



# Secularization without Secularism in Pakistan

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**Secularization without Secularism in Pakistan**

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## Secularization without Secularism in Pakistan

### Summary

Pakistan was created in 1947 by leaders of the Muslim minority of the British Raj in order to give them a separate state. Islam was defined by its founder, Jinnah, in the frame of his “two-nation theory,” as an identity marker (cultural and territorial). His ideology, therefore, contributed to an original form of secularization, a form that is not taken into account by Charles Taylor in his theory of secularization – that the present text intends to test and supplement. This trajectory of secularization went on a par with a certain form of secularism which, this time, complies with Taylor’s definition. As a result, the first two Constitutions of Pakistan did not define Islam as an official religion and recognized important rights to the minorities. However, Jinnah’s approach was not shared by the Ulema and the fundamentalist leaders, who were in favor of an islamization policy. The pressures they exerted on the political system made an impact in the 1970s, when Z.A. Bhutto was instrumentalizing Islam. Zia’s islamization policy made an even bigger impact on the education system, the judicial system and the fiscal system, at the expense of the minority rights. But Zia pursued a strategy of statization of Islam that had been initiated by Jinnah and Ayub Khan on behalf of different ideologies, which is one more illustration of the existence of an additional form of secularization that has been neglected by Taylor.

### Résumé

Le Pakistan est né en 1947 de la demande d’un État séparé par la minorité musulmane du Raj britannique. L’Islam y était défini par son fondateur, Jinnah, dans le cadre de sa « théorie des deux nations », comme un fondement identitaire, à la fois culturel et territorial. Cette idéologie était donc à l’origine d’une forme de sécularisation originale qu’ignore la typologie ternaire de Charles Taylor – que ce texte s’attache à tester et à compléter. Par contre, elle allait de pair avec un certain sécularisme au sens où l’entend Taylor : les deux premières Constitutions du Pakistan n’érigeaient pas l’islam en religion officielle et garantissaient des droits importants aux minorités. Mais l’approche de Jinnah ne faisait pas consensus. Les religieux et les fondamentalistes militaient, eux, en faveur d’une islamisation du pays. Leurs pressions ont porté leurs fruits au début des années 1970, au moment où Z. A. Bhutto instrumentalisait la religion. La politique d’islamisation de Zia transforma plus encore le droit, le système éducatif et le dispositif fiscal. Si cette évolution s’est opérée aux dépens du sécularisme, les minorités se retrouvant dans une situation particulièrement précaire, les années 1980 ont vu Zia poursuivre une politique d’étatisation de l’islam comparable à celle de ses prédécesseurs – de Jinnah à Ayub Khan – qui l’avaient pourtant mise en œuvre au nom d’idéologies différentes. C’est là l’indice d’une forme spécifique de sécularisation qu’on pourrait dire du quatrième type.

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## INTRODUCTION

In the West, the emergence of multiple secularities – and particularly Taylor’s notion of secularity 3 that finds expression in a “disenchantment of the world” – was fostered by an urbanization process that disrupted old local communities (Taylor 2007:440), though city-life is not incompatible with religious belief *per se*. But Taylor’s Age of Mobilization – starting with 19th, secularizing, century – « is not the age of triumphant individualism, it is a time when “people are persuaded, pushed, dragooned, or bullied into new forms of society, church, association” (*ibid.*:445). This is a time of collective ideologies emphasizing the importance of class and nations. For Taylor, the age of individualism comes after, from the 1960s onwards, during what he calls the “Age of Authenticity.” This period can even be defined as the time of “‘expressive’ individualism,” a phase – that is still continuing today – where individuals are not only self-centered for egotistic, hedonist and consumerist reasons, but are also allergic to any form of collectivity: “Not only did the church see a sharp drop in adherence, but young people began to drop out of the rival jacobin/communist world-views as well” (*ibid.*:487). This age is dominated by an acute sense of subjectivity. While the previous phase was marked by the introduction of pluralism, the present one is dominated by an infinite freedom of choice: any body can choose any thing any time. Hence a decline of collective sense of belonging on the public scene. Taylor writes in this respect:

[...] what I mean by retreat of Christendom is that it will be less and less common for people to be drawn into or kept within a faith by some strong political or group identity, or by the sense that they are sustaining a socially essential ethic. (*ibid.*:514)<sup>1</sup>

Yet, Taylor argues that this secularization process is not linear. First, pockets of the Age of Mobilization display some resilience. Second, new forms of belief develop, especially through subjective spirituality (*ibid.*:508).

According to Taylor, this Western trajectory relies on three notions of secularity that are complementary but not mutually exclusive: the first refers to the evacuation of religion from the public sphere; the second designates the decline of religious beliefs and practices and the third, that is key to Taylor’s original analysis, pertains to what he calls the “conditions of belief” that shape the “social imaginaries,” and are shaped by them as well. Secularity 3, a societal concept, is over-determined by the perimeter of intellectual pluralism and, in empirical terms, by the extent of behavioral diversity regarding gender relations, education, etc.

Clearly, secularity 1, 2 and 3 are variants of the secularization process which can be combined. We will see that there may be others.

## Secularization and Secularism

In his book, Taylor almost ignores the question of secularism, but he pays a great deal of attention to it in the article aforementioned in which he defines this “ism” as the art to accommodate a plurality of religious and non-religious ways of life. In the article mentioned above, he considers that a secular polity needs to fulfill three criteria: it must respect free-exercise of religion; “there must be equality between people of different faiths”; and “all spiritual families must be heard” (Taylor 2010:23). In contrast to the French *laïcité* – which would fit in his secularity 1 – Taylor does not define secularism by the exclusion of religion.

Here, Taylor draws some of his inspiration from South Asian scholars who have theorized the practices of their region. Rajeev Bhargava, whose work on India is abundantly cited by Taylor, points out that “secularism is compatible with the view that the complete secularization of society is neither possible nor desirable” (Bhargava 1994). Elaborating on this idea, he defines secularism by two features:

1. Taylor says the same thing with other words four pages below: “the connections between faith and national group political identities and ways of life steadily weaken” (2007:518).

(a) secularism is fully compatible with, indeed even dictates, a defence of differentiated citizenship and the rights of religious groups, and (b) the secularity of the state does not necessitate strict intervention, non-interference or equidistance but rather any or all of these, as the case may be. In short the secular state need not be equidistant from all religious communities and may interfere in one religion more than in another. All this goes to show that a critique of Indian secularism on the ground that it acknowledges group rights or it fails to be neutral will not wash. (Bhargava 1998:520)<sup>2</sup>

Thus, Bhargava draws from the “b)” the notion of “principled distance” that needs to guide the secular state. But the “a)” is more important for us because it introduces a qualitative difference between secularization and secularism: not only secularism can develop without secularization but it can flourish more easily in a non-secularized society where religious diversity will sustain secularism. In this chapter, I shall revisit this disconnect between secularization and secularism to argue that if secularism can develop without secularization, some forms of secularization can also develop without resulting in secularism. While India is a case in point (Jaffrelot and Arif 2012:11-44), Pakistan shows in its way that alternative forms of secularization are compatible with political trajectories ignorant of secularism.

### **Alternative Forms of Secularity**

The trajectory described by Taylor in respect to the West is largely unknown elsewhere, especially among the societies of the South. While the world is rather disenchanting in the urbanized West where individualism and capitalism have fostered the completion of this process, it is still enchanted in the rural South and even in large sections of towns and cities where traditional mindsets and social structures display a remarkable resilience, and sustain old conditions of belief. In South Asia, the kind of secularization that Taylor associates with the Age of Mobilization is not preponderant in villages where social institutions which form key “conditions of belief” like castes and tribes are still dominant.

Things are different in cities where alternative modernities are in the making and prepare the ground for alternative forms of secularity. In South Asia, like in most of the other regions of the world, the encounter with the West resulted in an attempt at emulating the scientific mind that had crystallized in Europe. But this new rationalism remained limited to a minuscule intellectual elite that we will call “intelligentsia” and this group, instead of confining its original creed to the private sphere, to a large extent reinvested its sense of religion into its definition of collective identity. This shift from religious belief to religious identity is a variant of the secularization process or an alternative form of secularity that Taylor has not paid attention to. This secularity 4 is ideology-driven. In the first section of this paper, I shall argue that this alternative trajectory of secularization is well illustrated by the development of Muslim separatism in South Asia during the British Raj, when Syed Ahmed Khan (1817-1898), Mohammed Iqbal (1877-1938) and then Jinnah (1876-1948), the father of Pakistan, invented a new form of identity politics based on a territorialized and communitarian version of Islam. In fact, religion became part of an ethno-religious nationalist ideology in the sense of Ashis Nandy (again a South Asian scholar).

