

Islamising an Islamic State

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Allama Iqbal once wrote: "At the critical moments in their history (history of the Muslims) it is Islam that has saved the Muslims and not vice versa." [1] A critical reading of the Nawaz Sharif's introduction of 15th Amendment to the Pakistani Constitution would prove Iqbal's dictum with a rider that Islam has rather saved the Muslim rulers and not the Muslims in general. At the moment, too, poor Sharif has no better political gimmick to offer, when the country is reeling under grave political and economic crises.

Islam has been successfully tried by almost all the Pakistani rulers as a potent diversionary tonic, which instantly switches the attention of the people to the debate on the desirability of having an Islamising agency in the society. All the problems of society are then attributed to the sinking standards of Islam in the society and an overwhelmingly illiterate populace is easily persuaded into believing that nothing short of a proper constitutional intervention in favour of greater Islamisation would rid the country of the present impasse. The world outside finds the whole business quite farcical. For the people of Pakistan, however, this is an existential necessity. As Waheed uz Zaman, had to say: "If we let go the ideology of Islam, we cannot hold together as a nation by any other means... If the Arabs, the Turks, the Iranians, God forbid, give up Islam, the Arabs yet remain Arabs, the Turks remain Turks, the Iranians remains Iranians, but what do we remain if we give up Islam?" [2]

Islam in Pak-Politics

The passion for Islam has all along been there in Pakistan right from the days of the League-driven Muslim politics in the subcontinent. In fact, Pakistan was created in the name of Islam. The popular passion that triggered the movement for Pakistan was sustained by a regular invocation of Islamic symbols. The Muslims of the subcontinent were fed with the hopes of establishing a model Islamic society, built after the ideal Islamic society prevailing during the time of the Prophet. The leaders of the movement actively encouraged the *sajda nashins*, the *pirs*, the local mullahs and orthodox elements to carry forward the campaign for Pakistan. The enthusiasm, the impatience and the lunatic urgency that accompanied the movement signified that the Muslim masses were under the impression that they were fighting a 'Jihad' for a 'Dar-ul-Islam', an Islamic millennium. But once the El Dorado was secured the leaders of the movement, as also the Muslims elite that stepped in to man the administrative machinery in the state emphasised the virtues of democratic and liberal governance. But the orthodox elements would not let them build up such a system. The tug of war between the orthodox and the liberal elements would not let them build up such a system. The tug of war between the orthodox and the liberal elements would characterise the debates on Constitution-making in the initial years. The orthodox section was ironically led by Maulana Maududi of Jamiat-I-Islami, who once said that Jinnah's idea of 'a Muslim Nation' was as fallacious a formulation as 'a chaste prostitute' and was opposed to the formation of Pakistan.

But once Pakistan was a reality, Maududi acted as a major centre of influence. He would ridicule the democratic liberal approach to constitution making and say. “If a secular and Godless instead of an Islamic constitution was to be introduced, what was the sense in all this struggle for a separate Muslim homeland?[3] When the liberal opinion in the Pakistani Constituent Assembly said that “individuals might have religion but states do not,”[4] Maudui would retort: “Islamic Shariah does not recognize any division between religion and other aspects of life and most specifically between and the state.[5]” However, there was a saving grace; they (the liberal as well as the orthodox sections) had a common denominator in that they were eager to make use of the appeal of democracy. Even Maududi, who was opposed to the liberal democratic system of governance, called his system ‘theo-democracy’. This rationale reflected a desire to have the best of both the worlds: “to reject the very foundation of the concept of democracy as it is normally understood while at the same time claiming for oneself its appeal and its advantages.[6]”

The Early Phase

It would have been interesting to see Maududi and Jinnah vying with each other for popular support had Jinnah survived for some more years. Jinnah’s early departure from the political scene gave a fillip to the orthodox section. Liaquat Ali Khan was easily won over and the objective resolution fashioned out by him had an unmistakable Islamic tilt. Many analysts would suggest that even if Jinnah were alive, things would not be too different. He would have been easily swept away by the rising surge of popular opinion in favour of an Islamic state. However, despite Liaquat’s endorsement of the demands of the orthodox section, he was known for his liberal views. Liaquat’s early departure from the political scene left the country with no popular leadership any more. The Gulam Mohammads and Iskander Mirzas were no match for the mullahs who held sway over the popular imagination. But ironically they were the ones that led the civil-military bureaucracy that held sway in Pakistani politics in the 1950s.

