

Integration and Disintegration of Religious and Political Identities in Pakistan

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Since its inception in 1947, the state of Pakistan has placed a constant reliance upon religion as a symbol of its national identity, making Islam into a central issue in Pakistani politics. While the country's population remained fractured by ethnic, linguistic and economic differences, the use and then over-use of Islam by the undemocratic military regimes has transformed the national identity into a religious identity of universalistic import used profusely in Soviet-Afghan war. However, in the aftermath of 9/11 terrorist attacks, Pakistan's latest military government has attempted to reverse this religio-political ideology into a newer nationalistic identity more compatible with the global agenda of 'war against terrorism.' In this context, my article examines the constant interchangeability of religious and political identities in Pakistan while analyzing it through the different phases of domestic and international politics.

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I am dedicating this article to my daughter Zarrmein and all Pakistani children with a wish that they will have better understanding of their identity than previous generations.

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I.

INTRODUCTION

To answer the mysteries of the creation and mutation of religious and political identities in a multiethnic society, indeed, is a challenging task. Nevertheless, the subject of identity is both important and current. The insistence on viewing societies as religious communities, derives its basis from the contemporary conflict concerning identities. Yet, historically identities are neither stable nor permanent. Rather, inherent in the process of historical change is the invention and modulating of identities. It is this course of transformation that requires a deeper analysis since identities of the pre-terrorism age¹ seem to be quite different from the way in which they have been projected in present times.

The question of 'identity' in Pakistan has been a complex one since its inception in 1947. Like Israel, Pakistan was the only other state where religion played a crucial role in its creation. But while, religion as a source of identity has helped integrate the identities of multi-ethnic Jewish communities immigrating to the Israeli state,² religion in Pakistan, however, could not integrate the people beyond what they had achieved in 1947.

A society that consists of people culturally and ethnically different, the recognition and assertion of an identity may not be difficult but integrating that identity with some other juxtaposed identity can be an issue. The coexistence of multiple identities, naturally presumes the existence of a framework in which one identity may not feel threatened by another.³ It is for this purpose that integrating processes are required more often than not in multiethnic societies so that they can level the ethnic, regional and linguistic differences.⁴

¹Author makes an arbitrary division between the time period before 9/11 and after 9/11. It is the world before the event of 9/11 that has been labeled as pre-terrorism age.

²See ELIEZER BEN-RAFAEL, STEPHEN SHAROT, ETHNICITY, RELIGION AND CLASS IN ISRAELI SOCIETY, Chapters 2, 8 and 10 (Cambridge:1991); see also DOUGLAS REED, CONTROVERSY OF ZION (Dolphin Press: 1978) available at <http://www.vho.org/aaargh/fran/livres/reedcontrov.pdf> (last visited on 12 October, 2007).

³ JOSE ORTEGA Y GASSET, THE REVOLT OF THE MASSES at 169-171 (New York: 1930).

⁴ Ibid at 170.

In 1947, Indian sub-continent arguably witnessed one of the most unique integration processes of recent history, where a religious identity was effectively mobilized into a prominent political identity and as consequence, a country was created on the world map. It is submitted that though attributing the credit to religion for the creation of Pakistan is fair only, however, more often than not, this is done at the cost of ignoring other essential factors, such as the display of Hindu nationalism, disparity of power between Hindus and Muslims and economic deprivation of Muslims, etc. It is further arguable that the integration processes whereby multiple identities merge into one prominent identity are complex procedures dependent upon a variety of factors, which may be categorized as internal and external. In the case of Pakistan, somehow, it is the 'internal factor' of natural homogeneity of people on the basis of religion that have received far more attention from researchers and analysts, and as such has been designated as the main cause of integrating of Muslims in undivided India. Whereas, it is argued that there were many external factors involved in this integration process, most important amongst whom was the 'common fear of Hindu dominance'.⁵ This over-emphasized attribution to religion as the primary cause of integration has left lasting effects on Pakistan. Consequently, the religious identity of Pakistan has been many a times, assumed and used as 'the national identity,' particularly by military regimes for political benefits. Furthermore, in the last 60 years of Pakistan's existence, it has witnessed both processes in which religious identity has integrated and then disintegrated itself from different ethno-political identities. The primary example of this phenomenon could be seen in the creation of Bangladesh in 1971, in which, when religious identity could not

⁵ Bharat Verma, *Pakistan's Faultline*, INDIAN DEFENCE REVIEW, Vol, 20:4, 2006 available at <http://www.bharat-rakshak.com/SRR/index.php> (last visited on 7 October, 2007). The author writes that:

'In 1950s, Hans J. Morgenthau, the then Director of Center for the Study of American Foreign Policy at University of Chicago, in his book *The New Republic* had observed, "Pakistan is not a nation and hardly a state. It has no justification, ethnic origin, language, civilisation or the consciousness of those who make up its population. They have no interest in common except one: fear of Hindu domination. It is to that fear and nothing else that Pakistan poses its existence and thus for survival as an independent state." During the same period, another American scholar Keith Callard in his book *Pakistan - a Political Study* commented, "the force behind the establishment of Pakistan was largely the feeling of insecurity".' See also Alex VON TUNZELMANN, *FROM INDIAN SUMMER: THE SECRET HISTORY OF THE END OF AN EMPIRE* (McClelland & Stewart: 2007) (commenting that after the elections of 1937, Jinnah suddenly transformed from an electoral failure into the champion of free Islam against Hindu dominance).

be capitalized further, the ethnic identity of Bengali nationalism, joined in as the leading political identity leaving religious identity dormant though still relevant.⁶ Furthermore, in the post-1971 Pakistan, the continuous use of religious identity as a national identity, further enhanced the disintegration process in which ethnic identities has continued to emerge as the basis for political identities and agendas.

It is submitted that the creation of a state and its preservation⁷ are two prescriptively distinct phenomena. Therefore, the continuous application of religious identity, after its successful use in the Independence movement in 1947 created a myth for the resulting state of Pakistan: the synonymity of Pakistan and Islam. This failure to understand the distinction between the creation of Pakistan and the preservation of Pakistan, led into making 'religion' a primary prescription for all the preservation related problems of Pakistan. Hence, it is argued that the sufficiently-established religio-political identity of 1947 needed to be transformed in accordance with the regionally and culturally diverse Pakistan, since diverse nations cannot be preserved without a satisfactory system of sharing economic benefits and political power.⁸ On a rather disturbing note, in a post-independence period, the identity of Pakistan remained underexplored and underdeveloped, which contributed substantially towards maintaining the stagnant nature of a religio-political identity in Pakistan.

In the above drawn context, my paper intends to examine the role of religious identity in Pakistan and its integration and disintegration with other ethno-political identities. This paper has been divided into four main parts. After this introduction, part-II shall focus upon the development of two-nation theory in undivided India through which the religious identity of Muslims integrated their other ethnic and linguistic identities. It is argued that apart from common religion, many external factors, especially 'the fear

⁶ See text at page 143 *infra*.

⁷ See M. Rafiqul Islam, *Secessionist Self-Determination*, JOURNAL OF PEACE RESEARCH, Vol. 22:3 (1985) at 219 (enumerating factors essential for creating state such as desire of self determinism, homogeneity of people, separatist demands must be based on gross human rights abuse, promise of minimum and reasonable political stability, economic viability, etc.); Stephen Philip Cohen, *The Nation and the State of Pakistan*, WASHINGTON QUARTERLY, Vol. 25:3 at 109 (mentioning that when security, economic parity, human services, justice and basic necessities are not provided the states can fail.).

⁸ PAUL R. BRASS, LANGUAGE, RELIGION AND POLITICS IN NORTH INDIA (Backinprint.com: 2005) at 30-31, 40-41 and 45-46.

of Hindu dominance' were responsible for the emergence of Muslim nationalism as a leading religio-political identity of that time.

Part-III of this paper, analyzes the disintegration process of 1971 where East Pakistan separated to create the state of Bangladesh. Here, the emphasis shall be on the failure of transformation in the role of religion, and later, its subsequent replacement by ethnic identity as the leading political identity. Moreover, it is argued that the religious ideals of two-nation theory could not be further developed into a concrete framework agreeable to the people for resolving their economic, cultural and political differences.

In the aftermath of 1971's cessation of East Pakistan, part-IV attempts to review the promotion of religious identity as a primary political identity in order to preserve the post-1971 Pakistan. The discussion in this part shall be focused upon three events that may, in the author's opinion, stand out as the representative events or trends of this period, which stretches from 1971 to 2001. These events include creation of the Constitution of 1973, Islamization of laws and religious sectarianism of the 80s and 90s. It is only during this period that the religious identity of people of Pakistan has been brought forth as their leading identity for the matters of Constitution and legal framework.

Finally, part-V of this paper will move the discussion towards the current trends taking place in Pakistan regarding religious identity with particular emphasis on the post 9/11 world. In this context, I will analyze two political developments as proxy events to further expand and then conclude my argument. These events are, firstly, the deployment of a slogan 'Pakistan First' by President Musharraf in his campaign against terrorism along with his 'enlightened moderation' theory, and secondly, the first-ever electoral success of Islamic political parties in Pakistan in 2002. Here, it is observed that although a paradigm shift has been opted for during Musharraf's regime by severing the religious identity from the national identity of Pakistan, however, the failure to translate it into a territorially entrenched identity focused on defining and aggregating national interest, has been the repetition of the same mistake committed by Zia during his 80's regime.

In context of the above-noted outline, it is fair to comment that the drift from Jinnah's vision of a liberal state began early. In 1948, after the first of its four wars with India, Pakistan plunged into political instability, culminating in military rule dominated by Generals Ayub Khan, Yahya Khan, Zia-ul-Haq, and more recently Musharraf. This early militarization of

Pakistani society shaped the Pakistani identity, nation and state for more than 40 years. It is concluded that unless Pakistan's objectives are redefined to focus on economic prosperity and popular participation in governance, which the military remains institutionally reluctant to do, the state will continue to turn to Islam as a national unifier and a symbol of national identity. If only Pakistan is allowed to proceed along the path of normal political and economic development, it would not need the exaggerated political and strategic role given to religion that has characterized much of her history.

II.

TWO NATION THEORY: MUSLIM NATIONALISM IN UNDIVIDED INDIA

The Muslims of India were conscious of the 'difference' that existed between them and the Hindu majority of India, and it was the identification of this difference that, ultimately, led to their separatist agendas. It is attributed to Muhammad Ali Jinnah that he forcefully defended the separate identity for Muslims by promoting the famous 'Two Nation Theory'⁹ on the grounds of religion as well as culture.¹⁰

There is a contradiction between the researchers and scholars regarding the origins of Muslim nationalism in the Indian sub-continent, as some of them trace it back to the eighth and ninth century upon the arrival of Muslim traders, sufis and warriors in the sub-continent.¹¹ Since the primary issue of this paper is the integration of the religious and political identity amongst Muslim of the Indian sub-continent, therefore, in this context, at least three dates stand out distinctly: 1906, 1930 and 1940. It was in 1906 that the demand for political participation on the basis of separate religious community was made by establishing a new political party, All India Muslim League, which catered exclusively for the interests of the Muslims. In the same year, Muslim league claimed for the reservation of seats in the legislatures on the basis of separate Muslim constituencies. Although, when

⁹ ISHTIAQ HUSAIN QURESHI, *THE STRUGGLE FOR PAKISTAN* (University of Karachi Press: 1974) at 127-29.

