The ‘Ulāmā’ and the State: Negotiating Tradition, Authority and Sovereignty in Contemporary Pakistan

by

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Dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in the Graduate Program in Religion in the Graduate School of Duke University

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This dissertation is an account of how contemporary the Pakistani ‘ulamā’ grapple with their political realities and the Islamic state of Pakistan. The central conceptual question that scaffolds my dissertation is: How do the Pakistani ‘ulamā’ negotiate tradition, authority and sovereignty with the Islamic Republic of Pakistan? In engaging with this issue, this dissertation employs a methodology that wedds ethnography with rigorous textual analysis. The ‘ulamā’ that feature in this study belong to a variety of sectarian persuasions. The Sunnī ‘ulamā’ are Deobandī and Barelvī; the Shī‘a ‘ulamā’ in this study are Ithnā ‘Asharī.

In assessing the relationship between the Pakistani ‘ulamā’ and their nation-state, I assert that the ‘ulamā’s dialectical engagements with the state are best understood as a dexterous navigation between affirmation, critique, contestation and cultivation. In proposing this manner of thinking about the Pakistani ‘ulamā’s engagements with their state, I provide a more detailed and nuanced view of the ‘ulamā’-state relationship compared to earlier works. While emphasizing the Pakistani ‘ulamā’s vitality and their impact on their state, this dissertation also draws attention to the manners in which the state impacts the ‘ulamā’. It theorizes the subject formation of the ‘ulamā’ and asserts the importance of understanding the ‘ulamā’ as formed not just by the ethico-legal tradition in which they are trained but also by the state apparatus.
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INTRODUCTION

“To sit with the ‘ulamā’ for one hour and dialogue with them is better in God’s eyes than a thousand nights of worship in which a thousand raka‘āt [units of prayer] are performed on each night.”¹

Although Pakistan is increasingly sensationalized by the media as a hotbed of Islamic radicalism, its very vocal and influential religious sector remains critically under-studied. Of particular importance are this sector’s leaders: traditionally educated religious scholars referred to as ‘ulamā’ (sing. ‘ālim). These vital actors lie at the heart of this dissertation.

Trained at religious seminaries (madrasas) for decades, the ‘ulamā’ are experts in the Islamic ethico-legal tradition (the sharī‘a). The Pakistani ‘ulamā’ have massive local followings given their status as religious authorities and activists. These traditional scholars directly impact the lives of millions of students by teaching at madrasas and initiating the students at these religious seminaries into the ‘ulamā’s scholarly tradition, thus perpetuating the ‘ulamā’ class. The ‘ulamā’ also influence scores of non-madrasa attendees through their books, journals and television and radio appearances. These scholars also occasionally write for popular newspapers and connect with their followers through the Internet. Given their expertise in Islamic law ‘ulamā’ deliver numerous

juridical pronouncements (fatāwā; sing. fatwā), and serve as moral and religious guides for their followers. Many ‘ulamā’ connect with individuals on a personal level by delivering sermons at mosques and conducting missionary activities. ‘Ulamā’ also organize and attend conferences as well as large religious and devotional gatherings. Contemporary ‘ulamā’ are part of a global network of traditional scholars and many maintain strong ties with their counterparts the world over.

‘Ulamā’ across the Muslim world often give advice on how to Islamize their respective nation-states. Some of these traditional scholars are also occasionally employed as Islamic experts on religious bodies set up by their respective Muslim-majority states. A number of ‘ulamā’ participate in religio-political activism and form political parties. Many participate in and win elections. Some ‘ulamā’ lead political rebellions while others instigate sectarian conflict.

Given the importance of the ‘ulamā’, one can undertake a multitude of examinations that illuminate their life-worlds and scholarship. This dissertation examines the Pakistani ‘ulamā’s discourses on, and engagements with, an issue that is of vital

2 A fatwā is intended to provide a legal decision to a query (istiftā) put forth by an inquirer (mustaftī). Most fatāwā detail the reasons and sources used in formulating the legal decision. For example, a fatwā that responds to a question related to the state and its legislation will often contain, by way of analogy, and as a means of establishing religious legitimacy and ‘authenticity’, a reference to a text within the Islamic legal canon from which it derives its ruling. Fatāwā can also be understood as directives on how to live a good, correct Muslim life. Hussein Agrama pushes for an understanding of the fatwā that highlights its ethical attributes. He argues that a focus on the fatwā as an instrument and expression of doctrinal change and adaptation obscures the integral ethical dimension of the practice of fatwā issuance and seeking. Hussein Ali Agrama, “Ethics, Tradition, Authority: Toward an Anthropology of the Fatwa,” American Ethnologist 37, no. 1 (2010): 2-18.

3 These include, for example, some of the leaders of the Houthi rebellion in North Yemen and ‘ulamā’ such as Sufi Muhammad who led the The Movement for the Implementation of Muḥammadan Law (Tahrīk-i Nifāz-i Fiqh-i Muḥammadī) and seized control of parts of the province of Khyber-Pakhtunkhwa in Pakistan in 2009.
importance to these scholars. This issue is that of the Islamic state. Most ‘ulamā’ consider an Islamic state a religious obligation and emphasize that Islam must guide all aspects of public and private life, including politics and the state. Consequently, the establishment of an Islamic nation-state is of critical importance to most Pakistani ‘ulamā’.

Significantly, Pakistan claims to be an Islamic state. The country’s official name is the Islamic Republic of Pakistan and the constitution declares Islam as the state religion. Over the decades, the state has implemented various measures to Islamize the country. These measures, and the state’s relationship with religion, will be examined in detail in Chapter 1, and will continue to be discussed in later chapters. For the moment, it is sufficient to say that the discourses of Pakistani ‘ulamā’ on the establishment of an ideal Islamic state take place in a context where such a state already allegedly exists. However, as this dissertation highlights, many ‘ulamā’ question the veracity of their state’s claim to a religious identity and challenge the state’s interpretation of Islam through a pointed critique of its laws, its political theology and its sectarian leanings.

Before providing more details of the issues examined in this dissertation, as well as my arguments and contributions, I will situate my work by presenting an overview of the terrain of scholarship on Pakistani ‘ulamā’ and their engagements with their state.

**Mapping the Field of Studies on Pakistani ‘Ulamā’ and the State**

Many preeminent scholars of Islamic Studies have acknowledged the importance

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4 See Articles 1 and 2 of the Pakistani constitution.
of the birth of the nation-state and numerous books and articles have been written on the subject. These writings cover a wide range of topics including: the transformation of Islamic law in the era of the nation-state, the emergence of Islamic political parties, tensions between national loyalty and religious affiliations, debates surrounding the compatibility of Islam, secularism and democracy in Muslim majority countries, etc.\(^5\)

Importantly, the ‘ulamā’ have often been overlooked in these examinations. In fact, the scholarly terrain of writings on the state-‘ulamā’ relationship is best described as barren. Only a handful of works address state-‘ulamā’ engagements in various countries in the Muslim world. Of these countries, Egypt is among the most represented in scholarship. Works on Egyptian ‘ulamā’s engagements with their state include Malika Zeghal’s writings,\(^6\) Meir Hatina’s ‘Ulama’, Politics, and the Public Sphere: An Egyptian

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There also exists extensive literature on Islam and the state, where the term ‘state’ refers to the pre-modern state as well as the modern nation-state. Examples of these works include: P. J. Vatikiotis, *Islam and the State* (London: Croom Helm, 1987) In addressing the question of the nation-state, Vatikiotis argues that Islam is doctrinally incompatible with the idea of the Western territorial nation-state. In fact, from Vatikiotis’ descriptions, it appears that Islam itself is potentially incompatible with modernity. He writes, “confrontation rather than cooperation has been, so far, Islam’s chosen approach to the modern world. Rejection, rather than rapprochement or even accommodation, is its more recent preferred reaction to this world.” Vatikiotis, 1987, 17. Another work that only marginally distinguishes between the pre-modern state and the modern nation-state is the edited volume by the title *State and Islam*. See, C. van Dijk, and Alexander H. de Groot, *State and Islam* (Leiden, The Netherlands: Research School CNWS, 1995) This volume contains essays that span a temporal expanse from the medieval to the modern period.

Other important contributions to the subject of Islam and the state include the works of Leonard Binder, Albert Hourani, Malcom Kerr, Charles Adams etc. However, none of these works focus on the views of contemporary Pakistani ‘ulamā’.

Perspective;\(^7\) Hussein Agrama’s Questioning Secularism: Islam, Sovereignty, and the Rule of Law in Modern Egypt;\(^8\) and Jakob Skovgaard-Petersen’s monograph, Defining Islam for the Egyptian State: Muftis and Fatwas of the Dar al-Ifta.\(^9\)

There is also extensive literature on Iranian ‘ulamā’\(^\prime\)s participation in the state apparatus since the Islamic revolution of 1979. Some important works include Vanessa Martin’s Creating an Islamic State: Khomeini and the Making of a New Iran\(^{10}\) and Eva Patricia Rakel’s Power, Islam, and Political Elite in Iran: A Study on the Iranian Political Elite from Khomeini to Ahmadinejad.\(^{11}\) For ‘ulamā’\(^\prime\)-state relations prior to the revolution, see Shahrough Akhavi’s Religion and Politics in Contemporary Iran: Clergy-State Relations in the Pahlavī Period;\(^{12}\) and Nikki R. Keddie’s Religion and Politics in Iran: Shi‘ism from Quietism to Revolution.\(^{13}\)

These works on Egyptian and Iranian ‘ulamā’ find very limited replicas in scholarship on Pakistan. As discussed in detail below, the perspective of contemporary Pakistani ‘ulamā’ has consistently been ignored and very limited study of their lives and

\(^7\) Meir Hatina, ‘Uluma’, Politics, and the Public Sphere: An Egyptian Perspective (Salt Lake City: University of Utah Press, 2010).
\(^8\) Hussein A. Agrama, Questioning Secularism: Islam, Sovereignty, and the Rule of Law in Modern Egypt (Chicago: University of Chicago Press, 2012).
\(^12\) Shahrough Akhavi, Religion and Politics in Contemporary Iran: Clergy-State Relations in the Pahlavī Period (Albany: State University of New York Press, 1980).
works has been undertaken. The scholarly terrain of writings on ‘ulamā’ in India’s colonial period (1857-1947) is also inadequate, although there exist a few brilliant examinations. For example, Barbara Metcalf, Yoginder Sikand, Usha Sanyal, Justin Jones and Qasim Zaman have illuminated the worlds of nineteenth and early twentieth century ‘ulamā’ in colonial India. However, there is a dire need for further studies on the lives and works of colonial-era traditional Indian Muslim scholars, as well as contemporary Pakistani ‘ulamā’.

The few works that exist on the Pakistani ‘ulamā’ fall into three broad categories. The first are works primarily from the fields of security studies and policy studies that focus on madrasas’ links with militancy and extremism. Representative examples include titles such as The Madrassah Challenge: Militancy and Religious Education in Pakistan;14 Pakistan: Madrasas, Extremism and the Military15 and Religious Radicalism and Security in South Asia.16 Mimicking this trend of focusing on the links between ‘ulamā’, madrasas and violence, even academics from Religious Studies and Political Science have produced works on this topic, although in a much more nuanced and less sensationalist manner. Some examples include, Vali Nasr’s article “The Rise of Sunni Militancy in Pakistan: The Changing Role of Islamism and the Ulama in Society and

Politics,\textsuperscript{17} and Qasim Zaman’s article “Sectarianism in Pakistan: The Radicalization of Shi’i and Sunni Identities.”\textsuperscript{18} Although these writings by Zaman and Nasr on Pakistani ‘ulamā’ and militancy are important scholarly contributions, they engage with broader trends at the expense of a thorough examination of the ‘ulamā’s voices.

Another significant group of works on the Pakistani ‘ulamā’ is in the Urdu language. The authors of these works are often situated within the circles of the ‘ulamā’ and lack a critical distance from their subjects. These Urdu works include biographical dictionaries such as \textit{Tazkirah-i ‘Ulamā-i Imāmiyā-i Pākistān} [A Biographical Anthology of Pakistan’s Imāmi ‘Ulamā’], which contains short sketches of Pakistani Shī’a ‘ulamā’;\textsuperscript{19} \textit{‘Ulamā’-i Pākistān va Hind: Ek So Zā’īd} [More than a Hundred Indian and Pakistani ‘Ulamā’], which details biographical accounts of over a hundred Pakistani and Indian ‘ulamā’;\textsuperscript{20} \textit{Ta‘āruf-i ‘Ulamā’-i Ahl-i Sunnat: Pākistān ke Ma‘ājūdah ‘Ulamā’ kā Tazkirah} [An Introduction to Sunnī ‘Ulamā’: Biographies of Contemporary Pakistani ‘Ulamā’], which presents biographical sketches of Pakistan’s contemporary


Nasr argues that the increased participation of ‘ulamā’ in society and politics and the changing role of religious education have sparked an increase in sectarianism.


\textsuperscript{20} Ghulām Habīb Subḥānī, \textit{101 ‘Ulamā’-i Pākistān va Hind: Ek So se Zā’īd} (Lahore: Takhlīqāt, 2002).
Sunni religious scholars;\textsuperscript{21} and Jāmi’\textasciitilde{}a Ashrafiyya ke Ra\textashirsh\textasciitilde{}n Sitārē [The Shining Stars of Jāmi’\textasciitilde{}a Ashrafiyya], a historical study of the ‘ulamā’ who taught at the famous seminary Jāmi’\textasciitilde{}a Ashrafiyya in Lahore.\textsuperscript{22}

Other Urdu works on Pakistani ‘ulamā’ include monographs dedicated to the biographies of single scholar. These include, for example, Mufakkir\textasciitilde{}i Islām, Qā’id\textasciitilde{}i Islāmī Inqilāb Mawlānā Muftī Maḥmūd: Ek DarvRESH Siyāsatdān [Muftī Maḥmud: An Islamic Thinker, the Leader of the Islamic Revolution and a Mendicant Politician] and Mawlānā Muftī Maḥmūd kī Siyāsē Zindagī [The Political Life of Mawlānā Muftī Maḥmud]. Both these works examine the life and religio-political activism of the famous Deobandī ‘ālim Mawlānā Muftī Maḥmūd (1919-1980).\textsuperscript{23} Another example of these biographical monographs is the Arabic work Muḥammad Taqī al-‘Uthmānī: Al-Qādī al-Faqīḥ wa-al-Dā’iyyah al-Raḥḥālah which examines the life of the renowned contemporary ‘ālim, Taqī ‘Uthmānī.\textsuperscript{24} These writings on Pakistan ‘ulamā’ are best categorized as encyclopedic and hagiographical. While they serve as vital reference works, they lack an analytical dimension.

Finally, a third limited group of works begins to approach the issues that lie at the heart of this dissertation: the Pakistani ‘ulamā’\textasciiacute{}s discourses on, and engagements with,

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\textsuperscript{21} Muḥammad Siddīq Hazārī, Ta’āruf\textasciitilde{}i ‘Ulamā’-i Ahl-i Sunnat: Pākistān ke Maqāmāt ‘Ulamā’ kā Tazkīrah (Lahore: Maktabah\textasciitilde{}i Qādiriyah, 1979).
\textsuperscript{22} Riyāż Jamīl, Jāmi’\textasciitilde{}a Ashrafiyya ke Raṣhīshan Sitārē (Lahore: Maktaba al-‘ JaSSan, 2007).
\textsuperscript{23} Sayyid Anvar Qidvī, Mufakkir\textasciitilde{}i Islām, Qā’id\textasciitilde{}i Islāmī Inqilāb Mawlānā Muftī Maḥmūd ... Ek DarvESH Siyāsatdān (Lahore: Jāmi’at Publications, 2003) and Gul Nāyāb KháN, Mawlānā Muftī Maḥmūd ... kī Siyāsē Zindagī (Karachi: Jāmi’i Māsjid K̲h̲ulafā’-i Rāshidīn, 2002).
\textsuperscript{24} Luqmān Hakim, Muḥammad Taqī al-‘Uthmānī: Al-Qādī al-Faqīḥ wa-al-Dā’iyyah al-Raḥḥālah (Dimashq: Dār al-Qalam, 2002).
\end{flushright}
their state. Some of the more significant writings among these works include two chapters in Qasim Zaman’s ground-breaking monograph on South Asian ‘ulamā’:25 One chapter centers on the Pakistani ‘ulamā’s relationship with their nation-state and the second chapter examines ‘ulamā’s religio-political activism. Zaman’s important contribution opens room for conversation on Pakistani ‘ulamā’. Another significant work is Sayyid A. S. Pirzada’s The Politics of the Jamiat Ulema-i-Islam Pakistan: 1971-1977.26 Pirzada examines Pakistani ‘ulamā’s religio-political activism and their demands for a welfare state in Pakistan. One more recent work on contemporary Pakistani ‘ulamā’ and politics is Najeeb A. Jan’s dissertation, The Metacolonial State: Pakistan, the Deobandi ‘Ulama and the Bio-politics of Islam.27 In his work, Jan contends that the political Islam of Deobandī and Ṭālibān ‘ulamā’ has taken on an increasingly biopolitical character. Jan’s significant contribution errs – at least from a Religious Studies’ perspective – on the side of engaging too deeply with the works of Foucault, Heidegger and Agamben at the expense of a thorough investigation of the ‘ulamā’s writings.

Importantly, this third group of works mentioned above presents a picture of

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Pakistani ‘ulamā’ that is culled primarily from their writings. In contrast, this dissertation presents a textual and ethnographic account of the ‘ulamā’. Moreover, the works mentioned above center on the ‘ulamā’ of only one sectarian persuasion: the Deobandīs. Breaking from this trend, my dissertation focuses on Deobandī, Barelvī and Ithnā ‘Asharī Shī’a ‘ulamā’ in Pakistan. A brief description of each of these groups is below.

**Deobandīs, Barelvīs and Shī‘as in Pakistan**

Deobandīs belong to the majority Sunnī sect of Islam. They adhere to the Hanafī legal school and emphasize “Islamic legal scripture and legal norms.”28 The inaugural Deobandī madrasa, the fountainhead of the Deobandī reform movement, was established in the town of Deoband near Delhi in north India in 1867. The Deobandī movement soon spread across South Asia and Deobandī madrasas began dotting the landscape of colonial India. Commenting on the sizeable following of the Deobandī movement, Qasim Zaman describes it as “perhaps the most prominent instance on the Indian subcontinent of inviting people to conform to the ‘true’ Islam of authoritative religious texts.”29 The popularity of the Deobandī movement continued post-independence, i.e. post-1947, and to this day Deobandī seminaries burgeon across the Indian sub-continent.

In Pakistan, Deobandī madrasas sprouted at a much faster pace than seminaries of other sects. Geopolitical factors accounted for much of the rise. During the Afghan-
Soviet war, which lasted from 1979-88, Deobandī *madrasas* proliferated. Patronage for these *madrasas* came at least partly from Saudi Arabia, which wanted to establish *madrasas* for Afghan refugees in Pakistan.\(^{30}\) Saudi patronage of Pakistani Deobandī *madrasas* was also a strategic move to bolster Sunnīsm in the country and counter the possibility of Shīʿa influence from neighboring Iran, following the 1979 Islamic revolution in Iran.

As a result of these significant geopolitical factors, during the 1980s some Deobandī *madrasas* became radicalized. They began preaching anti-Shīʿa views and also started training students in the religious obligation of holy war against the infidel Soviet forces that had occupied Afghanistan. Syed Nadir El-Edroos notes that textbooks developed in the US and “published by the United States Agency for International Development (USAID) were used to encourage and justify the ‘holy war’ against the Soviets.”\(^{31}\) The proliferation of *madrasas* during the 1980s is also attributed to the “increased interest of the Pakistani state in supporting a certain kind of religious group to carry on a proxy war with India for Kashmir.”\(^{32}\) Yet another reason cited for the increase in *madrasas* (Deobandī and those of other sects) during the 1980s is the then-government’s recognition of the degrees issued by the *madrasas*. This allowed the

\(^{30}\) Zaman, *The Ulama in Contemporary Islam*, 176.
students to receive public scholarship funds. Deobandī madrasas continued to burgeon in the 1990s. From 1988-2000, Deobandī madrasas increased threefold.

While financial assistance for these seminaries is said to be mostly domestic at present, Qasim Zaman details how some Deobandī madrasas receive assistance from Saudi Arabia to this day. Deobandī madrasas currently account for about 70% of all registered seminaries in Pakistan. Figures for unregistered seminaries are unavailable but are thought to be a relatively small. Given the popularity and prominence of the Deobandī movement in contemporary Pakistan, Deobandī ‘ulamā’ are a vibrant force in the country.

Table 1: Madrasa Growth from 1988 to 2002

<table>
<thead>
<tr>
<th>Sect</th>
<th>Number of madrasas in 1988</th>
<th>Number of madrasas in 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deobandī</td>
<td>1,779</td>
<td>7,000</td>
</tr>
<tr>
<td>Barelvī</td>
<td>717</td>
<td>1,585</td>
</tr>
<tr>
<td>Shī‘a</td>
<td>47</td>
<td>419</td>
</tr>
</tbody>
</table>

Like the Deobandī movement, the Barelvī movement also arose in the second half of the nineteenth century in colonial India. The Barelvīs are also Sunnī and they also belong to the Hanafī legal school. The Barelvī movement is named after the city of Bareilly in the Indian state of Uttar Pradesh. Bareilly was the hometown of the

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35 Zaman, *The Ulama in Contemporary Islam*, 175.
36 This table is reproduced in part from Rahman, 2008, 64, Table 4.2.
movement’s founder Ahmad Rażā Khan (d. 1921). Contrary to the beliefs of the Deobandis, “the Barelwīs affirm the authority … of the saints and holy people, whom they revere as sources of religious guidance and vehicles of mediation between God and human beings.” The Deobandis chide the Barelwīs for their veneration of saints, labeling the practice grave worship. Although the majority of the Pakistani population is Barelvī, and Barelvī ‘ulamā’ have a substantial following in Pakistan, the number of Barelvī madrasas is limited. In 2002 there were only 1,585 registered Barelvī madrasas in Pakistan. The difference between the number of Barelvī and Deobandī seminaries may potentially be attributed to the lack of foreign assistance received by Barelvī madrasas.

In addition to Barelvī and Deobandī ‘ulamā’, this dissertation also focuses on Shī’a traditional scholars. Shī’as account for around 10-20% of the Pakistani population. The majority of Shī’as in Pakistan belong to the Ithnā ‘Asharī sect, which is the largest sect within Shī’ism. Other Shī’as in Pakistan include the Bohrās, the Khojās and the Isma‘īlīs. Ithnā ‘Asharī Shī’as follow the teachings of the twelve divinely guided religious leaders (imāms) that descended from the Prophet Muḥammad. Ithnā ‘Asharī Shī’as adhere to the Ja‘farī legal school. A limited number of Shī’a seminaries populate Pakistan. In 1947, the year of Pakistan’s birth, there were only 7 Shī’a madrasas in the country. By 1988 there were 47. This number increased rapidly in the next decade and

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37 For more on the Barelwīs see Usha Sanyal, Devotional Islam and Politics in British India: Ahmad Riza Khan Barelwi and His Movement, 1870-1920 (Delhi: Oxford University Press, 1996).
38 Zaman, The Ulama in Contemporary Islam, 11.
by 2002, there were 419 Shī‘a madrasas in the country. While the local Shī‘a population donates to these seminaries, in recent decades financial assistance from Iran has allegedly driven madrasa proliferation.

The landscape of advanced Shī‘a traditional education in Pakistan does not compare to its Deobandī and Barelvī counterparts. While Deobandī and Barelvī seminaries offer degrees, classes and training that ranges from the most elementary to the most advanced, Shī‘a madrasas in Pakistan offer limited advanced courses. No Shī‘a madrasa in South Asia teaches the “full course of religious instruction required to become a mujtahid [i.e. a religious scholar qualified to undertake independent interpretation.]”

Pakistani Shī‘a youth seeking to further their religious credentials travel to Iran (particularly the famed city of Qom), or occasionally Iraq for advanced study. The seminaries at Qom are arguably the best Shī‘a institutions of learning in the world. According to Keiko Sakurai, clerics from Qom travel to Pakistan to interview students before offering them admission into seminaries in Qom. All the Pakistani Shī‘a ‘ulamā’ who feature in this dissertation have trained for at least a decade at Shī‘a seminaries abroad.

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40 Rahman, “Madrasas: The potential for violence in Pakistan?” 64.
43 Sakurai, “Women’s empowerment and Iranian-style seminaries,” 45.
While the sectarian divisions highlighted above are significant, my work reveals that these sectarian divides do not always reflect clear lines between intellectual opinions.

**Methodology: Negotiating the Field**

As noted in my appraisal of the terrain of scholarship on contemporary Pakistani ‘ulamā’, the few works that exist present a picture of the ‘ulamā’ culled primarily, if not only, from their writings. In contrast, this dissertation employs a methodology that wedds ethnography with rigorous textual analysis.

My two-pronged methodology allows me to assess how the ‘ulamā’s actions and articulations highlight conceptualizations of, and engagements with, their state and their political realities which are not accounted for in their scholarship. As anthropologists have long argued, it is vital not just to examine discourses and categories but also to ascertain that they resonate with the manner in which individuals (especially the authors of discourses) enact their lives. Moreover, as this dissertation highlights, a number of opinions that the ‘ulamā’ voiced during our conversations were ones that they hesitated to articulate in their written works. Consequently, the ethnographic focus of this dissertation allows for a more complex image of the ‘ulamā’ than is accessible through a study only of their written works.

The fieldwork that informs this dissertation includes participant observation and structured and unstructured interviews with ‘ulamā’ and state-officials in various Pakistani cities (Lahore, Rawalpindi, Islamabad and Gujranwala). This fieldwork stretched over a seventeen-month period from March 2011- July 2012. My main research
sites included some of the most famous religious seminaries in these cities. I usually spent two or more months at each seminary and often returned afterwards to reconnect with the ‘ulamā’ at each madrasa as my research proceeded and new inquiries arose.

**Accessing the ‘Ulama’**

As a woman it was not easy to penetrate the male-dominated space of madrasas and access the ‘ulamā’, even though I always dressed very conservatively. To facilitate my entry, my father accompanied me on many of my first visits to new seminaries. His presence as my chaperone helped put the seminary staff at ease. With my father by my side, seminary officials were not suddenly confronted with the intrusive presence of an unknown female. Instead, I was now a female with a chaperone who introduced her and vouched for her identity, commitment to research and religiosity. My father would proudly mention how my Arabic proficiency came in handy when our family performed the annual pilgrimage to Mecca in Saudi Arabia in 2010.

The fact that I was researching Pakistani ‘ulamā’, while affiliated with a Western university, was deemed suspicious by some seminary officials during our first encounter. A handful of times, I was asked directly if I had been sent by US authorities to monitor terrorism activities at their madrasa. However, the presence of my father – a devout Muslim with no US connections – appeared to legitimate me in the eyes of the ‘ulamā’ and seminary staff. Importantly, not all seminary officials were suspicious of me even in our first interactions. Some welcomed me enthusiastically, praising my interest in the study of Islam and speaking of my research as furthering the cause of Islam in the West.
While my initial entry into seminary spaces usually went relatively well, the challenging but incredibly rewarding task of forging connections with the ‘ulamā’ lay ahead. I fashioned inroads into the ‘ulamā’ community through demonstrating a sustained interest in their works. I would initially request permission to access a seminary’s library, where I would spend a couple of months perusing their monthly journals and reading the books, pamphlets and fatwās of their scholars. Over the course of my research I also collected photographs and newspaper articles.

My daily presence at a seminary would pique many ‘ulamā’s curiosity. As I passed by them on my way to-and-from the library, they inquired about my reason for visiting the seminary and I explained my research. During these encounters I would inform them that I looked forward to sustained conversations with them, once I was familiar with their writings and the seminary’s publications. Some ‘ulamā’ were more forthcoming than others during these initial exchanges. However, once I began formal interviews with the friendlier scholars, they would connect me to the more reserved, reticent or busier ‘ulamā’ at the seminary. In this regard, the secretaries and receptionists at each madrasa were also invaluable. They would often guide me on how to connect with various ‘ulamā’.

Some of my interactions with the ‘ulamā’ eventually ripened into cordial friendships as our interactions became mutually beneficial. For some ‘ulamā’ I was an informant. For example, an ‘ālim belonging to the minority Shī‘a sect was interested in my research on Barelvīs. He wanted me to share with him the unpublished fatwās that I had collected from a prominent Barelvī seminary in Lahore. He claimed that the Barelvī
seminary spread anti-Shī‘a sentiments, and he wanted to study their fatwās to better understand his potential adversaries. Many other ‘ulamā’ were also curious about my interactions with other sects and madrasas. Some asked directly which sect had treated me best; which madrasa had been most hospitable? In a sense, they began to occasionally compete for my favor. Their willingness to share their views was also spurred, at least partly, by knowing that their opinions could be published. A few ‘ulamā’ stated outright that they welcomed the opportunity to disseminate their views through being quoted in my work.

Many ‘ulamā’ took advantage of the fact that I recorded some of our conversations. The more renowned among them often requested copies of the interviews, so that they could have them transcribed and published in their seminaries’ monthly journals. I was happy to oblige. One of my interviews with Mawlānā ‘Ammār Khān Nāṣīr, a famous Deobandi ‘ālim, was published by Nāṣīr in the Urdu journal al-Sharī‘a, of which Nāṣīr is the editor.44

In addition to conversing with the ‘ulamā’, I conducted participant-observation in seminary offices wherein ‘ulamā’ delivered fatwās, provided moral guidance and enacted their public intellectual selves. I also had the unique opportunity to observe weekly Sunday morning discussions among Barelvī ‘ulamā’ at a mosque in Lahore. One of the

‘ulamā’ participants at these discussions alerted me to this weekly event and granted me access to this exclusive space. Topics covered at these discussions ranged from the intricacies of Islamic legal rulings on a particular subject to the public role of ‘ulamā’. When conducting participant-observation, I was often seated behind a curtain or in a far corner of the room to maintain appropriate distance from the men. Consequently, my presence in these spaces did not usually appear to be a cause of unease for either the ‘ulamā’ or the individuals with whom they were interacting.

At times my gender was a hindrance to forging connections with the ‘ulamā’; at other times it offered a unique advantage. As a woman, and especially as a Pakistani Muslim woman, I was able to access and observe the ‘ulamā’ in their domestic settings; an opportunity that might have been denied to male researchers. I entered the ‘ulamā’s homes, mingled with their wives and daughters in bedrooms and kitchens, and engaged with the ‘ulamā’ in these domestic spaces as they went about their private lives. This allowed me to situate the ‘ulamā’ in their familial and private contexts and accorded me a more holistic understanding of these religious scholars. Encountering the ‘ulamā’ in these settings also opened up the space for less guarded conversations and questions. The ‘ulamā’s open-ended conversations with me in their homes add a different, yet equally vital dimension, to their more specific, overt and public commentaries on their political realities and the Islamic Republic of Pakistan.

Having briefly discussed my methodology and the various sects that feature in my dissertation I now situate my work in the broader context of studies on religion and the state.
RELIGION AND THE STATE

The imbrication of religion and the state is often assumed as antithetical to modernity. In fact, Marx, Weber and Durkheim, all argued that religion would not survive modernity. However, despite the claims of these academic giants, in the contemporary era we continue to witness the vibrancy of religion in politics and the public sphere. This entanglement of religion with politics and the state is often painted as a characteristic of the non-West, and particularly the Muslim world. As Peter Van der Veer notes, “the dichotomy between religion and nationalism is an ideological element in the Western discourse of modernity. It functions not only in the Western perception of the non-West, but also in the way the West understands itself.”

However, in the past two decades, incisive new works have begun to question whether religion has been severed from the state, even in the West. As the sociologist of religion José Casanova notes, since the 1980s religion has been on a deprivatization trajectory and the secularization thesis (whereby religion was thought to eventually be expunged from the public sphere), can no longer be supported in many parts of the West. Talal Asad, acknowledging the merits of Casanova’s work, pushes Casanova’s arguments further and asserts that when religion is deprivatized it becomes “an integral

part of modern politics.”

Religion then impacts economy, education, science etc. and becomes increasingly socially significant. Moreover, Asad, in his own work, highlights that secularism, which is often touted as one of the most distinctive characteristics of Western modernity, is not the antithesis of religion. Asad asserts that secularism is best understood not as resulting from a moment of severance between religion and the state, but as the constant managing of religious thought and practice by the state. In fact secular states define the “the acceptable public face of ‘religion’.” Thus, as Asad and Casinova highlight, even in Western modernity, religion continues to be intimately imbricated with the state.

Hussein Ali Agrama draws on Asad to push the argument about religion, politics and the state even further. Agrama argues that the same questions and issues regarding the intertwining of religion and politics that preoccupy the West are also evident in the non-West, particularly the Muslim world. Agrama asserts that, in some ways, there is no difference between Western states that claim to be secular and states in the Muslim world that claim to be Islamic. Agrama argues that even states that claim to be Islamic are actually engaged in the project of secularism. Defining secularism, Agrama asserts, “secularism is … an ongoing, deepening entanglement in the question of religion and


50 Asad, Formations of the Secular, 193-200.

politics ... This ongoing entanglement is a feature of the expanding regulatory capacities of the modern state…”

The state’s right to decide questions at the heart of secularism’s problem-space is an expression of its sovereign power, which in turn is vested in the state’s legal authority and juridical structures. In fact, the legal concept of public order props up secularism’s active principle – i.e. the state’s authority to decide what is religion/religious and to determine the impact of religion on social life.

In situating my own work, I value Agrama’s insight about all states’ “entanglement in the question of religion and politics.” While states across the world are engaged in this question, the entanglement of the Pakistani state is more obvious than most. Thus, while my dissertation focuses on the Pakistani ‘ulamā’ s engagements with their Islamic Republic, the larger issue of religion and the state that underlies my dissertation is not specific to only Pakistan, South Asia or the Muslim world. Instead, the question of the state’s relationship with religion lies at the heart of all studies on secularism as well as religious politics and religious nationalism. Consequently, this dissertation is a contribution to the broader subject of religion and politics in which every contemporary nation-state is embroiled.

**Questions, Context and Contribution**

This dissertation is an account of how contemporary Pakistani ‘ulamā’ grapple

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53 Agrama, *Questioning Secularism*.
54 Agrama, *Questioning Secularism*.
with their political realities and the Islamic state of Pakistan. The central conceptual question that scaffolds my dissertation is: How do the Pakistani ‘ulamā’ negotiate tradition, authority and sovereignty with the Islamic Republic of Pakistan?

The defining features of the historical context from which this project emerges are also the ones that drive the dissertation’s central question. A vital issue propelling my work is that the ‘ulamā’ s relationship with the state has undergone drastic changes since the birth of the nation-state and particularly since the inception of the Islamic nation-state.

The Islamic Republic of Pakistan lays claim to domains that were almost exclusive to the ‘ulamā’ in the pre-modern era. These domains are the scholarly interpretation of the Islamic discursive tradition and the legal sphere. As Talal Asad explains, the Islamic tradition consists of a set of discourses that instruct “practitioners regarding the correct form and purpose of a given practice that, precisely because it is established, has a history.” Moreover, the Islamic discursive tradition “addresses itself to conceptions of the Islamic past and future, with reference to a particular Islamic

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56 Pre-modern ‘ulamā’s relationship with their polity will be discussed in Chapter 1.
57 This elite scholarly tradition of the ‘ulamā’, which focuses on jurisprudence and the intricacies of theological issues, held little appeal for the masses during the medieval period. After all, during that era 98-99 percent of Muslims were illiterate and the majority of them lived in rural areas where scholars and institutions associated with the elite scholarly tradition hardly ever ventured. Robert W. Hefner, “Introduction: The Culture, Politics and Future of Muslim Education,” in Schooling Islam: The Culture and Politics of Modern Muslim Education, eds. Robert W. Hefner and Muhammad Qasim Zaman (Princeton, N.J.: Princeton University Press, 2007), 11. Given this inaccessibility of the elite scholarly tradition, a parallel mystical tradition of Islam soon emerged. This mystical tradition thrives to this day. However, the modern period is also characterized by the rise of new religious elites that include lay intellectuals and Islamists. Islamists are individuals who lack traditional madrasa training but aim to implement Islamic norms in the public sphere and strive to establish a ‘true’ Islamic state.
practice in the present." In the pre-modern era the ‘ulamā’ were widely accepted as the most prominent actors within the Islamic discursive tradition. However, the Islamic Republic of Pakistan now actively engages in the interpretation of this tradition while claiming a right over the legal sphere, which used to be the exclusive domain of the ‘ulamā’.

The Islamic state of Pakistan, like all nation-states, demands and exercises legal sovereignty, through its law and its monopoly over violence. It claims the religious legitimacy of its laws through its “Repugnancy Clause,” i.e. constitutional Article 227. The Article reads, “All existing laws shall be brought in conformity with the Injunctions of Islam as laid down in the Holy Quran and Sunnah, in this Part referred to as the Injunctions of Islam, and no law shall be enacted which is repugnant to such Injunctions.” The Pakistani state also claims religious authority through the establishment of institutions that officially define Islam in the Pakistani context. These institutions will be discussed in Chapter 1.

The state’s claims to sovereignty and religio-legal authority often lead to tensions with many ‘ulamā’. The ‘ulamā’ view themselves, through their decades of training in the science of interpreting God’s laws, as the locus of sovereignty and religious authority. The ‘ulamā’ articulate their stance as follows: Ultimate sovereignty is vested in God’s law, the shari‘a, as interpreted and articulated by the ‘ulamā’. Similarly, the ‘ulamā’ view themselves as the most qualified of religious experts in light of their extensive

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training at seminaries.

Consequently, as this dissertation highlights, the ‘ulamā’ challenge the state’s claim to sovereignty and religio-legal authority and often differ with the state in interpreting the Islamic discursive tradition. While these ‘ulamā’-state tensions are longstanding, as this dissertation highlights, they have been exacerbated in the aftermath of the tragic bombings of the World Trade Center in New York in 2001. Post-9/11, partly due to American pressure, the ‘ulamā’ find their tradition under increased scrutiny from the Pakistani state. In turn, the ‘ulamā’ are critical of the version of Islam promulgated by the Islamic Republic of Pakistan, especially post-9/11. For some ‘ulamā’ the state is so far removed from Islamic orthodoxy and orthopraxy that they question the Islamic Republic’s legitimacy.

However, as briefly noted earlier, most ‘ulamā’ consider an Islamic state a religious obligation. They stress that Islam must guide all aspects of life, including politics and the state. Thus, the establishment of an Islamic nation-state is of critical importance to most Pakistani ‘ulamā’. Consequently, despite challenging their state’s interpretation of the Islamic discursive tradition, its claim to sovereignty and religio-legal authority – as evident in the ‘ulamā’’s criticism of the state’s laws, its political theology and its sectarian leanings – many ‘ulamā’ remain deeply committed to the Pakistani state and work to cultivate it in a manner that they view as religiously acceptable. The ‘ulamā’ do so through pressuring political functionaries to make tangible changes in the Pakistani constitution and penal code. Moreover, as this dissertation highlights, ‘ulamā’ also contribute to the formation and dissemination of ideas about the state and consequently
help constitute the state through their discourses. The state is, after all, a product of citizens’ imagination just as much as it is a set of coercive institutions.\textsuperscript{61} Additionally, many ‘ulamā’, working within their interpretation of Islamic law, emphasize the religious prescription against anarchy and lawlessness. This leads them to value the state, even in its current less-than-ideal form.

In assessing the relationship between the Pakistani ‘ulamā’ and their nation-state, I assert that the ‘ulamā’s engagements with the state are best understood as a dexterous navigation between affirmation, critique, contestation and cultivation. In proposing this manner of thinking about the Pakistani ‘ulamā’s engagements with their state, I provide a more detailed and nuanced view of the ‘ulamā’-state relationship compared to earlier commentaries and other works. For example, Qasim Zaman uses the terms “ambiguity” and “ambivalence” to describe the Pakistani ‘ulamā’s views on, and engagement with, their state.\textsuperscript{62} While acknowledging the significance of Zaman’s views as a vital conversation starter, this dissertation provides more clarity on the issue, by examining it in detail and moving the discussion beyond “ambiguity and “ambivalence.”

**Dissertation Outline**

The first chapter sets the stage for what is to follow in the rest of the dissertation by asserting the vitality of contemporary Pakistani ‘ulamā’. The chapter challenges the


\textsuperscript{62} Zaman, *The Ulama in Contemporary Islam*, 87-110.
dominant narrative of the enervation of the ‘ulamā’s authority and significance with the
birth of the nation-state in Muslim lands. It historicizes the ‘ulamā’-state relationship and
contextualizes it in the Pakistani context. It argues that despite challenges, the ‘ulamā’
retain their religious authority and clout. While particular state institutions claim religious
to be no match for the ‘ulamā’ who deride them for their lack of epistemic authority
expertise and their inability to correctly define Islam. The chapter also argues that
although the Islamic Republic of Pakistan controls the legislative system, the ‘ulamā’ are
not voiceless. They partake in constituting and cultivating the state by pressuring political
functionaries to acquiesce to their demands. Their epistemic authority reverberates
strongly in the Pakistani public sphere, leading them to impact the Pakistani penal code
and the constitution.

The second chapter shifts the discussion from contestations over authority to
debates over sovereignty. The chapter takes up the question of state sovereignty by
examining it through the lens of Barelvī and Deobandi ‘ulamā’s comments on Pakistan’s
blasphemy laws. This chapter reveals both arguments and agreements over sovereignty
between the state and the sharī’a, i.e. God’s sovereign will as articulated by the ‘ulamā’.
I assert that the issue of sovereignty boils down to the question of who can deem the
Prophet-insulter worthy of death and carry out this act. The state, considering itself
sovereign, reserves this right for itself. The ‘ulamā’ regard God as the ultimate sovereign
and assert that His sovereignty is vested in His law, as interpreted and articulated by the
‘ulamā’. Many ‘ulamā’ maintain that according to Islamic law, insulting the Prophet
Muḥammad is such a grievous crime that any individual can legitimately commit
sovereign violence against a Prophet-insulter. Importantly, the Pakistani ‘ulamā’ are not uniform in their appraisal of state sovereignty. A minority group among the ‘ulamā’ emphasizes the state’s monopoly over legitimate violence. These ‘ulamā’ also claim to formulate their arguments from within the sharī‘a. They draw on an established view within Islamic law to argue against vigilante justice. Simultaneously, they expound the perils of lawlessness and anarchy. Their focus on social stability is part of a long legacy of opinions in Islamic legal literature that emphasizes the impermissibility of challenging political authority.

The third chapter moves the discussion from negotiations of authority and sovereignty between the Pakistani ‘ulamā’ and their state to the acceptance of authority and sovereignty, i.e. legitimacy. In particular, the chapter assesses the ‘ulamā’s appraisals of the Islamic Republic of Pakistan’s religious character, which in turn can determine its legitimacy. I argue that one group of ‘ulamā’ dismisses their state’s religious identity and emphasizes the importance of orthopraxy, i.e. correct deliberate religious actions, in determining the state’s religious identity. In sharp contrast, another set of ‘ulamā’ asserts that the state is indeed Islamic. They cite the state’s Islamic ideology and particular state declarations as according it an Islamic identity. I highlight that the difference in these groups’ appraisals of the Islamic identity of the Pakistani state parallels early theological debates about Muslim identity. In fact, my fieldwork reveals that, mirroring these debates about Muslim identity, some ‘ulamā’ go so far as to anthropomorphize the state, likening it to a person who is either a Muslim or an unbeliever (kāfir). Drawing on my ethnography, I contend that occasionally intra-‘ulamā’ debates about whether the state is
akin to a Muslim or a kāfir, are driven by concerns about state legitimacy, particularly the religious permissibility of rebellion against the state.

The three chapters discussed above focus primarily on Sunnī ‘ulamā’. In the last two chapters, the dissertation moves to an emphasis on Shī‘a ‘ulamā’. My work highlights how the minority status of Pakistani Shī‘a ‘ulamā’ engenders among them very different concerns than the ones that preoccupy their Sunnī counterparts. Shī‘a ‘ulamā’ are acutely aware of their minority status and they structure their engagements with the state along these lines.