Many researchers working on the theme of constitution making in Pakistan have pointed out that the early phase of constitution making saw a close clash between the liberal and orthodox lobby in Pakistan. Apart from the issue of having a thoroughly Islamic constitution, the other issue dividing the members of the Constituent Assembly was the question of power sharing between the two wings of Pakistan. The anti-Ahmadiya riots of the 1953 had brought the question of Islam into sharper focus. Against such a backdrop, in the absence of any leader capable of churning out a consensus, the dividing lines within the Assembly were clearly drawn. Most of the discussions in the Assembly ended up in deadlocks. Things came to such a pass that on the eve of the voting for the Draft Constitution that was well mediated by Prime Minister, Mohammad Ali Bogra, the then Governor general of Pakistan, Mr. Gulam Mohammad, dismissed the Constituent Assembly in October 1954. Justice Munir, (who is rather known for his radical judicial opinion in the wake of the Ahmadiya riots), was seen to be siding with the government because he thought that the draft constitution was, allegedly, a sell out to the conservative lobby.

The dissolution of the Constituent Assembly on the pretext that they had become unrepresentative and useless, after the provincial elections, in the height of the controversies surrounding Ahmadiya riots, led to fresh debates about the basic principles of the state that was still undergoing serious convulsions in the social-political sphere. The government of Muhammad Ali Bogra, which is accused, of planting the seeds of military interference by including Ayub Khan and Iskandar

Mirza, functioned well for a brief period. The second Constituent Assembly picked up 40 members from each wing. The Muslim League-United Front combine assumed power at the Centre, with Chaudhuri Mohammed Ali as the Prime Minister. Mohammad Ali's determination and efficient management led to the drafting of the Constitution very soon which was presented on 8 January 1956, adopted on 29 February 1956 and had the ascent of the Governor General on 28 March 1956. On 23 March 1956, Pakistan was declared an Islamic Republic.

The 1956 Constitution

The Constitution of 1956 acknowledged the superiority of God over men and derecognised any law detrimental to Islam. The Head of the State was to be a Muslim. There was provision that an Islamic Advisory Committee would be set up to guide people to order their lives according to Islamic principles. By the year 1956, the euphoria created around the concept of an Islamic state was gripping the imagination of the people so much so that it was impossible for the constitution-makers not to take note of them. The members of the second Assembly were more prone to the popular opinion, which under the influence of the Ahrar-sponsored anti-Ahmadiya riots and the impassioned exhortations by the Maududi led Ulema had swayed in favour of an Islamic state. Hence compromises had to be made; even they were conceded by people who sought to introduce democracy, because otherwise they would lose their constituency and consequently their importance to bargain for power. Thus secular motives yielded to electoral considerations.

The first constitution thus was one step ahead in orthodoxy from the objective resolution, presented by Liaquat Ali Khan. There were hopes for neutral administration still, for in essence, the Constitution pointed towards a democratic state, secular and neutral in temporal affairs, howsoever shrunken in scope by the trappings of Islamic ethos. The constitution even made it illegal to spend public money for the benefit of any particular religious community or denomination. Thus, Freeland Abbot would suggest that the constitution "seemed designed to ensure the widest latitude, consistent with social order, among all religions; (even though) by its terms Muslims will receive encouragement (although not distinct civil benefits) in the practice of their faith.[7]" Hamza Alavi, would interpret it as the reluctance of "the ruling (military-bureaucratic) oligarchy" to make "concessions of substance to Islamic ideologists.[8]"