¹⁰ *Ibid* at 128.

¹¹ See S.M. IKRAM, *MODERN MUSLIM INDIA AND THE BIRTH OF PAKISTAN* (Lahore: 1997); See generally Qureshi, *supra* note 1.

Muslim dynasties ruled over India, the religious affiliation of their subjects was not their main concern;¹² however, in the British period religious affiliations became an issue. This merger of religious and political identities in the Indian sub-continent had its primary basis in the introduction and development of representative institutions in British India,¹³ where political alignments were sought to be adopted on the basis of religion.¹⁴

This politicization of a separate identity of Muslims emerged most forcefully during the last three decades of Independence movement under the leadership of Dr. Iqbal and Jinnah. Dr. Allama Muhammad Iqbal is credited with providing a structured idea of a separate Muslim state as an innate conclusion to the separate religious identity held by Indian Muslims.¹⁵ It is evident from the political and religious philosophy of Dr. Iqbal that he was convinced of the natural correlation that existed between the religion and state in Islam.¹⁶ According to Dr. Iqbal, it was the creation of an Islamic state that would preserve the Islamic society and Islamic way of life.¹⁷ In this process, religion was to provide the adhesive required to unite and bind together the political aspirations of the Muslims of India. The creation of a new state on the basis of religion, came out as a legitimate agenda since a generally accepted complementarity always existed between religion and politics in Islam.¹⁸ Thus, creating a community on the basis of Islam and then bringing it within a territorial framework of polity, was Iqbal's ideological as well as territorial view of Muslim nationalism. Very soon, this conception of Muslim nationalism became the most prevalent theme of Muslim politics in India. The most reflective example of Muslim nationalism can be found in the following extract from Muhammad Ali

¹² See SYED HASSAN RIAZ, *PAKISTAN NAGUZEER THA (PAKISTAN WAS INEVITABLE)* (Karachi: 1987) at 11-13.

¹³ Marc Gaborieau, *From Al-Beruni to Jinnah: Idiom, Ritual and Ideology of the Hindu-Muslim Confrontation in South Asia*, *ANTHROPOLOGY TODAY*, Vol. 1:3 (1985) at 7.

¹⁴ *Ibid.*

¹⁵ In the 1930's Presidential address of All India Muslim League in Allahabad, a demand was forwarded from the forum of All India Muslim League whereby the Muslims of India claimed a separate state.

¹⁶ See KHALIFAH ABDUL HAKIM, *FIKR-E-IQBAL*, (Lahore:1992) at 54,55; See also Khalifah Abdul Hakim, *Renaissance in Indo-Pakistan: Iqbal* in M.M.SHARIF (ED.), *A HISTORY OF MUSLIM PHILOSOPHY*, VOL.II (Royal Book Company:1983) at 1640.

¹⁷ See Ronald W. Neufeldt, *Islam and India: The Views of Muhammad Iqbal*, *THE MUSLIM WORLD*, Vol. 71:3,4 at 178 (1981).

¹⁸ John Kelsey, *Civil Society and Government in Islam* in SOHAIL H. HASHMI (ED.), *ISLAMIC POLITICAL ETHICS* (Oxford: 2002) at 14-17.

Jinnah's speech at the All India Muslim League Conference in 1940 at Lahore, known as the Lahore Resolution:

'The Hindus and Muslims belong to two different religious philosophies, social customs, literatures. They neither intermarry, nor dine together and they belong to two different civilizations which are based mainly on conflicting ideas and conceptions.'¹⁹

This emergence of a profound religious identity and nationalism that led to the establishment of Pakistan in 1947, was accepted as theoretically sound or practically feasible only by Indian Muslims themselves and their very few foreign supporters²⁰ since in theory and practice both, it challenged many already existing and stable perceptions of nationhood.²¹ As to its contrary assumption, it was simply that India must be inhabited by Indians who would collectively form a nation, and if there existed any social, regional, religious or ethnic group, it should be merged into the larger Indian identity. Although, Muslims as a separate religious entity were prominent amongst those distinctive groups but then, after all they were also Indians, only with a different religion. Then what was so important about the distinction of religion that as a corollary, a separate state be demanded?

Historically, the Hindu-Muslim dichotomy has been proposed and argued as an ideological basis for the separation of India. The most profound example of this has been the above-cited address of Muhammad Ali Jinnah. However, it must be noted that before the adoption of Two Nation theory, the Muslims of India were divided into many distinct factions based on race, religious sect, language, culture and region.²² The Two Nation Theory

¹⁹ JAMALUDDIN AHMAD, *HISTORIC DOCUMENTS OF THE MUSLIM FREEDOM* (Lahore: 1970) at 380.

²⁰ For example, British writer BEVERLY NICHOLS, *VERDICT ON INDIA* (London: 1944) and the British Labor M.P., WOODROW WYATT, *SOUTHWARDS FROM CHINA* (London 1952).

²¹ See Marc Gaborieau, *supra* note 13 at 8 (referring to factors responsible for forming and preserving nations, enumerates agents such as religion or ideology, common ethnicity, cultural or language or economic interest); See H.H. GARETH AND C. WRIGHT MILLS, *TRANS. & EDS., MAX WEBER: ESSAYS IN SOCIOLOGY* at 177-178 (New York:1958) (Max Weber while noting the common factors for creating state, comments that even though any one of them might suffice to generate sense of nationhood, none of them can be relied upon to produce a nation); Ortega, *supra* note 3 at 169 (saying that it is the state which makes the nation, not nation the state); See also RUPERT EMERSON, *FROM EMPIRE TO NATION* at 96 (Boston:1962) (quoting Lord Acton: 'a nationality should constitute a state is contrary to the nature of modern civilization.').

²² See Qureshi, *supra* note 9 at 127.

caused a two-sided impact upon the identity of Indian Muslims. Firstly, it brought the Indian Muslims of different origins, religious sects and cultures under a broader umbrella of Muslim identity by removing their ethnicity-based differences. Secondly, it differentiated between Indian Muslims and people of other religions, mainly Hindus by establishing the dissimilarities between them. Thus, the emergence of Muslim nationalism in undivided India provides an interesting example of the process whereby a uniform religious identity was achieved by consolidating other identities. It is in this context that an examination of those factors responsible for the emergence of Two Nation theory is required.

The most noticeable fact about the Muslim nationalism in India was its being differentiative in nature. The factors responsible for the emergence of this nationalism in the form of Two Nation theory were internal as well as external. It has been mainly the 'internal factors' that have received more attention from researchers and scholars of the Independence movement.²³ It is popularly believed that Muslims of India got united to seek separation from Hindu majority because the ideological differences between the two religious systems were almost impossible to reconcile as they existed in a complete dichotomy to each other.²⁴ 'The members of each community see the other's religion as diametrically opposed to their own, as an inverted religion, *ulta dharma*.'²⁵ In this context, 'internal factors' further display a set of two different bases. First, the internal factors represent those homogeneous inherent characteristics of being Muslims such as common belief, common religious rituals, etc., which naturally bound the Muslims of India together even in the presence of different ethnic, economic or linguistic identities. Second, the internal factors also represent the distinctiveness of Muslim identity from the other (especially Hindu) religious and cultural identities which disposed them to their subsequent religious alignment against other ethnic, economic and linguistic identities.

In addition to internal factors, it is proposed that, in fact, there were also present many active external factors that worked towards the transformation of the religious identity of Muslims into a leading political identity. By external factors, I mean those circumstances and events that

²³ Almost all major writers on this topic, such as Muhammad Ali, Ishtiaq Hussain Qureshi, S.M Ikram, etc., have considered the religious, cultural and linguistic differences of Muslims and Hindus as a basis for their separation.

²⁴ JAMALUDDIN AHMAD, SPEECHES AND WRITINGS OF MR. JINNAH, VOL. I (Lahore: 1952) at 469.

²⁵ See Marc Gaborieau, *supra* note 13 at 8.

were not intrinsically present in the schematic characteristics of religious or cultural identity. To illustrate it further, if the Muslim nationalism appeared because it was naturally predisposed due to its belief or indigenous social system, then clearly the basis is internal. However, if Muslim nationalism had a positive correlation with the Hindu political identification and participation, then one may have to consider it more reactive of a sort with external factors at its roots. The hypothesis that emerges from the insertion of external factors into this discussion, assumes two primary rules:

Rule I. It proposes that the integration of religious and political identities is more of a reactive and perspective-oriented phenomenon than being otherwise.

Rule II. In the absence of circumstances justifying reaction, the religious identity, merely on the basis of its inherent adhesives may not always transform into a political identity.

Modern discussions of the factors responsible for forming and preserving nations refer to agents such as religion or ideology, common ethnicity, cultural especially linguistic homogeneity and common economic interest.²⁶ But the relative influence of each of these factors varies considerably in actual historical experience.²⁷ In the context of previously discussed bases for internal factors²⁸ responsible for two-nation theory, it seems easier to establish the second basis of these internal factors of two nation theory, the Hindu-Muslim dichotomy, as against the first one, that is, the natural homogeneity of Indian Muslims.²⁹ It is far simpler to conclude upon the distinctiveness of Muslims and Hindus and their ultimate irreconcilability as a large amount of literature, both descriptive and analytical, has been produced to establish that fact. In contrast to this, it is a relatively harder proposition to determine positively that the then existing religious and cultural elements were themselves sufficient to produce natural homogeneity between the majority of Indian Muslims. The argument can proceed both ways. There must have been in existence a natural internal cohesion, since, Pakistan was ultimately created and that too with a massive migration of population in the wake of an openly committed mass

²⁶ KARL. W. DEUTSCH AND WILLIAM J. FOLTZ, EDS., *NATION-BUILDING* (New York: 1966) at 3; BARBARA WARD, *NATIONALISM AND IDEOLOGY* (New York: 1966) at 18.

²⁷ Anwar H. Syed, *The Idea of a Pakistani Nationhood*, 12:4 *POLITY* (1980) at 578. See also *supra* footnote 21.

²⁸ See the text on the last page.

²⁹ *Ibid.*

massacre.³⁰ It was considered to be the largest migration of a population at a singular point of time in recent history.³¹ On the other hand, a counter argument can be proposed by presenting the fact of the emergence of Bangladesh in 1971. It has been noted invariably in history accounts that the Muslims of Bengal were the most ardent supporters of the creation of Pakistan.³² However, in a short period of 25 years, the adhesiveness of common religion became insufficient to hold the two together any longer, perhaps due to the distinctness of culture and language or realization of spatial separation. This renunciation of common national identity by Bengalis would be considered at a later stage in this paper.

