

ISLAMIC MODERNISM AND
THE SHARI‘A IN PAKISTAN

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Islamic modernism seeks to rethink Islamic norms, reinterpret foundational Islamic texts, and reform particular Muslim institutions in ways that aim to align them more closely with both the spirit of Islam and current needs and sensibilities of society. The underlying assumption of much modernist discourse in Pakistan – as with modernist initiatives in colonial India and other colonial and post-colonial Muslim societies – is that true Islam is eminently suited to changing times, and that it is not Islam itself but rather centuries of errant beliefs and practices carrying the name of Islam that have caused the decline of the Muslim world. In this view, Islam contains powerful ethical ideals that once served as the panacea for peoples' ills and could do so once again, provided these ideals are rescued from the excessively formalistic understanding and application of the shari'a into which they have been entombed.

The modernists who spearheaded the movement for a separate Muslim homeland in the Indian subcontinent had aspirations of seeing these Islamic ethical ideals embodied in the new state. It was a state that had come into existence on an explicitly religious rather than ethnic, linguistic, or geographic basis – the first such state in modern Muslim

history—and it sought to serve as the center of gravity for Islam not only in South Asia, but the Muslim world at large. In hindsight, blurred as it is by the state’s chronic political instability and eventually its dismemberment in 1971, it is easy to miss the excitement that the creation of Pakistan had created among many of its citizens. This excitement did nothing to alleviate the severe problems that the country faced in its early and subsequent years. But it would be difficult to make sense of some of the grandiose rhetoric of Pakistan’s early years without recalling the euphoria that had accompanied its birth.

My purpose is to do more than document some themes in Pakistani modernist discourse and the light they shed on modernist conceptions of the shari’a and political ethics—that is, conceptions of the good as they relate to the public and political spheres. It is also to bring out some of the ambiguities and contradictions that have both accompanied and enervated modernist thought. Many of these have had to do with the fact that, while the modernists have sought to foreground their ethical commitments and to shape the world around them in their terms, they have also often found themselves mired in alliances with the country’s authoritarian rulers. These alliances are partly explained by the desire to bring about change in a hurry, from the top down, and partly by a recognition that the authoritarianism of the traditionalist ‘ulama and Islamists cannot be combated in any

other way. Quite apart from questions of strategy, however, there is also an authoritarian streak in modernism itself, the implications of which have sometimes been clearer to their opponents than they have to the modernists.

THE EARLY YEARS

In an uncomplimentary piece on the guerilla warfare then taking place in Kashmir, the American magazine *Life* had observed in January 1948 that Mohammad Ali Jinnah, the founding father of Pakistan, “still had no real national program...except the incitation of fanatic Moslem zeal.”¹ Despite the prominence of Islam in his pre-partition discourse, “fanaticism,” however, was far from Jinnah’s temperament. When necessary, he tried to reassure his audiences on that score. In a broadcast to the American people in February 1948, shortly before his death, Jinnah noted that “Pakistan is not going to be a theocratic State, that is, rule of or by priests with divine mission. We have many non-Muslims such as Hindus, Christians, Parsis. But they are all Pakistanis and equal citizens with equal rights and privileges and every right to play their part in the affairs of Pakistan national state.”² On other occasions, however, he continued to affirm his Islamic commitments. For instance, addressing the

¹ *Life*, January 5, 1948; reprinted in Z. H. Zaidi et al., ed. *Quaid-i-Azam Mohammad Ali Jinnah Papers* (Islamabad: Quaid-i-Azam Papers Project, 1993–2009), 7:68.

² *Id.* at 7:116.

Karachi Bar Association in January 1948, he had castigated those “who deliberately wanted to create mischief and made propaganda that the Constitution of Pakistan would not be made on the basis of Shari‘at.”³

What Jinnah seems to have meant by the shari‘a was what the British in India had meant by it, namely the Muslim laws of personal status governing matters such as marriage, divorce, and inheritance. For all the political compromises Jinnah might have been willing to make in defining the scope of their application, such laws were an expression of Muslim identity and setting them aside in the new state was out of the question. There is little to suggest, however, that he envisioned—as the Islamists and many of the traditionally-educated religious scholars, the ‘ulama, did—any expansive corpus of Islamic law that the state was meant to implement. Rather, Jinnah believed that Islam had a pronounced ethical dimension to it, and it was these ethical precepts that would guide the new state. As he stated in a message in 1945 commemorating the birthday of the Prophet Muhammad:

Islam came in the world to establish democracy, peace and justice, and to safeguard the rights of the oppressed. It brought to humanity the message of equality and universal brotherhood—the equality of the rich and the poor, of the high and the low. The holy Prophet fought for these ideals for the major part of his life. Is it not, therefore, the duty of every Muslim, wherever he may be, to do his

³ *Id.* at 7:57–58. Shari‘at is the Urdu for the Arabic word shari‘a.