Muhammad Munir, who retired as Chief Justice of Pakistan in 1960, has however criticised the constitution of 1956 in no uncertain terms. He would argue that the constitution was directly opposed to the Quaid-I-Azam's vision of the organisation of the State of Pakistan, where sovereignty would be vested in the people. He would say:

"In the 1956 Constitution, however, sovereignty rests with Allah and religious restrictions are imposed on the power of the legislature. The Constitution is mostly, almost exclusively, for the Muslims, the minorities not having equal rights with the Muslims and being merely entitled to safeguards to protect their legitimate interests... The name of the country is Islamic Republic and only Muslim can be the Head of State, the latter provision being entirely unnecessary, and having been incorporated to show the Islamic character of the state." [9]

The compromise that made the constitution possible was based on a consensual assertion of the Islamic identity, which the framers believed, would serve as the symbol of the new state called

Pakistan. However, politics in Pakistan, more or less, ran an independent course. Issues that dominated the electoral debates were not all religious. The infighting in the political ranks among leaders continued unaffected by the campaigns in favour of an Islamic unity and Islamic constitution. Even H.S. Suhrawardy, who succeeded Chaudhury Muhammad Ali, went to the extent of dismissing suggestions; from orthodox quarters; of forging a bond of unity among Islamic states, as “zero plus zero equals zero”. It was a clear indicator of the priorities the state had fixed up for itself.

This constitution was abrogated soon afterwards, by President, Iskander Mirza, on 7 October 1958, in the wake of massive preparations for general elections in February 1959. The civil-military bureaucracy was a little too uncomfortable with the idea of electoral politics that in their elitist point of view threatened to throw up a system of governance, which would run counter to the cognitive values of democracy.

The people in power in Pakistan all this while, apprehended that the elections might project a government, infinitely inferior in quality and uniquely inefficient to take care of the national interests of Pakistan in the early years of its existence. This mindset was not a novel phenomenon. Muslim politics in the sub-continent had all along been elitist. The main reason for Jinnah’s disillusionment with Congress politics was the Congress decision, after M. K. Gandhi’s entry into Congress politics, to lend the movement a road mass base. Jinnah’s participation in 1937 elections was rather an expedient exercise. The same could be said of his call for Direct Action in August 1946. But left to himself he did not believe in opposition, the bedrock of a democratic system. Such elitist aversion for electoral political ironically sustained the campaign of the orthodox section for an Islamic state. The more the civil-military bureaucracy opposed electoral politics the more this section gained. This was indeed the root cause of the gradual crystallisation of popular opinion in favour of an Islamic state.

Ayub Khan’s Tenure

Iskander Mirza’s abrogation of the constitution met with severe resistance at the popular level. Mirza had groomed Ayub Khan too long since the early fifties in the business of governance. Thus the field was left open for Ayub to wrest power from the civil administration. With tacit approval of Mirza, Ayub imposed martial law on 27 October 1958. Ayub was known for his radical views on religion and Islam. His speech on Islam on 3 May 1959 at Dar-ul-Ulum-I-Islamiya at Tando Allah Yar Khan shows his liberal mood: “... with the passage of time, Muslims at large sought to concentrate more on the dogmatic aspects of Islam and less on its inherent strength as a movement... while mankind has made great advances in science and philosophy, religion has remained static for centuries... The miracle of Islam was that it destroyed idolatry, and the tragedy of Muslims has been that they rendered religion into the form of an idol.[10]”