The responsibility of external factors in the creation and development of Muslim nationalism in undivided India demands, in the first place, the identification of a common external factor, that is, the fear of Hindu domination, that led to a more concrete development of religious identity amongst the Muslims. Barring the small urban elites, the over-whelming rural Muslim masses did not share any internally common characteristics of race, language or culture. However, the one factor that they had in common was dislike of Hindu-dominion, a glimpse of which they had during the brief period of Congress Ministries in 1937-39. Although, this dislike of Hindu-dominion can be described as a consequence flowing from their Muslimness, however, it will be of further interest to note that the idea of 'Muslim nationalism' only followed, logically, what was already there, Hindu nationalism. The data provided by political historians clearly indicates that Hindus took the lead in Hindu-Muslim separatism.³³ On the other hand, the primary focus of Muslims at least up to 1940 has been to secure the political rights of their community. It was not until 1940 that Indian Muslims were formally declared to be a 'nation.' Till 1940, Muslim

³⁰ The count of dead was approximated to be between the figures of four to five hundred thousand.

³¹ It has been reported that more than one billion people (of all religions) migrated at the time of partition.

³² Maulvi Abdul Haque of Bengal has been reported to have been the main author of the Lahore Resolution of 1940 whereby the claim of independent country of Pakistan was made for the first time.

³³ ASOKE MAJUMDAR, ADVENT OF INDEPENDENCE at 39-41 (referring to the beginning of the Hindu nationalism, he noted that in 1870, the 'National Society' was founded to promote unity and national feelings among the Hindus. When objection was taken to the use of the word 'national' for a Hindu organization, it was asserted by the organizers of the National Society, *Hindu-Mela*, that 'the Hindus certainly form a nation by themselves, and as such a society established by them can very properly be called a national society.').

League, that was purely a political party and led by secular politicians, continued to perceive its political role within one India, and as a consequence, kept pleading for concessions from the Congress Party and for safeguards from the British. One should bear in mind that a number of leading politicians of Muslim League, were initially members of the Congress party and were prominent proponents of Hindu-Muslim unity at one time or other, including Mr. Jinnah, the founding father of Pakistan. However, once the Muslim League became convinced that the Congress would not accommodate the interests of Muslim minority, the League's All-India character became redundant, since at no point was it considered to be catering for other religious minorities. The emphasis then was directed towards being placed upon the commonality of 'Islam as a religion' since it was the only common integrating factor amongst the Muslims on the basis of which a reactive politics and opposition against Congress could be consolidated. Hence, antagonism and a consequential reactivism seem to be two persistent themes in the development of Hindu and Muslim nationalism in undivided India. Even if one accepts that Muslim nationalism was a direct product of the Indian Muslim's religious identification of himself, even then it was a reaction to what has been considered as an influence of Hinduism on Islam. The formation of the Muslim League itself came as a reaction to the possibility of Indian participation in government and the Muslim apprehension of being left out.³⁴

The above conclusion leads us to another dimension of external factors and proceeds in line with both rules of the hypothesis.³⁵ During the course of independence movement, at least till 1940, the awareness as to the political status of Muslim identity was much stronger at the level of elites as against the masses.³⁶ From the demand of separate electorates and recognition of Muslims as a political force in 1906 up to the passing of Lahore Resolution in 1940, one can observe the demands made by the Muslim elites for a share of political power on the basis of negotiated settlements between Muslim and Hindu elites. It was the failure of this elitist politics between Hindus and Muslims which compelled Muslim elites to mobilize the masses and spread 'Muslim nationalism' as an integrated religious and political identity of Indian Muslims. The Congress, on its part,

³⁴ P. Spear, *The Political Evolution of Pakistan* in S. ROSE, ED., *POLITICS IN SOUTHERN ASIA* (London: 1963) at 36.

³⁵ See text at page 135.

³⁶ SALEEM M.M. QURESHI, *JINNAH AND THE MAKING OF A NATION* (Karachi: 1969) at 22.

could not understand sufficiently the apprehensions of the Muslim minority³⁷ and consistently spurned the Muslim League's claim to be the only authoritative organization of the Muslims.³⁸ Furthermore and ironically too, the Muslim League had very little support amongst the *ulema* of India (until finally when *Jamiat-ulema-i-Islam* was organized in 1945). The leadership of Muslim League was thoroughly westernized and secularist and had never claimed any religious leadership,³⁹ although as a contradistinction Mahatma Gandhi had always presented himself as a Hindu and Congress also never projected its image as an atheistic association.⁴⁰ Since *ulema* were keeping themselves away and aloof from the political activities of Muslim League (perhaps due to its secular leadership), it became a matter of political expediency for the Muslim League to show a religious face in order to fetch support from Islamic factions of society. As I mentioned before, the Muslims of India were divided between different factions of race, sect, language and ethnicity. The use of religion brought them political power and recognition, particularly when they were without one since the fall of the Moghul empire.

In brief, Muslim nationalism in undivided India was unique and uni-dimensional. It was unique as it was elusive as well as definitive; elusive since it preceded the designation and demarcation of the territory of Pakistan and definitive since it became the vehicle for the achievement of Pakistan. This nationalism was uni-dimensional since it was singularly focused on religion, disregarding the factors of geography, ethnicity and local tradition. With one stroke of separate religious identity, it separated Muslims from the people with whom they resided for generations and made them kin to those with whom they never interacted or communicated due to the difference of ethnicity and language.

³⁷ Congress refused to incorporate the 14-point demand of Muslims in Nehru Constitution, rejected the Communal Award and declined to include Muslim Leaguers in the ministries in the Congress-dominated provinces.

³⁸ For detailed examination of the role of the Congress in alienating Muslims, see P. MOON, *DIVIDE AND QUIT* (Berkeley: 1962); K. DWARKADAS, *INDIA'S FIGHT FOR FREEDOM* (Bombay: 1966).

³⁹ LEONARD BINDER, *RELIGION AND POLITICS IN PAKISTAN* (California: 1963) at 183-207.

⁴⁰ FRANK MORAES, *INDIA TODAY* (Macmillan: 1960) at 71.

III.

PAKISTAN, NATIONAL IDENTITY CRISIS
AND BENGALI NATIONALISM

Pakistan was created on 14th August, 1947 by the division of the Indian Sub-continent into two independent states of Pakistan and India. During the last days of the campaign for Pakistan, nationalistic symbols⁴¹ such as language, dress, etc., with religious connotation were adopted and used successfully, and they did create a national identity for Pakistan, however temporal it may have been. The deployment of religious identity to achieve the goal of Pakistan, for the time being, suspended the ethnic and linguistic identities of the people of the newly created state of Pakistan. Nevertheless, history from 1947-1971, witnessed the disintegration of this newly acquired national identity in favor of a regional and ethnic identity.

At its emergence, the state of Pakistan was a nation integrated due to its common religious belief. However, apart from the religious factor, the characteristics of the newly born nation carried elements that eventually contributed towards the fragmentation process of the nation. Those elements included ethnic, linguistic and demographic differences as well as political disagreements. At the time of its creation, Pakistan was composed of two parts: East Pakistan and West Pakistan. When examining the integrative adhesives present in both parts of Pakistan, one is provided with an interesting lead for our analysis. East Pakistan, now known as Bangladesh, carried the potential of a nation upon the prerequisites of any primary definition of nationhood and state. It was and is culturally, ethnically, linguistically and territorially homogenous. In contrast, West Pakistan was and is very heterogeneous in character. It has multiple cultural and regional traits. It has at least four major languages,⁴² various dialects and at least five major cultural streaks. Furthermore, various component groups in West

⁴¹ For example, Quaid-e-Azam Mohammad Ali Jinnah always appeared in public meetings dressed in a *sherwani*, the national dress of Indian Muslims, and the Muslim League made great efforts to promote the Urdu language as the main language of Indian Muslims.

⁴² These include Punjabi, Sindhi, Pushto and Balochi. -

Pakistan had strong cultural and linguistic affiliations with groups outside the national boundaries.⁴³

Keeping the overall heterogeneity of Pakistan in context, upon independence Pakistan needed a territorially entrenched creed or an ideology to define and aggregate its national interest. It was a natural question as to how could a sense of national identity be sustained in the absence of visible external threats to the Muslim nation? The adoption of religious identity in Pakistan movement was the result of the ideational situation where Muslim minority united against Hindu majority to claim their share of power on the departure of the British. Muslim nationalism in undivided India mainly fed upon the 'Islam in danger' fear. The partition of British India, however, on the one hand, eliminated any immediate Hindu threat to Islam, and on the other hand, it gathered the majority of Indian Muslims in the new state of Pakistan. Although, the fear of an Indian invasion of Pakistan has been a constant feature of Pakistan's history, however, in an immediate post-independence period there was at least no eminent ideological threat. The beginning, in ideological terms, could not have been better. The ideology of Pakistan stood all the tests and was successful. Pakistan came into being, and millions laid down their lives during migration. Such massive scale migration would not have happened, had people not believed in the ideological basis of Pakistan. There would not have been any Pakistan, if Bengalis, Punjabis, Sindhis, Pathans and Balochs would not have chosen their Muslim identity over and above their ethnic and linguistic identities. Since the political assumption of religious identity was a direct product of external factors especially Hindu dominance, ideological or otherwise, the disappearance of this context, naturally demanded further transformation of ideology as well. But, primary failure has been that of the political elite and intelligentsia of Pakistan who could not appreciate fully the dynamics of that integration process, which gave birth to the two-nation theory. After Pakistan was achieved, there were no two nations left. The already assumed religio-political identity needed to be further developed in accordance with the regionally and culturally diverse Pakistan. On a rather distressing note, in the post-independence period, the ideology of Pakistan remained underdeveloped, not evolving in the new environment.

⁴³ For example, the people of North West Frontier Province are culturally as well as linguistically, aligned with the people of Afghanistan. It is in the context of this alignment that after the fall of Kabul, a very large number of Afghan refugees entered Pakistan and settled originally in NWFP.

One must be mindful that individuals are members of various social groups, identifiable on the bases of religion, family, tribe, caste, region and language. It is only natural for these groups to have their regional-ethnic identities in addition to their national identity. However, which of these identities is to be used as a fore-frontal identity depends upon the demand of circumstances.⁴⁴ A multiethnic state may not always afford to ignore the elements of multiple identities. In Pakistan's case, it was taken for granted that the religious national identity of being a Muslim would always prevail in all situations. However, bonds of a shared religion and shared history of the independence movement proved too weak to hold the country together. Many historians and political analysts have held the separation of East and West Pakistan as inevitable due to its ethnic divide,⁴⁵ although I would argue that the ethnic differences or similarities per se do not necessarily lead to balkanization. An independent ethnic identity may be a necessary condition⁴⁶ though not a sufficient one for dismemberment, or else every multiethnic state will have a natural potential for fragmentation. The construction, adoption and shedding off of an identity is a process dependent on multiple intervening variables, internal as well as external as I have already discussed in the previous part of this paper. The separate ethnic identification may operate as a necessary internal condition to begin with. However, if the political system is seen as an independent variable itself with the multiple sets of strategies, policies and influences as external factors, one may arrive at a better understanding of changing national identities, integrating or disintegrating.⁴⁷ The argument that the Bengalis had strong reasons to disintegrate from Pakistan –as people ethnically different, then, shut out of political power and furthermore economically exploited, –hence, their separatism was a natural outcome, has been widely accepted, at least implicitly. Ethnic differences between the people of Bangladesh and West Pakistan are too well known to be reiterated here. However, the ethnic differences at the most accounted only for the creation of a necessary condition for the eventual separation of East Pakistan but, not a sufficient one. Ethnic identity is not a function of racial, linguistic, religious, or other differences per se, but of whether or not this difference is

⁴⁴ WENDELL BILL AND W.E. FREEMAN, *ETHNICITY AND NATION BUILDING* (Los Angeles, 1974).