Chapter 4 discusses Shī‘a ‘ulamā’s conceptualizations of their current political realities, their appraisals of state legitimacy and their different modes of engagement with the Pakistani state. The chapter highlights that the reasons that Shī‘a ‘ulamā’ question state legitimacy often differ starkly from the concerns of Sunnī ‘ulamā’ discussed in the previous chapter. I argue that the fear of sectarian violence impacts Shī‘a ‘ulamā’s conceptualizations of the current Pakistani state apparatus and its legitimacy. These conceptualizations take two distinct forms: 1) Understanding the state as weak and/or disinterested in preserving Shī‘a lives. 2) Holding the state culpable for Shī‘a deaths, not simply despite the state’s claim to an Islamic identity, but in some instances, because of Pakistan’s claim to be an Islamic Republic. Being an Islamic state, for some ‘ulamā, implies the state’s alignment with Sunnīsm, and at times, Sunnī militantism. Significantly, I argue that even for ‘ulamā’ holding views that call the authority of particular state institutions into question, the idea of the state as a legitimate authority often remains unaffected. Paradoxically then, the very ‘ulamā’ who critique the state for
its disinterest in preserving Shi‘a lives and its complicity and culpability in Shi‘a deaths also appeal to the state for protection. I assert that the ‘ulamā’s appeals for protection form the state in the Foucauldian sense by reproducing state effect through discourse and bodily practices. These Shi‘a ‘ulamā’ perpetuate the idea of the state as a legitimate authority, despite evidence to the contrary, including the state’s alleged involvement as a vital actor in anti-Shi‘a violence.

The fifth and final chapter examines Shi‘a ‘ulamā’s ideal political theologies, arguing that these theo-political projects are driven by concerns very specific to the Pakistani context. I assert that my archival research and fieldwork among Pakistan’s Shi‘a ‘ulamā’ reveals that they are haunted by the specter of sectarian violence. This specter engenders a desire for a very different manifestation of the Pakistani state than the one they currently inhabit. While the aspiration for a very different state is also evident in the discourses of Sunnī ‘ulamā’, whose political theologies have been touched on in Chapter 2, the desires and discourses of Shi‘a ‘ulamā’ are often driven by very different concerns. I contend that the specter of violence drives Shi‘a ‘ulamā’s political theologies – either serving as the raison d’être for their theologies, or helping substantially to justify them. Significantly, Shi‘a ‘ulamā’s political projects are often formulated and articulated in private realms. Unlike Sunnī ‘ulamā’ who actively take to the public sphere to demand the religious configuration of the state in manners they deem correct, Shi‘a ‘ulamā’ often do not even share their desired religio-political projects publically. As my fieldwork reveals, some fear state reprisal and others are so discontent with the current Pakistani state apparatus that they advocate actions that can be characterized as anarchist.
In conducting the above-mentioned examinations of Sunnī and Shī‘a ‘ulamā’ s engagements with their state, I present a close reading of the views of a few important Pakistani ‘ulamā’ in each chapter. Through this focus I offer a nuanced appraisal of the life-worlds and discourses of the Pakistani ‘ulamā’. The ‘ulamā’ who feature in my dissertation are very well known in their own communities, even though most have not been studied in Western works on Pakistan’s traditional scholars. This dissertation inaugurates their study.
1. Pakistani ‘Ulama’ and the Nation-State: Negotiating Authority and Cultivating an Islamic Republic

“The old Islamic state was rendered Islamic by the scholars and on their account. The new Islamic state is Islamic despite the scholars’ absence from its institutions.”

“It is thus precisely the shift in the axis of authority from the hands of the “traditional” Muslim legal profession to the modern nation-state that must command our attention. From the perspective of authority-analysis, this shift is the crux of the matter, and underlies the very meaning of the current legal and political crises.”

Throughout Islamic history, traditionally educated Muslim religious scholars (‘ulama’) have served as custodians of Islam’s elite scholarly tradition, particularly the ethico-legal tradition (the sharī‘a). The pre-modern Islamic state affirmed the ‘ulama’s position as authoritative religious commentators and legal experts. During the pre-modern era the state occasionally patronized and even employed some of the ‘ulama’. However, as noted by numerous Islamic Studies scholars, the ‘ulama’s position changed drastically with the advent of the nation-state. The Islamic Studies expert Wael Hallaq,

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commenting on the birth of the nation-state, particularly in “Islamic countries,” writes “the transposition of the command of the law from the hands of the faqīhs (the traditional legal professionals), to those of the state represents the most important phenomenon of modern legal reform, one that signified simultaneously the eternal loss of epistemic authority and the dawning of the much-abhorred [power] of the state.” Hallaq’s assertions are shared by many other scholars, as discussed shortly.

In this chapter, I will challenge this established view of the ‘ulamāʾ’s displacement by the nation-state, by contextualizing and examining it in the Pakistani context. In the first part of this chapter, I will interrogate the subject of authority that underlies the modern state-‘ulamāʾ dispute. I will then provide a history of the ‘ulamāʾ-state relationship and its transformation with the birth of the nation-state. I will also examine this relationship in the specific context of Pakistan. I will argue that the shift identified by Hallaq and like-minded scholars is not as drastic in Pakistan as it is might appear. I will assert that, despite challenges, the ‘ulamāʾ retain their religious authority and clout. Although the modern nation-state controls the legislative system, the ‘ulamāʾ are not voiceless. Their epistemic authority is not “eternally los[t].” It reverberates strongly in the Pakistani public sphere, leading them to impact state policy and legislation.

To support this claim, I will highlight how Pakistani ‘ulamāʾ – some with, and some without, affiliations with the state apparatus – partake in constituting and cultivating the state by pressuring political functionaries to acquiesce to their demands.

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4 Hallaq, “Juristic Authority vs. State Power,” 258.
5 Hallaq, “Juristic Authority vs. State Power,” 258.
These demands include tangible changes in the Pakistani penal code and constitution.

In concluding, I will use the ‘ulamā’ş discourses, critiques and demands to comment on the nature of the Pakistani public sphere and how authority operates in that sphere. Finally, I will propose a novel manner of appraising the function of the Council of Islamic Ideology, a state institution that claims religious authority and often serves as a religious actor with whom the ‘ulamā’ compete.

**THE ‘ULAMĀ’Ş RELIGIOUS AUTHORITY: INTRODUCTORY COMMENTS**

Stated succinctly, the ‘ulamā’ş authority is religious. However, this perfunctory observation leaves much unsaid. Below I examine how the ‘ulamā’ş authority is constructed and contested, while parsing apart the various registers encompassed within the category of “religious authority.” In so doing, I highlight how particular theorizations of authority speak to the epistemic expertise of the ‘ulamā’ as well as these religious scholars’ abilities, virtues, comportment and ethical self-cultivation.

Before I launch into this discussion, some clarifications are necessary. Even though I find merit in the term “religious authority,” we must be attentive to its problematics. The concept of religion has increasingly been called into question for falsely assuming a universal, transhistorical essence.\(^6\) In the same vein, the idea of religious authority presupposes “essentialist religious subjectivities and sensibilities,

\(^6\) This argument has been advanced by a number of recent scholars including Talal Asad and Daniel Dubuisson.
things we are no longer sure can be presupposed.” Moreover, the term authority is mired in its own problematics. Following Gregory C. Kozlowski, I view authority as conceptually distinct from power and influence. Power carries within it a surety that a thing will be done. Influence implies that when an individual states that a particular thing should be done, people acknowledge that the thing is a “pretty good idea.” Whereas authority “implies that an individual can indicate that a certain thing should be done with the hearers responding that they ought to exert themselves to see that it is done.”

Although these distinctions exist, they are also easily confounded. In modern times there is a growing inability to distinguish coercion from authority, rendering the idea of authority paradoxical. Despite the problematic nature of the term “religious authority” I use it cautiously for want of a better substitute.

A useful way of conceptualizing the ‘ulamā’s religious authority is to understand it as constructed through discursivities and institutions. As Talal Asad explains, the Islamic tradition consists of a set of discourses that instruct practitioners on correct practice. Moreover, the Islamic discursive tradition “addresses itself to conceptions of the Islamic past and future, with reference to a particular Islamic practice in the

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9 Kozlowski, “Loyalty, Locality and Authority,” 897.
present.” The ‘ulamā’ are widely accepted as the most prominent actors within the Islamic discursive tradition. This tradition is incredibly expansive and most ‘ulamā’s participation in it can be narrowed down to their engagement with the specific ethico-legal school (Mālikī, Hanafī, etc.) of which they are members.

The eponymous founders of these ethico-legal schools can be understood, in Foucauldian terms, as authors of discursivity, whose founding texts are a continuous authoritative point of return for all subsequent participants in the discourse. Foucault explains that founders of discursivity “are unique in that they are not just the founders of their own works. They have produced something else: the possibilities and the rules of the formation of other texts. In this sense, they are very different, for example, from a novelist, who is, in fact, nothing more than the author of his own text.” Authors of discursivity establish “an endless possibility of discourse.” This endless possibility of discourse is evident in contemporary ‘ulamā’s continuous engagement with the Islamic legal tradition, as detailed below.

**Pakistani ‘Ulama’s Formation and Epistemic Authority**

The ‘ulamā’s authority is primarily epistemic, i.e. it is garnered through their mastery over the Islamic legal tradition. As part of their religious instruction, students training to be ‘ulamā’ partake in years of study in methods of engaging with established

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14 Foucault, “What is an Author?” 114.
texts within the Islamic legal canon as well as modes of interaction and reasoning. In contemporary Pakistan both Sunnī and Shi‘a ‘ulamā’-in-training study a standardized curriculum (the dars-i nizāmī) at religious seminaries. Not all seminaries teach the full curriculum, details of which are provided below. The seminaries that teach the full curriculum are usually called Dār al-‘Ulūms or jāmi‘as. The broad term madrasa encompasses these advanced seminaries as well as seminaries offering basic courses. In most instances, madrasa students reside at the seminaries during the duration of their study. Their residence at the madrasa immerses them in the intellectual and social life of the seminary and the larger ‘ulamā’ community.

In Pakistan, and across South Asia, the dars-i nizāmī curriculum ordinarily spans eight years. Students usually begin this course of study at the age of fifteen or sixteen, since most seminaries require students to have completed middle school before commencing the dars-i nizāmī. However, younger students are also a common sight at seminaries. These prepubescent students enroll in Qur’ān memorization classes and other basic courses. The students at Dār al-‘Ulūm Ḥaqqāniyya, a famous Deobandī seminary in northwestern Pakistan can be as young as six.

Madrasas provide free board, lodging and tuition to students. Some madrasas charge a paltry admission fee of about $5. Madrasas usually claim that community donations allow their institutions to thrive. However, the funding of Pakistani seminaries

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16 See for example Prospectus: Jāmi’ā Na‘imiyya (Lahore: Jāmi’ā Na‘imiyya, 2011), 22.
is under scrutiny by the Pakistani government and allegations of foreign assistance are being investigated. As detailed in this dissertation’s introduction, claims are often made, and there is some proof, regarding financial assistance from Saudi Arabia to particular Sunnī madrasas and from Iran to Shi’a madrasas.¹⁸ According to a 1994 survey at Jāmi’a Ashrafiyya, a prestigious Deobandī seminary in Lahore, the primary cause listed by madrasa students for enrollment was economic.¹⁹ However, in my conversations with students at Jāmi’a Niżāmiyya,²⁰ a significant Barelvi madrasa in Lahore, the students all cited religious education as the sole reason for enrollment. Despite varied reasons for enrollment, madrasa students are united by their years, and usually decades, of religious training.

Although the dars-i niżāmī curriculum varies slightly from one sect to another, there is still much uniformity, especially within each legal school. The subjects studied include Qur’ānic commentary (tafsīr), jurisprudence (fiqh), principles of jurisprudence (usūl al-fiqh), the study of the Prophetic traditions (hadīth), grammar, etymology, syntax, rhetoric, philosophy, logic and scholasticism.²¹ Examinations on these subjects are conducted in Urdu and Arabic. Upon completing the dars-i niżāmī students are considered ‘ulamā’. However, they are still at the bottom of the ‘ulamā’ hierarchy. To

²⁰ A pseudonym as per IRB regulations.
become scholars of repute with substantial epistemic authority, ‘ulamā’ must continue their studies beyond the dārs-i nizāmī by enrolling in post-graduate courses in tafsīr, fiqh, theology, etc. These courses, which range in duration from a few months to a number of years, confer extra titles. For example, an ‘ālim, upon completing an additional intensive course in jurisprudence, can attain the title of muftī. A muftī has the expertise and authority to provide ethico-legal responses (fatāwā) to lay Muslims seeking guidance on religious matters.

The ‘ulamā’s extensive scholarly training and the bodily disciplines practiced at the madrasas (ranging from communal prayers to manners of dress and eating), form their subjectivities. These texts and practices inculcate in the madrasa students a shared social imaginary, particularly with regard to the practice of Islam and religious authority. However, as noted in the dissertation’s introduction, Pakistani ‘ulamā’ are not a completely cohesive body. Contemporary ‘ulamā’ in Pakistan belong to a variety of sects, associate with various reform movements, and even when they are affiliated with the same institution, major differences can exist among them. Yet, they are cognizant of sharing and being initiated into an established epistemic tradition. Despite their differences, they are inclined to respect one another if only because of their engagement with, and reverence for, a shared episteme and defined modes of engagement with that scholarly tradition. This is particularly so with regard to the use of modes of reasoning

22 See Prospectus: Jāmi’a Na‘imiyya, 36-44.
23 The ‘ulamā’ are especially critical of those who lie outside their tradition. For example, South Asian ‘ulamā’ never let the famous Indian/Pakistani theologian Abū’l A‘lā Mawdūdī (d. 1979) forget his lack of ‘ālim status. They constantly brandished this shortcoming of Mawdūdī when commenting on his
and argumentation internal to the tradition. In fact, among the most vitriolic critiques that ‘ulamā’ level against modernist reformers and occasionally the nation-state is that they eschewed the conventions of the ‘ulamā’s traditional scholarly heritage when engaging with sacred texts. The ‘ulamā’ consider these engagements un-authoritative since they are not grounded in a mastery over the Islamic legal episteme and modes of reasoning and argumentation internal to it.

While the shared epistemic tradition of the ‘ulamā’ is vital in delineating the boundaries of the ‘ulamā’ community, it is also important to consider orientation and vocation. Consequently, in evaluating membership to the ‘ulamā’ community, I follow the approach of Qasim Zaman who notes “in general terms, it is a combination of their intellectual formation, their vocation, and, crucially, their orientation viz., a certain sense of continuity with the Islamic tradition that defines the ‘ulama as ‘ulama.” This sense of continuity marks the sharpest divide between the ‘ulamā’ and their Islamist and modernist detractors.

“misguided” project of a theocratic Islamic state. Similarly, when Mawlānā Muḥammad ‘Alī was nominated for the presidency of the political union Jamī‘at ‘Ulamā‘-i Hind in 1930, Shaykh al-Islām Mawlānā Ḥusayn Aḥmad Madanī (1879-1957), one of the most important ‘ulamā’ of the twentieth century, strongly opposed this nomination. Madanī and other like-minded ‘ulamā’ argued that Mawlānā ‘Alī was unqualified since he did not have formal madrasa training and was not one of the ‘ulamā’. See Barbara Daly Metcalf, Husain Ahmad Madani: The Jihad for Islam and India’s Freedom (Oxford: Oneworld, 2009), 102.

24 Zaman, The Ulama in Contemporary Islam, 10.
25 Zaman, The Ulama in Contemporary Islam, 10.
EThICAL SElF-fASHONING, pASTORAL pOWER & NON-DISCURSIVE MOdES OF AUTHORITY

For the ‘ulamā’, religious authority derives from correct modes of engagement with the Islamic legal episteme as well as an embodiment of the tradition in one’s daily life. Religious education is viewed as insignificant unless it contributes to ethical self-fashioning and is manifested through personal piety. Consequently, in the Pakistani context, virtues learned and practiced “in structures of discipline and authority,”26 are often very relevant to public debate. The limits, scope, manner and framing of public deliberation then depend on these sentiments and habits. In line with this emphasis, a variety of manuals directed at muftīs (‘ulamā’ who provide ethico-legal guidance to lay Muslims) stress the importance of cultivating virtues such as patience, humility, compassion and mercy.27 Through the cultivation of these dispositions and other traits, some ‘ulamā’ can also garner charismatic authority – a type of authority that Max Weber explains as resting on the exemplary character of an individual.28

In addition to epistemic authority and authority evidenced through ethical self-cultivation and charisma, another version of religious authority possessed by the ‘ulamā’ is what, in Foucauldian terms, would be called pastoral power. This kind of power is


usually exercised by the Church and it rests on providing assurance of salvation in the next world, or possibly even salvation in this life (as evidenced in security, wellness etc.). Hussein Agrama’s ethnography of Egyptian ‘ulamā’ hints at this mode of authority when he writes that “the authority of a mufti is that of a guide,” i.e. the muftī guides the lay Muslim on a set path towards an ideal Muslim self. Specifically, a muftī’s juridical response (fatwā) “puts the questioner on a journey of ethical cultivation.” Additionally, Agrama explains that “the practice of the fatwa [should] be understood as a mode of the care of the self as a practice by which selves, in the multiplicity of their affairs, are maintained and advanced as part of Islamic tradition.” The fatwā can then be viewed as part of a pedagogical process aimed at ethically guiding questioners on their journey to salvation.

In the above discussions of authority, I have focused primarily on discursive venues. However, signs of religious authority are often marked on Muslim bodies or conveyed through manners of adornment and bodily movements. Religious authority is also inscribed in landscapes (through modes of agriculture, travel, commerce) as well as in institutions such as madrasas and shrines.

32 Agrama, “Ethics, Authority, Tradition,” 10. Analogizing the muftī to an instructor allows us to view the practice of fatwā issuance as having a pedagogical element – an idea that is emphasized by one of Agrama’s interlocutors. The term used by Agrama’s interlocutor is “tarbawiyah” – a term that encompasses “education, cultivation, upbringing, and refinement.” Agrama, “Ethics, Authority, Tradition,” 10.
As Devin DeWesse notes, it is useful to conceptualize religious authority “as part of an ongoing rhetorical dialectic,”\textsuperscript{34} where particular formulations of authority evoke counter-formulations. These counter formulations corrode established authority.\textsuperscript{35} As noted by numerous scholars, in the contemporary era, the authority conferred by traditional education and training is being eroded by reformist rhetoric. According to reformist rhetoric, “The [‘ulamā’] transmissional certificates and lineages prized historically as attestations to juridical authority become simple bandages of bondage to \textit{taqlīd} [imitation of established authority].”\textsuperscript{36} As examined in detail below, among the challengers to the ‘ulamā’ as religious, and particularly legal, authorities is the Islamic nation-state. To understand this contemporary tussle, we must be attuned to its genealogy. In the following sections, I highlight how the authority of the ‘ulamā’ has historically been viewed by the pre-modern state and the radical shift that has occurred with the birth of the nation-state.

\textbf{STATE-‘ULAMĀ’ RELATIONS IN THE PRE-MODERN PERIOD}

In the Muslim world, pre-modern ‘states,’ such as the Ṣafavid Empire in Iran (1502-1736) or the Fāṭimid Caliphate in North Africa (909-1171), lacked the features that lie at the heart of contemporary nation-states. Instead of insidiously monitoring its citizens, in Muslim lands the pre-modern state “remained largely aloof from the affairs of

\textsuperscript{34} DeWesse, “Authority,” 50.
\textsuperscript{35} Bruce Lincoln, \textit{Authority: Construction and Corrosion} (Chicago: University of Chicago Press, 1994)
\textsuperscript{36} DeWesse, “Authority,” 43.
Moreover, the pre-modern state did not conceive of national citizenship and lacked the notion of territorial sovereignty. And most significantly for the ‘ulamā’, religious knowledge and law were the domain of these traditional scholars, not the ruling classes. The rulers’ legal roles were confined to appointing and dismissing judges and also ensuring the enforcement of the judges’ decisions. “Interference in the legislative processes, in the determination of legal doctrine, and in the overall internal dynamics of the law was nearly, if not totally, absent.”

The role of the ‘ulamā’ as religio-legal experts has been established since Islam’s early years. In the eighth, ninth and tenth centuries ‘ulamā’ with advanced juristic expertise (fuquhā’) drew on the Qur’ān and sunnah to formulate a complex legal code. These early Muslim jurists “constructed the House of the Law, and they were fully responsible for the elaboration of the very methodology according to which Islamic law became the edifice it was to be.” Later ‘ulamā’ reenacted and defended the doctrines of these early jurists, particularly the ones who founded schools of law. Over the centuries, the ‘ulamā’, through their mastery of Islamic legal texts and hermeneutics, served as societal custodians, providing religious guidance on matters of spirituality and quotidian practicality.

Pre-modern ‘ulamā’ established a monopoly over the interpretation of correct

40 Hallaq, “Juristic Authority vs. State Power,” 245.
dogma and practice,\textsuperscript{42} and the pre-modern state acknowledged their epistemic authority over the legal sphere. The judge and litigating parties often first addressed their legal issues to the ‘ulamā’ who were advanced legal experts (muftīs), and took their decisions seriously.\textsuperscript{43} Judges (qāḍīs) in state-run sharī‘a courts also consulted the works of author-jurists (muṣannif).\textsuperscript{44} These works contained the authoritative doctrines of legal schools.\textsuperscript{45}

While this general portrayal of the position of pre-modern ‘ulamā’ and especially the jurisconsults (muftīs) held true in most instances, ‘ulamā’-state relations cannot be subjected to a monolithic reduction. Significant exceptions existed to the above generalization. For example, in the early period of the ‘Abbāsid dynasty whose domain extended from Iraq to Egypt for over five centuries (750-1258), the political and legal realms were not completely divorced. In fact, the ‘Abbāsid caliphs were deemed as legitimate commentators on, and resolvers of, matters of legal importance.\textsuperscript{46} Thus, in the early ‘Abbāsid period, muftīs did not have sole mastery and control over the legal sphere.

The history of North Yemen is also an exception to the general portrayal of the pre-

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\textsuperscript{43} Describing the importance of the pre-modern muftī, Brinkley Messick writes, “the muftiship was not only an institution through which rarefied scholarly disputes and the received wisdom of the jurists were brought down to earth in communicable form as ‘guidance’ for the common people. It was also the channel through which mundane, earth-hugging realities, including new factual developments, were formally noticed by and reflected upon by qualified scholarly minds, leading to analogical extensions of the body of legal knowledge.” Brinkley Messick, The Calligraphic State: Textual Domination and History in a Muslim Society (Berkeley: University of California Press, 1993), 151.

\textsuperscript{44} For more on the author-jurist see Wael B. Hallaq, Authority, Continuity, and Change in Islamic Law (Cambridge, UK: Cambridge University Press, 2001), xii.

\textsuperscript{45} Hallaq, “Juristic Authority vs. State Power,” 248.

modern ‘ulamā’-state relationship. A Zaydī Imāmate ruled North Yemen until 1962, and up till the eighteenth century, the Zaydī Imāms were understood as the political as well as the religious and legal authorities. Examples from the Ottoman Empire (1301-1922) from the fifteenth century onwards further complicate the picture. Ottoman sultans established the post of the Shaykh al-Islām or Grand Muftī. While the Shaykh was the head of the religious bureaucracy and the primary jurisconsult of the realm, the muftī who served at this post was chosen and appointed by the sultan, creating a state-endorsed hierarchy among muftīs and relegating some to the margins.

As the above examples highlight, religious authority was occasionally negotiated between the pre-modern state and the ‘ulamā’. However, with the birth of the nation-state, and particularly the self-avowed Islamic nation-state, these tensions have been greatly exacerbated.

**The State-‘Ulamā’ Relationship in The Modern Period**

Walter Benjamin chronicles what is at stake in the “dark times” of modernity. He writes of an ‘Angelus Novus’ (‘new angel’) or the ‘angel of history’ whose wings are caught in a violent storm blowing from Paradise. “The storm irresistibly propels him into the future to which his back is turned, while the pile of debris before him grows skyward. This storm is what we call progress.” Benjamin’s description, in my view, reflects

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Muslims’ experience of the nation-state.

Like the angel caught in the storm, unable to escape the intensity of the wind’s gusts, Muslims in virtually all parts of the Muslim world were forcibly thrust into the shackles of the nation-state. These Muslims, and particularly the intellectuals from among them, did not encounter the nation-state “through European Liberal thought and its political theoretical order.” Instead, they encountered the state through the tangibility of colonialism, occupation, foreign pressure and political hegemony, i.e. through the significance of the political model of the state in colonized Muslim lands.

The ‘ulamā’s influence was a cause of concern for the colonizers, particularly the French, British and Dutch. These colonial powers attempted to circumscribe the ‘ulamā’s clout and enervate the financial strength of madrasas. The biggest blow dealt by the colonizers to the ‘ulamā was to appropriate the ‘ulamā’s right to formulate and interpret the law. This was achieved almost inadvertently through the introduction of the colonial state – a political entity that codified the law and demanded legal sovereignty. Historiographies of the Middle East from the 19th century onwards emphasize the detrimental impact of the colonial state on the status of the ‘ulamā. In the words of Meir Hatina, an expert on modern Egyptian ‘ulamā, “the ulama were reduced to a

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49 One of the exceptions was North Yemen which remained un-colonized.
51 Belkeziz, The State in Contemporary Islamic Thought, 9.
52 Dale F. Eickelman and James Piscatoro, Foreword to Zaman, The ‘Ulama in Contemporary Islam, ix.
53 The state’s desire for legal sovereignty is examined in Chapter 2.
bureaucratic branch left with jurisdiction only over family and personal status.”

Going against the grain of this normative picture of the usurpation of legal authority from Muslim hands by the colonial powers, Ebrahim Moosa argues in favor of the agency of the colonized. He notes that although a power imbalance existed between the colonizers and the colonized, “Indian Muslim elites… served as a critical voice in making a new version of Muslim law within their specific contexts in collaboration with colonial authorities.”

**The State-‘Ulamā’ Relationship in the Post-Colonial Era**

As colonialism ended across the Muslim world in the aftermath of World War II, the situation of the ‘ulamā’ remained largely similar to that in the colonial era. The law remained under the jurisdiction of the state. Commenting on independent nation-states in the Muslim world, Wael Hallaq writes, that their usurpation of the right to formulate and interpret the law “signifies the eternal loss of epistemic authority,” of the ‘ulamā’. Hallaq argues that the ‘ulamā’s position is particularly fragile since the state possesses the power to implement its decisions (whether or not they are backed by authority).

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54 Meir Hatina, *‘Ulama’, Politics, and the Public Sphere: An Egyptian Perspective* (Salt Lake City: University of Utah Press, 2010), 4. As Talal Asad has highlighted, the colonial authorities used the modern state to curtail religion to the realm of the private through constructions of the family. Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore: Johns Hopkins University Press, 1993), 227-28.


56 Hallaq, “Juristic Authority vs. State Power,” 258.

57 Hallaq, “Juristic Authority vs. State Power,” 258.
Conversely, the ‘ulamā’ and muftīs’ decisions are not backed by any power at all.\(^{58}\) Similarly, Arskal Salim, a scholar of Islamic law, comments that the formation of the nation-state led to resentment among many ‘ulamā’ since it “weakened their legal authority over their followers.”\(^{59}\) Abdullah Saeed echoes Hallaq’s and Salim’s appraisal, writing that in the post-colonial era, “measures have been taken in modern nation states to curtail the power and influence of the ulema. As a result, the social status and prestige formerly enjoyed by them has shrunk, and with it, their power.”\(^{60}\) Significantly, Saeed notes that Saudi Arabia and Iran are anomalies in this regard. In those countries, the ‘ulamā’ continue to wield considerable power.\(^{61}\) However, Saeed asserts that his remarks about the enervation of the ‘ulamā’s authority by their nation-states are generally true for other countries in the Muslim world, including those that claim to be Islamic. Pakistan is one such state.

Saeed’s views are echoed by other scholars. Explaining the impact on the ‘ulamā’ of the birth of the nation-state that claims some degree of Islamic identity, Sami Zubaida writes, “[The] incorporation of shari‘a into the state has separated shari‘a from its

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\(^{58}\) That is, unless they choose to take up arms to implement their decisions, as they have done many times in Pakistan’s brief history. For example, in the summer of 2007 was when the ‘ulamā’ and students of two jāmi‘as associated with the Red Mosque (Lāl Masjid) in Islamabad stormed video and DVD stores on the pretext that these stores were renting out pornographic and immoral movies. The jāmi‘a representatives stated that although it was the government’s job to ensure that such videos were not available in the country, the government’s inadequacy had forced them to undertake this responsibility themselves.

\(^{59}\) Arskal Salim, *Challenging the Secular State: The Islamization of Law in Modern Indonesia* (Honolulu: University of Hawaii Press, 2008), 171.


religious locations, from the books and traditions of fiqh and into state manuals, from the custody of scholars to that of bureaucrats and legislators.\footnote{Sami Zubaida, \textit{Law and Power in the Islamic World} (London and New York: IB Tauris, 2003), 221. Also see Moosa, “Colonialism and Islamic Law,” 168.} Additionally, the codification of the law by states across the Muslim world has placed restrictions on the “interpretive freedom of jurists, judges and lawyers.”\footnote{Hallaq, “Juristic Authority vs. State Power,” 243.}

Some states, such as Egypt and Yemen, have attempted to deal with the drastic nature of this legal transition by incorporating the traditional Muslim legal elite into their modern legal structures. They have done so by creating official positions such as State Muftı\footnote{For more information on muftıs in Egypt, see Jakob Skovgaard-Petersen, \textit{Defining Islam for the Egyptian state: Muftis and Fatwas of the Dar al-Ifta} (Leiden; New York: Brill, 1997).} and Muftī of the Republic.\footnote{For more information on muftıs in Yemen, see Brinkley Messick, “The Mufti, the Text and the World: Legal Interpretation in Yemen,” \textit{Man, New Series} 21, no. 1 (Mar., 1986): 102-119.} However, these state-employed ‘ulamā’ are still significantly displaced from their pre-modern posts as lawmakers. Commenting on how contemporary ‘ulamā’ are viewed, Noah Feldman writes, “In the Sunni world, they [are] typically see[n] … as weak and compromised, simultaneously co-opted by unjust regimes and rendered toothless by them.”\footnote{Feldman, \textit{The Fall and Rise of the Islamic State}, 11.} Feldman’s views are echoed by Abdullah Saeed who notes that across the Muslim word, the ‘ulamā’s power, influence and independence have been significantly curtailed through employing them in the state bureaucracy and controlling the activities of scholars with no state affiliations.\footnote{Saeed, “The Official Ulema,” 15 and 27.} As discussed below, in Pakistan, the ‘ulamā’ are often not even accorded this consolation of positions in the state.
bureaucracy. The Islamic Republic of Pakistan has, for the most part, situated these traditional legal elite outside of the state’s legislative and bureaucratic structure.

In the case of Pakistan, the situation is further complicated and aggravated by the fact that the state asserts itself as an Islamic Republic and some state institutions claim religious authority. As shall be discussed in detail in the next section, the state has established official institutions that allow it to appropriate, produce and regulate Islam in the Pakistani context. As a result the ‘ulamā’ vie with the state for the authority to define Islam. Below I provide a history of how these tensions between the state and the ‘ulamā’ have played out in Pakistan.

**The State and the ‘Ulamā’ in Pakistan: The Early Decades**

Pakistan’s birth in August 1947 stemmed from many Indian Muslims’ desire for a separate homeland. Some argue that the country was created as an ideologically Islamic nation-state. While this claim is disputed, it is accepted by many ‘ulamā’. The internationally renowned Deobandī ʿālim Taqī ʿUthmānī remarks, “Pakistan is a unique country … it was established in the name of Islam.” ʿUthmānī’s statement is representative of the views of many Pakistani ʿulamā’. Qasim Zaman, a leading scholar

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68 Significantly, Pakistan is not a complete anomaly in intertwining religion with nationalism. While Israel is often cited as a similar example, religion has served as a driving force in the formation of a number of European national identities including Poland, Greece, Ireland, England, etc. Moreover, Protestantism was vital in the construction of the American nation. Talal Asad, “Religion, Nation-State, Secularism,” in *Nation and Religion*, eds. Peter van der Veer and Hartmut Lehmann (Princeton: Princeton University Press, 1999), 178.

69 This issue is discussed in detail in Chapters 3 and 5.

on the Pakistani ‘ulamā’, notes “the ‘ulamā’s rhetoric takes it as self-evident that the only reason the Muslims of South Asia wanted a separate homeland was to have an ‘Islamic state;’ there simply is no other rationale for this state.”

While the country’s ideological basis is debated, some facts are undeniable. Despite the secular leanings of its founder, Muḥammad ‘Alī Ṫinnāḥ (commonly spelled: Muhammad Ali Jinnah) (d. 1948), “the communal basis of the partition of 1947, coupled with the religious frenzy generated by it,” made religion central to the new state. The Muslim League, the political party that spearheaded Pakistan’s creation, had portrayed Islam as a bond common to all Pakistanis. The League’s rhetoric had painted Islam as a binding force that transcended primordial identities of language, ethnicity and caste. The move was strategic: religion was the only commonality among the multi-lingual, multi-ethnic groups supporting the idea of Pakistan. The question of national unity was of utmost importance in the early years of Pakistan and religious commonality continued to be emphasized. Additionally, the value placed on Islam by the ‘ulamā’, the Islamists and their affiliated religious-political parties brought the question of religion to the forefront.

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71 Italics mine. Zaman, The Ulama in Contemporary Islam, 94.
72 For more on the birth of Pakistan and the movement leading up to it, see Faisal Devji, Muslim Zion: Pakistan As a Political Idea (Cambridge, Massachusetts: Harvard University Press, 2013).
74 Islamists are individuals who lack traditional madrasa training but aim to implement Islamic norms in the public sphere and strive to establish a ‘true’ Islamic state. See Zaman, The Ulama in Contemporary Islam, 8-9 for a discussion of Islamists.
By way of answer, the Objectives Resolution was passed in 1949. The Resolution declared that all sovereignty belonged to Allah, and that the constitution of Pakistan would enable Muslims within Pakistan to live their lives in accordance with the teachings of the Qur’ān and sunnah. This emphasis that the state placed on religion demonstrated, at least on paper, the state’s commitment to Islam.

Over the years the state accentuated its claim to an Islamic identity, in part due to pressure from the ‘ulamā’.

The 1956 constitution announced Pakistan’s official name as the Islamic Republic of Pakistan and declared Islam as the state religion. A “repugnancy clause” was added to the constitution. The clause, detailed in Constitutional Article 198, stated, “No law shall be enacted that is repugnant to the Injunctions of Islam as laid down in the Holy Quran and the Sunna.” Two years later Field Marshal Ayyūb Khān (commonly spelled: Ayub Khan) came to power via a bloodless coup. He spoke out against the ‘ulamā’ and the varied and mutually contradictory versions of Islam that they offered. He opposed their role in the government and instead “wanted the state to exercise the function of religious interpretation.” Thus, even at this early stage of Pakistani history the desire of political functionaries to manage religion and to wrest its control from the ‘ulamā’ was apparent.

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75 Haqqani, Pakistan: Between Mosque and Military, 16.
77 As quoted in Hallaq, Sharī’ā: Theory, Practice, Transformations, 482.
78 Haqqani, Pakistan: Between Mosque and Military, 41. For a similar view, also see Samina Yasmeen, “Pakistan and ‘real’ Islam,” in Islam and Political Legitimacy, eds. Shahram Akbarzadeh and Abdullah Saeed (London: RoutledgeCurzon, 2003), 75.
79 For a more comprehensive account of the ‘ulamā’-state relationship during Pakistan’s early decades see Aziz Ahmad, “Activism of Ulama in Pakistan,” in Scholars, Saints and Sufis: Muslim
In keeping with the trend to accord the state an Islamic hue, in 1962 the Advisory Council of Islamic Ideology was established. This council was later renamed the Council of Islamic Ideology (CII). The council assesses the repugnancy of both existing and new laws to ensure that all legislation is in accordance with the *sharī’a*. Additionally, as per Article 203 of the constitution, the function of this council is to make recommendations to national Parliament and the Provincial Assemblies on how to enable the Muslims of Pakistan to live their lives according to Islamic principles. While the council, in its early decades, had some ‘ulamā’ members, members “from largely secular backgrounds” carefully counterbalanced them. Importantly, members were, and continue to be, chosen by an extensive vetting process in which the Ministry of Religious Affairs plays an active part. The Pakistani Prime Minister and President make the final selection from hundreds of short-listed applicants.

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Nikki Keddie (Berkeley: Univ. of California Press, 1972), 257-72.


81 Zaman, *The Ulama in Contemporary Islam*, 89.

82 I spent a number of weeks at the CII’s imposing office in Islamabad in the summer of 2012. During that time, a CII member described to me the process by which members are appointed to the council. He spoke in English and is quoted verbatim. He stated that applications and recommendations for CII membership are received “from all over Pakistan.” “Those applications are sent to the Ministry of Religious Affairs.” After vetting out weaker candidates, the Ministry forwards hundreds of short-listed applications to the Prime Minister. At this stage, “background checks” are conducted on the applicants. Eventually the final short-listed applicants’ names are sent to the President who “gives his final approval in light of Article 228.”

The CII member explained the vetting process. “They look out for people who are leaders for example, or who have a following in their own region and who have some standing … People should listen to you, what you are saying about Islam … so that thing is also to be looked into, not just the academic side.” Anonymous CII member, interview by author, Islamabad, Pakistan, May 2012. This text is not translated. We spoke in English.
This constitutional body allowed the state to appropriate, regulate and define Islam in the Pakistani context. Through the council, the state could now claim a sustained intellectual engagement with the Islamic tradition. Consequently, the religious authority of ‘ulamā’ outside the state apparatus came to be challenged by this state institution – a contestation that continues to this day. Challenging the religious credentials of this state institution, the ‘ulamā’ often criticized its members for their lack of mastery over, and incorrect engagement with, the Islamic tradition. In fact, as Jamal Malik notes, in the very first decade of the CII’s founding, the ‘ulamā’ pressured “secular minded members [of the CII] to resign.”

Another state body that claimed religious expertise was also established around the same time as the CII. This body, the Islamic Research Institute (IRI), was founded in 1960, and “confirmed under article 207 of the Constitution of the Islamic Republic of Pakistan, 1962.” In the words of Field Marshal Ayyūb Kḥān, who established the institute, the aim of the IRI was “to study the legal problems in the light of Islam and advise the government accordingly. This will help our law makers to harmonize laws with Islamic requirements.” The Statutory Notification (No. F.15-1059-E.iv) for the establishment of the IRI listed the institute’s objectives. While the list was comprehensive, the first objective was stated in the following words: “To define Islam in

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terms of its fundamentals in a rational and liberal manner.” Like the CII, the IRI’s membership was also composed of a variety of scholars with differences in training and expertise. The traditional ‘ulamā’ were only one among many groups potentially accounted for in the institute’s membership. There was no special provision specifying that the IRI’s membership must include at least one or more traditional scholar. Instead, the “Central Government” was free to nominate members at its discretion.

The IRI’s claim to religious expertise, while only marginally accommodating the ‘ulamā’, was unsettling for traditional scholars. After observing the IRI’s workings for some years, the preeminent Deobandī scholar Taqī ‘Uthmānī penned a vitriolic critique of the institute. ‘Uthmānī is the vice-president of Dār al-‘Ulūm Karachi, a towering intellectual hub. His expertise in Islamic economics is globally recognized and he has held, and continues to hold, a number of prominent positions in banks and financial institutions across the Muslim world. He has served as the chairman of the Centre for Islamic Economics in Pakistan since 1991. His opinions carry great weight among the ‘ulamā’ community and are often representative of those of other Deobandī scholars.

Lambasting the IRI, ‘Uthmānī writes that the institute has “failed to produce beneficial results ... [and] because of it, an atmosphere of dissent and violence has pervaded the country.” ‘Uthmānī asserts that instead of solving problems and mischief, the IRI has created them. Explaining the problem with the IRI ‘Uthmānī adds, “No organization can yield beneficial results unless its modus operandi is correct [and] its

87 Quoted in the original English. Usmani, Islam and Modernism, 43.
members possess sufficient authority." Deriding the epistemic expertise of the IRI’s members, ‘Uthmānī claims that they pass off as research what is actually innovative tampering with established religious principles. As is obvious from ‘Uthmānī’s critique, ‘ulamā’ often directly and vitriolicly challenge the epistemic authority and religious expertise of state institutions that aim to define Islam in the national context.

At the heart of these tensions between the ‘ulamā’ and the state lie differences in understandings regarding “true” Islam and what it means for a modern state to be Islamic. To claim Islam as the religion of the state can denote a relationship of possession – i.e. that the state, 1) possesses Islam and can control and define it through its own interpretations, and 2) is entitled to use Islam as an instrument by which to govern and regulate its citizens’ lives. The Pakistani state appears to operate with this particular definition.

However, as Malika Zeghal notes, Islam can also be a heavy constraint for an Islamic state. Its citizens, specially the ‘ulamā’, often posit themselves as competing religious authorities. Armed with a different interpretation of Islam, the Pakistani ‘ulamā’ fault their Islamic state for not upholding Islamic values. While ‘ulamā’ such as ‘Uthmānī obviously challenged the epistemic authority of state institutions, they simultaneously faulted the state for disregarding Islamic injunctions. They urged and influenced the state to take these injunctions seriously. In fact, as detailed below, the 70s

88 Quoted in the original English. Usmani, Islam and Modernism, 43.
89 Malika Zeghal, “Bringing the State Back in the Analysis of Political Islam: Methodological Reflections on Some Arab Cases” (paper presented at Duke University, North Carolina, USA, September 26, 2008).
90 Zeghal, “Bringing the State Back.”
and 80s were characterized by the ‘ulamā’ s ability to pressure state institutions and government officials to implement legislation that the ‘ulamā’ considered religiously obligatory.

‘Ulamā’ Activism in the 70s and 80s

Martial law finally ended in 1971 and Zulfiqār ʻAlī Bhuṭtō (commonly spelled: Zulfikar Ali Bhutto) assumed the presidency of the country. He became prime minister in 1973. Bhuṭtō had to encounter, head-on, the problem of Islam’s relationship with Pakistan’s identity. This head-on encounter took the form of the dismemberment of East and West Pakistan into Pakistan and the new, independent state of Bangladesh. Religio-political parties, such as the Jamā’at-i Islāmī, understood the country’s dismemberment to be a result of un-Islamic leaders and their lack of efforts to Islamize the country. Given the prevalence of these views, the break-up of Pakistan generated a powerful Islamic current that was aggressively promoted by religious groups (both political and apolitical). To add to these internal factors, the recently discovered wealth and power of the oil-rich Middle Eastern countries also resulted in a rise in Islamic consciousness among the Pakistani population. The combination of these factors contributed to an Islamic resurgence in Pakistan. Riding the wave of this resurgence, while simultaneously contributing to it, Bhuṭtō, following in the footsteps of Pakistan’s founding father,

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Muḥammad ‘Alī Jinnāḥ, used Islamic rhetoric and symbolism to mobilize support for himself and his policies.\(^\text{92}\)

In this milieu, Sunnī and Shi‘a ‘ulamā’’s opposition to the Qādiyānī sect gained unprecedented momentum. The Qādiyānīs, or Aḥmadis as they are sometimes called, believe that the founder of their movement, Mirzā Ghūlām Aḥmad (d. 1908) was “a person spoken to” (by Allah or an angel),\(^\text{93}\) and the promised messiah (\textit{mahdī}) of Islamic eschatology.\(^\text{94}\) In light of these heterodox beliefs, the sect’s claims to an Islamic identity are vociferously rejected by Sunnī and Shi‘a ‘ulamā’. Revolted by Qādiyānī ideas, many ‘ulamā’ participated actively in the End of Prophecy (\textit{Khatam-i Nabuwwat}) movement. Retaliating against Qādiyānī doctrine, this movement emphasized that the era of prophecy ended with Muḥammad. The Deobandī ‘ālim Yūsuf Binnaūrī (d. 1977) and his associates, which included Taqī ‘Uthmānī, led the 1970s campaign which culminated in the Pakistani National Assembly succumbing to the demands of the ‘ulamā’ and declaring the Qādiyānīs to be non-Muslims. This anti-Qādiyānī declaration was enshrined in the constitution via amendments in 1974. The constitution subsequently defined a Muslim as someone who believes in the finality of the Prophet Muḥammad.