As Nandy has pointed out, four kinds of relations between politics and religion can be identified in the region and, probably, in general. The first one is exemplified by the leaders who are religious in the public and the private sphere like Gandhi; the second one by those who are not religious, neither in public nor in private, like Nehru; the third one by those who are religious in private, but not in public, like Indira Gandhi; and the last one by those who are, on the contrary, non-religious in private, but religious in public, like Vinayak Damodar Savarkar, the father of Hindu nationalism and Jinnah. In their case, religion is an ideology and a political device for mobilizing supporters (Nandy 1990:76-77). They may give the impression that they sacralize politics, but they simply introduce religious notions in the political lexicon. In fact they hate the sacred traditions of their religions. It is too diverse, maybe even heterogeneous. It is also under the influence of a myriad of religious leaders and even saintly

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2. See also Bhargava (2006; 2012)

figures (*gurus, pirs*) who are not only sustaining this heterogeneity but display what they look at as superstitions, since these ideologues have all received a modern education. As Nandy explains:

The goal of those holding such an instrumental view of religion has always been to homogenize their cobelievers into proper formations and, for that reason to eliminate those parts of religion that smack of folkways and threaten to legitimize diversity, interfaith dialogue and theological polycentrism. (*ibid.*:77)

Hence the key distinction of Nandy between “religion-as-ideology” and “religion-as-faith,” which prefigured the one Sudipta Kaviraj has introduced between the “thin” and the “thick” religions. Religion-as-ideology is a variant of secularity that Taylor tends to ignore.

However this type of secularization is not necessarily at odds with his definition of secularism since his models, at least during the Age of Mobilization, does not rely as much on the decline of belief as on the accommodation of various beliefs – religious as well as non-religious –, something the ideology of Pakistan did not preclude. Indeed, in 1947 the new state claimed to make room to all kinds of religious and non-religious affiliations.

Nonetheless, this attempt at promoting secularism that we will study in section II was incomplete and ephemeral because of the shallowness of secularity 1. From the 1970s onwards, as we will see in the third section, Pakistan implemented policies of Islamization. While this policy was implemented at the expense of secularity 1 – the differentiation of the religious and the political domain –, it was intended to assert the autonomy of the public sphere vis-a-vis the religious leaders. There is, therefore, a certain continuity between the policy that Ayub Khan implemented on behalf of secularism and the one Zia-ul-Haq pursued on behalf of Islam. They both transformed the condition of beliefs at the expense of the traditional forms of Islam.

This chapter concentrates on an alternative form of secularity (secularity 4) and on the paradoxes of secularity 1 in Pakistan. It does not pay attention to the decline of religious beliefs and practices (secularity 2) and the privatization of religion (secularity 3) but relies more on a top down approach through an analysis of the politics and public policy initiated by state leaders. This is partly intentional and partly due to the fact that an ethnographic, empirical approach of the first decades of Pakistan’s history is beyond my capacities.

## I. SECULARITY 4: RELIGION AS AN IDEOLOGY

### ISLAM AS A POLITICAL IDENTITY: FROM THE ALIGARH MOVEMENT TO THE “TWO-NATION THEORY”

Drawing her theoretical inspiration from Luhmann, Magrit Pernau convincingly argues that the Muslim middle class that developed during the British Raj initiated a rather classic secularization process that calls to mind Taylor’s secularity 2 and the theories of Luhmann that Pernau cites (Pernau 2003). For Luhmann this process is primarily due to the differentiation of social functions which results in the transformation of religion as a sub-system among others, along with the political sphere, the economic one and still others. Indeed, the colonization of India deprived the former Muslim rulers of political power, without making India a *dar ul harb* (a country ruled by the infidels) since the British did not prohibit the calling of the prayer, the observation of Ramadan and the preaching of Islam. The Ulema, the litterati, continued to monopolize knowledge, but *only* in the religious field, since the new, modern state recruited its administration in a different milieu made of modern educated intelligentsia members. This differentiation deepened when political leaders emerged from this group and adopted a modernist perspective that was distinctively different from the Ulema’s, even though they claimed that they spoke on behalf of Islam. As Pernau suggests, they were preparing the ground for a form

of secularization without secularism that had remained rather marginal in Europe.<sup>3</sup> This alternative secularization route took shape in the second half of the 19th century, when it appeared that the initial stage of secularization *à la* Luhmann made many trajectories *possible*.

After the 1857 Revolt, which was largely attributed to Muslims by the British, the repression that affected this minority convinced some of its leaders that a new emphasis on education was needed to cope with a critical situation. Two alternatives took shape in the 1860-1870s that two cities came to symbolize: Aligarh and Deoband (both located near Delhi). The Deobandis believed in religious education, but they decided to promote their understanding of the Muslim traditions by using modern, British techniques (Metcalf 1982). The Aligarhians did not only want to modernize the education techniques, but also the contents of what was taught. This move, which was initiated by Syed Ahmed Khan (1817-1898), resulted in the first significant attempt at secularizing Islam in South Asia.

Sir Syed – as he came to be known after the British granted him this title – was a modernist in the sense of Taylor dealing with the first western scientists. Drawing his inspiration from European scholars, he assumed that their scientific mind and Islam were fully compatible – and aspired to show it.<sup>4</sup> He created the Scientific Society in this perspective in 1864 and, after a trip to England, the Anglo-Mahomedan College (1875) of Aligarh that was designed along the Oxford-Cambridge model (Lelyveld 1978).

### I.1. The Muslims of India as a Political Community

The secularization impact of Sir Syed, however, did not fully comply with the western pattern. It was not associated with the disenchantment process mentioned above. In fact, Sir Syed initiated an alternative form of secularization by reinterpreting Islam in the terms of identity politics. Descending from the Moghul aristocracy but educated in English – he worked for years as an employee of the East India Company – Khan epitomized the new intelligentsia of the late 19th British India. Nostalgic of the heydays of the Empire, he had realized that to save the Islamic civilization and community of India, Muslims had to undergo a reform process. But this process did not imply that Islam as a culture and “a way of life” (to use one of the favorite definitions of Hinduism by the proponents of the Hindutva ideology) had to be neglected on the contrary.

The action of Sir Syed took a more political turn when, through the Local Self-Government Act, the government started to democratize the local bodies in 1882. Sir Syed immediately realized that the law of numbers would affect the Muslim minority (about 20% of the total population), at a time when it was already losing ground vis-a-vis a rising Hindu intelligentsia which had been more quickly attracted by English education and which benefited from the recognition of Hindi as an official language in 1899 in the United Provinces, the crucible of the Moghul Empire where Aligarh was located (Brass 1974). For him, democratization was the perfect recipe for “a civil war without arms. The object of civil war is to determine in whose hands the rule of the country shall rest. The object of the promoters of the National Congress (which asked for more devolution of power from the British) is that the Government of India should be English in name only, and that the internal rule of the country should be entirely in their own hands” (cited in Robinson 1974).

Sir Syed looks at relations between Hindus and Muslims in political terms even more explicitly when he writes:

I consider [that] the experiment which the Indian National Congress wishes to make is fraught with danger and suffering for all the nationalities of India, especially Muslims. The Muslims are a minority but a highly united minority. At least traditionally they are prone to take the sword in hand when the majority oppresses them. If this happens it will bring about disaster greater than the ones which came in the wake of the happenings of 1857 [...]. (Mahmood and Zafar 1968:53-54)

3. Referring to the Khilafat movement (see *infra*), Perna highlights that the discourse of the Muslim politicians in the defense of Islam was saturated with religiosity, something Muslim politicians in quest of popular legitimacy were bound to be accustomed to. But she pertinently concludes that “The absence of an ideology of secularism, however, is no indication whether or not secularization did take place” (2003:38).

4. Syed Ahmed Khan argues that Islam “is a rational religion which can march hand in hand with the growth of knowledge. Any fear to the contrary betrays lack of faith in the truth of Islam” (1967:322). See also Troll (1978).



