

*The Secular Republic of Pakistan*

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**Harry Deng**

Prior to British colonial rule, there was a general trend by the (Muslim) Mughal Empire to integrate Hindus into civil and military administrations in India. They also actively sought to bridge any religious divide and to create a more coherent society through matrimony. However, with the onset of the British Raj, this generally harmonious existence started to fade away. The British believed Muslims and Hindus were naturally separate nations and thus proceeded to create separate electorates based on sectarian lines. Due to this Two-Nation theory, along with the fear of Hindu domination, Muslims began to champion the idea of a separate Muslim majority nation state in northwest and northeast India. With the partition of British India in 1947, this became a reality. Pakistan came into existence based on the notion of being the Muslim homeland in South Asia.

However, in this paper I argue that even though the Islamic Republic of Pakistan was created as a nation for Muslims, and for a moment in their history reached Islamism, it was never an Islamic state. Instead, Pakistan has always been secular. The word, 'secular,' is often simplified to mean the separation of religion and state, however, while this definition is not incorrect, it lacks the necessary nuance – which I discuss in this paper. Thus, this essay explores several ideas: one, what secularism actually implies; two, the concepts of Islamism and post-Islamism; and finally, the development of Pakistan's political institutions in relation to Islam– therefore providing evidence of the secular nature of the Pakistani state.

### **Demystifying Secularism and Laying the Groundwork:**

Whether secularism is a jealous ideology – a systemic black hole that sucks everything coming close to it – or a benign political concept that contends itself with the separation between religion and state is a proposition contingent on the viewers' conditioning. Like the proverbial three blind men and the elephant, it carries different shades of meaning to its "believers (Jan, 2003, p. 3).

For most western nations, the term, 'secularism,' is often simplified to the notion of a separation of church and state. France, on the other hand, has a much more concrete definition of secularism vis-à-vis the doctrine of *Laïcité*, which literally translates to 'secularity.' The *Laïcité* version of secularism is the closest version of secularism we get to anti-theism. According to this doctrine, French politicians and state institutions are highly discouraged from making religious remarks and are prohibited from officially recognizing any forms of religion.

So, what exactly is secularism? Is it the passive version of secularism we have here in North America in which religious identities are an integral part of the political sphere and where American presidents finish important speeches off with the phrase, "may God bless the United States of America"? Or is it the hard-line *Laïcité* version where religion is explicitly rejected from the public sphere? Or is it somewhere in between these two notions? The best answer to this question is that they are both correct. The best way to understand this notion is to view it as a spectrum of the role religion

should play in the public sphere. In Western liberal democracies, passive secularism and *Laïcité* secularism are on the opposite ends of this spectrum. Any further than the passive version of secularism and you start to enter the territory of where Islamism, or political Islam, would be represented and any further than *Laïcité* is where you start to enter anti-theism where the state can no longer be considered a democracy, such as Turkey under Mustapha Kemal or Iran under the Pahlavi regime. Thus, at its most basic level, secularism can be described as the removal of religion from a sacred space and appropriating it into the political sphere. This means that any political action or participation occurs within profane time and space. It is not the rejection or removal of religion from the political domain, but rather connecting religion to things like policy making, law, and the consolidation of power instead of attaching it to God and the divine.

***Problematic Rhetoric Surrounding Secularism and the Alternative:***

As mentioned above, one of the most prevalent interpretations of secularism in the western hemisphere is the concept of the separation of religion and state. This interpretation is a lazy attempt to explain the phenomenon, as it is simply a misguided attempt to capture some essential quality that secularism is supposed to embody, or in other words, typecast secularism.

The problem with this definition and using it as the basis of discourse surrounding secularism is that it “slights secularism as an ideology on the one hand, and misreads the

nature of religious response to life on the other” (Jan, 2003, p. 9). In other words, a discourse in which there exists a divide between religion and states decomposes religion by: one, rejecting religion as a legitimate public institution by denying the existence of God; and two, if given legitimacy, relegating God and God’s message as an antiquity of the past that has not kept up with modernity, and thus has no place in society.

It is important to note that because secularism is a product of the Enlightenment, its claim to territory is universal. It sees no bounds. Therefore, under this fundamental condition, by following the path of the hard-line secularism espoused by the *Laïcité*, where it sees a natural divide between religion and rationality, the secularist then believes that it is only a process of nature and the natural evolution of human civilization to unconditionally move past any sort of religiosity.

