is still upheld and promoted, the debate on its centrality continues amongst the intelligentsia. The ideologization of Islam in present day Pakistan is disputed by academics like Ayesha-Jalal, Hamza-Alavi, Aitzaz-Ahsan etc, who maintain that the use of Islam for

Pakistan movement was a short-term political strategy of the Muslim statesmen of that time and is now redundant. Therefore, they maintain that Pakistan movement must be characterised as 'Muslim' and not 'Islamic', led by diverse Muslim ethnic groups from different regions and social strata. This is however rejected by the opposing intelligentsia, who believe that Pakistan's survival was due to this 'Islamic mandate', otherwise its people are divided in ethnic and sectarian groups [B a x t e r e t a l - 1 9 8 7] .

It can be perceived effortlessly that the silencing of voices of dissent in Pakistan, with or without force, made 'ideologization of Islam' in Pakistan appear like an authoritarian process unleashed by both pseudo-democratic governments and authoritarian regimes of Pakistan to maintain the 'state' and 'societal' power structures and relations in the country. There remained some grey areas in which the state itself appeared confused about its Islamic ideology. However, largely as explained before Islam was used as a tool of oppression and suppression on the 'poorer sections of the society'. Sometimes the state succumbed to the pressure of societal power-holders e.g. the Ulema, the landed aristocracy and the capital-owning classes, to encapsulate the country in 'Islam'. This further developed a strong nexus between the state and non-state elements to maintain their power and ensure their share in the kitty. This political mess shaped Pakistan's negative societal attitudes e.g. supporting gross human rights violations like honour-killings. Sensible or insensible, ideologization of Islam in Pakistan cannot be believed to be without a purpose, or a hidden agenda to run power politics. Therefore in the present context it must be realised that it is not Islam but the "application of Islam" in the contemporary world political scene that requires our attention.

A state's well-defined ideological posture has its impact on the whole society, which again is not a homogenous entity but constitutes of men & women; rural and urban population; different religious, sectarian, linguistic and ethnic groups. To accommodate diversity it is advisable for the state not to declare any religion for itself and remain secular, quite unlike what the State of Pakistan has chosen to do, by declaring itself as the Islamic Republic of Pakistan. However, Anita Weiss and Juergensmeyer-1995, believed that it is an oversimplification to imagine separation of religion from State, in traditional and especially post-colonial societies, because they have religious histories that were part of national heritages; religious institutions that were an effective communication system; and religious leaders who generally proved to be more efficient than government officials.

When the State is expected to decide its approach towards religion, it mainly has two choices: that which sidelines religion i.e. secularism, and the one that centralises it, for example, Islamisation.

Secularism is largely considered to be a Christian phenomenon having roots in Christian history, but something that can be adopted by other societies. It compartmentalises religion and limits its intervention as an institution in an individual's personal beliefs [David Martin-1978]. Whereas Islam as a religious doctrine, and code of social and political organisation rejects, separation of religious institution and State [Juergensmeyer-1995].

Commonly it is believed that mostly Asian countries were introduced this far-off ideology of secularism by their western-educated elites, and henceforth is not indigenous, which may make it unpopular in the masses. However Rajan [1998] points that secularism was not a far-off or foreign ideology to the traditional society of India which had had rulers like the sixteenth century Mughal emperor Jalalud din Muhammad Akbar who believed in an 'India for All'. Despite this, most interestingly the twentieth century India witnessed reaction to Nehru's secularism as 'a western-import, grafted in a traditional society for minority appeasement'.

To some people, especially in the Islamic world, secularism is regarded as '*Camouflaged-Christianity*' in competition with other religions. It is indeed pitiable that 'toleration', supposedly an essential component of secularism, is nowhere to be seen in secularised societies [Rajan-1998]. Khan (1993), satirically presents her views on usage of religion for political gains in the South-Asian context by revealing that at the time of partition of India in 1947, Muslim League was less Muslim than what it claimed to be and Congress was more Hindu than what it claimed to be. In other words use of religion, prior to partition and even today, remains solely for political ends and power struggle, as would also be supported by Pratt 1970.

Having briefly touched upon secularism, now one can explore the second i.e. the religious option available to States. If one takes Islamization to explain the option, it is significant to realise that

Islam has a wide spectrum of beliefs from the most fanatical and intolerant ones to the most benign and easy going. The definition of Islamization will vary with each and this is exactly what makes it more complex.

Islamization, can be simply defined as a process in which Islam becomes an encompassing and a supreme force. Islamization entails a process of legislative, executive and legal actions through which individuals spend their lives in accordance to the teachings of Islam and take it as a "code of life". Teachings that should commonly be derived from the four sources of Islamic information, namely: *Al-Kitaab*; *Sunnah*; *Fiqh*; *Ijtehad*. To a westerner's astonishment it is meaningful to believe in an Islamic political and economic system, Islamic law/ *Shari'a*, an Islamic *Ummah* [Baxter, Malik, Kennedy, Oberst, 1987].