⁴⁵ Philip Oldenburg, *A Place Insufficiently Imagined: Language, Belief and the Pakistan Crisis of 1971*, *JOURNAL OF ASIAN STUDIES*, Vol. 44: 4 (1985) at 711.

⁴⁶ See Islam, *supra* note 7 at 219.

⁴⁷ ERIC A. NORDLINGER, *CONFLICT REGULATION IN DIVIDED SOCIETIES* (Cambridge: 2002) at 45-47.

considered socially significant by the ethnic groups concerned. The staunch support of Bengalis for Pakistan in 1946-47 is enough evidence to prove that the Bengali Muslims considered the religious differences as socially more significant than the racial characteristics or linguistic differences. It was the external variables, in the form of unwise political policies and economic disparity between East and West Pakistan,⁴⁸ that created the sufficient conditions for the disintegration.

To explain the position of religious identity in the East Pakistan crisis, one may have to keep in perspective the role that religion played in the creation of Pakistan. However, with the establishment of Pakistan, the political relevance of religious ideology diminished, although it retained its historical significance. Within Pakistan, a religious identity based on two-nation theory had no immediate political application. With majority of Muslim population in Pakistan, the religious differential had already become neutralized. The neutralization of religion as a distinguishing factor demanded that now the ideology should be transformed into a more profound political agenda. The elections in East Pakistan in 1954 and the elections in both wings in 1970 proved the closure of religious differential, which was apparent when the right-wing political parties which emphasized Islam as the bond of unity upon going to the polls with programs based on 'Islamic ideology' performed miserably. In the Eastern wing, the Awami League won with an overwhelming majority, on the basis of a program of regional autonomy, and in the West, the People's Party of Pakistan won an absolute majority on a socialist program. It may be noted, however, that both the Awami League and the PPP were also Muslim parties and had equal claims to Islamic ideology. Since in the post-independence period there were no threats to Islamic ideology, therefore, in domestic political encounters the element of religion was largely defused.

In this speculative view, the disintegration of Pakistan was in part the result of a failure to recognize what the meaning of Pakistan would be in an absence of a 'Hindu-Muslim dichotomy' context. After the creation of Pakistan, there was no modern interpretation of Shari'a to provide basis for a Pakistani Constitution, that could be largely accepted by all political groups. The ideal of an Islamic state, if that was an ideal at all, could never materialize. In Pakistani society, there were fundamental disagreements on the social and political layout of Islam between elites, masses and *ulema*. Consequently, a primary Islamic ideology of two-nation theory had not been

⁴⁸ For detailed account see Oldenburg, *supra* note 45.

translated into a concrete framework agreeable to the people for solving the common differences and the allocation of power and resources in a political system.

Furthermore, in undivided Pakistan, the Bengali nationalism grew in response to the changing nature of ethnic-group interactions. It originated as an ethnic conflict aimed at changing the 'dominant-subordinate' relationship between East and West and the distribution of power within society. It began as a demand for language rights and economic equality, as a reaction to the central government's policies towards rejecting recognition of Bengali as a national language, to reduce Bengali representation (both political and administrative) in the central government, and to increase economic disparity. The Bangladesh of 1971 was basically an epitaph on the inability of East and West Pakistanis to share power equally and freely, in the same sense as the Pakistan of 1947 was a reminder of the inability of the Hindu and Muslims to accommodate each other.

The partition of Pakistan, however, may not lead us to an unfair denunciation of the two-nation theory and the assumption of an Islamic identity as a leading political identity by Indian Muslims. The disintegration of Bangladesh from Pakistan had not reduced the two-nation theory into some defective identity postulate. If at all, it further proved the two-nation theory and the strength of religious identity as was applicable in 1947. In spite of their ethnic affinity, the Bengali Muslims were alienated from Bengali Hindus, as mentioned earlier. The Bengali Muslims did not support the militant Bengali Nationalist (Hindu) Movement to annul the partition of Bengal, rather they supported the Islamic Revivalist Movement in the nineteenth century, participating in the struggle against the colonial government as well as in the formation of the Muslim League. They supported the idea of a separate Muslim state and finally the Muslims of Bengal voted for Pakistan with a large majority. Religion as a principal source of Bengali Muslim identity retained its importance during the pre-Pakistan as well as post-Pakistan era at least for the masses. The fact that Bangladesh, though severed from Pakistan, did not reunite with India or Indian West Bengali Hindu majority has been an evidence of the sustainability of two-nation theory and Islamic identity. The common ethnic, regional, cultural and linguistic heritage of the people of East Bengal and West Bengal could not prove to be conditions sufficient to mend the broken

ties. Rather, two-nation theory continued to stand as a primary element of differential between East and West Bengal.⁴⁹

IV.

POST-1971 PAKISTAN: MAINSTREAMING RELIGIOUS IDENTITY

The secession in 1971 left Pakistan, instead of being 'a religious geography carved out of history,'⁵⁰ a rather territorially homogenous unit, simpler and compact. To compare Pakistan of 1947 with Pakistan of 1972 is somewhat misleading but nevertheless essential. The political problems of these two periods remain identical: the search for national identity, the development of political rules, consensus upon a new constitution, questions of ethnicity, role of military, etc. The difference, however, was that Pakistan had already gone through those processes. The post-1971 history witnessed a newer attempt to integrate religio-political identities. In this period, Islam was used as a cushion for recovering from humiliation caused by 1971's defeat in Dhaka. In this atmosphere, the Bhutto government 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*.⁵¹

However, this time, the situation was not like that of 1947. The creation of a polity is a process inherently different from its preservation. What was useful in creating Pakistan may not necessarily be useful for its continuity. And even more, the real problem of post-1971 Pakistan has not been the use of religion but its misuse and overuse. The failure to understand the distinction between creation and preservation, made religion as a primary prescription for all preservation related problems of Pakistan, given its usefulness in creating Pakistan. It is argued that the already established religio-political identity of Pakistanis needed to be trans-mutated in accordance with their regional and cultural diversity, since national

⁴⁹ Saleem M. Qureshi, *Pakistani Nationalism Reconsidered*, PACIFIC AFFAIRS, Vol. 45:4 (1973) at 570.

⁵⁰ Ibid (quoting from *The Times* (London), December 20, 1971).

⁵¹ William L. Ritcher, *The Political Dynamics of Islamic Resurgence in Pakistan*, ASIAN SURVEY, Vol.19:6 (1979) at 547.

communities cannot be preserved without a satisfactory system of sharing economic benefits and political power.⁵²

During 1971-87, Pakistan experienced many attempts at artificial implantation of integration process with full concentration upon the internal factor of religion as the basis of identity, ignoring once again the external factors such as the provincial autonomy problem and economic disparity. In these attempts, religion was not only highlighted as a common unifying force, but was also made a basis for legal and political agendas. This part of the paper will review this process of mainstreaming religion in a post-1971 Pakistan. For the purpose of leading discussion in this part of the paper, four developments have been selected as the representative events or trends of this period that stretch from 1971 to 2001. These developments include the Constitution of 1973, the Islamization of laws from 1979 onwards, the Referendum of 1985, and the religious sectarianism of the 80s and 90s.

My position regarding the developments in this period is that the use and display of religious identity as the leading identity of the people of Pakistan has been a misleading fact since there has been no serious democratic attempt to gage the popular inclination, favorable or unfavorable to religious identity. Without such assessment, the attribution of religious identity upon Pakistani people makes the subscription process reasonably questionable, especially when there have been present strong indicators to the contrary such as the continuous failure of Islamist political parties in elections, international desirability of 'religious Pakistan' in the context of Soviet-Afghan war, and its suitability to the military dictatorship of President Zia.

A. *Constitutionalizing Religious Identity*

If the ambiguities of the Muslim League's demands, during the independence movement, had irritated its opponents, the unambiguous language in which Jinnah spoke at the first meeting of the Pakistan Constituent Assembly on 11th August 1947 would have utterly confounded the followers of the 'Islamic state ideal.' Having ostensibly attained the goal of a Muslim homeland on the basis of his advocacy of the two-nation theory, Jinnah unhaltingly called for a separation of state and religion as well as equal citizenship rights regardless of communal affiliations. Discerning the tensions inherent in Pakistan's geographical and ideological

⁵² Brass, *supra* note 8 at 41.

frontiers, the pragmatist in Jinnah tried placing a different accent on Muslim imaginings, now that state power had been won. With freedom finally around the corner, Jinnah declared:

You are free; you are free to go to your temples, you are free to go to your mosques or to any other place of worship in this State of Pakistan. You may belong to any religion or caste or creed –that has nothing to do with the business of the State.⁵³

‘This speech should have served as the *magna carta* for those who considered themselves as the true inheritors of Jinnah’s political legacy, but with the appropriation of Jinnah by all, neither the speech nor the legacy of which it is a part, has mattered very much. But, Jinnah continued to be a hard taskmaster for simpleminded soldiers of Islam. Another speech of Jinnah cited repeatedly as evidence of Jinnah’s declaration of Islam as the basis of Pakistani nationalism and identity, further says:

Make no mistake. Pakistan is not a theocracy or anything like it. Islam demands from us the tolerance of other creed and we welcome in closest association with us all those who of whatever creed, are themselves willing and ready to play their part as true and loyal citizens of Pakistan.’⁵⁴

However, unsatisfied and unsure of the wisdom of Jinnah, the defining of Pakistan on religious lines started right after the demise of Jinnah in 1948. The first recorded political move to incorporate Islam in the state apparatus was through the Objective Resolution of 1949, which acting like a blue-print outlined the aims and objectives for every future constitution of Pakistan. In retrospect, it can be concluded that this document was the outcome of intense pressurising by the *Ulema* who started mobilizing the public to hold the government accountable for backing-off from its commitment to ‘*make Pakistan a fortress of Islam*’.⁵⁵ With India drafting its Constitution in 1949, the pressure intensified and Muslim League was being accused for sidelining the *Ulema* and Jinnah’s name was used by *ulema* leaders to mobilize people for an Islamic State.⁵⁶

⁵³ Ayesha Jalal, *Conjuring Pakistan: History as Official Imagining*, INTERNATIONAL JOURNAL OF MIDDLE EAST STUDIES, Vol. 27:1 (1995) at 73,77.