The Muslim League was created mainly by Aligharians in 1906, when the British announced their intention to democratize the provincial legislative councils. Its first demand concerned the establishment of a separate electorate for the Muslims for guaranteeing some representation in these assemblies to the Muslim minority. By granting it, the British fostered the constitution of this group into a political community. From the 1909 elections onwards, the Muslims of British India formed an electoral college on their own.

Mohammed Ali Jinnah gave this community the attributes of a nation in the framework of his “two-nation theory” when he claimed, as President of the Muslim League during the Lahore session of March 1940, that Hindus and Muslims belonged to “two different civilizations” and could not, therefore, share the same destiny (cited in Pirzada 1970:337-338). Hence the claim, not only for a separate electorate, but also for a separate nation-state: Pakistan.

## **I.2. The Territorialization of Indian Islam**

The politicization of the Muslims’ identity in India took a new turn with their transformation, according to some of their leading ideologues, into a territorialized nation. Such an evolution ran contrary to the natural inclination of many traditional leaders of the community who adhered to pan-Islamism. The strength of this sentiment was evident from the sympathy many Indian Muslims showed towards their brothers who – in Egypt or in Tunisia – were suffering from European colonialism (Hasan 1985). Pan Islamism found expression in a militant way during the Khilafat movement (1919-1921) (Minault 1982) (see below).

Sir Syed was probably the first to promote a territorialized variant of Islam in India, largely as a result of the Hindi-Urdu controversy. This dispute arose when Hindi-speaking leaders from the Hindu community objected to the use of Urdu in the administration of the United Provinces (today’s Uttar Pradesh and Uttaranchal) and Bihar. They argued that to impose this language upon them was unfair. The Muslims who were under the threat of having “their” language in competition with Hindi in these two regions organized along geographical lines. These areas coincided, by and large, with the stronghold of the Aligarh movement since the educational institutions created by Sir Syed recruited most of their students, teachers and staff members from the United Provinces.

Representing the Urdu-speaking Muslims of North India, Sir Syed developed a “communal” (Shaikh 1989) identity which largely overshadowed the universal dimension of the Ummah. He emphasized the Muslims’ territorial sense of belonging to India by equating this sentiment to the Hindus’ own feelings in a very audacious way since he dared to claim that both groups were immigrants (something the nationalist Hindus – who pretend to be the sons of the soil – were to strongly reject):

Just as the high caste Hindus came and settled down in this land once, forgot where their earlier home was and considered India to be their own country, the Muslims also did exactly the same thing – they also left their climes hundreds of years ago and they also regard this land of India as their very own. (Varma 1980:430)

While Muslim separatism took shape in the United Provinces among Urdu speakers, Hindus were in such a large majority there – they represented about 85% of the population – that the Muslim League could not claim this area when it started to ask for a separate territory. Therefore, Jinnah resigned himself to claim the provinces where Muslims were in a majority – Punjab, North-West Frontier Province (NWFP), Baluchistan, Sindh and Bengal –, even though the Muslim leaders of these regions did not consider Islam as a structuring feature of their political identity till the 1940s. The 1940 Lahore resolution, which is considered as the charter of the movement for Pakistan thus read:

Resolved that it is the considered view of this session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles, viz., that geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustments as may be necessary, that the areas which the Muslims are numerically in a majority, as in the North-Western and Eastern Zones of (British) India should be grouped to constitute "Independent States" in which the constituent units shall be autonomous and sovereign. (Jinnah 1979:154)

Iqbal, a poet turned politician who was president of the Muslim League in 1930 and 1932, was the first Indian Muslim to ask for a separate land for the Muslims of India. In his 1930 speech as leader of the Muslim League, he said:

I would like to see the Punjab, Punjab, North-West Frontier Province, Sindh and Baluchistan amalgamated into a single state. Self-government within the British Empire, or without the British Empire, the formation of a consolidated Northwest Indian Muslim state appears to me to be the final destiny of the Muslims, at least of Northwest India.<sup>5</sup>

For Iqbal, nationalism and Islam had to be equivalent. Hence his demand of a separate state for the Muslims of India:

In Muslim majority countries Islam accommodates nationalism for there Islam and nationalism are practically identical; but in Muslim minority countries (if the community has majority in a viable territory) it is justified in seeking self-determination as a distinct cultural unit. [...] Patriotism in the sense of love for one's country and even readiness to die for its honour is a part of the Muslim's faith. (Tariq 1973:136)

Known as *Muffakir-e-Pakistan* ("The Inceptor of Pakistan"), Iqbal wrote to Jinnah in 1937:

A separate federation of Muslim Provinces [...] is the only course by which we can secure a peaceful India and save Muslims from the domination of non-Muslims. Why should not the Muslims of North-West India and Bengal be considered as nations entitled to self-determination just as other nations in India and outside India are? (Jinnah 1979:154)

This form of nationalism runs parallel to those of some of Iqbal's Hindu contemporaries. The father of the Hindutva school of thought, Savarkar, emphasized similarly secular elements of the majority community of India: its racial unity, its language (Hindi) and its territory (Jaffrelot 1996:chapter 1). There is one significant difference though: for Savarkar, the territory of the Hindus had a sacred quality since it was the place where the gods had lived, as told by the epics and as evident from the pilgrimage routes (Jaffrelot 2004). In the case of the North Indian Muslims, their nation could not even claim that its territory was sacred. Its definition of "muslimness" was even more profane.

In fact, Iqbal – and not Jinnah – is the real founder of the two-nation theory according to which Hindus and Muslims are not two religious communities, but form two nations with specific interests and cultural features. Here, religion becomes an ideology.

### I.3. Secularization as Ethnicization

Iqbal wrote in a very creative vein:

Islam is not a religion in the ancient sense of the word. It is an attitude – an attitude, that is to say, of freedom and even of defiance of universe. It is really a protest against the entire outlook of the ancient world. Briefly, it is the discovery of Man. (Iqbal 1961:139)

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5. <http://www.allamaiqbal.com/person/biography/biotxtread.html> (last accessed September 11, 2012).

More specifically, he considered that the Muslims of India had ethnic characters in common, and not only Islam as a religion. He argued:

Muslims of India can have no objection to purely territorial electorates if provinces are so demarcated as to secure comparatively homogeneous communities possessing linguistic, racial, cultural and religious unity. (Razzaqi 1979:65-66)

From Sir Syed to Jinnah, Islam lost some of its ritual quality to become the identity marker of a nation in the making. This process exemplifies the transition towards the Age of Mobilization described by Taylor – all the more so as the key figures of the Pakistan movement were not religious persons (Jalal 1994).<sup>6</sup> In fact, the main architects of this transformation were elite groups of the community who were threatened by Hindu majorities in the United Provinces as well as Bombay Presidency, Jinnah's province. These proponents of Muslim separatism opposed traditionalists who remained attached to rituals. This ethnicization process reached its culmination point with the addition of another key component of nationalism: a territory. The Pakistan movement offers an excellent illustration of Ernest Gellner's theory of nationalism: it is a case of ethno-religious nationalism (Gellner 1964:168).<sup>7</sup>

Ethnicization was a route towards secularization. It delineated an identity-building process reifying the religious symbols: by contesting "religion-as-faith," "religion-as-ideology" valorized the cultural manifestations of Islam at the expense of spirituality. Muslims of India not only paid more attention to their territory and the language that they spoke there, but they also transformed some practices and sacred references into identity symbols (the Qoran, the Taziyas, etc.). What could this secularization through ethnicization mean for secularism in Pakistan? On the one hand, secularization prepared the ground for secularism inasmuch it had differentiated the religious sphere from the political one and created this plurality of mindsets that Taylor presented as a key feature of the Age of Mobilization. On the other hand, Islam being the official *raison d'être* of the new state, how could it make room to other religions – as in any secular regime – and to Islam in all its diversity itself?

## II. STATE-LED SECULARIZATION AND THE SHORTLIVED QUEST FOR SECULARISM (1947-1971)

Sir Syed prepared the ground to the secular repertoire, not only because he looked at Islam as a set of cultural features – including Urdu – associated with a particular community more than as a doctrine based on rituals and beliefs, but also because he wanted to promote the coexistence of ethno-religious groups. In 1883, he declared:

[...] my Hindu brethren and my Muslim co-religionists breathe the same air, drink the water of the sacred Ganga and the Jamuna, eat the products of the earth which God has given to this country, live and die together. [...] I say with conviction that if we were to disregard for a moment our conception of Godhead, then in all matters of everyday life the Hindus and Muslims really belong to one nation (*qaum*)<sup>8</sup> [...] and the progress of the country is possible only if we have a union of hearts, mutual sympathy and love. (cited in Varma 1980:430)

6. Ayesha Jalal, in her masterpiece, argues that Jinnah did not adhere to basic recommendations of Islam.

7. Gellner as a theoretician of nationalism sounds much more accurate than Gellner as a specialist of Islam, the capacity in which he wrote: "no secularisation has taken place in the world of Islam: [...] the hold of Islam over its believers is as strong, and in some ways stringer now than it was a 100 years ago. Somehow or other Islam is secularisation-resistant" (Gellner 1991).