Central to Islamism is Allah's sovereignty and a Caliph. It is argued that accepting *Allah's* sovereignty is essential for creating equality amongst the mortals i.e. the people [Esposito-2002]. During Prophet Muhammad's life Islamisation focused on attracting infidels but later on the concept broadened to influence Muslims to spend their lives in accordance to the religion. In the 2nd and 3rd century, this led to the development of *Shari'a* [Jorgen.S.Nielson-1987]. Later on Islamisation became a reactionary phenomenon due to developments in Muslim history. In 1258 the Mongol attacks on Muslim learning institutions pushed them in poverty which was exacerbated by the twentieth century, colonisation. All these developments in the Muslim history need to be considered during analysis of 'Islamisation' [Asghar-1985].

It is important to note that after the Prophet's death, there was a spill over between the progressive and the reactionary. The former emphasised on *Ijtehad* i.e. *constructive thought*, and the latter on *Taqleed* [imitation]. To the masses, Islam largely remained the code of life. Tensions between the quietist, and more activist application always remained. In pre-modern times both Christianity and Islam had similar levels of relations between religion and politics. However, later, west discarded its past while the Muslims still retain it for their identities prompting Islamic revivalist movements [Kiddie-1994].

In Pakistan's case Islamization has remained as a process of mass mobilization in support of Ulema-led Islamic traditions [based on Quran and *Shari'a*] discouraging both *Fiqh* and *Ijtehad* and simultaneously introducing priesthood or what can be called *Ulemaism* in Pakistan despite the fact that there is no concept of priesthood in the original religion which originally believes that anyone doing research for Allah's pleasure and for the welfare of mankind is a human being in service of Islam. There has always been a constant struggle between Islamists and secularists in Pakistan with the former complaining that the liberals will 'mould Islam' to satisfy the west [Khurshid- Ahmed-2000] and the secularist backfiring that "*clerics do not allow any other voice to have space for expression*" [Ms.Asma-Jahangir].

Recalling that Pakistan is an "Islamic" republic, one needs to understand the implications of a well-defined ideological posture by the State. By declaring a religion for itself, the State compartmentalises society, determining its mode, and level of interaction with each group of people. State interaction with the society gets limited to religious parameters or more precisely to the interpretations of the clerics [Smith-1971].

Following is an illustration of the possible interaction between an Islamic-state and its society as suggested by the clerics that may or may not be truly Islamic.

The spiritual elevation is just one aspect of Islam. Prophet's mission was to use his moral force for the *reconstruction* of the society..... construct life on the basis of *Marufaat* [virtues] and cleanse it of *Munkarat* [vices].
[Maulana-Mau'dudi-1960]

If the State chose the Prophet's mission of '**reconstruction**' for itself, it can be highly exploitative.

Islam uses political power to *reform* society
[Maulana-Mau'dudi]

The effects of interpretations on interaction between state and society, is reflected in the following:

'Say my Lord! Let my entry be by the gate of truth and honour and like wise my exit be by the gate of truth and honour and grant me from thy presence a ruling authority to aid me

[Al-Qur'an xvii;80]

[As interpreted by Maulana-Mau'dudi]:

Grant me Power on earth or make any ruling authority, any state, my supporter so that I may, with the force of the coercive powers of the state, establish virtue, eradicate evil, put an end to the surging tide of corruption, vulgarity, sin, set at right the disruption which has engulfed life and administer justice according to your revealed law

Assume if Hinduism is made India's state religion, it will require formalising the 'caste system', henceforth declaring its largest minority, the Muslims, as 'untouchables'. Similarly in Pakistan it would be what Maulana-Mau'dudi asserted: 'law of the land will be the law of the majority. Minority can safeguard their religion but cannot promote it' [Asghar-Ali-2001]

But this raises the question that can religion be ignored? Only to brush it slightly it is very difficult to do so as discussed by Rajan, 1988, that it is not always a sensible choice to make since if religion is made a private matter, it can immunise an important issue from public inspection and debate e.g. Communal Violence. This requires another stone to be turned.

Pakistan's religious political groups

The Indo-Pakistan history has diverse and varied versions of Islam. Various intellectual, spiritual, political and academic approaches to Islam are coupled with more institutionalised forms. The existence of varied sects within Islam, make 'state religion', a complex issue. Diverse versions of Islam have been a part of Pakistan's history professed by dignified personalities. This confuses the layman in determining which version is the most reliable.

The *Sufis* possibly played the most significant role in the Islamisation process of the Indo-Pak subcontinent through mobilisation of spiritual power and its application for the regeneration of the Muslim Society in the 11th and 13th century. Unlike the 'mystic', who dedicates himself solely to spiritualism, the *Sufis* maintained a social life of their own, encouraging meditation, cordial relations amongst all i.e. irrespective of faith and religion. They encouraged sinners to confess and seek forgiveness. The institution of *ijtehad* was upheld by them [Saeed-1994]. *Sufis of Chishtiyya* and *Suharwardiyya Silsila*, brought with them the 'popular Islam' for the rural masses, also addressing women. Radical traditionalists like Mau'dudi and *Ulema* were different from the *Pirs* and *Sufis*. Settled in urban areas they attempted to become powerful through *sarkar [State]*. They excluded women and rejected *Sufi's* 'popular Islam' and introducing 'pure Islam'. Maulana-Mau'dudi believed in certain women rights under Islam but simultaneously stressed on rigid gender roles and segregation- a functional division in terms of their inherent traits and tendencies [Papanek-1973]. The *Ulema* labelled *piri-mureedi* i.e. master & disciple relationship as superstitious and vulgar, emphasising on *Qur'an* and *Sunnah* as pure versions to be followed by all Muslims. Maulana-Mau'dudi in his four-point formula, presented as a *resolution* in Feb 1948 at the Law College Lahore, emphasised on sovereignty of *Allah* and implementation of *Shari'a* in state & political, economic and social affairs [Ahmed-1985]. He labelled secularist as slaves of the West and reiterated that Pakistan's sole purpose was becoming the homeland of Islam otherwise the struggle of Pakistan movement can easily be termed as futile.

