

Islam and the Paths of Pakistan's Political Development

PETER TOPYCHKANOV

SUMMARY

- National identity remains a very serious issue in Pakistan today. There has never been a clear answer to the question of how many nations live within the country — one or more.
- The constitutional process, accompanied by tensions in communal relations, bears witness to serious ideological differences in society over the role religion should play in social and political life.
- Pakistan's Islamization, through giving traditional Muslim standards legal force, has not been completed, but many traditional standards have now been written into law and have thus become an integral part of the country's political and legal system.
- Solutions to Pakistan's problems should be based on comprehensive approaches that avoid experiments with Islam — one of the foundations of Pakistan's statehood — and emphasize administrative, social, economic, and security issues.

In the words of the country's first prime minister, Liaquat Ali Khan, Pakistan is the "heart of Asia."¹ Located at the crossroads between the Middle East and South and Central Asia, Pakistan has indeed proved the truth of these words throughout its history. Today, with neighboring Afghanistan in dire straits, many are looking to Pakistan in search of solutions to Afghanistan's problems, among them U.S. Defense Secretary Robert Gates, who has repeatedly said that Afghanistan cannot be stabilized without simultaneously tackling the challenges of Pakistan.²

Analysts have identified two groups of issues facing Pakistan:

Political problems (unstable and ineffective democratic institutions; the closed nature of Pakistan's elite, which makes it hard to achieve broad national consensus; the armed forces' and security agencies' excessive influence on the political process; and weak government control of the tribal areas bordering Afghanistan and Iran);

International security problems (ensuring the safety of nuclear weapons, technology and materials; the presence of international terror-



Peter Topychkanov is a junior researcher at Moscow State University's Institute of Asian and African Studies and coordinator of the Carnegie Moscow Center's Nonproliferation Program.

The author is deeply grateful to Professor Vladimir N. Moskalenko, Chief Researcher at the Institute of Oriental Studies of the Russian Academy of Sciences, for his helpful comments on the draft of the Briefing.

ist groups in the country); regional security issues (the unresolved problem of Kashmir; the dispute with India over the division of the Indus River's water resources; the unresolved issue of the Afghan-Pakistani border; the activities of regional extremist and terrorist groups on Pakistani and Kashmiri territory); and domestic security issues (anti-government activities by terrorist and extremist groups; conflicts between Sunni and Shiite religious groups; separatist tendencies, not yet very widespread, among Baluchis and Pashtuns).

In addition, Pakistan faces serious social and economic problems.

It is clear that in order to stabilize Afghanistan and guarantee international and regional security in general, Pakistan needs to be a united and stable state with an effective government, so as to prevent terrorist and extremist organizations from influencing the Pakistani public and carrying out their activities both inside and outside the country. As far as those organizations themselves are concerned, many studies interpret their ideologies as a distortion of Islam,³ which is a veiled way of recognizing the link between the religion's fundamental role in the country's social and political life and the spread of terrorism and extremism. This interpretation sometimes produces recommendations to reduce the role of Islam in the country's life, for example, in the educational system, which supposedly fosters extremism. But a look back through Pakistan's history shows that these views are one-sided, and thus such recommendations are debatable.

One nation or two?

Pakistan appeared on the world map in 1947, as a result of the Muslim League's struggle for a Muslim state. The party's ideology was based on the theory that India was home to two nations — Hindus and Muslims. But after the establishment of the Pakistani sovereign state, its leader, Muhammad Ali Jinnah, tried to

introduce the idea of a single Pakistani nation, saying, "Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State."⁴

After Jinnah died in 1948, Prime Minister Liaquat Ali Khan assumed the reins. On March 7, 1949, he presented the Objectives Resolution on constitutional organization to Pakistan's Constituent Assembly, which had the task of adopting the country's constitution. The resolution stated that Pakistan must "observe in full the principles of democracy, freedom, equality, tolerance and social justice, as required by Islam, must give adequate guarantees for minorities to freely practice their faith and develop their cultures, and must adequately protect the lawful interests of minorities and backward and oppressed classes."⁵ It is worth noting that the need to comply with the principles listed is based on the requirements of Islam. Liaquat Ali Khan did not see any contradiction between prioritizing Islam and upholding basic democratic principles. As he stated on May 3, 1950, "We pledge our loyalty to the principles of democracy, freedom, equality, tolerance and social justice in accordance with Islam. This does not mean theocracy. Islam does not imply that the clergy has the leading role... No, our concept of democracy is even more comprehensive than the one based on universal suffrage and government by the majority. We call all of this the Islamic way of life, and we adhere to it because, as Muslims, we cannot follow any other ideology."⁶

But in practice, the priority given to Islam in social and political life can lead to restrictions on the basic rights and freedoms of non-Muslim citizens. This was the line taken by Abul Ala Mawdudi, leader of the Jamaat-e-Islami (The Islamic Society). In his view, restrictions on non-Muslims' social and political activities were justified by the need to preserve

internal peace and ensure religious minorities' security.⁷ He thought that non-Muslims should not play important roles in Pakistan and, in particular, should not be allowed to hold senior government posts. This ideology clearly divides citizens into two categories.