This is why instead of conceptualizing secularism as a homogenizing force, I suggest we look at the concept of multiple secularisms. This is the notion in which secularism is understood not as an explicit form of distinction between religious and non-religious spheres and practices in society and analyzed in quantitative terms, but instead understood in terms of its cultural underpinnings (Burchardt and Wolhrab-Sahr, 2013, p. 607). In the case of Pakistan, this means that secularism will need to navigate the social and political tensions that came with Partition, which I discuss further in the paper .

**What is Islamism? Post-Islamism?:**

Much like the concept of secularism, the discourses of both Islamism and post-Islamism are often overly simplified or misconstrued. Even though Pakistan claims to be the first Islamist society in the modern era, many scholars would argue that the most influential Islamist polity in modern history began in Iran immediately following the 1979 Islamic Revolution (Bayat, 1996). In this paper, I use the definitions of Islamism and post-Islamism posited by Asef Bayat in which he uses Iran as the quintessential model for these notions; thus I use the Iranian polity as the basis of my definition of Islamism and post-Islamism.

The Iranian Islamist polity could be summarized by the establishment of the office of the *velayat-I faqih*. The *faqih*, in this case Ayatollah Khomeini, would become not just the primary interpreter, but also the vehicle of Islamic law itself and “who is to rule the community of believers in the absence of the Twelfth Imam” (Bayat, 1996, p. 44). Islamism is thus the top-down process of a systematic Islamization of society and economy through mechanisms such as a forced dress code and institutionalization of state-sponsored religiously oriented education and extra-curricular activities (Bayat, 1996, p. 44). However, this does not preclude it from secularism as the state is still subject to the conditions of modernity – meaning the interest of the state will always take precedence over the interest of divinity.

Post-Islamism, on the other hand, is the condition where the “appeal, symbols, energy, and sources of legitimacy of Islamism get exhausted” (Bayat, 1996, p. 45).

However, post-Islamism is not anti-religious, but rather it is the point in history in which religion is no longer the source of political legitimacy, yet still holds influence.

Moreover, this phase is characterized by things such as the recognition of pluralism, religious and political choice, constitutional human rights, and an active civil society.

### **Development of the Pakistani Political Sphere in Light of Islam:**

After seven years of struggle by the All-India Muslim League under the leadership of Muhammad Ali Jinnah, the state of Pakistan came into existence vis-à-vis the partition of British India in 1947 under the conviction that it was going to become the Muslim homeland in South Asia. From the very beginning, the Muslim League lacked a mass support base outside the province of Bengal, even during times of heightened freedom struggle (Long, Singh, Samad, et al. 2005, p. 22). Many of the Muslim Leagues' branches only existed on paper and were further hampered by factional schisms. Without mass support from the Muslim majority provinces, the Muslim League's ambitions of Pakistan would lack the slightest credibility. Thus, they had to accommodate themselves with local mediators of power that ranged from landlords to local religious leaders Long, Singh, Samad, et al. 2005, p. 22). This process of clientalism would be a trend throughout Pakistan's history.

To say Islam was the primary vehicle of mobilization would not be an accurate account of the reality of partition or state building in Pakistan. As a matter of fact, in

addition to the institutionalization of clientalism, the Muslim League's ambivalent attitude towards Islam has also been seen as a factor in weakening its state building ability (Long, Singh, Samad, et al. 2005, p. 22). The Muslim League mobilized their supporters either through the narrative of Islam and Muslims being in danger or through local sources of power.

Furthermore, Jinnah and most of the Muslim League's leaders were secular in outlook and merely used religious slogans to further their nationalist agenda. In fact, the *ulama*, which literally translate to "the learned ones" and is the religious institution that has historically functioned as the guardians and interpreters of Islamic law, had rejected the Muslim League's Pakistan movement for two main reasons: one, they disliked the secular outlook of the leadership; and two, they opposed what they believed to be a secular nationalist movement that placed national identity over the *ummah* (the collective community of Islamic peoples) (Long, Singh, Samad, et al. 2005, p. 23). It was only later that the Muslim League was able to overcome this deficiency when the influential Deobandi cleric, Shabir Ahmad Usmani, broke rank with the *ulama* and launched a separate political platform in support of the Muslim League's Pakistan movement (Oasmi, 2010, p. 1198).

However, it is important to emphasize the word, "political." The political sphere is by nature a non-sacred space because a debate surrounding the interpretation of the *sharia* is no longer a theological one, but rather a debate with the hopes of reaching a political objective. As such, if Usmani supported the Pakistan movement on theological grounds, he could not have supported the Muslim League, whose leaders were non-



observant Muslims and had barely any knowledge of Islam. This argument in which the political sphere and the religious sphere are comprised of two mutually exclusive dichotomies is neither new nor provocative. As a matter of fact, this notion was stretched even further vis-à-vis the prophetic model. In essence, the prophetic model created the same dichotomy where the Prophet Muhammad's role as a religious leader was separate from his role as a statesman. Moreover, the prophetic model counters the idea of a pristine Islamic state, which is to say the creation of a perfect and just state much like that of Medina in the 7<sup>th</sup> century led by the Prophet Muhammad, by pointing to the fact that there exists no theory or general outline in the Quran of how the state or government should function. There only exists a specific guideline that refers to the Prophet Muhammad being the sole source of authority.