*level best to preserve the great ideals and the glorious traditions of Islam, to fight for the equality of mankind, the achievement of man’s legitimate rights, and the establishment of democracy?*⁴

Jinnah’s modernist successors continued to articulate their Islamic sensibilities with much fervor, but again with some very particular assumptions about what that entailed. One of the most striking expressions of such sensibilities was a resolution, moved in the Constituent Assembly in March 1949 by Liaquat Ali Khan (1895–1951), the country’s first prime minister, outlining the objectives of the constitution that was then being framed. The so-called Objectives Resolution began by declaring that “sovereignty over the entire universe belongs to God Almighty alone and the authority which He has delegated to the State of Pakistan through its people for being exercised within the limits prescribed by Him is a sacred trust.” It went on to affirm the “principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam,” and assured fundamental rights to all its citizens, including the minorities. At the same time, the resolution declared that Muslims were to “be enabled to order their lives in the individual and collective spheres in accord with the teachings and requirements of Islam as set out in the Holy Quran and the Sunna.”⁵

⁴ *Id.* at 11:429.

⁵ Constituent Assembly of Pakistan, *Debates* (Karachi: Manager of Publications, Government of Pakistan, 1947–54), 5:1–2.

It is easy to remark on elements of incoherence in the Objectives Resolution.⁶ God and the state of Pakistan are both sovereign, but precisely what that entails is not spelled out. There is a commitment to liberal and democratic values, but how they are to be inflected by Islam and what that would mean for non-Muslims remains unstated. There is also some tension between the affirmation of freedom, tolerance and fundamental rights for all, on the one hand, and the state's envisioned role of enabling people to lead good Muslim lives, on the other.

Yet modernist supporters of this resolution were not much troubled by such tensions. To them, recognizing the sovereignty of God did not mean, as Islamists in Pakistan and elsewhere would have it, that submission to any but divinely ordained laws was idolatry. It meant simply that the business of government would be guided by ethical considerations of which religion, and specifically Islam, was the fountainhead. Insofar as Islam embodied ethical values that the entire world could relate to, enabling the country's Muslim citizens to live in accordance with the dictates of their faith held great promise for everyone.

Muslim modernists have seldom spoken in one voice, yet they are united in insisting that Islam is democratic, though not necessarily according to Western specifications, and that

6 Leonard Binder, *Religion and Politics in Pakistan* (Berkeley: University of California Press, 1963), 142–54.

it is anchored in ethical, rather than legalistic, norms, which are best derived from the Islamic foundational texts. If it is not the Islam of the secularists, it is even less that of the traditionally-educated religious scholars ('ulama) or that of the Islamists. For all the barely concealed disagreements of their own, the 'ulama had wanted to reserve a role for themselves in determining that no legislation was "repugnant" to the teachings of the Islamic foundational texts. The constitution that was finally put into force in Pakistan in March 1956 gave the 'ulama no such role. It had significant Islamic content, but it was almost entirely in accord with modernist sensibilities.

Pakistan's first constitution was not destined, however, to have much time to put down its roots. One unstable government followed another, and the country's bureaucracy and military soon lost patience with the politicians. Martial law was declared in October 1958, with General Ayub Khan (1907–1974) as the de facto ruler and soon the president of the country.

MODERNISM IN THE AYUB KHAN ERA

In his view of Islam, Ayub Khan shared much with the modernist politicians he had replaced. As he told the 'ulama in a speech in May 1959 at a prominent madrasa, Islam is a "progressive religion" but a great distance had come to separate religion and life. In good modernist fashion, he chastised the 'ulama for reducing Islam to a set of dogmatic beliefs

and practices, presenting it as the enemy of progress, and “impos[ing] on twentieth century man the condition that he must go back several centuries in order to prove his bona fides as a true Muslim.”⁷ Rather than being stuck in sectarian squabbles, Khan proclaimed, the ‘ulama needed to help bring people together on the basis of shared beliefs while learning to speak to them across educational and occupational divides.