It was not just Mawdudi's supporters who saw the potential for the division of Pakistani society into Muslim and non-Muslim groups with different statuses in Liaquat Ali Khan's resolution. It raised concerns among the religious minorities (Hindus, Parsees and Christians), whose members held almost 20% of the seats in the Constituent Assembly. One of them, Jogendra Nath Mandal, Pakistan's first justice and labor minister, was deeply disappointed by the resolution's pro-Islamic character. He sent the Prime Minister a letter of resignation, in which he stated, in particular: "Muslim League leaders are repeatedly making declarations that Pakistan is and shall be an Islamic State. Islam is being offered as the sovereign remedy for all earthly evils....In that grand setting of the Shariat, Muslims alone are rulers while Hindus and other minorities are jimmies [from Arabic dhimmis, members of other faiths, living in a Muslim state] who are entitled to protection at a price."⁸ In 1952, Bhupendra Kumar Datta, another member representing the Hindu minority in the Constituent Assembly, called attention to the incompatibility between the idea of an Islamic state and the institution of parliamentary democracy.⁹

The religious minorities' criticism of the concept of an Islamic state highlights two related issues: its compatibility with the principles of democracy, and the possible division of society into Muslims and non-Muslims that implementation of this concept could entail in practice. In a society based on this concept, the community, with broad religious autonomy and partial legal and economic autonomy, would be the basic unit of society, like the millet in the Ottoman Empire. At the

same time, the status of non-Muslim communities could be lower than that of Muslim communities. This raises the question of Pakistani citizens' identity: who are they — first Pakistanis and then Muslims, Christians, Hindus, etc., or the other way round?

The religious factor has played the central role in the search for a national identity in Pakistan. The Muslim League's response to the identity question was its slogan of the early 1950s: "One Nation, One State, One Language". Islam and the Urdu language were defined as the foundations of the Pakistani nation (two other components made up the state ideology: Kashmir as an inalienable part of Pakistan, and the armed forces as the guarantee of the country's development and integrity).¹⁰ The Muslim League's slogan signaled a retreat from the principles advocated by Muhammad Ali Jinnah.

Pakistan's history shows that giving priority to Islam can be combined with a democratic system of government, as well as with an authoritarian regime. Ideologically it can take both moderate and radical forms, as is the case with any other religion.

The choice of Urdu as one of the nation's cornerstones was not supported by members of the Hindu minority, who were unhappy that the Bengali language had not been granted the status of an official state language, along with Urdu. In February 1948, Dharendra Nath Datta, a member of the Constituent Assembly from East Bengal, proposed recognizing Bengali as the state language, as according to his estimates it was spoken by the majority of the country's people (64%). The country's leaders saw this proposal, supported in the Constituent Assembly by Hindus alone at the beginning, as a sign of disloyalty to the state and an attempt to split the unity of the country's Muslims, that is, the Pakistani na-

tion, by Hindus with their “bodies in Pakistan but their souls in India.”¹¹

Pakistan’s constitutions

The movement for greater rights for East Bengal, which evolved into the Bangladesh independence movement, demonstrated how the problem of language really did fuel conflict and contribute to the centrifugal processes underway in Pakistan at the time. But these processes were driven not only by those who were neither Muslim nor non-Urdu speaking. Others, who positioned themselves as representatives of precisely the titular nation, also had an impact. The destructive part they played emerged clearly in the anti-Ahmadiyya riots in Lahore, the provincial capital of the Punjab. At the start of 1953, as discussions on a draft constitution were taking place, members of Jamaat-e-Islami and Majlis-e-Ahrar (The Ahrar Association) proposed that members of the Ahmadiyya community (a religious offshoot that emerged in the Muslim community in the nineteenth century¹²) should be officially recognized as a religious minority and its members be removed from government posts. The leaders of Jamaat-e-Islami and Majlis-e-Ahrar used the anti-Ahmadiyya riots as a tool for mobilizing political support.

There is a visible correlation between the escalation of the problems of religious minorities and the changes to Pakistan’s political system.

Morris James, British deputy high commissioner in Pakistan in 1952-53 and 1955-56, estimated that around 300 people died in the riots.¹³ The authorities responded to the riots by imposing martial law for the first time in the country’s history, though only within Lahore itself. A legal inquiry was conducted after a new provincial government took office. One of its conclusions was that “the Ahrar brought

the anti-Ahmadiyya controversy out of their old armoury purely as a political weapon, and what subsequently happened is an eloquent testimony to their shrewdness and judgment as a political party.”¹⁴

Inter-community violence was commonplace in the east of the sub-continent — in the Indian states of Assam, Bihar, West Bengal and Uttar Pradesh, and in Pakistani East Bengal (renamed Eastern Pakistan in 1954) throughout the period from the late 1940s to the first half of the 1960s. Streams of refugees fleeing from one country to another in an effort to escape the violence fueled the conflict. Anti-Hindu pogroms erupted in Dhaka in February 1950, after the arrival of refugees fleeing anti-Muslim riots in West Bengal. Inter-community violence in Eastern Pakistan peaked again in 1962-63, provoked this time by rumors that a hair belonging to the Prophet Mohammed had gone missing from the Hazrat Bal shrine in Srinagar (in the Indian state of Jammu and Kashmir). Anti-Hindu pogroms in the Eastern Pakistani town of Khulna sparked anti-Muslim pogroms throughout West Bengal, and the inter-community violence then reached Dhaka, the capital of Eastern Pakistan. A curfew was imposed in Dhaka in mid-January 1964.

