

Hearings on Religious Freedom in India and Pakistan: Professor Mumtaz Ahmad Prepared Testimony

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Statement by

Dr. Mumtaz Ahmad

Professor of Political Science

Hampton University

Hampton, VA 23668

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Mr. Chairman and Distinguished Members of the Commission:

I am thankful for the opportunity to appear before this august commission to share my views on the question of religious freedom in Pakistan. I will confine my remarks to a) describing the socio-religious and political context, so as to better understand the state of religious freedom and the status of minorities in Pakistan; b) delineating the prospects for religious freedom under the new regime of General Pervez Musharraf; and c) making some general observations with regard to the U.S. policy toward Pakistan in order to improve the state of religious freedom.

The Islamic Republic of Pakistan, with a population of about 140 million, is the second largest Muslim nation in the world. With about 97 percent Muslim population, its non-Muslim minorities include Christians, Hindus, Parsis and Ahmadis. Among the Muslims, between 12 to 15 percent belong to the Shia sect.

Pakistan, which came into being as a result of the partition of British India in 1947, is unique among the Muslim countries with regard to its relationship with Islam. It was the only Muslim country which was established in the name of Islam and, hence, its subsequent

political experience is integrally related to its Islamic identity. However, the question of the new nation's ideological character has been a subject of continuous debates among Pakistani intellectuals and policy makers. Two distinct schools of thought have emerged on this issue: one contending that Pakistan was demanded and created in the name of Islam and, therefore, has to justify its *raison d'etre* only as an Islamic state; the other emphasizing that the country was created to safeguard the political, economic and cultural interests of South Asian Muslims and was, in no way, intended to be a religiously based, ideological state. There is ample evidence to show, however, that Pakistan's founding fathers saw Pakistan as a progressive Muslim nation with democracy and pluralism as its foundational principles. Their vision of Pakistan as an Islamic state was constitutive more of Islamic ideals of justice, equality and brotherhood rather than the specifics of Shariah. Building an Islamic state for them, as well as for the Muslim masses, was thus synonymous with building a just and moral society. Hence, we see little, if any, reference to the introduction of specific Islamic laws, such as Hudud (Islamic penal laws) in the speeches and statements of the founders of Pakistan. Majority of the leaders of the Pakistan movement were Western educated, liberal-minded Muslim nationalists whose commitment to Islam was primarily defined by its spiritual and moral values, and the economic, political and cultural uplift of the Muslim community.

Although Pakistan, from the very beginning, faced certain critical problems of economic, political and ethno-regional origins which shaped its subsequent political developments and engendered its chronic socio-political instability, one issue that has generated maximum political conflicts and social tensions is the role of Islam in politics and the state. The controversy on the nature of an Islamic political system and its concrete manifestation in the constitutional structure and socio-economic policies of the state often took the form of fierce confrontation, sometimes violent, between the state and the organized religious groups, and among the religious groups themselves.

The Islam-Pakistan relationship was first articulated in the Objectives Resolution which was passed in the first Constituent Assembly of Pakistan in 1949 and which now forms a part of the 1973 Constitution. While the Objectives Resolution promised that the state shall enable the Muslims to order their lives in the individual and collective spheres in accordance with the teachings of Islam, it also stated that the principles of democracy, freedom, equality, tolerance, social justice and respect for minorities' rights shall be fully observed. Notwithstanding its liberal proclamations, however, the Objectives Resolution laid the foundation for an enduring relationship between Islam and the state in Pakistan and thus encouraged religio-political groups to press their demands and agitate for an increased role for Islam, and for themselves, in public affairs.

As is well known, Pakistan's rulers also have made extensive use of Islam as a means of legitimizing their power. The fact that many of these rulers came to power through extra-constitutional means and lacked legal legitimacy, made them more dependent on Islam as a handy source of legitimacy. This instrumental use of Islam at the level of the state created an environment at the level of civil society in which the religious groups could claim an equal legitimacy to use Islam for

their own particularistic, sectarian purposes.

The qualitative change in Pakistan's politics came during the rule of Mr. Zulfikar Ali Bhutto. His rise to power parallels with the rise of the political influence of the religio-political groups in Pakistan. His own contribution toward the religionization of political life took two forms: with his socialist rhetoric, he provoked a strong reaction among the religious groups and awakened them to the need to organize and fight back what they perceived as an anti-Islamic turn in state policies. But, more importantly, in substantive policies, he chose not to resist their pressures and gave in easily to almost all of their religious demands in order to appease them. The ultimate turnaround came when the secular Bhutto agreed to amend the constitution to declare Ahmadis as non-Muslims, a demand which had been earlier rejected in 1953 by a devout Muslim Prime Minister Khwaja Nazimuddin.