8. Elsewhere, Syed Ahmed Khan emphasized that Hindus and Muslims have mixed blood to give birth to a racial and cultural synthesis: "the blood of both have changed, the colour of both have become similar [...] we mixed with each other so much that we produced a new language – Urdu, which was neither our language, nor theirs" (Mohammad 1972:160). Traditionalists could not share this analysis because they could not "disregard for a moment [their] conception of Godhead."

Jinnah echoed this speech of Sir Syed in his famous declaration of 11 August 1947, three days before the official foundation day of Pakistan:

You may belong to any religion or caste or creed that has nothing to do with the business of the state. [...] We are starting with this fundamental principle that we are all citizens and equal citizens of one state [...]. Now I think we should keep that in front of us as our ideal and you will find that in course of time 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 the political sense as citizens of the state. (cited in Burki 1999:26)

How far could this secular perspective be implemented after independence given not only the Islamic identity on which the Pakistan movement had been built, but also the resilience of traditionalist and fundamentalist schools of thought?

## II.1. Three Schools of Thought

Sir Syed and Jinnah were not the only proponents of Islam in the public sphere before and after 1947. Other schools of thought – that may be called “traditionalist,” “fundamentalist” or “Islamists” – articulated a Muslim ideology too.

While the Aligarh movement and the Muslim League had prepared the ground for a secular Pakistan, two other kinds of movement had been actively supporting alternative political projects, this plurality illustrating *in itself* that Pakistan had entered the “secular age” in its own way. The traditionalists, mostly Ulema, had rallied around seminars (including Deoband) before forming the Jamiyat-i-Ulama-i-Hind (JUH) in 1919, in the framework of the Khilafat movement (Hasan 1981). They had mobilized to defend the status of Caliph of the Ottoman Sultan that the winners of World War I wanted to abolish because they believed in the Ummah. As custodians of Islam, they did not believe in its territorialization but were more preoccupied by the preservation of the shariah. The Ulema were less interested in the creation of a Muslim nation (*qaum*) than in the protection of a Muslim community (*millat*). Therefore, many JUH leaders, including Maulana Azad, joined the Congress party and came to be known as the Muslims nationalists. They were confident that Gandhi and Nehru would establish a secular regime where religions would coexist in a multicultural framework respectful of Personal Laws.

Many Ulema, however, did not share their optimism and feared that the Hindu nationalist movement should affect the Congress rule. In fact, in 1946, many of them rallied around the Muslim League and took part in the election campaign, especially in Punjab, on behalf of “Islam in danger” because independence was approaching. In 1947, Ulema migrated to Pakistan in large numbers.

The Islamists followed a parallel course. In 1941, Maududi had created the Jamaat-e-Islami (JI), a fundamentalist party arguing in favor of an Islamic state. He had published a book theorizing political Islam as early as 1939 (Maududi 1976). For him, like for Azad, Islam could not be territorialized and the very idea of a Muslim homeland was a contradiction in terms. Yet, he migrated to Pakistan in 1947 (Nasr 1996).

While the Muslim Nationalists remained in India, many Ulema and Islamists migrated to Pakistan and contested the Muslim League’s political project immediately after Partition through three organizations. While the Islamists supported the JI, the traditionalists rallied around two organizations: the Jamiyat-e Ulema Islam (JUI), a Deobandi movement which had been created in 1945 and whose headquarters were transferred to Karachi with Shabbir Ahmad Usmani as its leader and the Jamiyat-e Ulema-e Pakistan (JUP), a Barelwi movement that was formed in 1948.

## II.2. Neither Secularism, Nor Theocracy: The 1956 Constitution

The making of the Pakistani Constitution was a very delicate exercise because of the lack of any substantial consensus regarding the role of Islam in the new state<sup>9</sup>. On the one hand, Muslim League leaders were in favor of a secular regime. On the other hand, traditionalists and Islamists wanted an Islamic state.

After the demise of Jinnah, Prime Minister Liaquat Ali Khan became the key Muslim League figure. On March 12, 1949, he had an Objectives Resolution adopted by the Constituent Assembly that reflected his sense of compromise:

1. Sovereignty belongs to Allah alone but He has delegated it to the State of Pakistan through its people for being exercised within the limits prescribed by Him as a sacred trust.
2. The State shall exercise its powers and authority through the chosen representatives of the people.
3. The principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed.
4. Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teaching of Islam as set out in the Holy Quran and Sunnah.
5. Adequate provision shall be made for the minorities to freely profess and practice their religions and develop their cultures.
6. Pakistan shall be a federation.
7. Fundamental rights shall be guaranteed.
8. The Judiciary shall be independent.<sup>10</sup>

Unsurprisingly, the more convoluted articles of this blueprint of the Constitution are those regarding the role of religion. The best specialist of the relations between religion and politics in the early years of Pakistan, Leonard Binder, ironically concluded:

Thus is God sovereign, the people sovereign, parliament sovereign, and the state sovereign in Pakistan. It would indeed be a narrow-minded person who was not satisfied with such a compromise (Binder 1963:149).

To build on this compromise was very complicated. Maulana Shabbir Ahmad Usmani, the President of the JUI who had supported the Muslim League before Partition and was a League member in the Constituent Assembly, was to make Liaquat Ali Khan's task difficult. As the most highly placed Alim who had broken the monopoly of the Congress among the Ulema, he had direct access to the Prime Minister. But he had different ideas and was under some pressure from Maududi who met him in April 1948. He wanted "to set up a truly Islamic state" where the clerics would play an official role and asked for the formation of "a committee consisting of eminent *ulama* and thinkers [...] to prepare a draft [...] and present it to the Assembly" (cited in *ibid.*).

The main bone of contention had to do with the shariah: "The ulama desired to enshrine the principle of the supremacy of the shariah, while the politicians, or most of them, found this principle acceptable so long as it was not clearly defined" (*ibid.*:144). The Muslim League leaders could not go against Islam, but they wanted to keep its role vague. In mid-April 1949, the 25 men of the Basic Principles Committee in charge of drafting the Constitution decided "to set up a board of experts consisting of reputed Scholars well versed in Ta'limat-i-Islamia to advise on matters arising out of the Objectives Resolution [...]" (*ibid.*:156)<sup>11</sup>. This committee drew his inspiration from the medieval Islamic theory of the caliphs to emphasize the need to select heads of the state endowed with personal qualities. For its members, he had to be a Muslim *de jure*.

9. The "consensus" issue is at the heart of Shaikh (2009).

10. "Objective resolution is passed", *Story of Pakistan*, 1<sup>st</sup> June 2003 (<http://storyofpakistan.com/objectives-resolution-is-passed/>), last accessed 21 September 2012).

11. Among those who took part in the committee were Maulana Saiyid Suleiman Nadvi, the successor of Shibli at the helm of the Nadwat-al-*ulama* who came from Lucknow in spite of his age and Mufti Muhammad Shafi, the right hand man of Usmani.

In reaction, the Muslim League leaders gave up the secular views of Jinnah that had become untenable – after all, if Pakistan had been created to give the Muslims of the Raj a homeland, its chief had to be a good Muslim –, but they tried “to relegate Islam to the sphere of policy rather than law” (*ibid.*:184). Hence Liaquat Ali Khan’s emphasis on the Islamic notion of social justice, and his concept of “Islamic socialism.”

While the Pakistani rulers tried to accommodate the more militant advocates of an Islamic state in the Assembly, they did not compromise on core issues. The Ahmadiyas are a case in point.