There is a visible correlation between the escalation of the problems of religious minorities and changes to Pakistan’s political system. The anti-Ahmadiyya riots, for example, were followed by the adoption of Pakistan’s first constitution in 1956, and anti-Hindu disturbances took place as the country returned to civilian rule after the period of martial law in 1958-1962 and adopted its second constitution in 1962.

Pakistan’s Constituent Assembly approved the draft constitution in January 1956, with a 65% majority. The constitution came into force on March 23 that same year. It represented a victory for supporters of the idea of

an Islamic state,¹⁵ as can be seen from the fact that the 1949 Objectives Resolution became the preamble to this Constitution, as well as those adopted in 1962 and 1973. The fact that all three constitutions preserved one and the same preamble suggests that the official concept of the Islamic state remained virtually unchanged throughout Pakistan's history. According to this concept, Islam's priority in social and political life is compatible with the recognition of religious minorities' rights to freedom of worship and freedom to develop their own cultures, as well as the need to guarantee adequate protection of their lawful interests. An indirect restriction on religious minorities' rights can be seen in article 32 of the constitution, stipulating that only Muslim Pakistani citizens can run for the office of president.

The policies of Jamaat-e-Islami and Majlis-e-Ahrar, which took the form of violence against the Ahmadiyya community, were one of the factors that helped to destabilize the general political situation in Pakistan. This explains why Jamaat-e-Islami was banned following the military coup led by General Muhammad Ayub Khan, commander-in-chief of Pakistan's armed forces, in 1958. In March 1962, he promulgated a manifesto, the first paragraph of which declared that Pakistan was an ideological state based on the principles of Islam. At the same time, the rights of religious minorities were guaranteed.¹⁶ The manifesto served as the basis for the 1962 constitution, which did not initially declare Pakistan an Islamic state. In 1963, however, the First Constitutional Amendment was passed, once more declaring Pakistan an Islamic republic.¹⁷ Only Muslims were entitled to run for the office of president.¹⁸

If we review the role played by religious minorities in events in Pakistan in the mid-1950s and early 1960s, we find that the anti-Ahmadiyya riots were part of the process of

building an Islamic political system, while the anti-Hindu riots were part of the whole complex of problems concerning relations between Pakistan's western and eastern parts. To a large extent this explains why, after Pakistan's defeat

Discussions on the introduction of sharia law in the 1970s-80s were primarily about the introduction of Islamic legal principles, while the government's measures were aimed rather at the Islamization of Pakistani society through spreading the Islamic way of life.

in the Indo-Pakistani war of 1971, which led to the secession of Pakistan's eastern part and the emergence of a new country, Bangladesh, anti-Hindu disturbances became a rare occurrence in Pakistan's social and political life.¹⁹ On the other hand, after 1971, conflict increased in relations with the Ahmadiyya community, and this was a sign of the Pakistani elite's efforts to resolve the national identity crisis triggered by the victory of Bengali nationalism.

Under Zulfikar Ali Bhutto, who was president of Pakistan in 1971-73, and prime minister in 1973-77, another constitutional reform took place against the backdrop of further debates on Islam's place in Pakistani statehood. Bhutto himself said, in 1972, that, "Now and in the future, the Islamic ideology will be the main factor cementing the country's national unity."²⁰ On August 14, 1973, the country adopted its third constitution, which proclaimed Pakistan an Islamic republic. Religious minorities could take part in political life, but only Muslims could occupy the posts of president and prime minister. The 1973 constitution was thus more Islamist in nature than its antecedents.

Nonetheless, the adoption of the new constitution raised tensions between Bhutto and the Pakistan People's Party (PPP) that he headed, on one hand, and the conserva-

tive opposition, headed by Jamaat-e-Islami, on the other. Islamist parties did not support him for several reasons, partly because they perceived the concept of Islamic socialism he advocated as a threat to Islam. The opposition insisted on making the constitution even more overtly Islamist, by demanding that all laws and statutes conform to the Koran and Sunna, and by instituting an electoral system based on religious communities. Conflict between the PPP and Jamaat-e-Islami spilled over into a new round of anti-Ahmadiyya riots in the Punjab, in which 42 people lost their lives. The two parties finally agreed on a compromise in the form of the Second Amendment to the Constitution, which came into force on September 21, 1974, and which declared the Ahmadiyya community a religious minority, thus depriving them of the right to consider themselves Muslims.

Incomplete transition to sharia law

According to a specialist on Pakistan, Lawrence Ziring, Bhutto's reign marked the start of Pakistan's transformation from an Islamic republic into an Islamic state, accompanied by the consolidation and centralization of power.²¹ This process gathered steam after the 1977 military coup that brought General Muhammad Zia-ul-Haq, the head of Pakistan's army, to power. Starting in the late 1970s, a

parties' demands for restrictions on minorities' rights and the introduction of sharia law.²² However, discussions on the introduction of sharia law in the 1970s-80s were primarily about the introduction of Islamic legal principles,²³ while the government's measures were aimed rather at the Islamization of Pakistani society through spreading the Islamic way of life to all citizens: to Muslims, as members of the umma, and to non-Muslims, as citizens of an Islamic state, who must not offend the majority's religious feelings.²⁴ In other words, this was not so much a reform of the law as an effort to change public morality. Zia-ul-Haq said this himself in an interview in 1979: "I think it is the moral rejuvenation which is required first and that will be done on the basis of Islam, because it was on this basis that Pakistan was formed..."²⁵ According to this logic, the Islamic nature of the country's national identity was offered as the solution to Pakistan's problems.