Although the Islamic measures introduced by Bhutto were peripheral to the core of his socio-economic policies, their impact on subsequent Islamic developments was quite significant and far-reaching. By making Islam as the state religion, by incorporating extensive Islamic provisions in 1973 Constitution, and by declaring the Ahmadis as non-Muslims, Bhutto helped raise the expectations of the religious parties and prepared the ground for a full-grown movement for Islamization during the Zia regime. Coming in the wake of worldwide Islamic resurgence, General Zia's Islamization measures were much more substantive than the Islamic reforms introduced by earlier regimes. Working closely with the ulama and the organized religious groups, Zia created a network of state-sponsored legal and institutional structures to translate the Shariah rules into public policies. The most important among them were the penal laws with specific Islamic punishments, the law of evidence which discriminated against the minorities and women, and the laws targeting the Ahmadis. To declare a particular group in society as a religious minority is in itself a form of oppression, what to speak of adding insult to injury by making discriminatory laws and restricting its political and civil rights as well. What was even more perilous from the point of view of religious freedom was the general socio-political and religious climate that created a fertile ground for religious divide, sectarianism, intolerance of religious dissent, and hostility toward minorities.

The introduction of Shariah laws brought to the surface the old doctrinal and juristic differences between the Shias and the Sunnis. Thus, the question as to which interpretation of the Islamic laws should form the basis of public policy became a major source of conflict between the Shia and Sunni ulama on the one hand, and also among different schools of Sunnis, on the other. These controversies have caused frequent violent incidents and assassination of dozens of prominent Shia and Sunni leaders. The sectarian politics as a legacy of the Zia period has also given rise to extremist religious groups, killing each other's members even in places of worship, and also to the recruitment of the madrassa students as militant arms of these extremist groups. The mobilization of a broad spectrum of religious groups by the Zia regime during the Afghan war further strengthened the political power and the material resource base of the religious groups, with funds and weapons being supplied to them from both domestic and

external sources.

Coupled with this religious militancy and increasingly intolerant socio-religious climate, decades of military rule and misrule by the civilian governments have further aggravated the situation of political instability, economic mismanagement, rampant political and economic corruption, creating a crisis of governability, the near collapse of state institutions, and the breakdown of law and order. All these factors have made the already fragile political system more vulnerable to pressures from the extremist religious groups.

Although, the extremist groups that tend to harass the religious minorities remain marginal, their capacity to coerce the local authorities to concede to their demands by creating an emotionally explosive religious situation remains considerable. Much of what happens to religious minorities—from harassment to violence—is initiated by the extremist elements who incite the illiterate Muslims to take law into their own hands in order to "defend Islam" against what they perceive as blasphemous or desecrating acts of non-Muslims. In most cases, the local enforcement agencies either willingly join the melee in support of the "defenders of Islam," or find themselves helpless before a religiously-charged mob. In general, the state authorities at the level of central and provincial governments and the higher judiciary in Pakistan have been quite sensitive to the need of protecting the life, liberty and property of religious minorities. Thus, none of the punishments under the Blasphemy Law handed out by the lower courts has been upheld by the higher judiciary so far.

As for the prospects for religious freedom under the new regime of General Pervez Musharraf, there are sufficient grounds to believe that the situation is likely improve considerably. In terms of his religious orientation, the General is probably the most liberal ruler since Ayub Khan. However, as was evident from his backtracking on some procedural changes in the Blasphemy Law, he is not likely to do anything that will provoke a strong negative reaction from the religious groups. He will tread cautiously on Islamic grounds and will not allow Islam to become a political issue while he is busy cleaning up the political and economic mess created by the previous regimes. On the contrary, he may have to solicit political support from the religious groups when faced with formidable challenge from the secular opposition. It is, therefore, difficult to imagine that General Musharraf, even if he wants to do so, will ever try to dismantle the legal-institutional structures seen as discriminatory by the minorities. Not legislating Islamic laws is only being a negligent Muslim, but abrogating these laws once they are legislated is "blasphemy" and will provoke the wrath of the religious groups, which a military regime, already faced with the crisis of legitimacy, can hardly afford. What we can expect from General Musharraf, however, is to ignore the implementation of discriminatory laws, or to slow-motion them, making them a moral equivalent of blue laws. After all, there is a blasphemy law on the statute books in the United Kingdom, but when was the last time the Queen was "pleased" to use it? The overall policy thrust of the military regime in Pakistan is liberal, progressive, non-discriminatory and non-sectarian. In a political culture beset with the legacies of fanaticism, intolerance and violence, General Musharraf's is a voice of reason and moderation. His appointment of Dr.