\(^{94}\) The \textit{mahdī} or promised messiah is understood by mainstream Muslims (who derive their understanding from \textit{ḥadīth} on this issue), to be Jesus. In claiming to be the \textit{mahdī}, Mirzā Ghūlām Aḥmad argued that Jesus was dead and the traditions spoke of a person “like” Jesus as being the \textit{mahdī}. In this manner he claimed the title of \textit{mahdī} for himself. Friedmann, \textit{Prophecy Continuous}, 111-18.
In the words of the reputable Lahore-based Barelvī ʿālim Mawlānā Ḥazārvī, “The history of the ordinance that declared Qādiyānīs non-Muslims is testimony to countless individuals’ sacrifices. Innumerable demonstrations and protests finally precipitated debates in the [National] Assembly … You should understand it as the government being forced [to acquiesce to the ‘ulamāʾ’s demands].” Zāhid ur-Rāshidī, a prominent Deobandī ʿālim based in the city of Gujranwala, expresses the same general sentiment: the Pakistani state is religiously constituted through ‘ulamāʾ pressuring state functionaries. Rāshidī comments:

Whatever concessions have been made to sharīʿa laws in Pakistan so far have been a result of street power and people’s demonstrations and agitations. And this is why even today demands for the enforcement of the sharīʿa are forced to take the form of demonstrations and the exhibition of street power. There is simply no other way to make the Pakistani ruling class hear.

Bhuṭṭo’s political reign ended in 1977 after General Muḥammad Žiyāʾ al-Ḥaqq (commonly spelled: Zia ul Haq) assumed political power by means of a coup and declared martial law. During his eleven-year rule Žiyāʾ implemented a number of changes in Pakistan’s legal system in, what he described as, an attempt to bring the country’s legal system in conformity with Islamic injunctions. The most significant legal change was the enforcement of the Ḥudūd Ordinance in 1979. The ordinance implemented sharīʿa

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95 A pseudonym as per IRB regulations.
96 Mawlānā Ḥazārvī, interview by author, Lahore, Pakistan, July 2011.
rulings for the crimes of adultery, rape, theft and alcohol consumption. In 1980 the ordinance for the collection and distribution of religious alms (zakāt) was passed. Under this ordinance, the state began annually deducting 2.5% of the funds in its citizens’ bank accounts to distribute to economically disenfranchised citizens. Another ‘Islamization’ measure of the Ziyā’ era included the establishment of the Federal Shari‘at Court in 1980. The court determined whether the country’s laws complied with the shari‘a. The court’s membership comprises eight Muslim judges appointed by the President, three of whom are required to be ‘ulamā’. Ziyā’ also set up an Advisory Council (majlis as-shūrā), through which he gave patronage to religious parties such as the Jamā‘at-i Islāmī, a party that aims to facilitate an Islamic revival in Pakistan. The Objectives Resolution was “upgraded … from a preamble to an integral part of the Constitution.”

Furthermore, Ziyā’ increased the number of ‘ulamā’ on the Council of Islamic Ideology (CII).

Despite the extensive measures that Ziyā’ undertook as part of his Islamization process, Qasim Zaman argues that the “real locus of authority” lay with the state and the authority to determine questions of religion remained “distant from the ulama.” Zaman bases his assertions on the fact that despite accommodating ‘ulamā’ within the state apparatus, the state still “determine[d] the contours and scope of the Islamization project.” Zaman’s arguments echo Saeed’s views mentioned earlier regarding the

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99 Zaman, The Ulama in Contemporary Islam, 89.
100 Zaman, The Ulama in Contemporary Islam, 89.
101 Zaman, The Ulama in Contemporary Islam, 89.
decrease of the ‘ulamā’ s influence and independence through employing them in the state bureaucracy.\textsuperscript{102}

While I agree with Zaman’s assertions regarding the Pakistani state’s cooptation of some ‘ulamā’, I argue that we must also be attuned to the strength of the ‘ulamā’ s religious authority. This authority, I assert, has not waned drastically despite the birth of the nation-state. Although the modern state has wrested control over the legal sphere from the ‘ulamā’, the ‘ulamā’ retain a significant portion of their pre-modern religious authority and influence. As detailed below, through wielding this authority and influence in the public sphere, the Pakistani ‘ulamā’ shape their state’s Islamization project and influence the continuous process of state formation.

Below I highlight how while some ‘ulamā’ were being incorporated into the state apparatus in the 80s to Islamize the state within the bounds of the state-dictated Islamization project, other ‘ulamā’ were positing their own demands. Just as in the 70s, during the 80s, ‘ulamā’ both with and without state affiliations were active in pressuring government officials and state functionaries to cultivate the religious identity and legislation of the state in a manner that the ‘ulamā’ deemed Islamically appropriate and necessary. In the 80s, the primary concern of the ‘ulamā’ was the issue of blasphemy.\textsuperscript{103} The Iranian Revolution, which culminated in the establishment of a Shī‘a theocracy in neighboring Iran in 1979, was troubling for Pakistani Sunnīs.\textsuperscript{104} Sunnī ‘ulamā’ were

\textsuperscript{102} Saeed, “The Official Ulema,” 15 and 27.
\textsuperscript{103} See Chapter 2 for a discussion of blasphemy in Pakistan.
\textsuperscript{104} See Chapters 4 and 5 for a discussion of Shī‘as in Pakistan. Those chapters also engage with the impact of Iran on the Pakistani religious landscape.
concerned that Shī‘a thought and rituals – specially the practice of insulting the first three caliphs – would gain ascendency in Pakistan. According to Shī‘ites these early caliphs had usurped political power from Muḥammad’s cousin, ‘Alī, a figure commanding deep reverence among the Shī‘a.

While Shī‘ism had established itself in Iran, Sunnī influence was mounting in Pakistan. As mentioned in the dissertation’s introduction, Deobandī madrasas proliferated during the Afghan-Soviet war (1979-88). Patronage for these madrasas came from Saudi Arabia as well as the Ẓiyā‘ government.105 With the establishment of thousands of new Deobandī madrasas in the 1980s, Sunnī ‘ulamā‘ gained unprecedented clout. Consequently, they succeeded in pressuring the Ẓiyā‘ regime to introduce Article 298-A into the country’s penal code. The Article criminalized insulting the early caliphs as well as Muḥammad’s family and his companions. Additionally, pressure from the ‘ulamā‘ was responsible for the introduction of 298-B and C. These sections, referred to as the anti-Aḥmadiyya ordinance, “criminalized the use of ‘Muslim terminology,’ by members of the minority Ahmadiyya [also known as Qādiyānī] sect.”106

**THE 90s AND BEYOND: SUSPICION AND THE STATE**

The Ẓiyā‘ era ended with his sudden death in 1988. The democratically elected Benazīr Bhutto succeeded him. Bhutto did not revoke Ẓiyā‘’s Islamization policies, nor

did she sever all ties with the ‘ulamā’.

In the 90s, Bhuṭto and Nawāz Sharīf alternated as prime ministers. Sharīf, like Ziyā‘, took a keen interest in Islamization, although he was less successful in implementing his views. Both Ziyā‘ and Sharīf “strove hard to cultivate the ulama’s favor. But ultimately the state remained suspicious of the ulama, as indeed they did of it.”

This mutual suspicion increased when General Parvez Musharraf (commonly spelled: Pervez Musharraf) (1999 – 2007) assumed political control of the country. Musharraf’s presidency was greatly impacted by the tragic attacks on the World Trade Center in New York on September 11, 2001. While attempts to regulate the ‘ulamā’ were already underway, they reached a fervor post-9/11 as suspicion of traditional Islam mounted. State intrusion in madrasa policies, actions and curricula reached unprecedented levels.

The state offered madrasas financial assistance and incentives for curriculum change. In 2001-2002 Rs.1,654,000 were distributed to madrasas so that they could modernize their textbooks, include secular subjects in their curriculum and purchase computers for student use. Most madrasas rejected this financial assistance. When distributed evenly across all madrasa students (1,065,277), the amount of money came out to Rs. 1.55 per student per annum, i.e. a paltry 1.5 US cents an annum. Around the

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same time, a US$113 million plan was launched “to teach secular subjects to 8,000 willing madrasas.”\footnote{Rahman, “Madrasas: The potential for violence in Pakistan?” 71.}

While the Musharraf government aimed to promote “enlightened moderation” – a term it coined to describe the ideal liberal version of Islam it desired for the nation – its efforts were met with significant opposition. It appeared that post-9/11 religious sentiments in Pakistan had shifted towards greater conservatism. As noted earlier in this chapter, this move towards conservatism was underway since the 1970s. In the October 2002 national elections, the Mutallāida Majlis-i ‘Amal (MMA), a coalition of religio-political parties that fervently opposed attempts at reforming the madrasa curriculum, won an unprecedented 19% of seats in the National Assembly.\footnote{Robert T. Rozehnal, \textit{Islamic Sufism Unbound: Politics and Piety in Twenty-First Century Pakistan} (New York: Palgrave Macmillan, 2007), 22.} Despite opposition, the Musharraf government attempted to forge ahead with its plans to monitor and control the seminaries and their affiliated traditional scholars.

While regulating the ‘ulamā’\textsuperscript{\textcircled{2}}\textsuperscript{\textcircled{1}}\textsuperscript{\textcircled{1}}\textsuperscript{\textcircled{1}}\textsuperscript{\textcircled{1}}\textsuperscript{\textcircled{1}}’s intellectual tradition and their hallowed institutions of learning, the state also attempted to enervate the authority of ‘ulamā’ who lay outside the state apparatus. It did so by further developing official institutions that allowed the state to appropriate, produce and regulate Islam. One recently developed institution is the seven-member Ṣūfī Advisory Council established in 2009 with the aim of “combating extremism and fanaticism by spreading Sufism in the country.”\footnote{Ahmad Hassan, “Government to Set up Sufi Advisory Council,” \textit{Dawn.com}, copyright 2010 Dawn Media Group, June 7, 2009, accessed December 11, 2013, 65.} Another such
institution is that of ‘model madrasas,’ i.e. model religious seminaries. These seminaries, which were established by the Ministry of Religious Affairs, are run by the state and are meant as models of emulation for other madrasas. As mentioned earlier, another state-site with a longer history is the Council of Islamic Ideology, a body whose recent interactions with the ‘ulamā’ will be examined shortly.

THE STATE-‘ULAMĀ’ RELATIONSHIP DURING 2006-2008

As Pakistani history indicates, while the ‘ulamā’ have been drastically displaced from their pre-modern posts as legal experts, their voices continue to reverberate strongly in the Pakistani public sphere and sometimes impact state legislation. As noted, ‘ulamā’ activism in the 70s and 80s catalyzed changes in the constitution and the Pakistani penal code. Below, I argue that the same is true for contemporary ‘ulamā’. Going against the grain of the established view of contemporary ‘ulamā’ as displaced and/or domesticated by their state, I argue that Pakistani ‘ulamā’ continue to wield considerable religious authority. While the ‘ulamā’ are largely evicted from the state’s legal apparatus, their religious authority remains vibrant. Through their authoritative statements, critiques and demands, they contribute to changes in the Pakistani penal code by pressuring government officials and state functionaries. Thus, I assert that the ‘ulamā’ play a role in cultivating the religious identity of the Islamic Republic of Pakistan.

Moreover, in the section below, I will highlight that the ‘ulamā’ challenge state institutions’ claim to define Islam in the Pakistani context. This is particularly so with regard to the CII. I will assert that during the period 2006-2008, the ‘ulamā’s epistemic authority and influence consistently outweighed that of the CII. I will support this contention by examining recent controversies over the Ḩudūd Ordinance and divorce law.

**The Ḩudūd Ordinance Controversy of 2006**

Coming into effect in 1979 as part of General Ṣiyā’ al-Ḥaqq’s Islamization program, the Ḩudūd Ordinance implemented sharīʿa rulings for the crimes of adultery and fornication (grouped together as zinā’), rape (zinā’-bil-jabr), theft and alcohol consumption. The most controversial component of the Ḩudūd Ordinance was The Offence of Zina Ordinance. This ordinance addressed the crimes of rape, abduction, adultery, fornication and the punishment and evidence requirements for prosecution under them.

The preamble to the Offence of Zina Ordinance described it as “an ordinance to bring in conformity with the Injunctions of Islam the laws relating to the offence of zina.”\(^{112}\) The ordinance defined zinā’ in the following words:

A man and a woman are said to commit zina if they willfully have sexual intercourse without being validly married to each other. Zina is liable to hadd (punishment) if

(a) it is committed by a man who is an adult and is not insane with a woman to whom he is not, and does not suspect himself to be married; or

(b) it is committed by a woman who is an adult and is not insane with a man to whom she is not, and does not suspect herself to be married.113

The Zina Ordinance included the definition of, and punishment for, \textit{zinā’-bil-jibr} (\textit{zina} by force, i.e. rape). It stated:

(1) A person is said to commit \textit{zina-bil-jabr} if he or she has sexual intercourse with a woman or man, as the case may be, to whom he or she is not validly married, in any of the following circumstances, namely:
   
   (a) against the will of the victim,
   
   (b) without the consent of the victim,
   
   (c) with the consent of the victim, when the consent has been obtained by putting the victim in fear of death or of hurt, or
   
   (d) with the consent of the victim, when the offender knows that the offender is not validly married to the victim and the consent is given because the victim believes that the offender is another person to whom the victim is or believes herself or himself to be validly married.

\textit{Explanation} – Penetration is sufficient to constitute the sexual intercourse necessary to the offence of \textit{zina-bil-jabr}.

(2) \textit{Zina-bil-jabr} is \textit{zina-bil-jabr} liable to \textit{hadd} if it is committed in the circumstances specified [above].114

Finally, the Zina Ordinance specified the evidence requirements for both \textit{zinā’} and \textit{zinā’-bil-jabr}:

(8) Proof of \textit{zina} or \textit{zina-bil-jabr} liable to \textit{hadd} shall be in one of the following forms, namely:

   (a) the accused makes before a Court of competent jurisdiction a confession of the commission of the offence; or

   (b) at least four Muslim adult male witnesses, about whom the Court is satisfied, having regard to the requirements of tazkiyah al-shuhood [credibility of witnesses], that they are truthful persons and abstain from major sins (\textit{kabair}), give evidence as eyewitneses of the act of penetration necessary to the offence.115

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114 The Offence of Zina Ordinance as quoted in Quraishi, “Her Honor: An Islamic Critique,” 104.

115 The Offence of Zina Ordinance as quoted in Quraishi, “Her Honor: An Islamic Critique,” 104.
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Controversially, the ordinance listed the same evidence requirements for rape as well as for adultery/fornication. For these crimes to be proven, four male Muslim witnesses of good character were required to provide eyewitness testimony. Adultery/fornication could further be proven by self-confession and pregnancy outside of wedlock.

An alleged technical flaw in the ordinance led to rape victims being charged with adultery. Their admission of rape without providing four eyewitnesses was seen as a confession of adultery/fornication. With rape victims languishing in Pakistani jails, and human rights activists creating uproar, General Musharraf decided that the ordinance needed amendments and proposed passing a Women’s Protection Bill.

In the summer of 2006 the Pakistani public sphere was rife with debate. The Ḥudūd Ordinance was discussed on news channels and in the press. The popular news network Geo News aired a program on the issue titled Please Ponder (Zarā Sochye). The tag line for the program read, “No Debate on Ḥudood Allah (Allah’s Laws as prescribed in Quran and Sunnah) - Is the Ḥudood Ordinance (Man’s Interpretation of Allah’s Law) Islamic?” A number of prominent ‘ulamā’ and non-traditional scholars appeared on the show and voiced their views on the ordinance. Some proposed amendments.

The CII had been investigating the ordinance for some years and it jumped into

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116 While Pakistani women’s rights organizations argued that numerous Pakistani rape victims were wrongfully jailed for adultery/fornication, the Deobandi ‘ālim Taqī ‘Uthmānī has argued otherwise. See Taqī Usmani, Amendments in Hudood Laws: The Protection of Women’s Rights Bill, An Appraisal (Islamabad: Institute of Public Policy, 2006), 40-43.

the debate. In its 161st meeting in June 2006, the CII reached a decision. It recommended that the “Hudood Ordinances have generated a number of constitutional, legal and religious issues. [The] National Assembly must review these laws once again…” Anita Weiss notes that the CII went so far as to declare that the laws must be rewritten. Musharraf requested the council to draft a formal amendment to the laws. Unlike most CII members, the ‘ulamā’ “were generally hostile to any change in these laws.” Consequently, among the ‘ulamā’ there was general agreement regarding the lack of religious legitimacy of the CII’s recommendations and this constitutional body’s lack of epistemic authority. The ‘ulamā’s opposition to changes in the Ḥudūd Ordinance was so vociferous that government representatives had to offer “frequent public assurances that ‘nothing would be done contrary to the Holy Quran and Sunnah.’”

Taking to heart the ‘ulamā’s criticism of impending ‘unIslamic’ alterations to the Ḥudūd Ordinance, many Parliamentarians who were members of religio-political parties threatened to resign in-mass from National Parliament. This was particularly true for

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118 For the CII’s views on the Hudood Ordinance in 2006 as well as prior to that year, see Masud, *Hudood Ordinance Report*, 97.
124 Zaman, “Pakistan: Shari’a and the State,” 223.
125 Zaman, “Pakistan: Shari’a and the State,” 223.
members of the Muttaḥida Majlis-i ‘Amal (MMA), an alliance of religious parties whose leadership includes prominent ‘ulamā’.

At the same time, the Jamā‘at-i Islāmī, an Islamist religio-political party that aims to facilitate an Islamic revival in Pakistan issued a caustic critique of Musharraf in light of his push to amend the Ḥudūd Ordinance. The Jamā‘at-i Islāmī declared that through pressing for changes in the Ḥudūd Ordinance, Musharraf was “targeting the Islamic ideology, the Two Nation theory and the sovereignty of Quranic laws in the name of so-called enlightened moderation only to please the U.S.”

As pressure from the ‘ulamā’ mounted, the government succumbed to forming a committee of ‘ulamā’ to give their views on the proposed Women’s Protection Bill. This committee was termed the ‘government’s ‘ulamā’ committee.’ Controversially, this committee had the same authority and performed the same function as the CII.

Members of the government’s ‘ulamā’ committee included the preeminent Deobandi ‘ālim Taqī ‘Uthmānī, whose critique of the IRI has featured earlier in this chapter. ‘Uthmānī is widely accepted as the most prominent Deobandi scholar in the country. Another prominent Deobandi member of the ‘ulamā’ committee was Muḥammad Ḥanīf Jālandharī. Jālandharī is the general secretary of the Wafāq ul-

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126 Zaman, “Pakistan: Shari‘a and the State,” 223.
127 As quoted in Weiss, Moving Forward, 8.
129 For ‘Uthmānī’s inclusion in the government’s ‘ulamā’ committee see Usmani, 2006, 6.
Madāris al-‘Arabīa, the umbrella organization administering all Pakistani Deobandī madrasas. He is also a member of the Ittiḥād-i Tanẓimāt-i Madāris Pākistān (ITMP), which is the five member platform founded by the umbrella organizations of madrasas of various sects to present a united front to the government in negotiating interference in the madrasa system and curricula. The preeminent Barelvī ‘ālim Munīb ur-Rahmān was also a member of the ‘ulamā’ committee.130 Munīb ur-Rahmān is the president of the educational board of all Barelvī seminaries as well as the president of the seminary Dār al-‘Ulūm Na’imiyya in Karachi. The ‘ulamā’ committee appeared to have been reassured that the government would accept their demands.131

The CII’s members were taken aback by the formation of the ‘ulamā’ committee. Jāved Aḥmad G̲h̲āmīdī, a prominent theologian and member of the CII who lacks madrasa training,132 turned in his resignation in September 2006 on the grounds that seeking advice from the ‘ulamā’ committee “was a breach of the CII’s jurisdiction.”133 Unsurprisingly, the ‘ulamā’ committee proposed a very different set of recommendations than did the CII. Eventually, a decision was reached on the Women’s Protection Bill. The CII was not even consulted regarding the Bill, which was eventually passed in November 2006.134 However, the ‘ulamā’ committee did not fare much better. Although it was consulted regarding the Bill, the Bill was not molded entirely according to

130 Wasim, “MMA rejects ‘agreed’ draft.”
131 Zaman, “Pakistan: Shari’a and the State,” 223.
134 G̲h̲āmīdī, “Women Protection Bill in Pakistan.”
recommendations from the ‘ulamā’ committee. Contrary to the ‘ulamā’s recommendations, the punishment for rape was changed from the original (and according to the ‘ulamā’, religiously correct) death-sentence or lashing. Under the Women’s Protection Bill rape was made punishable by 10 to 25 years imprisonment. The ‘ulamā’ felt cheated.\footnote{Zaman, “Pakistan: Shari’a and the State,” 226.}

However, the ‘ulamā’ had won a substantial victory over the CII. The forming of the ‘ulamā’ committee to perform the functions ordinarily designated as the CII’s indicated the ‘ulamā’s religious authority and clout and the CII’s displacement as an epistemic authority. The 2006 Ḥudūd Ordinance controversy also highlighted the constraints faced by the Pakistani state in positing itself as an Islamic Republic. The state’s self-declared Islamic identity allowed the ‘ulamā’ to fault it for not upholding Islamic values and to propose their own appraisal of the Ḥudūd Ordinance and the Women’s Protection Bill. This faulting of the state based on its declared Islamic identity is evident in Taqī ‘Uthmānī’s response to a question about the need for the Ḥudūd Ordinance. Responding to the query, ‘Uthmānī remarked, “The 1973 constitution creates this need! Article 227 of the constitution states that all Pakistani laws will be brought in accordance with the Qurʾān and sunnah … Our constitution says this.”\footnote{“Mufti Taqi Usmani Sahib on ARY, With Shahid Masood. 01. 12.2006.” Youtube, video uploaded by Malik Jee, accessed August 21, 2013, \url{http://www.youtube.com/watch?v=ECAd9HkFTuc}.}

Finally, the events of 2006 also indicated the ‘ulamā’s ability to pressure political authorities to take their demands seriously, even though the eventual Women’s Protection
Bill did not conform entirely to the ‘ulamā’cordova demands. Moreover, as discussed below, in the divorce law controversy of 2008 the ‘ulamā’corda won a substantial victory.

**THE DIVORCE LAW CONTROVERSY OF 2008**

According to established Islamic legal precepts, a husband has the right to unilateral divorce (talāq). Pakistan’s legal code acknowledges this right and enshrines it in the Muslim Family Law Ordinance that was implemented in 1961.137 Traditional Islamic law recognizes the woman’s right to unilateral divorce only if this right was agreed upon in the marriage contract. The Pakistani marriage contract allows women to be granted this right by listing it as a possibility in section 18 of the contract. Section 18 inquires, “Has [the] husband delegated the right of divorce to the wife? If so, under what conditions?”138 Many women hesitate to broach the subject of divorce with their fiancés and leave the right unlisted.

When marriages turn sour, and the husband refuses to divorce, Pakistani Muslim women who have not asked for the right to unilateral divorce are left with only one option. They can ask the court to dissolve their marriage (khul’). This dissolution occurs under the Dissolution of Marriage Act passed in colonial India in 1939, which remains a part of the Pakistani legislation to this day. A khul’ can take place without the husband’s consent only if the wife forfeits the religiously compulsory (and usually financially

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138 Quoted in the original English. Section 18, Pakistani Marriage Contract.
substantial) nuptial gift (mahr) that she was presented by the husband at their wedding.\textsuperscript{139} Obviously, women seeking khul’ get the short end of the stick.\textsuperscript{140}

Aiming to ameliorate the dire straits of Pakistani women, in 2008, in its 171\textsuperscript{st} meeting, the CII recommended that Pakistani Muslim women should all have the right to unilateral divorce. To implement this right, the council advised removing section 18 from the Pakistani marriage contract and adding the following text to either the very top or the bottom of the contract: “This marriage has occurred under the condition that if the wife ever asks for a divorce, the husband will be obligated to grant her a divorce within 90 days. Even if he does not do so, then after 90 days, [under this contract] she will be considered divorced, unless she retracts her request for a divorce.”\textsuperscript{141} The text specifies that after the divorce, the woman is entitled to keep her bride-price.

The CII’s recommendation was discussed on television. As detailed below, a variety of religious actors, especially the ‘ulamā’, opposed it stating that it contradicted the Qur’ān and sunnah. They argued that under Islamic law, the husband is not obligated to grant his wife the right to unilateral divorce, although he may optionally do so.

The country was abuzz with debate and demonstrations. Protesting the CII’s recommendation, the ‘ulamā’ and other “groups organized rallies and demanded [the]
Prominent ‘ulamā’ of a variety of sects spoke out against the CII. Among them was the Barelvi ‘ālim Munīb ur-Raḥmān who was a part of the government’s ‘ulamā’ committee when the Ḥudūd Ordinance was being appraised in 2006. Munīb ur-Raḥmān termed the CII’s recommendations “totally illogical,” and accused the CII of “wanting to invent a new sharia … [and wanting] to create anarchy and chaos in the country.” Along with other ‘ulamā’ he signed a statement condemning the CII’s recommendations.

The prominent Deobandī ‘ālim Ḥanīf Jālandharī, another a member of the 2006 government’s ‘ulamā’ committee on the Ḥudūd Ordinance, also spoke out against the CII’s recommendation. His opinions carry considerable weight in Deobandī circles. He accused the CII of “exceeding its constitutional role, with the proposal to introduce non-Islamic reforms into the law.”

Other Deobandī ‘ulamā’ echoed Jālandharī’s critique. Among them was the distinguished Deobandī ‘ālim Samī‘ al-Ḥaqq. Samī‘ al-Ḥaqq is the president Dār al-‘Ulūm Ḥaqqāniyya, one of the most prominent and politically active religious seminaries.

146 Ḥanīf Jālandharī quoted in Felix, “Islamabad, Law in Parliament to give ‘Equal’ Rights to Women.”
in Pakistan. The seminary is located in Akora Khattak, in the Khyber-Pakhtunkhwa province of Pakistan. Some of the seminary’s students have been active in the Ṭālibān movement, which has accorded al-Ḥaqq the title Father of the Ṭālibān.\footnote{See Sami’ al-Ḥaqq, interviewed Imtiaz Ali, “The Father of the Taliban: An Interview with Maulana Sami ul-Haq,” The Jamestown Foundation, Spotlight on Terror 4, no. 2 (May 23, 2007), accessed May 2, 2014, http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=4180#.U6uM1yghMrw.} Al-Ḥaqq is an active religio-political leader who has served as the chairperson of the Pakistani state’s zakāt collection committee. Commenting on the CII’s recommendations on the divorce laws, al-Ḥaqq declared that the council “is sowing confusion among the people, with mistaken interpretations of sharia.”\footnote{Sami’ al-Ḥaqq quoted in Felix, “Islamabad, Law in Parliament to give ‘Equal’ Rights to Women.”} He added, “President Pervez Musharraf, according to his theory of enlightenment, had appointed such persons in the CII who were not capable of issuing religious decrees.”\footnote{Sami’al-Ḥaqq quoted in Gillani, “Divorced from Reality.”} 

The CII was no match for the ‘ulamā’s epistemic authority and influence. The ‘ulamā’ asserted that their mastery over the Islamic legal tradition accorded them sole authority to interpret religious law. According to the ‘ulamā’, scholars lacking traditional madrasa training such as Dr. Khalid Masud, the then-chairperson of the CII, did not have this interpretive authority.\footnote{Masud holds a PhD in Islamic Studies from McGill University.} Responding to the ‘ulamā’s critique of the CII’s recommendations, the Minister of Religious Affairs, Hāmid Sa’īd Kāzmī; the Minister for Law and Justice, Fārūq Nā’k; and the Minister for Parliamentary Affairs, Bābar ‘Awān all denounced the CII’s recommendations. However, the ‘ulamā’ wanted more.
They demanded the CII’s reconstitution, asking for more ‘ulamā’ representation on the council. Their demands were met. In the words of the then-chairperson of the CII, Dr. Khalid Masud, “The government of Pakistan bowed down to the opposition by the religious and conservative groups and reconstituted the council.”

Twelve new members were added to the council, all of whom were traditionally educated scholars. The composition of the CII was finally tilted in the ‘ulamā’s favor. As for the council’s recommendation on a Muslim woman’s right to unilateral divorce: the Minister of Religious Affairs, in light of the ‘ulamā’s critique, refused to pass the recommendation on to Parliament. This resulted in the recommendation being thwarted since the procedure for these recommendations to be delivered to Parliament requires the Ministry of Religious Affairs to pass them on. In sum, due to ‘ulamā’ pressure, the CII’s recommendations were rendered ineffectual.

Consequently, I assert that the divorce law debate highlights the continued vitality of the ‘ulamā’s religious authority and influence. Even though the ‘ulamā’s views

152 Masud, “Interpreting Divorce Laws in Pakistan.”
Khalid Masud’s account of the events detailed above has encountered respectful disagreement when I raised them with the current chairperson of the CII Mawlānā Sherānī and other council members and staff. All my other interlocutors at the CII explained that the inclusion of additional council members was not a bowing down to ‘ulamā’ pressure in order to tilt the vote in favor of a more conservative view on the issue. Instead, they maintained that new council members were added by set procedures. They asserted that the ‘ulamā’s addition was innocuous; prior to their addition, a number of previous council members had finished their terms and their positions were vacant. However, my interlocutors’ own bias in this regard must also be noted. These interlocutors were all of a traditionalist bent and a number of them clearly stated their dissatisfaction with Masud’s interpretations of Islam and his term at the council.
153 Muhammad Khalid Masud, personal conversation with Mashal Saif, Lahore, Pakistan, November 2013. Cited with permission from Masud.
and decisions are no longer automatically enforced by state power as was often the case in the pre-modern period, their opinions still carry weight. Their critique can rattle political functionaries who crave legitimacy. And so, at times, the ‘ulamā’, through protests and critiques, are able to impact state legislation. In fact, the divorce law controversy furnishes us with a prime example of the ‘ulamā’s ability to pressure political authorities to constitute the state in ways the ‘ulamā’ deem religiously correct. Consequently, I emphasize that the ‘ulamā’ should be viewed as active agents in the continuous process of state-formation and state Islamization.

**The Pakistani Public Sphere**

As highlighted above, the ‘ulamā’s voices ring loudly in the Pakistani public sphere. The recognition of their epistemic authority garners them the support they need to pressure political functionaries. As Qasim Zaman notes, “the ulama … have often succeeded in putting the governing elite on the defensive in matters relating to Islam.” My description of the Pakistani public sphere – where religious authority and religious reasoning are at times central to public deliberation – departs significantly from that of Jürgen Habermas, an architect of the concept of the public sphere. Habermas’ earlier works steered clear of engaging deeply with the role of religion in dialogical contentions in the public sphere. In response, scholars such as Peter Van der Veer have emphasized

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154 Zaman, “Pakistan: Shari’a and the State,” 217.
the operation of religion in this arena,\textsuperscript{155} an idea that Habermas also addresses in his later works. For Habermas, if religious citizens are to operate in the public sphere, they should ideally “develop an epistemic stance toward the priority that secular reasons enjoy in the political arena.”\textsuperscript{156} Stated differently, it is vital that religious citizens translate religious reasons into “public reasons” when introducing them in the arena of public deliberation.

However, in a country where Islamization is a state interest, secular reason is not always triumphant. As Islamic Studies experts Eickelman and Piscatori have noted, Islam often features prominently in the moral-symbolic language of politics in Muslim societies. In political discourse Islamic notions of authority and respect are either referenced directly or alluded to implicitly.\textsuperscript{157} Grounding my observations in larger trends across the Muslim world, I argue that the Pakistani public sphere works very differently from that described by Habermas both in his earlier and later works. In fact, as highlighted by my examination of the Ḥudūd Ordinance and divorce law debates, arguments formulated in religious language can carry more weight than their secular counterparts.

Consequently, I assert that in the Pakistani public sphere, religious authority – as displayed through epistemic authority, ethical self-fashioning, charismatic authority and pastoral power – serves as an important marker of legitimate public discourse. It is

precisely for the lack of such authority that ‘ulamā’ publicly critiqued the original CII membership during the Ḥudūd Ordinance and divorce law controversies. In particular, the ‘ulamā’ accused them of eschewing the Islamic ethico-legal scholarly heritage.

**Re-thinking the role of the CII during 2006-2008**

The Ḥudūd Ordinance and divorce law debates highlight the CII’s lack of religious authority and effectiveness during 2006-2008. They lead one to question whether this constitutional body served any purpose during those years. As mentioned in earlier sections of this chapter, the CII is ordinarily understood as the constitutional body working directly to cultivate the state’s religious identity. As per Article 203 of the constitution, the CII’s function is to make recommendations to national Parliament and the Provincial Assemblies “as to the ways and means of enabling and encouraging the Muslims of Pakistan to order their lives individually and collectively in all respects in accordance with the principles and concepts of Islam as enunciated in the Holy Qur’an and Sunnah.”

However, as the Ḥudūd and divorce examples illustrate, the CII’s recommendations – at least from 2006-2008 – hardly impacted state law and policy. This state of affairs is not entirely new. Sayyid Afzal Ḥaidar, a prominent lawyer and an ex-member of the CII remarks in his monograph, “the CII in its thirty-two year history has been unable to fulfill even its basic *raison d’être*. This criticism is also fully directed at

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[members of] Parliament who did not even take it upon themselves to read the recommendations of the CII.” Arguably, Sayyid Afzal Ḥaidar’s criticism is more scathing than necessary. The CII has multiple notable accomplishments. A 1998 address by Dr. S.M. Zaman, the then-chairperson of the CII, details these accomplishments as follows:

The law of clemency; the law of retaliation and blood money; the evidence laws; the Ḥudūd Ordinance; the ordinance for respecting Ramadan and other similar laws came about as a result of the council’s work and through plans that the council had designed. As per the council’s recommendations, the Ministry of Religious Affairs, Pakistan’s Law Commission, the Sharīʿa Faculty, the Qāʿid-i ‘Āzam University were founded…The prohibition on alcohol, gambling, betting on horse races; the prohibition on dowry paid to the groom and wedding banquets … the introduction of silent-partnership in commercial centers and the mention of the blasphemy law [were also spearheaded by the CII].

Importantly, many of these accomplishments occurred during the early decades of the council’s establishment. This was a moment in Pakistani history when the council was at its most vibrant. As noted earlier in this chapter, even in those early decades, the ‘ulamāʾ were critical of the council. However, at that moment the council’s significant recommendations (detailed above as its achievements), were viewed as less contentious. Consequently, those recommendations carried weight and yielded fruit. As this chapter has highlighted, the council currently finds itself in a different religio-political milieu.

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160 Now the International Islamic University in Islamabad.
161 Ḥaidar, Islāmi Nagriyyātī Kāʿūnsal, 685-6.

The ‘ulamā’s criticism, demands and clout have mounted over the decades. And particularly during 2006-2008, the ‘ulamā’ challenged the council’s claim to epistemic authority and derided its recommendations. As we noted with the Ḥudūd and divorce examples, the CII’s recommendations did not influence the outcomes of those controversies. However, I argue that the ineffectual nature of the CII’s recommendations did not render the CII completely useless. I assert that even during 2006-2008 the CII served a vital role in contributing to the practical cultivation of the state’s religious identity, as explained below.

As evident from the Ḥudūd Ordinance and divorce law debates, while Parliamentarians routinely ignore the CII’s recommendations, some of the council’s recommendations assume prominence in the public sphere. They ignite debates about the Islamic character and actions of the state.\(^{162}\) The ‘ulamā’ participate in these debates and pressure state functionaries to acquiesce to their demands, which are significantly different from the CII’s recommendations. These demands present the ‘ulamā’s views on how the religious identity of the state should be practically cultivated through changes in the structure and functioning of the state and its legislation.

\(^{162}\) I maintain that this particular role of the CII is, to an extent, a recent development. Over the past decade, particularly under the chairpersonship of Dr. Khalid Masud (2004-2010), the council has taken on a more public role. It has established a website where the minutes of its meetings as well as many of its publications are publicly accessible. Recently the CII has also published books on family planning, women’s rights, terrorism, etc. that appear to be meant for interested members of the public. Similarly, according to the council’s website, anyone may request free physical copies of the CII’s journal. Moreover, the council has official press releases informing the public of its stance on events of national significance as well as recent occurrences at the council. For example, one of the press releases provided details about a lecture delivered by Dr. Ebrahim Moosa at the CII in 2007. See, “Press Release,” Council of Islamic Ideology, Government of Pakistan, accessed September 29, 2013, http://www.cii.gov.pk/pressreleases/june2107.pdf.
While the ‘ulamā’ s appeals are often different from the CII’s recommendations, the ‘ulamā’ s demands become manifest through their engagement with the CII’s recommendations. Thus, I contend that at times the CII sows the seeds that generate debates leading to “the political public sphere win[ing] an institutionalized influence over the government,” and particular state bodies. Stated differently, I assert that the CII, from 2006-2008, indirectly – i.e. by generating public debate – aided the state’s adoption of an Islamic hue, as deemed correct by the ‘ulamā’. The CII did so despite its recommendations having little direct and immediate impact on the state.

Importantly, the religious authority and clout of the ‘ulamā’ that overpowered that of the CII during 2006-2008 also propelled the CII’s reconstitution. The current CII – with a higher ‘ulamā’ concentration and the Deobandī ‘ālim Muḥammad Sherānī as the chairman – may now Islamize the state more directly. With these recent changes, the intellectual outlook and recommendations of the CII have come more in line with those of Deobandī ‘ulamā’. Thus, the days of non-state ‘ulamā’ rising up in protest against the CII’s recommendations appear to have abated, at least for the time being.

164 Such tensions were evident in the CII even in the 1960s when ‘ulamā’ pressured “secular minded members to resign.” Malik, “Legitimizing Islamization,” 254.
165 The term ‘Islamize’ is conceptualized differently by different religious actors in Pakistan. I use the term ‘Islamize’, in this instance, to connote the state’s adoption of stances and legislation that the ‘ulamā’ deem religiously correct and necessary.
CONCLUSION

To sum up, this chapter has asserted that the established view of the ‘ulamā’s drastic displacement by the nation-state and their “eternal loss of epistemic authority,” does not accurately represent the Pakistani context. Despite challenges, the ‘ulamā’ retain their religious authority and clout. Although the modern Pakistani nation-state controls the legislative system, the ‘ulamā’ are not voiceless. Their epistemic authority is not “eternally los[t].” It reverberates strongly in the Pakistani public sphere.

The religious authority of the ‘ulamā’ furnishes them with the clout and influence to constitute and cultivate the Islamic Republic of Pakistan in a manner that they deem religiously correct. Pakistani ‘ulamā’ partake in constituting their state’s religious character by pressuring political functionaries to acquiesce to their demands. These demands include tangible changes in the Pakistani penal code and constitution.

This chapter has also engaged with the subject of the ‘ulamā’s discourses and activism to comment on how the Pakistani public sphere operates. It has highlighted that in the Pakistani public sphere, religious authority – as exhibited through epistemic authority, ethical self-fashioning, charismatic authority and pastoral power – is an important marker of legitimate public discourse.

Additionally, this chapter has proposed a novel manner of appraising the function of the Council of Islamic Ideology. I have contended that the role of the CII during 2006-2008 is best understood as that of instigating discussions in the public sphere. This

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understanding of the CII is not beholden to the council’s own criteria or self-definition. In fact, it departs radically from the understanding that the CII has of its own function which is to make recommendations to Parliament. However, my significant rethinking of the role of the council is substantiated by my examination of the Ḥudūd Ordinance and divorce law controversies.

Lastly, this chapter has set the tone for the rest of the dissertation by emphasizing the vitality of the ‘ulamā’ and their constant contentions and agreements with state institutions over correct Islamic tradition and religious authority. In the next chapter, I take up similar issues of ‘ulamā’s engagements with the state by examining negotiations and debates over sovereignty.
2. SUNNĪ POLITICAL THEOLOGY AND THE BLASPHEMY LAW CONTROVERSY: STATE, SOVEREIGNTY AND BARE LIFE

“The life caught in the sovereign ban is the life that is originary sacred – that is, that may be killed but not sacrificed – and, in this sense, the production of bare life is the originary activity of sovereignty.”

“To be a citizen therefore means to live under a sovereign will that has its own metaphysics. It is to live with and under yet another god...”

The cold-blooded murder of Salmān Tāsīr, the late governor of Punjab, by his own bodyguard Mumtāz Qādri in broad daylight in January 2011 was among the most divisive events of that year in Pakistan. For many, Mumtāz Qādri was a murderer. For others, particularly traditional Muslim scholars and their followers, Mumtāz Qādri was a

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1 While the primary sources examined in this chapter are not ethnographic, I want to acknowledge my debt to my ‘ulamāʾ’ interlocutors, particularly the Barelvī scholar Muhammad Khalīl ur-Rahmān Qādri of Jāmiʿa Islāmiyya, Lahore. During 2012-2013, Qādri went out of his way to share with me his own writings as well as the writings of his intellectual allies and adversaries in sources as varied as fatwās, journals and newspaper articles. I am indebted to him for his interest in my research and for keeping me updated on intra-‘ulamāʾ’ debates on these issues through mailing me new publications both physically and electronically. I am also indebted to the Deobandī scholar ‘Āmmār Khalīfān in Gujranwala for his investment in furthering my research through keeping me abreast of his writings on blasphemy. Similarly I am thankful to the Barelvī scholar Ḥanīf Qureshi in Rawalpindi for meeting with me in 2012 and sharing his writings.


4 The killing occurred in Pakistan’s capital, Islamabad.
hero. Hundreds of Barelvī ‘ulamā’, as well as those affiliated with other persuasions, lauded the murder.⁵ Why were the ‘ulamā’ jubilant and what was Tāṣīr’s transgression?

In the weeks leading up to his murder, Tāṣīr had critiqued Article 295 of Pakistan’s penal code. Article 295 is a part of Pakistan’s blasphemy laws. These laws enumerate a range of punishments from fines to execution for those who desecrate religion. Section C of Article 295 states: “Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muḥammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.”⁶ Tāṣīr’s critique of this article, and the blasphemy laws more generally, had emerged from his advocacy for ‘Āsiah Bībī, a Christian woman sentenced to death in November 2010 under Article 295-C for allegedly insulting the Prophet Muḥammad. Tāṣīr appealed for clemency on her behalf to the President of Pakistan and spoke out on national television against the blasphemy laws. Tāṣīr invoked considerable ire from religious quarters by terming the laws as “black law[s],” and calling them “man-made.”⁷

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The Barelvī traditional scholar Muftī Muḥammad Ashrāf Āṣif Jalālī of Jāmi’a Jalāliyya in Lahore declared that Tāṣīr’s critique of laws which criminalized insulting Muḥammad amounted to insulting Islam and the Prophet. His views were supported by many other ‘ulamā’, among them the famous Deobandī scholar Zāhid ur-Rāshiddī. Consequently these ‘ulamā’ and their supporters deemed Tāṣīr an apostate. Jalālī and like-minded ‘ulamā’ argued that Tāṣīr’s guilt was apparent from his statements. They also took issue with Tāṣīr’s declaration of the laws as “man-made.” Most ‘ulamā’ view capital punishment for insulting Muḥammad as God’s established orders, not as punishments devised by men. Many Barelvī and Deobandī ‘ulamā’ also deemed Tāṣīr’s support of ‘Āsiah Bībī a grave religious transgression. They argued that cooperating with, or supporting, a Prophet-insulter and disbeliever was akin to committing disbelief and apostasy yourself. Following this line of reasoning, the ‘ulamā’ declared Tāṣīr an apostate – a crime meriting capital punishment. And, when Tāṣīr was murdered, they refused to lead his funeral prayers, declaring that as an apostate Tāṣīr could not be

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8 See for example, the text of Muftī Muḥammad Ashrāf Āṣif Jalālī’s fatwā that will be discussed shortly in this chapter. Ashrāf Āṣif Jalālī, Gḥāzī Muḥammad Muntāz Ḥusayn Qādārī ke Rihā’ī ke Bāray Mein Shar’ī Fatwā (Lahore: Dār al-Iftā’ Jāmi’a Jalāliyya, October 20, 2011), 2. This fatwā is included in the dossier titled “A Detailed Examination of Questions Arising out of Blasphemy Laws in Pakistan.”

9 “Qanoon Namoos e Risalat SAWW, An Exclusive interview with Maulana Zahid ur Rashidi,” Youtube, video uploaded by adeel arif, August 17, 2011, accessed January 20, 2014, http://www.youtube.com/watch?v=xs2zAumrx30. While this is the predominant position among Pakistani ‘ulamā’, some exceptions exist, as will be discussed later in this chapter.

