The Death of Bhutto and the Future of Pakistan

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In the early hours of Wednesday, April 4, 1979, the enigmatic life of ex-Premier Zulfikar Ali Bhutto was ended by a hangman's noose, at the express direction of General Mohammed Zia ul-Haq, whom Bhutto a few years ago had lifted from virtual obscurity to be his chief of staff. Pakistan's most formidable politician died after a nineteen-month legal battle over charges that he had conspired to murder a political opponent. The death watch for Bhutto may be over—but not the turbulence in Pakistan.

Carved out of British India in 1947, Pakistan was created in response to Muslim nationalism articulated by a visionary lawyer, Mohammed Ali Jinnah. To date the country is still struggling to validate its creation. In the more than thirty-one years of its history Pakistan has seen a succession of inept governments, ranging from parliamentary democracy to military junta. Each has grappled, unsuccessfully, to narrow massive socio-economic disparities and to form a more coherent entity out of the breakaway leanings of its regions. Three times during these years, Pakistan has fought India. The last war was in 1971 and it resulted in the loss of Pakistan's eastern wing, which became Bangladesh. Since East Pakistan (Bangladesh) was predominantly Muslim, its fall inevitably led to painful rethinking about the adequacy of Islam as the sole basis for homogeneity in a regionally disparate Pakistan.

From September, 1977, to April, 1978, the outstanding issue in Pakistan was the fate of Zulfikar Ali Bhutto, who became the leader of Pakistan when that country was split in half in 1971. In Senator George McGovern's opinion, which is widely shared, Bhutto was a "...forceful and erudite leader who assumed leadership of a shattered, bewildered and demoralized country and played a central role in getting the country moving again."

The case that led to Bhutto's death can be traced back to November, 1974. Ahmed Reza Kasuri, a former member of the then Prime Minister Bhutto's Pakistan People's party (PPP) and a vocal opponent of Bhutto, was ambushed by gunmen while driving home. The gunfire missed Kasuri but killed his father, who was riding with him. In July, 1977, there had been four months of turmoil sparked by allegations of massive vote-rigging in the March, 1977, general elections. In that election Bhutto's party emerged a surprisingly easy winner. Bhutto was then overthrown in a bloodless military coup led by General Zia, and in September, 1977, he was arrested for conspiring to have Kasuri killed. Following trial, in March, 1978, the five-man Lahore High Court unanimously sentenced Bhutto to death, along with four other co-accused. Within a week of his conviction Bhutto appealed to the Pakistan Supreme Court, based at Rawalpindi.

The government was overprepared to quash domestic unrest but was unprepared for the international response to Bhutto's death sentence. A flurry of cables urging clemency and compassion poured in from the Arab world. Senators McGovern and Moynihan raised the issue in the U.S. Senate. Turkey was reportedly willing to offer asylum; Iran threatened to cut economic aid to Pakistan; lead articles condemning the proposed execution appeared in major newspapers in the United States and Great Britain. Not to be left behind, the U.S. State Department also voiced its concern. In January, 1979, even former Indian Premier Indira Gandhi circulated letters to several heads of state apprising them of Bhutto's plight.

Concurrent with international reaction were allegations of misconduct and unfairness on the part of the Lahore High Court. Prominent among these were: reliance by the court on hearsay and tainted evidence that should have been ruled inadmissible; admitting confessions by alleged co-conspirators that were obtained by torture and bribes; accepting the prosecution's version of the facts although the physical evidence obtained from the scene of the crime did not support its claims; accepting the testimony of prosecution witnesses that not only contradicted the statements...
of the accused co-conspirators but were also at variance with official military records; erecting a special dock in the courtroom to humiliate Bhutto; the unwillingness of the court to take due cognizance of the fact that the erratic Kasuri rejoined Bhutto's party after his father's murder, although just after his father's death he had, according to a police report, held Bhutto responsible for the murder; portions of the trial were held in camera; prosecution witnesses were not cross-examined and no case for the defense was presented after Bhutto dismissed his attorneys midway through the trial; the presiding judge of the Lahore High Court publicly expressed bias and animus against Bhutto and should have withdrawn from the trial; the court was under the influence of the government. (While criminal proceedings were pending, Zia publicly prejudged the guilt of Bhutto.)