But, the Constitution developed under Ayub Khan (promulgated in June 1962 and later abrogated by Yahya Khan in 1969) was more guided by personal ambition than any genuine will to lay the foundations of a liberal state. He had to recant his decision of removing the word ‘Islamic’ from the name of the state; (the Islamic Republic Pakistan) after stiff resistance, to placate the orthodox section, so that they would not seriously object to his ‘Basic Democracy’ provisions that were designed to swing the electoral verdict in his favour by limiting the base of the final electorate that

would elect the president. An Islamic Advisory Council was also conceded to, consisting of 12 members who would sit for 3 years to advise the government in enacting legislations according to the principles of Islam. Justice Muhammad Munir, who served as a minister under Ayub for some time is somewhat apologetic when he says in his book *From Jinnah to Zia*, that the members of the Council were specially picked up from the liberal section and moreover, the government reserved the right to accept or reject the advice rendered by the council, and thus the apparatus of the state operated smoothly, largely independent of the virtual veto recommended by the earlier constitution. The Advisory body, Munir would argue, was thus a powerless institution. But that a liberal-minded ruler like Ayub felt expedient to take a decision on the issue of desirability of the interference of the orthodox section, shows the strength of the appeal of anything that went in the name of Islam in Pakistan. It could be true that Ayub had visible contempt for the mullahs. But still, in order to legitimise his authority in Pakistan through popular approval, he was seen to be meddling with them. He even allegedly went to the extent of using the mullahs to spread the message among the people that Islam did not approve of rule of the “Women” and urged them not to vote for his opponent, the Quaid’s sister, Ms. Fatima Jinnah.

Enter Bhutto

Then came the populist socialist Bhutto and the dismemberment of East Pakistan, which made people turn towards Islam with increasing zeal and vigour, because the dismemberment punctured the very basis of ‘two nation theory’ that provided the rationale for the creation of Pakistan. Bhutto, was too clever to miss the appeal of Islam and called his socialism ‘Islamic socialism’ well in line with the Islamic concept of ‘*Mushawat*’. Despite his tall claims that he ‘did not care being branded as a socialist’[11], the constitution drafted during his tenure in 1973 had built in bias in favour of Islamisation. The President and the Prime Minister (as distinguished from President alone in earlier constitutions) had to be Muslims. Government was to take steps to teach Islamiyat and the Holy Quran. (Art. 31 Cl.2) The definition of a Muslims was made clear and concise. (Art 228) The Islamic Advisory Council was recommended again to bring the legislation in conformity with Islamic principles. (Art. 227) For the first time even; Bhutto, a socialist by conviction, introduced Islamic tenets into economy as well by recommending steps to be taken to introduce an interest-free banking system in Pakistan, as Islam was opposed to the concept of interest (*Sood* in Urdu and *Riba* in Arabic). After the 1974 anti-Ahmadiya riots, Bhutto made it illegal on the part of the Ahmadiyas to call themselves Muslims or adherents of Islam.

When such tactics failed and he found the orthodox section mounting a popular offensive against him, he took symbolic popular measures to prove his Islamic credentials. In his enthusiasm Bhutto changed the name of Red Cross to Red Crescent, ordered Quran to be placed in every room of all the first-class hotels, set up a Ministry of Religious Affairs, sponsored an international conference on the life and work of the Prophet. To placate the pirs and inspire popular support through their recommendation, he ordered ornate gilded doors from Iran to be placed at the doors of their shrines. Imams of the mosques at Medina and Ka’ba were invited to Pakistan to prove his sincere devotion to Islam. Even just three months before his overthrow, in April 1977, he changed the weekly holidays from Sunday to Friday and outlawed horse-racing and the consumption of alcoholic beverages.

Zia in the Saddle: Islam as a legitimising Crutch

Many analysts would suggest that there was something pathological about Zia ul Haq's passion for Islam. Well even if his devotion of Islam may not be contested, one can safely conclude from his style of functioning as a leader of an Islamic country that he also manipulated Islamic sentiments to continue in office. He is reported to have said that he believed at heart that he has been providentially chosen to rule Pakistan to fulfil the mission of Allah. In an incremental manner he introduced the Islamic measures in the Pakistani society through his ordinances. Unlike Ayub Khan, he did not abrogate the Constitution; rather he brought about changes/amendments in the original 1973 constitution through ordinances, which were later approved by the government of Muhammad Khan Junejo in 1985.