⁵⁴ Ibid.

⁵⁵ Seyyed Vali Reza Nasr, *Islamic Opposition to Islamic State: The Jamaat-i-Islami, 1977-88*, INTERNATIONAL JOURNAL OF MIDDLE EAST STUDIES, Vol. 25:2 (1993) at 261, 267.

⁵⁶ LEONARD BINDER, RELIGION AND POLITICS IN PAKISTAN (Berkeley: 1961) at 85.

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;

Although the document has been remarked as “carefully imprecise,”⁵⁷ but, then, it is not always the document that is good or bad. It is rather the use of that document, that matters. No matter how imprecise the document was, 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 the symbolic power to interpret the word of Allah and prophet for the ignorant citizens of Pakistan, unversed in Arabic. It almost seemed like an attempt to shift the power base towards those who had protested against the very origin of the country of Pakistan, i.e. the *Ulema*.

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 General Zia-ul Haq through Presidential Order No. 14 of 1985, Article 2-A (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 military leadership of the eighties, wanted to procure out the maximum from the introduced but recessive, shift of power base that the Objective Resolution had caused.

Pakistan’s struggle to become a complete Islamic state still deemed to be incomplete. In the later years, Pakistan continued to debate the ‘Islamic state’ ideal and it left the state polarized between religious and secular factions. The 1956 constitution labeled Pakistan as an Islamic Republic, the title that was retrieved back by the Constitution of 1962 upon the rationalization that a state could not be theocratic since there has never existed a priesthood in Islam and the maximum allowance in theocratic terms can be the attribution of sovereignty to God and nothing more. The 1973 Constitution again made Pakistan an ‘Islamic Republic.’ This frequent changing of labels indicated a problem of serious contradiction between

⁵⁷ See DONALD SMITH, *RELIGION, POLITICS AND SOCIAL CHANGE IN THIRD WORLD* (Princeton:1971).

religious identity and ethnic or territorial identity. This contradiction leads to an internal dualism: the ethno-Islamic and the ethno-national dualism. Within the ethno-Islamic framework, a citizen will be a Muslim first and then Pakistani, which in return may open the national boundaries conceptually and may create a pan-Islamic sentiment as is witnessed during the Soviet invasion of Afghanistan and the Pakistani stance upon Afghanistan, Iraq, Lebanon and Palestine issues. On the other hand, if a citizen is Pakistani first and Muslim second, then, her primary identification will be ethnic because she can be a Pakistani Punjabi, Sindhi or Balochi. Therefore, within the ethno-national framework the internal dualism oscillates between ethnicity and nationality, which requires that the external factors, mainly distribution of power and economic disparity have to be seriously addressed. Furthermore, this political adoption of religious identity over and above ethno-national models have posed a further challenge inside Pakistan due to the multiplicity of even religious identities carried by the people of Pakistan, which eventually provided for more than one equilibrium point on the graph where religious and political identities converge. This was the problem confronted by Pakistan during the sectarian divide of the 80s and 90s.

B. *An Islamic Constitution of 1973*

The 1973's Constitution can be easily remarked as most religion-oriented constitution of the country. It has contained a number of provisions, which mention 'Islam' or 'Muslim' in one manner or another. However, before listing out the crucial Islamic provisions of this Constitution, it is important to note the political developments that have affected the substance and spirit of the 1973's Constitution.⁵⁸ Of Pakistan's three Constitutions, only the 1973's Constitution, in its original form has been recognized by the commentators a democratic document due to its legislation by a duly elected

⁵⁸ Since 1973, the resilience of both Pakistan and its Constitution have been tested by several events, including:

- (1) General Zia's 1977 military coup;
- (2) Presidential Order of 1985, of important General Zia-sponsored amendments to the 1973 constitution;
- (3) unstable and short-lived democratic governments in Pakistan throughout the late 1980s and 1990s; and
- (4) General Musharraf's 1999 military coup and his sponsorship of yet more amendments to the 1973 constitution.

parliament, and also because of the procedure which led to its adoption.⁵⁹ However, the political events after 1973 have considerably destroyed the democratic import of the 1973's Constitution. The changes and amendments introduced without popular mandate and through authoritative military regimes have rendered it far less from being a true representation of the people of Pakistan. Two political regimes, the Pakistan People Party's government in 70s and General Zia's military rule from 1977 till 1988, have played pivotal roles in shaping the life and career of 1973's Constitution.

The Constitution of 1973 was created by the parliament that was elected in 1970's elections. In those first ever general elections of Pakistan, within West Pakistan, Pakistan People's Party (PPP) was pitched against Muslim League and Jamat-i-Islami, the leading political parties emphasizing on religious identity and agendas. The slogan 'Islam is our religion; Socialism is our economy; Democracy is our politics' was the one on which Zulfikar Ali Bhutto's Pakistan People's Party mobilized the masses of West Pakistan and scored an astounding victory.⁶⁰ The contradiction was that the people campaigned for the PPP in the name of socialism and emancipation of workers and poor, and not for the highlighting of religious agendas. In order to achieve maximum consolidation of power, the Pakistan People's Party, within months of making government, built a grand political alliance with those right-wing parties with religious and semi-religious agendas, which had bitterly opposed PPP in elections. If people of Pakistan would have wanted Pakistan to be an orthodox theocracy, they could have already voted for the Parties with religious programs,⁶¹ especially where some of those parties had Islamic socialism as the basis of their manifestos and at least in theory, could have made a good case for a progressive Islamic state. The point, submitted again, has been that the creation of Pakistan had already neutralized the importance of religion in politics. Within Pakistan, religion was safe and did not require any further manifestation. However,

⁵⁹ PAULA R. NEWBERG, *JUDGING THE STATE: COURTS AND CONSTITUTIONAL POLITICS IN PAKISTAN* 138-40 (commenting that while the process that led to the 1973 constitution was full of acrimony and power politics, '[n]onetheless, a new constitution was written and approved by a directly elected [National] Assembly for the first time since independence.... [While] no party or faction was fully satisfied by the governance structure created by the constitution,...it received unanimous approval from the National Assembly.')

⁶⁰ Feroze Ahmed, *Swing to the Right*, *PAKISTAN FORUM*, Vol. 24:9 (1973); Anwar H. Syed, *Pakistan People's Party and the Punjab*, *ASIAN SURVEY*, Vol. 31:7 (1991) at 582.

⁶¹ See Nasr, *supra* note 55 at 261.

the Constitution drafted under the alliance with religious parties created a document that sufficiently pushed into motion the mainstreaming of religious identity in Pakistan. The concrete manifestation of this can be seen in Article 260 (inserted in the Constitution in 1974) where the word 'Muslim' has been defined. For the first time in history, Pakistan legislated a constitutional definition of a 'Muslim' (and 'Islam,' by implication).⁶² Previously, other provisions of the Constitution concerning Islam had restricted themselves from being specific. For example, the Article 31, principle of policy, whose subject matter is the 'Islamic way of life,' references 'the fundamental principles and basic concepts of Islam,' the 'meaning of life according to the Holy Quran and Sunnah,' and 'Islamic moral standards,' but gives no precise or controversial content to these ideas.⁶³

Furthermore, Article 2 of the Constitution declares that 'Islam shall be the State religion of Pakistan.'⁶⁴ Other constitutional articles require that the

⁶² Constitution of Islamic Republic of Pakistan, Article 260(3). In its present form, this article states:

260. In the Constitution and all enactments and other legal instruments, unless there is anything repugnant in the subject or context, --

(a) "Muslim" means a person who believes in the unity and oneness of Almighty Allah, in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the prophets, and does not believe in, or recognize as a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him); and

(b) "non-Muslim" means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani Group or the Lahori Group (who call themselves 'Ahmadis' or by any other name), or a Bahai, and a person belonging to any of the Scheduled Castes.

⁶³ *Government of N.-W.F.P. v. Said Kamal Shah*, P.L.D. 1986 S.C. 360, 474 (Presenting a contemporary demonstration of the Islamic legal implications that might arise by a specific reliance on the Qur'an and Sunnah, instead of other sources of Islamic law, in a dissenting opinion Justice S M H Quraishi says: It must, however, be noted that Muhammadan Law as understood and interpreted in the above cases by the Courts is based on the juristic principles (Fiq-h) [sic] as expounded by the scholars of legal thought in Islam. But here, in a matter arising under Article 203-D of the Constitution we are concerned with the question whether the law is repugnant to the Injunctions of Islam as laid down in the Holy Qur'an and the Sunnah of the Holy Prophet. A law may not be in conformity with the juristic opinion of one or the other of the Schools but that would not render the same repugnant for the purposes of Article 203-D unless the repugnancy is clearly brought out as against some specific Injunction either in the Qur'an [sic] or the Sunnah.)

⁶⁴ Constitution of Islamic Republic of Pakistan, 1973, Art. 2.

President, Prime Minister⁶⁵ as well as most members of the National Assembly (Parliament's lower house), be Muslim. In addition to these requirements, certain institution has been created under the constitution of 1973, to channelize the application of Islamic laws and promote the interpretation of Islam. Important among them are the Council of Islamic Ideology and Shariat Court. The 'Council of Islamic Ideology' has been created under Articles 227-231 of Constitution of Pakistan to see that 'all existing laws shall be brought in conformity with the Injunctions of Islam as laid down in the Holy Quran and Sunnah. . .and [that] no law shall be enacted which is repugnant to such injunctions.'⁶⁶ The real import of this Council came into limelight during General Zia's regime when it was used in conjunction with the Shariat Court to create an Islamic State of Pakistan by testing the vires of all existing and future laws of the country.

The Shariat judicial courts were not present in the original Constitution of 1973 and were later inserted in 1979 by General Zia-ul Haq who came to power after the successful coup d'état of 1977. Religion was the first base on which General Zia had attempted to build a structure of support for his otherwise unconstitutional rule. Islamic themes occurred in all contexts ranging from constitutional apparatus to the daily social life.⁶⁷ In order to capitalize on religion, Zia introduced reforms designed to create a *Nizam-i-Islam* (Islamic Order)⁶⁸ in Pakistan. The establishment of Shariat courts was part of those religion-oriented reforms. This Shariat judicial system was designed to operate in parallel to Pakistan's long-standing mainstream judicial system, which had the usual common law system of trial courts. Importantly, the original jurisdiction of the Federal Shariat Court was described in the Constitution by stating that it may examine and decide the question whether or not any law or provision of law was repugnant to the Injunctions of Islam, as laid down in the Holy Quran and Sunnah of the

⁶⁵ Although no article of the Constitution requires Prime Minister to be Muslim specifically, however Article 91 used to mention that the 'National Assembly shall...elect...one of its Muslim members to be the Prime Minister,' but this explicit requirement was eliminated by changes made to the 1973 constitution in 1985. While the Prime Minister is required, before assuming office, to take an oath--part of which includes a declaration that the Prime Minister is a Muslim--there is nothing in the 1973 constitution stating any consequences for mendacity vis-à-vis this oath. See Id. Art. 91(3), Third Schedule [art. 91(4)].