It is difficult to judge the validity of all these charges. Some of them were brought out by former U.S. Attorney General Ramsey Clark, who made a fact-finding visit to Pakistan in the summer of 1978, and by a distinguished British barrister who was sent to Pakistan by Professor Hugh Trevor-Roper of Oxford University. Their views added weight to skepticism about the impartiality of the Lahore High Court, and gave substance to Bhutto's claim that in his trial the burden of proof was put on the defendant to prove his innocence while the benefit of doubt had shifted to the prosecution.

In contrast, the Supreme Court, in a painstaking process that lasted nearly eleven months, gave the appearance of relative impartiality, although suspicions about its integrity remained in the air. At one point Bhutto accused the chief justice of conflict of interest because he had also become the acting president of Pakistan. Further, the public statements of Chief Justice Anwar, endorsing the promulgation of an Islamic Order to which the government is pledged, did not give the appearance of Supreme Court independence from governmental influence.

Shortly before winding up its hearings in December, 1978, the court, in a rare move that was protested by the state counsel, allowed Bhutto to plead his case personally for four days. This was to be Bhutto's last public appearance. It was during one such hearing that Bhutto expressed his satisfaction at the handling of his appeal and confidence in the fairness of the Supreme Court. It is unlikely, however, that the common people of Pakistan, in whom the deceased premier infused a new political and economic consciousness, will take Bhutto's court statement as evidence of the court's impartiality.

Lawyers too are not wholly convinced of the independence of the Supreme Court. Their suspicion was reinforced by the Zia government's mass roundup of Bhutto supporters forty-eight hours prior to the public announcement of the court's decision on February 6. The legal community in Pakistan also remembers the Supreme Court's earlier decision of November, 1977. In response to a petition from Mrs. Bhutto challenging the constitutionality of martial law imposed by General Zia in July, 1974, and the detention of her husband under it, the court held for the government on the basis that imposition of martial law was justified by necessity, while at the same time admitting this action constituted "an extra-constitutional step." The disquiet of the skep-
tions was strengthened by the timing of Zia's announce-
ment, on March 23, that elections would be held in
November, 1979. This came exactly twenty-four hours
before the Supreme Court's decision finally to reject
Bhutto's petition.

By finally reaffirming Bhutto's death sentence on
March 24, the Supreme Court left the fate of Bhutto
squarely in Zia's hands. The court recommended that
defense arguments for a reduction of sentence were "re-
levant for consideration by the executive authorities in
the exercise of the prerogative of clemency." This, along
with a statement from one of the justices that there was
no precedent for the violation of such a recommenda-
tion, raised hopes among Bhutto supporters. Jurists
were quick to point out the impropriety of executing a
man whose guilt was upheld by the Supreme Court by
the slenderest of margins (4-3), especially so when all
three dissenting judges had favored outright acquittal.

Zia, therefore, had two choices: to hang Bhutto or to
commute his death sentence to life imprisonment. Ulti-
mately, Bhutto's stature proved to be his undoing. He
was too big a figure for Zia to contend with. Even in
prison he would have dominated the politics of Pakistan.
Zia was not oblivious to the "perils of Peron" and knew
that Bhutto was too firmly entrenched at the grass roots
level to be kept alive and out of contention indefinitely.
A campaign to free an imprisoned Bhutto would always
have been a focus for future movements, with a real
possibility of reprieve from a government succeeding
Zia's regime. The specter of Bhutto seeking retribution
may have been determinative in Zia's decision to carry
out the sentence in defiance of world opinion and popu-
lar pressure at home.

By hanging Bhutto, Zia has ensured a legacy
of animosity, bitterness, and division. The
long-term political fallout is likely to be enormous.
Rightly or wrongly, Bhutto was perceived as a redeemer
and champion by the majority of the poor in Pakistan.
They feel that the elite vested interests have punished
Bhutto for his populist advocacy of egalitarianism in
status-oriented Pakistan. Consequently, Bhutto is guar-
anteed instant martyr status and his execution will
provide a potent rallying cry for future movements.
Also, his death sharpens existing class polarizations
and may initiate vendettas and witch hunts. Those who were
brought up in traditions of democratic dissent, even
opponents of Bhutto, view with horror the specter of
Pakistan going the way of Chile or Iran.