Though coming up with a recipe for the Islamic government for Pakistan, Maududi disapproved of Jinnah in pre-partition days and vice versa. This can be assessed by the fact that Jinnah was called *Kafir-I-Azam* [The Great Infidel] instead of *Quaid-I-Azam* [the Great Leader] by Maulana-Mau'dudi- the stalwart of *Ulema* [Rafiq-Zakaria-1998]. Factionalism amongst the *Ulema* was deep-rooted [Binder-1961]. However their 'propaganda machinery', as Ms.Asma-Jahangir puts it, was so professional that they always managed to project themselves as people's voice.

Unfortunately, it was not long before when *Sufism* also institutionalised class structures through '*Gaddi-Nashini*' or succession on the basis of lineage and not spiritualism. The government allocated land and money to the *gaddi-nashin* to build mausoleums that strengthened their economic and political clout.

Other than the Ulema and the Sufis, there have always remained Modernists amongst Muslim intelligentsia who drew their inspiration from western ideas of capitalist economy and materialism. As A.L. Basham states that rationalism as the basis of ethical thinking and the idea of human progress and evolution, the possibility of scientifically engineering social change, the concept of natural rights connected with individualism, were all alien to the traditional society and that inspired the progressive minds of India [Panday-1990]. Sir Syed Ahmed presented Islam's compatibility with science and urged believers to give attention to the 'Word' and 'Work' of God. In this realm his '*Muhammadan-Anglo-Oriental-Movement*' played an important role [Irfani-1985].

Most importantly, all these groups had issues in conceptualising Pakistan as an "Islamic" State, which exacerbated the already existing identity crisis. People could draw inspiration either from Jinnah, the founder of Pakistan, or Iqbal, the philosopher who conceived the idea of a separate Muslim homeland comprising of all these states in South Asia, largely to challenge Arab imperialism. Or else they could follow Maulana Maududi, who though before partition was an Indian nationalist had a powerful clout to influence those very people whose independent land movement he never politically supported but opposed. Jinnah's Pakistan was a homeland for Muslims and to him Muslim civilization made sense only if it was about "*justice, fair-play, and complete impartiality*", as he stated in July 1947. While addressing the First Constituent Assembly of Pakistan in 1947, he said, "*You may belong to any religion, caste or creed...that has nothing to do with the business of the State.*"

Jinnah stressed that religion was merely an element in people's lives. This is evident by: "*Religion is there and religion is dear to us. All the worldly goods are nothing to us when we talk of religion, but there are other things which are very vital, our social life, our economic life, and without political power how can you defend your faith and your economic life*"[April 11th -1946]

Jinnah's view on religious leaders was painfully realistic. He called them rulers who could bring in despotic oppression misusing their religious authority over a people who would not question clergies, simply to respect religion [Asghar-Khan-1985]. *Ulema* considered *Ummah* superior to nation-state, which worried Jinnah.

Iqbal's Islam was the one that ensured freedom, equality, solidarity, *Sharia and Tawhid*. His *Islamic state* was a state that would uphold *Ijtehad*. He once stated: "*To have a succession of identical thought and feeling is to have no thoughts and feelings at all*". Maududi's Islamic state, on the other hand was that which followed the principle of constructing life on the basis of *Marufat* and cleansing it of *Munkarat* (1960)*. His *Sharia* was about *Quran* and *Sunnah* and that was it.

Such was the potpourri of ideas or version of Islam in future Pakistan when the country was born as a weak state in August 1947, with most of the rights denied to it by the British *Raj* after much political manoeuvring with the selected political leadership of the adversary with Gandhi Ji, going on a hunger strike to ensure that the new born baby i.e. Pakistan atleast gets the first feed in time.

One power struggle ended with the partition as the crown was lifted from the Indian soil, and it paved the way for another dirty power struggle inside the new state. The trump card was "Islam". The first recorded political move to incorporate Islam in the state apparatus was through the Objective Resolution 1949, that acting like a blue-print outlined the aims and objectives for all the future constitutions of Pakistan. In retrospect, it can be concluded that this document was the outcome of intense pressurising by the *Ulema*, for example: Maulana-Shabbir-Ahmed-Usmani who started mobilising people of Bengal to hold the government accountable for backing-off from its commitment to '*make Pakistan a fortress of Islam*'. With India drafting its constitution in 1948, the pressure intensified. Usmani accused Muslim League for sidelining the *Ulema*. He craftily used Jinnah's name to mobilise people for an Islamic State. Usmani's concept of an Islamic state remained undisclosed as he waited for the Constituent Assembly to appoint him to work as a committee member and define for them the structure and function of an Islamic state[Binder-1961].

