

GOVERNMENT BY ISLAM

by Barbara D. Metcalf

For most of its young political life, beginning with the partition of British India in 1947, Pakistan has been in some sense an ally of the United States, a signatory to military agreements, and a recipient of foreign aid. The government of General Zia ul Haq, established by a military coup against the government of Zulfikar Ali Bhutto, has now been in power for a full seven years. Two developments have attracted U.S. attention to Pakistan during this period: first, the Soviet invasion and occupation of Pakistan's neighbor, Afghanistan, in 1979; and second, the call on the part of Zia's government for the establishment of an Islamic regime. Despite a certain unease with that ideological goal, Americans—particularly in the wake of Afghanistan—have seen their interests firmly tied to the stability of the current regime and are currently in the midst of providing it with one of their largest military and development packages, some \$3.2 billion. Clearly, the policy of Islamicization has not been an obstacle to the relations of Pakistan and the United States. In what sense, however, can the policy be called Islamic?

Despite a widespread assumption that an Islamic resurgence is a common movement among Muslim nations, its characteristics among individual regimes vary widely. Pakistan, for its part, could not be more unlike Iran. The Islamic ideology of Iran, whatever the aftermath of its revolution and the impact of its war with Iraq, is rooted in a utopian vision of a new and just society, based on upright living, self-sufficiency, and social justice. The role of the ulama, the traditionally educated religious leadership, is central. In Pakistan, by contrast, Islamic ideology wholly accepts the status quo—though Pakistan has one of the world's widest gaps between per capita income and social development, as measured by such criteria as literacy and life expectancy. Despite a flirtation with "Islamic socialism" under Bhutto, regimes in Pakistan have been the monopoly of the military, the landed, and the trading and industrial interests. The current regime is no exception. The Islamic ideology in Pakistan has been enunciated, moreover, not by the traditionally educated religious leaders, but by secularly educated leaders.

There are basically two types of contemporary Islamic movements: a "reformist" movement that is traditionally

religious and suspicious of the state, and a "fundamentalist" movement that integrates Islam with the modern state.

Reformist movements have appeared throughout Islamic history, but they have been particularly common in the last hundred years or so. They have often been stimulated by the colonial presence of the West or by its technological impact. They have been led by men rooted in the traditional institutions of religious leadership, either those of the bookish ulama or those of the spiritualist Sufis. As movements of self-esteem and identity, they have insisted on the vitality and superiority of Islamic culture and lamented the failure of their generation to adhere to it properly. They have seen the key to redemption of themselves and their societies in the renewal of individuals through adherence to the written sources of their faith, purified of later accretions and customs. Many have called these movements "protestant" because of their commitment to "the Book" and to individual responsibility, often in opposition to a more intercessory religion focused on the blessed tombs of the saints. Although some of these movements have been political, many, in contrast, have been movements of education and teaching, often using new techniques of organization and communication and suspicious of any contact with governments.

On the other hand, fundamentalist movements—if the term may be used in a more restricted sense than is common—have appeared in various countries only from the 1930s on. They are characterized above all by their aim of creating an Islamic society by controlling the modern nation-state. The Ikhwan Al Muslimun in Egypt and the Jama'at-i Islami in India and Pakistan are examples of this kind of movement. Although the Jama'at never envisaged a military government, its ideology has permeated the rhetoric of the current regime. Like the reformists, the Jama'at has called for a reformed religion, but it has insisted that reform is only possible in the context of the Islamic state. Islam, in this way of thinking, is a "system," as capitalism and socialism are systems, and only when all aspects of society are integrated into an Islamic system can Muslim individuals be properly formed. This Islamic system is defined in opposition to the West, and a Jama'at tract is likely to be a description of Western culture rather than one of the genres of traditional religious writing. Support for state-centered fundamentalist movements has come from the urban and literate, often the professionally and technically educated. It has been particularly strong on university campuses.

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Two important points emerge from this brief description. One is that the call for an Islamic system of government is very much a product of the contemporary period and not a mere continuation of an original or medieval religiosity. A second point is that even among Muslims there are a variety of Islamic programs. Reformists, for example, consider fundamentalists too modern, too much concerned with the state and not enough with worship and religious practice, the more central concerns of religion. Reformists, moreover, may add a concern for radical justice and a reordering of society, as in Iran or, momentarily, under Bhutto in Pakistan. In Pakistan today, it would seem, socially conservative fundamentalists have an ideological monopoly. Other voices must answer them in their own terms, and those who root their values in such structures of political thought as modern liberalism must speak in some form of Islamic language.