Ahmadiyas or Qadianis are the followers of Mirza Ghulam Ahmad, a 19th Punjabi Muslim from the district of Qadian who claimed that he was a reincarnation of Muhammad – as well as Jesus-Christ and Krishna. He rejected the notion of Jihad for a more quietist, but intensely proselyte *modus operandi* (Friedmann 1989). Ahmadiyas have been attacked by other Muslims as early as the late 19th century because of their “heterodox” character. In 1934, the Ahrars, an Islamic group related to the Congress but with socialist leanings (and no stable ideology anyway) fought against them in an unprecedentedly aggressive manner. After the creation of Pakistan, the fight intensified further. The first campaign took place in Punjab in 1949 with one single objective: to declare the Ahmadiyas as non-Muslims. The second one, in 1953, was more violent and rallied Maududi around this cause. The government arrested several Islamist leaders, including Maududi, on behalf of the necessary unity of all the Muslims and the freedom of religion – a key criterion of Taylor’s definition of secularism. More importantly, the ruling elite seized this opportunity to exclude the religious leaders from the drafting committee of the Constitution.

Eventually, the 1956 Constitution specified that the President of Pakistan could only be a Muslim (art. 32), that “No Law would be passed against the teachings of Quran and Sunnah and the existing laws would be made Islamic in character” (art. 18), that steps would “be taken to enable the Muslims of Pakistan individually and collectively to order their lives in accordance with the Holy Quran and Sunnah” and that the teaching of the Qur’an would be made compulsory for all Muslims. The Hindu members of the Constituent Assembly had unsuccessfully objected to the provision that the head of state had to be Muslim. But, at least art. 18 recognized “Freedom to profess, practice and propagate any religion and the right to establish, maintain and manage religious institutions.”

The Islamic Republic of Pakistan, as evident from its official name, was not a secular country since non-Muslims did not enjoy the same rights as Muslims – at least one right was denied to them: to see one of them in the position of head of state. But it was not a theocracy either since non-Muslims were allowed to live their religion fully and the shariah was not the only law. This compromise was institutionalized by General Ayub Khan after his coup in 1958.

### **II.3. Ayub Khan or Secularization Through Statism: Bringing Power Relations Back in the Picture**

#### ***Pirs and Ulema: The Political Influence of Religious Leaders***

In contrast to the Ulema (urban legal scholars of the Qur’an), the more rural Pirs draw their inspiration and their prestige from mysticism.<sup>12</sup> Their disciples consider them saints and often donate land and money. A Pir’s influence over his disciple (or *murid*) is especially strong in rural Pakistan, provided he has gnosis (*ma’rifah*) and is able to bestow blessings (*barakah*)” (Malik 1998:57).

Pirs have been, and still sometimes are, political figures. Land is the most effective source of their influence – especially under an elective (more or less democratic) regime when the vote of the masses mattered. Pirs guarantee “the local villagers’ participation in the *barakah*. This is tied to absolute obedience (*itâ’ath*) and the giving of oneself in favor of the *pir*” (*ibid.*:58). Politicians from the Muslim League and other secular and religious parties have used the local influence of Pirs to win seats (evident

12. On what she calls “pirism,” see Schimmel (1975:22). A Pir may, for instance, be a descendent of a saint and act as a custodian of the tomb/shrine, or claim the Prophet as an ancestor, or head a *madrasah* (Qur’an school). On the Pirs in South Asia, see Mayer (1967:160), Gilmartin (1984) and Eaton (1984).

from their key role in the 1946 elections in Punjab) (Gilmartin 1979). But others like Ayub Khan feared that the Pirs and their mystic orders would become rival centers of power.

### **The “Statization” of Islam**

One year after Khan’s coup, Javed Iqbal, the son of the poet-philosopher Muhammad Iqbal published a book, *Ideology of Pakistan*, demanding the abolition of shrines and the curbing of the influence of the Pirs and Ulema on behalf of modernist views (Iqbal 1969). Ayub Khan’s fight against the influence of the clerics was unleashed on behalf of these enlightenment-driven values, but his aim is better understood in terms of power relations.

He tried first to reduce the financial autonomy of all the *Waqf*. These Islamic endowments consisted in estates, buildings, shrines, etc., that resulted from donations which could not be transferred and were, therefore, inalienable. They gave some additional influence to Pirs and Ulema who thereby attained strong financial autonomy to develop networks of Din Madari (Qur’anic schools). Ayub Khan, who claimed that Pirs – being ignorant or even corrupt – mismanaged the Waqf properties, tried to reduce their power by promulgating the West Pakistan Waqf Property Ordinance (1961). Practically all the profitable Waqf properties were transferred to the state.

While the Pirs were the primary targets of the Waqf Ordinance, Ayub Khan’s education policy aimed at the Ulema. The Awaqf Department designed a curriculum for training the Ulema and an “Ulema Akademi” was even established in 1970. The two-year course it dispensed was intended “to ‘enrich’ the classical theological syllabus with modern subjects” (Malik 1998:67). While many Din Madari had been nationalized through the West Pakistan Waqf Property Ordinance, Ayub Khan also wanted to reform their curricula in the name of modernity. In 1961 a committee for the revision of the curricula was formed. Interestingly, among the eleven members of the Committee, only three had a *madrrasah* background (*ibid.*:155, note 30). The committee recommended the inclusion of new subjects such as Euclidian mathematics, at the expense of traditional subjects, which were explicitly regarded as unimportant or even archaic. While Urdu was to remain the medium of instruction in primary schools, it had to be replaced by English or Arabic afterwards. Last but not least, “according to the committee, religious education not only included instruction in Koran, Hadith and other traditional subjects but was also concerned with issues of national importance and the propagation of an Islamic nation or even of an Islamic community (Ummah). This meant the transformation of Islam from a theological concept to an ideological one” (*ibid.*:128). Indeed, Ayub Khan pursued the alternative secularization route that Sir Syed and Jinnah had initiated by promoting Islam as culture in an ethno-religious nationalistic perspective at the expense of Islam as a belief system.

To translate this modernist outlook into a new Constitution was not easy. Ayub Khan wanted “to renege on the concessions made to the men of religion in 1956” (Gaborieau 2004:244) in the new Constitution he promulgated in 1962. Ayub Khan made sure that the adjective “Islamic” did disappear from the official name of the country: Pakistan was back to square one in this respect. But this move created such an uproar that this keyword had to be restored by an amendment in 1963. The new Constitution also created an Advisory Council of Islamic Ideology “to make recommendations to the Central Government and the Provincial Governments as to means of enabling and encouraging the Muslims of Pakistan to order their lives in all respects in accordance with the principles and concepts of Islam” (art. 204 (a)). Still, this Council remained somewhat in the pluralist perspective from two points of view. First, it was supposed to represent the various Muslim schools of thought: plurality (Taylor’s key word) was restricted to the majority religion, by definition in the case of a *Muslim* council, but at least it was recognized.<sup>13</sup> Second, two judges of the Supreme Court or of one of the state High Courts had to be part of the Council whose Chairman – the only full timer – had to be a Supreme Court judge. In any case,

13. This recognition met the expectations of the different schools of thought of Islam which, in reaction to the interference of the state in religious affairs – including education – were organizing themselves: as early as 1955 the Ahl-e Hadith people, well known for their sense of organization had created the Markaz-e Jam’iyyat Ahl-e Hadith; in 1959 all the three other schools of thought followed: the Deobandis founded the Wafaq al-Madaris al’Arabiyyah, the Barelwis, the Tanzim al-Madaris al’Arabiyyah and the Shias the Majlis-e Nazarate shi’ah Madaris-e Arabiyyah.

the President of the Republic exerted the final authority over the council. Ayub Khan made it clear in his autobiography: “There was obviously no place for a supra-body of religious experts exercising a power of veto over the Legislature and the Judiciary” (Khan 1967:194).

The Ayub Khan era has added one dimension to the secularization route that Pakistan had taken in 1947 – and only marginally amended in 1956: a statist attempt at “colonizing” Islam, to use Malik’s word. With Jinnah, Islam was supposed to endow the nation-state formed by the Muslims of the British Raj with an identity; with Ayub Khan, the nation-state started to discipline Islam in order not only to instrumentalize it, but also to neutralize potential rivals among the religious leaders. The nationalization and reform of traditional institutions in a top-down perspective tended not only to make them more secular (see the curricula of the Din Madari) but also to marginalize their leaders. This form of secularization, here, is the by-product of power-relations.

Secularism benefited from this changing role of the state. Not only religion was confined to some aspects of the public sphere only, but a certain amount of religious diversity continued to be recognized, at least among Muslims (including the Ahmadiyas).