Internationally, the blow to Pakistan's image has been
inestimable. Already, Pakistan has been depicted as
presenting a "spectacle of demeaning cruelty." Middle
Eastern leaders whose countries are less democratic than
Pakistan and who have achieved power without recourse
to the ballot are alarmed. They worry about the possible
spillover effects of the execution of a leader with much
greater claim to internal legitimacy and international
stature than they possess.

By flatly rejecting the appeals from world leaders, Zia
has damaged enormously the standing of Pakistan. It is
difficult to expect any foreign government to be very
generous in helping to put Pakistan's economy—which
has been at a standstill for over two years—back on the
rails. It may not be entirely coincidental that American
economic aid to Pakistan was suspended merely forty-
eight hours after the hanging of Bhutto. (Officially, the
action was attributed to Washington's belief that a
program to develop nuclear weapons was under way in
Pakistan.) Five days after Bhutto's execution the Syrian
Government snubbed Zia by canceling his state visit to
Damasus. President Assad was "too busy."

With a population of 75 million people in
four provinces—Punjab, Sind, the
Northwest Frontier, and Baluchistan—Pakistan has its
hands full in trying to curb tribal dissensions. This is
especially true in the insurgency-prone province
of Baluchistan. Additional internal unrest may be too
much for the Pakistan Army to handle and, in the view
of some, may make the country susceptible to Soviet-
backed incursions from Afghanistan. The Soviets have
demonstrated interest in using Baluchistan as a corridor
to gain access to the long-coveted warm waters of the
Arabian Sea, and they are not happy about the execution
of the left-oriented Bhutto at the hands of a self-
proclaimed rightist regime that is not very friendly
toward Marxist-led neighboring Afghanistan. As if to
offer a preview of things to come, within four days of
Bhutto's death Afghanistan had accused Pakistan of
deploying armed raids inside its territory.

More significantly, the Sindhis may view the execu-
tion of Bhutto, a fellow Sindhi, as a punitive measure by
the majority province of Punjab—the venue of the trial
and hanging—whose people dominate the military and
the bureaucracy. It is reported that the four judges who
upheld the sentence were from Punjab, whereas the
three dissenters were from the minority provinces.
Bhutto's death, therefore, may alienate Sind irreparably,
thus injecting a factor menacing to the viability of Paki-
stan.

No discussion of the death of Bhutto and the future
of Pakistan is complete without reference to the increasing
politicization of Islam in Pakistan. Some commentators
consider the rise of Islamic fundamentalism the single
most important development of 1978. This upsurge,
crucial also to U.S. security interests, prompted Zbig-
niew Brzezinski to order the CIA in January, 1979, to
conduct a worldwide survey of Islamic fundamentalism.
In this connection it is noteworthy that portions of the
Lahore High Court judgment condemning Bhutto to
death in March, 1978, imputed, among other things,
that the former premier was a "Muslim in name only"
and hence unqualified to lead an Islamic state. This
ruling seemed so blatantly unrelated to the issue at hand
that the Supreme Court was constrained to tell Bhutto
during his appeal hearing that they found it "irrele-
vant."

Irrelevant though it may be to a murder proceeding,
Islam occupies a major position in the politics of Paki-
stan. It is connected with the very genesis of Pakistan as a
nation. Moreover, in a bid to improve his popular standing
Zia has capitalized on the worldwide resurgence of
Islam, using unctuous rhetoric to emphasize the Islamic character of his regime in contrast to the relatively secular outlook of Bhutto.

Although superficially similar to events leading to the overthrow of the shah in Iran, the emergence of Islamic fundamentalism in Pakistan is not a populist phenomenon imposed by the people on its head of state, but an edict imposed officially from the top on the people. The Zia government asserts that it has a popular mandate to implement substantive Islamic laws, effective from February 10, 1979. This assertion is based upon the fact that, in the March, 1977, general elections, the people of Pakistan overwhelmingly voted for candidates supported by a coalition of religious and conservative groups that had pledged the introduction of an Islamic social order. This “victory” was allegedly stolen by Bhutto’s party through vote-rigging and widespread election fraud. Evidence suggests, however, that the disputed March, 1977, vote, which cut across ideological and social boundaries and led to the popular support of the religious parties, was more a protest vote against the harsh Bhutto reign than any genuine enthusiasm for the orthodoxy of the Muslim clergy. For example, in the December, 1970, general elections held in undivided Pakistan, Bhutto, leading a party only three years old, routed all the established religious parties of West Pakistan (now Pakistan proper). Bhutto realized that food, shelter, and clothing were more winning issues at the polls than mere abstractions about Islam. He gauged correctly the undercurrent of popular discontent against the government, hence he saw that the mood of the masses was basically anti-Establishment, including resentment against the established Muslim clergy, or mullahs, who were generally perceived as exploitive and insensitive to public needs.