No one among the intellectuals represented Islamic modernism better during Ayub Khan’s rule than Fazlur Rahman (1919–1988). The son of a traditionalist, madrasa-educated scholar, Rahman had earned a D.Phil. from Oxford in 1949 where he wrote a dissertation on the great 11th century Muslim philosopher Avicenna. He taught for some years at the University of Durham in England and then at the Institute of Islamic Studies at McGill University before returning to Pakistan. There he was appointed as the director of the Institute of Islamic Research, which the constitution had mandated to help with “the reconstruction of Muslim society” along modernist lines. Rahman did not lose any time getting down to work.

In a study that began to be serialized in the Institute’s journal from its very first issue, Rahman argued that much of what has been attributed to the Prophet in the form of

⁷ *Speeches and Statements by Field Marshal Mohammad Ayub Khan, President of Pakistan*, vol. 1, October 1958–June 1959 (Karachi: Pakistan Publications, n.d.), 110–14.

hadith—the reports about his teachings and practice and a source of Islamic legal norms second only to the Qur’an—does not for the most part go back to him but reflects rather the evolving views of the early community. Unlike many Western scholars, however, he did not see hadith merely as pious forgery—statements attributed to the Prophet by subsequent generations of Muslims in pursuit of their particular ends. Instead, he argued that the early community had come to model itself on the practice of the Prophet while continuing to elaborate on and to develop its understanding of this practice in light of changing circumstances. Reclaiming Islam’s original dynamism required that contemporary Muslims liberate themselves from servitude to any fixed understanding of the Prophet’s normative example and instead seek guidance in the principles discernible behind it. Even the Qur’an, for all its preeminent authority, was not necessarily binding in all its particulars.⁸

Rahman was not squeamish about aligning his scholarly views with policies of the Ayub Khan administration. In a series of articles he wrote on the “ideology of Islam” at the president’s invitation, Rahman called for close regulation of the religious sphere, suggesting, for instance, that imams and preachers should be recruited to provide “moral backing” to the administration at local levels.⁹ His statist

⁸ Fazlur Rahman, *Islamic Methodology in History* (Karachi: Central Institute of Islamic Research, 1965).

⁹ Fazlur Rahman, “Some Reflections on the Reconstruction of

vision was on display in other respects as well. “Islam is a charter for interference in society,” Rahman wrote bluntly, “and this charter gives to the collective institution of society, i.e. the Government, the right and duty to constantly watch, give direction to, and actually mould the social fabric.”¹⁰ A Qur’anic justification was offered even for press and media censorship: “The Qur’an...asks the Government to disallow the public broadcast of news which is not in the public interest, and denounce[s] such practices as a mischievous license calculated to demoralise the people and disunite them.”¹¹ In 1960, General Ayub Khan had promulgated his notorious Press and Publications Ordinance which had drastically curtailed the freedom of the press. If the government needed a belated endorsement of it from the Qur’an, Fazlur Rahman thought he could provide it.

In keeping with his statist views, it is no surprise that Rahman underlines the need for a strong man at the helm. But some of his language is extraordinary. For instance, when elucidating how the Qur’an presents God, Rahman states: “...God’s concept is functional, i.e. God is needed not for what He is or may be but for what He does. It is exactly in this spirit that Aristotle compares God to a general of the

Muslim Society in Pakistan,” *Islamic Studies* 6/2 (1967): 103–20, at 117–18.

¹⁰ *Id.* at 107.

¹¹ *Id.* at 112.

army. For the general (in Aristotle’s concept) is not a soldier among other soldiers – just as God is not an extra-fact among facts – but represents ‘order,’ i.e. the fundamental function of holding the army together.”¹²

In 1966, Fazlur Rahman published *Islam*, a broad-ranging survey of key facets of Islam from a distinctly modernist perspective. Before long, the book became part of public debate in Pakistan, and the chapter on the Qur’an gave to the ‘ulama what they had been looking for. In it, Rahman argued for the agency of the Prophet in the making of the Qur’an – a view that goes against the orthodox insistence that Muhammad was simply the deliverer of a divine revelation that was altogether external to him. Rahman’s critics saw his book as an attack on the timeless universality of the Qur’an and the non-negotiable authority of its norms. Soon Rahman’s position as the director of the Institute of Islamic Research no longer appeared tenable and he resigned from it in September 1968. Facing growing opposition across the country, the president noted helplessly in his diary that day: “...it is quite clear that any form of research on Islam which inevitably leads to new interpretations has no chance of acceptance in this priest-ridden and ignorant society. What