PROBLEMS OF LEGITIMACY

What aspects of this program of Islamicization have in fact been implemented to date in Pakistan? The program has called for certain policies historically embraced by any ruler who wanted to gain religious legitimacy: prohibition of alcohol and gambling, changes in certain taxes and in laws related to interest, and changes in the judicial system. The prohibition of alcohol had actually taken place under Bhutto as he grasped desperately for legitimacy in his final months. A gambling casino he had earlier undertaken to build in Karachi stands on the beach still, a hollow ghost.

The largest demonstration Zia has had to face was produced by the attempt to legislate adherence to the canonically sanctioned tithe, *zakat*. It was organized by the minority Shi'a for whom the requirements of *zakat* are different from those of the Sunni majority. The Shi'a were then exempted from compliance; but even some Sunnis grumble at the requirement, on the grounds that religious obligations lose their worth if they are not voluntary and that government, invariably corrupt, will taint the worth of the charity. At this point it was apparent that no legislation could be enacted that was unacceptable to any sectarian group. This is a major constraint on the scope of a policy of Islamicization.

A more interesting objection to these Islamic reforms came from a commission appointed early in Zia's tenure to review policies conducive to an Islamic society. Their report focused on such Islamic goals as justice and egalitarianism. They argued in economic terms that a focus on such issues as *zakat* and attempts to eliminate interest were actually regressive. Of far greater importance for both productivity and justice would be the land reform that Bhutto had talked of but never enacted. Evidence of the conservative nature of this regime is its declared intent to enact no policies of land redistribution whatsoever.

The most dramatic of the changes in pursuit of Islamic justice has been the imposition of corporal penalties (*hadd* penalties), like lashing and stoning, for certain criminal offenses. These have attracted widespread attention, even shock, in the West; yet they are so limited in application that Zia has said they will affect not even one in a thousand cases. The Prophet himself said it was better for a pious Muslim not to give evidence in these cases. Religious law, Shari'a, has been officially acknowledged by the establishment of certain benches and religious courts, as a sup-

plement to the existing judicial system, to review a limited range of laws. Those associated with the new benches and courts are primarily those qualified to be judges—not the *ulama*. Short courses for these judges are now offered in the new Islamic University. It is important to remember that there are currently three forms of law in Pakistan: the legal system basically inherited from the British, Islamic law, and martial law. The jurisdiction of the Shari'a benches excludes the constitution, fiscal law, Muslim personal law, court procedures, and law relating to financial matters. The scope of the on-going legal system derived from the British is similarly restricted. A justice recently remarked that the judiciary today is far more secure than it was under Bhutto, far less subject to harassment and pressure, but the cost is a far more restricted role. Ultimately it is martial law that is the fundamental law in Pakistan today.

As far as democratic rights are concerned, in a pattern familiar in Pakistan and other autocratic regimes, elections have been limited to the local level, where local councils are now in place. At the federal level there is an assembly, appointed at the will of the president, with the power only to debate and offer advice. Although dignified with the title *Majlis-i Shura*, in order to recall the earliest days of Islam, it can only with difficulty be described as an Islamic reform. Elections have been promised from time to time and invariably cancelled. They are currently scheduled for March, 1985. Under discussion is whether or not they will be party elections. On a recent plane ride the length of Pakistan, my unknown traveling companion acquitted himself of only one sentence as he watched me go through various reports and papers on his country: "There can be no elections, or there can be party elections, but there cannot be [genuine] elections with no parties." Little attention, moreover, is given to individual liberties, fair trial, or freedom of expression.

No issues have attracted greater interest both within Pakistan and in the foreign press than those related to women. Interestingly, in these seven years almost nothing has changed in regard to the legal status of women or their opportunities. Women's lives are limited less by law than by customary practices and attitudes, above all those that result in the shocking statistic that no more than 13 percent of the female population is literate. A Women's Division, directly responsible to the president, has been created, charged with formulating public policies and laws



to meet the needs of women, with developing programs to spread female education and employment opportunities, and with protecting women's legal and other interests. This division is staffed by women with modern, English-language education. The division exists, however, in an atmosphere that is not supportive of the goals it is meant to achieve.

The general atmosphere, and the encouragement given to those who favor the immurement of women, has created great fear among many that women's civil rights will be limited, that their opportunities for paid employment will be restricted, and that gender segregation will be enforced, notably by creating a separate university for women. The phrase that has become current in recent years is *chadar aur car diwari*, the veil and the four walls. There have been restrictions on female athletes in public competition and recurring discussion is about female dress and decorum, all couched in terms of Islamic values. There have been reports urging the disenfranchisement of women, the exclusion of women from the position of head of state, and the exclusion of women from public office unless they are above the age of fifty and have secured their husband's permission to participate.