During his rule, Shariat-based Islamic punishments, primarily designed to act as deterrent through the physical penalties they prescribe, were revived and enforced. Ordinances were passed to ensure Ramazan fasting, the violation of which was held punishable. A federal Shariat Court was established to hear appeals against lower courts and high courts and it had power to declare any law that did not conform to the Islamic injunctions, ultra vires. Zakat Ordinance (1979) was promulgated to make it compulsory for all Sunni Muslims to have 2.5 percent deducted from their salary on amounts excess of Rs. 3000/- Zakat committees were set up at different levels to enforce this ordinance. Similarly, Ushr Ordinance (1980) was fixed at 10 percent of agricultural produce in cash or kind. The Hudood ordinance of 1979 required all laws to be made according to the principles of Islam and Sunnah. Through his Qanun-I-Shahadat (Law of Evidence) ordinance, Zia brought the Law of Evidence into conformity with Islamic injunctions (on 3 March 1983), which sought to reduce the value of a woman's evidence (in matters pertaining to areas deemed not to be in the woman's domain) to half that of a man's. It also required four witnesses to prove an allegation of rape failing which the woman would be charged of fornication, thus making women prone to harassment. Even if no law was changed, these ordinances wrecked up quite a controversy in Pakistan. Zia also urged the Islamic Ideology Council to suggest steps for establishing an interest free banking system in Pakistan. That the Council came up with a 188-pages report without suggesting any alternative measures was quite another thing. But the debate on an Islamic Banking system had already begun. In a tricky country wide referendum on 19 December 1984, Zia showed it to his opposition (with 97.7 percent vote in his favour) that there was enough popular approval to his rule and his Islamisation programme.

The campaign for Islamisation reached such dizzy heights that even historians like Sharif Al Mujahid sought to silence the liberals by hinting at the limitations of Jinnah. The Qaid suffered quite a bashing in his hands:

“Jinnah was a political leader and not a systematic thinker... For a brilliant and accomplished lawyer such as Jinnah was, his academic grounding was rather inadequate ... Jinnah could not work out a consistent theoretical framework for Pakistan. For one thing his was not the role of a systematic theoretician nor was he qualified for it”[12].

Democratic rule again

After the accidental death of Zia ul Haq in August 1988, Pakistan reverted back to democracy. The subsequent Benazir government pledged to work for rehabilitation of women rights but could not hold her sway in the face of the assertion of the orthodox section. In August 1990, she was unceremoniously dismissed by the President and the next election brought Nawaz Sharif to power. In between, in September 1990, through a recommendation from the Majlis-i-Shura (the Islamic Advisory Council) the Islamic Qanun-i-Shahadat (Law of Evidence) was given legal effect.

Nawaz Sharif's Agenda

Nawaz Sharif sought to start from where Zia had left. During his first term in office he sought to make Islamic rule constitutional. But his efforts were more directed towards making the democratic political system the chief negotiator between an Islamic Constitution and society. In June 1991, he introduced the Shariat Act, a precursor of the present Shariah Amendment. This act provoked angry reactions from the orthodox section because it departed from orthodox Islamic lines by seeking to put a premium on the 'political system including Majlis-e-Shoora (Parliament) and Provincial Assemblies and the existing system of government', for no court including Federal Shariat Courts or Supreme Court or any tribunal, could challenge the decisions of the political system. There was yet another provision, basically to boost the liberal economic agenda of the Nawaz Sharif government and it provided that the Shariat act will not prejudice the 'financial obligations of the government' 'till an alternative economic system is established'. These provisions were challenged by the Federal Shariat Court and its ruling in 1992 was embarrassing to the government, which appealed to Supreme Court against the Federal Shariat Court ruling. In the impending haze of controversies surrounding the act, the momentum was lost.