A sub committee of twenty-five men, confused about the status of the Resolution, sought help from an Islamic scholar's board, formulated on request, to advise on matters arising out of Objective Resolution. These scholars decided on issues from a *Sunni* perspective, idealising caliphate; making a 'Man' responsible as head of state and noting that a leader's behaviour must be Islamic. It was like institutionalising 'veto power', a negative vote on anything considered Un-Islamic.

The resolution had two significant clauses:

First, sovereignty lies with Allah, and people of Pakistan will spend their lives in accordance to the limits prescribed by Him

Second, Muslims will spend their lives in accordance with the teachings and requirements of Islam as set out in the Holy Quran and the Sunnah;

In Feb-1949, the Muslim League Parliamentary Party met in utmost secrecy to finally consider Objective Resolution about which Smith, 1970 wrote that this document "was carefully imprecise". Smith's comment warns well about the chaos that was later on generated through this document. But, then as Asma Jehangir makes one realise that it is not always the document that is good or bad. It is the use of that document that matters. She goes on to say: "*Had they(alluding to the powerful) not used Objective Resolution, they would have found another document for the purpose*".

No matter how confused the committee was, or how imprecise the document, the basic issue had already been generated. One of the most significant sources of Islamic information which keeps the religion of Islam "modern" i.e. *Ijtihad* was almost swept aside. Interpretation of Quran and Sunnah were already linked to the religious clergy since they enjoyed that symbolic power to interpret the word of Allah and prophet for the ignorant citizens of Pakistan, unversed in Arabic. It almost looked like an attempt to shift the power base towards those who had protested the very origin of the country of Pakistan, i.e. the *Ulema*. They now wanted to regain their lost glory of the days of Mughal empire.

Objective Resolution though was passed by the Constituent Assembly of Pakistan in March, 1949, but was only made a substantive part of the Constitution of Pakistan by [P.O \(Presidential Order\) .No.14 of 1985](#), Art.2 and Sch.item 2 (with effect from March 2, 1985). The year of its pre-ambler formulation and its much later incorporation in the main text of the 1973 constitution reveals that the leadership of the eighties, wanted to procure out the maximum from the introduced but recessive, shift of power base that Objective Resolution had caused.

State of Pakistan and the Process of Ideologization

Building on Objective Resolution, a few *Ulema* began to oppose the very attempt of constitution-making in Pakistan in the light of *Qur'an* and Sunnah. To some it was equivalent to *Kufr* [infidelity] and only an *Aa'lim* was qualified to interpret and give verdict by applying laws of the *Qur'an* and Sunnah. However Dr. Omar Farooq [2002] argues that an Islamic government, unlike what these *Ulema* were asserting, is supposed to have a constitution and must be *participatory* for and *accountable* to the people, quite unlike the unelected dictatorial regimes who had most ironically become the banner-holders of Islam [Shafaat-1983].

Unsure about what was an "Islamic State", the process of Islamisation started on a slippery road in Pakistan. 1956 Constitution was to appease the theocratic elements in defining the role of Islam. Therefore the 'Repugnancy clause' was incorporated [Azfar-1987]. Later on leaders used religion to suit themselves. Ayub-Khan justified his presidential system and Basic Democracies through the institution of Caliphate.

Ayub, realising that *Qur'an* was unchangeable, changed the law instead. He upheld spiritualism & *Ijtihad* emphasising the role of legal experts in it. Muslim Family Laws 1961 were promulgated and polygamy was linked to the court to make it a difficult option for men. Women were given 'right to divorce' [Smith-1971].

Maulana-Ihtesham-ul-Haq, the only Aa'lim, in the board constituted for the purpose, reacted in these words: "If we cannot put Europe to shame for permitting free indulgence in adultery, we have no cause to blush at the permission granted by Shari'a for lawfully marrying a second wife".

Bhutto raised slogans of 'Islamic Socialism' publicly reciting the Kalima [Anwar-H-Syed] and saying that "Islam... is our religion, the basis of Pakistan...if any party is not to make Islam the main pillar of its ideology then that party would not be a Pakistani party. It would be an alien party". Bhutto declared *Ahmedi*, non-Muslims. Pakistan's most competent Foreign Minister Sir. Zafarullah Khan, an *Ahmedi*, was stated upon by a unanimous Ulema decision: "Zafarullah has committed Apostasy and is punishable by death"[Smith- 1971]. Bhutto used Islam to save his skin, otherwise he himself, at one stage promoted the idea that Islam had little relevance since both the exploiters and the exploited were Muslims [Ayoob-1979]. Islam, after the defeat of the military in 1971, was used as a cushion for recovering from humiliation by his government. Licking its wounds, the State spent energy in establishing the power structures not only internally but also internationally so that it could be taken as a key member of the Islamic *Ummah* [Ritcher-1979].

