

Pakistan: Religion and Politics

Asghar Ali Engineer*

*Asghar Ali Engineer is Director, Institute of Islamic Studies, Bombay.

Was Pakistan created for Islam or for Muslims? Opinion is divided on this. Some ideologues of Pakistan maintain that Pakistan was primarily created for establishing an Islamic State. Others, who view things more, analytically than ideologically, feel that Pakistan was created to save the interests of a section of Muslims in pre-independent India.

The fact that Maulana Maududi, founder of the Jamaat-e-Islami, kept away from the Pakistan movement goes to show that. The Maulana was for an Islamic state. His lack of interest in the Pakistan movement was on account of Mohammad Ali Jinnah's lack of interest in an Islamic State.

Jinnah's main fight was for a share in power for Muslims. He propounded the theory of two nations only when the Congress slighted him after the 1937 elections in U.P. and did not take the two Muslim League Ministers in the U.P. Cabinet, as informally agreed upon earlier.

The two-nation theory as propounded by the League does not have religious overtones; it laid more emphasis on cultural rather than religious differences. Speaking about the two-nation theory, Jinnah said: "... But surely, it is a flagrant disregard of the past history of the sub-continent of India as well as the fundamental Islamic conception of society vis-à-vis that of Hinduism to characterise them as mere 'superstitions'. Notwithstanding a thousand years of close contact, nationalities which are as divergent today as ever, cannot at any time be expected to transform themselves into one nation merely by means of subjecting them to a democratic constitution and holding them forcibly together by unnatural and artificial methods of British Parliamentary statutes. What the unitary Government of India for 150 years had failed to achieve cannot be realised by the imposition of a central federal government. It is inconceivable that the fiat or the writ of a government so constituted can ever command a willing and loyal obedience throughout the sub-continent by various nationalities except by means of armed force behind it".

Here Jinnah is emphasising nationality, rather than the religious aspect of the problem. And when he tries to make a religious argument, he falters and gives examples, which are hardly convincing. He says:

"It is extremely difficult to appreciate why our Hindu friends fail to understand the real nature of Islam and Hinduism. They are not religions in the strict sense of the word, but are, in fact, different distinct social orders and it is a dream that the Hindus and Muslims can ever evolve a common nationality, and this misconception of one Indian nation has gone far beyond the limits and is the cause of most of our troubles and will lead India to destruction if we fail to revise our notions in time. The Hindus and Muslims belong to two different religious philosophies, social customs and literature. They neither inter-marry, nor dine together and, indeed they belong to two different civilisations which are based mainly on conflicting ideas and conceptions. It is quite clear that the

Hindus and Mussalamans derive their inspiration from different sources of history. They have different epics, different heroes and different episodes. Very often the hero of one is a foe of the other and, likewise their victories and defeats overlap. To yoke together two such nations under a single State... must lead to growing discontent and final destruction of any fabric that may be so built up for the Government of such a State”.

All the reasons cited by Jinnah for incompatibility, between the Hindus and Muslims are hardly convincing for a discerning mind. It is more of rhetoric than objective reality. The problem is that Jinnah was far from being a theologian or a religious scholar. He did not know the religion he was talking about. His knowledge of Islamic theology, the Quran and Hadith was nearly zero. He, therefore, chose to give examples from history, society and culture to prove the incompatibility of the two communities.

Jinnah talks about Hindus and Muslims belonging to “two different religious philosophies, social customs and literature”. Religious philosophies, except for certain common minimum beliefs can differ from sect to sect in one religious framework also.

For example, there are fundamental differences in the religious philosophy of the Sunni Muslims and the Ismaili Muslims, between the Wahabis and the Sunnis and the Shias and Sunnis. They do fight each other, and quite violently, at times. No wonder then that we find violent conflict between these sects in Pakistan.

Though religion is an important contributing factor for culture, it is not the only one. Despite following the same religion, people can have different cultures. For example, Arab Islamic culture is quite distinct from North Indian Islamic culture; and North Indian Islamic culture is different from South Indian Islamic culture.

The North Indian culture was deeply influenced both by Hinduism and Islam and hence it was often referred to as a composite culture. Both Hindus and Muslims enriched this culture in the fields of music, painting, food habits, language and religio-philosophical thoughts. Often it was difficult to distinguish between a Mughal and a Rajput prince or princess from outward appearance.

Thus if the two-nation theory was based on such factors it hardly had any validity. In Pakistan the two-nation theory received a hard blow when the Bengali Muslims seceded. Their Muslimness could not be accommodated with their Bengaliness.

Also, the Mohajirs – essentially the North Indian Urdu and Gujarati speaking Muslims – are now embroiled in conflict with the Sindhi speaking Muslims on the one hand, and the Punjabi speaking Muslims, on the other. Even after nearly 50 years of their existence in Pakistan, the Urdu speaking Muslims carry the stigma of being *Mohajir* i.e. people from outside. It should also be noted that the Urdu, Sindhi and Punjabi speaking Muslims are quite proud of their distinctive cultural traditions.