⁶⁶ Id at Art. 227(1).

⁶⁷ For e.g. in 1980, All Pakistan Lawn Tennis Association conducted 'Millat Cup', the first ever sports event exclusively for Muslim youth.

⁶⁸ W. Eric Gustafson, William L. Ritcher, *Pakistan in 1980: Weathering the Storm*, ASIAN SURVEY, Vol. 21:2 (1981) at p.166.

Holy Prophet.⁶⁹ Further it says, if any law or provision of law is held by the Court to be repugnant to the Injunctions of Islam, such law or provision shall, to the extent to which it is held to be so repugnant, cease to have effect on the day on which the decision of the Court takes effect.⁷⁰ Hence, a significant merger recipe of Shariah and modern state system was formed and applied under General Zia's military rule.

C. *The Process of Islamization and the Referendum of 1984*

After taking over the government in July 1977 in a military coup, during his eleven years long rule, General Zia gained international support, mainly from the U.S. by using the Soviet invasion of neighboring Afghanistan as an argument that Pakistan required a strong and stable government under his leadership. As for domestic political support, General Zia looked to Muslim groups and parties.⁷¹ For their appeasement, Zia declared Pakistan as an Islamic nation and embarked on a path of promoting Islamic practices in the social sphere and in the legal system. However, interestingly and ironically too, those had been the same parties and religious groups that could not do too well earlier in the elections of 1970 and 1977.⁷² The discussion that follows in this section revolves broadly around the policies of Zia regime that gave the unparalleled religious identity to Pakistan, and a national referendum held by General Zia to determine whether the electorate supported his program of Islamization or not. The purpose is to argue that there was no democratic or popular basis for the Zia regime and its Islamization policies, and therefore, the Islamization programs and the profound Islamic face of Pakistan presented during this period cannot be truly reflective of the identity of the people of Pakistan.

During his reign, General Zia contemplated significant and ambitious Islamic reforms in Pakistan. His program contemplated modifications in Pakistan's legal, economic, educational and social system. General Zia's agenda of Islamism was a demand for legalism since a broad-based Islamic program could not had been enforced in a State that was not Islamic itself. Therefore, beginning with the Constitution, some crucial changes were made and through a 'repugnancy clause' in the form of Article 2-A,

⁶⁹ Constitution of Pakistan, 1973 at Article 203-D (1)-(3)(b).

⁷⁰ Ibid at Art 203-D

⁷¹ See Nasr, *supra* note 55 at 262-265.

⁷² Ibid.

Objective Resolution was made justiciable provision of the Constitution. Furthermore, Shariat Courts were grafted onto the judicial system of the country, criminal laws were amended, newer Islamic criminal laws in the form of *Hudood Ordinances* of 1979 were enforced, and evidence laws were also Islamized to change the competency and quantum of testimony in civil and criminal matters.⁷³ Above all, a universal process of Islamising of laws was commenced in Pakistan under the collaborative initiative of Council of Islamic Ideology and Federal Shariat Court through which all major and minor laws were examined to assess the vires of those laws in the presence of Article 2-A, the 'repugnancy' provision of the Constitution.⁷⁴

Within the economic system, islamization was done by establishing 'Islamic Banks', calling for abolition of *riba* (usury), and introducing a mandatory collection of Zakat (social welfare tax) against the bank holdings of Sunni Muslims. Islamization agenda of Gen. Zia also mandated educational reforms by establishing new institutions to promote Shariah education, by enhancing the importance of Arabic in the curricula, and by contemplating the wholesale redrafting of textbooks to incorporate Islamic pedagogy. Social reforms were introduced through stressing upon the sanctity of Ramzan, the encouragement of *purdah*, and stricter enforcement of bans on gambling and drinking. The Islamic reforms, during General Zia's regime, had a very prominent public profile and they were portrayed as leading Pakistan in the direction of becoming 'truly Islamic.'

Even though the emergence or development of identity is not a mechanical but organic process, however, General Zia bestowed upon Pakistan, an unparalleled religious identity. Never before was there such an involvement of religion in every aspect of life, public or private. During all this period, the military and mosque maintained an alliance as the forerunners of this ideological paradigm. This naturally brings us to the questioning of the validity of this representation, religious and political, of Pakistan under Zia's regime.

General Zia's was, literally, one man rule until 1981 when he inaugurated the Majlis-i-Shoora, the *appointed* advisory body that replaced the *elected* national assembly. When General Zia inaugurated the Majlis-i-Shoora in 1981, he announced that its main tasks were to accelerate the process of Islamization in the country and also to create conditions

⁷³ Charles H. Kennedy, *Islamization and Legal Reform in Pakistan 1979-89*, PACIFIC AFFAIRS, Vol. 63:1 (1990) at 62-77.

⁷⁴ *Ibid.*

congenial to the establishment of an Islamic democracy and to suggest further plans of action for that purpose.⁷⁵ President Zia viewed the role of his appointed Shoorā as an intermediate step to the eventual development of what he called an Islamic democracy.⁷⁶ Interestingly, in his Islamic democracy, political parties and their political manifestos had no place. The Islamic Ideology Council, in support of military regime, declared all the political parties un-Islamic. With Parliament already dissolved, political parties declared 'defunct' and hence banned, General Zia called for a referendum in December 1984. In the referendum, people were asked to vote on a single question: 'whether they supported the process initiated by the Government for the Islamization of all laws in accordance with the Holy Qur'an and Sunnah and whether they supported the Islamic ideology of Pakistan?' General Zia further manipulated the terms of the referendum to provide a vote of confidence for his leadership and gave an interpretation of a 'yes' vote on the referendum as constituting an endorsement of his Islamization policies and, thereby, he could remain President for five more years. By incorporating multiple consequences in a single question, the government presented voters with a choice of voting for Zia or against Islam.⁷⁷ During the referendum campaign weeks, the controlled media exhorted the people to vote 'yes' and to oppose the referendum or to advocate a boycott was declared a crime and hence, illegal.⁷⁸ Despite General Zia's claims of fair and free referendum, the entire exercise was rather rated as a one-sided affair.⁷⁹ The referendum of 1984 was followed by a non-party based general election in 1985, in which, however, *Jamaat-i-Islami* was registered as the only eligible party to contest elections; other candidates were expected to contest individually without any party affiliations. Since, the elections did not involve any political party or political manifestos, it is almost impossible to read the electoral tilt. The

⁷⁵ The other two tasks assigned to the appointed Majlis-i-Shoorā were, first, to offer 'opinion and wisdom' to the administration on important national and international matters; and second, to assist in overcoming the economic and social difficulties of the people. For further discussion on these tasks of Majlis-i-Shoorā, See further J. Henry Korson, Michelle Maskiell, *Islamization of Pakistan and Social Policy*, ASIAN SURVEY, Vol. 25: 6 (1985) at 590.

⁷⁶ *Ibid* at 591-592.

⁷⁷ Some voters who resolved this dilemma by marking the *yes* column of their ballots 'Islam *yes*' and *no* column 'Zia *no*' had their ballots declared invalid.

⁷⁸ The boycott of the referendum was made a criminal offence punishable with three years imprisonment.

⁷⁹ For detailed discussion upon the referendum of 1984, see MOHAMMAD WASEEM, *POLITICS AND STATE IN PAKISTAN*, (Lahore:1989) at 410.

government created under those elections did not present any independent policy but continued to tow the larger political paradigm drawn by General Zia. Nevertheless, both the referendum of 1984 and general elections of 1985, together, could not bring the required legitimacy of the policies of Zia's regime.

D. *Religious Sectarianism of 80s and 90s*

The propagation of religious identity as the primary identity of people of Pakistan by the military regime of General Zia, created a synonymity between Islam and Pakistan where both could be used interchangeably. So strong was the integration between religion and politics in Zia's era that all affairs of public and private life were argued or defended on religious grounds. The rise of sectarian divide between the Sunnis and Shi'as of Pakistan served as a verifying catalyst regarding the universal position of religion in Pakistan. Before the events of sectarian violence that took place in the 80s and 90s, Islam had been seen as a unifying force in Pakistan. Many ethnic, linguistic and cultural differences were ignored and rubbed off under the universal umbrella of Islamic identity. The emergence of the sectarian divide broke that myth of homogeneity of religious identity in Pakistan. The sectarian splits extended beyond sporadic clashes over doctrinal issues between Sunnis and Shi'as, and metamorphosed into a political conflict around the mobilization of religious-group identity to achieve political power and viability. This Sectarianism in Pakistani context refers specifically to organized and militant religio-political activism, whose specific aim had been to safeguard and promote the socio-political interest of the particular Muslim sectarian community, Shi'a or Sunni, with which it is associated. Its discourse of power promises empowerment to that community in tandem with greater adherence to Islamic norms in public life, as the religious sources and authorities of that community articulate them. These goals are to be achieved through mobilization of the sectarian identity in question and the marginalization of the rival sectarian community, largely through prolific use of violence.⁸⁰

This greater prominence of sectarianism in Pakistan's politics can be seen as a new phase in the life and career of religious identity, ideology and

⁸⁰ Mumtaz Ahmed, *Islam and the State: The Case of Pakistan* in MATTHEW MOEN & L. GUSTAFSON, EDS., *RELIGIOUS CHALLENGE TO THE STATE* (Philadelphia: 1992) at 230-240.

politics. This phase unfortunately, turned out to be more militant and reached next level of the demand for an Islamic state. This time the demand was not for an Islamic state only but for the Islamic state where religious minorities will be marginalized. This sectarianism is tied to Islamism in that the defining identity is elaborated in terms of Islam, and ideological underpinning of Islamism also informs the politics of sectarianism, although sectarianism places greater emphasis on sectarian purity as opposed to establishment of a universal Islamic orthodoxy. This sectarian discourse of power and its underlying paradigm of politics has predicated religious-group identity as the basis of political participation. Hence, whereas sectarianism in Pakistan displays far more concern for religious orthodoxy than Confessionalism in Lebanon, and Protestant and Catholic politics in Northern Ireland, the fundamental directives of their politics are not dissimilar.⁸¹ The Islamist veneer should not obfuscate the fact that at its core sectarianism is a form of religio-political identity.