### **III. LEGITIMATION POLITICS AND ISLAMIZATION POLICIES (1972-1988): SECULARITY 1 HELD IN CHECK**

While the clerics (or traditionalists) and the Islamists were held in check in the 1950s-1960s, Islam could not be downplayed in the polity of Pakistan. Certainly the architects of the country had promoted a politico-cultural version of Islam but this repertoire structured the national identity of the country in such a way that it was impossible for the modernists to fully marginalize the *religious* dimension of Islam. Not only were traditionalists and Islamists acting as pressure groups, but secular politicians were prepared to resort to Islam in the public sphere for legitimizing their rise to power or their rule. This is the turn the Pakistani trajectory took in the 1970-1980s, first during the democratization phase under Zulfikar Ali Bhutto and, second, during the military regime of his successor, Zia. However, both leaders remained in the logic of the secularization perspective that the founding fathers of Pakistan had initiated in some respects: Bhutto instrumentalized Islam as an ethno-nationalist identity marker in order to mobilize “his” people against India; Zia, in spite of his greater proximity vis-a-vis the traditionalists, pursued the state-oriented, centralization strategy that Ayub Khan had implemented against the Pirs and the Ulema on behalf of a very different politics of islamization.

#### **III.1. The 1971 Trauma and Bhutto’s Islamic Agenda**

The 1971 war recreated the conditions of the existential fear that the Muslims had felt in the last decades of the Raj. It was a trauma in more than one way. First, the country, once again, had lost against India. Second, this defeat resulted in the break up of the country. Third, the birth of Bangladesh – and the development of a separatist movement in East Pakistan in the first place – exposed the shallowness of the “Pakistani ideology”: Islam had not succeeded in transcending ethno-linguistic (sub)identities.

Inheriting from the disaster of 1971, Bhutto, who was not a bigot, reacted the same way as Jinnah in the 1940s when he argued that Hindus were posing a threat to Muslims: by building on their Islamic identity to foster their sense of unity and self-esteem.<sup>14</sup> He did it as a populist who mixed religion and politics, especially at the time of the general elections. In 1969 the motto of his party, the Pakistan People’s Party was: “Islam is our faith. Democracy is our polity. Socialism is our economy” (Bhutto 1969). But Bhutto indulged in Islamization politics also under pressure from fundamentalist groups like the

14. The importance of Islam as a national ideology in Bhutto’s politics is well illustrated by four lectures he gave on this creed from 1948 to 1976 (Bhutto 1976).



Jama'at-e-Islami.

The 1973 Constitution, which was more respectful of parliamentarism and federalism, was also more Islamic. The government was supposed to evolve in nine years the shariah norms according to which the country should be ruled. The Advisory Council for Islamic Ideology was "rechristened" the Council of Islamic Ideology with new functions in this regard. Every year it had to produce an interim report showing how much progress had been achieved in this direction and a final report after seven years. This report had to be discussed in Parliament, both assemblies being expected to enact laws based on it within a period of two years.<sup>15</sup> Art. 2, for the first time, recognized Islam as "the State Religion of Pakistan." Freedom of speech and expression were restricted "in the interest of the glory of Islam" (art. 19). Elaborating on previous similar provisions, art. 31 read:

- (1) Steps shall be taken to enable the Muslims of Pakistan, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam and to provide facilities whereby they may be enabled to understand the meaning of life according to the Holy Qur'an and Sunnah.
- (2) The State shall endeavor, as respects the Muslims of Pakistan,
  - (a) to make the teaching of the Holy Qur'an and Islamiat compulsory, to encourage and facilitate the learning of Arabic language and to secure correct and exact printing and publishing of the Holy Qur'an;
  - (b) to promote unity and the observance of the Islamic moral standards; and
  - (c) to secure the proper organization of Zakat, (usher), *auqaf* and mosques.

More importantly, art. 260 defined for the first time who was a Muslim, and who was not. Among the non-Muslims, besides Christians, Hindus, Sikhs, Buddhists and Parsis were listed the Ahmadiyas.<sup>16</sup> In addition to this provision, to make the men of religion and the fundamentalists even happier, Bhutto approved of the second amendment to the Constitution in September 1974 which declared the Ahmadiyas "non-Muslims."<sup>17</sup> This decision, by precluding the equal recognition of different schools of thought within Islam, sealed the fate of secularism as defined by Taylor.

Bhutto was trying to use religion as a political repertoire on the domestic as well as international scenes. Internationally, Bhutto who hosted the second meeting of the Organization of the Islamic Conference in 1974 in Lahore promoted the notion of the "Islamic bomb" that Pakistan's nuclear programme was likely to produce. Domestically, he propagated the notion of "Islamic socialism" (*musawat-e Muhammadi*, Mohammedan equality in Urdu) in the late 1960s and then, in the late 1970s, he tried to woo the Jama'at-e-Islami (JI) by proclaiming that "the law of the country was now sharia law" (Gaborieau 2004:245). In the same vein, drinking, gambling and nightclubs were banned and Sunday was replaced by Friday as the weekly holiday.

By declaring the Ahmadiyas as non-Muslims and claiming that the status of the shariah could be upgraded, Bhutto "open(ed) the floodgates of fundamentalism" (*ibid.*) or, at least, betrayed the secular credentials of his predecessors. However, he pursued one of their objectives: the subjugation of alternative religious centers of power by the state. In 1971 he brought all the foundations resulting from the nationalization of Waqf properties under the authority, not of state governments, but of the Central Government. In the domain of education, Bhutto's government had the higher diplomas of the Din Madari recognized by the University Grant Commission (UGC). An equivalence committee of the UGC was also established. Following its recommendations, the Ministry of Education recognized certain certificates of Din Madari as equivalent to BA degrees so that the graduates of the religious schools could play "an effective role in the field of Education" (cited in Malik 1998:129).

In spite of his progressiveness, Bhutto's era prepared the ground for Zia's Islamization policy which – still more paradoxically – reinforced the statist dimension of secularization *à la* Ayub Khan.

15. As Jamal Malik points out, "Bearing this in mind, the Islamization under Zia was inly the consequent policy laid down by the Constitution of 1973" (Malik 1998:50).

16. <http://www.pakistani.org/pakistan/constitution/part12.ch5.html>

17. <http://www.pakistani.org/pakistan/constitution/amendments/2amendment.html>

### III.2. Zia's Islamization Politics

While Zia's Islamization policy could be partly attributed to his personal inclinations – a practicing Muslim from the Punjabi conservative lower middle class whose family had been forced to migrate by Partition, he had been close to the JI for a long time –, like Bhutto he used Islam as a key element of his legitimization strategy. After winning power through a military coup in 1977 and having executed in 1979 the deposed Bhutto who had appointed him Chief of Army Staff, Zia needed to boost his legitimacy by resorting to such resources. This is evident from his relationship with the Council of Islamic Ideology (CII) whose prestige (or, at least, the publicity regarding its role in the conservative media) and number of members (from 15 to 20) were increased. As early as July 1979, the CII was asked a new kind of question by Zia to declare whether “the prevailing system of election (was) un-Islamic” (*ibid.*:40). The CII was first unable to examine the matter and then submitted a report responding by the negative that was rejected by Zia who appointed a new committee. Its members first came to the conclusion that “Parliamentary system of Government, which was in accordance with Islam, would be more appropriate for Pakistan” (*ibid.*:41). But later on in 1983, the CII considered that “in the light of the Qur'an and Sunnah elections on the basis of political parties are not valid” (*ibid.*). Zia greatly benefitted from this “handsome gift from the CII members” (*ibid.*) in his fight against his opponents from the PPP and other groups. The – anti-secular – recognition of the CII in a new role could, here again, be better explained by power relations. But the CII wanted to go further. It returned to the proposal of the Ta'limat-e Islamiyyah Board of 1951 which discarded both the parliamentary and the presidential systems to argue in favor of a form of theocracy. Zia did not expect the Council to go that far, neither did he want it to do so. This is the irony of his Islamization policy which was replete with contradictions: to instrumentalize Islam was not an easy task, especially when the head of the state pursued a state-oriented agenda that was intended to submit religion to political authority; and eventually, Zia, who expressed his “utter disappointment regarding the ‘ulama’” (*ibid.*:47) had to hold them in check.

However, if the difference was more of degree than of nature with Bhutto's regime, Zia's Islamization policy marked a qualitative shift away from secularism since it resulted in a partial transformation of the legal, educational and fiscal systems and, more importantly, made a significant impact on the “conditions of belief” that fostered “sectarianism.”