10 Choudary, “Taseer’s remarks about Blasphemy law.”

11 Exceptions to this norm will be discussed later in the chapter.

12 See, for example, Muhammad Ḳhalīl ur-Raḥmān Qādārī, Gḥāzī Muḥammad Muntāz Ḥusayn Qādārī ka Iqdām: Islām, Imām aur Qānūn ke Rūshnī mein (Lahore: Islamic Media Center, circa. 2011), 7-9. Pakistani ‘ulamā’ were not the only ones issuing pronouncements against Tāṣīr. Yemeni ‘ulamā’ also joined in. See, “Gḥāzī Malik Muḥammad Muntāz Ḥusayn Qādārī se Mut‘alik Maḥbūb Qādārī ke Istiftā’ par ‘Ulamā’-i Yemen ka Fatwā,” Su’e Hijāz, Lahore 18, no. 5 (May 2012): 26-42.
accorded Muslim funeral rites. While incredibly critical of Tāṣīr, the ‘ulamā’ celebrated his killer, Mumtāz Qādārī. As the murder trial proceeded, individuals supporting the ‘ulamā’s views garlanded Qādārī with roses and showered him with flower petals as he made his way into the courthouse to await his fate.13

THE CRIME OF INSULTING MUHAMMAD (SABB AL-RASŪL) IN ISLAMIC LEGAL LITERATURE

Western news sources and secular-liberal groups in Pakistan were aghast at the anti-Tāṣīr declarations of the ‘ulamā’ and the overwhelming public support for Mumtāz Qādārī. To them, the celebration of Tāṣīr’s extra-judicial murder for the alleged crime of blasphemy was incomprehensible. However, a rich, established body of work within the Islamic legal canon informs the treatment of blasphemy by the ‘ulamā’ as an egregious offense. Islamic legal texts use a variety of terms to describe blasphemy or vilification of God, the Prophet Muhammad and his companions. These terms include sabb (abuse, insult) and shatam (abuse), as well as the lesser-used laʿn (cursing) and taʿn (accusing, attacking).14 Not all insults are equal. Islamic law classifies insulting God (sabb Allāh) as violating God’s right (ṣaqq Allāh), while insulting Muḥammad (sabb al-rasūl) is a violation of the Right of Man (ṣaqq al-ʿabd). According to Muslim jurists, insulting


Muḥammad is a more grievous crime than insulting God, since the former cannot avenge the insult himself.\textsuperscript{15} Consequently, the one who commits sabb al-rasūl must be put to death.\textsuperscript{16} Importantly, jurists specify that certain conditions must be met for a person to be charged with blasphemy: The offender must be, 1) an adult 2) of sound mind who 3) offended under a lack of duress.

A survey of eighth century Islamic legal texts alerts us that the death penalty for insulting Muḥammad was common even in Islam’s early days. For example, the 

\textit{Muwaṭṭa’} of ‘Abd Allāh b. Wahb (d. 813) states that the eighth century jurist Mālik ibn Anas held the opinion that anyone who insults Muḥammad (commits sabb al-rasūl) must be executed.\textsuperscript{17} However, the equation of blasphemy with apostasy – which we see in the ‘ulamā’\textquotesingle s appraisal of Tāṣīr’s case – did not happen immediately in juridical texts. The formative texts of the legal schools (madhāhib) do not mention blasphemy by a Muslim against God or Muḥammad as an act that constitutes apostasy.\textsuperscript{18} However, legal texts around the 9\textsuperscript{th} century began noting that blasphemy against Muḥammad by a Muslim was considered grounds for apostasy.\textsuperscript{19} Among the Shāfi‘īs this transition can be demonstrated by the following example. Abū ‘Abd Allāh Muḥammad ibn Idrīs as-Shāfi‘ī (d. 820), the founder of the Shāfi‘ī legal school, in his exemplary work \textit{Kitāb al-Umm} does not mention blasphemy in his chapter on apostasy. His student Ismā’īl ibn Yahyā al-

\textsuperscript{17} Wiederhold, “Blasphemy Against the Prophet,” 43.
\textsuperscript{18} Wiederhold, “Blasphemy Against the Prophet,” 44.
\textsuperscript{19} See, for example, Fierro Marie Isabel, “Andalusian ‘Fatwa’ on Blasphemy,” \textit{Annales Islamologiques} 25 (1990): 103-117.
Muzanī (d. 878), also does not mention blasphemy in his discussion of apostasy. However, the Shāfi‘ī legal expert, Ibn al-Mundhir (d. 930) briefly discusses insults against Muḥammad in his chapter on apostasy.²⁰

By the 13th and 14th centuries we begin to encounter extensive tracts on the legal status of insulting Muḥammad. Two of the most important works of this time are by the Hanbali jurist and theologian Taqī al-Dīn ibn Taymiyya (d. 1328) and the Shāfi‘ī scholar Taqī al-Dīn al-Subkī (d. 1355).

Al-Subkī composed two different tracts on the issue of blasphemy. *Al-Sayf al-Maslūl ‘alā man Sabb al-Rasūl* [The Unsheathed Sword against the One who Insults the Messenger] focuses on the crime of insulting Muḥammad. Al-Subkī’s *Fatāwā* [Collection of Legal Verdicts] addresses insults against Muḥammad as well as his companions. The latter is a polemical text that accuses the Shī‘as and the Khawārij²¹ of insulting some of Prophet Muḥammad’s companions. Al-Subkī’s works on insult and blasphemy showcase the development in legal manuals of the notion of blasphemy by a Muslim as resulting in apostasy (*riddah*).²² Al-Subkī writes, “According to established consensus, insulting and ridiculing the Prophet (peace and blessings be upon him) is disbelief.”²³ Importantly, for al-Subkī there is no debate regarding the punishment for the

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²⁰ Wiederhold, “Blasphemy Against the Prophet,” 44.
²¹ An early Muslim sect that held strict opinions regarding membership to the Muslim community and the moral integrity of the ruler of the community. The Khawārij will be discussed in Chapter 3.
²² Wiederhold, “Blasphemy Against the Prophet,” 63.
crime of *sabb al-rasūl* (insulting the Prophet). He asserts that a person who explicitly insults Muḥammad or his companions is subject to the death penalty.

While al-Subkī and Ibn Taymiyya did not always see eye-to-eye, they held similar views on the punishment for *sabb al-rasūl*. In his 500 page tome *al-Ṣārim al-Maslūl ʿalā Shātim al-Rasūl*, Ibn Taymiyya argues that the crime of insulting Muḥammad is punishable by death. While acknowledging some disagreement among scholars on this issue, Ibn Taymiyya remains firm in advocating the death penalty. He substantiates his arguments by references to the Qurʾān, *sunnah* and the opinions of different legal schools. Numerous incidents from early Muslim history feature in Ibn Taymiyya’s work. Below I present one such incident. In the contemporary Pakistani context, this incident is constantly cited when debating the religious legitimacy of Tāṣīr’s assassination.

In Ibn Taymiyya’s work this incident is classified under its own sub-heading in a section titled, “‘Umar assassinated the person who refused to accept the Prophet Muḥammad’s decision.” Ibn Taymiyya narrates that two individuals approached Muḥammad asking him to settle a dispute between them. Muḥammad decided in favor of the one who was in the right. The other man was unhappy with Muḥammad’s judgment and wanted a second arbitration. The quarreling parties then approached Muḥammad’s trusted companion Abū Bakr. Abū Bakr stated that if Muḥammad had decided the matter, then he concurred with Muḥammad’s judgment. The man who had lost the dispute was still unsatisfied. The disputing men then approached Muḥammad’s companion ʿUmar. The person in whose favor Muḥammad had decided informed ʿUmar of Muḥammad’s decision and Abū Bakr’s comments. He added that his rival still refused to accept the
judgment. ‘Umar asked the person rejecting the judgment to confirm the veracity of his opponent’s statements. After he did so ‘Umar stepped away for a moment. ‘Umar returned wielding a sword and decapitated the man for spurning Muḥammad’s decision.\footnote{Taqī al-Dīn ibn Taymiyya, Kitāb al-Ṣārim al-Maslūl ‘alā Shātim al-Rasūl, trans. Muḥammad Ijāz Janjūa’ (Lahore: Nuriyya Ṭevīyya Publications, 2010), 58-59.}

From the above incident, and numerous others that he cites, Ibn Taymiyya concludes that it is a religious requirement to execute an individual who insults the Prophet.\footnote{Ibn Taymiyya makes this statement while acknowledging that that there is a slight disagreement on the issue.} Moreover, Ibn Taymiyya’s work, like that of al-Subkī and the works of jurists from the 9\textsuperscript{th} century onwards, asserts that a Muslim who commits \textit{sabb al-rasūl} becomes an apostate deserving the death penalty.

As this chapter will explore, it is through an engagement with this extensive Islamic legal literature on \textit{sabb al-rasūl} that contemporary Pakistani ‘\textit{ulamā’} formulate their arguments regarding the acceptability of Tāṣīr’s killing. The brief discussion above helps situate, for the time being, the intellectual genealogy of the ‘\textit{ulamā’}s views.

\textbf{\textit{SABB AL-RASŪL, HABITUS AND POLITICAL THEOLOGY}}

As the French sociologist Pierre Bourdieu explains, habitus refers to sensibilities, tastes and dispositions acquired through quotidian experiences.\footnote{Pierre Bourdieu, \textit{Outline of a Theory of Practice} (Cambridge: Cambridge University Press, 1977)} In understanding the views of contemporary Pakistani ‘\textit{ulamā’}, it is also important to keep in mind that a particular habitus, i.e. a common structure of affect, underlies their deep reverence for the
Prophet. The ‘ulamā’ view Muḥammad as equivalent to a “symbolic sovereign, higher than any earthly sovereign.” Religious precedent substantiates this view. All earthly Muslim political authorities were traditionally understood as successors of Muḥammad; they acted in his name as khalīfat rasūl Allāh. Given Muḥammad’s elevated status in Muslim theology, violence is not simply acceptable but necessary to protect his honor.

The corporal punishments deemed appropriate by the ‘ulamā’ and Article 295-C for insulting the Prophet can be understood even better when we are attuned to Muslims’ relationship with Muḥammad. In the words of Talal Asad, “the passion that informs those for whom, rightly or wrongly, it is impossible to remain silent when confronted with blasphemy, [is a result of them experiencing blasphemy as something that] disrupt[s] a living relationship [with Muḥammad].” In the case of Mumtāz Qādri, this living relationship is evidenced in titles accorded to him by the ‘ulamā’. For example, the Barelvi scholar Ḥanīf Qureshī consistently refers to him as ‘āshiq-i rasūl (Lover of the Prophet). Saba Mahmood elaborates on Muslims’ relationship of intimacy with Muḥammad, explaining:

Those who profess love for the Prophet do not simply follow his advice

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27 Saba Mahmood, “Religious Reason and Secular Affect: An Incommensurable Divide?” in Is Critique Secular?: Blasphemy, Injury, and Free Speech by Talal Asad, Wendy Brown, Judith Butler and Saba Mahmood (Berkeley, California: Townsend Center for the Humanities, University of California, 2009), 78.
29 Moosa, “Muslim Political Theology,” 4-5.
31 See the cover page and text of: Muftī Muhammad Ḥanīf Qureshī Qādri, Qalm Kuch aur Likhtā hai, Zabān Kuch aur Kahtī hai 2nd edition (Rawalpindi: Shabāb-i Islāmī Pākistān, 2012).
and admonitions to the ummah (that exist in the form of the hadith), but also try and emulate how he dressed; what he ate; how he spoke to his friends and adversaries; how he slept, walked and so on. These mimetic ways of realizing the Prophet’s behavior are lived not as commandments but as virtues where one wants to ingest, as it were, the Prophet’s persona into oneself.\textsuperscript{32}

She adds, “Muhammad, in this understanding, is not simply a proper noun referring to a particular historical figure, but the mark of a relation of similitude.”\textsuperscript{33} Insulting or defaming the prophet, i.e. committing tauhīn-i risālat then becomes an offense “against a structure of affect, a habitus that feels wounded.”\textsuperscript{34}

Given the gravity of this transgression, capital punishment is considered fitting. And, “in political terms, the one who insults the Prophet Muḥammad becomes a damned person. … such an offender or damned person must be killed.”\textsuperscript{35} This is the political theology espoused by Article 295-C of Pakistan’s penal code and echoed by the ‘ulamā’ supporting Tāṣīr’s murder.

The term political theology merits explanation. Jan Assmann defines political theology as “the ever-changing relationships between political community and religious order, in short, between power [or authority: Herrschaft] and salvation [Heil].”\textsuperscript{36} Mark Lilla echoes a similar understanding of the term, describing it as a “discourse about

\textsuperscript{32} Mahmood, “Religious Reason and Secular Affect,” 75.
\textsuperscript{33} Mahmood, “Religious Reason and Secular Affect,” 76.
\textsuperscript{34} Mahmood, “Religious Reason and Secular Affect,” 78.
\textsuperscript{35} Moosa, “Muslim Political Theology,” 5.
political authority based on a revealed divine nexus.” Lilla adds that political theology turns to God in deciding questions of political structure, rule and government. Thus, in asserting that the political theology of many Pakistani ‘ulamā’ and Pakistan’s blasphemy laws is one whereby the Prophet-insulter is damned, I am asserting that this is the configuration of politics and salvation that they find religiously appropriate. However, as this chapter will highlight, despite their seeming conformity, incommensurable differences exist between the state’s political theology (as evidenced in article 295-C and beyond), and that of some ‘ulamā’. Below, I explain the structure of this chapter and the issues and arguments that will be explored.


38 There are certain exceptions to this rule and a few ‘ulamā’, as well as religious scholars with non-traditional training, emphasize less violent punishments. For example, the Deobandi ‘ālim’ Ammār Khiān Nāṣir is of the opinion that Hanafi fiqhā ‘have shied away from advocating the death sentence for insulting Muhammad. See: Muḥammad ‘Ammār Khān Nāṣir, *Barāhīn: Mu‘āṣir i Maqabā Bi Naqṣār Aḥām par Naqād va Taḥṣirah* (Lahore: Dār ul-Kitāb, 2011), 515. Nāṣir, in writing about the blasphemy laws in Pakistan states that according to Hanafi fiqhā ‘there is no set punishment for this crime mentioned in the Qur’ān and sunnah. Nāṣir, *Barāhīn*, 503). The famous Pakistani theologian Jāved Aḥmad Ghamidi expresses the same opinion stating, “The Qur’ān does not specify a punishment for blasphemy. Unlike how other hudūd are specified in the Qur’ān, the Qur’ān does not specify a punishment for this crime.” See “Blasphemy Law- Ghamidi Vs Mufti Muneeb,” *Youtube*, video uploaded by Muazz bin noor, on November 27, 2010, accessed January 15, 2014, http://www.youtube.com/watch?feature=player_embedded&v=4VCqEuuxp1Q.

39 The state, of course, is not a homogenous entity. Consequently competing political theologies are evident in different aspects of its penal code and constitution. State institutions such as the CII also embody specific political theologies. Here I examine the political theology evident in Article 295-C of the Pakistan penal code. Later in this chapter I also engage with the political theology espoused in Article 248 of the constitution. The larger issue of the sovereignty of the state’s legal system also espouses a specific political theology that is examined in this chapter.

40 Since the Tāṣīr murder, a number of other well-publicized and controversial blasphemy cases have occurred in Pakistan. These include a blasphemy accusation against a developmentally challenged Christian teenage girl as well an incident in which a girls’ school in Lahore was set ablaze after one of its teachers was found to have miscopied sections of the Qur’ān. Needless to say the issue of blasphemy is a volatile one in contemporary Pakistan.
In the first part of this chapter, I will detail the history of Pakistan’s blasphemy laws and highlight some similarities with the sabb al-rasūl literature. I will argue that despite these similarities, they are occasionally incommensurable because both the state and the sharī‘a (as interpreted and articulated by the ‘ulamā’) demand sovereignty. With regard to the Tāsīr murder the issue of sovereignty boils down to the question of who has the right to declare the insulter as worthy of death and to carry out the death sentence. The state, considering itself the sovereign, reserves this right for itself. Consequently, it deemed Tāsīr’s killing to be extra-judicial and a murder. His assassin, Mumtāz Qādri, was sentenced to death. The ‘ulamā’, on the other hand, turn to God as the ultimate sovereign and find His sovereignty vested in His law, the sharī‘a, which they articulate. Many ‘ulamā’ assert that according to the sharī‘a insulting the Prophet is such a grievous crime that anyone can legitimately commit sovereign violence against a Prophet-insulter. Consequently they laud Mumtāz Qādri’s actions.

In the second part of this chapter, I will highlight how the issue of sovereignty becomes even more complicated once Tāsīr’s post as a governor is considered. In that section I will explore how according to the Pakistani constitution, all governors have immunity from legal prosecution. Consequently even if the state’s legal system wanted, it could not have charged Tāsīr with the crime of blasphemy while he was in office. In investigating these issues, I will assert that many ‘ulamā’ challenge not just the immunity and exception granted to Tāsīr by the constitution but also the sovereignty of the state’s

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41 As I shall discuss shortly, this interpretation of the sharī‘a is the dominant view among Pakistani ‘ulamā’. There are a few exceptions to this view, which shall also be discussed.
legal system. They contend that when the crime of insulting Muḥammad is committed, as per the Islamic legal literature on \textit{sabb al-rasūl}, any person can kill the insulter, no matter what the political status, without recourse from the state.

In the third part of this chapter I will argue that not all ‘ulamā’ challenge state sovereignty by declaring that any individual has the right to kill an insulter. A small minority deems the state as the sole authority that must adjudicate such matters. These ‘ulamā’ assert that they work from within the framework of the \textit{sharī‘a} to emphasize the state’s monopoly over the legitimate use of violence. Simultaneously, they expound the perils of lawlessness and anarchy that result from vigilante justice. Their focus on social stability and the impermissibility of challenging political authority is part of a long legacy of established opinions in Islamic legal literature on politics and governance (\textit{siyāsa sharī‘yya}).

I assert that the disparity between these anti-vigilante justice ‘ulamā’ and the ‘ulamā’ celebrating Tāṣīr’s extra-judicial murder highlights the drastically different views among the Pakistani ‘ulamā’ on the question of state sovereignty.

**Historicizing Pakistan’s Blasphemy Laws**

While both the Islamic legal literature on \textit{sabb al-rasūl} and Article 295-C of the Pakistani penal code prescribe the death penalty for insulting Muḥammad, the laws have different genealogies. The criminalization of blasphemy in Pakistan’s penal code is strongly inflected by colonial law. The advent of blasphemy laws in colonial India can be traced to Sir Thomas Macaulay (1800-1859). Macaulay established the inaugural Indian
Law Commission and drafted the Indian penal code in 1837. Among numerous other
criminal transgressions, the code also listed blasphemy. Act No. 45 of 1860 enacted the
code in revised form. The Pakistani penal code continues to enforce the Indian penal code
originally drafted in 1837. In so doing, it implements, to this day, the blasphemy laws
introduced in colonial India.

In drafting the Indian penal code Macaulay recognized, what he viewed as, a
other factors influenced Macaulay’s decision to include blasphemy laws in the code.
Chapters in the code on homicide, defamation and offenses against religion (under which
blasphemy is classified) recognize this vulnerability. Importantly, Macaulay himself
viewed insulting and offensive language as a speech act that ought to be monitored by the
law.\footnote{Ahmed, “Specters of Macaulay,” 179.} The code’s final chapter “Of Criminal Intimidation, Insult and Annoyance,”
criminalized forms of offensive language that were previously legally unnoted.\footnote{Ahmed, “Specters of Macaulay,” 179.} Chapter
15 of the code criminalized damage and defilement of places of worship (Section 295).
Section 296 criminalized the disturbance of religious assembles; Section 297 criminalized
malicious trespassing on burial sites and funeral remains and Section 298 criminalized
deliberately insulting the religious feelings of any person.\footnote{Ahmed, “Specters of Macaulay,” 181.}
Many English administrators and judges of the time viewed the code’s criminalization of wounding religious sentiments with apprehension. In line with other critics Sir James Fitzjames Stephen (d. 1894), a prominent English lawyer and judge, noted the disturbing ease of making accusations and the potential for the criminalization of religious debate. He argued that as long as English magistrates interpreted the law restrictively, these dangers could be averted. But, the law “might lead to horrible cruelty and persecution if the government of the country ever got into Hindu or Mohammedan hands.”\(^{46}\) Criticisms of these laws continue to the present day. In a recent work, the anthropologist Asad Ahmed notes that Chapter 15 of the Indian penal code is a quagmire in terms of the vagueness and generality of its wordings.\(^{47}\) Subsequent amendments to the code, which will be discussed shortly, problematically perpetuated the code’s linguistic vagueness. As Ahmed highlights, the formulators of these amendments reasoned that they must preserve the code’s language in order to prevent contradictions and complication.

For more than a century (1860 to 1980), only one addition was made to the blasphemy laws. Responding to the publication of polemical tracts against Prophet Muḥammad by the Hindu reform movement Arya Samaj, colonial authorities added Article 295-A in 1927. The addition was necessary since the colonial authorities were not able to prosecute under Section 298 which only criminalized blasphemy in its spoken


form. The new section criminalized visual depictions and spoken and written words which “insult or attempt to insult [the] religion or religious beliefs,” of individuals. Importantly, only the state could initiate legal action under 295-A.49

Starting in 1980, General Ziyā’ al-Ḥaqq – the military dictator who ruled Pakistan from 1978-88 – added five new sections to the laws. It is vital to note that most of these additions took place in response to demands by the ‘ulamā’. The history of these additions indicates that the Pakistani ‘ulamā’ have been acutely attuned to the crime of blasphemy for many decades. The case of Salmān Tāsīr is one in a line of other cases and issues of blasphemy that the Pakistani ‘ulamā’ have responded to since the country’s birth.

The 1980s were a particularly charged moment in Pakistan for the discussion of blasphemy. Following the Islamic Revolution in Iran in 1979, the relationship between the Sunnī and Shi‘a communities in Pakistan turned rancid.50 The rise of a Shi‘a theocracy in Iran was troubling for the Sunnīs in neighboring Pakistan. Sunnī ‘ulamā’ were concerned that Shi‘a thought and rituals – particularly the practice of insulting some of the early caliphs – would gain ascendancy in Pakistan. According to Shi‘as these early caliphs had usurped political power from Muḥammad’s cousin, ‘Alī, a figure commanding deep reverence among the Shi‘as. The Sunnī view prevailed in Pakistan. Sunnī ‘ulamā’ succeeded in pressuring the Ziyā’ regime to introduce Article 298-A, 48 Ahmed, “Specters of Macaulay,” 182.
50 See Chapters four and five for a discussion of Shi‘as in Pakistan.
which criminalized insulting the early caliphs as well as Muḥammad’s family and his companions. Article 295-B, which criminalized desecrating the Qur’ān, was also introduced around this time. Additionally, ‘ulamā’ pressure was responsible for the introduction of 298-B and C. These sections “criminalized the use of ‘Muslim terminology,’ by members of the minority Ahmadiyya sect.”\(^{51}\) As mentioned in the previous chapter, Ahmadies maintain that Mirzā Gḥūlām Aḥmad (d. 1908), the founder of the sect was “spoken to” (by Allah or an angel),\(^{52}\) and was the promised messiah (mahdī) of Islamic eschatology. Most Pakistani ‘ulamā’, regardless of their sectarian affiliations, hold Ahmadi doctrines to be outside the realm of Islam. As discussed in the previous chapter, Sunnī and Shī’a ‘ulamā’ banded together and campaigned to have the government criminalize Ahmadies’ use of ‘Muslim terminology’. The ‘ulamā’s goal was realized in 1984 with the introduction of Articles 298-B and C in Pakistan’s Penal code.\(^{53}\)

The fifth new section of Pakistan’s blasphemy laws, Article 295-C was added in 1986 to explicitly protect the Prophet Muḥammad from insult and defamation. “Unlike the other sections, it was introduced by an act of Parliament.”\(^{54}\) Initially 295-C accorded a criminal a sentence of either life imprisonment or death. In 1991, the then-government removed the sentence of life imprisonment for violating 295-C. It did so at the order of the Federal Shariat Court, a court that determines whether laws in the country are in

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\(^{52}\) Friedmann, Prophecy Continuous, 109.


compliance with Islamic law. The removal of this option rendered the crime of insulting Muḥammad as punishable solely by death.\footnote{Ahmed, “Specters of Macaulay,” 174.}

\textbf{The State and the ‘Ulamā’: Similar Stances, Differing Reactions}

Through the introduction of 295-C and the 1991 revision, the Pakistani penal code’s treatment of the crime of insulting Muḥammad came to very strongly resemble the Islamic legal position articulated earlier in this chapter. Both the \textit{sabb al-rasūl} literature and Pakistan’s penal code implement the death penalty for this crime. While this similarity exists, the response of state officials and government representatives to Tāṣīr’s critique of the blasphemy laws differed starkly from that of the ‘ulamā’. When Tāṣīr declared the laws to be “black” and “man-made,” elite political functionaries were mostly unconcerned.\footnote{Jalālī, \textit{Ghāzī Muḥammad Mumtāz Husayn Qādārī ke Rihā’ī ke Bāray Mein Shar‘ī Fatwā}, 2.} On the other hand, numerous ‘ulamā’ rose up in arms, protesting that Tāṣīr had violated the \textit{shar‘ī} prescription against insulting Muḥammad. Particularly pertinent in this regard are the comments of the esteemed Karachi based Barelvī ‘ālim Munīb ur-Rahmān. Munīb ur-Rahmān is the president of the educational board of all Barelvī seminaries as well as the president of the seminary Dār al-‘Ulūm Na‘imiyya in Karachi. Commenting on Tāṣīr’s critique of the blasphemy laws Munīb ur-Rahmān emphasized the established Islamic legal opinion on the crime of \textit{sabb al-rasūl}. He stated:

When the governor’s comments were received, we protested. The entire nation protested. We requested the President and the Prime Minister (since they are at constitutional posts; they aren’t just laymen) that it is their responsibility to put some checks and balances on them [people who insult Prophet Muḥammad]; to lay down some boundaries for them. They should...
not think that to insult the Prophet and to insult the Sharīf brothers is equivalent… This [the issue of insulting the Prophet] is an issue that impacts the whole nation … All the various ethico-legal schools have a consensus (ijmā‘) on this issue.

While Munīb ur-Raismān comments on elite state functionaries’ inertia in taking action against Tāsīr, the Barelvī ‘ālim Muḥammad Ashrāf Āṣif Jalālī of Jāmi’a Jalāliyya in Lahore goes even further. Jalālī chides the political elite in a fatwā that he composed to comment on Tāsīr’s assassination. This fatwā is particularly important since it expresses not just Jalālī’s views but also the opinions of about fifty other ‘ulamā’ and religious seminaries that have all endorsed the fatwā. Jalālī’s fatwā is telling in how it conceptualizes Tāsīr’s transgressions and how it engages with the Pakistani constitution and the state’s legal system. Arguing in favor of the death penalty for someone who insults the Prophet, Muftī Jalālī presents the established Islamic legal opinion on the punishment meted to an individual who commits sabb al-rasūl. He writes, “The Prophet himself on numerous occasions ordered insulators to be killed. The Rightly

57 The Sharīf brothers (Nawāz Sharīf and Shahbāz Sharīf) are Pakistani politicians who have held important government posts.
60 I first encountered Jalālī’s fatwā in a dossier titled “A Detailed Examination of Questions Arising out of Blasphemy Laws in Pakistan.” I obtained this dossier from Justice Naẓīr Aḥmad Ghāzi, a high-profile lawyer in Lahore, who has extensively researched the blasphemy laws in Pakistan. Apart from Jalālī’s fatwā, all the other documents in the dossier are penned by the Ministry of Law, Justice and Parliamentary Affairs. They are accompanied by a statement of approval from the Prime Minister, dated August 2011.
61 This endorsement is obvious through signatures and seminary stamps.
Guided Caliphs also held the same opinion ... One who insults the Prophet must be killed."\(^6^2\) Turning specifically to the case of Salmān Tāṣīr and his critique of the blasphemy laws, Jalālī writes:

Salmān Tāṣīr called the blasphemy laws a “black law,” a “cruel law” and termed the death punishment a “cruel punishment” ... Calling this law a “black law” or a “cruel law” is clearly to insult the Prophet. The ‘ulamā’ objected to this and informed him [of his errors] but he remained steadfast in his views and statements and voiced his disdain and disregard for the ‘ulamā’s shar’ī ruling. The government remained a silent witness. Despite such grave attacks by a province’s leader on religion, Islam and the Prophet’s honor, the law did not act; it was not agitated. Such an important government figure disregarded the Pakistani constitution with his words and actions and no one made him realize that he should respect the law.\(^6^3\)

In an appearance on national television, Jalālī makes similar comments regarding the compatibility of state law and the sharī’a. He declares, “It is our good fortune that the spirit of the Qur’ān and sunnah is present in our constitution and we consider 295-C a part of the Pakistani legislation ... But this is not simply a Pakistani law; this is a Qur’ānic and religious law.”\(^6^4\) As is apparent, Jalālī frames his critique of Tāṣīr, not simply as a case of Tāṣīr violating established shar’ī precepts, but also as a case of Tāṣīr disregarding the Pakistani constitution and disrespecting the Pakistani penal code. In other words, Jalālī’s criticism is based on Tāṣīr’s disregard for state authority as well as the authority of the sharī’a.

\(^6^2\) Jalālī, Ḡḥāzī Muḥammad Muntāz Ḥusayn Qādīrī ke Rihā’ī ke Bāray Mein Shar’ī Fatwā, 2.
\(^6^3\) My translation from Urdu to English. Jalālī, Ḡḥāzī Muḥammad Muntāz Ḥusayn Qādīrī ke Rihā’ī ke Bāray Mein Shar’ī Fatwā, 2.
THE PARADOX OF SOVEREIGNTY

While Jalālī writes and speaks of the congruity between Pakistan’s blasphemy laws and the shari‘a, not all ‘ulamā’ share his views. The esteemed Barelvī ‘ālim, Muftī Muḥammad Ḵān Qādrī, who presides over Jāmi‘a Islāmiyya in Lahore, is one among a number of ‘ulamā’ who speaks of the incongruity between the shari‘a and aspects of Pakistan’s penal code.65 He does so through a fatwā that he composed, but which also bears the signatures of approximately fifty ‘ulamā’ of various persuasions including Shī‘a, Barelvī and Deobandī.66 Muftī Qādrī and his colleagues at Jāmi‘a Islāmiyya collaborated extensively with other ‘ulamā’ to produce this ethico-legal pronouncement. The aim was to issue a decisive fatwā whose wording and sources were acceptable to, and endorsed by, all the Pakistani ‘ulamā’.67

The fatwā explains that although blasphemy laws are included in Pakistan’s penal code, Salmān Tāṣīr was exempt from prosecution under them given his post as Governor of Punjab.68 Concerned citizens attempted, but failed, to register a case against Tāṣīr because of the immunity granted to him by the constitution.69 The history of this

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66 I obtained this fatwā from Jāmi‘a Islāmiyya, Lahore.
67 Muftī Muḥammad Ḵān Qādrī, interview by author, Lahore, January 2012.
69 In a published interview, Muḥammad Ḵān Qādrī describes how his affiliates attempted to deal with Tāṣīr’s transgression through the Pakistani legal system. “They went to the Sui Line Jail to register a case - there is a record of this. Our affiliates were told that the governor lies outside the law and he cannot be called to appear in court. The political rulers were constantly alerted to this issue through demonstrations, resolutions and declarations. We requested them to dismiss Tāṣīr from his post. Newspapers from this time testify to this. But the government did not waver and did not dismiss him. Some
immunity can be traced to its introduction into the constitution in 1962 by Pakistan’s first military dictator, General Ayyūb K̲h̲ān (in office 1958-69). Thus, in the decades after the Second World War, when much of the world was working to circumscribe rulers’ immunity, Pakistan was increasing the immunity’s bounds. This immunity is detailed in Article 248 of the constitution. Section 2 of the article reads, “No criminal proceedings whatsoever shall be instituted or continued against the President or a Governor in any court during his term of office.” Section 3 states, “No process for the arrest or imprisonment of the President or a Governor shall issue from any court during his term of office.”

Commenting on this constitutional immunity, the fatwā asserts that the government should have dismissed Tās̲īr from his post so that legal proceedings could be initiated against him. Instead, the fatwā claims, “the government played the part of a silent spectator.” While highlighting ways in which the government could have worked around this immunity through dismissing Tās̲īr, Muftī Qādrī also emphasizes the problematic nature of this constitutional exception. To allow a government official’s post to accord him immunity from prosecution from shari‘i crimes such as blasphemy is to provincialize the shari‘a; an unacceptable act.

individuals asked Tās̲īr to recant his comments, but he was completely dismissive. In response, he stated that such fatwās were not even worth the dust under his shoes. In such a situation, you yourself should consider what a loyal Muslim should do.” See: Qādrī and Qādrī, “Muḥaqqiq Al’-Asr Muḥammad K̲h̲ān Qādrī se ek Interview,” 54.

71 Muḥammad K̲h̲ān Qādrī, circa. 2011, 1.
The Barelvī ‘ālim Muḥammad Ḵালīl ur-Raḥmān Qādṛī of Jāmi‘a Islāmiyya, Lahore frames this matter of immunity and sovereignty in the following words:

Mimicking the West, the Pakistani constitution contains an exemption for the Prime Minister and Governors [preventing them from being charged under the blasphemy laws]. This immunity [clause] is a “black law”72 and a disfiguring mark on the sovereignty of the law. The history of Islam testifies that the Rightly Guided Caliphs appeared in the courts both when charging others under the law as well as when they themselves were charged. From this history it is evident that the West cannot even come close to matching the [perfect] manner in which the sovereignty of the law is conceptualized in Islam. If the aim is to raise a commotion, then a commotion should be raised to protest against this immunity so that our political rulers can be charged under the law, even when in office.73

While Ḵālīl ur-Raḥmān Qādṛī’s comments regarding rulers’ lack of immunity in the Islamic legal tradition are accurate to an extent, they are in need of nuance. Islamic law does not accord rulers the degree of immunity granted by the Pakistani constitution. They must, as Ḵālīl ur-Raḥmān Qādṛī has noted, appear in court when summoned. Legal proceedings can be started against them. However, Muhammad Fadel, an expert in Islamic law notes that, in some respects, an indigenous tradition of ruler’s immunity exists within Islamic law. This immunity is derived from the established Sunnī legal maxim of taṣarruf al-imām ‘ala al-ra‘īyyah manūṭ bi al-maṣlaḥa, i.e. a ruler’s conduct towards his subjects must be based on their best interest. According to Sunnī political theory, a ruler is not personally responsible for any damages or injuries he might cause as long as both of the following conditions are met. 1) The ruler was acting in the capacity

72 Here Ḵālīl ur-Raḥmān Qādṛī deliberately uses the phrase employed by Tāsīr to critique the blasphemy laws.
of his office, and not his personal capacity. 2) The ruler acted with the intention of
benefitting the community. 74

Obviously, these Islamic legal conditions regarding the immunity of political
office are drastically circumscribed in comparison to the virtually unlimited immunity
granted to political elite by the Pakistani constitution. In light of this stark difference,
Khalīl ur-Raḥmān Qādrī and other ‘ulamā’ who share his concerns find their political
theology to be at odds with that articulated in Article 248 of the Pakistani constitution.

I analyze the ‘ulamā’s critique of the immunity and exception granted to Tāsīr
through the lens of the ‘paradox of sovereignty.’ This paradox is explicated in the works
of the German philosopher Carl Schmitt and the Italian philosopher Giorgio Agamben.
Below, I highlight how this paradox helps explain the legal position of Governor Tāsīr as
one wherein he partially partook in the sovereign exception as a result of his political
office.

The figure of the sovereign is central to Schmitt’s work. Schmitt argues that all
legal orders are based on a sovereign decision, not on legal norms. 75 In his classic work
Political Theology he succinctly summarizes the position of the sovereign using the
famous phrase, “sovereign is he who decides on the exception.” 76 Schmitt explains that

morsi-decrees/. For more on the subject see, Muḥammad Maḥmūd Aḥmad Ṭalāfiḥah. Qā‘idat “Taṣarruf
al-Imām ‘ala al-ra‘iyah manūṭ bi-al-maṣlaḥah”: wa-taṭbīqātuhā al-fiqhiyyah wa-al-qānūniyyah fī majāl
75 Carl Schmitt, Political Theology: Four Chapters on the Concept of Sovereignty, trans. George
76 Schmitt, Political Theology, 5.
the sovereign “stands outside the normal valid legal system, but nevertheless belongs to it.” He belongs to it precisely because of his capacity to decide the exception. As Schmitt explains, the sovereign is legally granted the right to suspend the law. For Schmitt, the paradox of sovereignty is implicit in the very definition of the sovereign. The sovereign can legally declare a state of exception thereby suspending, for example, the constitution and the validity of the law – a law that is paradoxically meant to subsume everything within it, of which there is no outside. Consequently, Schmitt declares that the sovereign is simultaneously both outside and inside the law. Agamben, engaging with Schmitt, describes this paradox as one wherein the head of state and/or the state’s executive branches are both within and outside the legal order, i.e. paradoxically legally outside the law. Agamben sums up this paradox as follows: “I, the sovereign, who am outside the law, declare that there is nothing outside the law [che non ce unfuitori legge].”

I use Schmitt’s and Agamben’s comments on the paradox of sovereignty to explain the legal position of the political elite in Pakistan more generally and Tāṣīr specifically. In Pakistan, the President has the constitutional right to suspend the constitution. Thus, he is outside the law in the Schmittian sense. Obviously, the right to suspend the constitution does not extend to governors. Thus, unlike the President, their legal position cannot be explained as mapping on exactly to Schmitt’s comments on the sovereign. However, a governor can be considered as entangled in the sovereignty

77 Schmitt, Political Theology, 7.
78 Agamben, Homo Sacer, 15.
79 Agamben, Homo Sacer, 15.
paradox as a result of the immunity from criminal prosecution granted to him by Pakistan’s Constitutional Article 248. To employ Schmitt’s terminology, Pakistani governors are placed outside the law through the law itself. This paradox of sovereignty helps us understand Ŕasîr’s unique legal position as a governor who had (according to many ‘ulamā’) insulted the Prophet. While insulting Muḥammad is a crime, according to Article 295-C of Pakistan’s penal code, Article 248 of the constitution exempted Ŕasîr from prosecution. The article placed Ŕasîr outside of the law since the sovereignty paradox, which places the sovereign outside of the law, has been built into the constitution.

**Sovereignty and Bare Life**

The issue of sovereignty is much more complex than the idea of immunity. At the heart of the issue lie questions about legitimate violence. It is unsurprising, then, that among the most heated debates surrounding Ŕasîr’s murder was the disagreement over how to appraise Mumtāz Qâdrī’s killing of Ŕasîr. The deepest fissure between the state and most ‘ulamā’ was whether Mumtāz Qâdrī’s actions should be regarded as criminal. For the state, Mumtāz Qâdrī was a murderer, given his extra-judicial killing of Ŕasîr. Consequently he was jailed and sentenced to death.\(^\text{80}\) For most ‘ulamā’, Mumtāz Qâdrī was a hero who had rightly executed an individual who had insulted Muḥammad – an act the ‘ulamā’ contended was acceptable according to the *sharī’a*. As this chapter will

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explore, the ‘ulamā’ formulated their arguments regarding the acceptability of Tāṣīr’s murder by drawing on sabb al-rasūl literature. Both the state’s and the ‘ulamā’s perspectives and arguments are examined below. The disagreement between the ‘ulamā’ and the state boils down to the decisive question: Is ultimate sovereignty vested in the state or the sharī’a? The answer to this question determines one’s answer to questions such as: Who decides and exterminates a Prophet-insulter? Is this the task of the state or can any citizen take on this duty?

According to pro-Mumtāz Qādri ‘ulamā’, Tāṣīr’s religious transgressions were such that any Muslim could take it upon himself to execute Tāṣīr. Although the assassination was deemed extra-judicial by state laws, the ‘ulamā’ argued it was justified according to the sharī’a’s stance on sabb al-rasūl. While the ‘ulamā’s views jar with dominant modern conceptions of the state’s monopoly over the legitimate use of violence, their views regarding the legitimacy of Tāṣīr’s extra-judicial assassination resonate deeply with sections of ancient Roman law dealing with the homo sacer. As Ebrahim Moosa notes in his work, the figure of the Prophet insulter can be conceptualized as a homo sacer.\(^{81}\) Agamben describes the figure of the homo sacer in archaic Roman law as one who ties together the character of sacredness to human life in the distinct manner detailed below. The figure is described in the following words:

The sacred man is the one whom the people have judged on account of a crime. It is not permitted to sacrifice this man, yet he who kills him will not be condemned for homicide; in the first tribunitian law, in fact, it is noted that “if someone kills the one who is sacred according to the

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\(^{81}\) Moosa, “Muslim Political Theology,” 5.
plebiscite, it will not be considered homicide.” This is why it is customary for a bad or impure man to be called sacred.\textsuperscript{82}

As Agamben explains, the seeming contradiction of this figure – evidenced in his sacredness coupled with the fact that anyone can kill him – has remained a puzzle for scholars, who continue to offer divergent interpretations.\textsuperscript{83} In fact, as Agamben notes, the expressions detailing the sacredness of the figure were “also obscure to the Romans.”\textsuperscript{84} However, what is established is that according to archaic Roman law, a person became a \textit{homo sacer} when he committed crimes that were so egregious that they suspended the normal ordering of the law. Such heinous crimes included, “the violence of the son against the parent; or the swindling of a client by a counsel.”\textsuperscript{85} I argue that one can draw parallels between the gravity and effects of the above-mentioned crimes in Roman law and the crime of \textit{sabb al-rasūl} in Islamic law. As described above, any person can kill the \textit{homo sacer} of Roman law without the act being considered homicide. Similarly, according to most ‘ulamā’, the individual who insults Muḥammad is one who anyone can kill without the act being classified as a transgression or an offense. The term used by the ‘ulamā’, to describe what Agamben terms as the \textit{homo sacer} is \textit{mubāḥ ad-dam}. In Arabic, the literal translation of this term is: one whose blood is legally/morally acceptable [to shed]. Another term Agamben employs to describe this figure is bare life. Bare life is a person legally unprotected by the law; one who is deprived of legal, political and human rights.

\begin{flushleft}
\textsuperscript{82} Agamben, \textit{Homo Sacer}, 71.
\textsuperscript{83} Agamben, \textit{Homo Sacer}, 71-3.
\textsuperscript{84} Agamben, \textit{Homo Sacer}, 71-2.
\textsuperscript{85} Agamben, \textit{Homo Sacer}, 85.
\end{flushleft}
Importantly, the ability to declare this figure, as the *home sacer* or bare life or as *mubāḥ ad-dam*, is the “originary activity of sovereignty.” But to whom does sovereignty belong? As mentioned earlier, the disagreement between the ‘ulamā’ and the state boils down to this very question. When we consider this ‘ulamā’-state disagreement over sovereignty in Agamben’s terms, we are confronted with the decisive question: Should the state declare this figure as bare life or *mubāḥ ad-dam*, or should the *sharī’a*? Stated succinctly: Is ultimate sovereignty vested in the state or the *sharī’a*?

For the ‘ulamā’, God alone is the ultimate sovereign. Of course, this is a view shared by all Muslims. However, the ‘ulamā’’s investment in God’s absolute sovereignty – specially God’s legal sovereignty – becomes a particularly charged and significant issue in debates surrounding Tāṣīr’s killing. For the ‘ulamā’, the Muslim community “itself neither possesses sovereignty nor does it have … an autonomous political and legal will, since the sovereign is God and God alone.” God’s sovereign will is represented in the *sharī’a*, a comprehensive ethico-legal system. Importantly, as Islamic legal experts the ‘ulamā’ deliberate and decide the form and content of the *sharī’a*. In other words, God’s sovereign will is always articulated and interpreted by the ‘ulamā’. The ‘ulamā’ can, and do, contend that without them, i.e. without their expertise, God’s will is unknowable.

Thus, I assert that the ‘ulamā’ share in, and embody, the *sharī’a*’s sovereignty since it is

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87 Hallaq, *The Impossible State*, 49.
88 In Chapter 1, I elaborate on this idea and the different modes of authority that the ‘ulamā’ garner as a result of their expertise in the Islamic ethico-legal tradition. Importantly as the intellectual successors of Muhammad, the ‘ulamā’ are “gatekeepers of the Prophet’s legacy … and their authority [is] coterminous with the Muhammadan charisma.” Moosa, “Muslim Political Theology,” 4.
they who decide what the *sharīʿa* is. Of course, the ‘*ulamāʿ* would disagree and argue that they are simply alerting individuals to God’s sovereign will. The ‘*ulamāʿ* would further emphasize that “any political form or political (or social or economic) institution is ultimately subordinate to the *sharīʿa*, including the executive and judicial powers. The *sharīʿa* itself, on the other hand, is the “legislative power” par excellence.” However, God’s sovereignty – as evidenced in the *sharīʿa*’s sovereignty and articulated by the ‘*ulamāʿ*’ – is one that modern allegedly Islamic nation-states, such as the Islamic Republic of Pakistan, only acknowledge in passing. Why is this so?