Furthermore, while analyzing the causes of sectarianism after the successful though artificial implantation of religious identity in Pakistan, some arguments portraying Iran as the main initiator or at least leading contributor of this sectarian divide⁸² (in order to exert more control in Pakistani politics), appears rather superfluous. This Iran related proposition has been projected in the form of two juxtaposed arguments. On the one hand, some analysts argue that the Iranian revolution changed the character of both Sunni and Shi'a politics in Pakistan. The ideological force of the Iranian revolution, combined with the fact that the first successful Islamic revolution had been carried out by the Shi'as, emboldened the Shi'a community and politicized its identity within Pakistan. The active participation of Iran in organizing the Shi'as of Pakistan, resulted in the further deepening of sectarian cleavage between Sunnis and Shi'as. The other reason for Pakistani sectarianism, though equally concedes to the centrality of Iranian revolution in the sectarian divide of Pakistan, however, attributes a rather inspirational role to the revolution. According to them, the emergence of Shi'a state, just in a close neighborhood, inspired Pakistani Sunnis so much that they started conceiving afresh the ideal of establishing an Islamic State in Pakistan, only that this time it was to be a Sunni Islamic

⁸² Vali Reza Nasr, *Sectarianism in Pakistan 1979-98*, COMPARATIVE POLITICS, Vol.32:2 (2000) at 171-190.

State. Since General Zia's Islamic reforms,⁸³ despite the claims of Islamic universalism, turned out to be based on strict Sunni interpretations of Islamic law, the Shi'as viewed that as an interference with their religious conduct and a threat to their socio-political interests.⁸⁴ This misreading of Shi'a reaction to Pakistan's Islamization resulted in the violent clashes between the Sunni majority and Shi'a minority, which was actively supported by Iran. This made the Shi'a minority realize that they had to be politically organized, so that they could protect their rights in the face of Sunni majority.⁸⁵

Both of the above arguments, can hold better ground, if viewed in isolation and without bringing into context, the Soviet-Afghan war of the eighties. The occurrence of the Iranian revolution and then Pakistan's sudden craving for massive Islamization, all seems to be too happy a coincidence for other international actors, especially those who were against the Soviet invasion of Afghanistan. Interestingly, the participants of international politics, in the eighties and nineties world, appeared comfortably supportive of the universalization of religious identity in Pakistan. The unpopular and despotic military regime continued to receive cooperation, externally, from their western allies and internally, from the religious hardliners to exaggerate the role of religion in the life of a common Pakistani. This religious universalism was not only the forte of this identity rather it was also its surviving point. Without its utility in Soviet-Afghan war, such a strong and universal religious identity was in no one's benefit, the fact so thoroughly proved by the events of 9/11 and later. In this context, the sectarianism in Pakistan when contrasted with this growing pan-Islamism, reflects a disintegration process whereby the strength of religio-political identity and its universalism was not only controlled but was also brought to its size.

⁸³ Shi'as made their position clear when in 1980 General Zia sought to implement Sunni laws of inheritance and collection of *zakat*, which the state was charged to collect in the name of Islam. Faced with the strong Shi'a protest and significant external pressure, the government capitulated. It recognized Shi'a communal rights and thus gave legitimacy to their sectarian posturing.

⁸⁴ Ibid.

⁸⁵ Muhammad Qasim Zaman, *Sectarianism in Pakistan, The Radicalization of Shi'i and Sunni Identities*, MODERN ASIAN STUDIES, Vol. 32:3 (1998) at 689-716.

E. *Integrating Religious and Political Identities: A Comment on Zia ul Haq Regime*

Hence, during the Zia era, Pakistan continued to suffer the 'real' identity crisis. Although this time, the appended hardcore religio-political identity of Pakistan was in line with the script of a broader world-scenario. Two important inferences could be drawn from the analysis made in this part of the article. First, there has not been initiated any process to democratically assess the inclination of the people of Pakistan, which consequently makes the entire attribution of religious identity to Pakistani people a highly probable process, especially when there existed counter-indicators such as the referendum of 1984. Second, that the undemocratic attachment of religious identity upon Pakistan has been a desirable phenomenon internationally, and also domestically, particularly in the context of the interests of military rulers and western powers.

As I have pointed earlier at the conclusion of last part, that Pakistan went wrong when after the successful use of religio-political identity in the Independence movement in 1947, it continued to cling to the larger than life image of that identity. Under Zia's rule that image of religious identity was stretched so much that it ultimately became a religious identity of universal import. Whereas, after 1947, what Pakistan needed was a territorially tailored identity to accommodate its otherwise pluralistic society, and should have addressed the conflict of ethnic identities by sorting out the problems relating to power and economic disparity. This could not happen, since from the time of its existence, Pakistan has been mostly ruled by a civil-military oligarchy that sees itself as defining and also protecting the state's identity, mainly through mixing of religious and militarist nationalism. Therefore, the effort to create national cohesion between Pakistan's disparate ethnic, religious and linguistic groups through religion, assumed greater significance, and its manifestations became more violent. Hence, religious groups, armed or unarmed, gradually became more powerful as a result of this alliance between the mosque and the military, and its general suitability for the world in the 80s and 90s.

V.

PAKISTAN, RELIGIOUS IDENTITY AND POST 9/11 WORLD

This part of the paper focuses upon the transformation of religious identity of Pakistan in the context of the global phenomenon of terrorism that occurred after the events of 9/11. The reason for passing over the entire period of alternated democratic governments of Ms. Bhutto and Mr. Nawaz Sharif has been that both of their tenures had hardly any effect on the identity crisis of the country. Pakistan continued its disproportionate focus on religious identity as the primary political identity, defined and developed mainly through military leadership.

Therefore, even in the democratic period from 1988-99, the military continued to indirectly dominate Pakistani politics, set Pakistan's ideological and national security agenda, and repeatedly intervened to direct the course of domestic politics. Therefore, even when a democratic process was being pushed in the country in the 90s, Pakistan continued to be far from developing a consistent system of government, with unrelenting political polarization between civilians and the military, and between Islamists and secularists. Hence, despite the substantive rewriting of country's Constitution, ostensibly to pave the way for sustained democracy, another military general had to seize power in 1999, reiterating that civilian politicians were incapable of running the country. This period of General Musharraf, being at the helm of national affairs of Pakistan, is of further importance since it is experiencing and shaping the impacts of post 9/11 transition upon the religious identity of Pakistan.

A. *Musharraf Regime: Distancing Religious Identity from National Identity*

In the context of this discussion relating to the integration and disintegration of religious identity, the Musharraf regime presents a phase that is prescriptively distinct from the earlier periods. The earlier periods of Pakistan's political history can be easily classified as one uniform phase on the bases of three common characteristics at least. First, all the previous political periods of Pakistan had the authoritarian military regimes; second, all these regimes had profusely used religion as a common denominator in national identity, mainly for their own political gain; lastly, all these regimes

had especially used pan-Islamic interpretation of the religious identity at the expense of ignoring any territorially designed definition of Pakistani identity.

The Musharraf regime, however, has been different on two accounts at least: first, its inherent incapacity to use religion as a support base, and second, the change of ground realities after 9/11. When Musharraf took over power in 1999, his military government needed a new power support base. The earlier military regimes used religion, mainly, the failure of defunct governments to make Pakistan an Islamic country as their primary reason to intervene which subsequently allowed them to use religion and religious political parties as means to generate political support. Musharraf, on the other hand succeeded the semi-democratic period of the 90s, which followed the massive Islamization of the 80s. Those 90s governments did not meddle with the already existing Islamization of General Zia and maintained the status quo as per Islamic policies. Hence, when Musharraf took over, the political utility of religion in Pakistan was already curtailed given to the already done extensive Islamization and the broad apparatus devised and available for further continuation of Islamic policies of past governments. His emphasis on taking up moderate approach towards religion and politics, the stance taken prior to 9/11 incident, was also reflective of the fact that there was not enough support of religion based political agendas within masses who repeatedly showed themselves to be more interested in economic reforms and social justice.

Moreover, this option to use religion politically was further reduced when after 9/11 events Musharraf chose to side with the western allies. One of the main dynamics of the post-9/11 world has been its incompatibility with the notion of pan-Islamism, that is to identify with the people on the basis of commonality of Islam as a religion irrespective of race, culture or territory. The pan-Islamic application of religion has been a universal phenomenon in the 80s, at least as far as Pakistan was concerned. It was during Zia rule in the 80s that the politics of Islam underwent a major qualitative change. The active involvement of Pakistan in Afghan war sent out a clear signal that waging extra-territorial religious war was a legitimate political activity. This universal recognition of the pan-Islamic identity within Pakistani military regimes reduced the territorial identity of Pakistan to a mere formality and domestic political problems of Pakistan as mere secondary agendas in the face of greater international issues requiring solutions.

In the post 9/11 world, the connotations for Muslim identity have not only widened rather the term itself has transformed into a label of universal import, interpreted too often to denote terrorist and violent elements around the globe. The choice of allying with US led coalition made it necessary for Musharraf regime to break away from this religious identity of pan-Islamism. Therefore, in terms of religio-political identity, the Musharraf government stands juxtaposed to Zia's military rule. During Zia regime, the religious parties along with military had been the leading architects of the religious identity of Pakistan. Yet, in the aftermath of 9/11, for the first time in history, there has been a 'real' clash of interest between these religious parties and the military. This disintegration of military-mosque alliance allowed Musharraf an opportunity for the denunciation of the previously adopted religio-political identity.

B. *'Pakistan First' - a Paradigm Shift: From Pan-Islamism to Globalism*

The Musharraf regime, hence, has given a new slogan of 'Pakistan First'⁸⁶ to denote an ideological departure from the earlier pan-Islamic identity of Pakistan. The slogan 'Pakistan First' has been interpreted to

⁸⁶President Musharraf's Speech on 19 September, 2001 available at <http://www.americanrhetoric.com/speeches/pakistanpresident.htm> (last visited on 11th October, 2007). In his speech President Musharraf said: "Pakistan is facing a very critical situation and I believe that after 1971, this is the most critical period. The decision we take today can have far-reaching and wide-ranging consequences. The crisis is formidable and unprecedented. If we take wrong decisions in this crisis, it can lead to worst consequences. On the other hand, if we take right decisions, its results will be good. The negative consequences can endanger Pakistan's integrity and solidarity. Our critical concerns, our important concerns can come under threat. When I say critical concerns, I mean our strategic assets and the cause of Kashmir. If these come under threat it would be a worse situation for us.Pakistan's armed forces and every Pakistani citizen is ready to offer any sacrifice in order to defend Pakistan and secure its strategic assets. Make no mistake and entertain no misunderstanding.Any wrong judgment on our part can damage all our interests. While taking a decision, we have to keep in mind all these factors. The decision should reflect supremacy of righteousness and it should be in conformity with Islam. Whatever we are doing, it is according to Islam and it upholds the principle of righteousness. I would like to say that decisions about the national interests should be made with wisdom and rational judgment.We have to take recourse to sanity. We have to save our nation from damage. We have to build up; our national respect. "Pakistan comes first, everything else comes later"."

include three primary lines along which Pakistani identity should be redefined. Firstly, Pakistan's identity should break free from the stagnant religio-political elements based on pan-Islamism. Secondly, the identity of Pakistan must be defined in terms of the territorial reality of Pakistan with the commitment to preserve the state; and thirdly, the preservation of the state lies in opting to side with the West, especially US and her allies.⁸⁷ The defining lines for this 'Pakistan First' ideology have been further clarified from the side of Musharraf government by introducing a supplementary thesis of 'enlightened moderation'⁸⁸ that calls for the adoption of a more compatible view of religion emphasizing mainly on religious tolerance and acceptability of universally prevailing trends such as openness, revolt against taboos, acceptance of western cultural values; and on the active side, discriminating against those who could possibly reflect or protect the image of orthodoxy even at the expense of merit.