Mahmud A. Ghazi, an Islamic scholar of great distinction and a longstanding advocate of inter-religious harmony, as the Federal Minister for Religious and Minority Affairs, is also an encouraging sign for religious freedom in Pakistan.

If we want to help General Musharraf fortify democratic practices and, at the same time, deal effectively with the extremist groups that indulge in violence against religious minorities, we must strengthen the Pakistani state's economic base and its institutional capacity to maintain effective law and order. An economically weak and internationally isolated Pakistan will be a more fertile ground for Talibanization. A weak state with collapsing institutions, dysfunctional apparatus and mounting debts cannot ensure its own survival, what to speak of protecting minorities.

Having said that, let me also point out some positive and encouraging trends at the level of civil society that promise a better future for religious freedom in Pakistan. First, the emergence in Pakistan during the past decade and a half of a host of human rights organizations and the NGOs, specifically concerned with the problems faced by the oppressed segments of society and with issues of civil liberties and rule of law, is a welcome development. These organizations are very active and alert and are trying to mobilize the enlightened public opinion against the injustices committed against the minorities. They are also becoming increasingly effective in putting pressures on state authorities to abide by the rule of law.

Second, the press in Pakistan has never been freer in its entire history than it is today. A free and vigilant press is likely to play an important role in promoting freedom and liberty and publicizing the instances of discrimination and injustices against minorities.

Third, the majority of Pakistan's citizens are becoming increasingly wary of Islam being used as an instrument of politics by the rulers and as a means to create divisions in society by the religious groups.

Another promising development in recent years has been the emergence of a liberal Islamic discourse that seeks to reaffirm the Islamic principles of tolerance, democracy, pluralism, civil liberties and rule of law from within the Islamic tradition. A new generation of Islamic thinkers is challenging the monopoly of the extremists on Islamic discourse and is articulating a more liberal and pluralist vision of an Islamic society and state. In the same vein, the liberal Islamic thought of Muslim émigré intellectuals in the United States--Fazlur Rahman, Hossein Nasr, Abdulaziz Sachedina, Mohammad Ayub, Ali Mazrui, Sulayman Nyang, and Taha Jaber-- is also contributing significantly toward the development of a progressive religio-intellectual discourse.

In conclusion, let me, briefly, make a few general observations with regard to our policy thrust toward Pakistan in order to help improve the state of religious freedom.

First, the most effective way, in my view, is not public condemnation, censure, intimidation and sanctions, but dialogue, "constructive engagement," and quiet diplomacy. We should engage not only the incumbent regime in a dialogue on the issue of religious freedom, but also the important religious groups in Pakistan in a spirit of working together to solve the problems faced by religious minorities. Our recent contacts with the Jamaat-I-Islami Pakistan leadership have demonstrated that a working relationship with moderate Islamic groups is not only possible but is also useful and necessary.

Second, a narrowly focused search for religious freedom in isolation from other freedoms, may not be a very successful strategy in countries like Pakistan; it must, therefore, constitute an integral part of a larger agenda of promoting democracy, pluralism, rule of law, and civil liberties. Once these practices are institutionalized, religious freedom is a natural outcome. In the absence of democracy and civil liberties, even if there is freedom of religion, oppression and persecution will continue, albeit on other grounds and with other names. After all, the freest Christian minority in the Middle East, religiously speaking, is to be found in Iraq; but it is not difficult to imagine how much they celebrate their religious freedom in the context of an oppressive political system.

Third, in order to ensure a greater credibility for its task and integrity of its mission to promote religious freedom in Pakistan and elsewhere, the Commission must disassociate itself from other, more mundane, goals of U.S. foreign policy. There seems to exist a widespread perception, both in India and Pakistan, that the recent U.S. interest in international religious freedom is not motivated by humanitarian concerns, but is driven by U.S. strategic objectives. I am sure the Commission is aware of these concerns and will try its best to remain focussed on its humanitarian mission.

I thank you for your attention.