¹² Fazlur Rahman, “The Qur’anic Concept of God, the Universe and Man,” *Islamic Studies* 6/1 (March 1967): 1–19, at 17–18, citing Aristotle, *Metaphysics*, trans. Hugh Tredennick (Cambridge: Harvard University Press, 1947), 2:167.

will be the future of such an Islam in the age of reason and science is not difficult to predict.”¹³

THE BHUTTO AND ZIA AL-HAQQ YEARS

Ayub Khan relinquished power in March 1969 to the commander-in-chief of the Pakistani military, General Yahya Khan (1917–1980), and in December 1970, under the new military administration, the very first national elections in the country’s history were held. By this time, there was an active secessionist movement in East Pakistan. The election results gave to the Bengali secessionist party, the Awami League, all the seats from East Pakistan but none from the West Pakistan provinces. Zulfikar Ali Bhutto’s Pakistan People’s Party won a majority of seats from West Pakistan; it had not even bothered to put up candidates from East Pakistan. Though the Awami League had more seats overall in the National Assembly, the military government wavered in handing power to it and eventually decided to launch a military operation against the secessionists. This led to a full-fledged civil war in 1971, a war with India, and the breakup of Pakistan. The erstwhile East Pakistan emerged as Bangladesh, leaving only the provinces of West Pakistan as Pakistan. It was against this backdrop that Bhutto assumed the reins of government in December 1971 and proceeded to frame a new constitution – the country’s third.

¹³ *Diaries of Field Marshal Mohammad Ayub Khan, 1966–1972*, ed. Craig Baxter (Karachi: Oxford University Press, 2007), 253.

A good deal of the extraordinary optimism that had characterized modernist circles in Pakistan’s early years had dissipated by this point. Bhutto, in particular, had emerged tarnished from the civil war. He had other vulnerabilities, too. He had come to power on a platform of “Islamic socialism,” but Pakistani ‘ulama and Islamists had remained largely antagonistic towards socialism in any form. A much publicized fatwa issued in 1970 that denounced the idea of Islamic socialism had carried more than one hundred signatures by the ‘ulama. Bhutto strove hard to bolster his Islamic credentials. The 1973 Constitution that Bhutto instituted was rich in its Islamic provisions, though these were largely in line with provisions from the country’s two previous constitutions of 1956 and 1962. In March 1974, a meeting of the Islamic Conference, a pan-Islamic body with its headquarters in Jeddah, Saudi Arabia, was held in Lahore with much fanfare. Later that year, Bhutto also succumbed to strong pressure from religious groups to declare the Ahmadis, a heterodox group, as non-Muslims. A Ministry of Religious Affairs was established that same year.

Significantly, Fazlur Rahman, by then professor of Islamic thought at the University of Chicago, was among the people whose advice the Bhutto government sought on Islamic matters. Among other things, Rahman advised Bhutto on the goals of the newly created Ministry of Religious Affairs. It is necessary, he proposed, “to present Islam in socio-moral

terms and to link these socio-moral principles positively with the broad ideals of rational, liberal and humanitarian progress.” There was a “vast emotional fund” in the country, Rahman said, that “must be turned towards positive moral and social virtues of nation-building and national integration. Otherwise, this emotionalism will become riotous and end up as a negative and destructive force.”¹⁴

The Bhutto regime was fearful about the challenge that religious parties posed to its legitimacy and, in the end, showed little interest in any experimentation with Islamic modernism. Even without such experimentation, the ‘ulama and Islamist groups were able, with help from center-right opposition political parties and from Bhutto’s own mismanagement, to launch a massive agitation against his government in the name of establishing “the system of the Prophet.” The unrest in the country led, in July 1977, to a military coup and the imposition of martial law by General Muhammad Zia al-Haqq. Bhutto was hanged two years later. Zia al-Haqq stayed in power till 1988 and oversaw the most extensive effort thus far to “Islamize” the society and economy.

It is tempting to see the Zia al-Haqq years as marking a sharp decline in the fortunes of Islamic modernism in

¹⁴ “Report of Professor Fazlur Rahman’s Visit to Pakistan in Summer 1975...” (annexure b), Ford Foundation Grant # 74-141 (reel # 3087: Islam and Social Change), Rockefeller Archive Center, Sleepy Hollow, New York. I am grateful to Megan Brankley Abbas for drawing my attention to these archives.