The Present Phase

This time around, after the nuclear tests in the sub-continent, Nawaz Sharif government has drawn much flak for introducing his Shariat Bill yet another time again. People outside Pakistan, who have no sufficient knowledge of the history of Pakistani politics jump into conclusion that Pakistan is going the Taliban's way. The media in the west has reacted in several ways to this. Their reactions range from calling this a 'diversionary ploy' to 'descent into medievalism'.

However, a close scrutiny of the present act would reveal that the act is basically ornamental. Moreover, Nawaz Sharif is not doing anything novel or fundamentally original. As our reading of the present paper would suggest, Pakistan is being steadily pushed towards such a logical end over the years ever since its foundations were laid in the colonial times. The popular and the lay have increasingly prevailed over the elitist and liberal. One can easily discern that the popular zeal for Islam has been directly proportional to the failure of the existing political system. In times of crisis, people look towards religion for succour. Marx had rightly called religion 'the hope of the hopeless', 'the soul of the soulless'. If he later called it a collective illusion, an 'opium of the masses', the politics of most of the Islamic countries would justify such a proposition.

There is yet another fundamental political reality, that has to be taken due note of. All the politicians from Liaquat Ali Khan to Nawaz Sharif have, time and again, sought to cater to the demands of the orthodox section by bringing about changes in favour of Islamisation, in the constitution. But all of them in their own typical ways emphasised that the sovereign authority of

the elected bodies would prevail over the collateral constitutional bodies, dominated by the orthodox section, seeking to overshadow the legitimacy of democratic governance through their conservative interpretation of Islamic laws. Moreover, most of the changes have been rather cosmetic and superficial.

Reactions

Nawaz Sharif's move to Islamise Pakistani nation has drawn severe criticism both at the domestic and international level. The Bill has drawn scathing attacks from the Human Rights activists in Pakistan. Many leading commentators have pointed out that the whole bill is only a pompous exercise, a high sounding nothing. They have rightly pointed that there have been as many as 20 Articles in the Constitution that forbid any enactment that is violative of the central Islamic principles. Quran and Sunnah have enjoyed and indisputably superior position in Pakistan since quite a long time. There have been the Islamic Ideological Council and the Federal Shariat court to bring all law into conformity with Islamic injunctions and to hear cases relating to Islamic principles respectively. What then was the point of such a populist exercise? They would rather say that this would increase "the clout of obscurantist elements.[13]"

But the opposition says that it is not that simple. As the original Bill indicated there was enough indication of introducing 'prime-ministerial despotism[14]' through this bill. The bill sought to bring about amendments in Art 239 of the Constitution ensuring federal government's supremacy over any state functionary, in case the latter failed to comply with the Islamisation measures of the federal government. Such supreme power was designed to override any law or judgement of any court (including the Supreme Court and the Federal Shariat Court). As such, once some measure of the federal government was branded as an Islamising step, it was to be carried out without any obstruction from any level. Then there were doubts regarding who was supposed to be the final authority to judge whether a step was an 'Islamising' step or not. This was certainly an entry point for establishing Executive supremacy. The opposition parties raised their voice against such a provision and it was dropped from the final bill (known as CA-15) that was introduced in the National Assembly and passed on 9 October 1998, with 151 votes in favour, 16 against and 40 abstaining. Nawaz Sharif, is now devising means and ways of winning over the opposition for the smooth passage of the bill in the upper house, the Pakistani Senate. In the meanwhile, just two days before the passing of the bill, the Chief of the Army Staffs (COAS) Gen., Jehangir Karamat, resigned after generating a controversy over his statements criticizing the government. The quiet exit of a dissenting general has raised the prospect of civilian rule in Pakistan. Thus, Nawaz Sharif has emerged as a powerful centre of power in Pakistan. One only hopes that he will not lose his mind and undo himself. The Pakistani rulers have a habit of seeking ever more power onto themselves and loosing their legitimacy in the bargain.