Furthermore, the comparative analysis of this 'Pakistan First' and 'enlightened moderation' ideology with the universalistic religio-political ideology of the 80s, reveals that although they are principally converse to

⁸⁷ Ibid. For further comment on Musharraf's 'Pakistan First' theory, see Shafqat Mehmood, *Pakistan Comes First*, available at <http://www.jang.com.pk/thenews/columnists/shafqat/shafqat21.htm> (last visited on 21 October, 2007).

⁸⁸ Pervez Musharraf, *Time for Enlightened Moderation*, (2004) available at <http://www.presidentofpakistan.gov.pk/EnlightenedModeration.aspx> (last visited on 12 October, 2007). President Musharraf wrote, "My idea for untangling this Gordian Knot is the strategy of Enlightened Moderation which I think is a win for all – the Muslim and the Non Muslim World. This is a two-pronged strategy. One part to be delivered by the Muslim World is to shun militancy, extremism and adopting the path of socio-economic uplift. The other part to be delivered by the West, and the US in particular, must aim at resolutely resolving all political disputes with justice and also assisting in the socio-economic uplift of the deprived Muslim World.....* * *My brother Muslims, the time for renaissance has come. The way forward is to head towards enlightenment and concentrate on human resource development through poverty alleviation, education, health and social justice. If this be our direction, it cannot be achieved through a confrontationist approach. We have to adopt the path of moderation and a conciliatory approach to wash off the common belief that Islam is a religion of militancy and is also in conflict with modernization, democracy and secularism. All this has to be done with a realization that, in the world we live in, the doctrine of fairness is not always available to us. This is our prong of the strategy of Enlightened Moderation which we need to deliver.....* * * The world at large and the powers that be, must realize that confrontation and use of force is no more the option available to bring ultimate peace. Justice must be done and be seen to be done. Let it not be said by our future generations that we, the leaders of today took humanity towards apocalypse."

each other, however, the methodology for their implantation has been the same. The universalistic religious identity of Pakistanis was not of their own making but was a military attribution; just as, this latest moderation has been conferred upon people by a military ruler. They are invert in that, that 80s pan-Islamism demanded the Pakistanis to locate their identity in terms of religion and its universal recognition, whereas Musharraf's 'Pakistan First' along with 'enlightened moderation' impresses upon people to identify with the globalism, commonly represented by the culture, trends and values of West. The demands of pan-Islamism and globalism, in Pakistan's context, are common in a sense that they both have considerably ignored the demands attached to the territorial reality of Pakistan.

C. *Rejection of Attempts at Disintegration between Religious and National: Electoral Success of Religious Parties in 2002*

Ever since the creation of Pakistan, religious parties had struggled to establish a foothold in the country's mainstream politics. The 'liberal lobby' always boasted that the religious groups had never been able to muster double-digit figures in terms of seats or vote share in any general election in the whole of all of Pakistan's electoral history.⁸⁹ Ironically, the general elections of 2002, changed it all. In 2002 Elections the *Mutahidda Majlis-i-Amal*(MMA), a political alliance of religious parties came to power, most importantly, democratically. Their success and popularity can be attributed, to US War against Afghanistan that resulted in increased inclination of Pakistanis towards religious parties. This MMA alliance has done considerably well in North West Frontier Province (NWFP), the one that shares its borders with Afghanistan. It must be noted that the people of this province not only share religious ideology with Afghanistan but also have common ethnic and linguistic heritage, which many a times transcend the religious affiliations.

At the time of the formation of this alliance, it was proclaimed that the religious parties should play an active role to 'protect the Islamic identity' of the country and promote the basic objectives of the creation of Pakistan, the oft-repeated commitment in Pakistan. Most of these successful religious parties initiated their demand for converting Pakistan into an Islamic state soon after independence in 1947. Although they were unable to generate popular support for their mission, the ruling elite particularly military did

⁸⁹ B. Murlidhar Reddy, *Rise of the Right*, FRONTLINE, Vol.19:22 (2002).

start a process of giving the Pakistani state an Islamic identity for reasons of their own political expediency. But for the first three decades of Pakistan's history all official measures in this direction were cosmetic exercises aimed at legitimizing authoritarian rule and keeping the religious elements of country happy. This first-ever electoral success of these parties in 2002 did raise a speculation as to how their world-view would affect the spectrum of 'national identity' in Pakistan.

Keeping in context the dynamics of 1947's integration of ethnic and regional identities into one consolidated religio-political identity, it is pointed that this unprecedented success of religious parties in 2002 have also been instigated by external factors such as US attack on Afghanistan. The internal cohesiveness of a common religion, as agitated by these political parties in earlier elections of 1970, 1977 and 1985, alone has never been able to get a considerable electoral victory for them. Just as the Muslim League in undivided India highlighted the external factor of 'fear of Hindu dominion' to transform the religious identity into a political aspiration, the interpretation of 'war against terrorism' as 'war against Muslims' has helped the religious parties in Pakistan to gain this political milieu.⁹⁰

VI.

COMPLEXITY OF NATIONAL IDENTITY ISSUE FACED BY PAKISTAN

In the context of discussion in the previous parts of this paper, it will not be wrong to state that, at the moment, Pakistan suffers from a deep national identity crisis. In 1947, at its birth, the state of Pakistan was a nation integrated due to its common religious belief. However, the years following

⁹⁰ For detailed results of the 2002 parliamentary elections, see <http://www.heraldelections.com>. (last visited on 10 October, 2007). For an analysis of the significance of the 2002 elections, see Ron Moreau and Zahid Hussain, with Michael Hirsh, *A Big Vote for Jihad*, Newsweek, 21 October 2002, at 39. Authors have noted that among others a notable factor in this political victory has been the passivity of the otherwise secular voters. Interestingly, on the encouraging note, the religious parties have made these electoral gains without dramatically increasing the share of votes traditionally won by them. Besides, the Musharraf government's decision to bar two former prime ministers, Nawaz Sharif and Benazir Bhutto, and several of their followers from the election further helped religious parties achieve their electoral success.

independence witnessed the continuous disintegration between the religious and political identities of people of Pakistan. It is during this course of disintegration that the province of East Pakistan separated to form an independent state of Bangladesh. The post-1971 period was marked with the revitalization of religion as a unifying force for remaining of the Pakistan. However, may it be for internal reasons or the complementarity to international political situations, the 80's saw the emergence of religious identity in the form of a pan-Islamic universalism. As against this background, the Musharraf government introduced a paradigm shift under which an attempt has been made to remove religion from the national identity of people of Pakistan.

This comment brings us to analyze that why Musharraf's 'Pakistan First' as an identity slogan, could not succeed with the people of Pakistan? This question is particularly important since we have already made two arguments earlier in this paper: firstly, the religious identity of 1947 needed to be transformed into a more territorially designed political identity,⁹¹ and secondly, the people of Pakistan did not politically support the pan-Islamic version of religious identity bestowed by Zia.⁹² Therefore, the chances of success for Musharraf's 'Pakistan First' and 'enlightened moderation' should be quite bright since 'Pakistan First' creates an impression of being a territorially oriented ideology and 'enlightened moderation' cuts deep into the Islamic universalism adopted during Zia regime. However, it is important to note that the creation and further development of an identity is not a mechanical but an organic process. Therefore, the mistake made firstly by Zia and then repeated by Musharraf has been that they have both tried to implant an identity upon the people of Pakistan without further fostering it with the democratization of country. Therefore, although Musharraf speaks of a vision of "enlightened moderation" for Pakistan, but just like Zia, the contradictions in his domestic, regional, and international policies are apparent. So far, he has only confirmed his commitment to his indispensability in pursuance of his claim that his presence is vital for the protection of national interest of Pakistan. However, the events following the dismissal of Chief Justice of Pakistan in March, 2007 have clearly proved that Musharraf's interpretation of national interest itself is the biggest threat to Pakistan's national interest.

⁹¹ See text on page 141.

⁹² See Part-IV, Section C, last paragraph.

The contextualization of the above key events will lead us to two important inferences. First, that there has never been any democratic attempt to gauge the popular inclination, favorable or unfavorable towards religious identity, which consequently makes the entire attribution of religious identity to Pakistani people a highly probable process, especially when there has been indicators to the contrary such as the referendum of 1984, or the success of religious parties in 2002. Second, that the undemocratic attachment of religious or an a-religious identity upon Pakistan has been a desirable phenomenon internationally as well as domestically, particularly if viewed in terms of the interests of ruling military dictators and the western powers.

Furthermore, the current attachment of a-religious identity on Pakistan, is ever so more important due to its timings in the world history, particularly when capitalism, in the guise of an ideology is asserting its natural needs to be transnational and pre-determined. These are the times when globally, the choice has been reduced between the acceptance and rejection, on the basis of a pre-deterministic ideology, which in return, further cuts into the fair chance of forces of moderation to evolve as an ideology. Following this upon the basis of arguments developed in this paper, it is submitted that instead of predeterminism, the chance must follow the democratization process since the identity formation and change is a process that can neither be planted nor uprooted. It takes birth from the living dialogue of time and values where established values are shaped and then reshaped by the demands of time and events. Therefore, the reliance must be placed upon leaving this organic process intact, and upon allowing the democratization of the society and people of Pakistan, as it will offer a real possibility of natural evolving of moderate forces which will in return shape such a national identity for Pakistan, in which there will be struck a right kind of balance between the religion and politics, the one that will be in line with Jinnah's vision of Pakistan. For Jinnah 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 1947.⁹³ Jinnah stressed that religion was merely an element in people's lives. He said:

"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

⁹³ASGHAR KHAN, *ISLAM, POLITICS AND THE STATE: THE PAKISTAN EXPERIENCE* (London: 1985).

are very vital, our social life, our economic life, and without political power how can you defend your faith and your economic life.”⁹⁴

VII.

CONCLUSION

The question of identity in the context of people of Pakistan has a multiplied import, definable on the lines of religion, ethnic background, region, language and culture. The pre-partition period had witnessed the formation of an identity that was aligned on religious basis, irrespective of ethnic or other differences. In a post-partition period, however, the understanding of these various identities grew in different directions. Further problems arose when during multiple military regimes of country, the identity-form demarcated on religious basis, was sought to be applied to every other aspect of life, whether applicable or not. In this context, my paper has examined the different phases of national and international politics that have impressed upon the identity formation and transformation process. It has been further commented that the omnipresence of religion in Pakistan can perhaps be best contained through mobilization of democratic forces and not through the artificial attribution of identity by dictatorial regimes in pursuance of extra-territorial agendas.

⁹⁴ Ibid. See also Ahmed, *supra* note 19.