Pakistan. In broad terms, that would not be an unfair assessment, but there are two caveats. First, although the ‘ulama and the Islamists received a good deal of state patronage in the Zia al-Haqq era, the civil and judicial bureaucracy continued to be staffed by many of the same Western-educated people who had manned these offices in earlier decades. Moreover, despite its rhetoric of Islamization, the regime took measures to carefully delimit its scope. Banks continued to deal in financial interest, though they now had “interest-free” counters as well. Ayub Khan’s Muslim Personal Laws Ordinance of 1961 – another *bête noire* of the Islamists and the ‘ulama who saw it as a contravention of Islamic laws relating to marriage, divorce, and inheritance – was protected against judicial review by the Federal Shari‘at Court, whose mandate, ironically, was to ensure that new and existing laws were in conformity with the shari‘a.

Second, it is important to recognize that modernism was already in retreat under Bhutto. Some of those who might have been important contributors to the modernist project had left that camp well before Bhutto came to power. There is perhaps no better illustration of this than the career of Muhammad Hasan ‘Askari (1919–1978), a much respected Urdu literary critic. ‘Askari had acquired some prominence in literary circles before the partition of the Indian subcontinent, and he consolidated this reputation in the years following the establishment of Pakistan. Though critical of many

leftists, he had similar leanings himself. Before partition, he had defended the demand for Pakistan on grounds that “it would be the first populist and socialist state in the Indian subcontinent. As such, it would serve the interests not just of the Muslims but also of the Hindu masses, since it would assist in uprooting capitalism...and in the establishment of a permanent peace and security.”¹⁵

‘Askari’s position changed during the Ayub Khan era. Newspaper columns and writings in literary magazines had been the main vehicles of ‘Askari’s expression, but they were no longer available during the Ayub Khan regime, which had imposed severe restrictions on the press. By the time Ayub Khan relinquished power in 1969, ‘Askari was a different man. Some leftist leanings remained, making him a staunch Bhutto loyalist. But, in other respects, ‘Askari had gravitated irrevocably to the camp of the ‘ulama. He spent his last years translating into English a major Urdu commentary on the Qur’an by the founder of one of the largest madrasas in Pakistan.

Around the time of the fall of the Ayub Khan regime, ‘Askari had written a short book titled *Modernism*, specifically for the benefit of madrasa students. His purpose in this treatise was to make Western thought and its specialized terminology intelligible to his madrasa audience so that

15 Quoted in Aftab Ahmad, *Muhammad Hasan ‘Askari, aik mutala’a: Dhati khutut ki rawshani main* (Lahore: Sang-i mil Publications, 1994), 37.

they could properly deal with the challenge and the allure of these ideas.¹⁶ By extension, the goal was to alert the ‘ulama to certain Muslim modernist proclivities, shaped by exposure to the West, in order to combat them. For instance, ‘Askari argued that 18th and 19th century European thinkers had tended to separate morality from religion, basing the former not on revealed truth but rather on human nature and reason. Instead of thinking of morality and ethics as a facet of religion, religion itself had come to be reduced to them. Consequently, “the ‘ulama need to be on their guard when English-educated people praise the ethical principles of Islam. For these people tend to think of [all Islam,] even Sufism, as mere ethics.”¹⁷

Even as the ‘ulama faced sharp polemics from the modernist camp, they were able, as the case of ‘Askari suggests, to make some prized inroads into that camp. What this example also shows is that conservative groups have received unexpected help from the modernizing governing elite themselves in making such incursions. At the very time when Islamic modernism was practically a matter of state policy, Ayub Khan’s harsh curbs on the freedom of expression may have done more than the ‘ulama could on their own to draw the likes of ‘Askari towards their direction.

16 Muhammad Hasan ‘Askari, *Jadidiyyat* (Rawalpindi: ‘Iffat Hasan, 1979), 16–17; cf. Aamir R. Mufti, *Enlightenment in the Colony* (Princeton: Princeton University Press, 2007), 17–18.

17 ‘Askari, *Jadidiyyat*, 59–60.

Yet the opposition to modernism, and to modernist ethics, has also inhibited the ‘ulama from venturing beyond their longstanding concern with the ethical formation of the individual towards any sustained engagement with social and political ethics.