Among the laws passed under Zia-ul-Haq, particularly noteworthy were the 1977 law instituting an election system based on religious communities, the creation of the Federal Sharia Court in 1980, as well as a number of amendments to the Criminal Code: an anti-blasphemy law, a law making it an offense to insult the Koran, a law making it an offense to insult the wives, family and companions of the Prophet Mohammed, and two laws on the Ahmadiyya community. Under article 298(B) of the Criminal Code, members of the Ahmadiyya community faced up to three year's imprisonment and a fine for using the traditional names designating the wives, family members and companions of the Prophet Mohammed to refer to other persons, using the word 'mosque' for their prayer houses, and the word 'azan' for their prayers. Article 298(C) prohibited members of the Ahmadiyya community from calling their faith Islam and designating themselves Muslims. These laws

During this process of political and legal transformation the position of minority religious communities received little attention, because it was felt that a truly Islamic state offered non-Muslims all the guarantees they needed for a safe existence.

number of laws were passed deepening the division between the Muslim majority and the minority religious communities. These laws were in large part concessions to the Islamist

were adopted on April 26, 1984, and became the basis for restricting the Ahmadiyya community's freedom of worship by destroying its publications and prohibiting it from building prayer houses and declaring itself part of the Islamic community in general. These laws stipulated punishment of up to life imprisonment for sully, spoiling or defiling the Koran (article 295(B), passed in 1982), and up to life imprisonment or death for insulting the Prophet Mohammed (1986 amendment to article 295(C) of the criminal code).

An Ordinance introducing sharia law, promulgated by Zia-ul-Haq in June 1988, was to have concluded Pakistan's transformation into an Islamic state. This act gave the courts the right to revise laws and statutes that in their view did not conform to Islamic principles. Zia-ul-Haq's death in a plane crash on August 17, 1988, prevented this final stage from going ahead (the National Assembly did not pass the Ordinance into law after Zia-ul-Haq's death).

During this process of political and legal transformation, the position of minority religious communities received little attention, because it was felt that a truly Islamic state offered non-Muslims all the guarantees they needed for a secure existence. As Zia-ul-Haq said on August 12, 1983, "In Islam, the minorities are not regarded as suppressed classes, rather they are most privileged ones. In fact in a Muslim society their rights are more than Muslim populations. In Islamic system of Governance their rights will be fully protected."²⁶ In reality, the priority given to Islam, as noted earlier, restricted minorities' rights and encouraged increasing tensions in relations with them. Comparing the minority religious communities' share of the country's population with the number of people prosecuted for offenses committed under the above-mentioned articles of the criminal code between January and October 2000, we see that minority religious community mem-

bers, above all Ahmadiyya and Christians, were frequently involved in such cases. Of the 38 cases over this period, 18 were against Muslims, 15 against Ahmadiyya, and five against Christians.²⁷ Death sentences were

The decade of the 'democratic interlude' from the end of Zia-ul-Haq's military regime to the start of another military regime under Pervez Musharraf did not entail a revision of the country's religious policy.

handed down in several cases under article 295(C), but were not carried out. There were, however, increasingly frequent cases of lynch mobs attacking people they accused of blasphemy, insulting the Koran and so on. More than 20 people were killed in such attacks between 1988 and 2005, including a judge, Arif Ibaql Bhatti, who acquitted two Christians accused of blasphemy in 1997. Some members of the judiciary have justified such mob justice. Mian Nazir Akhtar, judge of the High Court of Lahore, said on several occasions between 1999-2000 that, faced with blasphemy, Muslims could act in accordance with the law, or on the basis of traditional rules, without turning to the courts.²⁸

This 'shariatization' provoked conflict not just between the religious communities, but also between representatives of different branches within the Muslim community. Tensions rose between the Shiites and Sunnis during Zia-ul-Haq's rule. The Shiites did not agree with what they saw as the Sunni nature of the 'shariatization' being carried out, while the Sunnis considered the Shiites' attitude a challenge to Islam and the Pakistani nation. The following figures illustrate the scale of the confrontation: between 1990 and 1997, 580 people were killed and 1,600 injured in various clashes between Sunnis and Shiites.²⁹

The different faces of 'Islamic democracy'

The decade of the 'democratic interlude'³⁰ from the end of Zia-ul-Haq's military regime to the start of another military regime under Pervez Musharraf did not entail a revision of the country's religious policy. The religious community-based election system only ended when General Musharraf, president from 2001-2008, abolished it in 2002. Furthermore, the period of parliamentary

In Pakistan, traditional Muslim laws apply to the members of other religious communities as the Islamic nature of the state dictates.

democracy from 1988-1999 saw two attempts to complete Pakistan's transformation into an Islamic state, both made while Nawaz Sharif held the prime minister's office (1990-1993 and 1997-1999). In May 1991, President Ghulam Ishaq Khan attempted to pass a bill declaring the Koran and Sunna the supreme law of Pakistan. The draft law's first paragraph declared that nothing contained in this law should harm the personal rights, religious

The main ideological forms through which Islam's priority manifested itself were Muslim nationalism, Islamic socialism, and Pakistani ideology, as well as various radical forms of Islamic ideology.

