

Islamization in Pakistan: A Critical Analysis of Zia's Regime

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Abstract

Pakistan was made on the Islamic ideology, it was made to secure the political and religious rights of the Muslims. It was clearly illustrated in the Objectives Resolution that no law shall be made repugnant to Quran and Sunnah. The Islamic Provision of pre 1973 constitution provided base for Islamization. With the passage of time institutions like Council of Islamic Ideology and Federal Shariat Court were established. This study is an attempt to analyze whether the islamization process in law making actually fulfilled the considerations of the basis of this country. This paper will analyze the attempts in different eras, specially the era of Zia. Zia claimed to implement and impose Islam in every walk of life in Pakistan but his Islamization had adverse impacts and criticized by scholars. This is an attempt to grab the causes of failed Islamization and its impacts.

Key Words: Islamization, Zia regime, Political engineering, institutionalization, Radicalization

Introduction

The ultimate aim of reforms like social, political, economic is for the establishment of justice in the society and to remove oppression and tyranny. Social dignity, equality and to promote good things and to prevent evils is also necessary for the survival of the society. The process of Islamization was firstly introduced in Pakistan by General Zia-ul-Haq who persistently focused on adopting and enforcing the Islam in every sector and walk of life in Pakistan. Zia and his companions firstly decided that Islam was the chief uniting factor in the divided country of Pakistan (Shah, 2012). The Nizam-e-Mustafa means the Order of the Prophet and considered as Islamic system or Islamic Order. Pakistan National

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Alliance started a movement it is called the movement for a system followed by the Prophet Muhammad (Peace Be Upon Him), a system based on Islamic Principles (Hyman, Ghayur & Kaushik, 1989). In 1978 Zia announced that he would follow the Nizam-e-Mustafa Tehreek and Islam will prevail over the laws and constitution. In 1979 the courts started to apply Sharia laws and make them part of the legal system (Murawie, 2003).

Zia Ul Haq took over charge as martial law administrator on July 5, 1977. He practiced Islam in his personal life and wanted to implement it. In Pakistan majority of the people are Muslims and they are true supporter of Islam throughout the history. In the absence of a political or social foundation other than the army, Zia forged a constituency for himself through a policy of "Islamization" supported by the Saudis. This policy has instilled Islamic liberalism in the state and in society and has opted for religio-political parties, particularly the Jamaat-e Islami, the best organized religious party in Pakistan that historically confronted Jinnah and Pakistan. Moreover, the Soviet military intervention in Afghanistan in support of the Marxist regime of Kabul in 1979 helped consolidate the regime of General Zia and make Pakistan "America's most allied ally" as a front-line state of the Cold War (Irfani²⁰⁰⁹). Islamization is a process which helps to keep things under Islamic rule.

Islamization Definitions

Islamization or Islamification is the process of a society's shift towards Islam, such as found in Sudan, Pakistan, Iran, Malaysia or Algeria (Kennedy¹⁹⁹⁶). "Islamization for the Ulema and their parties means primarily the re-introduction of past institutions and practices with no substantive change (Munir, 1954)", hence, "Islamization has been confined to the implementation of the laws of Sharia in their original form (Chawla, 2015)".

When Zia came into power he introduced broad spectrum of punishments in the name of Sharia, flogging over the several crimes e.g. rape, theft, murder, drinking, prostitution, adultery etc. These punishments were to deter the criminal elements and to intimidate his opposition Saha & Carr²⁰⁰¹). Zia was criticized by his opponents that he raised the issue of Islamization to decrease the influence of Bhuto and Peoples Party. In his early speeches, he said that Islam would be enforced in every walk of life, the political, legal and economic reforms would be implemented according to the values of Quran and Sunnah. Zia's military rule was extended to eleven years and his polices in the name of Islam increased militancy. The name of Islam was used to win the favour of religious groups, which is perhaps the first time that a regime is using the name of Islam for legitimacy. He said that Pakistan is made in the name of Islam (John, 2008).

The Sharia courts were established with the benches of Sharia located in all provinces and in the Supreme Court of Islamabad. Local level courts were

established in 1983 presided by religious judge named Qazi, the Qazi courts rarely announce verdicts in most of the cases women were punished and men released (Lindholt & Muller²⁰⁰³).

The Islamization of Zia can be seen in four areas: Judicial reforms, Introduction of Islamic penal system, Introduction of economic reforms and the Education policy (Weiss¹⁹⁸⁶). The emphasis was on complete implementation of Islamic system (Nizam-e-Mustafa). Zia created a new judicial review in Islamic system of justice (Marvin²⁰⁰²). Non-Islamic practices were tried to be eradicated from the country. Hadood ordinance was introduced; the system of Zakat and Usher was introduced.