While Bhutto’s foreign policy attainments were considerable, his domestic record was bleak. A scion of landed feudal aristocracy, Bhutto surrounded himself with sycophants who reinforced the characteristic feudal intolerance toward dissent, something that even Bhutto’s substantial Western education could not offset. His rule was notable for institutionalizing corruption and terrorizing opponents. Amnesty International, in its report of May, 1976, castigated the Bhutto regime for its violation of human rights. National discipline and the rule of law plummeted under Bhutto to an all-time low. In the final days of his rule the unraveling was such that this outwardly Western man, in a pathetic bid to retain power, vowed to introduce Islamic laws. But by then it was too late; the mullahs whose obscurantism Bhutto had reviled for years finally succeeded in provoking a military coup.

General Zia was an unprepossessing army officer who had been handpicked by Bhutto because of his ostensible docility. Zia superseded several senior generals when Bhutto made him chief of staff. On the night of July 4, 1977, Bhutto learned that this “apolitical soldier boy” had succeeded in outmaneuvering him. Initially, Zia announced he was “purely a caretaker” who would stay only until the holding of free democratic elections in October, 1977. The promised elections have been postponed several times over and are now scheduled for November, 1979. There are doubts whether they will be held at all and, if held, how fair and free they will be.

Riding the crest of a worldwide Islamic revival, Zia initiated pristine Islamic remedies for the lawless, such as amputation of hands, public flogging, and hanging. (To date no doctor has been willing to do the amputations.) Journalists and Bhutto supporters have been conspicuous targets of the new order. At first the public, tired of chronic chaos, welcomed the drastic measures. But now there is growing frustration because the zeal of the military “caretakers” for Islam seems to be matched only by their unwillingness to relinquish power.

By virtue of having ruled Pakistan for half of its lifetime, the military can be considered the most powerful political party. It would be naive to expect the army to yield power voluntarily and return monthly to their barracks. Using Islamization of law to legitimize their continued power, the army may in the long term govern with a civilian facade—under a khaki-colored constitution. Despite the current emphasis on Islam, the moorings of the Pakistan military have traditionally been modern and Western. This reflects the military’s British origins and alliances with the Americans in the mid-Fifties. Yet the turbulent conditions that invited martial law make it unlikely that the army will give up its place at the center of the political élite. As described by an authority on the role of soldiers in politics, “the aftermath of military intervention is military intervention.”

Inspired by the Turkish precedent, Zia seems inclined to institutionalize his coup d’état in the form of a constitutional amendment that will give the army authority to intervene for “sorting out the civilian mess.” To do this, Zia may have to rely on the opponents of Bhutto. However, most prominent political leaders will want to distance themselves from the Zia regime, since its hands, in the view of the public, are tainted with the blood of Bhutto. By killing Bhutto, Zia may have served two purposes of Bhutto’s political opponents: He eliminated Bhutto and he attached an inalienable stigma upon military administration.

Even from his grave Bhutto wields a powerful influence: Keen to present him as a disbelieving Muslim, government-run newspapers challenged eye-witness accounts that Bhutto recited the Holy Koran and said his prayers just before his hanging. A few months before, in a distasteful attempt to direct religious bigotry and national chauvinism against Bhutto, it was suggested that the Bhutto cause was being funded by the “Jewish lobby” in collaboration with Indians and Ahmadis (an unpopular sect declared non-Muslims by the Pakistan parliament in September, 1974). In addition to depicting Bhutto as a “treasonous disbeliever,” attempts may be made to persecute Bhutto’s Pakistan Peoples party and Bhutto’s family. Keeping in mind the government’s low credibility, this can only serve to enlarge the Bhutto myth—a myth that is already strong also in sectors of the army. While alive, Bhutto is credited with bringing down three regimes: Ayub in 1969, Yahya in 1971, and himself in 1977. By toppling Zia, he may add yet a fourth.