freedom, customs and way of life of non-Muslims.³¹ As in the case of the legal measures undertaken during Zia-ul-Haq's rule, the bill aimed to restore morality to Pakistani society and root out evils, such as violence, crime and corruption. The bill was approved by the Senate but did not gain the required number of votes in the National Assembly. An attempt was made in August 1998 to adopt the Fifteenth Amendment to the constitution, which would have made the Koran and Sunna, rather than the constitution, Pakistan's

supreme law. This time, the National Assembly approved the amendment, but the Senate did not.³² Furthermore, in 1992, Nawaz Sharif's government tried to introduce compulsory designation of religious identity in the form of personal identity cards required in order to be able to attend educational establishments, open bank accounts, vote, and obtain a passport. Members of minority religious communities and some Muslim groups held joint protests and succeeded in getting this resolution repealed.³³

Pervez Musharraf, army chief of staff and chairman of the Joint Chiefs of Staff Committee, made an attempt to revise the Islamization policy after the military coup of 1999. The revision aimed to make Pakistan a 'democratic Islamic state'.³⁴ This revision resulted on January 16, 2002, in the decision of the Martial Law Administrator, Pervez Musharraf, to abolish the separate electorate system. At the same time a number of seats were reserved for minority religious communities, including the Ahmadiyya community.³⁵

The attempt to revise the sharia system of punishments introduced under Zia-ul-Haq for crimes related to theft, sexual relations, drinking alcohol and gambling illustrates the restricted and contradictory nature of the authorities' policy. Under Zia-ul-Haq, cases related to violations of morality and decency were removed from civil court jurisdiction and placed under the jurisdiction of Muslim courts, and traditional punishments for these offenses were introduced. The Musharraf government decided to repeal these laws. A bill on women's protection was drafted, abolishing Islamic punishments for women. Under this bill, adultery ceased to be a matter for legal regulation altogether, and rape was shifted from sharia law to ordinary criminal law, which completely changed the judicial procedures and conceptions of responsibility for this crime. The victim no longer had to

present four male witnesses (without whom she could be accused herself of having an unlawful sexual relationship, which sharia law punished by death). The number of witnesses would be defined by the ordinary procedural regulations.

The authors thought that the bill's limited nature would not raise any real opposition from the Islamist parties, but debate on the bill in parliament showed that the authorities had overstepped the line. The bill's authors were forced to agree to have it examined by a commission of theologians, who affirmed that traditional rules should have priority over criminal law and stipulated that rape should be dealt with using both sharia and criminal law. The bill was passed on December 1, 2006, with these changes.

It should be remembered, when discussing traditional Muslim law, that non-Muslims — if they are accomplices in a crime — can also be judged under these laws (the degree of punishment varies depending on the criminal's religious identity). This means that in Pakistan, traditional Muslim laws apply to the members of other religious communities, as well, as the Islamic nature of the state dictates. At the same time, the division of Pakistan's religious communities into Muslim and non-Muslim continues today. The law on Sikh marriages, passed on January 22, 2008, regulating marriage, divorce and inheritance issues in the Sikh community, illustrates this particular feature of Pakistan's political and legal system.³⁶

The process of transforming the Islamic republic into an Islamic state, as described by Lawrence Ziring, was still not complete. This explains why a number of the political and legal contradictions described above continue to pose problems in Pakistan today. Following the period of parliamentary democracy, the development of Pakistan's statehood could have changed direction by reducing the role

of ideology and bolstering the functional role of state institutions, thus transforming an ideological state into a functional state.³⁷ But constraints were imposed on this process after Musharraf stepped down as president and a change in power took place in 2008. Politicians who played major roles during the parliamentary democracy period in the 1990s are back on center stage, and so we can expect to see Islamic ideology on the rise once again. For the minorities this could mean, first of all, that the divisions between religious communities in social and political life will stay in place, and second, that traditional Islamic laws will apply to them, too.

Islam's role often overshadows another factor that is equally — if not more — important, namely the 'tangible' nature of Pakistan's elite, in which hereditary landowning families and the leaders of tribal clans and religious orders are very prominent.

Confirmation of these assumptions came with the agreement concluded on February 16, 2009, between the government of the North-West Frontier Province and the extremist group Tehreek-e-Nifaz-e-Shariat-e-Muhammadi (Movement for the Implementation of Sharia, banned in 2002), which partly controlled the province's Malakand District. Under this agreement, sharia courts were given jurisdiction over all court cases in the district.³⁸ Members of the provincial Legislative Assembly also attempted to introduce sharia law in the North-West Frontier Province in 2002 and 2006, but in both cases the laws they passed were immediately ruled unconstitutional by Pakistan's Supreme Court. Today, however, the agreement in the North-West Frontier Province is seen by some in the government as a precedent that can be applied throughout Pakistan. Tourism Minister Atta-ur-Rahman, for example, a member of the Jamaat-e-ulema-e-Islam (Society of Muslim Theologians), wel-

comed the Malakand agreement, saying that it opens the way to introducing sharia in all of Pakistan.³⁹ The next step in this direction came

To paraphrase U.S. Defense Secretary Gates, we could say that it is impossible to solve Pakistan's problems without solving Afghanistan's problems.