With IMF and World Bank, the international doctors of economy, attending Pakistan's failing economy, currently reeling under sanctions after the nuclear tests, it was surprising on the part of the Sharif government to bring about such a change that appears retrogressive and hence could draw the flak from the Western powers. The background was also not too propitious for such a step especially after the allegations of official discriminations meted out to the minorities, which culminated in the suicide of a Bishop in Pakistan. But apart from drawing ritual criticism from the media in the West, his Islamising spree was not received with as much concern in the West.

However, the West would, through the levers of World Bank and IMF, try their very best to ensure democracy in Pakistan slowly but surely. As it was seen in the World Bank's recent report on Pakistani Civil service, (Report No. 18386 Pak) ¹⁵ it is putting pressures on the Pakistan government to depoliticise bureaucracy, evolve a mechanism for healthy devolution of powers on to the local levels and regeneration of the local bodies. All this will go a long way in ensuring the survival of democratic system in the country.

Against this backdrop, the importance of the recent rally organised by the Jamaat-I-Islamic towards the end of October has to be assessed. As the reports said, the younger participants in the rally were more aggressive than the older ones and they were more critical of the Shariah Amendment. If this is any indicator, future politics in Pakistan may take yet another turn towards Islamisation in the coming years. But the present Nawaz Sharif administration and the administrations that would follow should remember that the more they mismanage political affairs of the country, the easier it would be for the mullah to come to power by playing the Islamic card. It is noteworthy that in spite of the current recession in economy things are not that bad on the political scene. This also shows that the people are not yet disillusioned with democratic governance. All the same, Nawaz Sharif may now be walking on a tight rope. If he fails to bring the economy back on the rails then the future may be quite bleak for Pakistan and democracy. Any additional corrective measures in the direction of Islamisation will only prove inimical to the interests of the democratic section. The dangers of the orthodox clergy rising to power in a democratic election and then misusing an 'Islamic Constitution' looms large on the horizons.

The Apprehensions

The apprehension that the bill would give a fillip to the conservative mullah lobby looks very genuine at the moment. There is a probability now of the rise of the rightist parties especially in the wake of the nuclear tests and the rise of a rightist party to power in India. But one strongly feels that this will not contribute to the rise of any Taliban-like medievalist outfit in Pakistan as long as Pakistan is wedded to democracy. Given the political track record of the conservative lobby, they are not supposed to be too effective at the electoral level. However, if one looks at the Islamisation spree against the backdrop of the present economic recession visiting the subcontinent in the post nuclear phase, one is quite apprehensive that the rising level of unemployment together with the emphasis on Islamic education in the madrassas may make quite an explosive combination. And this has dangerous portents for the security situation in South Asia. As the subcontinental Islam is reflexively anti-Indian, even if the call for Islamisation does not bring about any substantial changes in the overall administrative apparatus of the country, it is likely to generate anti-India sentiments. Just imagine hordes of Mujahideens crossing over the border to Kashmir in the name of Islam, well funded and trained by zealots like Bin Laden! As such, even if the current legislation is designed as a buffer against rising popular disaffection over the prevailing economic crisis in Pakistan, it might have serious implication for security situation in the post-nuclear South Asia.

Nawaz Sharif's claim that the "main purpose of this constitutional amendment is to ensure that the state performs its duties and roots out all social and legal ills[16]" has already made it very clear that like his predecessors, he wants to make use of the appeal of Islam to consolidate his hold over the masses. He may also use the ethnical appeal of Islam to wage a moral war against many of his political opponents for the sake of cleaning the governmental machinery of corrupt and inefficient

people. What no body misses however in his justification for bringing about such a legislation is that, inherent in such a claim is an admission that his government has failed as a human agency, whether it be because of rising corruption or misgovernance or as General Karamat said, ‘polarisation, vendetta and insecurity driven politics’[17].

And when human beings fail, what can a leader do but to invoke the God! But Mian Nawaz Sharif should better remember the caveat entered by Justice Munir: “The sublime faith of Islam will live even if our leaders are not there to enforce it. It lives in the individual, in his soul and outlook, in all his relations with God and men, and our politicians should understand that if Divine commands cannot keep a man a Muslim, their statutes will not”[18].