Zia wanted to establish system of finance not based on 'interest' for this purpose recommendation for Islamic financing was collected. The Zakat was collected from the first day of Ramazan from banks and the Usher was collected from the yield of agriculture. Pakistan television was made more Islamic and Arabic news was introduced for the first time on Pakistan TV. The Ramzan Ordinance was promulgated and Nizam-e-Salat was introduced by Zia Ul Haq.

Literature Review

Cristopher Jaffrelot discussed that after coming in to power General Zia put forth the major changes in the basic ideology of army and nation as he replaced the "Unity, Faith and Discipline" formula by Jinnah into "Iman, Taqwa and Jihad-e-Fisabilillah". According to him Zia had religious temperament and had deeper affinity with the religious groups like Tablighi Jamat (Jaffrelot²⁰¹⁵). Lubna Kanwal critically analysed the political regime, Zia try to widen his base of power and extend the span of his rule, Zia used to aim at Islamization of the state system, as the single reason for his rule. During the movement of 1977, as a most popular slogan for the introduction of Nizam-e-Mustafa the whole movement acquired a significant public support. Considering the state of affairs, he maintained this famous slogan and announced to reshape the political, social and governmental framework of the state according to the Islamic values and principles which eventually became his foundation for enticing and obtaining popular support. For the purpose of pursuing his policy of Islamization General Zia divert his attention towards education, cultural values law and other sectors like economy (Kanwal²⁰¹⁵).

According to Tauqir Hussain during his regime General Zia began to introduce new meanings to the perceptions of war, conflicts and Jihad. Jihad was considered as offensive as compare to Jihad as defensive war. Thus, during the Zia regime, Pakistani Jihadist Islam was established, inducing a complete generation of militants. Many particular motivations also aroused to find emphasis on it. Comprehensible security concerns were magnified by the political ambitions of army's political desire and pride as an institution, making strife and competition

with India were the ends (Hussain, 2009). Nasim Ashraf saw tenure of Zia with a different perspective. Religion was the reason specified by General Zia ul-Haq to legitimize his dictatorial rule, which extended more than 11 years. The reforms of Islamization were characterized by sectarian and geopolitical struggles with the completely transforming the educational system of Pakistan. Religious schools or madrasas were not only bourgeoned, but also were entitled to get government beneficiation with international funding. After the Soviet incursion of Afghanistan in 1979, the US poked Afghanistan and Pakistan to fight a “holy war” or jihad against the Soviets. Arab states were persuaded to make funding to get the Communists out of the Islamic state of Afghanistan and for the containment of Iranian revolution by Ayatollah Khomeini (Ashraf, 2009).

Research Questions

- Whether or not the islamization drive of Zia was politically motivated?
- How did Zia tactfully channelize the slogan of Islam to win the pleasures of religio-political parties?

Research Methodology

The relationship of Islam to the state remained a sensitive issue exploited by both government and opposition when convenient (Esposito, 1996)”. “Although many were content with slogans and an Islamic veneer, unresolved questions regarding both the role and function of Islam ad democracy would resurface in Pakistan’s subsequent history”.

This section continues with an analysis of the attempts which were made to make the legal structure of Pakistan Islamic and to give them an Islamic justice System through the different governments. Pakistan is made in the name of Islam, so the people of Pakistan want an Islamic system. During the study, Material from different articles and books are critically analysed to get the questions answered. Constitution of Pakistan has been considered a primary source of reference. Reports of different organizations have become important source of information.

Radicalization in Zia era

The people of the Pakistan believe that the reason of East Pakistan separation is also the result of deviation from Islamic principles as Islam put stress on Justice and Equality, the same was demanded by East Pakistan (Esposito¹⁹⁹⁶). The Rivals of Bhutto gathered under the banner of Islam. Zia went further in islamization to secure his position and to forestall democracy. Zia’s Islamization led to sectarian conflicts between the Shias and Sunnis. In 1990 to onward these rivalries increased and a number of people killed in these rivalries (Chadda²⁰⁰⁰). Some important steps

and reforms adopted by the General Zia are considered by the scholars and intellectuals, were the main cause of radicalization in the society of Pakistan. Here, some of the important steps are discussed.

The arrival of Soviet forces in Afghanistan at the end of 1979 offered General Zia ul-Haq a great opportunity to obtain, in the short term, on all fronts. Turning Pakistan into a frontline state against the Soviets, Zia gained active support from the United State to help the Afghan Mujahidin fight the Red Army in what would become the last great Cold War Theater before the disintegration of the USSR. The Zia-ul-Haque political era was a mixture of the Mullah and military coalition where the Islam was used to justify his rule based on dictatorship. The inner aspect of the Mullah-Military alliance was connected to the requirement of regime to soothe the rightist wing religious group in order to be in power. The outer aspect was linked to the presence of Soviet military in Afghanistan. Jihadists were encouraged by the military of to fight a proxy war against the Russian military basically to refute the participation of government in the deadlock. So, Islamization had its deep roots within the state provoked with Zia-ul-Haq policies in Pakistan (Amin¹⁹⁸²).