with the Nizam-e-Adl Regulation, signed by President Asif Ali Zardari on April 14, 2009 (he first sent it to the National Assembly for approval, in order to demonstrate its legitimacy to the world). Under the terms of this regulation, sharia courts, which were given jurisdiction over all cases, were established in a number of districts in the North-West Frontier Province, including Malakand and Swat. Laws deemed to contradict the Koran and Sunna ceased to have effect in these districts after the law came into force.⁴⁰

Beyond the usual models

Pakistan's history shows that giving priority to Islam can be combined with a democratic system of government, as well as with an authoritarian regime. The main ideological forms through which Islam's priority manifested itself were Muslim nationalism, Islamic socialism, and Pakistani ideology,⁴¹ as well as radical forms of Islamic ideology. Various combinations of these different forms with political regimes gave birth to such 'hybrid' concepts as non-liberal democracy in 1988-1999 and liberal authoritarianism in 1999-2007,⁴² which, from the point of view of their conformity to democratic principles, defy any black and white assessment. After Musharraf's departure from office in 2008, it is equally difficult to apply the usual political science models to the current stage of Pakistan's development.

This means that attempts to resolve Pakistan's problems using these models are unlikely to be effective. In this situation, reducing the role of Islam in various areas of social

and political life, especially in education, is not necessarily the ideal solution, as it would lead to the rise of ethnic-nationalist Baluchi, Pashtun and Sindh movements, which would only aggravate the problems of the country's unity, as was the case in the 1960s and 1970s with the Bengali movement in East Pakistan. Furthermore, the Islamic parties would see the authorities' actions as an excellent pretext for mobilizing mass support under the slogans "Islam in danger" and "Pakistan in danger". Never in Pakistan's history have these parties managed to win more than 11% of the vote in elections,⁴³ but such a turn of events could open the door for them to take power. Any experiments with Islam in Pakistan would have unpredictable consequences.

A comprehensive approach, encompassing political, economic and social issues, is needed to solve the problems of underdeveloped democratic institutions and stop the spread of terrorism and extremism. In this context it should also be remembered that Islam's role often overshadows another factor that is equally — if not more — important, namely the closed 'tangible' of Pakistan's elite, in which hereditary landowning families and the leaders of tribal clans and religious orders are very prominent.⁴⁴ Pakistan's current president, Asif Ali Zardari, is the son of Hakim Ali Zardari, a big landowner from Sindh province and chief of the Zardari tribal clan. Likewise, prime minister Yousaf Raza Gillani is a descendant of Sheikh Abdullah Qadira Gillani, the founder of the Sufi Qadiri religious order. Whether or not it is possible to turn Pakistan into a functional state with such an elite is also a question with no clear answer.

The external environment is also important in this context. To paraphrase U.S. Defense Secretary Gates, we could say that it is impossible to solve Pakistan's problems without solving Afghanistan's problems. Starting in 1979, Pakistan has been bordering a war zone

and has had to deal with all of the ensuing consequences, including streams of refugees, many of whom have brought with them radical views. At the same time, growing tension with its eastern neighbor, India, has also created fertile soil for the spread of extremism. In this context, former President Musharraf's attempts to combine a domestic policy of a moderately Islamic state ideology with foreign policy efforts to normalize relations with India look logical. The democratic period of 1988-1999, on the other hand, saw attempts to Islamicize Pakistani society, while relations with India became increasingly strained.

Taking into account Pakistan's historical experience and the interest that Russia, the United States and other countries have in preserving Pakistan's territorial integrity and ensuring its stability, security, and predictability, we could propose the following policies:

- We should recognize that the priority given to Islam is part and parcel of Pakistan's political and legal system. Sectarian conflicts and discrimination against non-Muslims are exceptional phenomena arising out of specific social and political practice, rather than inherent traits of Pakistan's political and legal system.
- The consolidation of Pakistan's transformation into an Islamic state would signify the final institutionalization of religious differentiation, pave the way for a high degree of conflict between religious communities, including Sunnis and Shiites, and turn religious-based discrimination into an instrument of state policy. All of this would risk seriously destabilizing the situation in the country. It is therefore undesirable for Pakistan to take this path. But at the same time, renouncing Islam as the foundation of national identity would not only be impossible to realize in practice, but would also be dangerous, as it would inevitably lead to an increase in the activities of separatist movements among the Baluchi, Sindh and Pashtun groups. The best option in this situation is to follow a 'golden mean' policy of not letting the country's political and legal system take further steps towards increasing either Islamization or secularization.
- Islamization in some parts of Pakistan, in particular in the North-West Frontier Province, could have a positive short-term effect by bringing a degree of order to conflict zones, but in the long term these steps could have negative consequences. First, instead of these areas' political, social and economic integration into Pakistan, which experts have long called for, this would erect a new barrier — a legal barrier — between them and the rest of the country. Second, concessions to extremist groups only strengthen their positions. Having obtained concessions in one part of Pakistan, they will start demanding the same from the authorities in other regions of the country. The authorities are unlikely to be able to satisfy their voracious appetites once and for all.
- Stalemate or defeat of the International Security Assistance Force's operations in Afghanistan would strengthen the pro-Taliban forces in Pakistan (this process is sometimes termed 'Talibanization'). Successful fulfillment of clearly defined missions in Afghanistan and stabilization of that country, on the contrary, would help to prevent the Islamization and 'Talibanization' of Pakistan. Efforts by India, Pakistan, Russia and other countries to resolve the disputes between India and Pakistan would also have a positive effect. History has shown that escalation in these tensions fuels the spread of extremist views in both countries.
- There is clearly a need to avoid evaluating political regimes in Pakistan using percep-

