

# Law and Governance In the Muslim World

## The Case of Pakistan

### Introduction

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- The Muslim world at large and Pakistan in particular is in the midst of a serious governance crisis.
  - It is the unenviable choice between autocratic regimes on one hand, and extreme religious ideologues on the other.
  - For example, Algeria, Egypt, Saudi Arabia, Pakistan, Iran, Afghanistan etc.
- Questions:
  - How did we get here?
  - How do we get out of here?
- The case of Pakistan

## Outline

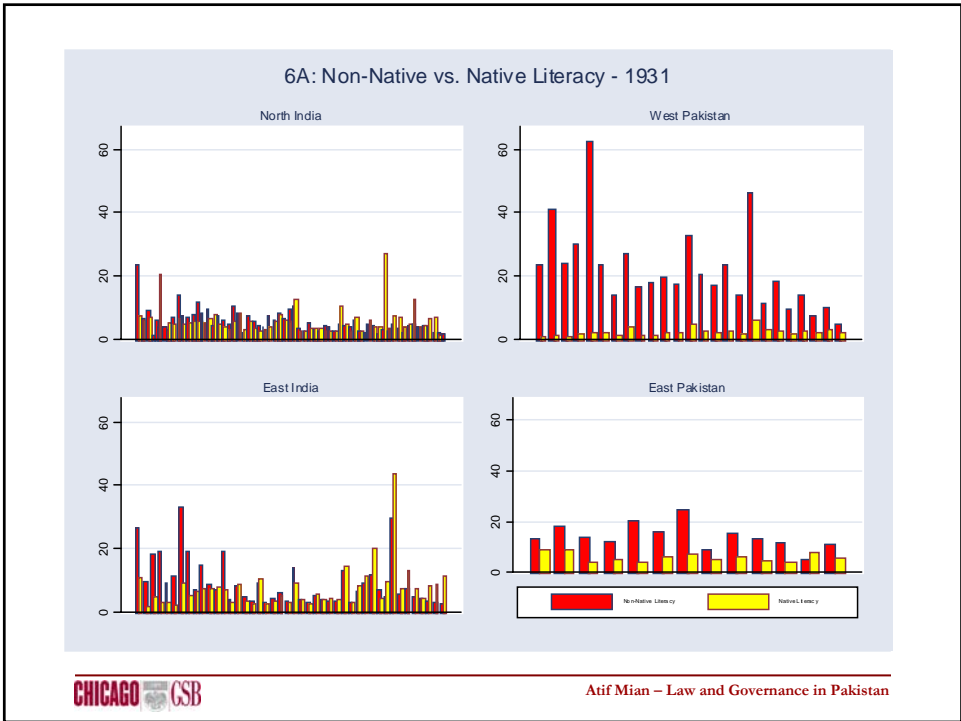
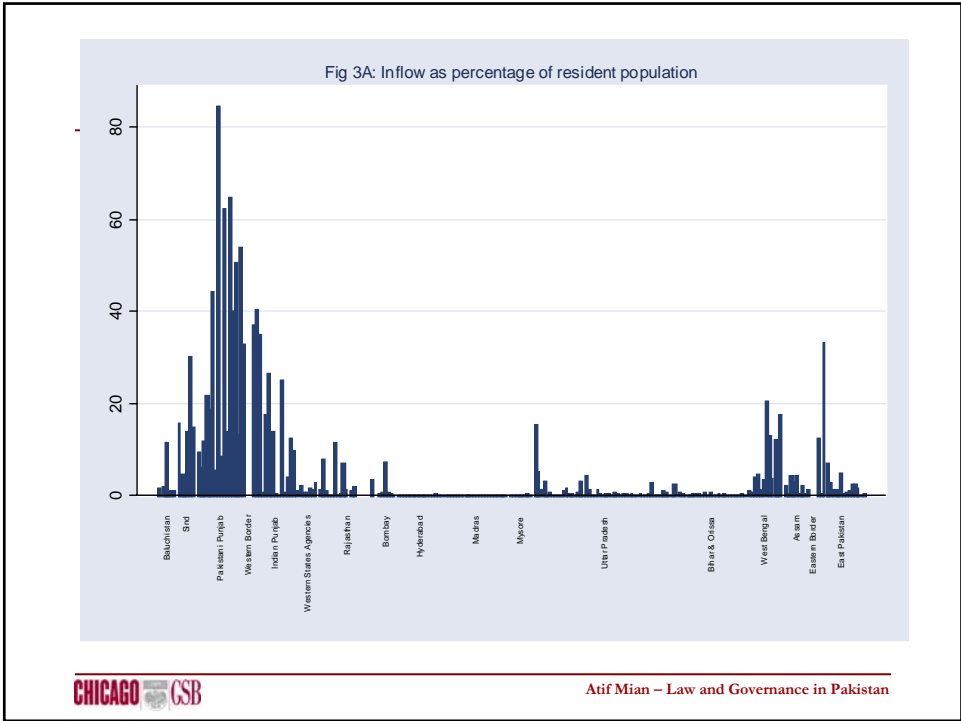
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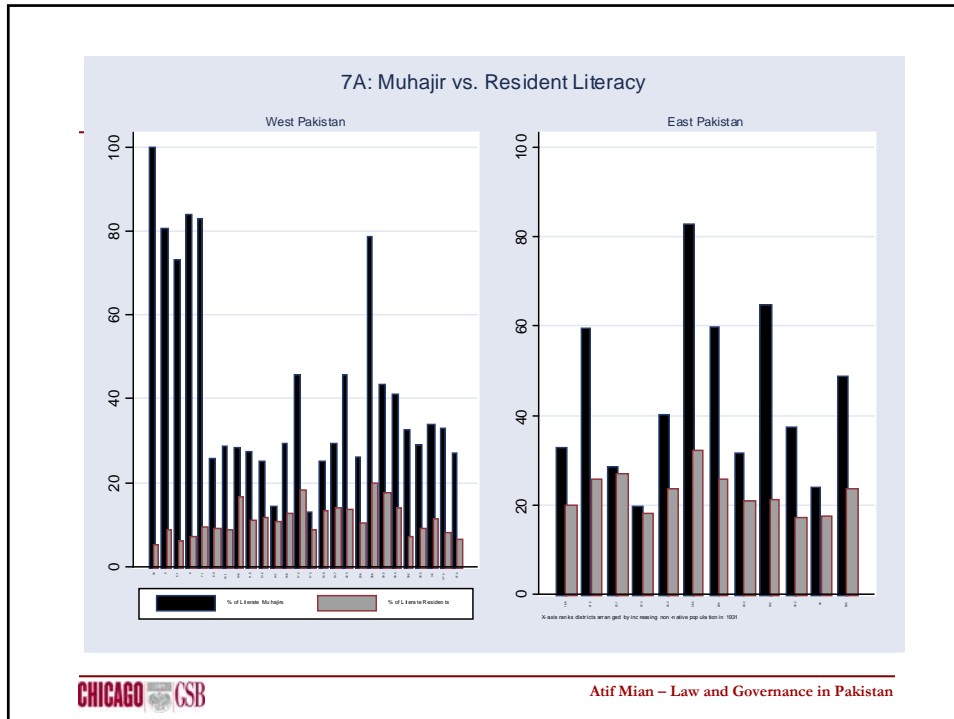
- How did we get here?
  - Partition and Demographic Shift
  - Defeated Mullahs and Politics of Exclusion
- Commonality Among Muslim World
  - Symbiotic relationship between Autocracy and Religious Extremism
- How do we get out of here?
  - Historical Precedence
  - Rational Debate
  - Religious Defense
    - *Not, "Materazzi Strategy"*

## How did we get here? (I)

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- Partition and Demographic Shift
  - Partition had a much bigger impact on Pakistan compared to India (joint work with Asim Ijaz Khwaja and Prashant Bharadwaj)
    - In terms of proportion of “affected” population
    - In terms of differences between new and old inhabitants, and “vacancies”
  - Result was a new political elite, with incentives aligned for autocratic rule.