The US-Saudi financed Jihad in Afghanistan, happening in a regional framework traumatized by Shia revolutionist Ayatollahs Khomeini of the Iranian Revolution, had significant repercussion for Pakistan. The two momentous regional establishments of 1979, the Iran's revolution and the Soviet occupation of Afghanistan were influential in orthodox military ruler General Zia ul-Haq's exertions to merge political power and religious-radicalism was institutionalized in the country. Pakistan's affiliation with Jihad in Afghanistan and later in Kashmir strengthened religious tendencies within state and society.

1. Zia ulHaque Islamization: Steps

In Zia era radicalization was inevitable it was facilitated by leaders and there was exploitation of religious passion for their own benefit. The role of press was contracted to act as the representative of government. Only and it was totally controlled (Halperin²⁰⁰⁵). The establishment of Sharia Court and appointment of religious Qazis were the part of Zia's judicial reforms. It was a matter of dispute at that time that, either a woman could be the Qazi of the court, the Attorney General presented references that there is no ban on women to be Qazi (Weiss, 1986). For the purpose of Islamic legislation the Parliament is named as Majlis-e-Shoora and some sorts of intellectuals, scholars, journalists were made member of this parliament. The institution of Ombudsman was introduced by Zia for the purpose of watching the legal and constitutional matters and to make them according to Islamic teachings.

In the regime of Zia-Ul-Haq many Islamic laws were introduced, the law for the protection of women which was named to save the sanctity of Chaddar and Chaar Devari. The women testimony was considered as half as compare to man and the number of witnesses was increased to four to prove a rape. Decreasing the

women status by Zia is condemned by Civil Society, and the people stood against the so-called Sharia of General Zia. Many of the General Zia's laws are still implemented today.

Judiciary was in state of coercion in Zia's era. PCO dissolved the power of the judiciary, established the federal Shariat Court and called the judges of the High Court and Supreme Court to take the oath for allegiance. He amended the Penal Code and used Martial Law regulations against his countrymen in the name of Islam (Kurreja, 2003). Zia ingratiated himself with Council of Islamic Ideology CII and introduced Islamic reforms in Judiciary, Education and Taxation (in form of Zakat and Usher) system of Pakistan which is evident in implementation of Sharia in accordance with Quran and Sunnah in Pakistan (Jaffrelot, 2015).

He made symbolic changes but he couldn't change the entire system, by a Presidential decree he excluded the everything connected with the working of the economy from the jurisdiction of these courts under Sec. 203 a sub section c. West had its reservations upon the severity of punishments and the condition of the women as it was considered that women had half evidential value as compare to the man (Jaffrelot, 2015).

Hadood Ordinance by Zia ul Haq

In Pakistan's legislative history many new Islamic laws were introduced and many Amendments were made according to Islamic laws, these are few examples Muslim family law ordinance of 1961, West Pakistan family courts act was amended with Islamic provisions, West Pakistan Muslim Personal Law Shariat application Act 1962, West Pakistan Family Courts Act 1964, Enforcement of Hadood Ordinance 1979. Law of Evidence is converted into Qanone Shahadat Ordinance 1984, Dowry and Bridal Gifts (Restriction) Act 1976, Punishment of Whipping Ordinance, Qazaf and Hadood Ordinance was introduced in 1979. Hadood Ordinance was an effort towards Islamic System of Justice and it was the first time in Pakistan's history that such laws were implemented. Hadood Ordinance as it said was according to Quran and Sunnah and its punishments are according to Islamic teachings. It was implemented on drinking liquor, adultery, Theft and qazaf and if the Hadd imposed the punishment of lashes, death sentence by stoning could be given.

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competency of the witnesses, the Sharia rules about the witnesses is the part of the Pakistani legal System(Peters²⁰⁰⁵).

Slogan of Islamization

Zia was perhaps the only leader in Pakistan who considered that the founding fathers of this state like Iqbal, Sayyid Ahmad and Jinnah want to make this state Islamic. Zia drive this campaign of Islamic System more deliberative way than the previous leaders of Pakistan attempted. Zia wanted to move this campaign of Islamization of many reasons: firstly, Bhutto has used the slogan of Islamic Socialism and Zia wanted to revive the spirit again, secondly, Zia knew that by implementing and imposing Islamic Economic and Justice system he would gain the favour of religious groups in Pakistan. So, he supported the movement of Nizam-e-Mustafa. Thirdly, the Socialism of the Ayoub has faced defeat. Zia considered Islamic System of justice as the way to solve the problems of inequality, injustice and corruption. The modern Islamic revolution was also the reason behind the Islamization by Zia. The intervention of USSR in the Afghanistan could be the reason because of depiction of Islamic Jihad against the Red-Socialists General Zia was asking the help and support of whole Islamic world, as the Americans were in dire need of the people who could fight and give them support in the war against USSR. So, by American funded Jihad the strategic goals of America and Pakistan were achieved (Saha, 2001).