**SOVEREIGNTY AND THE STATE’S PERSPECTIVE**

For the modern state to succeed as a political project, it must have ultimate sovereignty. Thus, any modern nation-state, even an Islamic one, poses a formidable challenge to God’s sovereignty. The Islamic Republic of Pakistan attempts to resolve this tension between its sovereignty and that of God by declaring in the Objectives Resolution of 1949 that God is the sole sovereign of the Universe. However, the Objectives Resolution also dexterously announces that God’s sovereignty “was delegated to the State of Pakistan.”

Despite these linguistic gymnastics, the tension between the state’s sovereignty and that of God persists. In the words of Wael Hallaq, an expert on Islamic law and the state, “To be a citizen therefore means to live under a sovereign will that has its own

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metaphysics. It is to live with and under yet another god…”

As Hallaq notes, Schmitt echoes a very similar idea when he explains that the power of exception and sovereignty which used to belong to God has been usurped by the modern nation-state. Schmitt writes, “all significant concepts of the modern theory of the state are secularized theological concepts.” And, just as God’s sovereignty is represented in His law, the state’s sovereign will is represented in its legal will, i.e. its law. Since the production of bare life and the monopoly over legitimate violence is the prerogative of the sovereign, we return to our original question: Who possesses ultimate sovereignty – the state or the sharī‘a? The answer to that question determines whether executing a Prophet-insulter is the task of the state or an act that any citizen can legitimately carry out. This is the decisive chasm between the state and some ‘ulamā’.

From the state’s perspective there was no doubt that Mumtāz Qādrī had violated the law by extra-judicially assassinating Tāsīr. The issue of whether Tāsīr had committed blasphemy appeared insignificant to the political elite and state bodies who took no actions against him. As noted, while blasphemy is an offence according to Pakistan’s penal code, Tāsīr had immunity from prosecution due to his post as governor. Elected officials ignored the ‘ulamā’s demands to dismiss Tāsīr from his post and to charge him with blasphemy. Had the ‘ulamā’s demands been met, the state would still have ascertained Tāsīr’s guilt by its own measures and via due criminal process and not in the

91 Hallaq, The Impossible State, 28.
93 Schmitt, The Concept of the Political, 42.
94 Hallaq, The Impossible State, 66.
rapid manner in which the ‘ulamā’ had done so. However, Tāṣīr’s murder rendered any such criminal investigation unnecessary. Instead, the state shifted its focus to Tāṣīr’s murderer, Mumtāz Qādrī.

In the state’s narrative, Qādrī was a murderer. Proving it was easy: Qādrī proudly admitted killing Tāṣīr and there were witnesses who could corroborate his confession. Qādrī’s trial was conducted by the Anti-Terrorism Court in a high security prison in Rawalpindi, a city only thirty minutes away from the capital Islamabad.

Qādrī’s attorneys contested the framing of the trial as a murder trial. They challenged the classification of his case under Section 302 of the Pakistani penal code, a section that deals only with murder. They also argued that the Anti-Terrorism Court was the wrong legal authority to adjudicate the matter. In formulating an argument for Qādrī’s defense his attorneys contended that Qādrī had followed Islamic teachings regarding the killing of a blasphemer. Qādrī’s acts, they asserted, did not constitute murder. Their arguments were framed at least partly in Islamic legal terms.

They hoped that the courts would take their arguments seriously. After all, Article 277 of the Pakistani constitution emphasizes the Pakistani judicial system’s commitment to Islam. The Article declares, “All existing laws shall be brought in conformity with the Injunctions of Islam as laid down in the Holy Quran and Sunnah, in this Part referred to as the Injunctions of Islam, and no law shall be enacted which is repugnant to such Injunctions.”95 However, the Anti-Terrorism court, operating with reference to Section
302 of the Pakistani penal code on murder, refused to engage with arguments from the Islamic legal canon on blasphemy. As detailed below, to do so would have been to undermine the state’s legal system and its sovereignty. As the subaltern studies scholar Ranajit Guha explains, the law is the ‘state’s emissary’ and a paradigmatic site of sovereign power.96 Had the state accepted arguments from within Islamic law about the legal innocence of a person who kills a blasphemer, the state would have done so at the expense of its established penal code whereby any deliberate killing by a civilian is a crime. From the state’s perspective, it is insignificant whether the person who is killed is a blasphemer or not. The state asserts itself as the sole entity with a monopoly over legitimate violence. According to the state, this monopoly remains solely under its jurisdiction despite its commitment to Islam. Consequently, the Islamic Republic of Pakistan punishes individuals who commit violence, regardless of whether they commit violence against a Prophet-insulter. Unsurprisingly, Qādrī’s attorneys noted that the state court ignored Islamic laws, whereby an individual can kill a Prophet-insulter without recourse from the state.97

Qādrī’s trial lasted almost ten months and culminated on October 1st 2011. Judge Sayyid Parvez ‘Alī Shāh awarded Qādrī the death sentence for murdering Tāsīr. On October 6, 2011 Qādrī filed an appeal against the sentence with the Islamabad High Court. The appeal was granted. The former chief justice of the Lahore High Court

Khwāja Muḥammad Sharīf led the panel representing Qādrī at the hearing. Sharīf requested that ‘ulamā’ should be allowed to attend to the court proceedings. The appeal was denied.

**The Dominant ‘Ulamā’ Perspective**

Had the ‘ulamā’ been allowed to attend the trial, a majority of them would probably have emphasized Mumtāz Qādrī’s innocence as per the sharī‘a. As mentioned earlier in this chapter, hundreds of Barelvī ‘ulamā’, as well as those affiliated with other persuasions, publically lauded the murder.98 Conversely, very few ‘ulamā’ publically chastised the murder. Moreover, while researching this issue I have collected a number of fatwās that classify Qādrī’s acts as acceptable under Islamic law. Each fatwā bears the signatures of dozens of ‘ulamā’ who testify to the veracity of this legal opinion. On the other hand, I have come across only a handful of ‘ulamā’ who, in line with the state narrative, deem Qādrī a murderer.

The dominant view among the ‘ulamā’ holds that any individual has the right to kill a blasphemer; since according to their interpretation of the sharī‘a, a blasphemer becomes mubāḥ ad-dam, or similar to bare life, given his transgression.99 As I have argued, the ‘ulamā’s views resonate with those expressed in archaic Roman law whereby


99 There is some agreement that *ideally* the Islamic state should be implementing this punishment. I touch on this later in the chapter.
it was acceptable for anyone to kill the *homo sacer* without the act being considered homicide.

Among the most outspoken advocates of the abovementioned position is the Rawalpindi based Barelvi scholar Mufti Hanif Qureshi. Qureshi, who teaches at Jami’a Rizwiyya Ziyā’ al-‘Ulūm, is often cited as the ‘ālim responsible for inciting Mumtāz Qâdī to murder Tāsîr. Depending on who you ask, Qureshi will either be condemned as a vigilante or lauded as a Prophet-loving and *sharī’a*-abiding scholar. In a riveting, effervescent public sermon Hanif Qureshi declares:

> We are not afraid … If the punishment for insulting the Prophet in our country’s law 295-C is not the death sentence, God has given us courage. We know how to operate a pistol with our own hands; know how to shoot a gun; and know how to slit the throat of the insulter! … Don’t think that we Sunnis are incapable. Eliminate this cowardice from within you! God has given us the capability and courage to throttle the neck of the insulter! We can cut off his tongue; we can riddle his body with bullets!

Thrashing around in passion and deliberately knocking over the standing-microphone in a show of anger while his turban tumbles off his head, Hanif Qureshi yells, “No law can catch us! The punishment for insulting the Prophet is death!” The crowd erupts in cheers and he asks them to join in his chants, yelling “The punishment

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100 “Hanif Qureshi’s sermon which made Mumtaz Qadri to Kill Salman Taseer Gustakh e Rasool khanqah dogran,” Youtube, video uploaded by almujtaba100, August 27, 2011, accessed January 14, 2014, http://www.youtube.com/watch?v=8QEtLWYY6Tk.
101 “Hanif Qureshi’s sermon which made Mumtaz Qadri to Kill Salman Taseer Gustakh e Rasool khanqah dogran,” Youtube.
102 “Hanif Qureshi’s sermon which made Mumtaz Qadri to Kill Salman Taseer Gustakh e Rasool khanqah dogran,” Youtube.
for insulting the Prophet…” They respond, “is death!”  

Qureshī isn’t simply an exceptional and provocative public speaker; he is also a compelling author. Echoing the stance he expresses in his sermons and his appearances on public television, Qureshī draws on sabb al-rasūl literature to compose a compelling treatise on the punishment that ought to be meted to an individual who insults the Prophet. Simultaneously Qureshī addresses the question of who should enact this punishment. As I explain in detail below, Qureshī argues that a Muslim who insults Muḥammad becomes an apostate and is consequently mubāḥ ad-dam. There is no option for retaliation (qiṣāṣ) or payment of blood money (diyat) for killing such a person. Qureshī further asserts that for an ordinary Muslim outside of the state’s legal apparatus to kill an insulter-apostate it is not a crime but a merit-worthy act.  

Qureshī religiously justifies the above-mentioned arguments by turning to the work of the famous Barelvi scholar Ṭāhir ul-Qādri. Qureshī draws on Ṭāhir ul-Qādri’s four-hundred page book on the subject of preserving the Prophet’s honor and Islamic legal opinions on sabb al-rasūl. Qureshī cites Qādri’s narration of an incident where Muḥammad’s companion ‘Umar decapitated a hypocritical Muslim who insulted

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103 “Hanif Qureshi’s sermon which made Mumtaz Qadri to Kill Salman Taseer Gustakh e Rasool khanqah dogran,” Youtube.
104 Qureshī, Qalm Kuch aur Likhtā hai, 18.
105 Qureshī, Qalm Kuch aur Likhtā hai, 24.
Muḥammad. Ibn Taymiyya’s description of this incident has featured earlier in this chapter. Ḥanīf Qureshī’s and Ṭāhir ul-Qādrī’s narration is presented below.

Qureshī cites Qādrī as building up to the incident by first examining the Qur’ānic verse 4:60. The incident, Qādrī and Qureshī argue, informs the revelation of verse 4:60, which reads, “Have you not seen those who claim to have believed in what was revealed to you, [O Muḥammad], and what was revealed before you? They wish to refer legislation to tāġūt [unjust tyrants], while they were commanded to reject it; and Satan wishes to lead them far astray.”

For explication of this verse and others Qureshī and Qādrī turn to classical as well as more recent texts on Qur’ānic exegesis (tafsīr). One tafsīr to which they refer is al-Tafsīr al-Kashshāf, a seminal Qur’ānic commentary by al-Zamakhshrī (d. 1143/4), a Muʿtazilī scholar from the Khwarizm region in Central Asia. They also cite the seven-volume al-Tafsīr al-Mazhari by Qādi Thanāʾullāh ‘Uthmānī Pānipatī a South Asian scholar who lived at the tail-end of the Mughal empire. Pānipatī died in 1810.¹⁰⁷ These multi-volume compendiums detail the events behind the revelation of verse 4:60. They cite a dispute between an unnamed Jew and Bashīr, a hypocritical Muslim (munāfīq). The two could not agree on who would mediate between them. The Jew wanted Muḥammad to mediate, since Muḥammad was known to be just. Bashīr was hesitant, since he too knew this to be true. Eventually, the hypocrite relented and the two appeared before

Muḥammad. Muḥammad decided in the Jew’s favor. As they departed from Muḥammad’s presence, Bashīr declared that he was unhappy with the judgment. He wanted Muḥammad’s close companion, ʿUmar al-Fārūq to arbitrate the dispute instead. So the two presented themselves before ʿUmar. The Jew narrated the dispute between them, adding that Muḥammad had already settled the matter but the hypocrite was unsatisfied with the judgment. ʿUmar asked the hypocrite, “Is this so?” The hypocrite replied in the affirmative to which ʿUmar responded by asking the two to wait until he returned.

ʿUmar returned wielding a sword and before any other exchange could take place, in one fluid motion he decapitated the hypocrite. According to al-Tafsīr al-Mazharī ʿUmar then declared, “This is how I arbitrate for him who does not accept the decision of God and His Prophet.” News traveled to Muḥammad that ʿUmar had killed a Muslim. According to al-Tafsīr al-Kashāf Muḥammad declared, “I cannot believe that ʿUmar would kill a believer.” Muḥammad’s concerns were allayed very soon afterwards as a Qur’ānic verse (4:65) was revealed in ʿUmar’s defense. The verse reads, “But no, by your Lord, they will not [truly] believe until they make you, [O Muḥammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission.” The verse absolved ʿUmar from any blame explaining that those who do not accept Muḥammad’s arbitration can never be believers.

108 Al-Tafsīr al-Mazharī quoted in Qureshī, Qalm Kuch aur Likhtā hai, 20.
109 Al-Tafsīr al-Mazharī quoted in Qureshī, Qalm Kuch aur Likhtā hai, 20.
According to *al-Tafsīr al-Mazharī* ‘Umar’s innocence was also proven by the angel Gabriel who appeared to Muḥammad and declared, “Indeed, ‘Umar has differentiated between truth and falsehood.” Drawing on the classical Qur’ānic commentary *al-Tafsīr al-Kabīr* by the Persian commentator Fakhr al-Dīn al-Rāzī (d. 1209), Ṣāḥīr ul-Qādrī adds, and Ḥanīf Qureshī agrees, that from that day on, Muḥammad accorded ‘Umar the title of al-Fārūq, i.e. one who discerns between right and wrong.

Ḥanīf Qureshī contends that Muḥammad’s treatment of ‘Umar following this incident, coupled with the revelation in ‘Umar’s defense, provides the necessary proof that when a believer, overcome by his love for Muḥammad, extra-judicially kills a person who insults the Prophet, the killer deserves reward, not punishment. In fact, Qureshī claims Islam encourages such killings. Ḥanīf Qureshī is not alone in citing this incident as justification for the extra-judicial killing of a person who insults Muḥammad. Both Muftī Muḥammad Ḵān Qādrī and Muḥammad Ḵalīl ur-Raḥmān Qādrī of Jāmi’a Islāmiyya in Lahore also refer to it in validating Mumtāz Qādrī’s killing of Tāsīr.

From the perspective of the state, there is only one silver lining in Ḥanīf Qureshī’s statements. Qureshī acknowledges that ideally it is the state that should execute the insulter. He comments, “Yes, yes, we also say that this is Pakistan’s law. It should be respected … Our country’s penal code contains Article 295-C according to which the

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111 *Al-Tafsīr al-Kabīr* quoted in Qureshī, *Qalm Kuch aur Likhtā hai*, 22.
113 Qādrī and Qādrī, “Muḥaqqiq Al-‘Asr Muftī Muḥammad Ḵān Qādrī se ek Interview,” 55. Also see Muhammad Ḵalīl ur-Raḥmān Qādrī, *Ghāzī Muḥammad Mumtāz Ḥusayn Qādrī ka Iqdām: Islām, Ḥīmān aur Qānūn ke Rūshnī mein*, 34-36.
punishment for insulting Muḥammad is death. The insulter should be handed over to the courts immediately, so that they can decide the case as soon as possible. We, too, maintain this … However, if a lover-of-the-Prophet, overtaken by emotions, exterminates the blasphemer … Islamically, he should be rewarded, not punished.”

In justifying Mumtāz Qādrī’s extra-judicial killing of Tāṣīr, Ḥanīf Qureshī draws on the Islamic legal tradition as detailed above. Qureshī’s sharī‘a-based understanding of the legitimacy of extra-judicially killing an insulter poses a considerable challenge to the state’s claim to sovereignty. This sovereignty is meant to be evidenced in the state’s monopoly over the legitimate use of violence and the production of bare life. Qureshī’s challenge to the state highlights the ‘ulamā’s dissent from the overarching political theology evidenced in the state’s legal system whereby state law and the state’s right to a monopoly over violence take precedence over the ‘ulamā’s interpretation of the sharī‘a.

Another strong advocate of the legitimacy of extra-judicially killing a Prophet-insulter, is the Barelvī ‘ālim Ashrāf Āṣif Jalālī, whose fatwā was examined earlier. Participating in a televised debate to discuss Tāṣīr’s killing, Jalālī narrates an incident that occurred in the area that is now Bahrain, during the reign of the third caliph ‘Umar al-Fārūq (634-644 CE). This incident features in the classical Arabic compendium Al-Mustaqtraf fī kull fān Mustazraf [A Quest for Attainment in Each Fine Art] authored by the Egyptian scholar Shihāb al-Dīn Abū al-Fath Muḥammad ibn Alḥāmad al-Ibshīḥī (d.

Al-Ibshīhī writes that a group of Muslim children were playing a game with a ball and sticks when their ball hit a Christian priest who refused to return it. The children persisted in asking for its return. One child addressed the priest saying, “In the name of our Prophet, could you please return the ball?” The priest, adamant in his refusal, insulted Muḥammad. The children, upon hearing the insults, attacked the priest with their sticks, killing him instantaneously. When news of this extra-judicial killing reached the caliph ‘Umar, he declared the children’s actions laudable and announced, “Today Islam has gained dominance.” Moreover, ‘Umar did not reprimand the children or take legal action against them.\footnote{From this incident Jalālī infers the acceptability of extra-judicially killing a Prophet-insulter. Ḥanīf Qureshī also cites this incident from Al-Ibshīhī’s compendium in his own treatise on the subject of insulting Muḥammad. Like Jalālī, Qureshī uses this incident to argue in favor of the religious permissibility of extra-judicially killing anyone who insults the Prophet Muḥammad.}

From this incident Jalālī infers the acceptability of extra-judicially killing a Prophet-insulter. Ḥanīf Qureshī also cites this incident from Al-Ibshīhī’s compendium in his own treatise on the subject of insulting Muḥammad.\footnote{These views regarding the legitimacy of extra-judicial killings are not limited to Barelvi ‘ulamā’. Deobandi ‘ulamā’ – who like the Barelvis belong to the Hanafi legal school – espouse similar views. One renowned Deobandi ‘ālim who shares in these views is Mawlānā Muftī Jamīl Aḥmad Thānāvī. J. A. Thānāvī spent many years serving as a}

\footnote{Shihāb al-Dīn Abū al-Fath Muḥammad ibn Alṣam al-Ibshīhī, \textit{Al-Mustatraf fī kull fann Mustazraf}, Volume 2, Chapter 75, quoted in Qureshī, \textit{Qalm Kuch aur Likhtā hai}, 2011, 42.}


\footnote{Ḥanīf Qureshī, \textit{Qalm Kuch aur Likhtā hai, Zabān Kuch aur Kahtī hai} (Rawalpindi: Shabāb-i Islāmī Pākistān, 2011), 42.}
muftī at the prominent Deobandī seminary, Jāmi‘a Ashrafiyya in Lahore. His book on the issue of insulting Muḥammad, first published in 1995, was reprinted in 2011, following the resurgence of this debate in light of Tāṣīr’s killing. J. A. Thānavī writes that a Muslim who insults Muḥammad becomes an apostate. It is the ruler’s and the government’s responsibility to enforce the punishment for apostasy on the Prophet-insulter. Like Ḥanīf Qureshī and other ‘ulamā’ mentioned above, J. A. Thānavī also maintains that such an insulter-apostate is mubāh ad-dam, i.e. akin to bare life. Consequently, he writes, “if anyone other than the political authority of the time (hākim-i waqt) kills or mutilates the insulter-apostate without the ruler’s permission, he will not be punished for murder or mutilation.”

**Dissenting Views**

While the above-mentioned position on the legitimacy of extra-judicially killing a Prophet-insulter is very common among Barelvī and Deobandī ‘ulamā’, there are dissenting voices. These voices formulate their arguments along three distinct lines. 1) They question the religious legitimacy of the death penalty for the crime of sabb al-rasūl. 2) They challenge the validity of the incident wherein ‘Umar decapitated the hypocritical

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120 Thānavī, *Tauhīn-i Risālat aur os ke Sazā*, 77-79 and 82.
Muslim. 3) They emphasize the religious imprimissiblility of vigilante justice and use the Islamic legal tradition to argue in favor of the state’s monopoly over legitimate violence. I begin by focusing on the first.

**CHALLENGING THE DEATH PENALTY**

An important but mostly lone voice challenges the dominant view that a person who insults Muḥammad must be accorded the death sentence. This voice is that of Mawlānā ʻAmmār Ḵhān Nāṣir. Nāṣir was born in 1975 in a renowned family of Deobandi ʻulamā’ in Gujranwala, Pakistan. His grandfather Sarfarāz Ḵhān Ṣafdar (d. 2009), was among the leading Deobandi authorities in Pakistan; he graduated from Dār al-ʻUlūm Deoband in pre-partition India. Nāṣir’s father Zāhid ur-Rāshidī, is an equally respected ʻālim, who in addition to his prolific writing career, held positions of leadership in the Deobandi political party, Jam‘īat ul-ʻUlamā-ī Islam. Nāṣir received tutelage at the hands of his father and grandfather, obtaining his advanced ʻālimiyya degree from Madrasa Nuṣrat al-ʻUlūm Gujranwala in 1994. Currently, Nāṣir edits the widely-read scholarly journal *al-Sharī’a*. Over the years, Nāṣir has sought intellectual guidance and inspiration from a variety of non-Deobandi scholars.

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Pakistani theologian Jāved Aḥmad Ḡḥāmidī and also credits Mawlānā Mawdūdī, the founder of the religio-political party Jamāʿat-i Islāmī, for influencing his religious outlook. As a result of the bricolage that characterizes Nāṣir’s intellectual formation, Nāṣir often departs radically from established Deobandī scholarship and Hanafī legal opinions. Below I examine Nāṣir’s departure from the dominant position among Pakistani Hanafī scholars on the punishment for the crime of insulting Muḥammad.

In a treatise that spans more than a hundred pages, Nāṣir delves into the minutia of the legal literature on sabb al-rasūl. His arguments are multi-pronged and intricate. Firstly, he highlights that in early Islamic legal literature, the case of the Muslim insulter was classified and treated differently from that of the non-Muslim insulter. While acknowledging the differences between the two, Nāṣir shows vital confluences. In particular, he asserts that the death sentence need not be applied in either case.

Discussing the case of the non-Muslim Prophet-insulter, Nāṣir states that early Hanafī scholars viewed the crime differently from scholars of other Sunnī legal schools. Nāṣir clarifies that the non-Muslim insulter in question is one living in Muslim lands. Such a non-Muslim is one who, in dwelling in an Islamic polity, has entered into a contract with the Muslim ruler, as was the norm in the pre-nation-state era. Non-Muslims dwelling in Islamic polities entered into contracts with the ruler whereby they paid taxes


122 Ṭammār Kḥān Nāṣir, interview by author, March 2012, Gujranwala, Pakistan.
123 Nāṣir, Barāḥīn, 443-604.
in return for protection. Nāṣir writes that according to the majority of Sunnī legal schools, when a non-Muslim insults Muḥammad, he breaks the contract of protection. The non-Muslim then becomes *mubāḥ ad-dam* and should be killed.\(^{124}\)

However, Nāṣir asserts that according to the early Hanafīs, insulting Muḥammad was simply an expression of disbelief. Since the non-Muslim insulter was already a disbeliever, this particular action did not change his status or invalidate the contract with the Muslim ruler.\(^{125}\) To substantiate his claims, Nāṣir references *Badā‘i’ al-Sanā‘i‘*, the legal manual of the esteemed Hanafī scholar Imām Abū Bakr ‘Alā al-Dīn al-Kāsānī (d. 1191).\(^{126}\) In case his readers had any doubt regarding the established nature of the above-mentioned opinion, Nāṣir provides reference after reference from established classical Sunnī scholars. He quotes the famous Egyptian Hanafī scholar Abū Ja‘far Alī mad ibn Muḥammad al-Ṭaḥāwī (d. 933) as stating, “If a non-Muslim, who has entered into a contract [of protection with the Muslim ruler], insults Muḥammad, his contract is not broken. He will be told not to repeat the act. If he persists, he will be punished, but he will not be killed.”\(^{127}\) Similarly, Nāṣir asserts that Ibn Taymiyya in his tome *al-Ṣārim al-Maslūl ‘alā Shātim al-Rasūl* acknowledges that according to Hanafī law, a non-Muslim’s contract of protection remains valid even if he insults Muḥammad. For the Hanafīs, the

\[^{124}\text{Nāṣir, } Barāhīn, 503.\]
\[^{125}\text{Nāṣir, } Barāhīn, 503.\]
\[^{126}\text{Badā‘i’ al-Sanā‘i‘, vol. 7: 113 as quoted in Nāṣir, } Barāhīn, 503.\]
\[^{127}\text{Mukhtasir al-Ṭaḥāwī, 262 as quoted in Nāṣir, } Barāhīn, 505.\]
killing of such a Prophet-insulter is not religiously permissible. Nāṣir also references the famed Syrian Hanafi scholar Imām Ibn ‘Ābidīn (d. 1836). Nāṣir quotes Ibn ‘Ābidīn as stating: “If the insulter is a non-Muslim, in our [Hanafi] view, he will not be killed.”

Having established that the death penalty need not be imposed on a non-Muslim Prophet-insulter, Nāṣir shifts his focus to the Muslim insulter. Nāṣir asserts that according to classical Hanafi sources, a Muslim who insults Muḥammad becomes an apostate and the general rules that apply to all apostates also apply to him. These rules include the forgiveness of apostasy following repentance. To ground his assertion Nāṣir quotes ‘Abd Allāh ibn ‘Abbās (d. 687), a revered early scholar of the Qurʾān and sunnah as stating: “Any Muslim who insults God, Muḥammad or any other prophet, has committed an act equivalent to apostasy [i.e. an act of apostasy]. He will be asked to repent. If he does so, then all is well, otherwise he will be killed.” Nāṣir also mentions Ibn Taymiyya as stating that a Muslim apostate’s repentance is accepted. Commenting on contemporary Pakistani ‘ulamā’s emphasis on the death penalty for an insulter-apostate, Nāṣir asserts that their view is inconsistent with the view of early Hanafi scholars. Nāṣir writes that it was only from the 14th century (8th century of the Islamic calendar) onwards that the classical Hanafi view regarding the acceptability of repentance began to be

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129 Rasā’il ibn ‘Ābidīn, 1: 320 as quoted in Nāṣir, Barāhīn, 508.

130 Nāṣir, Barāhīn, 461.

131 Zād al-Maʿād, 5:60 as quoted in Nāṣir, Barāhīn, 530.

132 Mukhtaṣir al-Ṣārim al-Maslāl, 94 as referenced in Nāṣir, Barāhīn, 531.
abandoned in favor of opinions emphasizing that the death penalty is mandatory for all Prophet-insulters.\textsuperscript{133}

Nāṣir’s assertions have been met with severe backlash. The Barelvī ‘ālim K̲h̲ālîl ur-Raḥmān Q̲ā́d̲r̲ī of Jāmi’a Islāmiyya in Lahore has written a scathing response to Nāṣir. Q̲ā́d̲r̲ī accuses Nāṣir of some intellectual dishonesty in his translations,\textsuperscript{134} but admits that a few early Hanafī scholars did view a Muslim’s act of insulting Muḥammad as a case of routine apostasy. These classical scholars, Q̲ā́d̲r̲ī admits, allowed the possibility of being spared the death sentence upon repenting. However, Q̲ā́d̲r̲ī asserts that the number of scholars who held this view was miniscule.\textsuperscript{135} Consequently, Q̲ā́d̲r̲ī argues that according to Abū Hanīfa’s school of thought, the crime of \textit{sabb al-rasūl} is treated as an exceptional case of apostasy. A person who commits this crime must be subject to death \textit{even if he repents}.\textsuperscript{136}

Responding to critics of Nāṣir, Nāṣir’s father, Zāhid ur-Rāshidī, an established Deobandī scholar with outstanding religious credentials, publically defends and supports his son’s views. In an article published in the Urdu newspaper \textit{Roznāma Pākistān} (Pakistan Daily) Zāhid ur-Rāshidī asserts that Ibn ʿĀbidīn writes that according to Hanafī scholars, a Muslim who insults the Prophet Muḥammad becomes an apostate but can

\textsuperscript{133} Nāṣir, \textit{Barāhīn}, 460.
\textsuperscript{134} Muḥammad K̲h̲ālîl ur-Raḥmān Q̲ā́d̲r̲ī, “Gustākh-i Rasūl kī Sazā aur Ahnāf ka Mauqaf – Part II,” \textit{Su’e Hijāz}, Lahore 17, no. 9 (September 2011): 34-35.
\textsuperscript{135} Q̲ā́d̲r̲ī, “Gustākh-i Rasūl kī Sazā,” 27.
\textsuperscript{136} Q̲ā́d̲r̲ī, “Gustākh-i Rasūl kī Sazā,” 21.
recant and be spared the death sentence. In the same vein, Zāhid ur-Rāshidī writes that Imām Abū Yūsuf (d. 798) – a student of Abū Hanīfa (d. 767), the founder of the Hanafī legal school – maintained that if a Muslim insulter repented, he would be spared. Otherwise he would be killed. Rāshidī also quotes from the Egyptian Hanafī scholar Abū Ja‘far Alḥmad ibn Muḥammad al-Ṭāḥāwī (d. 933). Rāshidī explains that al-Ṭāḥāwī writes that a Muslim insulter is an apostate and the same rules apply to him as do to all apostates. He is allowed to repent for his actions, but “if he does not repent then he will be killed.”

Despite supporting Nāṣir’s claims regarding the classical Hanafī view on insulting Muḥammad and repentance, Rāshidī himself recommends “the most severe punishment,” i.e. the death sentence for the crime.

**Challenging the ‘Umar Incident**

Just as Nāṣir dissents from the majority view among the Pakistani ‘ulamā’ regarding the punishment for insulting Muḥammad, Nāṣir also departs from the dominant Deobandī and Barelvī position regarding the incident involving ‘Umar and the hypocrite. This incident, as detailed above, lies at the heart of arguments legitimating the extra-judicial killing of Tāsīr. It is an incident that is well established in classical Islamic legal

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139 Mukhtaṣir al-Ṭāḥāwī, 258 as quoted in Zāhid ur-Rāshidī, “Tauhīn-i Risālat.”
140 Zāhid ur-Rāshidī, “Tauhīn-i Risālat.”
texts. As mentioned at the beginning of this chapter, this incident even features in Ibn Taymiyya’s *al-Ṣārim al-Maslūl ‘alā Shātim al-Rasūl*.

Breaking with established tradition, Nāṣir asserts that the veracity of the incident is dubious and cannot be proven. Nāṣir substantiates his arguments with reference to the incident’s isnād. An isnād is the chain of transmission by which the veracity of a report about Muḥammad’s words and actions (*ḥadīth*) is determined. Additionally, Nāṣir argues that the incident is illogical.\(^{141}\)

Nāṣir writes that two chains of transmission of the incident are mentioned in the authoritative *tafsīr* of the Shafi‘ī scholar Ibn Kathīr (d. 1373). Ibn Kathīr details these chains of transmissions when examining the Qur’ānic verse 4:65. Both chains, Nāṣir highlights, are broken. They do not extend all the way back to a Prophet’s companion, as should ideally be the case. Instead, in both instances, a person who had never met Muḥammad narrates directly from Muḥammad.

Nāṣir marshals arguments from the methodology of *ḥadīth* verification (*usūl al-ḥadīth*) to substantiate his critique. He asserts that the established principles of *usūl al-ḥadīth* deem such *ḥadīths*, i.e those with broken chains, as potentially unsound, less verifiable and less reputable than *ḥadīths* with unbroken chains of transmission. While Nāṣir acknowledges that *ḥadīths* with broken chains need not always be discarded, he again uses *usūl al-ḥadīth* principles to argue that the *ḥadīth* narrating this particular

\(^{141}\) Nāṣir, *Barāhīn*, 560.
incident should be rejected. Nāṣir writes, “From the principles of usūl al-ḥadīth a khabar al-wāḥid does not reliably establish the veracity of a famous event [which lacks all other sources of proof].”¹⁴² A khabar al-wāḥid – as Nāṣir expects his readers to know – is a ḥadīth that is transmitted by a limited number of people and consequently is less credible according to usūl al-ḥadīth principles. While a khabar al-wāḥid may be acceptable in some instances, it does not reliably prove the veracity of controversial events of grave magnitude.

Nāṣir continues debunking the historical veracity of the ‘Umar incident by terming it “baseless and false” from the perspective of sense and logic.¹⁴³ His reasoning is two-fold. Firstly, he argues that ‘Umar’s decapitation of the hypocritical Muslim would have resulted in ‘propaganda’¹⁴⁴ from other Muslim hypocrites of the time. They would have seized this as a ‘golden opportunity’¹⁴⁵ to undermine ‘Umar. However, Nāṣir contends that no established classical works of history or tafsīr mention unrest following ‘Umar’s acts. Nāṣir adds, “In his work, Imām Ibn Jarīr Ṭabarī [a Persian historian who died in 923] always mentions all comments and reports associated with Qur’ānic revelations. But he does not even hint at unrest following ‘Umar’s act.”¹⁴⁶ Consequently, Nāṣir contends that the incident did not occur.

¹⁴² Nāṣir, Barāḥīn, 561.
¹⁴³ Nāṣir, Barāḥīn, 560.
¹⁴⁴ He uses the English word ‘propaganda.’
¹⁴⁵ Nāṣir uses the Urdu equivalent of this phrase.
¹⁴⁶ Nāṣir, Barāḥīn, 561.
Nāṣir proposes yet another reason to doubt the incident’s veracity. He asserts that ‘Umar was not a ‘rash’\textsuperscript{147} person. ‘Umar always consulted Muḥammad and asked for his permission before undertaking important acts. In Nāṣir’s narrative, rashly decapitating a Muslim without Muḥammad’s permission would have been completely uncharacteristic of ‘Umar. Consequently, Nāṣir asserts yet again, that the incident is fabricated. Nāṣir ends his arguments with the powerful statement, “[my arguments above show that] clearly, this report appears to be the handiwork of the enemies of Islam that aim to present the esteemed companions of the Prophet in a distorted manner and in a negative light.”\textsuperscript{148}

Significantly, Nāṣir’s very detailed critique of this incident serves a larger purpose. Through debunking this incident he asserts that Islamic law does not allow an individual to extra-judicially kill a Prophet-insulter.

In contemporary Pakistan, Nāṣir is a lone voice challenging the veracity of this otherwise established incident. But he claims to have had an important supporter in his grandfather Sarfarāz Khān Ṣafdar.\textsuperscript{149} However, Nāṣir adds that Ṣafdar had advised him not to publicize his critique. Ṣafdar explained that since this incident was mentioned in many prominent tafsīr books, Nāṣir’s critique would cause the general populace to question, and lose trust in, these established books and in esteemed medieval scholars.

\textsuperscript{147} He uses the English word ‘rash.’ Nāṣir, \textit{Barāhīn}, 561.
\textsuperscript{148} Nāṣir, \textit{Barāhīn}, 561.
\textsuperscript{149} Nāṣir, \textit{Barāhīn}, 561-562.
Consequently Ṣafdar advised Nāṣir to abstain from sharing his views with the public and to limit the circulation of his critique to scholars and students.\footnote{Nāṣir, *Barāhīn*, 561-562.}

Ṣafdar is not alone in asking Nāṣir to refrain from publicizing his views. In an open letter to Nāṣir, Mawlānā Ḥāfīz Mehr Muḥammad, a Deobandī ʿālim based in the city of Mianwala in Punjab, chides Nāṣir for publishing his critique of the ‘Umar incident.\footnote{Mawlānā Ḥāfīz Mehr Muḥammad’s is the author of a polemical tract against Shi’as. See Mawlānā Ḥāfīz Mehr Muḥammad, *Īsām aur Shi’ī ka Taqābulī Jaʿīza* (Mianwali: Maktaba ʿUthmānia, n.d.).} Mehr Muḥammad’s arguments are similar to Ṣafdar’s. Mehr Muḥammad asserts that even if some incidents, such as the one of ‘Umar and the hypocrite, do not meet the most stringent requirements for proof of veracity, they should not be debunked since the critique of such established incidents will lead to religious turmoil.\footnote{Mawlānā Ḥāfīz Mehr Muḥammad, “Sayyadanā ‘Umar aur Qatl-i Munāfiq ka Wāqi’a: Mawlānā Ḥāfīz Mehr Muḥammad ka Maktūb-i Garāmī,” *al-Sharī‘a* 13, no. 1 (Jan 2002): 41.}

Ṣafdar’s and Mehr Muḥammad’s comments highlight debates about the public circulation of knowledge on this issue. There is pressure to maintain the status quo, i.e. to confirm the validity of the incident, at least in public discussions. Even individuals such as Nāṣir’s grandfather, who allegedly shared Nāṣir’s views, did not tolerate Nāṣir’s public challenge to the incident’s veracity. For Ṣafdar, maintaining the status quo took precedence over circulating the ‘truth’ about the incident, i.e. that the incident was (according to him) unverifiable.
However, Nāṣir’s dissenting voice is hard to silence since he challenges the incident’s veracity, and the dominant ‘ulamā’ view regarding the legitimacy of extra-judicially killing a Prophet insulter, from within the Islamic legal framework. As noted above, he cites *usūl al-ḥadīth* principles to formulate his arguments. He also bolsters his critique by mentioning Ṣafdar’s agreement with his views. It is significant to note that Nāṣir works through an Islamic legal framework to highlight the religious impermissibility of extra-judicial killings. In other words, in this instance, Nāṣir employs the *sharīʿa* to substantiate the state’s monopoly over the legitimate use of violence.

As detailed below, a handful of other ‘ulamā’ also reference the *sharīʿa* in advocating for the respect of state sovereignty and state laws. These scholars, who are examined below, formulate their arguments around the pivotal issues of lawlessness and anarchy.

**The Fear of Lawlessness and Anarchy: ‘Ulamā’ Espousing the State’s Monopoly Over Violence**

While most of the ‘ulamā’ examined so far have challenged the state’s exclusive right to sovereign violence, the group examined below affirms it. ‘Ulamā’ belonging to this group formulate their arguments by emphasizing the detrimental effects of the lawlessness and anarchy that results from vigilante justice. Their individual opinions are presented shortly. Importantly, they draw on Islamic legal literature to establish their arguments. Thus, while earlier sections of this chapter emphasized the confrontation
between the state and the *sharīʿa* (as articulated by the ‘ulamā’), this section highlights that some ‘ulamā’ view the state and the *sharīʿa* as compatible.

One traditional scholar who argues in favor of the state’s legal sovereignty is the Deobandi ‘ālim Muḥammad Naʿīm of the famous seminary Jāmiʿa Binnoriyya in Karachi. Appearing on the news network, ARY News, Muḥammad Naʿīm commented that although Tāṣīr’s statements were erroneous, “From a *sharīʿa* perspective, no individual person has the right to take the law into his own hands. If men start killing each other there will be lawlessness and anarchy in the country … So it was not right for Mūmtāz Qādrī to commit this act.”

The Barelvi ‘ālim Irfān Mashādi echoes similar views. He asserts that individuals cannot take the law into their own hands and such extra-judicial acts spread anarchy. Similarly, the Deobandi ‘ālim Mawlānā Ṭāhir Ashrafi opposes Tāṣīr’s murder. He contends that no Islamic legal school allows an individual to extra-judicially punish a criminal; the right to punish is that of the ruler.

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alone. Moreover, Ashrafī, like Mashadī, emphasizes that a pro-extra-judicial killing stance opens the gates to anarchy and lawlessness.

In emphasizing the perils of anarchy and lawlessness these ‘ulamā’ draw on an established tradition within Islamic law that decries vigilante justice as well as civil strife. ‘Ammār K̲h̲ān N̲ā̲ṣ̲ir, whose views on the ‘Umar incident have been examined earlier, presents detailed arguments from within the Islamic legal tradition that specify political authorities’ sole right to impose and implement legal punishments. N̲ā̲ṣ̲ir’s views are representative of the minority group of ‘ulamā’ featured in this section. N̲ā̲ṣ̲ir explains that according to Islamic law, only state institutions have the right to punish criminals. He substantiates his arguments by referencing the classical text Aḥkām al-Qurʾān [The Commandments of the Qurʾān] by the Hanafī scholar Imām Abū Bakr al-Jaṣṣāṣ (d. 980). Al-Jaṣṣāṣ writes that religious experts are united in the opinion that an individual does not have the right to take the law into his own hands. In addition to al-Jaṣṣāṣ, N̲ā̲ṣ̲ir also draws on a number of other religious authorities to establish his arguments. Among the scholars he mentions is his grandfather, the famous Deobandi ‘ālim Sarfarāz K̲h̲ān Ṣafdar. Ṣafdar argues that only state institutions have the authority to punish a criminal. In his

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158 N̲ā̲ṣ̲ir, Barāhīn, 552.

multi-volume work *Zakḥīra ul-Janān*, Ṣafdar writes, “This [i.e. punishing a criminal] is the government’s job.”

Explaining the perils of vigilante justice, Nāṣīr references *Badā’i’ al-Sanā’i’*, the detailed legal manual of the twelfth century Ḥanafī scholar Imām Abū Bakr ʿAlā al-Dīn al-Kāsānī (d. 1191). Nāṣīr uses al-Kāsānī’s work to argue that unlike a state appointed judge (*qāḍī*), a vigilante might be prejudiced or partial against an alleged criminal. Consequently, Nāṣīr contends that settling legal cases extra-judicially undermines justice and promotes lawlessness. Focusing specifically on the crime of insulting Muḥammad Nāṣīr asserts that the conditions that apply to judge that crime are the same as those that apply to other *shar’ī* crimes. “Here too, a legislative procedure and court inquiry is necessary for determining the veracity of the incident and punishing the accused.” In sum, Nāṣīr and the other ‘*ulamā’* mentioned in this section are united in opposing vigilante justice against blasphemers.

The fear of injustice, lawlessness and anarchy that drives Nāṣīr and like-minded ‘*ulamā’*s calls for respecting state laws and rulers’ political authority finds extensive mention in *siyāsa sharʿīya* literature, i.e Islamic legal works on politics and governance. As Khaled Abou El Fadl, an expert in Islamic law notes, “A legal system does not easily

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161 Nāṣīr, *Barāhīn*, 553.
162 Nāṣīr, *Barāhīn*, 553.
163 Nāṣīr, *Barāhīn*, 553.
endorse a state of anarchy or the potential for instability.”¹⁶⁵ He adds that Sunnī jurists have long emphasized the need for order and stability.¹⁶⁶ This is so even in cases of unjust rule. Nāṣir’s comments furnish us with a history of this Islamic legal opinion. Nāṣir explains that the “killing, brutality and anarchy”¹⁶⁷ that Muslim society encountered in Islam’s early centuries, led to a consensus among Sunnī scholars that rebellion against an unjust ruler is impermissible. Nāṣir supports his statement by referencing the famous Hanbalī text, *Al-Inṣāf* by Al-Mardāwī (d. 1480). The relevant excerpt from *Al-Inṣāf* reads, “‘Imām Ahmed has declared that rebellion is impermissible. It is a religious innovation against the sunnah. When living under unjust rule, I advise patience. Once the sword is unsheathed, civil strife becomes the norm. Roads become dangerous, blood is shed…”¹⁶⁸

Nāṣir’s general sentiments regarding respect for political authority – which are reflective of the group of ‘ulamā’ examined in this section – find support among many other Pakistani ‘ulamā’. This is not surprising since Nāṣir is presenting an established Sunnī position. Here it is important to note that even ‘ulamā’ who favor extra-judicially killing a blasphemer often agree with the established Sunnī maxim of respecting state authority. Many Barelvī ‘ulamā’ with whom I discussed Tāṣīr’s murder did laud the

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killing as legitimate. However, these very ‘ulamā’ emphasized that the extra-judicial killing for blasphemy is an exception to the established norm of respecting state authority. As detailed earlier, these ‘ulamā’ argue that the crime of insulting Muḥammad is so heinous that it invalidates the ordinary working of the law. It renders the insulter mubāḥ ad-dam and allows anyone to kill him without being subject to legal recourse.

The popularity among the Pakistani ‘ulamā’ of the general maxim of respecting state authority is evident in the March 2012 special issue of the journal al-Sharī‘a, of which Nāṣir is the editor. This particular issue of al-Sharī‘a deals with political rebellion – a topic that is intimately tied with anarchy in the siyāsa shari‘yya literature. The opinions of over fifty contemporary Pakistani ‘ulamā’ are featured in the journal issue. These traditional scholars draw on Islamic legal sources to overwhelmingly argue that lawlessness and anarchy should be avoided whenever possible. For example, Mawlānā Ijāz Aḥmad Ṣamdānī of the famous Deobandī seminary Dār al-‘Ulūm in Karachi, references the encyclopedic hadith commentary Fath al-Bārī by the Shāfi‘ī scholar ‘Allāma Ibn Ḥajar (d. 1448) to assert that, “If one rebels against the [Muslim] ruler, instead of obeying him, the blood of Muslims will be shed. It is a great sedition (fitna) for Muslims to shed each others’ blood and such sedition cannot be tolerated in any form.”