tions common in other countries, and it is all the more important to refrain from attempts to transform regimes in Pakistan based on external forces' ideas or interests. The current attention focused on Pakistan is largely related to the problems in Afghanistan. This has brought increased financial, military, technical and other assistance to Pakistan from other countries and international organizations. But some experts have doubts about the effectiveness of such aid, as short-lived and poorly supervised aid programs cannot resolve overnight all the problems that have built up in Pakistan over the course of its history. Planning and implementation of aid programs should be based on three criteria: they should be long-term (and not tied to the nature of the political regime in Pakistan, the situation in Afghanistan, or other circumstances drawing attention to Pakistan); they should be strictly controlled; and they should be targeted (that is, they should address the problems of specific institutions, specific population groups, districts and so on). ■

RESOURCES

¹ L. Ali Khan, *Pakistan — The Heart of Asia: Speeches in the United States and Canada, May and June 1950 — by the Prime Minister of Pakistan* (Cambridge, 1950).

² “SShA: Pobeda v Afganistane nevozmozhna bez vtorzheniya v Pakistan,” *RosBusinessConsulting* (September. 23, 2008), <http://top.rbc.ru/politics/23/09/2008/247597.shtml>.

³ Atlantic Council, *Needed: A Comprehensive U.S. Policy Towards Pakistan: A Report by the Atlantic Council* (Washington, 2009), 10; “Pakistan: The Militant Jihadi Challenge,” *Asia Report* (Brussels, Islamabad) no. 164, (March 13, 2009): 12.

⁴ Quaid-i-Azam Mahomed Ali Jinnah, “On His Election as the First President of the Constituent Assembly of Pakistan: Presidential Address to the Constituent Assembly of Pakistan on August 11, 1947,” in *Quaid-i-Azam Mahomed Ali Jinnah: Speeches as Governor-General of Pakistan, 1947—1948* (Karachi, 1962), 9.

⁵ L. Binder, *Religion and Politics in Pakistan* (Berkeley, Los Angeles, 1963), 142-143.

⁶ L. Ali Khan, “Pakistan, The Commonwealth And The Future (Canadian Houses of Parliament, May 31, 1950),” in *Pakistan — The Heart of Asia: Speeches in the United States and Canada, May and June 1950 — by the Prime Minister of Pakistan* (Cambridge, 1950), 119-120.

⁷ A. J. Adams, “The Ideology of Mawlana Mawdudi,” in *South Asian Politics and Religion*, ed. D. E. Smith, 392 (Princeton, 1966).

⁸ Jogendra Nath Mandal, “Resignation letter of Jogendra Nath Mandal,” in *Wikisource: Speeches*, 12 (Boston, 2002), http://en.wikisource.org/wiki/Resignation_letter_of_Jogendra_Nath_Mandal.

⁹ O. V. Pleshov, *Islam, islamizm i nominalnaya demokratia v Pakistane* (Moscow, 2003), 65.

¹⁰ V. N. Moskalenko, “Pakistan: Politichesky islam ili islam v politike?,” in *Islam i obschestvennoye razvitiye v nachale XX veka*, ed. V. Y. Belokrenitsky, A. Z. Yegorin and N. Y. Ulchenko, 391 (Moscow, 2005).

¹¹ R. D. Lambert, “Factors in Bengali Regional-

ism in Pakistan," *Far Eastern Survey* 28, no.4 (April 1959): 56; I. Talbot, *Pakistan: A Modern History* (London, 2005), 133-134.

¹² On the Ahmadiyya community see: S. R. Valentine, *Islam and the Ahmadiyya jamaat: history, belief, practice* (New York, 2008); K. A. Antonova, "Ob uchenii i legendakh musulmanskoy sekty akhmadia," in *Religia i obshchestvennaya mysl narodov vostoka*, ed. B. G. Gafurov, 103-116 (Moscow, 1971); L. R. Gordon-Polonskaya, *Musulmanskiye techeniya v obshchestvennoy mysli Indii i Pakistana* (Moscow, 1963), 153-160, 270-273.

¹³ M. James *Pakistan Chronicle* (Karachi, 1993), 14.

¹⁴ *Report of the Court of Inquiry Constituted Under Punjab Act II of 1954 to Inquire into the Punjab Disturbance of 1953* (Lahore, 1954), 257.

¹⁵ G. W. Choudhury, "Constitution-Making Dilemmas in Pakistan," *The Western Political Quarterly* 8, no. 4 (December 1955): 591.

¹⁶ R. I. Sherkovina, *Politicheskiye partii i politicheskaya borba v Pakistane (1960-1970s)* (Moscow, 1983), 13.

¹⁷ Talbot, *Pakistan: A Modern History*, 158.

¹⁸ V. Y. Belokrenitsky and V. N. Moskalenko, *Istoria Pakistana. XX vek* (Moscow, 2008), 215.

¹⁹ One of the reasons for this was the sharp drop in the Hindu community's size after Bangladesh became an independent country.

²⁰ *Pakistan Times* (Lahore), April 13, 1972.

²¹ L. Ziring, "From Islamic Republic to Islamic State in Pakistan," *Asian Survey* 24, no. 9 (September 1984): 938-941.