Cultural differences by themselves do not cause a conflict; the real cause is power and resources sharing. The Sindhis in Pakistan feel that the Mohajirs came from outside and usurped their

legitimate share in jobs and political posts and that they were reduced to secondary citizens in their own homeland. They soon began to demand an independent 'Sindh Desh'.

The Punjabis too felt that the Mohajirs had no right to monopolise the top jobs in the bureaucracy and the military.

Thus in the ultimate analysis it is not cultural or religious differences, but power-sharing arrangements between different religious, linguistic or cultural communities which really matter.

Jinnah was a highly westernised person and was quite indifferent to religious beliefs and practices. Yet, when slighted by the Congress leaders, he fought for the Muslim elite and their share in power with great verve and ultimately succeeded in creating Pakistan. Jinnah was a votary of Hindu-Muslim unity right up to 1928 and pleaded with the Congress leaders to accept certain demands of the Muslims so as to save Indian unity. The two-nation theory was thus founded not on religious but political differences.

Maulana Maududi, founder of the Jamaat-e-Islami, did not support the Pakistan movement of Jinnah, as it was 'un-Islamic' in character. Jinnah's concept of Pakistan was essentially secular. He never thought of establishing an Islamic state.

Thus the Chief Justice of Pakistan, Mr. Justice Muhammad Munir says in his book "From Jinnah to Zia": "There can be no doubt that Jinnah was a secularist and against theocracy. In his speech to the Constituent Assembly on August 11, 1947, he had given a picture of Pakistan which was nothing short of a secular State in which Muslims and non-Muslims could live together and be its citizens, with equal rights of citizenship, and that religion would be a private affair of the individual, having nothing to do with the administration of the State".

The "objective resolution" declaring Pakistan an Islamic State could be passed only six months after the death of Jinnah. It was introduced by the then Prime Minister Liaquat Ali Khan

According to Mr. Justice Munir, it was "quite contrary to the *Quaid-e-Azam's* concept of the State". "The non-Muslim", he writes, "complained against it saying that in the State envisaged by that resolution their position would be that of Zimmis, contrary to what the Quaid-e-Azam had declared. But since they were in a minority and Liaquat Ali Khan would not change his stand, they walked out of Assembly and the Resolution was passed."

Islamisation

Even after passing the objective resolution declaring Pakistan an Islamic State, the process of Islamisation of Pakistan did not begin. Islam was declared the State religion but the Pakistani State structure as well as its social structure, continued, by and large, to be secular. Ayub Khan, who captured power in 1958, was, though a military dictator, a broad-minded person. His concept of Islam was quite broad. But, as pointed out by the Chief Justice, Mr. Justice Munir, he was a broad-minded man but he had no party of his own. "If he had a party of his own," observes Mr. Justice Munir, "the history of Pakistan would have been different.... He had omitted the word 'Islamic from the name of the State'".

Ayub Khan resorted to the concept of basic democracy and the “basic democrats” approved his Constitution of 1962, which omitted the concept of fundamental rights. In the Preamble to that Constitution he had referred to the Islamic principles of equality, justice and tolerance. Ayub Khan in fact took on the conservative and orthodox forces in Pakistan society though, naturally, he could not always have his way. But in certain respects he stood firm. He fully supported the demand for change in Muslim personal law and issued the Family Laws Ordinance in 1962. He appointed a Commission headed by Sri Abdur Rashid, Chief Justice of the Supreme Court to re-examine the matters relating to grandson’s right to inherit his pre-deceased fathers property, the question of “triple divorce” and polygamy. The Commission said the law on all three points was being wrongly interpreted by the traditionalists. It held that the grandson in the circumstances could not be excluded by his uncles from his grandfather’s property. The restriction against the wife remarrying her husband without her remarrying a third person, consummating the marriage and being divorced by him was wrong. And though the right of the husband taking another wife in the presence of his first wife without assigning any reason was lawful, doing so without the permission of the Arbitration Council made him liable for fine.

Later, the Ayub Government issued an Ordinance on these lines. The traditional Ulama protested and wanted the Ordinance to be repealed while the women were for its retention. The Ayub regime stood firm and the Ordinance was not withdrawn. No subsequent regime, including that of Zia-ul-Haq, could repeal it. The Ordinance benefited the women and under it marriage and divorce need to be registered with the Arbitration Council.

The Jamaat-e-Islami headed by Maulana Abdul Aala Maududi was a conservative force. The Maulana theorised that in an Islamic regime, only one party i.e. the *Party of Allah*, could exist. But the Ulama in Pakistan are divided into several parties and have fundamental differences with each other. They do not hesitate to issue fatwas of Kufr against each other. No two Ulama, as pointed out by Mr. Justice Munir in a report, agreed on the definition of a Muslim. Yet they were practically unanimous that all who disagreed with them should be put to death (vide the Munir Commission Report, Lahore, 1954). While the Jamaat-e-Islami believes that a woman cannot be the head of an Islamic State, the, Maulana supported, in 1962, the candidature of Fatima Jinnah (Jinnah’s sister) for President. It was sheer political opportunism.