#### **The Judicial Reforms**

Zia's judicial reform established an additional, Islamic legal system, next to the civil and the martial ones. In each regular court shariah benches made of three *qazis* (judges) were introduced, whose main mission was to “examine and decide the question whether or not any law or provision of law is repugnant to the injunction of Islam” (cited in Weiss 1987:11). In that case, the incriminated law became void, although one could make an appeal to the newly created Appellate Bench of the Supreme Court. The shariah benches were reserved to lawyers who were also Ulema. But Zia became fearful of the shariah benches which might have been the crucibles for alternative power centers. He disbanded them one year after their creation and established instead a Federal Shariah Court whose members, as any judge, were requested to take a loyalty oath to the president.

Zia used the Federal Shariah Court to continue the nationalization process of Islam that Ayub Khan had initiated. In reaction to the Waqf Property Act, religious organizations had been formed and had approached the courts, including the Supreme Court. The CII decided to intervene too, especially to contest the way some Waqf Properties were submitted to land reform. It condemned the Awaqf Department more than once because, according to its members, “the confiscation of the Waqf by one or more persons or by the State was in contradiction to shariah and ought to be revoked” (Malik 1998:65). Zia's government referred the issue to the Federal Shariah Court which examined all kinds of Waqf Ordinances. It considered, eventually, that nationalization of this kind of property was not against the shariah.

The state was all the more willing to fight against the Waqf holders as it promoted a rigorist, *Salafi* brand of Islam that was opposed to the cult of saints and the Pirs generally speaking. In the 1977 elections, Pirs had again played a major role. The Pir of Sial Sharif, for instance, had exerted a great influence over the voters in the districts of Sargodha and Jhang (Ewing 1983).

The main feature of the judicial reform, which was known as the Nizam-e-Islam (Islamic rule) program, laid in the enforcement of *hudud* punishments. Islamic provisions introduced in the penal code provided for new punishments for three types of crime: theft (*saraka*), fornication and adultery (*zina*) and the consumption of alcohol or drugs (*al-sharab*). The most common punishment was lashing, whose practical implementation was explained in the surprisingly detailed Execution of the Punishment of Whipping Ordinance (1979). But more severe punishments were envisaged for the most serious crimes: the amputation of the right hand for theft and the stoning to death for *zina* offences for instance (for more details, see Carroll ([1982])).

### **The Educational Reforms**

In the educational domain, reforms partly resulted from the judicial ones since, for instance, a shariah faculty was set up in the Quaid-e-Azam University in 1979 to train Islamic lawyers. But Zia paid personal attention to the larger question of the Din Madari. As early as September 1978 he commissioned a report on the Din Madari of the Sargodha division that he used as a prototype for assessing their situation nationally. This survey, which took place during the following year, resulted in recommendations regarding the addition of modern subjects such as science and technology in the curriculum. Interestingly, the chairman of the National Committee for Din Madari which was in charge of the survey, Abdul Wahid J. Halepota, had already been involved in the drafting of the 1961 report. Even though Zia was in favor of Islamization while Ayub Khan wanted to promote secularization, the former remained in the footsteps of the later for one obvious reason: his statist orientation.

The Halepota report recommended not only the inclusion of modern subjects, but also more uniformity between Din Madari which were, therefore, bound to lose some of their autonomy. Networks of Din Madari, including major Deobandi institutions, resisted Zia's policy for this very reason. But the government, which toyed with the idea of establishing a National Institute for Din Madari Pakistan, was adamant. It achieved some of its objectives by pursuing the policy that Bhutto had initiated of recognizing religious degrees. Zia paid personal attention to this matter and eventually the degrees of Din Madari were recognized as equivalents to BA and MA of the University Grants Commission (UGC)<sup>18</sup>, provided they reformed themselves and fulfilled accreditation criteria. The Tanzim of the Barelwis, for instance, adopted a new curriculum. Din Madari also accepted to play this game because Zia's policy provided for the allocation to some of the *zakat* money (see below) to the Din Madari – which would remain free in spite of the cost of their modernization. But for that, they had to register under the Societies Act (1860). Obviously, Zia was trying to establish a new network of clients whose patron was the state and its leaders. As Jamal Malik points out, everybody was supposed to benefit from this policy:

The President sought the acceptance of his leadership by the Ulama and thus an 'Islamic' legitimation of his rule. For the bureaucracy and the colonial sector, formalization of the DM served as a means to bring them under control and thus to neutralize them politically. The Ulama, in contrast, aimed at finally escaping their 'backwardness' and achieving social recognition without giving up their tradition. (Malik 1998:172)

In fact, I would argue that the Ulama benefited from this policy more than anybody else – and certainly more than the state bureaucracy which, in fact, somewhat *lost control* of the Din Madari whose growth accelerated dramatically.<sup>19</sup> This loss of control was partly due to the inability of the state to micro-manage the *madari*, even though they had to get registered – to check their curriculum was

18. In 1982 diplomas of Din Madari were recognized as equivalent to the Master degrees in Islamiyat (Muslim civilization) and Arabic.

19. To my mind, its assumption that things would turn otherwise can be attributed to the superiority complex of the modern elite, which not only underestimated the traditional one but also despised it.

virtually impossible<sup>20</sup> – and partly due to the fact that the Din Madari received some of their funds from foreign sources (including Saudi Arabia anyway). Poor parents who valued religious education were even more prepared to send their children to Din Madari now that these free of charge schools provided also for modern subjects.<sup>21</sup>

**Table 1: Numbers of students and teachers of Din Madari in different years and provinces**

Province	1960		1971		1979		1983	
	S*	T**	S	T	S	T	S	T
West Pakistan	44,407	1,846	45,238	3,186	99,041	5,005	259,827	7,394
Punjab	24,842	1,053	29,096	2,063	80,879	2,992	124,670	3,549
Sindh	6,218	401	5,431	453	8,344	1,245	37,949	1,080
North-West Frontier Province	7,897	312	8,423	515	7,749	673	78,439	2,217
Baluchistan	519	46	1,207	95	1,814	95	8,083	280
Azad Kashmir	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	1,644	41
Northern Areas	763	23	1,083	60	n.a.	n.a.	4,384	125
Islamabad	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	4,638	133

\* S = Students, \*\* T = Teachers

Source: J. Malik, *op. cit.*, p. 178.

While the number of Din Madari students remained almost the same in West Pakistan in the 1960s, it increased by 119% between 1971 and 1979 and jumped by 160% in only four years (1979-1983). The growth was particularly dramatic in Sindh, with respectively 53.6% and 354%. But the largest numbers of Din Madari were located in the NWFP (respectively - 8% and + 91%) where the Zia government supported the development of Din Madari in the context of the Afghanistan war – in order to channel Afghan refugees and to train militants likely to resist the Soviets. Punjab, which represented 48% of the total in 1983 shows a more steady growth in the 1970s and early 1980s, respectively 56% and 54%.

According to Jamal Malik, between 1978 and 1985, the Deobandi Madari produced the largest number of Maulanas: 3,530 (52.6% of the total) – against 3,179 between 1960 and 1977, then came the Barelwi Madari with 3,093 – against 464 (over a shorter period though: 1974-1977) and finally the Ahl-i-Hadith with 1,276. If we add the 299 graduates from Shia seminaries, the Din Madari granted their degree to as many students in 1984-1985 as in the 17-pre-Zia years, from 1960 to 1977: 3,601 against 3,643 (Malik 1998:228).

This expansion of the Din Madari was fostered by the support they received from abroad. The Sunni and the Shia institutions were helped, respectively, by Saudi Arabia and Iran who, after Khomeini's revolution fought a kind of proxy war for the leadership of the Muslim world. Riyadh supported especially the Ahl-e-Hadith who, in some cases even employed very well paid Saudi teachers (*ibid.*:229). The influence of Iran was especially noticeable in the Gilgit area where teachers were also better paid and students given a more substantial allowance than in other Shia schools (*ibid.*:261).

By 1988, when Zia left the scene, the number of Din Madari had increased by 12,000 (Talbot 1999:279).<sup>22</sup> The growing importance of these schools was probably the most significant dimension of Zia's Islamization policy which meant both the disbursement of additional funds and the opening up to Saudi money.

20. One cannot rule out that the administration was sometimes sympathetic to traditionalist Din Madari and sometimes not incorruptible.