²² See Pervez Musharraf's view: "President Zia, in the 1980s, completed what Bhutto had started in the dying phase of his regime — the total appeasement of the religious lobby." (P. Musharraf, *In the Line of Fire: A Memoire* (London, 2006), 67).

²³ M. Ahmad, "Revivalism, Islamization, Sectarianism and Violence in Pakistan," in *Pakistan: 1997*, ed. C. Baxter and C. H. Kennedy, 103-105 (Oxford, 1998).

²⁴ This characteristic is typical not just of Pakistan, but also of other Muslim countries, including Saudi Arabia, Sudan and others. (R. I. Bekkin, "Musulmanskoeye pravo kak otrazheniye politiko-pravovoy kultury musulmanskogo mira," in *Politicheskiye sistemy i politicheskiye kultury vostoka*, ed. A. D. Voskresensky, 200 (Moscow, 2006).

²⁵ H. Haqqani, *Pakistan: Between Mosque and Military* (Washington, 2005), 135.

²⁶ Talbot, *Pakistan: A Modern History*, 282.

²⁷ R. B. Rais, "Islamic Radicalism and Minorities in Pakistan," in *Religious Radicalism and Security in South Asia*, ed. S. P. Limaye, R. G. Wirsing and M. Malik, 459 (Honolulu, 2004).

²⁸ "Curbs on Activities of Ahmadi Sought," *Karachi News*, August 27, 2000.

²⁹ V. R. Nasr, "International Politics, Domestic Imperatives, and Identity Mobilization: Sectarianism in Pakistan, 1979-1998," *Comparative Politics* 32, no. 2 (January 2000): 171.

³⁰ Expression used by Professor V. N. Moskalenko. Belokrenitsky and Moskalenko, *Istoria Pakistana*, 348.

³¹ "Shariat Bill," *Pakistan & Gulf Economist* (May 25-31, 1991): 21.

³² Pleshov, *Islam, islamizm*, 205, 209.

³³ Library of Congress. *Pakistan: Non-Muslim Minorities*, Library of Congress Studies, April, 1994, [http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+pk0061\)](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+pk0061)).

³⁴ "Pervez Musharraf: ya nikogda ne govoril o prevrashchenii Pakistana v svetskoye gosudarstvo," *Kommersant* (September 9, 2003), <http://www.kommersant.ru/doc-rss.aspx?DocsID=409818>.

³⁵ V. N. Moskalenko and P. V. Topychkanov, "Islamskaya respublika Pakistan: Evolyutsiya izbiratelnoy sistemy," *Zhurnal o vyborakh*, no. 3 (2006): 20-21.

The Carnegie Endowment for International Peace, with head-quarters in Washington D.C., is a private, nonprofit, nonpartisan organization dedicated to conducting independent policy research and advancing cooperation between nations. In 1993, the Endowment launched the Carnegie Moscow Center to help develop a tradition of public policy analysis in the countries of the former Soviet Union and improve relations between Russia and the United States.

In 2007, the Carnegie Endowment announced its New Vision as the first multinational and ultimately global think tank, adding operations in Beijing, Beirut and Brussels to its existing offices in Moscow and Washington. The Endowment uses its experience of research and discussion at the Carnegie Moscow Center as a model for its transformation into the first international think tank.

- ³⁶ “Cabinet okays ordinance to free bourses from brokers’ sway,” *Daily Times* (January 23, 2008).
- ³⁷ Haqqani, *Pakistan: Between Mosque*, 329.
- ³⁸ “Pakistan: The Militant Jihadi Challenge,” *Asia Report*, no. 164, (March 13, 2009): 2.
- ³⁹ “Democracy Day marks end to dictatorship, beginning to democracy: Maulana Atta,” *Associated Press of Pakistan* (February 18, 2009), http://www.app.com.pk/en_/index2.php?option=com_content&do_pdf=1&id=68437.
- ⁴⁰ “Text of the Nizam-e-Adl Regulation 2009,” *Daily Times* (April 15, 2009).
- ⁴¹ Belokrenitsky, “Politicheskaya sistema i kultura musulmanskikh stran Yuzhnoy Azii,” in *Politicheskoye sistemy...*, 450.
- ⁴² F. Zakaria, *Budushcheye svobody: neliberalnaya demokratiya v SShA a za ikh predelami*, translated from English under the editorship of V. L. Inozemtsev (Moscow, 2004), 101.
- ⁴³ Moskalenko, “Pakistan: Politichesky islam ili islam v politike?,” in *Islam i obshchestvennoye razvitiye...*, 392.
- ⁴⁴ V. Y. Belokrenitsky, “Personalny avtoritarizm v Pakistane (k voprosu o politicheskoy kulture i rezhime vlasti v vostochnom variante),” *Vostok* (Oriens), no. 6 (2005): 86 (Note. 8).

This Briefing reflects the author’s personal views and should not be seen as representing the view of the Carnegie Endowment for International Peace or the Carnegie Moscow Center.

© Carnegie Endowment for International Peace, 2009

CARNEGIE MOSCOW CENTER
CARNEGIE ENDOWMENT

FOR INTERNATIONAL PEACE

16/2 Tverskaya, Moscow 125009 Russia
Tel: +7 (495) 935-8904
Fax: +7 (495) 935-8906
E-mail: info@carnegie.ru
<http://www.carnegie.ru>