According to Maulana Maududi, in an Islamic state the rule of God will prevail. Anyone who opposes the imposition of God’s rule is an enemy. Maintaining cordial relations with non-Muslims is not the real aim of an Islamic society; the real aim is to impose God’s rule even if it mean confrontation with non-Muslims. Real peace, according to the Maulana, can be established only if all people submit to the law of God and only when the non-Muslims reconcile themselves to Islamic rule.

The question here is who decides what constitutes the rule of God. The Maulana maintains that even an elected parliament has no right to legislate; it will have authority only to impose the Shariat law. Sovereignty belongs only to Allah, not to a body elected by human beings. Human beings have only to submit to the sovereignty of Allah.

For people like Maulana Maududi, sovereignty of God in fact means their own sovereignty; it is they who interpret what God desires and want to impose it on others.

Thus in Pakistan, sovereignty of God will ultimately mean sovereignty of the *Jamaat-e-Islami* and its interpretation of the *Shariat*.

The concept of sovereignty of God has to be understood properly. *Allah* is the embodiment of all that is good. He is the giver of values and principles, which are sovereign and unalterable. Among these principles are justice and equality. Sovereignty of Allah should never and can never mean sovereignty of jurists. The Shariat law cannot be static and immutable. It is the principle of justice and equality, which is supreme and all laws must be just and equitable. The position that even a legislative body in an Islamic country cannot legislate is totally untenable. Even the holy Prophet had permitted M'adh bin Jabal to take resort to Ijtihad (mental efforts to understand a new situation and apply accordingly the injunctions of the Quran and Sunnah). New situations arise and new legislation needs to be rethought. But what is unalterable is the basic principles and values, not their applications in given circumstances.

Pakistan went through its most conservative period during Zia-ul-Haq's time. Zia, both on account of his beliefs and political needs, sought to impose a conservative Islamic regime. He made Islam his main political constituency. When he declared Pakistan to be an Islamic State in the late Seventies, he did so by enforcing hudud punishments – cutting off the hands of thieves, whipping drunkards or stoning adulterers to death. To be sure, this is not the essence of an Islamic State. An Islamic State should strive to establish a just society and take care of the weaker sections of society. The Quran lays great stress on socio-economic justice and accords special place to those marginalised in society. The *Quran* maintains that the dynamics of a social structure work on dialectical interaction between the Mustakbirin and mustad'ifin (i.e. the powerful and arrogant and the weak and the oppressed). Thus an ideal Islamic society will tend to be just and equitable.

The Pakistani society has favoured the powerful and influential feudal, bureaucratic and military elite. The oppressed and the marginalised have always remained at the receiving end. Though the Prophet had prohibited absentee landlords from sharing crop with the cultivators however, this practice is rampant. No ruler in Pakistan has ever tried, let alone succeed, in breaking the back of feudalism. If anything they have only reinforced it.

Zulfiqar Ali Bhutto who framed the first democratic constitution of Pakistan after a long spell of military rule, never pretended to establish an Islamic order though gradually he surrendered to the conservative Islamic forces. In his election campaigns he promised *roti, kapda, aur makan* (bread, clothes and shelter) to the poor and this rhetoric caught the imagination of the people. However, the Bhutto regime utterly failed to improve the lot of the poor. Bhutto with all his rhetoric and modernism could not even carry out proper land reforms.

Islamisation during Zia's time had no such pretensions. Zia himself had no deep knowledge of Islamic theology or jurisprudence. He was solely guided by the conservative Ulama. He thought the purpose of Islamisation could be achieved by enforcing *hudud* punishments and reinforcing certain Islamic rituals. He had no concept of Islamic society and the place of justice in it. At the most he sought to enforce the Zakat system i.e. collecting zakat from the rich and distributing it to

the poor. It created a controversy and the *Shias* refused to pay it through bank cuts. Zia then had to exempt the *Shias* from *zakat*. Some of the Shariat rules that Zia enforced like declaring women as half witnesses naturally created controversies. It is really doubtful whether the Quran really treats women as half witnesses. That is how the jurists interpreted it. But despite many attempts Zia could not repeal the Family Laws Ordinance issued by Ayub.

Thus the Islamic society of Pakistan has been like any other society, highly exploitative and unjust and was sought to be Islamised by the implementation of certain formal juristic measures evolved by the Ulama under the influence of their own social context. These measures cannot be expected to bring about the desired Quranic transformation of society. A Quranic society has to be just, humane, benevolent, progressive and dynamic. The Pakistani society is far from it.

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