21. The Din Madari could be free of charge when the state or/and foreign money paid the teachers and the buildings' maintenance.

22. Other, anonymous, experts give different figures: between 1979 and 1988, 1,151 new Din Madari would have been registered according to International Crisis Group (ICG 2002:9). But Vali Nasr, assuming that the number of unregistered Din Madari was much higher estimates that there were 25,000 institutions of that kind at the turn of the 21st century (Nasr 2002:90).

## **Fiscal Reforms**

In the short term, however, the fiscal dimension of this policy made a stronger impact. The payment of the alms tax, the *zakat* as well as its agricultural counterpart, *ushr*, used to be a private obligation for Muslims in Pakistan. They generally represented 2.5% of annual savings and acted as a kind of tax on wealth. One of the provisions of the 1973 Constitution already requested the government to levy it. But Bhutto had made no move in that direction. In 1979, Zia decided to transform this duty into a legal obligation. The Zakat and Usher Ordinance was issued in 1980. The *zakat* component took effect in 1981, whereas the *ushr* one was postponed repeatedly till 1983.

The Zakat administration that was already in place was refurbished in order to be more effective in the collection and distribution processes that Malik summarizes as follows:

On the first day of the fasting month of Ramadan, the Zakat Deducting Agencies (banks, post-offices, etc.) by means of deduction at source withdraw 2.5% from all saving accounts above a certain exemption limit (fixed at Rs. 1,000 in the first year of Zakat deduction, 1980). They transfer the Zakat thus collected to the Central Zakat Fund (CZF). This fund is fed also with proceeds from 'voluntary Zakat' and 'donations' and from funds of other institutions. Following certain criteria, the Zakat is then distributed among the Provincial Zakat Funds (PZFs) and the National Zakat Foundation (NZF). Following prescribed quota, the PZFs turn over funds to the Local Zakat Funds (LZFs) to other institutions, to the needy (*mustahqin*) and to the National Zakat Foundation. (Malik 1998:95)

While the *ushr* has been distributed in the locality where it was collected, the distribution process of the *zakat* shows a whole bureaucratic pyramid in action. Indeed, the Islamization policy, here again, simply deepened the influence of the state apparatus over religious institutions, a process initiated by Ayub Khan. That was evident from the Tehsil/Taluka/Subdivisional and Local Committees (Removal of Chairman and Members) Rule (1981) which allowed the removal of the chairman of a Zakat local committee by the bureaucracy. In 1981, *Al Zakat*, an influential national monthly publication<sup>23</sup> took pride of the fact that 250,000 people were engaged in the Zakat administration (*ibid.*:96).

Zia's Islamization policy, in fact, promoted sectarianism. Indeed, as soon as his project regarding the *zakat* and *usher* was made public, Shia leaders objected that according to the jurisprudence of their own sect, these taxes could only be decided by individuals according to their conscience.<sup>24</sup> In reaction to the promulgation of the law, they orchestrated a mammoth demonstration in Islamabad (Mayer 1986:62-63). As a result, on 27 April 1981 the Ministry of Finance issued a notification allowing Shias to claim an exemption from the payment of this tax. However, this controversy had exacerbated a new line of cleavage between Shias and Sunnis.<sup>25</sup>

First, those who did not pay the *zakat* and the *usher* seemed to be second-class Muslim citizens. Second, and more importantly, this episode led Shias to create new organizations which fostered a phenomenon known as "sectarianism" in Pakistan.

To sum up, Zia promoted Islam in an unprecedented way. As an orthodox Muslim, he embarked on an Islamization policy, for political reasons as well. This repertoire indeed provided him with something he missed as a putschist : legitimacy. That was evident from the drafting of the question he asked in the 1984 referendum:

Whether the people of Pakistan endorse the process initiated by General Muhammad Zia-ul-Haq, the President of Pakistan, for bringing the laws of Pakistan in conformity with the injunctions of Islam as laid down in the Holy Quran and Sunnah of the Holy Prophet (PBUH) and for the preservation of the Islamic ideology of Pakistan, for the continuation and consolidation of that process, and for the smooth and orderly transfer of power to the elected representatives of the people.

98.5% of the voters said Yes. How could have said No to Islam?

23. Provincial Zakat Administrations published their own *Al Zakat* every three months.

24. For the Shias, the non-Sayyids (Sayyids being descendants of the Prophet) are not supposed to give *zakat* (but *khums*) to the Sayyids (*khums* represent one fifth of the annual savings of a non-Sayyid, half of which should be given to the Imam or his representative).

25. All the more so as filling the relevant CZ-50 form "within three months preceding the Valuation date" was not an easy task. In 1982, whereas they thought they had won the case, many Shias discovered that the tax had been levied on their assets because they had not filed the right form on time.

But Zia did not want the religious leaders – whom he despised – to gain too much influence. On the contrary, he was eager to pursue the statist agenda that Ayub Khan had initiated in order to cut them to size: Islam continued to be defined in terms of collective identity at the expense of its religious content. While there is, therefore, a certain continuity between the two generals, Zia’s Islamization policy made a difference vis-a-vis secularism. While minorities had been protected in the 1950s and 1960s, they were the first collateral victims – including the Shias – of what amounted to a policy of “Sunnization.” The revision of the Blasphemy Law inherited from the British was a case in point. The Pakistan Penal Code (PPC) and the Criminal Procedure Code (CPC) were amended in 1980, 1982 and 1986 in such a way that, eventually, blaspheming the Qur’an and the Prophet were punishable, respectively, by life imprisonment and by life imprisonment or death.<sup>26</sup> Muslims were the primary victims of these new regulations, but minorities felt that they were aiming at them. Indeed, they were affected by new forms of segregation: separate electorates were introduced for the Hindus, Sikhs, Baha’is, Jews and Kalash who, till then voted with other Pakistanis and protested against this technique of marginalization.

## CONCLUSION

The case of Pakistan throws some interesting light on the approach of secularization and secularism by Taylor. First, it shows that in addition to the three forms of secularity he has theorized, there may be a fourth one, “religion-as-ideology,” to use Ashis Nandy’s words. This secularity 4 is best epitomized by the Pakistan movement, an ethno-religious nationalism where Islam plays a major role as an identity marker associated with language and territory. Pakistan offers here a good illustration of the bifurcation between Islam as culture vis-a-vis Islam as religion that Olivier Roy has recently highlighted (Roy 2010). Sir Syed, Mohammad Iqbal and Jinnah achieved such a transformation by promoting a territorialized and politicized definition of Islam.

This form of secularity has clear affinities with Taylor’s “Age of Mobilization” but it points towards a different trajectory since it does not coincide with any of his three types: it does not imply a separation of the religious and political spheres (secularity 1), it is compatible with resilient religious practices (secularity 2) – Jinnah was not a practicing Muslim, but Iqbal was one – and it was not necessarily associated with a privatization of religion (secularity 3).

Taylor’s definition of secularism is more useful to understand an aspect of the Pakistan movement: its promotion of Islam did not preclude the future of secularism as defined by Taylor as an “ism” based on the respect of diversity and not primarily on secularity 1, like the French *laïcité*.

After 1947, from Jinnah to Ayub Khan, the rulers of the new state tried to observe a measure of secularism by protecting the rights of the minorities – while they pursued a state-driven secularization agenda by fighting the religious leaders (Pirs and Ulema). But their successors retained only the latter dimension.

Bhutto’s and Zia’s Islamization policies, paradoxically, affected religious leaders in the sense that they standardized religion and transformed the state into a centralized manager of Islam. Their approach was power-oriented: as political leaders who were keen to curb the influence of religious leaders, they resorted to state power and instrumentalized Islam to acquire additional sources of legitimacy. There was a strong element of continuity there since the leaders of the 1970-1980s, be they civilian or military, were as eager as their predecessors of the 1950-1960s to use the state machinery. In fact some of the initial institutions continued to play the same standardization role – even after the substance of the policies had changed. However, the state could not fully control the Islamic institutions – including the *madari* – it promoted. And in fact, Zia’s Islamization policy prepared the ground for the growth, not only of sectarianism, but also of Islamism in the country.

26. Art. 295 B of the PPC said: “Whoever will fully defile, damages or desecrates a copy of the Holy Quran or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable for imprisonment for life.” And art. 295 C said: “Whoever by words, either spoken or written or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Mohammed (PBUH) shall be punished with death, or imprisonment for life, and shall also be liable to fine.”

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