Zia wants to neutralize the Islamic fundamentalists in Pakistan by the process of Islamization and as well as he used it for political purpose (Burkey, 1988). The process of Islamization in different parts of life is seen with different perspectives, some think Islamization is putting all women in Purdah or separating them from men, following strict code of Islamic Sharia and some consider it equality of gender, gaining knowledge and living life with the traditional moral principles(Kurin¹⁹⁸⁵).

Zia want to make Pakistan more Islamic and he wants to transform his political life at the same time. It has been a problem for the Muslim rulers through the ages that how to conduct the government or how to govern. Zia's political representation for Islam was not much odd to be criticized. It is another truth that the people who were not beneficiaries or stakeholders from this system criticized this system; Zia's opponents say the general's political manipulations would not enhance the Islamic state. The critics also argued that the General's purpose was self-serving not for the community which has religious cultural values (Ziring 1988).

Impacts of Zia's Islamization

As secularism is not liked in the religious societies that is why the Secular group

of Pakistan was considering the Islamic system as threat for their secular institutions and in the same way Secularism was considered as immortal threat for Islamic state. Zia wants development and survival of Pakistan, he negated the importance of political system and as well as secularism. Secularism was the balancing power between Muslims and non-Muslims, between fundamentalists and non-fundamentalists, between ethnic groups and nationalities.

It is believed that the Islamization of Zia was contrary to the public interests as he just used the slogan for his self-serving strategic goals and to be the president of the state. That is why different sects, political groups and professional groups demanded his removal but attack on policies of Zia was considered against Islam. His Islamic state appeared to be strong in giving punishments but in accommodation and cooperation it seemed to be weak (Ziring 1988).

Zia's Islamization of Pakistan is condemned by the west and some sects of the Pakistani society, it was said that this is populist slogan by the military ruler to exploit the popular sentiments in the society. We have to see the effects of the legal reforms of the Zia era.

Zia used this strategy to extend the autocratic rule in the country. He wanted to broaden his political base, and for that purpose he used public sentiments, he used it as a cover to provide himself legitimacy. He named it as Islamic revivalism and starts process of Islamization of legal, social political and economic institutions and tries to make the state theocratic (Grover & Arora, 2002).

The punishments of the Zia's justice system were condemned by the West and even in the country. The great Supporter of the Zia Jamat-e-Islami reverted back to this view of their fore founder Madudi that introducing the Penal punishments without taking care of its prerequisites. The establishments of socio-cultural system and Islamic economic system which require them provision to basic necessities of the citizens and elimination of poverty is necessary without this the penal punishments will not work (Saha & Carr, 2001). Zia was against the Western type of democracy he tried to make himself as Amir-ul Momineen and prolonged one-man rule of the country. Zia questioned the Western inspired democracy with its political party government, with Islam he asked these questions from the experts who were appointed by government in the Islamic Council of Islamic Ideology (Esposito, 1996).

Conclusion

Many attempts to Islamize the judicial system were made in different times. Rulers like Zia used the public support which he has got in the name of Islamic system to strengthen his tenure. After examining the history of attempts which were made to Islamize the judicial system we realize that there was lack of research and learned jurists, who could explain the Islamic laws according to the needs of the present scenario. The rulers used this slogan for political purposes and to save their rule

.The attempts which were made against the support of the Government in the present situation has elements of militancy and seemed a try to enforce Islam with the use of force which in appreciated by the people and in the world community.

The Islamic ideology was never made to be closed, rigid and politically convenient code for ruling elite. Islamization was defined by Ulema as political weapon and definitely country was put on a track with serious results. Unfortunately, both civilian and military rulers have continued to use Islamization as a political weapon and have continued to ignore the people of Pakistan. An attempt to Islamize General Zia was considered an important chapter in Pakistan's history. During this era, several departments were subjected to the influence of Islam, including the education system, jurisdiction, banking and financial system, etc. However, these attempts have been characterized by controversial ideologies and lack successful implementation. The main prevailing view is that Islamization has been used by this military era to achieve strategic goals such as American support and jihadist activities in Afghanistan and disintegrated Russia. This vision of Islamization has won the favor of the Islamic world.

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