In sum, the comments of Nāṣir, Ṣamdānī and other like-minded ‘ulamā’ highlight a strong indigenous tradition within Islamic law that emphasizes respecting state authority.

As mentioned in earlier sections of this chapter, Wael Hallaq finds the *sharīʿa* and the modern state fundamentally incompatible. The problem, as he identifies it, is that both demand sovereignty. While Hallaq makes compelling arguments regarding the theoretical incompatibility of the modern state and the *sharīʿa*, it is vital to keep in mind that the *sharīʿa* is mutable. It is a legal canon that is constantly in flux as ‘ulamā’ either reinforce or challenge earlier interpretations. Moreover, in the contemporary era, as in the past, it is the ‘ulamā’ who articulate the *sharīʿa*. Earlier in this chapter we noted arguments and irreconcilable differences between the state and the *sharīʿa*, as articulated by one group of ‘ulamā’. However, this section has highlighted that the Pakistani ‘ulamā’ are not uniform in their appraisal of state sovereignty. Stark differences of views thrive among them. In fact, the ‘ulamā’ examined in this section use the *sharīʿa* to emphasize the state’s monopoly over violence. For these ‘ulamā’, the *sharīʿa* and the project of the modern state (i.e. its desire for sovereignty) seem quite compatible. In fact, in this instance, the project of the state is bolstered through the *sharīʿa*.

**Non-‘Ulama’ Supporters of State Sovereignty**

The above ‘ulamā’ are not alone in asserting the state’s monopoly over the legitimate use of violence. In fact, among the most prominent proponents of this position are Muslim intellectuals who lack madrasa training, yet often engage deeply with the same tradition and sources that the ‘ulamā’ revere. Among them the Barelvī scholar...
Tahir ul-Qadri is the most outspoken.\(^ {170} \) Appearing on a television show Tahir ul-Qadri comments:

You talked about Salman Taseer. Whoever killed him, ‘whatever was the background,’\(^ {171} \) that person is a murderer. He should be meted the punishment for murder. If Governor Salmān Tāsẖir uttered a sentence that insulted the Prophet – and I cannot comment on whether he did so, since such matters deserve investigation – if he did so, if this is proven, even then a ‘civilian,’ an ‘individual,’\(^ {172} \) is not allowed to murder him. Islam does not allow this. If a person takes the law into his own hands, he will be deemed a murderer and he will deserve capital punishment.\(^ {173} \)

Later Tahir ul-Qadri states that he does not read Tāsẖir’s declarations against the blasphemy laws as insulting the Prophet. However, “even if it [Tāsẖir’s comments] insulted Muḥammad, ‘even then’\(^ {174} \) it is the responsibility of the ‘court of law’\(^ {175} \) to hold a ‘trial.’\(^ {176} \) And if Tāsẖir deserves punishment then he should be accorded it. It is not an individual’s right to punish.”\(^ {177} \)

At another point, on the TV channel Waqt News, Tahir ul-Qadri remarks:

The state’s legal system needs to carry out the execution. I don’t accord anyone the right to extra-judicially shoot and kill someone [for insulting

\(^{170} \) Another important Barelvi scholar who holds these views is Jāved Almād Ǧhāmidī.

\(^{171} \) He said ‘whatever was the background,’ in English.

\(^{172} \) The words in single quotation marks were all said in English. The rest of his quotations are translated from Urdu to English.


Importantly, a number of ‘ulamā’ have noted that Tāhīr ul-Qādī’s written works on this subject express a different opinion than the one he voices in his television appearances and his lectures distributed on DVDs. For more on the subject see: Qureshī, Qalm Kuch aur Likhtā hai.

\(^{174} \) He said ‘even then’ in English.

\(^{175} \) He said ‘court of law’ in English.

\(^{176} \) He said ‘trial’ in English.

Muḥammad]. This is a legal matter. ‘The matter should go to the court of law.’ The judge will decide the matter and the state will implement his decision. An individual does not have the right to judge and kill [the person who insults the Prophet]. This leads to ‘anarchy.’

Critics of Ṭāhir ul-Qādrī assert that his views have no basis in the intellectual tradition of the ‘ulamā’. The Barelvī ‘ālim Ḥanīf Qureshī, whose arguments have featured earlier in this chapter, decries the religious legitimacy of Ṭāhir ul-Qādrī’s views. Qureshī, both in his speeches and his writings, highlights the contradiction in Ṭāhir ul-Qādrī’s written works on sabb al-rasūl and Qādri’s remarks above. In his book Tahaffūz-i Nāmūs-i Risālat, first published in 2002, Ṭāhir ul-Qādrī presents the incident of ‘Umar decapitating a hypocritical Muslim who insults Muḥammad. As mentioned earlier in this chapter, Ḥanīf Qureshī uses Qādri’s detailed description of this incident to argue that the extrajudicial killing of a Prophet-insulter is acceptable in Islamic law. When pressed on the apparent inconsistency between his writings and his public comments, Ṭāhir ul-Qādrī refuses to acknowledge any contradiction between his views. However, it is clear that by 2011, Qādri’s focus has shifted to disavowing vigilante justice.

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178 He uttered this sentence in English. It is quoted here verbatim. Other sentences have been translated from the original Urdu.


180 For more on the subject see, Qureshī, Qalm Kuch aur Likhtā hai.
CONCLUSION

The murder of Salmān Tāṣīr brings to the fore the complexity and conundrum of the Pakistani state’s relationship with Islam as well as the relationship of the ‘ulamā’ with the state. This chapter has argued that above all, the blasphemy law controversy reveals both arguments and agreements over sovereignty between the state and the sharī‘a, i.e. God’s sovereign will as articulated by the ‘ulamā’.

I have asserted that in the case of Tāṣīr’s murder, the issue of sovereignty boils down to the question of who can deem the insulter worthy of death and carry out this act. The state, considering itself sovereign, reserves this right for itself. Thus, it deemed Tāṣīr’s extra-judicial killing a murder and awarded the death penalty to his killer. The ‘ulamā’ regard God as the ultimate sovereign and assert that His sovereignty is vested in His law, the sharī‘a, which they interpret and articulate. Many ‘ulamā’ maintain that according to the sharī‘a, insulting the Prophet is such a grievous crime that anyone can legitimately commit sovereign violence against a Prophet-insulter. Consequently, this chapter has argued that this group of ‘ulamā’ views Tāṣīr’s actions and declarations as so heinous that they reduce him, in Agambenian terms, to the status of deserving only bare life.

However, as this chapter has contended, the issue of sovereignty becomes even more complicated once Tāṣīr’s post as a governor is considered. Given governors’ immunity, Tāṣīr could not be charged with blasphemy. His place outside the law was built into the Pakistani constitution. This chapter has illuminated that many ‘ulamā’ challenge not just this constitutional immunity and exception but also the sovereignty of
the state’s judicial system and its monopoly over the legitimate use of violence. They
assert that the *sharī‘a* allows anyone to legitimately kill the insulter without recourse
from the state. Consequently, they view *Tāsīr* as *mubāh ad-dam* – i.e. a person outside
the law in the sense that anyone may kill him without the act being considered homicide.

These ‘*ulamā*’s contestations with the state speak to the observations of anthropologists
Hansen and Stepputat who argue that sovereignty should no longer be conceptualized as
a formal, de jure state characteristic. In fact, sovereignty should be decoupled from the
state and viewed as a state aspiration in the face of “internally fragmented, unevenly
distributed and unprecedented configurations of political authority.”

Importantly, the Pakistani ‘*ulamā*’ are not uniform in their appraisal of state
sovereignty. A minority group among the ‘*ulamā*’ does not view *Tāsīr* as bare life and
emphasizes the state’s monopoly over legitimate violence. These ‘*ulamā*’ also claim to
formulate their arguments from within the *sharī‘a*. They draw on an established tradition
within Islamic law to argue against vigilante justice. Simultaneously, they expound the
perils of lawlessness and anarchy. Their focus on social stability is part of a long legacy
of opinions in the *siyāsa shar‘īyya* literature that stress the impermissibility of
challenging political authority.

The disparity between the views of these anti-vigilante-justice ‘*ulamā*’ and the
‘*ulamā*’ celebrating *Tāsīr*’s extra-judicial murder highlights their drastically different
opinions on the question of state sovereignty. It is vital to note that while these

181 Thomas B Hansen, and Finn Stepputat, eds. Sovereign Bodies: Citizens, Migrants, and States
differences of opinion exist among the ‘ulamā’ on the issue of the extra-judicial killing of a Prophet-insulter, the ‘ulamā’ are not always divided along these lines. The very same ‘ulamā’ who emphasize the acceptability of Tāṣīr’s extra-judicial killing also call for the respect of state laws on other occasions. Barelvī ‘ulamā’ with whom I personally discussed this issue all spoke of the religious legitimacy of Tāṣīr’s killing. However, they cited extra-judicial killing for blasphemy as an exception to the established norm of respecting state authority. Moreover, even pro-extra-judicial-killing ‘ulamā’ note that ideally the state should have carried out Tāṣīr’s execution. To quote Ḥanīf Qureshī, “The insulter should be handed over to the courts immediately, so that they can decide the case as soon as possible. We, too, maintain this … However, if a lover-of-the-Prophet, overtaken by emotions, exterminates the blasphemer … Islamically, he should be rewarded, not punished.”

Finally, in a broader sense, the discussion in this chapter highlights many Sunnī ‘ulamā’s dissatisfaction with the state’s political theology. The investigation in this chapter has identified some vital, over-arching points of contention. Prime among them is the critique of state sovereignty by some ‘ulamā’ – a sovereignty that these ‘ulamā’ maintain belongs to the sharī‘a. Thus, despite the state’s claim to be an Islamic Republic; in spite of its nod to God and God’s law in its constitution and in some articles of its penal code (among them Article 295); in spite of claiming to traverse the same registers of religious authority as the ‘ulamā’ (see Chapter 1), the state’s claim to an identity that

Sunnī ‘ulamā’ can term Islamic remains tenuous, as will be discussed in the next chapter. This is because the particular configuration of law and sovereignty that underlies Sunnī ‘ulamā’s ideal theo-political project is conceptualized differently by the Pakistani state. This results in a political theology where some nods and references are made to God and the shari‘a but ultimate sovereignty remains vested in state law. As highlighted in this chapter, this is a political theology that many ‘ulamā’ roundly criticize. Shi‘a ‘ulamā’, like many of their Sunnī counterparts, share this larger dissatisfaction with the state’s political theology. It is to them and their ideal political theologies that the dissertation will eventually turn. However, the next chapter maintains an emphasis on both Sunnī and Shi‘a ‘ulamā’. It moves the discussion from negotiations over authority and sovereignty between the Pakistani ‘ulamā’ and their state to the acceptance of authority and sovereignty, i.e. legitimacy. In particular, I focus on how the Pakistani ‘ulamā’ reach conclusions regarding their state’s identity, and consequently its legitimacy.
3. IS PAKISTAN AN ISLAMIC STATE?: ORTHOPRAXY, IDEOLOGY, ORTHODOXY AND LEGITIMACY

It was early afternoon in June 2012 in Islamabad, the capital of the Islamic Republic of Pakistan. While the unforgiving sun assaulted passersby outside, I sat nervously in an ornate side-room in an expansive air-conditioned office. A barrage of questions and concerns raced through my mind: When will he arrive? How long will our conversation last? Will he answer all my questions? What will he say?

He was late; but it was expected. I was used to waiting for many of my interviewees. And, what did an extra half an hour matter when I had already traveled six hours just for this meeting. Finally, he entered and I stood up in greeting as a mark of respect for a person of his stature. He cut an intimidating figure, with his imposing black turban contrasting sharply with his green-blue eyes, his flowing alabaster beard and his starched white *shilwār kamīz*. He motioned me to sit as he and his junior colleague, Faiṣal Wasīm\(^1\) – the man who had helped arrange our meeting – took their seats. A small, round, delicately carved tea table separated me from my imposing interviewee. However, our initial focus was not on each other, but on Mr. Wasīm who was seated a few feet in front of us on a plush sofa. Mr. Wasīm introduced me formally, “This is the researcher who I mentioned. She traveled from Lahore just for this meeting.” My interviewee nodded briefly, acknowledging my presence. Mr. Wasīm motioned for tea to be served. I awkwardly continued my introduction from where Mr. Wasīm had left off. Briefly

\(^1\) A pseudonym.
explaining my research questions – all of which I had already sent him weeks ago via email\textsuperscript{2} – I thanked him profusely for taking out time from his incredibly busy schedule.

The man I was addressing, my interviewee, was none other than Mawlānā Muḥammad Kāshif,\textsuperscript{3} a very senior member of the Council of Islamic Ideology (CII), a constitutional body founded in 1962.\textsuperscript{4} In addition to being a very significant member of the CII, Kāshif wears many hats. He is an agriculturalist by training as well as a Deobandī ʿālim. Additionally, Kāshif is a senator, with almost a decade of experience as a member of Pakistan’s National Assembly. Kāshif is also a member of the religiously conservative Deobandī political party Jamʿīat-i ʿUlamā-i Islam (Assembly of Islamic Clergy); Kāshif belongs to the party’s faction led by the influential cleric Faṣal ur-Raḥmān.\textsuperscript{5}

Kāshif’s membership of the CII makes him an ideal state functionary to comment on Pakistan’s Islamic identity. As detailed in Chapter 1, the CII is a constitutional body working to implement Islam at a national level. Its function is to make recommendations to the national Parliament and the Provincial Assemblies “as to the ways and means of enabling and encouraging the Muslims of Pakistan to order their lives individually and collectively in all respects in accordance with the principles and concepts of Islam as

\textsuperscript{2} More specifically, I had emailed my interviewee’s office, as per Mr. Wāśmie’s instructions.
\textsuperscript{3} A pseudonym.
\textsuperscript{4} The CII was discussed in detail in Chapter 1.
\textsuperscript{5} The party advocates for the enforcement of Islamic law in the country. Influential party-members, including the cleric Faṣal ur-Raḥmān are known for their close ties to the Ṭālibān.

A more detailed bibliography of Mawlānā Muḥammad Kāshif is withheld to preserve anonymity.
enunciated in the Holy Qur’an and Sunnah.”6 The CII also reviews both existing and new legislation to ensure that it is not repugnant to the “injunctions of Islam.”7 Importantly, the council’s function is simply advisory; it is up to Parliament and the Provincial Assemblies to decide whether to implement its recommendations.

Sitting across from Mawlānā Kāshīf in the CII’s official building in Islamabad, I completed my brief introductory monologue. The halting start of our conversation soon gave way to fluid exchanges. Fifteen minutes into the interview, I asked him, “In your opinion, is Pakistan an Islamic state in the real sense of the term?” I continued, “Because the Council [of Islamic Ideology] is attempting to evaluate Pakistani legislation and ensure that it is in conformity with Islamic principles. In light of that, do you think that our country is an Islamic state, in the real sense of that term? And if not, how can it become Islamic?”

Naïvely I had assumed that Kāshīf would furnish an account legitimizing Pakistan’s religious identity. Instead, sipping on his tea, Kāshīf directed the question back at me. “What do you think? In political terminology (siyāsī iṣṭilāḥāt) there is a welfare state and a security state; which one of these do you think Pakistan is?”

Unsure of what he meant by the term ‘security state,’ I respond, “Well Pakistan is sometimes called a police state. It definitely isn’t a welfare state.”

Kāshīf interjected, “Just tell me this: Is this a welfare state?”

I repeated, “It definitely isn’t a welfare state.”

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Having eliminated one of his choices, he took my comments to affirm the remaining option. “[It’s a] security state then,” he said matter-of-factly. And, in the same breath, he asked rhetorically, “Then how can this be an Islamic state?”

Caught completely off-guard, I stumbled on my words. “But you are such a significant member of this body. You …” I paused, rethinking the formulation of my sentence, then continued:

I agree with what you are saying. I have studied the publications of the council and the discourses of previous chairpersons. From these materials, it is evident that the council advises, but Parliament does not act upon its recommendations. So I understand that this [Islamizing Pakistan] is hard for you especially since you are such a significant member of this body. But, if Parliament is not acting on your recommendations then how can this country be transformed into a real Islamic state? If you could please elaborate on this.

Putting words into his mouth from what I had inferred, even though he had not stated this outright, I added, “I understand that you have mentioned that this is very difficult, but you are, after all, a vital member of the council.”

Kāshīf responded to my question with his now-characteristic move – directing my own inquiry back at me. “I myself want to inquire this [very thing] from you, since you are a student and scholar.”

Seeing that I had no response, Kāshīf began berating security states:

When a state is not a welfare state, but a security state, and a security state is such that its status is that of a military cantonment or a FC (Frontier Constabulary/ Frontier Corps) cantonment. The people dwelling in the cantonment, they [the state functionaries] leave them in peace. Those that dwell outside the cantonment [outside the protected area of the security
state], they could be dying of hunger and thirst, they could be deaf, the state has no concern for their conditions … such is a security state.

In less than two minutes, Kāshīf had completely discredited the religious legitimacy of the Pakistani state. I sat there stupefied, fumbling to gather my thoughts.

As our conversation continued, I asked Kāshīf if Parliament faced difficulties in implementing the CII’s recommendations for Islamization since the attacks on the World Trader Center on September 11, 2001. My question stemmed from the pervasive understanding that post-9/11 there has been a spike in American interference in the Pakistani state’s management of religious life in the country.

Kāshīf responded:

If you ask me, this is not a post-9/11 issue. When the Second World War occurred, Western powers struggled to maintain control over their colonized lands. The colonizers had two options when departing. The first: to leave a united India. But the problem with that was that in a united India Muslims would be the rulers, Islam would be the religion and sharīʿa would be the law … since Muslims had ruled India for so long it was possible for them to rule again, [and the Western powers wondered, what] if this vast land comes under the rule of Muslims again … and because of this danger they chose to divide the subcontinent into two. [They reasoned] a Hindu majority country will be separated and that will, to an extent, be under our control … and we will have control over the Muslims who live in the Hindu majority areas, since they live among the Hindus. And we will separate the Muslim majority areas [into another country] but governance (ḥukūmat) will not be given to the Muslims. Instead, this power will be vested in the legal system and the bureaucracy that the British founded; those [institutions] will be given power over the country. And this country will be a security cantonment for us [the British]. This country will be their feudal estate. On the one hand, there is ‘establishment for the’ country, and then there is a country ‘for the establishment’.

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8 Muḥammad Kāshīf, interview by author, Islamabad, Pakistan, July 2012.
9 He said the phrase ‘establishment for the’ in English.
10 Again, he said the phrase ‘for the establishment’ in English and continued to use the English word ‘establishment’ during this segment of the interview.
country is for the ‘establishment’ [i.e. the West]. This is a feudal estate of the ‘establishment’. The real feudal lord is the ‘establishment’ [i.e. the West] and we are simply their land tillers.\(^\text{11}\)

As our conversation continued, Kāshīf reiterated the servitude of Pakistani state functionaries to Western powers, who he asserted were the real political players in Pakistan. His pithy, yet scathing statement on the matter was, “Our Parliament is a Parliament of land tillers.”\(^\text{12}\)

Kāshīf’s rendition of the country’s birth and its status as a “security state,” furnishes us with one stark example of how the Pakistani state’s claim to an Islamic identity is appraised. Kāshīf’s views are particularly astounding in light of his position as a member of the Council of Islamic Ideology. Despite being a member of a state body designated to provide advice on how to Islamize the country, he views Pakistan’s claim to an Islamic identity as farcical. Moreover, his account of Pakistani history stands in sharp contrast to the master narrative of the Pakistani state, which identifies the country as founded due to increased “awareness among the Muslims of their separate identity and their anxiety to preserve it within separate territorial boundaries.”\(^\text{13}\)

Admittedly, Kāshīf’s views on the country’s birth are far from the norm among ‘ulamā’ in contemporary Pakistan. In fact, when I mentioned Kāshīf’s narration of

\(^{11}\) Muḥammad Kāshīf, interview, July 2012.

\(^{12}\) Muḥammad Kāshīf, interview, July 2012.

\(^{13}\) “Pakistan’s Historical Background,” Ministry of Information, Broadcasting and National Heritage, accessed September 9, 2013. http://www.pakistan.gov.pk/gop/index.php?q=aHR0cDovL3d3dy5pbmZvcGFrLmdvdi5way9IaXN0b3J5LmFzcHg%3D.

Kāshīf’s appraisal of the Pakistani state resonates with that of the infamous al-Qā‘ida leader Ayman al-Ẓawāhirī. Ẓawāhirī writes, “Today, Pakistan’s status is that of a company that provides services to the American army and American secret agencies.” Ayman al-Ẓawāhirī, “Pākistān ek Ḟayr Islāmī Riyāsat Hai,” al-Sharī’a 23, no. 3 (March 2012): 539.
Pakistani history to other Deobandī ‘ulamā’ they scoffed at what they appraised as the absurdity of his remarks. However, a couple of these ‘ulamā’ highlighted that just a few decades ago, somewhat similar views were representative of a significant faction of Deobandī ‘ulamā’. At the time of British India’s independence, many Deobandī ‘ulamā’ opposed the birth of Pakistan contending that the formation of a separate nation-state for Muslims had no basis in Islam. Like the Deobandī ‘ulamā’ of the mid-1900s, Kāshif also dismisses the very birth of the Pakistani state as un-Islamic.

While Kāshif’s view of Pakistani history is an anomaly among ‘ulamā’ today, his comments about the state’s un-Islamic identity find many supporters. In line with the questions I asked Kāshif, this chapter queries how the Pakistani ‘ulamā’ appraise their state’s Islamic character and consequently its legitimacy. After all, the country’s official name is the Islamic Republic of Pakistan; its constitution declares Islam as the state religion; state bodies such as the CII work to ensure that legislation is in “conformity with the Injunctions of Islam;”\(^\text{14}\) the decisions of the Islamic law court (Federal Shariat Court) are constitutionally binding on the “High Court and all courts subordinate to a High Court;”\(^\text{15}\) the teaching of Islam is mandated at a primary, middle and high school level as well as in college; the state collects and distributes religiously mandated alms (zakāt), etc. Despite these state measures and declarations the veracity of the country’s Islamic identity is a contentious matter among the ‘ulamā’.

Significantly, many Islamic Studies scholars also challenge the Pakistani state’s


claim to an Islamic identity. They highlight the incompatibility of the modern nation-state with classical Islamic ideas of polity and governance, and assert that the term ‘Islamic state’ is an oxymoron. They note that, “the very term, ‘Islamic State’, was never used in the theory or practice of Muslim political science, before the twentieth century.”

Among their strongest arguments is that the concept of the territorial nation-state is incompatible with the higher unity of the community of Muslim believers (ummah). These scholars also highlight another vital point of contention between the modern nation-state and Islam. This contention is about sovereignty. In his recent book, *The Impossible State*, Wael Hallaq argues that the nation-state and Islamic law (*sharīʿa*) are fundamentally incompatible since they both demand sovereignty. A related argument has to do with the codification of law. Scholars contend that the codified law of the nation-state will always be at odds with the historically uncodified *sharīʿa*, rendering the modern nation-state fundamentally un-Islamic. Moreover, Abdullahi an-Naʿīm, a law professor at Emory University, argues that the enforcement of Islam by a state annuls Muslims’ rights to voluntarily practice their religion.

While these issues preoccupy contemporary Islamic Studies scholars, it is vital to note that none of the Pakistani ‘ulamā’ whose works I have studied and with whom I have conversed bring up these issues. For them, the modern nation-state and Islam as
well as Islamic law are compatible. They acknowledge that the modern state differs drastically from pre-modern Islamic political formations. However, for them, this difference does not render an Islamic nation-state a logical impossibility. Consequently in commenting on Pakistan’s religious identity they do not completely disavow its potential to be an Islamic state. Instead, working with the premise of this possibility, they hold divergent opinions regarding Pakistan’s current religious identity and legitimacy. In this chapter, I will examine these divergent opinions.

The first part of this chapter will highlight that my fieldwork reveals two dominant appraisals of the state’s religious character that cut across sectarian (Deobandī, Barelvī and Shī‘a) lines. The first is the dismissal of the state’s Islamic identity. Like Kāshīf, proponents of this view emphasize the importance of orthopraxy, i.e. correct deliberate religious actions, in determining Islamic legitimacy and religious identity. Deeming the state unIslamic for its lack of orthopraxy, they cite the dearth of welfare provisions, atrocious state-citizen relations, and the unIslamic nature of the state’s economic, legal and political activities. In sharp contrast, another set of ‘ulamā’ emphatically asserts that the state is indeed Islamic. As discussed in detail below, some among them argue that ideology determines identity and they posit Pakistan as an ideologically Islamic state. Other in this group cite particular state declarations as performative utterances transforming Pakistan into a religious state.20

The second part of this chapter will assess the divide between these two ‘ulamā’ groups. I will assert that the difference in their appraisals of the Islamic identity of the Pakistani state parallels early theological debates about Muslim identity. In fact, my fieldwork reveals that, mirroring these debates about Muslim identity, some ‘ulamā’ go so far as to anthropomorphize the state, likening it to an individual who is either a Muslim or an unbeliever (kāfir). Drawing on my ethnography, I will contend that occasionally intra-‘ulamā’ debates about whether the state is akin to a Muslim or a kāfir are driven by concerns about state legitimacy, and particularly the religious permissibility of rebellion against the Pakistani state.

In the third and last section of this chapter, I will investigate why ‘ulamā’ anthropomorphize the state while being aware of the state’s corporate, heterogeneous nature. By way of answer, I will assert that ‘ulamā’ anthropomorphize the state since they find no precedent for political authority embodied in forms other than an individual person in the siyāsa shar‘iyya, i.e. a section of the Islamic legal canon that deals with politics and governance. This is a canon in which the ‘ulamā’ are intellectually embedded. However, I will contend that despite their grounding in Islamic political theology, as citizens inhabiting the post-colonial state, the ‘ulamā’ are also immersed in the modern state’s terms and categories, which color the manner in which they perceive the state. Consequently, I will assert that the ‘ulamā’ traverse both the Islamic polico-legal canon as well as the modern Western political canon; the latter through their experience of the state, not through scholarly training in Western and postcolonial theorizations of the state. I will conclude the chapter by contending that the ‘ulamā’ braid
established Islamic legal and political concepts with modern, originally Western, political discourses, transforming both knowledge traditions in the process.

I now begin by detailing the differences between the ‘ulamāʾ’s two dominant modes of appraising of the Pakistani state’s religious character: 1) Identity evidenced by orthopraxy, and 2) Identity determined by a) ideology and, b) state declarations of belief.

**Identity Evidenced By Orthopraxy**

Kāshīf’s narration of Pakistan’s birth, and his characterization of it as a ‘security state’ under Western control, is unique. No other ʿālim with whom I have interacted or whose works I have read echoes Kāshīf’s comments. However, Kāshīf’s views regarding the unIslamic nature of the Pakistani state do find other supporters. A number of other ‘ulamāʾ with whom I conversed – Deobandī, Barelvī, as well as Shīʿa – scoffed when I asked if Pakistan was a truly Islamic state, echoing Kāshīf’s attitude.

My conversations, observations and unstructured interviews with the Shīʿa ʿālim Qibla Šāhib21 highlight the disdain that this group of ‘ulamāʾ have for the current functioning of Pakistani state institutions. Qibla, an esteemed scholar at one of the largest Shīʿa jāmiʿas in Lahore, has studied for over a decade at Iranian seminaries in Mashhad and Qom. He now imparts his knowledge to seminary students and provides religious guidance to lay Shīʿas who frequent his office in search of advice.22 My relationship with

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21 A pseudonym used as per Qibla’s request.
22 For a more detailed description of Qibla see Chapter 5.
Qibla goes back to 2010 when I first began conducting archival research at his seminary’s library.

Sitting in his expansive office on the seminary premises on a hot May day in 2011, Qibla, puffing a cigarette, detailed the characteristics of an ideal Islamic state. He commented that such a state is one wherein there is peace and security; the justice system is efficient and impeccable; everyone is free; there is no targeted killing, discrimination along sectarian lines or defamation of Islam; healthcare is free; and education is free or heavily discounted, in addition to being uniform across class lines. It is easy to discern that Qibla’s description of an ideal Islamic state is directly inflected by the dismal quality of life of average Pakistanis. It is common knowledge that the legal system is inept, the class divide is shocking and the state fails to provide even the most basic amenities to its citizens. About 40 million citizens live below the poverty line. For them food is a luxury and education is an unattainable goal. Importantly, Qibla’s views of an ideal Islamic state are also directly informed by the persecution faced by Pakistan’s Shi’a minority. In recent years thousands of Shi’as have died in acts of sectarian violence. Attuned to the horrors of anti-Shi’a violence, Qibla mentions that an ideal Islamic state will be peaceful. There will be no targeted killings and sectarian discrimination.

Continuing with his description, Qibla added, “Everyone should have a livelihood and if one doesn’t … the government should provide.” Steering the conversation to the actualization of such a state in Pakistan, Qibla commented, “When this happens, then this

23 Qibla Şahib, interview by author, Lahore, Pakistan, May 2011.
24 For more on the plight of Pakistani Shi’as see chapters four and five.
25 Qibla Şahib, interview, May 2011.
country will be like heaven … [it will be] the exact opposite of the current reality of Pakistan.” Emphasizing how negatively he viewed the current state of affairs in Pakistan, Qibla asked rhetorically, “The system that is currently in place, how much of that [will form a part of the ideal Islamic state]?” He replied dramatically, “Not one percent!” Rephrasing these very sentiments, he re-answered his own question again; “The exact opposite of what is currently the reality of Pakistan!” He continued, “And everything that is currently [the reality of Pakistan] is entirely unIslamic and Islam does not allow it at all.”

Given the chasm between Pakistani realities and the ideal of the Islamic state as described by Qibla, I asked him why the Pakistani state claims an Islamic identity. Derisively, he replied, “Because it wants to fool the people and the people themselves want to be fooled.”

While less critical of the current realities of Pakistan, Āyat Allāh Ja‘far, the president of Jāmi’a Ahl al-Bayt, agrees with Qibla regarding the Pakistani state’s lack of religious credentials. Jāmi’a Ahl al-Bayt is one of the most prominent Shī’a seminaries in Pakistan. Located in a posh Lahore neighborhood, the sprawling seminary space contains classrooms; residence for students, faculty and staff; an expansive library; a mosque; religious commemoration halls (imām bārgahs); a guesthouse, etc. Jāmi’a Ahl al-Bayt has aided in establishing a number of other seminaries both domestically and

26 Qibla Ṣāhib, interview, May 2011.
27 Qibla Ṣāhib, interview, May 2011.
28 A pseudonym.
29 A pseudonym.
internationally. Given its significance and outreach, the jāmiʿa serves as a vital center of Shiʿa religious life and learning in Pakistan. As the president of Jāmiʿa Ahl al-Bayt, Āyat Allāh Jaʿfar is among the most important Shiʿa ‘ulamāʾ in the country. Among his numerous accolades is the honor of studying with Āyat Allāh Rūḥ Allāh Khumaynī (d. 1989), the architect of the Iranian revolution.30

In one of our conversations, Āyat Allāh Jaʿfar stated, “Today, there is no Islamic government in the world, apart from the Islamic Republic of Iran… We too can have an Islamic state in Pakistan if we keep the Qurʾān, hadīth, intellect (ʿaql) and faith (īmān) in mind and adopt correct, non-discriminatory ‘methods.’”31 In brief, like Qibla, Āyat Allāh Jaʿfar also deems the Pakistani state unIslamic based on its actions, policies, and ‘methods’. And of course, on the Deobandī spectrum, Kāshīf’s remarks, in a league of their own, also express an absolute disavowal of the state’s Islamic identity.

In light of these ‘ulamāʾ’s comments, I assert that for them the religious identity of the state is completely intertwined with the state’ praxis. In other words, Pakistan’s religious identity does not stand apart from, or prior to, the actions of state institutions including the bureaucracy, the legal system, the police, the military, etc. Specifically for Kāshīf and Qibla Ṣāhib, it is the quality of contemporary state-citizen relations that determines whether the state is Islamic. As Qibla explains, an Islamic state is one wherein the citizens are provided for. Similarly, Kāshīf establishes a distinction between a welfare

30 For more information on Āyat Allāh Jaʿfar and Jāmiʿa Ahl al-Bayt see Chapter 4.
31 He used the English word ‘method’. Āyat Allāh Jaʿfar, interview by author, Lahore, Pakistan, May 2011.
state, which he deems Islamic (particularly when it implements the *sharī‘a*) and a security state that is, for Kāshīf, automatically unIslamic. Significantly, Kāshīf’s desire for a welfare state is well-established among the conservative Deobandī political party Jam‘īat-i ‘Ulamā-i Islam (Assembly of Islamic Clergy) to which Kāshīf belongs. As Sayyid Pirzada notes, in 1970 the party “chalked out a comprehensive manifesto outlining its concept of a welfare state.”\(^{32}\) The manifesto covered issues ranging from free education, the rights of land tillers, representation of laborers in the private sector on the board of directors of their companies to the provision of a subsistence allowance to the unemployed.\(^{33}\)

In sum, for this group of praxis-privileging ‘*ulamā’*, there are clear conditions evident in the functioning of the state and its relationship with the citizenry, which must be fulfilled for a state to be considered Islamic. Unfortunately for the ‘*ulamā’*, the orthopraxy that they deem vital is only evident in fleeting glimmers in Pakistan’s almost-seventy year history.\(^{34}\) And as state institutions and successive governments continuously refrain from this orthopraxy, the ‘*ulamā’* dismiss them, as well as the state, as unIslamic. In other words, in appraising the religious identity of the state, these ‘*ulamā’* base their judgments on the actions of government officials and state functionaries as well as the larger state system. This group of orthopraxy-emphasizing traditional scholars gives little

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\(^{33}\) For details of the manifesto see Pirzada, *The Politics of the Jamiat Ulema-i-Islam Pakistan*, 225-228.

\(^{34}\) The exception to this rule, for some ‘*ulamā’*, is the reign of the military dictator President Zīyā al-Ḥaqq (in power from 1978-88). The Zīyā regime patronized Sunnī ‘*ulamā’* and madrasas, while implementing a predominantly Sunnī version of Islam at the state level.
importance to the state’s allegedly Islamic ideology and state declarations announcing its Islamic identity. Even Kāshif, a very high-ranking member of the Council of Islamic Ideology, does not mention how Pakistan’s declaration of its religious identity and ideology, and the workings of the CII, contribute to the state’s religious identity. Thus, we see that while Kāshif’s views about the formation of the Pakistani state are unique, a number of ‘ulamā’ share in his appraisal of the dismal functioning of the state and its lack of orthopraxy, which results in its unIslamic character.35

**The Importance of Ideology**

In contrast to the above view, the second prominent trend I identify among the Pakistani ‘ulamā’ appraises the country’s Islamic identity very differently. Proponents of this trend emphasize the significance of naẓariyya – an Urdu word often translated as ‘ideology’36 – in determining the state’s identity. Ideology, according to the *Oxford Dictionary of Critical Theory* is “a set of beliefs, convictions or ideas which both binds a particular group of people together and determines the actions they take.”37 However, the ‘ulamā’ s use of the term naẓariyya differs from some critical theorizations of ideology. For example, in the above excerpt from the *Oxford Dictionary of Critical Theory*, ideology is explained as inflecting actions. Naẓariyya, as used by the ‘ulamā’, does not

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35 Significantly, despite deeming the state unIslamic, this group of ‘ulamā’ does not urge rebellion against political authority. As shall be examined later in this chapter, some religious scholars urge insurrection and rebellion against the state in light of its unIslamic character.


always imply the translation of beliefs or convictions into actions. The ‘ulamā’ use of the term nazariyya also differs from Marxist views which often classify ideology as false consciousness and as invisible to its adherents. In contrast, for the ‘ulamā’ the term nazariyya marks a very explicit vision, belief or world-view.

The trend of privileging nazariyya (translated below as ‘ideology’ with the above caveats), in determining Pakistan’s religious identity is epitomized by the Shī‘a ‘ālim Husayn Naqvī, a prolific writer who has authored thirty-one books. Born in Pakistan in 1970, Husayn Naqvī relocated to Iran in 1982 and engaged in intellectual pursuits in Qom and Najaf for over two decades. Returning to Pakistan in 2005, Husayn Naqvī initially served as the principal of a small seminary. A few years later he took up a teaching appointment at Jāmi‘a Ahl al-Bayt, which is where I had the pleasure of encountering him.

Daily frequenting the jāmi‘a’s library for several months in the spring and summer of 2011, I was a familiar face for most of Jāmi‘a Ahl al-Bayt’s ‘ulamā’. Husayn Naqvī and I had conversed briefly during this period, but our conversations were often cursory. Many of these brief exchanges occurred as I was leaving the jāmi‘a, usually around 1 PM. Some days, as I approached the seminary exit, I would catch him sitting on a bench close to the gate, conversing with other scholars. I would greet them as I passed. If Husayn Naqvī wasn’t engrossed in conversation, he would inquire about my research and ask if my work in the library archives was proving fruitful. I would usually reply in

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38 A pseudonym.
39 Ḥusayn Naqvī, interview by author, Lahore, Pakistan, May 2011.
the affirmative, furnish him with some details and head home. After much archival work, I began interviewing ‘ulamā’ at the jāmi‘a. When I requested a formal interview with Ḥusayn Naqvī, he obliged. It struck me as odd that unlike most of the other ‘ulamā’ at the seminary he did not invite me to his office; maybe he did not have a separate office, or he did not wish to meet me – a young unmarried woman – in a private room. Whatever the case, we conversed in one of the large reception rooms of the Ahl al-Bayt seminary, with the door and windows ajar and a receptionist seated in the corner. As I steered the conversation to whether Pakistan is an Islamic state, Ḥusayn Naqvī commented:

Pakistan is an Islamic state (riyāsat). It will remain an Islamic state. America can have no negative impact on that. These few politicians that come and go, their time will come and pass. The population of Pakistan has a pure, unbridled love for Islam. Pakistan is the only, single bastion of Islam in the world. All the various schools of [Islamic] thought emanate from Pakistan; this is where they find nourishment for their thought. All the sectarian groups, now called terrorists, they emanate from Pakistan and all the moderate groups also emanate from Pakistan. Pakistan is the center of all Islamic schools of thought and will remain that, and the US cannot do anything to change that … The governments here are not with the Muslims, the present government is not with the Muslims, but there are some radical Muslim groups and some moderate Muslim groups that are [with the Muslims.] They [Muslims in general] are being subject to tyranny and injustice … even if the rulers of this country are unbelievers (kāfers) they will have to outwardly defend Islam … Even a kāfir ruler will not be able to speak against Islam or even if he is able to say something, he won’t be able to take any action … because this country was established on an ideology (nāzariyya), whoever rejects that ideology or opposes this ideology will be opposing the country; he will be an enemy of the country.⁴⁰

Ḥusayn Naqvī’s assertion regarding Pakistan’s established and unwavering Islamic character knows no sectarian lines. It is mirrored by the Barevlī ‘ālim Faraz

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⁴⁰Ḥusayn Naqvī, interview, May 2011.
Aḥmad. Notorious for helping incite the murder of Punjab’s governor Salmān Tāṣīr by publicly decrying him as a blasphemer deserving extermination, Faraẓ Aḥmad is despised by some and beloved by others. After numerous attempts to schedule a meeting with him, I finally succeeded. It was not easy. Juggling media appearances alongside his religious and public duties, he had a busy schedule and was rightly stingy with his time. Traveling to Rawalpindi to meet him, I arrived at his imposing seminary, Jāmi’a al-Fārūqiyya.

As our conversation turned to the Islamic identity of Pakistan, I asked, “Are we really the Islamic Republic of Pakistan?” Faraẓ Aḥmad, appearing surprised that I would doubt the state’s religious identity, asserted that Pakistan was indeed an Islamic state. Gesticulating wildly and speaking with gusto, as is his trademark, Aḥmad stressed:

Our law states that we are a democratic republic. What is democracy? [It is] the rule of the majority. ‘Ok.’ Now what is the majority of Pakistan’s population demanding? Islam! Just look, ninety-five percent of the people in Pakistan demand Islam. But the thuggery of America and other Jewish powers – yes, thuggery, I have no issue in saying that word, ‘no problem!’ – or because of the elite class … unfortunately Islamic laws are not being implemented in Pakistan. But the population wants them. The fundamental defining principle of Pakistan is that it is an Islamic democratic republic. Now look at America’s law. There is a Christian majority in America and Christianity is their official religion. Now what is the situation there? If in the coming days, Islam flourishes in the US, will they call America an Islamic government?

He paused, and I provided him the answer he expected: “No.”

He continued:

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41 A pseudonym as per IRB regulations.
42 A pseudonym as per IRB regulations.
43 He said ‘ok’ in English. In the dialogue that follows, all other words in single quotation marks were also said in English. Peppering Urdu discourses with occasional English words is common in Pakistan.
Because they will look at the ‘base’ [i.e. basis] of the country; its principle [for foundation]. In the same way, Pakistan’s ‘base’ [i.e. basis] for existence is Islam. God forbid, this can never happen, however, ‘in case’ minorities here begin to constitute fifty-one percent of the citizenry, Islam will still remain the principle on which we are standing.

In understanding Ḫusayn Naqvī’s and Faraẓ Aḥmad’s comments, I turn to the works of the German philosopher Carl Schmitt. As Schmitt asserts, in mythical language the earth contains within herself certain innate characteristics, that she then also manifests upon herself, and sustains above herself. In the case of Pakistan, I read Ḫusayn Naqvī and Faraẓ Aḥmad as asserting that the land of Pakistan contains within itself its deep-seated Islamic identity. In other words, resorting to what Schmitt would term “mythical language,” Ḫusayn Naqvī and Faraẓ Aḥmad emphasize Pakistan’s innate Islamic identity in light of its founding as an ideologically Islamic state. Importantly, Ḫusayn Naqvī and Faraẓ Aḥmad assert that despite the rule of un-Islamic governments, the possible numerical ascendancy of non-Muslims in Pakistan and even the rule of a non-Muslim political authority, the country will always remain Islamic.

In a less outspoken manner, Sayyid Zaidī Naqvī, a Shi‘a ‘ālim currently based in Islamabad, echoes Aḥmad’s and Ḫusayn Naqvī’s views. Zaidī Naqvī, earlier affiliated with Jāmi‘a Ahl al-Bayt in Lahore, now presides over two seminaries in Islamabad. Sitting in his office on the premises of one of the jāmi‘as in May 2012, we discussed the

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44 Although he said the English word ‘base’, he meant basis.
45 Faraẓ Aḥmad, interview by author, Rawalpindi, Pakistan, June 2012.
46 For Schmitt, these innate characteristics are law. He writes, “The earth is bound to law in three ways. She contains law within herself, as a reward of labor; she manifests law upon herself, as fixed boundaries; and she sustains law above herself, as a public sign of order.” Carl Schmitt, Nomos of the Earth, trans. G. L. Ulmen (New York: Telos Press, Ltd., 2003), 42.
Pakistani state’s claim to an Islamic identity. Like Ḥusayn Naqvī and Faraḍ Abāmad, Zaidī Naqvī clearly distinguishes between state ideology and state praxis. He voices his disagreements with appraisals that assert, “that because these rulers are not, Pakistan is not deserving of the title of an Islamic state (riyāsat).” Instead, he argues:

An Islamic state (riyāsat) is the name of a title. The issue of who is in the bureaucracy is different from whether the state is Islamic. [As for] the issue of Pakistan being an Islamic state: that it was founded in the name of Islam … and the country’s birth on the basis of the two-nation theory, all of these prove that this is an Islamic state.

Distinguishing between state ideology and state orthopraxy, he continues, “Now the question of whether it is functioning as such is another issue.”

Importantly, Ḥusayn Naqvī, Faraḍ Abāmad and Zaidī Naqvī are representative of a significant group of ‘ulamā’ who disagree with characterizations of Pakistan’s Islamic identity as contingent on state orthopraxy. Instead they emphasize that identity is determined by ideology.

**Conversion through State Declarations**

For another group of ‘ulamā’, whose views are examined below, the state’s religious identity is contingent on state declarations attesting to its identity, character and belief. For this group, the declaration of correct belief, i.e. orthodoxy establishes the state as Islamic. Significantly, this group of ‘ulamā’ take the declaring of belief at face value.