Nevertheless, it is worthwhile to examine the *ulama* in post-independence Pakistan, as they have continuously demanded the Islamization of the state. Mualana Abulala Maududi was the most prominent among the traditional class of *ulama* for his sustained discussion of the subject (Syed, 1982, p. 63). In 1948, he called on Pakistani Muslims to oppose the non-religious nationalist democracy functioning in Pakistan stating that it was their duty. He warned that their continued maintenance of Pakistan is traitorous to their prophet and his God and maintained that it was “un-Islamic to fight in Kashmir, serve in the Pakistan army, or bear allegiance to the state, until it had become fully Islamic” (Syed, 1982, p. 64).

For Maududi, sovereignty in an Islamic state belonged solely to God in which Islamic law found in the *sharia* and *sunnah* would be the basis of all laws of the land.

Therefore, the legislature would act only as an interpretative body rather than a law-making entity, whose job is to discover, codify, and make Islamic laws tangible and relevant. However, he was ambiguous about democratic process and political participation. On the one hand, he asserted that God had delegated the authority to rule to the entire community and anyone who has an understanding of Islamic law is entitled to interpret the law. A statesman is not only responsible to God, but also to his community of followers (Syed, 1982, p. 65). Therefore, according to this logic, the *ummah* held the right to depose of any statesman they deemed unfit to rule. However, on the other hand, Maududi, insisted that the great mass of people were “incapable of conceiving their true interest” (Syed, 1982, p. 65). Furthermore, he believed they were unable to separate emotion from rationality, thus, cannot consider matters impartially and should not be admitted into the ranks of the rulers. Instead, he proposed that Pakistan’s ruling elite should be occupied with pious Muslims well versed in Islamic knowledge.

The contradictions found in Maududi’s narrative are indicative of the tensions that Islamism must navigate in a modern nation state built on secular notions of development. Because Pakistan is a constitutional democracy, political participation from the general, non-political populace is an inevitable occurrence and this poses a significant obstacle to the development of an Islamic state. For instance, the notion that the statesman is also responsible to their populace in addition to God and may be deposed if deemed unfit to rule raises the question of what the definition of “unfit” is. If the statesman can be deposed on non-religious grounds, such as poor management of economic funds, then the definition of “unfit” would be secular. This then leads to a second complication: if the

qualification of a statesman is based on religious knowledge instead of administrative competency, the likelihood of poor bureaucratic proficiency increases and, as a consequence, so too would the number of disgruntled citizens. Yet if the citizenry is incapable of perceiving their true interests, do they have legitimate grounds to depose the statesman?

The modernist class of *ulama* has a different approach to making sense of modernity while retaining their religiosity. The narrative of modernists is much more explicit of their secular nature than that of traditionalists. For instance, in his 1952 book, *Problem with Ijtihad*, Hanif Nadwi posits that “Islamic prescriptions were not merely a matter of mindlessly obeying God but were based on human pursuit of humans interests” (Zaman, 2018, p. 101). Moreover, he states that laws governing human interactions are subject to modification depending on the social and political context in which the laws are applied (Nadwi, 1952).

### ***The 1956 Constitution:***

It took nine years after partition before Pakistan adopted its first Constitution. One of the major reasons for the delay was the contention of prospective Islamic provisions that would be included in the Constitution. In the Objectives Resolution of 1949, the Constituent Assembly defined the basic directive of the new state as the following:

The Government of Pakistan will be a state... Wherein the principles of democracy, freedom, equality, tolerance, and social justice, as enunciated by Islam, shall be fully observed; wherein the Muslims of Pakistan shall be enabled individually and collectively to order their lives in accordance with the teachings and requirements of Islam, as set out in the Holy Quran and Sunnah; wherein adequate provisions shall be made for the minorities freely to profess and practice their religion and develop their culture (Art. 2 and Sch. item 53).

These provisions have remained essentially unchanged throughout Pakistan's statehood and fluidity of constitutional law (Oberst, Malik, Kennedy et al. 2014, p. 156).