As a result of Bhutto’s political vulnerabilities vis-à-vis the ‘ulama and the Islamists and of Zia al-Haqq’s Islamization initiative, the modernist project did not fare well under their administrations. While little changed in the decade following Zia al-Haqq, there was a determined effort to imbue modernism with new life during General Pervez Musharraf’s rule in Pakistan (1999–2008).

THE YEARS OF “ENLIGHTENED MODERATION”

The terrorist attacks of September 11, 2001 in the United States and their aftermath have exacted an enormous price from Pakistan. In being forced to abruptly change course from a sponsor and key supporter of Afghanistan’s Taliban regime to an ally of the United States in the War on Terror, the Musharraf government faced the wrath of the country’s Islamist and other religio-political groups. The years following 9/11 saw the emergence of a neo-Taliban insurgency not just in Afghanistan but also in Khyber Pakhtunkhwa, the former North-West Frontier Province of Pakistan. The militant groups associated with this insurgency have continued to resist military operations that have been periodically launched against them; they have also carried out scores

of suicide bombings and other terrorist acts that have put severe strains on the economy and society. Nearly 50,000 people are believed to have died in terrorism-related violence in Pakistan between 2001 and 2013.¹⁸

Ironically, the aftermath of 9/11 also gave the military regime of General Pervez Musharraf an opportunity to recharge a dormant modernism. As the new government tried, with uncertain vigor, to confront militant Islamists and allied groups, it also attempted to pursue a larger modernist program. Thus, in 2002, the government was able to secure a new ruling on the vexed question of financial interest from a reconstituted Shari‘at Appellate Bench of the Supreme Court—the highest judicial body established in the Zia al-Haqq era to rule on questions relating to Islamic law. In 1991, the Federal Shari‘at Court had determined that all forms of financial interest constituted the *riba* prohibited by the Qur’an, and the Shari‘at Appellate Bench upheld that judgment in 1999. This ruling required the government to end all interest-based transactions by June 2002.

Three years after its initial ruling, the Shari‘at Appellate Bench reversed its position and set the earlier rulings aside. It sent the case back to languish with the Federal Shari‘at Court and signaled a new willingness to chart a more confident modernist path. The Musharraf regime also took some

¹⁸ Ismail Khan, “Pakistan Most Terror-hit Nation,” *Dawn* (Karachi), February 23, 2014.

steps towards regulating the affairs of the country's numerous madrasas as a way of reining in the influence of the 'ulama. In late 2006, the legislature amended the Hudood Ordinances that General Zia al-Haqq had promulgated in 1979. The original Ordinances were an ostentatious effort to put the country's colonial-era criminal laws on a proper Islamic footing, but the 2006 Protection of Women Act narrowed the scope of these Ordinances and made the remaining provisions harder to enforce.

The Musharraf regime had coined a term for its modernist initiatives. Musharraf liked to speak of "enlightened moderation." "It is a two-pronged strategy," he wrote in a programmatic article in the *Washington Post* in June 2004. "The first part is for the Muslim world to shun militancy and extremism and adopt the path of socioeconomic uplift. The second is for the West, and the United States in particular, to seek to resolve all political disputes with justice and to aid in the socioeconomic betterment of the deprived Muslim world."¹⁹ Harkening back to the country's first years, there was once again a sense that Pakistan had a role to play both within the Muslim world and in facilitating better relations between the Muslim world and the West. There was also talk of making enlightened moderation a part of the social

19 Pervez Musharraf, "A Plea for Enlightened Moderation," *Washington Post*, June 1, 2004.

studies curriculum in Pakistani public schools. None of this would survive the fall of the Musharraf regime in 2008.

Some of the ambiguities of this phase in Pakistani modernism are worth bringing out with reference to Javed Ahmad Ghamidi (b. 1951), an intellectual ally that Musharraf had found during his years in power. Ghamidi has argued, for instance, that Muslim religious scholars should not meddle in politics but ought, rather, to concentrate on the religious guidance of the people.²⁰ Unlike the expansive view that the Islamists tend to take of the powers of the state, he believed that, in religious terms, the state cannot require its Muslim citizens to do anything more than believe in God and the Prophet, perform their ritual prayers, and pay the *zakat* (alms) tax.²¹ Ghamidi was also highly critical of Zia al-Haqq's Hudood Ordinances, which he saw as contravening the shari'a on a number of grounds. Views such as these could and did lend useful support to the Musharraf regime as it battled Islamist militants and worked, in particular, to revise the Hudood Ordinances.