Zia-ul-Haq, drew his inspiration from Maulana-Mau'dudi and largely Islamised to win political legitimacy and establish a link between the military and the society which was essential to popularise himself after Z.A. Bhutto [Tahir-Kheli]. After passing Bhutto's hanging orders, Zia the 'religious merchant' [Saeed-1994] used Pakistan's defeat of 1971, to his advantage echoing that 'fall of Dhakka' happened due to absence of Islamic brotherhood and Pakistan's salvation only lied in *Shariatization* of its polity. In this form, Pakistani political machinery characterised itself in a way that it encompassed both *military rule* and the *use of Islam* to legitimise a socially conservative, economically unjust and a politically unpopular order. However more unfortunate was the fact that in post-Zia time-period i.e. of Benazir Bhutto and Nawaz Sharif's democratically elected governments, things remained the same. One does not come across sufficient evidence in which these two tried to undo the damages of the unelected governments.

In his avarice for power Zia played with the sanctity of Islam. He gave excessive powers to Council of Islamic ideology [CII] that had the nerve to call party-elections, Un-Islamic. All political parties were banned and non-party elections were decided. Zia settled for 207 seats for the *Majlis-I-Shoora* [National Assembly] to represent the districts. Twenty seats, each for minorities and women, were reserved. On December 1st, 1984, referendum was held on the ridiculous question of, if people supported Islamic ideology of Pakistan. The turn over was 60% and 97% gave a positive answer. In Jan 1985, he announced the elections and declared *Jamaat I- Islami* as the only registered and eligible party for elections.

Zia institutionalised gender inequalities through his so-called Islamisation. In his cabinet a separate women's division was established. It remained dependent on financial transactions by the government for research purposes.

About the 'Law of Evidence' many women protestors came out on the streets but were *Lathi* [Baton] charged and arrested. About 100 *Ulema* declared this act of women as sacrilegious and called it a war against the word of God.

Women lawyers were declared incompetent for interpreting the *Qur'an*. It was debated that a small group of western educated women, unversed in Arabic were not qualified to interpret the *Qur'an*. During Zia's time period statements like that given by Dr.Israr Ahmed were common: "The fact that two women are equal to one man is the bitter pill that these modern and educated women must be prepared to swallow in an Islamic society."

Women Action Forum [WAF] took the challenge to start weekly classes of reading Arabic and *Qur'anic* Studies in Islamabad with the belief that women were left to fight their own battle [Korson-and-Maskeill-1985].

The plight of women was worrisome under Zia's regime. Nasra-Shah shares that there were 2.4% salaried women in urban population, according to 1981 census, and 2.1% in the national population. The women worked in a largely gender-segregated environment. 90.6% of these professional women were teachers, or doctors, the so-called noble professions. Lady doctors were limited to

gynaecology and obstetrics and journalists to women reporting only. Zia never attempted to understand issues of progressive and educated urban women.

In 1983 a government directive was issued and women newsreaders were ordered to wear a *dupatta* [A long scarf] over their head. Similarly, the air-hostesses were asked to wear modest clothing and cover their heads. *Chador* was imposed on teachers and female students [Korson- and-Maskeill-1985].

The question arises, what were the government's sources of information? They were evidently not involved in *Ijtehad*. In this context, it might be useful to note that in the 10th century, Islamic jurisprudence went into stagnation. The leading scholars believed that all essential questions in the law were answered. Thus the independent reasoning of *Ijtehad*, was cleverly replaced by *Taqlid* [imitation]. Jurists became *Muqallids*- the followers of the predecessors. Maulana-Mau'dudi school, for this reason, remains unchallenged till today. After this, it becomes very difficult for any Muslim to stand with pride and state that Islam is the most modern religion. Even if Pakistan is taken as a case study, the Had'ud Ordinance draws its inspiration from the eighteenth century outdated text of *Fatwa-i-Alamgiri* to sound like a death knell for the most modern of Pakistani women of the twenty first century.

It was in 1956, that Pakistan was constitutionally identified as an Islamic Republic, later on formalised in 1963 implying it to be a cradle of Islamic democracy. However the rulers of this Islamic Republic, elected or self-imposed, never exhibited their knowledge of Islam or democracy as recognised by Islam [Justice-Dr-Tanzil-ur-Rehman]. In 1973-Constitution, Article-2 symbolically declared Islam as the state religion without professing Islamic law i.e. *Shari'a* to be the *law of the land*. Quite interestingly the courts observed: *There is no scope for the argument that the Islamic laws are to be enforced, in their entirety by virtue of Article 2, itself.*

Alcohol intake was banned for Muslims, and state was made liable to eliminate Riba[Usury and interest]¹. Article 41 [2], 62[d], 62[e] and 62 [h] outlined that the President must have a good character and is not commonly known as one who violates Islamic injunctions.

In addition to this the Council of Islamic Ideology [CII] and the Federal-Shariat-Courts[FSC] are of immense importance to understand the process of Islamisation. For Ayub CII was merely an advisory body with no powers. During Zia's regime both CII and FSC became deciding factors. FSC provided *Ulema* an opportunity to act as judges. It was authorised to convene cases from High Court and re-evaluate vis-à-vis Islam. CII was involved to recommend the Parliament on all issues of legislation. CII was involved to pick on repugnant laws vis-à-vis Islam, if any. To make matters worse, in 1979, Zia introduced the *Hadu'd* laws, literally meaning "limitations" and commonly referred to as the "black laws". As soon as the laws were enforced the testimony of a woman witness was halved to that of a man and it became increasingly difficult to impart justice to a rape victim, who was to be brought to court as a criminal, an adulterous, if fails to provide four witnesses to prove her innocence. To exacerbate the fall-outs of this law, the Pakistani police proved to be disappointingly criminal in practice, by refusing to register cases under *Zina bil-Jabr* i.e. rape and recording it instead as a case of *Zina* i.e. adultery. Asma Jehangir's description in this regard is indeed very helpful, that she presented while being interviewed:

Q: The requirement of four witnesses bearing testimony to the crime of Rape makes the whole issue highly complex, and the rape 'victim' ends up becoming the 'offender' herself. How does that happen?