## How did we get here? (II)

- Defeated Mullahs and Politics of Exclusion.
  - Religious political parties of Muslims, such as *Ahrars* bitterly opposed the political movement for Pakistan.
  - Caught on the wrong side of history in 1947. Future seemed bleak.
- Adopted new political agenda around issues of religious dogma.
  - How does one maximize patronage then?
  - Pick on a community that is in small minority, and with religious disagreements with the majority ... result ...
- Start Anti-Ahmadiyya riots in 1953
  - Demand to constitutionally declare the Ahmadi community as “Non Muslims”
  - The process of politicization of religion begins
  - Create room for the military to move in! First martial law declared in Pakistan in 1953.

## How did we get here? (II)

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- “Justice Munir Report”, (397 pages)
  - An inquiry report on the '53 riots by supreme court justices
  - Excellent contemporary primary source
  - Perhaps the only government document banned by its own government!

*“The issues underlying the inquiry, which frequently emerged in all their directness and with all their implications, are so deep and fundamental that a reply to them one way or the other can make or mar the new State of Pakistan and entirely change the future course of her history.”*

## Autocracy and Religious Extremism

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- Thus started the symbiotic relationship between military and religious extremism
  - Extremists allow for “justification” of autocratic interventions ... autocracies suppress normal political institutions ... extremists exploit the political vacuum and provide a way to “vent” political anger ... power either oscillates between the two (e.g. Iran), or autocracy co-opts extremism as well (e.g. Zia, Saudi Arabia)
- This is the common link in many Muslim countries, exact factors contributing to authoritarian regimes have been different (e.g. colonial creations) but the end result very similar.

## Then and Now ...

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- Ahrar create a *Majlis e Amal* in July 1952, which includes *Ahrar*, *Jamiat Ulama i Islam*, *Jamaat e Islami*, and others.
  - *Majlis e Amal* planned the 1953 riots.
- Fast forward
  - ... Martial law ... autocratic governor generals ... Ayub Khan ... 1970s disturbances (again) ... Pakistan declared a “theocratic state” ... Zia comes in ‘80s and takes it to a whole new level through changes in constitution, criminal system, military/bureacracy promotion system, and education ... now Zia’s crop is ready for harvest.
- Today,
  - *Muttahidda Majlis e Amal*, (MMA), is a dominant political entity made up of the same (1952) players essentially.

## Then and Now ...

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- 1954: (Concluding remarks of Justice Munir Report)  
“And it is our deep conviction that if the *Ahrar* had been treated as a pure question of law and order, without any political considerations, one District Magistrate and one Superintendent of Police could have dealt with them.”
- 2007:  
The entire military and government might cannot bring an ordinary mullah to justice.



## The “How to” part?

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- Only interesting case is a gradual and peaceful political transition that, **Separates Religion from State**
  - Stick to *principles*, such as equality, justice, freedom of religion, access to education.
  - NOT *dogma*, that is driven solely by one particular group’s interpretation of religious texts (this is the *definition of autocracy*)

## The “How to” part?

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- **Re-define political philosophy based on**
  - Historical Precedence (e.g. political philosophy of Jinnah and Iqbal)
  - Rational Debate (see e.g. Munir report ... Maulvis cannot even agree on the definition of a “Muslim”. How can we agree on questions of social and economic importance through “shariah”?)
  - Religious Precedent
    - *Meesaq e Madina* - First constitution in Islam was completely secular! For example, (i) Madina (which had people with differing philosophies) was declared a nation-state, **not** a religious-state. Muslims promised to fight anyone who attacked Madina, *even if the attackers were Muslims*. (same for other religious groups). (ii) No religious group could impose their religious laws (i.e. shariah) on a people who did not share the same set of beliefs. In such cases civil law was to be followed.
    - Quran – “No compulsion in religion”, “Justice”, “Absolute Justice”.

## The “How to” part?

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- What does not work is the “Materazzi Strategy”, i.e. name calling and accusing “culture”, “religion”, etc.