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47 Zaidī Naqvī, interview by author, Islamabad, Pakistan, May 2012.
48 Zaidī Naqvī, interview, May 2012.
49 Zaidī Naqvī, interview, May 2012.
and do not question whether the belief is truly held. However, there are minor differences among them regarding the moment when orthodoxy was declared.

For some of these ‘ulamā’, the adoption in 1949 of the Objectives Resolution marked the moment of Pakistan’s transformation into an Islamic state. The significance of the Resolution was acknowledged by most citizens. The then-prime minister Liyāqat ‘Alī K̲h̲ān (in office 1947-51), in a speech delivered when moving the Resolution, stated “I consider this to be a most important occasion in the life of this country, next in importance only to the achievement of independence.” The Resolution signified (at least at face value), the country’s transition towards an Islamic orientation. The Resolution declared that sovereignty belongs to God – an acknowledgement that the ‘ulamā’ hold as central to correct belief and a Muslim identity. The Resolution also stated “Muslims shall be enabled to order their lives … in accordance with the teachings of Islam.” While some ‘ulamā’ view this Resolution as a turning-point in the state’s identity, yet other ‘ulamā’, whose views will be detailed shortly, assert that the state’s religious transformation occurred later. For the latter, it is the 1973 constitution that testifies to Pakistan’s Islamic character.

The 1973 constitution reflected the sensibilities generated by the loss of East Pakistan in 1971. As noted earlier, many religious groups promoted the view that the country’s dismemberment resulted from un-Islamic leaders uninterested in Islamizing the

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50 For more on the resolution see, “The Objectives Resolution,” Islamic Studies 48, no. 1 (Spring 2009): 89, 91-118.
51 “The Objectives Resolution,” Islamic Studies, 92.
country. Additionally, oil-rich Arab nations’ new wealth and power facilitated the rise in Islamic consciousness among Pakistanis. Riding the wave of this Islamic resurgence, while simultaneously contributing to it, Zulfiqār ‘Alī Bhutto, when contesting elections for prime minister, used Islamic rhetoric and symbolism to mobilize support. In light of the mood of that era, Bhutto (despite his own secular convictions), ended up giving the 1973 constitution a more Islamic flavor than any of the previous constitutions had possessed. The constitution came into effect on the first day of Zulfiqār ‘Alī Bhutto’s prime-ministership (1973-77). It announced Islam as the state religion. Another significant Islamic provision of the constitution included declaring the Aḥmādis, a controversial minority sect within Islam, as non-Muslims.

To sum up, while there is disagreement among declaration/doxa-emphasizing ulamā’ regarding the historical moment wherein Pakistan’s Islamic identity becomes manifest, these ulamā’ collectively hold the Pakistani state to be Islamic. They view this religious identity as unmarred by later political developments, successive governments and the vicissitudes of state actions and political functionaries.

56 Hussain “Islam in Pakistan under Bhutto and Zia-ul-Haq,” 52.
57 In addition to announcing Islam as the state religion, a number of other Islamic provisions were also added in the 1973 constitution.
58 For more on the Aḥmādi sect in Pakistan see Ali Usman Qasmi, Ahmadis and the Politics of Religious Exclusion in Pakistan (S.I.: Anthem Press, 2014). Some details about the Aḥmādis were provided in chapters 1 and 2.
UNDERSTANDING IDEOLOGY AND ORTHODOXY

The views of ideology and orthodoxy emphasizing ulamā’ can be better understood in light of Abdulkader Tayob’s comments on contemporary Islamic states. Tayob, a scholar of religion specializing primarily in Islam in Africa, explains that for some proponents of an Islamic state, “The argument for an Islamic state did not seem to be a means and instrument to change or develop society, but to symbolize the particular meaning of Islam held by the individual or group. The Islamic state became progressively a statement of identity, and less a statement of how society would be organized and ruled.” Describing the political situation of the Muslim world, the political scientist Muhammad Ayoob writes, “Islam continues to be part of the regimes’ legitimacy formula in most Muslim countries.” This accords the leaders mileage with their populations and posits an aura of continuity with rulers from Islam’s classical period. Ayoob also alerts us to the problematic profiles of self-proclaimed Islamic states and to the folly of accepting, at face value, claims by regimes in Muslim majority countries “that they embody Islamic values or that they are authentic models of Islamic government. Frequently, such claims are made for self-asserting purposes by regimes desperately in need of legitimacy.”

Tayoab’s and Ayoob’s argument, I assert, speaks to an extent to the ideology and orthodoxy emphasizing ‘ulamā’’s conceptions of what it means for the Pakistani state to

61 Ayoob, The Many Faces of Political Islam, 42.
be Islamic. For them, the modifier ‘Islamic’ indicates the state’s identity, not the manner in which society is currently organized and ruled. Even when, in the appraisal of the ‘ulamā’, the infrastructure and institutions of the state are not organized Islamically and the state deviates from Islamic orthopraxy, ideology- and orthodoxy-emphasizing ‘ulamā’ assert that the state is still Islamic. Importantly, however, these very ‘ulamā’ maintain that an ideal Islamic state is one which demonstrably performs pious acts and where the substantive character of the state is Islamic – i.e. wherein Islam guides societal norms and organization, all the way down to the provision of welfare and the structuring of the legal, economic, political and educational systems.

**Non-‘Ulamā’ Supporters of Pakistan’s Islamic Identity**

Ideology and orthodoxy emphasizing ‘ulamā’s unflinching belief in the Islamic character of the Pakistani state, regardless of contemporary political realities, is corroborated by Ayman al-Ẓawāhirī’s remarks on Pakistani proselytizers. Ẓawāhirī, the current leader of the militant Islamic group al-Qā‘ida, is a physician by training. His current whereabouts are unknown despite a bounty of $25 million for information leading to his arrest. Ẓawāhirī is an Egyptian national who has traveled extensively. He spent time in Pakistan in the 1980s. Pakistan’s notoriety as a hotbed for al-Qā‘ida sustains Ẓawāhirī’s interest in the region. In 2008 Ẓawāhirī penned a book whose title, translated into English, reads *The Morning and the Lamp: A Treatise Regarding the Claim that the Pakistani Constitution is Islamic*. The book, currently banned in Pakistan, decries the
Pakistan state’s claim to an Islamic identity. Explaining Pakistani proselytizers’ views of their state, Ẓawāhirī writes:

Ever since I have known of Pakistan, I have constantly heard a number of Pakistani brothers and proselytizers of Islamic groups repeat the same statement. The essence of these gentlemen’s opinions is that Pakistan’s system of government (nizām-i ḥukūmat), is substantially different from the system of government in other Muslim nations, because the Pakistani constitution is based on true Islamic principles. This constitution [the proselytizers’ assert] allows the Muslim populace to choose their representatives and provides them with unbridled freedom to evaluate and judge their rulers in light of the shari‘a. Thus, the problem is not the governmental system or the constitution. Instead, the problem lies with the corrupt ruling classes that remain in power by the use of force and other sleights of hand, and do not act upon the constitution.62

Ideology and orthodoxy privileging ‘ulamā’ and Ẓawāhirī’s Pakistani proselytizers are not alone in asserting the Islamic identity of the state, despite its deviance in praxis. Their views find historical backing in the comments of the famous Pakistani Islamist Mawlānā Abū’l A‘lā Mawdūdī (d. 1979). Mawdūdī was the founder of the Islamist political party, Jamā‘at-i Islāmī. Commenting on the Objectives Resolution of 1949, Mawdūdī announced in 1950, “[Since] the passing of the Objectives Resolution in the Constitutional Assembly, the Pakistani state has become an Islamic state.”63 In the same vein, one of the Jamā‘at-i Islāmī documents from around the 1950s remarks, “the Consultative Council (majlis-i shūrā) [of the Jamā‘at-i Islāmī] has arrived at the decision that Pakistan’s Constitutional Assembly, in accepting this [Objectives] Resolution, has

63 Tharwat Ša‘ūlat ed. Mawlānā Mawdūdī ke Taqārīr, part 2 (Lahore, Pakistan: Islamic Publications Private Limited, [n.d.]), 64. I am indebted to Dr. S. M. Zamān for this reference.
accepted the spirit of the Jamā‘at-i Islāmī’s demand [to create an Islamic state.]”64 At another point, the document off-handedly mentions, “but now that the Pakistani state has become an Islamic state.”65 Thus, for Mawdūdī and the Jamā‘at-i Islāmī, the implementation of the Objectives Resolution marks Pakistan’s transformation to an Islamic state.

In sum, for orthodoxy-privileging ‘ulamā’ and likeminded intellectuals such as Mawdūdī, the Pakistani state is Islamic because at a key moment in Pakistani history – either at the adoption of the 1949 Objectives Resolution or the 1973 constitution – the state declared itself Islamic.

For orthodoxy-emphasizing ‘ulamā’ the state’s declarations regarding its Islamic character are performative utterances. As J. L. Austin asserts, performative utterances do not simply describe reality; they transform it.66 In this instance my ‘ulamā’ interlocutors view the state’s constitutional declarations and/or the Objectives Resolution as fundamentally changing its character and identity. In keeping with the trend to treat the state’s declarations as performative, some ‘ulamā’ liken the state’s declarations of its Islamic identity to an individual taking the shahādah. The shahādah, or the testimony of faith, when uttered with conviction, initiates one into Islam. Whether it is an individual pronouncing the shahādah, or the state making declarations that this group of ‘ulamā’ view as akin to the shahādah, the result is the same: the declarer’s identity is

64 Shaykh Iftikhr Aḥmad ed. Rudād Majlis-i Shūrā (awwal) (Idāra Ma’ārif Islāmī, [n.d.]), 54-55. I am indebted to S. M. Zamān for this reference.
65 Shaykh Iftikhr Aḥmad, Rudād Majlis-i Shūrā (awwal), 55.
66 Austin, How to do Things with Words.
instantaneously transformed. In what follows I explore the ‘ulamā’s analogizing of state declarations to an individual pronouncing the shahādah, focusing particularly on how this analogy anthropomorphizes the state.

**The State as Muslim**

The Shi’a ‘ālim Zaidī Naqvī, whose views on Pakistan’s religious identity have already featured in this chapter, caught me by surprise with his comments one day. As we sat on the comfortable sofas in his Islamabad office, I asked Naqvī to detail the characteristics of an Islamic state. In response he referenced the rule of Prophet Muḥammad and the first four caliphs, emphasizing the implementation of an Islamic legal and bureaucratic system. He also identified the necessity of religious experts holding political office. I then asked, “Is Pakistan as Islamic state?” He replied:

When it comes to the question of an Islamic state (Īslāmī riyāsat), if the conditions I have mentioned are considered, then the answer is no. And the examples that I have given you of the ten-year rulership of The Leader of Creation (Ṣarwar-i Kā’ināt, i.e. Prophet Muḥammad) and the rule of the Rightly Guided Caliphs … with those as our reference, we can not call this an Islamic state. That is not to say that we won’t call it an Islamic country. It is an Islamic country. But in the country, the [Islamic] system and laws are absent. This is akin to how I am a Muslim, and if I commit a wrongdoing, I am not immediately expelled from the bounds of Islam.67

Similar views analogizing the Pakistani state to a Muslim are expressed by Muftī Muḥammad Zāhid, a Deobandī scholar teaching hadīth studies at Jāmi’a Islāmiyya Imdādiyya in Faisalabad, a city in Punjab. Writing in Urdu in the Gujranwala-based

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67 Zaidī Naqvī, interview, May 2012.
journal *al-Sharī’a*, Zāhid comments:

The Pakistan of today is not a secular state, ideologically or constitutionally. Its [1973] constitution declares Islam as the official religion of the state, accepts God as the ultimate sovereign, and asserts that no law repugnant to the Qur’ān and *sunnah* will be implemented … This is a state that has chosen to adhere to obeying God and his Prophet. Religious scholars know that for a person to be Muslim, all that is required is that he considers it necessary to follow God and His Prophet. Even if his actions do not reflect this, he is still considered a Muslim. Thus the Pakistani state is akin to a Muslim, who in his actions is deficient and flawed, but who believes in God and His Prophet and holds the opinion that, in principle, it is necessary to follow them.68

Mawlānā ‘Abd al-Ḥālīm,69 a Deobandī intellectual heavyweight based in Gujranwala expressed the same view. Having already encountered appraisals of the Pakistani state that likened it to a Muslim, I began asking ‘*ulamā’* if they agreed with this analogy. Among the ‘*ulamā’* whose opinion I sought was ‘Abd al-Ḥālīm. Ḥālīm comes from a family of religious scholars. His father was a leading Deobandī ‘ālim. Ḥālīm currently teaches at multiple madrasas in Gujranwala. He is a prolific author whose shorter pieces often feature in Urdu newspapers. Ḥalīm is also politically active. He has served as a senior leader of Jam‘īyat-i ‘Ulamā-i Islam (Assembly of Islamic Clergy), an important political party in Pakistan. This is the same party to which Kāshīf, the CII member, belongs.

69 A pseudonym.
In previous months I had developed a good acquaintanceship with Ḥalīm’s son, Taqī ad-Dīn. I called Taqī ad-Dīn requesting a meeting with his father. He called me back a few days later informing me that his father would be available the following week.

Hiring a driver for the two-hour journey from Lahore, I arrived at their house in Gujranwala a little before noon on a Sunday, in August 2012. After briefly exchanging greetings and pleasantries, Ḥalīm motioned me to sit. We settled on parallel light bedsteads (chārpā’īs) in his living room, talking in raised voices as the din from the street beside his house filtered in through the open window. He asked if I would prefer the window shut to eliminate the noise. I hesitated, deliberated momentarily, and decided that it wasn’t necessary; the room would have become significantly hotter with the window shut. Ḥalīm reclined comfortably on his chārpā’ī. I sat on mine leaning forward towards him and the voice recorder I had placed beside him. Before long I asked him to comment on Pakistan’s Islamic identity. He began narrating Pakistani history, stating matter-of-factly that Muḥammad ‘Alī Jinnāḥ, the founder of the nation, and Muḥammad Iqbal, the poet-philosopher credited with conceiving the idea of Pakistan, clearly wanted an Islamic state based on Qur’ānic principles.70 He continued:

In Pakistan, we settled on two fundamentals with the Objectives Resolution and the 1973 constitution. Based on those fundamentals, Pakistan is called an Islamic state. The first fundamental principle is that God is sovereign … [the second is that] the right to rule will be accorded to those whom the population trusts and who are elected into Parliament… the third is that Parliament and the government, in their principles and their system (nizām) will adhere to the Qur’ān and sunnah.

70 ‘Abd al-Ḥalīm, interview by author, Gujranwala, Pakistan, August 2012.
On the basis of these three fundamentals, Pakistan is, and is called, an Islamic state. Constitutionally Pakistan is an Islamic state.71

As our conversation continued, I informed Ḥalīm that some ‘ulamā’ whom I have met deem Pakistan an Islamic state, asserting that its 1973 constitutional pronouncements are equivalent to it pronouncing the shahādah. I asked Ḥalīm if he concurred with the analogy. He responded:

While I agree [with this analogy], I will take it back chronologically. As a state, we did not pronounce the kalimah (the Urdu equivalent of the Arabic term shahādah) in 1973. We had already pronounced the kalimah in the form of the Objectives Resolution in 1949. We have pronounced the kalimah since then … But in terms of our actions, we are deficient [in religion]. We have not been able to achieve this practically and there does not, at this moment, appear to be potential for achieving it.72

A little later into our conversation, Ḥalīm remarked, “In terms of its actions, it [the Pakistani state] isn’t [an Islamic state] … but if a person recites the kalimah and says that he is a Muslim, then we will say that he is a Muslim. Even if he does not pray or fast, we will still call him a Muslim, we won’t call him a kāfir.”73 At another point he asserts, “Unless Pakistan rejects its own constitution, it is an Islamic state.”74

Ḥalīm’s comments are echoed by the Deobandī ʿālim Ammār Khān Nāṣīr, who is also based in Gujranwala. Nāṣīr, by far the most mild-mannered, gentle and considerate

71 ‘Abd al-Ḥalīm, interview, August 2012.
72 ‘Abd al-Ḥalīm, interview, August 2012.
73 ‘Abd al-Ḥalīm, interview, August 2012.
74 ‘Abd al-Ḥalīm, interview, August 2012.
Deobandi ‘ālim I have met. During one of our conversations, I asked Nāṣir for his opinion on the analogy of the state as Muslim. He responded:

This analogy is commonly accepted in Pakistan … This analogy is correct … Fundamentally (uşūlī tātīr par) and constitutionally, Pakistan is an Islamic state … There is no issue (mas’ala) with the ‘structure’ of the state. It fully allows us to realize an Islamic state in Pakistan. When we are honest and united, this state will come to fruition.

In a later phone conversation in August 2013, Nāṣir echoed his earlier agreement with the analogy. He added that he maintained that the Pakistani state had proclaimed the shahādah upon adopting the Objectives Resolution in 1949. Significantly, the analogy of the Pakistani state as Muslim is one that Nāṣir has also expressed in his published works. In his writings Nāṣir maintains this analogy, but emphasizes that the state is akin to an erring Muslim.

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75 One incident involving Nāṣir will be etched in my memory for years to come. My father and I were leaving Nāṣir’s humble Gujranwala home one summer day in 2012. We stepped out the living room, into the hallway where we had removed our shoes before entering. I slipped my feet easily into my flip-flops. My father was about to bend down to open up his laced shoes and slip in his feet. Before he could reach his shoes, Nāṣir squatted to the ground, reached for my father’s shoe and gently pried apart the opening where my father would have placed his foot. My father and I were taken aback.

“Please! What are you doing? You don’t have to do this,” my father implored.

“You are my elder,” Nāṣir replied.

Completely unused to such deference from a man in his thirties, my father slipped on his shoe and we said our goodbyes.

Nāṣir’s astounding humility, despite his established status as a religious scholar is, in my experience, unparalleled among ‘ulamā’. And, although a year and some months have passed since this brief incident, I still recall it vividly.

76 He said the English word ‘structure.’

77 ‘Ammār  Kháñ Nāṣir, interview by author, Gujranwala, Pakistan, August 2012.


DEBATING MUSLIM IDENTITY

To sum up the discussion thus far: the Pakistani ‘ulamā’ generally appraise Pakistan’s disputed Islamic identity in two distinct ways. One group dismisses the state’s religious credentials. In support of their opinion, they invoke the state’s lack of orthopraxy and highlight atrocious state-citizen relations, the dearth of welfare provisions and the lack of religiously organized institutions. These deplorable conditions, they argue, render the state unIslamic. Their intellectual opponents assert that the state is Islamic. Some among this group maintain that this religious identity is a result of the ideology underpinning the formation of Pakistan. Others proclaim that the religious identity was established via state-declarations of correct belief, i.e. orthodoxy in 1949 and/or 1973. Importantly, these ‘ulamā’ acknowledge that the Pakistani state does not act like an Islamic state. In explaining why they privilege ideology or state declarations of belief over state orthopraxy in assessing Pakistan’s Islamic identity, some among these ‘ulamā’ analogize the state to an erring Muslim. They explain the analogy: Just as an erring Muslim retains his religious identity, despite his wayward actions, so too does the Islamic state, despite falling short in its actions.

How can we understand the divide between ‘ulamā’ who accept the Pakistani state as Islamic and ‘ulamā’ who dismiss its religious credentials? As detailed below, I assert that the divide between them maps closely on to early theological debates regarding Muslim identity. I use these debates as a heuristic device to explain the divide between contemporary Pakistani ‘ulamā’ on the question of their state’s religious identity. The genealogy of these early debates is examined below.
The murder of the third caliph ‘Uthmān ibn ‘Affān in 656 AD birthed several distinct schools of thought regarding Muslim identity and the right to belong to the Muslim community. These early debates about Muslim identity often overlapped with discussions about political stances against erring rulers. The Khawārij, an important religio-political movement of the time, emphasized the centrality of actions in determining religious identity. They insisted that individuals who committed grave sins were no longer Muslims and should be expelled from the Muslim community.\(^{80}\) The Khawārij favored punishing sinful believers and advocated rebellion against corrupt Muslim rulers and those who deviated from true Islam. For the Khawārij, “the legitimacy of the imam [religio-political leader] thus depended on his moral and religious probity (‘adl). He lost his legitimacy by any infraction of the divine law and was then to be removed, if necessary by force.”\(^{81}\)

In response to the Khawārij arose the Murji‘ah – a school of thought developed by Jahm ibn Ṣafwān (d. 745), Abū Hanīfa (d. 767), and others. Murji‘ah doctrine emphasized the postponement of judgment on believers who committed grave sins; they refused to term such sinners infidels. The Murji‘ah extolled obedience to Muslim rulers, even when their policies and character were questionable. In fact, obedience was due to


the ruler even if he was a sinner.\textsuperscript{82} The Murji’ah view did not stem from religious laxity, but emerged from a concern for the unity of the Muslim community.\textsuperscript{83}

An unbridgeable chasm existed between the Khawārij and the Murji’ah over whether actions (\textit{a’māl}) were a part of belief (\textit{īmān}). For the Khawārij, actions were a part of belief. Sinful actions extinguished belief, rendering one a disbeliever, despite one’s claims to the contrary. Conversely, for the Murji’ah, belief was not impacted by actions. They held that anyone who believed in God and the Prophet was a believer (\textit{mū’min}), regardless of his actions. He could commit a grave sin, or not perform obligatory acts, yet he would remain a believer.\textsuperscript{84}

I assert that we can view the differences between the Khawārij and the Murji’ah as a heuristic device to explain the contemporary divide between the Pakistani ‘\textit{ulamā’} on the question of their state’s religious identity. The comments of ‘\textit{ulamā’} who liken the state to a Muslim, albeit one who is deficient in some important practices, resonate with the claims of the Murji’ah. Thus, I group together both ideology-emphasizing and orthodoxy-privileging ‘\textit{ulamā’} as holding views similar to the Murji’ah. For these ‘\textit{ulamā’}, as for the Murji’ah, belief is the sole requirement for becoming and remaining a Muslim. As noted earlier in this chapter, orthodoxy-emphasizing ‘\textit{ulamā’} assert that the state’s declarations of belief and identity – which they posit as akin to the \textit{shahādah} – are

\textsuperscript{83} Lambton, \textit{State and Government in Medieval Islam}, 32.
all that is needed for the state to be Islamic. Similarly, orthodoxy-privileging ‘ulamā’ assert that the state is Islamic due to its ideology, i.e. the world-view or belief that underpins the state. For both these sets of ‘ulamā’, the state’s deviance from orthopraxy has no impact on its religious identity. Instead, ideology-privileging ‘ulamā’ maintain that the state will always remain Islamic. And, orthodoxy-privileging ‘ulamā’ assert that Pakistan will remain an Islamic state as long as the state retains sections of its constitution and other official declarations that emphasize its religious identity. To sum up, for orthodoxy and ideology emphasizing ‘ulamā’, as for the Murji’ah, belief is all that is necessary to accord an Islamic identity. Of course, the Murji’ah held this stance only in the case of an individual Muslim. While ideology and orthodoxy emphasizing ‘ulamā’, analogizing the state to an erring Muslim, hold that declarations of belief and the nation’s founding ideology accord a religious identity even to self-declared Islamic states.

As for the first group of ‘ulamā’ examined in this chapter – those who view the state as unIslamic based on its lack of adherence to Islamic orthopraxy – I assert that they hold views similar to the Khawārij. While they do not anthropomorphize the state, they maintain that orthopraxy is a crucial determinant of religious identity. For this group of ‘ulamā’, the nation’s founding ideology or the state’s pronouncement of belief carries little weight unless substantiated by praxis testifying to the ideology or declared belief. And, just as the Khawārij held that a person’s erring actions expel him from the bounds of Islam and the Muslim community, this group of ‘ulamā’ maintains that a state’s actions, when unIslamic, render the state unIslamic. As Qibla details, an Islamic state is one wherein the citizenry are provided with healthcare and education; the unemployed
receive social security benefits; peace and religious tolerance reign; the media is wholesome; the justice system is effective, etc. When these conditions are not met, the state is not considered Islamic despite any self-declarations. Just as for the Khawārij, when a Muslim does not perform her obligatory acts of worship or commits grave sins she is no longer a Muslim, despite her self-assertions regarding her identity. In sum, for orthopraxy-privileged ‘ulamā’, just as for the Khawārij, correct action is integral to maintaining one’s religious identity.

Obviously, however, there exists a vital difference between the comments of contemporary Pakistani ‘ulamā’ and the Khawārij and Murji‘ah. Contemporary Pakistani ‘ulamā’ are commenting on the religious identity of a corporate nation-state, while the Khawārij-Murji‘ah debate was over the religious identity of an individual person.

**Religious Identity and State Legitimacy**

The Murji‘ah-Khawārij divide continues in the present era in multiple ways. In addition to the just-examined dispute over religious identity, contemporary manifestations of the Murji‘ah-Khawārij division are also evident in debates linking religious identity with legitimate political rule. We see this in ‘Abd al-Ḥalīm’s description of how competing views about Pakistan’s religious identity engender different reactions to state legitimacy.

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85 Qibla Şāhib, interview, May 2011.
Appearing as a guest in 2011 on the popular news channel Geo, Ḥalīm explains the religious reasoning propelling supporters and detractors of suicide bombing in Pakistan. He emphasizes that at the heart of the matter lie divergent understandings regarding the Pakistani state’s Islamic identity.86 Ḥalīm publicly asserts that Pakistan is an Islamic state; an understanding he shared with me in detail as I have discussed earlier. Ḥalīm informs the newscaster, “I believe that ideologically Pakistan is an Islamic state. However, in terms of practical realities, the situation is very different … This dissonance has birthed confusion. Those who are raising arms [against the state] do not consider Pakistan an Islamic state.”87

Similar debates interlinking religious identity and political legitimacy play out in a March 2012 special edition of the Gujranwala based Urdu journal al-Sharīʿa. Al-Sharīʿa, which has published multiple issues every year since its inception in 1989, describes itself as showcasing the writings of exceptional [religious] scholars tackling new intellectual challenges and engaging critically with problems besetting the Muslim community. Contributors to the journal include ‘ulamāʾ as well as scholars with less traditional religious training. The current editor of the journal is the Deobandī ʿālim ‘Ammār Khān Nāṣir, whose comments have already featured in this chapter.

The March 2012 edition of al-Sharīʿa, which is significant for our discussion on state legitimacy, is divided into sections, one of which is titled, “The religio-legal status (sharʿī ĥaysiyat) of present-day Muslim states and the problem of rebellion against the

86 Citation withheld to preserve anonymity.
87 Citation withheld to preserve anonymity.
ruler (khurūj).\textsuperscript{88} This section of the journal features several articles, including a collated excerpt from Ayman Al-Zawahiri’s writings asserting the unIslamic nature of the Pakistani state and its constitution.\textsuperscript{89} Zawahiri, the al-Qā’ida leader whose comments also featured earlier in this chapter, maintains that the state’s lack of orthopraxy renders it akin to an unbeliever (kāfir). Critiquing Zawahiri, Nāṣir characteristically asserts that the state is akin to a Muslim who is deficient in his actions.

Nāṣir explains that Zawahiri wants to delegitimize the Pakistani state. He writes, “Zawahiri wants to convince the religious classes and the [religious] intellectuals of rebellion (khurūj) against the state.”\textsuperscript{90} Zawahiri’s comments on the religious identity of the state are carefully formulated to support this political rebellion. That is why Zawahiri is so adamant in emphasizing that the Pakistani state is akin to a kāfir. Zawahiri’s plan, as Nāṣir points out, is foiled if the state is accepted as Islamic, since rebellion against it will then be religiously impermissible.\textsuperscript{91} Nāṣir explains, “Because if the state is accepted as Islamic in terms of its ideological foundations, and the reason for ruination (bigār) is

\begin{itemize}
\item \textsuperscript{88} Table of Contents, \textit{al-Sharī‘a} 23, no. 3 (March 2012): 9.
\item \textsuperscript{89} Nāṣir, “Kya Dastūr-i Pākistān ek ‘Kufriyya’ Dastūr Hai?,” 615.
\item \textsuperscript{90} Nāṣir, “Kya Dastūr-i Pākistān ek ‘Kufriyya’ Dastūr Hai?,” 623.
\item \textsuperscript{91} However, Nāṣir’s analysis might not be entirely correct. Zawahiri asserts that even if the state is accepted as Islamic (which he doesn’t believe it should be), even then rebellion is necessary. Zawahiri writes, “Even if we accept that the entirety of corruption and ruination is caused by the ruling elites who have usurped (kabzah kar liyā) the state, even then the question remains: Did not Abū Ḥanīfa (may God have mercy on him) assist those who rose in rebellion against [unjust] rulers? Even though those rulers were a thousand times better than the rulers of Pakistan.” al-Zawahiri, “Pākistān ek G̲h̲ayr Islāmī Riyāsat Hai,” 541. Speaking in favor of rising up/rebellion (khurūj) against the Pakistani government, Zawahiri appeals to his readers. He remarks that the least that they can do is “accept the correctness of our religio-legal position,” on this matter. al-Zawahiri, “Pākistān ek G̲h̲ayr Islāmī Riyāsat Hai,” 541. He continues, “In these circumstances, the most basic of religio-legal duties than one is obligated to perform is not to oppose those rebelling against governments that betray Islam and are loyal to the US.” al-Zawahiri, “Pākistān ek G̲h̲ayr Islāmī Riyāsat Hai,” 541.
\end{itemize}
understood as the intellectual attitudes and policies of those in power, then rebellion against the whole state system cannot be justified.\(^9\)

Thus, just as the vital split between the Murji’ah and the Khawārij on the issue of Muslim identity was intimately linked to the validity of rebellion against political authority, so is the divide between Nāṣir and Žawāhirī. Nāṣir, like Ḥalīm, draws on reasoning similar to that of the Murji’ah and views the state as Islamic based on its ideological declarations. In so doing, Nāṣir, like Ḥalīm, condemns rebellion against the state. Žawāhirī, focusing [often] on orthopraxy, as the Khawārij had done, deems the state un-Islamic in light of its practical shortcoming – although his multi-pronged critique also encompasses certain state declarations that he finds contrary to Islamic principles.\(^3\)

In declaring the Pakistani state as akin to an unbeliever (\textit{kāfir}), Žawāhirī logically asserts the religious obligation of rebellion against it.

As is clear from my comments above, debates about the Pakistani state’s religious identity are not simply religious contestations with little tangible effect. They have an incredibly visceral impact on the Pakistani political landscape. Specifically, they determine whether an armed uprising against the state and its institutions is religiously acceptable. That is precisely why ‘\textit{ulamā’} such as ‘Ammār Ḵān Nāṣir and Mawlānā ‘Abd al-Ḡalīm very publicly assert that the Pakistani state is indeed Islamic. On the other hand, Žawāhirī’s assertion that the state is un-Islamic has led to an uprising against the Pakistani military and other state forces battling against al-Qā’ida and the Ṭālibān in

\(^3\) Al-Žawāhirī, “Pākistān ek Ḡayr Islāmī Riyāsat Hai,” 536-541.
northwestern Pakistan as well as across the country. Unfortunately, the troops are not the only sufferers; civilians are also often killed in bomb blasts that target soldiers and army bases.

While my examinations thus far have answered vital questions about how Pakistan’s religious identity is determined by the ‘ulamā’ and why these debates are important, one question remains unanswered: Why do the ‘ulamā’ analogize the state to an individual? I answer this question in the sections below.

THE STATE’S TWO BODIES

Nāṣir’s earlier anthropomorphization of the state takes an unexpected turn as he engages with Ṣawāḥirī. Among other critiques, Ṣawāḥirī asserts that Pakistan is an unIslamic state since it does not live up to its constitutional promise to eliminate usury. Ṣawāḥirī explains his reasoning: the state cannot be called Islamic just as someone who promises to become a Muslim, and then doesn’t, cannot be called Muslim. Critiquing the manner in which Ṣawāḥirī formulates his argument, Nāṣir asks, “If this promise has not been fulfilled, is this the fault of the constitution or the state institutions specializing in its enforcement?” Nāṣir adds:

If we keep in mind the difference between the constitution’s guidance (hidāyat) and the legal and administrative ‘machinery’ that is supposed

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94 As my readers might have discerned, this heading is inspired by the title of Ernst H. Kantorowicz’s groundbreaking work The King’s Two Bodies.
95 Ṣawāḥirī as explained in Nāṣir, “Kya Dastūr-i Pākistān ek ‘Kufriyya’ Dastūr Hai?,” 620.
97 He used the English word ‘machinery’.
to act on it, then Zawāhīrī’s *fatwā’s* example is that of one person saying to another that you should stop taking interest. And, when the second person does not act on the first’s recommendation, then the first becomes an unbeliever (*kāfir*).98

Thus, in sharp contrast to his earlier anthropomorphization of the state, Nāṣir’s later comments highlight his clear awareness of the complexities of the state apparatus and the manner in which the modern state differs from pre-modern political authority. The latter was vested in a single ruler whose religious identity could be easily discerned. In his response to Zawāhīrī, Nāṣir differentiates between individuals drafting the constitution and state institutions that are meant to implement it. Later in his article, Nāṣir describes the realm of authority of the President, how it differs from that of the Prime Minister and the manner in which Parliament plays a part in deciding foreign policy.99 Nāṣir’s clear understanding of the difference between the modern nation-state and the political structures of the pre-modern era is also evident in a lecture he delivered on this very topic at a seminar at the University of Gujrat, a large university in the province of Punjab.100

Ḥalīm, who like Nāṣir endorses analogizing the state to a Muslim, is also very aware of the nature of the modern state as a corporate entity. Ḥalīm is, after all, a seasoned politician. Similarly, Zaidī Naqvī, the Shi‘a ‘ālim based in Islamabad whose comments have featured earlier in this chapter – despite analogizing the state to a Muslim

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– recognizes the complexity of the state apparatus and the manner in which state bodies relate to one another.\textsuperscript{101}

This awareness of the corporate nature of the state is incredibly commonplace among most citizens, especially those who experience the material presence of the state in their daily lives.\textsuperscript{102} The ‘ulamā’ featured in this chapter fall into that category. They reside in urban centers where the impact of the state permeates even their quotidian existence. Moreover, their recognition of the heterogeneity of the state apparatus and its convoluted workings is heightened by their political involvement, their interest in Islamizing state legislation and their experience of state interference in madrasas where they teach and reside. While these ‘ulamā’s awareness of the complex nature of the state is unsurprising, it raises the question: How can these very ‘ulamā’ anthropomorphize the state while also viewing it as a corporate heterogeneous entity? What accounts for this ‘two-bodied’ state?

In answering this question, I begin by emphasizing that discourses of ‘two-bodied’ or ‘twinned’ political power are not exclusive to Muslim political thought or theology. Drawing on Christian political theology, English jurists during the reign of Queen Elizabeth in the 16\textsuperscript{th} century formulated the theorem of the King’s two bodies. Assembled in Serjeant’s Inn in London around 1550, English crown jurists composed a passage stating, “the King has in him two Bodies, viz., a Body natural, and a Body

\textsuperscript{101} This was evident from multiple comments during our conversations spanning 2010-2012.
\textsuperscript{102} Importantly, citizens dwelling in non-urban locations are often less aware of the corporate nature of the state, since they do not encounter its materialities regularly.
The King’s natural body is his mortal body, subject to accidents and nature, infancy and infirmness. This body is akin to the bodies of other mortals. On the other hand, the king’s body politic “is a Body that cannot be seen or handled.” This body consists of policy and government; it works for the people and unlike the natural body, it cannot be afflicted with defects or disabilities. The heuristic fiction of the King’s two bodies allowed English lawyers of the time “to harmonize modern with ancient law,” and to bring the personal and impersonal concepts of government in agreement with one another.

The nineteenth century scholar, Frederic William Maitland, often regarded as the modern father of English legal history, took on the subject of the king’s body politic in his compelling paper, “The Crown as Corporation.” Therein he emphasized the deleterious effects of the fiction of the king’s body politic, which turns the Crown into a ‘corporation sole’, i.e. a legal entity consisting of one incorporated office held by a single person. Corporations sole accord legal continuity to an office as it passes from one office-holder to another. They enable phrases such as, “The King is dead, long live the King!” However, corporations sole also make it difficult to distinguish between the office-
bearer’s natural body and his corporate body. Ernst H. Kantorowicz’s seminal work *The King’s Two Bodies* notes multiple incidents from the 16th century onwards when this confounding of bodies posed legal difficulties.

Importantly, in these incidents, the existence of the king’s natural body is completely uncontested. Simultaneously, the idea of the king as a corporation sole is recognized but accepted as a legal fiction. Significantly, my description of the ‘ulamā’s two-bodied state is almost the inverse of the above description of the King’s two bodies. Of the two bodies of the modern nation-state, it is the mention of, or allusion to, the natural body, i.e. the anthropomorphized body, that is a startling legal fiction. There is no doubt regarding the corporate nature of the state.

However, even when the corporate body of the state is considered, anthropomorphism cannot be avoided altogether. The German intellectual historian Kantorowicz traces the history of the doctrine of the corporation as a legal person to the Middle Ages in Europe. Jurists of the time, influenced by Roman law as well as Aristotle’s and Averroes’ philosophical doctrines of ‘natural’ perpetuity, invented the fiction of corporations as legal persons. The immortal or perpetual nature of these corporations “compare[s] structurally with Christian angels” and is best described as “angelomorphic personifications.”\(^{109}\) Over the centuries, the doctrine of corporations as legal persons has become an established and integral component of common law and

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\(^{109}\) Kantorowicz, *The King’s Two Bodies*, 304.
American law. As a result, nation-states in their corporate capacities are defined as legal persons.

We should not be surprised then, by the assertion of Alexander Wendt, an International Relations scholar, that likening the state to a person is common among intellectuals as well as lay individuals. Wendt asserts, “To say that states are ‘actors’ or ‘persons’ is to attribute to them properties we associate first with human beings - rationality, identities, interests, beliefs, and so on. Such attributions pervade social science and International Relations (IR) scholarship in particular.”

However, Wendt rightly alerts us that the definition of personhood is discipline specific and hotly contested. Wendt distinguishes between three types of persons: 1) the psychological person, possessing mental and cognitive attributes; 2) the legal person, with rights and obligations, and 3) the moral person, whose actions are appraised under a moral code. As detailed above, the state, like all corporations, is considered a legal person. States are also often treated as moral persons; they are held accountable for their actions. However, since law and morality are social conventions, legal and moral persons are constituted through social recognition, or in Wendt’s terms, “from the

Wendt notes that “the relationship between inside and outside in the constitution of psychological persons is … ambiguous.” Despite this ambiguity, Wendt argues that IR scholarship often treats states as psychological persons, using the criteria of intentionality to attribute personhood; a criterion that Wendt considers too thin. Building on this criteria, Wendt asserts that “there are two other, more radical senses in which states might be persons: they might be organisms, understood as forms of life; and they might have collective consciousness, understood as subjective experience.” By arguing in favor of a state’s complex, thick personhood – one constituted from the inside rather than the outside – Wendt pushes the argument for state anthropomorphism beyond its commonly accepted limits. Wendt’s own arguments as well as his observations about the prevalence of discourses analogizing the state to a person highlight state anthropomorphism as a global phenomenon.

The works of both Wendt and Kantorowicz allow us to situate the ‘ulamā’š two bodied state in a larger context where similar views are the norm. While they allow us to better understand state anthropomorphism and dual-bodied entities, I assert that the ‘ulamā’š analogizing of the state to a Muslim is not completely explained either by Wendt’s comments or by Kantorowicz’s writings. What then accounts for the ‘ulamā’š anthropomorphization of the state? Why do they anthropomorphize it while also understanding it as a complex apparatus?

UNDERSTANDING ANTHROPOMORPHISM: NAVIGATING INTELLECTUAL CANONS

As explained below, I assert that ‘ulamā’ anthropomorphize the state since they find no precedent for political authority embodied in forms other than an individual person in the siyāsā sharʿīyya, a section of the traditional Islamic legal canon that deals with politics and governance. This is a canon in which the ‘ulamā’ are intellectually embedded. Nāṣir, commenting on the ‘ulamā’s training on the question of the state, remarks:

Our religious classes – i.e. those that study, teach and represent the classical position of Islamic jurisprudence (fiqh) – most of them are such that … [their understanding of] an Islamic state, its conceptualization and its framework, is what was elaborated five hundred to seven hundred years ago … For [those possessing] a ‘pure’ religious mindset, the ideal embodiment [of an Islamic state] is still that. No independent reasoning (ijtiḥād) on this matter has taken place at a fiqhī level. Madrasa affiliates and religious-minded individuals are neither told nor taught that that age [of pre-modern political formations] has long gone.119

The Islamic legal tradition valorizes the citation of precedent, often leading ‘ulamā’ to analogize between the modern state and pre-modern political authorities from within the Islamic politico-legal canon. This emphasis on precedent, I assert, contributes to ‘ulamā’s anthropomorphization of the state. The siyāsā sharʿīyya mentions pre-modern political authorities such as caliphs, monarchs, sultans, just and unjust Muslim rulers, non-Muslim rulers, etc. Of course, pre-modern polities also had viziers, magistrates, counselors, etc. However, as the Murji’ah-Khawārij division highlighted, the

118 He said the word ‘pure’ in English.
religious identity of the political leader (caliph, sultan, imām, etc.) determined the pre-modern state’s legitimacy. The state’s identity was intrinsically tied to the identity of the ruler. If the ruler was deemed non-Muslim, revolt against him/the state was religiously justified. Of course, the modern corporate nation-state has an identity apart from that of its governing elite. It is this identity (not the identity of the President or Prime Minister) that the Pakistani ‘ulamā’ attempt to determine.

However, in making sense of the identity of the modern corporate state, the ‘ulamā’ draw on siyāsa shar‘īyya literature that conceptualizes political authorities as singular persons, not as corporate entities. However, these pre-modern political authorities are the only authorities that feature in the siyāsa shar‘īyya literature, leading contemporary ‘ulamā’ to analogize between them and the modern state. As we have seen, the comments of the Pakistani ‘ulamā’ on the Islamic identity of their state evidence such comparisons: The ‘ulamā’ talk of the state as a Muslim, while conceptualizing it as a ruler. While the ‘ulamā’ do not out rightly mention that they are analogizing the state to a ruler, in most instances the context makes this so obvious that there is no need to add this information. For example, the discussions between Nāṣir and Žawāhirī on whether the state is akin to a Muslim or an unbeliever treated the state as a political authority. Their debates about the state’s religious identity aimed to either negate or justify rebellion (khurūj) against this political authority.

Such direct analogies between the state and an individual are most prevalent

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among the ‘ulamā’ s juridical responsa (fatwās). Fatwās often detail the sources employed in their formulation and cite precedents to enhance “internal coherence and consolidation” within the Islamic legal canon. It is the citing of these precedents that is crucial to my argument.

I assert that ‘ulamā’ anthropomorphize the state when they issue fatwās drawing analogies between the state and pre-modern political authority; these pre-modern political authorities were all human individuals, which the ‘ulamā’ liken to the modern corporate state. In some instances, the ‘ulamā’ do not even deem modern states akin to earlier political authorities; they reduce them to ordinary individuals. A number of examples of this anthropomorphism are evident in the six-volume fatwā collection of Dār al-‘Ulūm Ḥaqqāniyya, a prominent Deobandī seminary in northwestern Pakistan. One such

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121 A fatwā is the juridical opinion of a muftī on an ethico-legal query (istiftā’) put forth by an inquirer. In its simplest form a fatwā consists of an answer delivered by a muftī in response to a particular question. Explaining the fatwā-issuance process Brinkley Messick states, “the main activity of the muftī is the writing of fatwas … questions are posed in writing … on the same piece of paper … the muftī writes his jawab, his answer, which is the fatwa, concluding with the formula “God knows best” and his signature.” Messick, The Calligraphic State, 136.

122 Mohammad Hashim Kamali, Principles of Islamic Jurisprudence (Cambridge, UK: Islamic Texts Society, 2003), 520. The citation of precedent requires just as complex a methodology and as large a spectrum of interpretive skills as the use of independent reason and interpretation (ijtihād). The advantage of deference to precedent is not that it is easier to perform but that it maintains consistency and continuity of the law from one generation to the other. If the law had been developed solely on the basis of ijtihād, it would have been plagued by excessive diversity and fluctuation. Bernard G. Weiss, The Spirit of Islamic Law (Athens and London: The University of Georgia Press, 1998), 134. However, it is vital to note that the citation of precedent is not limiting. On the contrary, it can be a very creative process. ‘Ulamā’ can pick and choose from a variety of precedents in commenting on contemporary circumstances. Moreover, even when citing precedents, the ‘ulamā’ creatively modify normative Islamic categories and concepts. Their juridical pronouncements evidence a mastery over their intellectual canon and an attunement to their contemporary realities.