A: No, it is not the four witnesses that is the issue in this context. It is actually the police, where the First Information Report (FIR) is registered and the police will think that one has consented to the act, that is the reason why she was raped. This is the mindset of the police. They think that a woman 'asks for it'. So they register it as not under Zina-bil-Jabr (Rape) but Zina(Adultery). They file an indictment and the woman is arrested. Police is very prejudiced and biased. I am not saying here-say, I have conducted hundreds of cases where policemen would say 'How do you think this woman would get raped. She went from Gujranwala² to Lahore in a bus, she is really looking for it.'

¹ Interest or *Riba* means, effortless profit.

² A small town in Punjab (Pakistan)

This is their concept of 'asking for it'. If you look at the judgement of the superior courts, the way they have talked about woman's morality is as if any woman who speaks twenty words should be raped. The indictments are filed under adultery. This is done so automatically. I have read cases where judges clearly say this is not rape, this is Zina (adultery)

To counter, criticism on Zia's policies, Kennedy [1990] presented his arguments that Zia's Islamisation was very fast and amateurish, inviting no skilful opposition. Between 1980-85, operations of FSC were modified 28 times. There were various interpretations of *Had'ud* laws. The judges in FSC were all western-educated, i.e. 87% had no actual exposure to Islamic law. FSC worked in collaboration with the High Courts. Oft criticised, *Shari'a* Ordinance 1988, never became a law, since the National Assembly never approved it, after its promulgation. *Qa'nun-I-Shahadat* [Law of evidence]- a procedural reform, halving a woman's testimony to a man, much opposed by WAF was also benign, since two witnesses are a routine in all financial transactions in Pakistan, to which the law was related. Similarly punishment under criminal laws regarding *Had'ud* [ordinances on *Zina*, *Qazf*, Prohibition of Alcohol and drugs, and Property], were never implemented.

Zia were opposed largely by his secular political opponents who argued that these laws were anti-human-rights, anti-women, anti-minority. A reactionary argument was that Zia wanted to take Pakistan 1400 years back. Again Ms.Asma-Jahangir, takes serious exception to Kennedy's analysis to maintain and reflect upon the draconian impact of Zia's Islamisation by stating: "*Zia legacy is that he destroyed all our institutions...these laws had an impact on the whole democratic process in the country ...Zia changed the criminal law, which had an adverse impact on women. Before the change a woman could not be punished for adultery...[a commentary on Adultery in Pakistan-Penal-Code-1960 states]...in a society where women are already dis-empowered the scales of justice will be loaded against them, if we make this into a crime. So...they were right.... This law is a charade...it is exploitative*"

Ms.Asma-Jahangir is convinced that *Had'ud* Laws must be repealed and not amended because these are a bad piece of legislation both procedurally and substantively. She candidly criticises the rich and famous of Pakistan who commit adultery and drink alcohol but have never even been indicted. *Had'ud* law is to oppress the masses: "*As a lawyer I will say that the test is in the eating of the pudding. Time and again, this law has showed that it operates against the poor, vulnerable and [is used] to keep the oppressive, traditional practices alive*".

In other words and as is evidenced by *Had'ud* laws, replacement of civil law with Islamic law gave the state a right to police the private lives and morality of the people through criminalization of purely private acts between two consenting adults such as *Zina* adultery and fornication [Hossein1994].

State posture is clearly Islamic even today. One proof can be the reports published by the *State Bank of Pakistan*, each year religiously dedicating a chapter to Islamisation of financial system in Pakistan. In the past the government has boasted its Islamic measures of introducing financing modes as *Mudarabah*³. Similarly last year a policy decision was finalised to include setting up of subsidiaries by commercial banks to make *Shari'a*-compliant-transactions.

Today, orthodox versions of Islam are re-surging in Pakistan. This is due to the State's excessive usage and failed ideologization of Islam to gain political legitimacy and raise electioneering safeguards. During Bhutto's era an editorial 'For God Sake Leave Islam Alone' reflects this misuse of religion. State even coupled economic emancipation with fundamentalist ideologies [Richter-1979]. Every leader justified the government's action under Islam and simultaneously ensured their own survival by making public referrals to Islam. The State exploited the people in the name of Islam and some of the educated people always felt uncomfortable with it.