Despite this atmosphere, two major potential restrictions on the civil rights of women have not materialized. One is the abolition of the Muslim Family Laws Ordinance and related laws of the early 1960s, which now provide certain minimal protection to women in such matters as divorce, maintenance, and inheritance. Although some have criticized the laws as un-Islamic, Zia himself appears to be committed to their protection, and appeal to the Shari'a Court exempted them from review on the grounds that they were part of the excluded area of personal law. The second potential threat has been a proposed modification of the Law of Evidence to require two women witnesses as the equivalent of one male witness. The Majlis recommended in favor of the modification, but opponents have challenged it on every ground, including Qur'anic exegesis. In February, 1983, a procession of women opposing modification tried to present a petition to the high court and was attacked by police and riot control squads. The president, in perhaps characteristic fashion, is simply sitting on the issue, thus neither antagonizing the liberal elements in the society nor crushing the hopes of proponents of Islamic change. But if little in fact has changed, there has been a far-reaching change in discourse and in the intensity with which Islamic symbols are discussed.

Some have dismissed the Islamic policy as expedience—Islamicization from the top, not based on broad popular demand. Its core support is the military and some segments of the literate urban population. It is instrumental in maintaining an authoritarian regime that seeks to preserve the existing structure of society and itself in power. Yet this Islamic ideology is intensely appealing to some segments of the population.

PROBLEMS OF IDENTIFICATION

Why an Islamic policy if it remains largely ineffectual? The orientation toward a more explicit Islamic ideology began with Bhutto in the aftermath of the civil war that created Bangladesh. A more homogeneous country came to focus less on its origin as a homeland for Indian Muslims and more on its existence as a Muslim nation on the edge

of the Middle East. This image was fueled by the new-found wealth and power of the oil-rich nations of Islam and the desire on Pakistan's part to be identified with that power. Pakistan offered military expertise and manpower to its fellow Muslims. Migrant laborers provided crucially important foreign exchange and further focused ties to Pakistan's west.

Yet all these reasons do not explain why, of the possible Islamic ideologies, this socially conservative, fundamentalist one has prevailed. In part its appeal to the current regime, with its commitment to the preservation of existing vested interests, is clear. It provides, moreover, a basis for ties to the powerful regime of the conservative Saudis who have, in fact, patronized the Zia regime. But it is also clear that the ideology of the Jama'at and of orientations like theirs goes further. The idea of an Islamic system offers a challenge, a kind of equivalence, to the power of the West and of those Pakistanis who have assimilated Western values. It is both a source of self-esteem and a reaction against those earlier Westernizing regimes whose promises were never kept. But at base this ideology is neither economic nor political. Rather, it touches such deeply personal and psychological issues as are epitomized in the concern with women's place. Islam is an ideology—one can speculate—of control over oneself and one's society in a world that is often beyond control.

American support for the Zia regime seems to exemplify that taste for ties to authoritarian governments which has been evident throughout the history of our relations with the subcontinent. Virtually all administrations have felt more comfortable with the Pakistani regimes than with the more unpredictable, more assertive, more democratic regimes of India. Our support, one can argue, also reflects our tendency to see foreign policy in Soviet-American rather than in regional terms. Only Afghanistan mattered to us, not the goodwill of India or the likelihood of escalating arms acquisitions within the region.

It is clear that U.S. support has bolstered a regime that no one would have expected to last so long. The Zia regime is a centralizing one, in part because it is Islamic. An Islamic orientation is intolerant of folk and provincial culture, as was evident in Bangladesh, and runs the risk of provoking provincial reactions. There has in fact been regional discontent, notably last year in Sind, but for the moment the province seems quiet. Opposition to this regime will, of course, foster anti-American sentiments as well. Latent anti-Americanism was evident in the burning of the United States embassy in 1979, an event that cost American lives but received little attention. Because of our long-standing relationship with Pakistan, it had to be interpreted as an aberration. Anti-Americanism grows not only because we give support but also because we do not give enough! Pakistanis remember our "tilt" in their favor in 1971 as insufficient; today they feel we talk but do not provide, whether in support for rebels in Afghanistan or in the high-technology transfers they want so badly.

On balance, American policy continues to see Zia as a desirable ally, as evident in the gracious treatment accorded him during his state visit of last year. But little in Pakistan's international position or its internal policies encourages the kind of social development or liberal values that most Americans—and some Pakistanis, at least—still continue to cherish. **WV**