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9. Muhammad Munir, *From Jinnah to Zia* (Delhi: Akbar Publishing House) 1989, p.47.
10. Quoted in Munir, Ibid., p.82.
11. “No power on earth can stop socialism the symbol of justice, equality and supremacy of man from being introduced in Pakistan... It is the demand of time and history... I am socialist... some ridicules for being a socialist. I don’t care. “Quoted in William Richter: “The Political meaning of Islamisation in Pakistan: Prognosis, Implications and Questions”, in Anita M. Weiss, op.cit, p.131.
12. Sharif Al Mujahid, the official historian quoted in Hamza Alavi, Ethnicity, Muslim Society and the Pakistan Ideology, in Anita M. Weiss ed., *Islamic Reassertion in Pakistan* (Lahore: Vanguard Books) 1987, p.43.
13. Shaikh Manzoor Ahmed wrote in *Dawn* (Internet Edition: <http://www.dawn.com>) 13 October 1998.

14. Editorial in the daily *Dawn*, (Internet Edition: <http://dawn.com>), 11 October 1998 even wrote that this amendment can be used to take “Intrusive steps into the private lives of the citizens”.
15. Reported in the daily *Dawn*, (Internet Edition: <http://www.dawn.com>), 16 October 1998.
16. Reported in the daily *Dawn*, (Internet Edition: <http://www.dawn.com>), 13 October 1998.
17. Reported in the *The Washington Post*, (Internet Edition: <http://www.washingtonpost.com>), 9 October 1998.
18. Muhammad Munir, op.cit., p.51.

APPENDIX

Text of 18th Amendment

WHEREAS sovereignty over the entire universe belongs to Almighty Allah alone and the authority which He has delegated to the State of Pakistan through its people for being exercised through their chosen representatives within the limits prescribed by Him is a sacred trust;

AND WHEREAS the objective Resolution has been made a substantive part of the Constitution;

AND WHEREAS Islamic is the State religion of Pakistan and it is the obligation of the State to enable the Muslims of Pakistan individually and collectively to order their lives in accordance with the fundamental principles and basic concepts of Islamic as set out in the Holy Quran and Sunnah;

AND WHEREAS Islam enjoins the establishment of a social order based on Islamic values, of prescribing what is right and forbidding what is wrong (*amr bil ma'roof wa nahi anil munkar*);

AND WHEREAS in order to achieve the aforesaid objective and goal, it is expedient further to amend the Constitution of the Islamic Republic of Pakistan;

NOW, THEREFORE, it is hereby enacted as follows;

(1) This Act may be called the Constitution (fifteenth Amendment) Act, 1998. (2) It shall come into force at once.

2. Additional of new Article 2B in the Constitution – In the Constitution of the Islamic Republic of Pakistan, after Article 2A, the following new Article shall be inserted, namely: “2B, Supremacy of the Quran and Sunnah (1) The Holy Quran and Sunnah of the Holy Prophet (peace be upon him) shall be the supreme law of Pakistan. Explanation – In the application of this clause to the personal law of any Muslim sect, the expression “Quran and Sunnah” shall mean the Quran and Sunnah as interpreted by that sect (2) The Federal Government shall be under an obligation to take steps to enforce the Shariah, to establish Salat, to administer Zakat, to promote *amr bil ma'roof* and *nahi anil munkar* (to prescribe what is right and to forbid what is wrong), to eradicate corruption at all levels and to provide substantial socio-economic justice, in accordance with the principles of Islam as laid down in the Holy Quran and Sunnah (3) Nothing contained in this Article shall affect the personal law, religious freedom, traditions or customs of non-Muslims and their status as

citizens (4) The provisions of this Article shall have effect notwithstanding anything contained in the Constitution, any law or judgement of any court”

**Courtesy: The Dawn, 9 October 1998
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