Gen Musharraf who came to power in 1999 after a bloodless coup, is apparently not an Islamist. His support for the US probably sends out a clear message that he would rather make himself secure and powerful through the Whitehouse than a Friday sermon in a local mosque. His involvement in

³ A form of partnership in which one party provides the funds while the other provides expertise and management. The latter is referred to as *Mudarib*. Any profits accrued are shared between the two parties on a pre-agreed basis, while loss is borne by the provider of the capital.

the war against terror and *Waziristan* operation to crackdown *Al-Qaeda* militant and dislodge their operatives; his efforts to reform the *madrassa* curriculum and the imposition of a ban against militant organizations have earned him two failed assassination attempts. No matter how modern he appears, he is still somewhat eccentric in comparison to the Bhuttos, who in an attempt to save their power, also used Islam to regain the lost popularity. One needs to wait and see Musharraf's struggle to remain in power. In 2002 Elections the *Mutahidda Majlis-I-Amal*, a conglomerate of religious parties came to power, most importantly, democratically and the Shari'a Bill was passed in the provincial assembly of NWFP. Before this, the religious parties had never been able to make it to the parliament. Their success and popularity was attributed to US War against Afghanistan that resulted in increased inclination of Pakistanis towards religious parties. Soon after coming into power Maulana Gul Naseeb Khan, SG- MMA, NWFP, stated: "*We have great respect for womenfolk. We are not against their employment, education and other social activities... If our resources permit we would also establish separate higher education institutions, universities for women*". One cannot fail to question that how will the resource requirement be met for these separate universities in a poor country like Pakistan. MMA is against the repeal of Had'ud Ordinance, and generally possesses a strong anti-NGO stance.

Other than these legislative and legal interventions, the State also maintained the status-quo through printing and publishing of literature that promoted outdated approaches towards life and society, in the name of promoting Islamic traditions and culture. It ensured that novels like Asghari and Akbari--a tale of two married sisters, written by Moulvi Nazir Ahmed are readily available even today. A component of the moral of the story is that a free-soul and independent woman would end up repenting and a typical house-wife busy in cooking, cleaning and pleasing her husband will remain content. This novel, which was initially written during the pre-partition days, in a strictly gendered framework, has its excerpts incorporated in primary school text even today without a suitable prologue that would emphasize on the changes that have taken place in the Pakistani society and above all Pakistani women.

Another such example can be Maulana-Ashraf-Ali-Tharvi's [1864-1943] book *Bahisti Zevar* 'Ornaments of Paradise', still given as a dowry-gift to daughters in Pakistan. It singled out women as the cause of all social ills and disease saying that they must be 'managed' and taught the science of religion. Though used by the author, to deal with superstitious women of those days, today it has been broadened to the convenience of men. The book gives detail in meticulous and most embarrassingly explicit fashion about how a good Muslim woman should address and serve her husband, behave towards her in-laws, etc. Delineating a set of *rigorous rules* for the most amazingly mundane activities, including how to write letters to the husband, bathe, dress, walk, speak, pray and look, reflecting fully the conservative Muslim psyche [Jalal-1991] of the pre-partition days and the State's interest to maintain the same stagnancy in thoughts, even today.

Following excerpts from the book might be of interest to the reader:

•(Section: Clothing & *Purdah*)

"It is compulsory to make purdah with a Non-Muslim ... woman. This also applies to maids and domestic servants who are not Muslims. The purdah that has to be made with them is the same as that which has to be made with Na-mahram men"

•(Section: *Nikah*)

If the daughter is present and the father says: "I give this daughter of mine in marriage to you", and the person replies: "I accept her", the nikâh will be valid.

Thanvi once stated; "*To me that Muslim woman is the best, who is obedient and practices self-restraint*".

To be short, the State promoted the publication of literature that judged "Woman's morality". Now, it may be argued that this might be the result of State's unprofessional attitude and inefficiency rather than some hidden interest. However, largely by reviewing the Islamic policies of the governments and especially that of Gen.Zia, the thought that it might have been done intentionally to suppress Pakistani women, does not remain very difficult to accept.

Impact of Obscurantist Versions of Islam in Pakistani Society

By now it is clear that the State tampered with Islam. Very soon this official tampering of religion created an open playfield for all and sundry in the social sphere. The layman's attitude towards religion can be phrased like: "If State of Pakistan is the custodian of Islam keeping surveillance over women, then every Pakistani man must be a guardian, policing routine activities of the women of his household". Women's morality was an "identity-issue" before the partition of India, but it became a "gender-issue" cause of it being made a "singled-out issue" inside Pakistan. Throughout these years, Pakistani political and social institutions remained geared towards ensuring women's seclusion, simultaneously making them more prominent, making them feel odd and embarrassed about themselves. The asset of a woman was supposed to be nothing more than *hayya* (shame) and just like a piece of property, she was to be possessed. She was made the site of family honour i.e. *ghairat*. As Lamb 1991, shares that most killings are a result of feuds over women, land and guns amongst Magsis of Balouchistan.

Each year Pakistani women are targeted under honour killings/ and forms of honour violence in the name of Islam. Asma Jehangir elaborates that : "*Although it **doesn't** appear in the Koran, the view survives in Pakistan and some other Muslim countries that a man has the right to kill a female relative if she violates certain rules and norms. The violation could be a woman's refusal to an arranged marriage, flirtation with men, or even having the misfortune of being raped. All these situations brings discredit upon the family, and hence 'justify' an honor killing by a senior male relative. These murders are officially classed as criminal offences in Pakistan, but in practice the authorities allow them to go unpunished*". Similarly, Dr. Tariq Rehman candidly expresses his opinion on these killings by stating: "*These 'Honour Killings' are in reality 'Killings of Dishonour' and they don't follow Laws of Islam but Laws of Patriarchy*"

Even if one acknowledges the role played by societal elements like the local feudals, *mullahs*, *pirs* in maintaining this unjust system of human suppression, one can place the larger share of the blame on the State by drawing strength from Bourdieu-1990, who called "State" the geometrical locus of all perspectives, and a central bank which guarantees all certificates for all (sorts of activities). Moreover, State does act like a holder of the monopoly of legitimate symbolic violence, as Weber believed in, and can be endorsed after reviewing the State's policies and practices in Pakistan, especially those of the Zia-regime.