Yet the alignment between Ghamidi's positions and the concerns of the government was far from perfect. For

20 On this and some other facets of his thought, see Muhammad Khalid Masud, "Rethinking Shari'a: Javed Ahmad Ghamidi on Hudud," *Die Welt des Islams* 47 (2007): 356–75. Also see Sadaf Aziz, "Making a Sovereign State: Javed Ghamidi and 'Enlightened Moderation,'" *Modern Asian Studies* 45 (2011): 597–629.

21 Javed Ahmad Ghamidi, *Mizan*, 3rd edition (Lahore: al-Mawrid, 2008), 490–92.

instance, Ghamidi believed that all forms of financial interest were covered by the Qur'anic prohibition of *riba*, which was hardly a convenient view from the perspective of the Musharraf regime. The idea that a Muslim government can only impose a very small number of religious obligations on its citizens may have been welcomed by the government as an antidote to Islamist conceptions of the state, but it also posed an obstacle to the expansive powers any modern government claims for itself, not just an Islamist one. And though, on the issue of *hudud* (“hudood”), Ghamidi leaves the imposition of the penalties to the discretion of the state as a way of restricting the application of the severest punishments, he does not question the principle of the continued applicability of hudud laws.²² This is very different from the approach of Fazlur Rahman, who had sought in the Ayub Khan era to offer an ethical reinterpretation of hudud by arguing that it is not the content and the authority of hudud laws that should be seen as invariant but rather their goal of deterring people from committing certain crimes and of reforming the criminals.²³

Like many other modernists, Ghamidi lacked any meaningful social base in the country. Even the Musharraf government had little compunction about ignoring him when doing so seemed politic. For their part, Ghamidi's

²² *Id.* at 615, 628–30.

²³ Fazlur Rahman, “The Concept of Hadd in Islamic Law,” *Islamic Studies* 4: 237–51.

conservative views on many Islamic matters did little to shield him from the wrath of the militants and he was forced to flee to Malaysia in 2010.

CONCLUSION

Although some of the decline of Pakistani modernism can surely be imputed to the Islamization policies of the late 1970s and the 1980s, which themselves were part of global Islamic revivalist trends during those decades, the story, as I have tried to suggest, is more complex. That modernist initiatives emanated from the governing elite or from those seen as allied with them, and the fact that such elites themselves have often had a tenuous political legitimacy, have both contributed much towards weakening, if not discrediting, those initiatives.

But it is not just the embrace of the governing elite that has threatened to undermine Pakistani modernism. State authoritarianism has also tended to narrow the space in which modernists may have been able to articulate their views. Further, modernists themselves have often been less than eager to reassure those skeptical of their intentions. Their attitude towards the ‘ulama has often been one of undisguised contempt. Modernist discourses on the question of non-Muslim minorities—a combination of incomprehension that anyone should doubt that they would be well-served in a state guided by Islamic norms and insinuations

about where their loyalties really lie – have not done much to reassure such minorities either.

For all the robustness of the modernists' ethical sensibilities, some of their blind spots have contributed as much to modernism's declining fortunes in Pakistan as has the determined opposition it has faced from varied fronts. Another point is also worth making in conclusion. With some exceptions, Muslim modernists have taken little serious interest in giving intellectual substance to their ethical concerns, further weakening both modernism and its ethical commitments. There is, of course, a long history of ethical thought in Islam, both in the world of the scholars of Islamic law and outside it (notably in Sufism, and in philosophy and political thought). The modernists, especially the governing elite among them, have largely been content, however, to equate their ethical concerns with all that they take to be good in the Western liberal tradition and to then go on to claim that it is in Islam that these ideals find their most complete expression.²⁴ This approach has not satisfied the secularists any more than it has reassured religious minorities; and such rhetoric can hardly be expected to have much appeal for ordinary citizens if it does not address, as it seldom does, their day-to-day problems. It has also done little to soften

²⁴ Wilfred Cantwell Smith, *Islam in Modern History* (Princeton: Princeton University Press, 1957), 206–55. For his observations on the early failings of Islamic modernism in Pakistan, to which I am indebted here, see *id.* at 226, 236–37.

the longstanding opposition of the 'ulama and the Islamists, who tend to view modernist ethics as an alternative to the shari'a rather than a part of it. Few modernists have made any sustained effort to show that that is not the case. All this has contributed to the decline of Islamic modernism in Pakistan, in the process also decimating the ethical sensibilities so deeply intertwined with it.

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