Nonetheless, these provisions explicitly advocate for religious pluralism, which when included into the constitution of a supposedly Islamic state, produces a fundamental dilemma. By advocating for religious pluralism, these provisions have inherently moved to subvert one of the five pillars of Islam: *Shahadah* (profession of faith). This is the practice of repeating the phrase "there is no God but Allah (the God) and Mohammad is his messenger." The principle idea behind *shahadah* is the declaration of belief in the oneness of God, otherwise known as *Tawhid*. Monotheism is one of the foundations of Islam and when other Gods are accepted, this foundation is shattered.

**Zia ul-Haq's Islamization:**

After toppling the Bhutto regime and receiving a mandate provided by the Pakistani National Alliance (PNA) calling for the imposition of the *Nizam-I Mustafa* (rule of the prophet Muhammad), General Muhammad Zia-ul-Haq announced that Pakistan would return to its original Islamic mission, or in other words, establish an Islamic state and enforce *sharia* law. Under Ayub Khan, who led Pakistan from 1958 until 1969, the Pakistani state was able to co-opt religious forces who were unable to reach the top echelons of the ruling elite (Akhtar, 2017, p. 98). Bhutto's regime, on the other hand, drastically conceded more ground to religious forces than the Ayubian regime; declaring Ahmadis non-Muslims, banning alcohol and nightclubs, and officially announcing Friday as the official day to prayer. Though there had been a significant transformation in the dynamics between the religious forces and the state, especially under the Bhutto regime, none were as substantive as Zia's regime where a new alternative state building project was proposed.

Accordingly, Zia re-structured both state institutions as well as government demographics by introducing more conservative Islamists into the government. For instance, he created new state institutions such as the Federal Shariat Court and the Council of Islamic Ideology, which further provided opportunities for religious forces to penetrate the top echelons of the ruling elite. Moreover, the Zia government was able to co-opt over 126,000 mosques into the state structure in addition to hiring over 3,000 village *ulamas* as schoolteachers (Akhtar, 2017, p. 99).

One of the most controversial pieces of legislation enacted by the Zia government was the *Hudood Ordinance*. Even the commencement date of ordinance was announced within the framework of the Islamic calendar as it states the following: it shall come into force on the twelfth day of *Rabi-ul-Awwal*, 1399 *Hijri* (*Constitution of Pakistan, 1979*), which translate to the tenth day of February of 1979. Within this ordinance, individuals found guilty of *zina* would be subject to death by stoning (*Constitution of Pakistan, 1979*). *Zina* is the Islamic legal term referring to unlawful sexual intercourse, such as adultery or bestiality. It belongs under the *Hudud* class of crimes, which is class of crimes that is subject to punishment as specified by the *sharia*, but the punishment itself is determined on the basis of the *hadith*, which the consensus among most schools of jurisprudence is stoning.

While the Zia government did pass legislation based on their interpretation of Islamic law and his rule did transform Pakistan into a global centre for political Islam, Zia's Islamization efforts should still be taken with a grain of salt. The normalization of clientelism in Pakistani politics continued to affect the Zia government where it had become the relevant vehicle of change and activity for certain political actors. For instance, we see that clientelist relations with the state military apparatus have allowed multiple militant and sectarian groups to alter domestic and foreign policies and norms (Akhtar, 2017, p. 99). In addition, the fragmentation within the state has allowed operatives to favour different religious organizations, which has fomented an increasingly violent atmosphere. Dissatisfaction with the Zia regime resulted in the *ulama* distancing themselves from Zia along with other religiously oriented political parties. Not even the

ultra-conservatives of Pakistan could circumvent the conditions of modernity, which does not allow state actors to act within a vacuum free of secular influences, nor could they escape from the secular institutions achieved by Jinnah that had made the partition of British India possible in 1947.

**Conclusion:**

Secularism is almost unavoidable in the modern age where global integration and modern inclinations have pushed for, and won, which makes a 'pure' Islamic state virtually impossible. Even if a state's legitimacy rests on its religiosity, competent governance is still required to keep the citizenry content. Consequently, what we see throughout history is an interpretation of religious law to justify the actions of the state. This is not exclusive to Pakistan; in fact, it is far from it. For instance, the Ottoman sultan Suleiman the Magnificent had to receive a *fatwa* from the Grand Mufti of Istanbul before he could even give the order to murder Ibrahim Pasha. Thus, religion is actively taken from a sacred space and placed into the public domain where it is subject to different social, cultural, and political forces and the connection is no longer with God, but instead with the conditions of modernity and governance.

Moreover, states in the global south must also respond to the legacies and on-going processes of a colonial past that make state building more difficult - forcing leaders into relationships and dynamics that are undesirable. In the case of Pakistan, the founding

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of the state was heavily reliant on clientelist relationships. These relationships take the religious nature of the state further into question.



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