Therefore all the violence that was generated in the name of Islam, be it by the societal power structures; honour killings/violence; routine domestic violence; forced marriages; *Haqq Bakhshwain*(marriage to the Quran); cases of blasphemy or targeting of women artists/ classical and folk dancers was by and large, passively or actively, allowed by the State. They either legislated with a bias, or they simply decided to ignore the most burning issues related to human rights abuse and related crime, simply because they didn't want to upset the power balance that worked in their favour.

Final Comment

Islam was misused as a tool for exploitation of masses and maintenance of power structures leading to gross human rights violation, especially those of women, minorities and children in the country. The state both passively and actively sanctioned this behaviour. Sometimes it allowed mobs on the street, behind a crazy bearded fellow in the name of religion. Whilst at other times, it skilfully politicised the legislature and law, for example, 'Objective-Resolution' and 'Had'ud Ordinance', existing even after sixteen years of Zia's death, proving the validity of modernist perspective of 'State' being the 'ultimate authority' to determine 'sanctioned behaviour'. It is not the people but the whole institution of the State that determine and maintains the development of a certain culture and social behaviour amongst its citizens. A State that can exploit grey areas in history, decide school curriculum through its elected, non-elected governments, and become a protagonist in the formation of a collective social psyche for the future generations of a particular country. Unfortunately, the Muslim Pakistanis have still to discover the unfathomable levels of insight and vision that Islam may hold for them to serve their own nation and the global community with *justice, fairplay and impartiality*.

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Annex

Reference Chart of Islamisation under Ayub, Bhutto and Zia

#	Ruler	Years	Characteristics/Measures of Islamisation
1	Ayub Khan	1958-69	<ul style="list-style-type: none"> ▪ Modernist brand of Islam ▪ Rejected stagnation and superstition ▪ Allocated advisory role to Council of Islamic Ideology ▪ Established an Islamic Research institute ▪ Brought in Muslim Family Laws [1961] ▪ Omitted 'Islamic' in the name title of Pakistan in 1962-Constitution, but due to public pressure did not finalise it ▪ Focused on Fiqh and <i>Ijtihad</i>, rejected <i>Taqlid</i>.
2	Z.A.Bhutto	1971-77	<ul style="list-style-type: none"> ▪ Islamic Socialism ▪ Hosted the Islamic Summit Conference in 1974 ▪ Inclined towards Middle-East ▪ Encouraged study of Arabic, ▪ Used phrases like <i>Mussawat-I-Muhammadi</i>[Brotherhood of Muhammad] ▪ Initiated a newspaper <i>Mussawat</i>[Brotherhood], giving Islamic justification of PPP's policies ▪ Declared <i>Ahmadis</i> as non-Muslims ▪ Prohibited alcohol, gambling, and night clubs ▪ Announced Friday as a weekly holiday
3	Zia-ul-Haq	[1977-88]	<ul style="list-style-type: none"> ▪ Nizam-I-Mustafa[Nizam-I-Islam] ▪ Reconstituted Council of Islamic Ideology giving more powers ▪ Imposed Islamic taxes, <i>Zakath-Poor's-due</i>, <i>Ushr-agricultural Tax</i> on productive land ▪ Declared economy free of Riba-interest ▪ Created <i>Shari'a</i> Bench courts to specify if any law was repugnant to Islam ▪ Introduced Islamic laws, outlawing of political parties on the basis that they were Un-Islamic ▪ Created <i>Majlis-I-Shoora</i>- Federal Advisory Council ▪ Imposed strict observance of <i>Ramadhan</i>, public consumption of food and drink, smoking during the month was punishable by a sentence of up to 06 months, dance and music productions were banned during Ramazan ▪ Brought in laws like <i>Had'ud</i> Ordinance with <i>Qur'anic</i> punishments of <i>Rajam</i>-stoning to death on adultery, ⁴etc ▪ Formed an office of <i>Wafaqi Mohtasib</i> [Ombudsman] ▪ Established Profit and Loss [PLS]a banking system based on traditional Islamic banking and believes that both the depositor and the bank must share the profit and loss ▪ Replaced English with Urdu in schools ▪ Introduced compulsory national attire for all performing in public domain ▪ Made compulsory, on female announcers to wear a dupatta over their head, Similarly the air-hostesses were asked to do it too. Imposed 'The <i>Pur'dah</i> mentality', as Esposito calls it ▪ Hosted a Conference on Islamisation of knowledge[1982] ▪ Opened <i>Shari'a</i> College and Islamic University in Islamabad inviting students from Muslim <i>Ummah</i>

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⁴ Rajam in accordance to a ruling of *Shari'a* Court has surprisingly been called as something repugnant to Islam.