123 Dār al-‘Ulūm Ḥaqqāniyya is one of the most prominent and politically active religious seminaries in Pakistan. It is located in Akora Khattak, approximately fifty miles away from Peshawar. Since 9/11 the jāmi’a has acquired international notoriety for its links with the Ṭālibān. A number of articles have been published on this jāmi’a by American and British news reporting agencies. See, Haroon
fatwā is briefly examined below.

The inquiry directed towards the Ḥaqqāniyya ‘ālim reads:

The state published an advertisement for the hiring of Islamic studies teachers in public schools. The advertisement stipulated that all job applicants must be certified graduates from madrasas. My friend bribed the principal of a madrasa and obtained a false certificate, which he presented during his interview and secured the job. According to the shari‘a, are the state wages earned by a teacher who was hired in the above manner religiously permissible (halāl) or impermissible (harām)?

The resultant fatwā, which includes the source used to formulate it, is as follows:

The lawfulness of the salary received from this arrangement between the state and the teacher is contingent on the proper completion of the assigned work. Thus, if the above-mentioned teacher performs competently, then his wages are permissible to him. Otherwise, they are not permissible. However, he will definitely be deemed sinful for deception, bribery and lying.

Source (in Arabic): ‘Allāma Ibn Nujaym said: A contract is based on offer and acceptance and the link between these two. A contract is permissible if the following conditions are met: the commodity’s benefit is known, its visible product is known and its exchange is known. The deal can then be sealed with payment of a small profit. (Al-Bahr al-Rā‘iq, vol. 8: 3.)124

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As is evident from the Al-Bahr al-Rāʾiq excerpt cited in this fatwā the transaction between an individual and the state is made analogous to the transaction between two individuals. In other words, the state is analogized to an ordinary individual without accounting for the differences between them. For example, the ʿālim disregards the benefits of the state’s stipulated criteria. He pays no heed to how state legislation and bureaucracy can contribute to societal welfare and order. Nor does the ʿālim account for how the transgressions he legitimizes against the state could result in lawlessness. I assert that these oversights regarding the nature of the state are a direct result of analogizing the state to an individual. However, in the ʿālim’s defense, the modern state finds no exact precedent in the traditional Islamic politico-legal canon from which the ʿulamāʾ must draw in formulating their juridical pronouncements.

**Conclusion**

To sum up, this chapter has argued that contemporary the comments of the Pakistani ʿulamāʾ on the Islamic identity of their state map onto earlier theological debates regarding Muslim identity. One group of ʿulamāʾ dismisses the state’s religious character, justifying their claim by pointing to the state’s lack of interest in its citizenry and the unIslamic workings and actions of state bodies. For this group, as for the Khawārij, religious identity is determined (to an extent) by actions. Conversely, for ideology-emphasizing and orthodoxy-emphasizing ʿulamāʾ, as for the Murjiʿah, belief (as evident in state declarations or the country’s founding ideology) is all that is needed to
accord one a Muslim identity. Consequently, ideology-emphasizing ‘ulamā’ assert that the state is Islamic based on its self-declarations. Similarly, orthodoxy-privileging ‘ulamā’ declare that the state is Islamic because of its ideology, i.e. the world-view or belief that underpins the state. In so doing, some among them declare the state as akin to an erring Muslim. I argue that this anthropomorphizing of the state results from the ‘ulamā’s embedding in the Islamic politico-legal canon; a canon wherein political authority is conceptualized as vested in individuals, not corporate entities.

In understanding the ‘ulamā’s anthropomorphization of the state, I contend that we must also account for the ‘ulamā’s dwelling. As post-colonial subjects, their intellectual and (to an extent) physical experience of the modern state is often starkly different from that of Western state theorists whose works are much more attuned to the state’s corporate nature. These Muslim intellectuals emerge from spaces – geographical as well as intellectual and affective – that are characterized by a very different social imaginary. Consequently, in commenting on the nature of the modern nation-state, contemporary ‘ulamā’ engage in an act of cultural translation. They draw on established normative concepts within Islamic political theology to make meaning of the modern nation-state – an entity that originated in the West and was enforced in most parts of the Muslim world though the Western colonial apparatus.

However, despite being grounded in the established terms and categories of Islamic political theology, the physical habitations of the ‘ulamā’ are characterized by an experience of the modern post-colonial state and its interpellative powers. As contemporary citizens the ‘ulamā’ are immersed in the terms and categories of the
modern state, whose discourse originates from Western civic and political life. The French sociologist Pierre Bourdieu explains, in the present era, the state both produces and reproduces the instruments that construct social reality. By imposing corporeal and mental disciplines on its citizenry, it forms the dispositions of its subjects, inculcating in them categories and frameworks of perception, appreciation and memory. The state “thereby creates the conditions for a kind of immediate orchestration of habituses which is itself the foundation of a consensus over this set of shared evidences constitutive of (national) common sense.”

The extent of the modern state’s impact can hardly be underestimated. As the anthropologists Veena Das and Deborah Poole explain, even seemingly innocuous discussions of order, rationality and authority make use of a vocabulary that is both inherited from and a part of the modern state.

The ‘ulamā’s inescapability from the modern state’s invasiveness is apparent in the fact that they employ the terms and categories of the modern state despite their extensive training in Islamic political theology. Even as they attempt to speak from within the Islamic tradition, Western state categories and frameworks color their discourses. These traditional scholars wed established Islamic legal and political concepts with modern political discourse. This modern discourse is of course embedded

127 Salvatore argues that over the past two centuries even words such as “Islam” and “shari’a” have changed in their scope and meaning. Armando Salvatore, *Islam and the Political Discourse of Modernity* (Ithaca: Ithica Press, 1999), 47. Tayob also writes of the changing nature of the term religion and/or *din* in discussions on the Islamic state. Tayob, *Religion in Modern Islamic Discourse*, 102.
in the lexicon and categorizations of the nation-state such as resolution, bill, constitution, etc. Thus in the same conversation in which my ‘ulamā’ interlocutors anthropomorphized the state, analogizing it to a Muslim ruler, they talked of the 1973 Constitution and the Objectives Resolution; some referenced Parliament, the Ministry of Religious Affairs, the Council of Islamic Ideology, the blasphemy laws, etc. The post-colonial critic Partha Chatterjee, describing a similar situation in Bengal (albeit one not involving Islamic political theology), writes that such expositions are “indicative of the very real imbrication of two discourses, and correspondingly of two domains, of politics.”128 In other words, the ‘ulamā’ s discourses bring together two distinct intellectual canons.129

By intertwining these two canons, the ‘ulamā’ transform both knowledge traditions. In analogizing the state to an individual, the ‘ulamā’ add their own conceptions of the state to the vast corpus of understandings regarding the modern nation-state. The discourses of these traditional scholars press us to think of what is very often accepted as a complex, heterogeneous corporate entity in anthropomorphic terms.

Simultaneously, in anthropomorphizing the state, the ‘ulamā’ unsettle established understandings within Islamic political theology of pre-modern political authority and rooted religious concepts. The ‘ulamā’ s analogies open an aperture allowing debates about pre-modern political authority, understood traditionally as embodied by an individual – the human ruler – to be conceptualized as referring to and imposable on

129 Even as I write this, and appear to set up a dichotomy between Western and Islamic knowledge traditions, let me clarify that I do not assume the existence of self-contained civilizations defined by fixed values.
entities other than an individual human. For example, the term Muslim and the idea of conversion via declarations of one’s identity, which were initially reserved for an individual, are now used by ‘ulamā’ to refer to the identity and belief of a corporate entity such as the nation-state. After all, the ‘ulamā’ are aware that the modern state is not an individual. Thus, centuries-old concepts such conversion, belief and unbelief, khurūj or rebellion against political authority (i.e. individual rulers), are modified in the contemporary era as they are made to speak to entities that have only recently come into existence.

To sum up, the ‘ulamā’s commentaries on the modern Islamic state are formulated both by an engagement with Islamic political theology as well as by their contemporary habitations. Crossing epistemic bridges the ‘ulamā’ transform established concepts both within the Western political canon as well as within the ‘ulamā’s own ethico-legal tradition.

Finally, and most importantly, in this entire process of commenting on the Pakistani nation-state, the issue of legitimacy remains central. As detailed above, whether or not the state is deemed Islamic can determine whether revolt against it is religiously acceptable. Similarly, the entire process of anthropomorphizing the state, as well as understanding it as a heterogeneous entity, often boils down to the question of political legitimacy. As this chapter highlighted, Zawāhīrī urged revolt against the state through anthropomorphizing it. In contrast Nāṣir used both anthropomorphization and an understanding of the state as heterogeneous to emphasize that rebellion against the state was both religiously impermissible and illogical. Thus, while the different manners in
which the state is understood by the ‘ulamā’ are central to this chapter, the issue of state legitimacy underpins them. I take up this question of state legitimacy and the different manners of conceptualizing the state in the next chapter as well by examining Shī‘a ‘ulamā’s views on the Pakistani state apparatus.
4. The Paradox of Protection: Shi‘a ‘Ulama’ Assessing State Legitimacy and Forming the State as Effect

“The state is nothing more than the mobile effect of a regime of multiple governmentalities”¹

“[The] disparity between the state as an idea and the state as a configuration of organizations ... offers a fertile ground from which to explore the contradictions and complexities of people’s perceptions of the state.”²

The morning of May 26th, 2011 started off no different from those of the two preceding months. I sat in the passenger seat nibbling on my breakfast sandwich as the car darted through Lahore’s daunting 8am traffic. Grudgingly, I wriggled into my thick black cloak (‘abāyah) in the already sweltering heat, three minutes before I reached my destination. Glancing in the side-mirror, I pinned my matching black headscarf in place. A minute later, the car rolled up the short sleepy street that led up to Jāmi‘a al-Muntaẓar, one of Pakistan’s largest and most important Shi‘a seminaries.³ The seminary’s name al-Muntaẓar means ‘the awaited’ – a reference to the messianic coming that Shi‘as

anticipate. Located in Model Town, one of the richest neighborhoods of the city, the seminary sprawls across almost three acres. In addition to classrooms, the seminary space contains student dormitories, a mosque, a hall for religious commemoration ceremonies (imām bārgah), a residential block for the faculty and staff, the office of the body which decides the curriculum and examinations of all Shīʿa seminaries in Pakistan (Wafāq al-Madāris al-Shīʿa), the office of the seminary’s monthly journal al-Muntazar, a free medical dispensary, a meeting hall, an expansive library, fourteen shops, a two story guest house, a room for bathing the deceased before burial, a place for the issuance of ethico-legal opinions (Dār al-Iftāʿ), and a special space designated for females visiting the seminary to participate in mourning rituals during the religiously significant month of Muharram. The reach of Jāmiʿa al-Muntazar spreads far beyond the activities and events taking place in the expansive confines of the Lahore seminary. Dozens of Shīʿa seminaries country-wide and across the globe have been established and operate under the auspices and supervision of Jāmiʿa al-Muntazar. Moreover, the presence of the office of the Wafāq-ul-Madāris al-Shīʿa within the seminary accords the jāmiʿa special importance. It is no exaggeration to say that Jāmiʿa al-Muntazar serves as the hub of Shīʿa religious life and learning in Pakistan.

Arriving at the gates of the al-Muntazar seminary that May morning, I heaved my black tote bag across my shoulder and stepped out of the car. In my right hand swung my

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4 See the prospectus of Jāmiʿa al-Muntazar: Hawza ʿIlmiyya Jāmiʿa al-Muntazar (Lahore: VISCOM, 2009), 5. Also see Kazmī, Imāmiyya Dīnī Madāris Pākistān, 238-241.

5 Kazmī, Imāmiyya Dīnī Madāris Pākistān, 253-256.
trusty one-liter water bottle. Walking up to the concrete bulwark to the right of the seminary’s entrance, I greeted the three gun-toting security guards lounging there. Wordlessly, I offered my bag for inspection. After their regular perfunctory check they motioned me in through the pedestrian entrance. Turning right, I walked ten steps into the waiting room, seating myself across the table from the now-familiar young man behind the desk. We exchanged greetings, but there was little need for other conversation – our routine having been established months ago. He picked up the intercom and uttered his usual refrain: “That lady – the one who uses the library – is here.” A moment later, he hung up informing me I had permission to proceed to the library.

Figure 1: Front entrance of Jāmi’a al-Muntaṣar. Photograph by author. 2011.

Exiting the waiting room I made my way back to the entrance of the seminary. Passing by the fatwā-issuance office, I entered the tail-end of a long hall-way adorned with a montage of yellowed framed portraits of high-ranking Shī‘a clerics. The uniform
line of bearded countenances in traditional black turbans and robes was interrupted by a clean-shaven face – that of Pakistan’s founder, Muḥammad ‘Alī Jinnāḥ. It appeared that Jāmi’a al-Muntaẓar’s administration deemed Jinnāḥ, despite his secular outlook and his Western education, as having earned himself a place among great Shī’ī religious leaders. For the seminary officials, Jinnāḥ’s inclusion among the Shī’ī religious elite was obviously warranted. After all, Jinnāḥ had founded the Islamic Republic of Pakistan, and although he eschewed many religious rituals and observances, Jinnāḥ had been born in a Shī’ī household.

Figure 2: Jāmi’a al-Muntaẓar hallway. Photograph by author. 2011.
Walking past the aged portraits, I climbed the stairs, carefully staying on the right of the stairwell to avoid physical proximity with male seminary students who might be climbing down. Reaching the first floor, I entered the library and greeted Rizví Šāhib, the middle-aged librarian whose shoulder-length hair had silvered before its time. Sliding behind the library counter, I took my place at one of the desks. This space – ordinarily reserved for the library staff – had been designated as my seating area. The library staff reasoned that my female presence, despite being ‘abāya-cloaked, would only be distracting in the larger library hall that was often frequented by the seminary’s students and instructors, all of whom were male.

I had only been in the library for an hour when there was a power outage. As the rickety fans slowed to a halt, Rizví Šāhib and I exchanged dejected glances. The outage was no surprise – it occurred every day at 9 am. However, it never ceased to frustrate us despite its daily occurrence. With the humid air hanging still and thick in the musty back-space of the library, I willed myself to ignore the heat and focus on taking notes on the seminary’s monthly journals. Earlier in the month I had rummaged through dusty, often unorganized shelves and cupboards, fishing out these journals and arranging them in chronological piles. Assessing my task for the day – reading the journals for the year 2005 – my eyes fell on the cover of the August 2005 issue.
Figure 3: Front cover of the August 2005 issue of Jāmi’a al-Muntażar 's monthly journal, al-Muntażar.

August is the month when Pakistan celebrates its independence. So I was not surprised to see that the lower left of the issue’s cover flaunted a Pakistani flag alongside
the message “Happy Independence Day to all readers.” However, on the lower right, beside the innocuous, well-intentioned Independence Day greeting was a quotation that stopped me dead in my tracks. All thoughts about the heat and humidity dissipated instantaneously. The quotation voiced Shi’a frustrations and threatened the formation of an independent Shi’a government in Pakistan.\textsuperscript{6} It read:

All [Pakistani] Shi’a continue to think the only way to escape oppression is to establish their own government. If we rise up, and this thought of establishing our independent government takes root among us (which is only realized in the present moment at the level of aspiration), then we shall hold fast onto the Qur’an in one hand and the support of the Prophet’s family (the \textit{ahl al-bayt}) in the other hand. The beneficence [shade] of the Imām of the Times will cast upon us. If this happens, then no one will be able to block our path. If there will be a government, then it shall only be an Islamic and religious government.\textsuperscript{7}

This quotation potentially highlights the implicit illegitimacy of the Pakistani government and the state apparatus. The quotation also brings to the fore the conflicted nature of Shi’a identity in Pakistan and attests to a tragic irony – the simultaneous belonging and non-belonging of Shi’a to Pakistan. In fact, the front cover in its entirety is a visual depiction of the dexterous dance that Shi’a perform between their particular sectarian identity and the Muslim universal. On the center right of the cover towers the Ka’bah, a shared Muslim symbol; to its immediate left is the shimmering tomb of the Prophet Muḥammad’s grandson Imām Ḥusayn at Karbala, a distinctly Shi’a symbol.

\textsuperscript{6} It is unclear from the quotation whether the government will be in all of Pakistan, or only parts of the country.

\textsuperscript{7} This same quotation also appears on the front cover of the July 2005 issue of the journal \textit{al-Muntażar}. Although un-attributed on the cover in both these instances, a study of the journal reveals that the quotation is from the president of the jāmi’a, Āyat Allāh Sayyid Riyāz Ḥusayn Najafī. Najafī made this statement at a public address in May 2005 in Lahore. Sayyid Fidā Ḥusayn Shīrazi, “Ṣaf-i Awwal ke do ‘Azīm Mubāriz wa Mujāhid ‘Ulamā’ ka Chalam,” \textit{Mahanāmah al-Muntażar} (June 2005): 38.
Emblazoned beneath these images is a statement attributed to the Prophet Muḥammad. While Muḥammad’s significance is embraced by the entire Muslim community, his statement refers to his cousin ‘Alī, an individual particularly important to Shī‘as. The Arabic statement reads: “God would never have created hell-fire, had all humanity united in loving ‘Alī.” Directly underneath this statement is the quotation urging Shī‘a insurrection. The quotation invites readers to approach insurrection theologically in two distinct ways. Firstly, it urges them to rise against oppression, a concept deeply embedded in Shī‘a theology. Secondly, it asserts that those battling against tyranny will draw on the authority of the Qur’ān and the Prophet’s family.

On the right of the quotation is a small slightly-blurry photograph of a turbaned Shī‘a scholar. I did not immediately recognize the man. However, a study of the journal solved the mystery: it was Āyat Allāh Sayyid Riyāḍ Husayn Najafī, the president of the seminary! I had failed to place him immediately given the datedness of the photograph. Āyat Allāh Najafī now sports a shock of white facial hair, distinct from the more youthful salt-and-pepper beard plastered on the August 2005 cover. Significantly, Āyat Allāh Najafī is one of the most important Shī‘a religious authorities in Pakistan. Among his expansive list of credentials is the honor of studying with the architect of the Iranian revolution, Āyat Allāh Rūḥ Allāh Khumaynī.

Āyat Allāh Najafī’s opinions, expressed in the above quotation, are not unique. While the idea that the Shī‘a community in Pakistan should rise up against oppression and form its own government might find limited support, the larger sentiment – that Pakistani Shī‘as are a victimized minority – is extremely pervasive. Even though
Pakistani Shi'as are the second largest population of Shi'as in any country,\textsuperscript{8} constituting 15-20\% of the Pakistani population,\textsuperscript{9} they are still frequently targeted and victimized.\textsuperscript{10} Consequently, many Pakistani Shi'as are torn between allegiance to the country and the current Pakistani state apparatus versus their desire to completely revamp the current national political landscape. Many believe that the current political order – either inadvertently or deliberately – facilitates their marginalization. In fact, as this chapter and the next will highlight, perhaps no issue is of more significance to Pakistani Shi'as than that of the community’s victimization and oppression. This oppression, while operating on many levels, is most disturbing when it takes the shape of physical violence against Shi'as.

**RELIGION, VIOLENCE AND POLITICS**

Theories of violence have long emphasized that violence is not limited to physical harm; it also encompasses epistemic, ethical, economic and other transgressions. However, in this chapter my focus is solely on physical violence – a type of violence to which Pakistani Shi'as are commonly subjected.

\textsuperscript{8} The largest Shi'a community is that of Iran.
\textsuperscript{9} Some place the figure as high as 25\%.
\textsuperscript{10} Of course, it is naïve to think that the Shi'as are always the victims of violence in Pakistan. In some cases, they are allegedly the perpetrators of these acts. Additionally, they are far from the only community targeted in acts of sectarian violence Pakistan. Recently, the Barelvīs and the Aḥāmadīs have faced the tragic loss of many community members as incidents of suicide bombing have spiked.
Michael Hardt and Antonio Negri, echoing Max Weber, declare that the state monopolizes the legal right to exercise physical violence.\textsuperscript{11} All other violence, including religious violence, is deemed illegitimate by the state. Engaging with Hardt and Negri, Arvind Mandair asserts that representations of religious violence often echo state policy.\textsuperscript{12} Individuals who claim to commit violence in the name of religion are portrayed by their states as deviants from the ‘truth’ of the religions they allegedly represent. The ‘truth’ of religions is asserted by states as peace and non-resistance to state law.\textsuperscript{13} The general portrayal of militant Muslims by their states (both Western and non-Western) as deviants from ‘true’ Islam is testimony to this phenomenon. As Mandair highlights, the same is true for the Indian state’s portrayal of ‘Sikh terrorism’\textsuperscript{14}. In India, and across the world, militant Sikhs and Muslims are portrayed as enemies of their states.

While violence against the state is viewed as the gravest of all transgressions, even acts of violence in the name of religion directed at entities and individuals other than the state are portrayed by states as acts of religious deviance. As discussed in Chapter 2, the nation-state desires sovereignty. State sovereignty is evidenced through the state’s monopoly over violence. And the state refuses to tolerate violence by non-state actors, since such violence is treated as a threat to state sovereignty.

\textsuperscript{13} Mandair, “The Global Fiduciary,” 219.
\textsuperscript{14} Mandair, “The Global Fiduciary,” 220.
The state’s own violence is legitimized through the figure of the enemy, which functions as a ‘schema of reason’.\(^{15}\) Arvind Mandair comments on this schema in the following words:

> What is interesting here is the nature of the schema that connects the representation of chaos-religion-enemy. Chaos names that which has fallen from the state of order; the guarantor of order is the state of divine stasis exemplified by the truth of religion; the enemy is the figure of chaos which deviates and tempts into deviation from religion.\(^{16}\)

Mandair asserts that this schema allows the state “to manipulate a knowledge about … religion and religious identity in order to”\(^{17}\) “produce violence when and where needed, but also to legitimate state violence.”\(^{18}\) In the contemporary Pakistani context, the overt religious enemy, as declared by the state, is often the Ṭālibān. The Pakistani state deems the Ṭālibān’s religious violence as a deviation from ‘true’ Islam. And the state’s violence against the Ṭālibān is portrayed as correct and moral. However, as this chapter will emphasize, in light of the state’s Sunnī leanings, some elements within the Pakistani state apparatus might also consider the Shī’as as enemies deserving state violence. At least that is the allegation leveled against the Pakistani state by some Shī’a ‘ulamā’. The ‘enemy’ status of the Shī’as is driven by two main factors: 1) The ‘deviance’ of their religious practices as appraised by primarily Sunnī citizens and state functionaries, and 2) The perceived collusion of Pakistani Shī’as with the ‘foreign hand’ of Iran. Both factors lead to the constant questioning of Shī’as loyalties. The idea of Shī’a

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disloyalty is occasionally reinforced by Shi‘a ‘ulamā’s own comments. For example, at the start of this chapter, we saw how Āyat Allāh Sayyid Rīyāz Ḥusayn Najafī threatened the formation of an independent Shi‘a government in (all or parts of) Pakistan if anti-Shi‘a violence continued.

THE STATE, VIOLENCE AND THE PAKISTANI SHI‘A EXPERIENCE

As shall be discussed in detail shortly, the Pakistani Shi‘a community is rattled by grotesque murders on a nearly daily basis. And even during moments of respite, the threat of sectarian violence lingers heavy in the air, and the marginalization that Shi‘as experience percolates down to the quotidian experiences of daily life.

Given the centrality of violence to the Shi‘a experience, in this chapter I will use violence as an analytical pivot to examine Shi‘a ‘ulamā’s conceptualizations of their current political realities, their different modes of engagement with the Pakistani state and their views on state legitimacy. In the first part of this chapter, I will provide a history of sectarian violence in Pakistan and the state’s policy towards Shi‘as. In the second part of the chapter, I will argue that the specter of violence impacts Shi‘a ‘ulamā’s conceptualizations of the current Pakistani state apparatus and implicitly its legitimacy. These conceptualizations take two distinct forms: 1) Understanding the state as weak and/or disinterested in preserving Shi‘a lives. 2) Holding the state culpable for Shi‘a deaths, not simply despite the state’s claim to an Islamic identity, but in some instances, because of Pakistan’s claim to be an Islamic Republic. Being an Islamic state, for some ‘ulamā, implies the state’s alignment with Sunnīsm, and at times, Sunnī militantism.
From the perspective of Shi'a ‘ulamā’, the state’s sectarian leanings bode badly for the legitimacy of particular state institutions. Significantly, I will argue that even for ‘ulamā’ holding views that call the authority of particular state institutions into question, the idea of the state as a legitimate authority often remains unaffected. Paradoxically then, the very ‘ulamā’ who critique the state for its disinterest in preserving Shi'a lives and its complicity and culpability in Shi'a deaths also appeal to the state for protection.

In the third part of this chapter, I will assess this paradox and highlight the disparities and contradictions between the ‘ulamā’s conceptualization of the state as: 1) a configuration of institutions, and 2) as an idea of legitimate authority. I will explain how, when viewing the state as a “configuration of organizations” whose negative effects they experience, the ‘ulamā’ rebuke the Pakistani state apparatus and elected officials for their complicity and direct action in victimizing Shi’as. However, when viewing the state as an idea, the ‘ulamā’ understand it as a legitimate authoritative body transcending society and providing security. Consequently they appeal to it for protection and invoke state action as the remedy for sectarian violence. Importantly, I will assert and explain that the ‘ulamā’s appeals for protection form the state in the Foucauldian sense by reproducing state effect through discourses and bodily practices. These Shi'a ‘ulamā’ perpetuate the idea of the state as a legitimate authority, despite evidence to the contrary, including the state’s alleged involvement as a vital actor in anti-Shi'a violence. Thus, paradoxically, the same ‘ulamā’ who critique the state for its complicity and culpability in Shi'a massacres, form and perpetuate the state as effect.

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19 Verkaaik, Migrants and Militants, 170.
In concluding, I will argue that the only way out of this paradox for the ‘ulamā’ is to refuse to discipline their practices around this source of governance. This approach, I assert is adopted, and advocated by the ‘ālim Javād Naqī.

**The Allegedly Shī‘a President and the Militant Sunnī State Apparatus**

Many Shī‘a ‘ulamā’ have commented on the Pakistani state’s anti-Shī‘a stance. Among them is the outspoken Shī‘a ‘ālim Qibla Šāhib – a pseudonym used as per Qibla’s request. Qibla Šāhib is an esteemed scholar at one of the largest Shī‘a jāmi‘as in Lahore. As part of his religious training, Qibla spent a decade in Iran (1982-92), based primarily in the city of Qom where he studied with Shī‘a intellectual giants including Āyat Allāh Najafī Mar‘ashī (d. 1990), Āyat Allāh Sayyid Muḥammad Shīrazī (d. 2001) and Āyat Allāh Fāzīl Lankarānī (d. 2007).

As shall be discussed in detail in the next chapter, Qibla urges secularism in Pakistan, fearing that Sunnīs with militant leanings already have, and will continue to, ascend to political power utilizing state institutions to perpetrate anti-Shī‘a violence. These alleged sectarian leanings of state institutions and government functionaries are also evident from Qibla Šāhib’s closing comments in one of our conversations. Fearing retribution for his criticism of the government and the state apparatus, Qibla cautioned, “It is best if my name does not appear [in your work] …

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20 A detailed biography of Qibla is provided in Chapter 5.

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intelligence agencies etc. [might investigate me]. But include everything that I have said. There is merit in all that I have said."\(^{21}\)

Qibla Šāhib’s views regarding the extent to which anti-Shī‘a sentiments dog state institutions and the public sphere are illustrated in a pithy and poignant anecdote narrated below. As we sat in Qibla Šāhib’s office one afternoon in the summer of 2011, the conversation turned to Shī‘a persecution in Pakistan. Commenting on how the situation in the country was becoming unbearable, Qibla shared startling and controversial information. He asserted that the then-president of the country was Shī‘a. Elaborating on this alleged fact, Qibla Šāhib stated:

The situation in our country is such that even its most important man [President Āṣif ‘Alī Zardârī (in office 2008-13)], poses as a member of the majority, whereas, in actuality, his sectarian affiliations are different. On TV he pretends to be another [i.e. Sunnī]. When his father passes away, he shows himself as aligned with the majority. But when the TV cameras are removed he says, ‘Come brother, let us worship according our own tradition. Now let’s say our funeral prayers our way.’ The head of the country is afraid. Without any doubt, without any doubt, he is from among us. But when he offers the ‘Īd prayers, he prays in the manner of the majority because he appears on TV. From this you can gauge the extent of sectarian violence; even the head of state is not immune. This [praying in the Shī‘a manner] is not a crime … but when even the head of the state is afraid, then what about us ordinary individuals who have no clout.\(^{22}\)

\(^{21}\) Qibla Šāhib, interview, May 2011.

\(^{22}\) Qibla Šāhib, interview, May 2011. Interestingly, Qibla does not view Zardârī’s masquerading as a Sunnī as hypocrisy – maybe because the Shī‘a doctrine of tāqiyya legitimizes hiding one’s faith during times of persecution.

For another articulation of the same general sentiment, see “General Parvez Musharraf par Ḥamlay ke Ḥawālay se ‘Allāma Sājid Naqvi ke Tarjumān ka Raad-i ‘Amal,” Mahanāmah al-Muntaẓar (Jan. 2004): 35. The short article states that the spokesperson of Sayyid Sājid ‘Alī Naqvī, the leader of the Millati Ja’fariyya and the vice president of the local chapter of the Muttaḥida Majlis-i ‘Amal, a political coalition of religious parties, announced that the attack on General Musharraf was regrettable. “The attack demonstrates that even the most powerful person in the country is not safe from forces that perpetrate terrorist acts.”
Qibla’s comments on Zardārī’s Shī’ā affiliations caught me by surprise. Like many other Pakistanis I had not known that the president was allegedly Shī’a. Delving into the matter, I discovered several Internet chatrooms abuzz with discussions on the issue. Some commenters toe Qibla’s line. One writes specifically about the manner in which President Zardārī prays: “I think he is praying with hands folded to counter his image as a Shia. It’s an open secret that he is a Shia although he has never accepted that he is, and he has never said that he is not.”

Even if the above comment, which echoes that of Qibla Ṣāhib, is believed, it would be a mistake to read Zardārī’s presidency as testimony to the possibility of an ordinary Shī’ā’s political ascendancy in contemporary Pakistan. While Zardārī might be Shī’a, his alleged sectarian affiliations are kept strictly under wraps. In contrast with contemporary attitudes, in its early decades Pakistan was quite amenable to Shī’a leadership. As noted, the country’s founder Muḥammad ʿAlī Jinnāḥ was Shī’a. Three early prime ministers and two military leaders (Yaḥya Ḵān and Iskander Mirzā) were also Shī’a. Two later prime ministers, Zulfiqār Bhutto (in office 1973-77) and his daughter Benazīr Bhutto (1988-90 and 1993-96) were also Shī’a.

Despite this precedent of Shī’a leadership, in the present political climate, Zardārī’s possible Shī’a identity would only serve to alienate him even further from the

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majority Sunnī population. If Zardārī is indeed Shī‘a, it is no surprise then that, as Qibla Ṣāhib says, Zardārī takes significant measures to package his image as a Sunnī. To paraphrase Qibla Ṣāhib: if even the highest political authority in Pakistan has to pander to Sunnī militants by hiding his sectarian affiliations, then the rest of the Shī‘a population is undoubtedly worse off. Importantly, the Sunnī militants of whom Zardārī is allegedly afraid exist, according to Qibla, both in the public sphere and command key positions in the state apparatus. As mentioned earlier, Qibla Ṣāhib emphasizes the sectarian leanings of state institutions and government functionaries commenting that intelligence agencies might investigate him for his critical remarks.²⁵

**Pakistani Shi‘a ‘Ulamā’ and Their Expectations of Their State**

In one of our conversations in July 2012, Qibla Ṣāhib described how he expects the state to ideally function. Haunted by the specter of violence, Qibla Ṣāhib invoked the most primal of caregivers and protectors – the mother.²⁶ Qibla desires a mothering state:

> The state should be a mother. The state … should not take into consideration whether one is black, white, Shī‘a, Sunnī, tall, short, sporting a long beard or a short beard. Its bureaucracy should be effective. If there is benefit [to be gained from the state], then everyone should share in this benefit. Both bearded and clean-shaven individuals should benefit

²⁵ Qibla Ṣāhib, Interview, May 2011.

²⁶ Admittedly, the question “what is a mother?” is less simple than it appears. Andrew Parker, *The Theorist’s Mother* (Durham: Duke University Press, 2012), 11. For example, Derrida writes of the mother’s “irreducible plurality” in the contemporary era. For a variety of theorizations of the figure of the mother, see Parker, *The Theorist’s Mother*. While the identity and characteristics of a mother are currently a topic of much debate, Qibla Ṣāhib’s views on the subject appear somewhat straightforward. As he clearly states, he envisions the mother as a reservoir of mercy; as a figure who is nondiscriminatory in her provision of love and mercy.
... The state should be benevolent, like a mother. It should be undiscriminating, secular; it should have no sectarian affiliations, unlike the regime of Ziyā al-Ḫaqq ... [It should be a state] wherein all citizens experience a sense of belonging to the nation.²⁷

As discussed in detail in the next chapter, unlike Qibla Šāhib, most other Shī‘a ‘ulamā’ do not advocate secularism in the Pakistani context. They propose different political theologies. Despite their divergent political theologies, Shī‘a ‘ulamā’ are united in their desire for a state that affords protection to their community. In fact, as the next chapter contends, the distinct political theologies advocated in the Pakistani context by Shī‘a ‘ulamā’ are all driven by the specter of violence. Thus, while there are differences among the ‘ulamā’ regarding the ideal political model for Pakistan, Shī‘a ‘ulamā’ are united in the opinion that such a model must afford protection to their community.

Moreover, all my Shī‘a ‘ulamā’ interlocutors – Qibla Šāhib as well as the ones featured in the next chapter – cite Muḥammad’s Medinan state as the ideal Islamic state. They draw on this state selectively as inspiration for the political model they recommend for Pakistan. The one feature of the Muḥammadan state that inspires each of their distinct political models is that state’s focus on providing security to its citizens. Moreover, the ‘ulamā’ maintain that the citizens of Muḥammad’s state were characterized by a cohesive Muslim identity. They did not indulge in factionalism. The ideal Muḥammadan state described by these scholars is a far cry from the situation in Pakistan where sectarian conflict is the norm. However, the provision of security remains most Pakistani Shī‘a ‘ulamā’ s central expectation of their state.

²⁷ Qibla Šāhib, interview by author, Lahore, July 2012.
SECTARIAN VIOLENCE IN PAKISTAN’S EARLY DECADES

Like Qibla Ṣāhib, the ‘ulamā’ of Jāmiʿa al-Muntazar also attribute sectarian violence to state officials who are overwhelmingly anti-Shīʿa in their views. Some Shīʿas predicted this state of affairs even before the birth of Pakistan. The Shīʿa-Sunnī tensions evident in colonial north India, particularly in the United Provinces, drove their concerns about the place of Shīʿas in the newly envisioned Sunnī-majority state of Pakistan. In a letter written in 1940 to Muḥammad ʿAlī Jinnāḥ, the founder of Pakistan, the Shīʿa royal Mahārāj Kumār ʿĀmir Haider Khān of the estate of Mahmudabad in the north Indian state of Uttar Pradesh requested safeguards for Shīʿas before wholeheartedly supporting Jinnāḥ’s movement for the birth of Pakistan. While Shīʿas were initially undecided on whether to work with Jinnāḥ or support the movement for a united India, in 1943 the Punjab Shīʿa Political Conference explicitly aligned itself with Jinnāḥ’s political party, the Muslim League. However, in 1948, just a year after Pakistan’s birth, Shīʿas noted infringements on their rights. To protect against sectarian discrimination, in 1948 a number of Shīʿa ‘ulamā’, journalists and other activists formed the Organization for Safeguarding Shīʿa Rights in Pakistan (Idāra-i Tahaffuz-i Huquq-i Shīʿa Pakistan, ITHS). The first convention of the ITHS in 1949 was marked by a resolution declaring, “Shiites

28 For a history of these colonial-era sectarian tensions see Justin Jones, Shiʿa Islam in Colonial India: Religion, Community and Sectarianism (Cambridge: Cambridge University Press, 2012).
30 Rieck, The Twelver Shia, 270-1.
are an important minority … They demand strongly from the government to observe adequate representation of Shiites in all of its departments."

The resolution appeared to have little effect. The position of Pakistani Shī’as worsened in the late 1950s. Zealous Sunnī groups vocally criticized Shī’a mourning rituals (‘azādārī). These rituals commemorate the martyrdom of Prophet Muḥammad’s grandson Ḥusayn, a figure of special reverence to Shī’as. The Sunnī critique of ‘azādārī was multi-pronged. The Sunnīs claimed that these mourning ceremonies were a danger to public security and were deviations from ‘true’ Islam. The religious critique was also two-fold. Firstly, the Sunnī zealots argued that Islam prohibits men from elaborate grieving. Additionally, the Sunnīs asserted that during ‘azādārī Shī’as committed the grievous offense of cursing the first three rightly guided caliphs. Sunnīs hold these caliphs in great esteem whereas the Shī’as paint them as having usurped religio-political leadership from Muḥammad’s cousin ‘Alī. While Shī’as are critical of these early caliphs, most Pakistani Shī’as denied disrespecting them.

The Shī’a defense was ignored by Sunnī hardliners who demanded a ban on Shī’a processions in public places. Shī’a ‘ulamā’ viewed these “attempts at restricting their freedom as part of a plan to make the propagation of Shiite faith illegal in Pakistan and ultimately have the Shiites dissolved in the Sunni majority.” In the 1960s, Shī’a mourning rituals were subject to increased state surveillance. The movements of

31 Quoted in Rieck, The Twelver Shia, 272.
32 Rieck, The Twelver Shia, 273.
33 Rieck, The Twelver Shia, 274.
particular Shi‘a ‘ulamā’ were also regulated and curtailed.\textsuperscript{34} Despite these official restrictive measures, sectarian violence spiked. In 1963, in the holy month of Muḥarram, the period when Shi‘as celebrate their ‘azādārī rituals, 120 people were killed in sectarian clashes. At that time, these were the most fatal sectarian clashes in Pakistan’s history.\textsuperscript{35}

This general state of affairs of Shi‘a-Sunnī tensions continued into the 1970s. However, as Mariam Abou-Zahab notes, despite occasional communal disturbances, most Shi‘as did not sense discrimination. In fact, the position of the Shi‘a community improved when Zulfiqār Bhūṭtō (1971-77), who was a Shi‘a, served as the country’s president and then prime minister.\textsuperscript{36}

\section*{State Policy Towards Shi‘as and Geopolitical Conundrums}

According to Abou-Zahab, up until Bhūṭtō’s reign, “the state was neutral and had no sectarian agenda. Shiites were well represented in the army and the federal and local bureaucracy, and there were Shiite ministers in each successive government.”\textsuperscript{37} However, state policy towards Shi‘as changed drastically when General Ziyā’ al-Ḥaqq usurped power via a coup and declared martial law in 1977. Ziyā’ began implementing measures to Islamize the country. These measures included funding Sunnī madrasas and implementing ‘Islamic’ laws on issues as diverse as rape, adultery, religious alms

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\textsuperscript{34} Rieck, \textit{The Twelver Shia}, 277.
\textsuperscript{35} Rieck, \textit{The Twelver Shia}, 277.
\textsuperscript{37} Abou-Zahab, “The Politicization of the Shia Community,” 97.
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collection, etc. The new ‘Islamic’ laws implemented during Ziyā’’s time were based on the interpretation of the Hanafī legal school – a legal school favored by Pakistani Sunnīs. Pakistani Shī‘as, who adhere to the Ja‘farī legal school,38 found themselves in the disturbing situation of living in a state that enforced a version of Islam to which they did not adhere. The state’s invasive capabilities meant that Shī‘as were forced to regulate their lives according to the state’s Sunnī interpretation of Islam if they wanted to be law-abiding citizens.

While the Pakistani state was acquiring a clearly Sunnī hue, across the border Iran had established itself as a Shī‘a theocracy in 1979, with Āyat Allāh Khumaynī at its head. Following the Iranian revolution, Shī‘a activism increased in Pakistan. During 1979-1980, the Pakistani Shī‘a community, under ‘ulamā’ leadership, mobilized against their state’s Sunnīzation measures.39 The relationship between Pakistani Shī‘as and their state turned particularly rancid in June 1980 when the religious alms (zakāt) ordinance was implemented. The ordinance, based on Hanafī legal interpretation, allowed the state to annually collect religiously mandatory alms from its citizens by deducting 2.5% of the funds in its citizens’ bank accounts every year. The state distributed the funds to economically disenfranchised citizens. Shī‘as collect and distribute religious alms in a different manner from Sunnīs. They objected vehemently to the state’s mandatory enforcement of the Sunnī interpretation of the procedure for alms collection and distribution on Shī‘a citizens.

38 As readers will recall, the different legal and theological orientations of Shī‘as and Sunnīs have been discussed in the dissertation’s introduction.
Protests swept the country. 100,000 Shī’as from across Pakistan congregated and demonstrated in Islamabad. In early July 1980 they laid siege to state buildings. Ziyā’ capitulated to Shī’a pressure. This pressure was local but also international. Āyat Allāh Khumaynī warned Ziyā’ that, “if he continued to persecute Pakistani Shiites, he would meet the same fate as the Shah of Iran.” An agreement was finally reached on July 6, 1980. Shī’as were exempt from the deduction of zakāt from their bank accounts.

The Ziyā’ government was keen to contain Shī’a activism and counter Iran’s influence by strengthening Sunnī institutions. Sunnī seminaries funded by foreign donors, particularly Saudi Arabia, were established across Pakistan. Saudi investment in Pakistani madrasas was driven by the two-fold motive of curtailing Iran’s influence while also providing madrasas for Afghan refugees in Pakistan who had migrated as a result of the Afghan-Soviet war (1979-88). A related geo-political factor that contributed to the rise of sectarian conflict in Pakistan was “the international mobilization of political Islam for the Cold War.” Yet another transnational influence heightening Sunnī-Shī’a tensions in Pakistan was the Arabization of Pakistani Sunnīs. This Arabization was the result of a mass migration of Pakistani laborers to the Gulf during the 80s and 90s. During their time

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42 Zaman, The Ulama in Contemporary Islam, 176.
in the Gulf, these laborers acquired anti-Shī‘a sentiments. They propagated these sentiments upon their return to Pakistan.\(^{44}\)

The ‘Shī‘a problem’ loomed large in the Pakistani public’s and the Pakistani state’s imagination. To battle Shī‘a influence, Sunnī militant groups were organized and funded by Pakistan’s intelligence service agency, the Inter-Services Intelligence (ISI).\(^{45}\) Militant Sunnī groups waging anti-Shī‘a violence included the Sipāh-i Ṣahābah,\(^{46}\) the Lashkar-i Jhangvī\(^ {47}\) and the Ṭālibān.\(^ {48}\) Unsurprisingly, there was an exponential rise in sectarian conflict in the 1980s and 1990s. Some analysts have termed this sectarian conflict as a Saudi Arabia-Iran proxy war.\(^ {49}\)

Āyat Allāh Ḥāfīz Sayyid Riyāḍ ʿUsayn Najafī, the principal of Jāmi‘a al-Muntaẓar, endorses many of the observations detailed above. In a 2002 speech at the Traditional Scholars and Religious Leaders (‘Ulamā‘ wa Mashā‘ik̲h̲) conference, Najafī


\(^{45}\) Abou-Zahab, “The Politicization of the Shia Community,” 104.

\(^{46}\) The Sipāh-i Ṣahābah is a militant Sunnī organization formed in 1985. The group urges the government to constitutionally define Islam to exclude Shī‘as. They favor the Sunnīzation of the state and advocate for Sunnī Islam to be declared as state religion. At the grass root level, the organization exhorts Pakistanis to staunchly embrace Sunnī ideology.

\(^{47}\) Lashkar-i Jhangvī, formed in 1996, is considered a terrorist organization by the Pakistani government as well as the United States. It has claimed responsibility for a number of anti-Shī‘a attacks in recent years.

\(^{48}\) The notorious Ṭālibān movement is an Islamic fundamentalist movement based primarily in Afghanistan and Pakistan. The movement’s birth can be traced to the 1980s, when the US, Saudi Arabia and Pakistan funded and trained Islamic militants to combat the Soviets who had invaded neighboring Afghanistan. For more on the movement see, Ahmed Rashid, *Taliban: The Power of Militant Islam in Afghanistan and Beyond* (London: I.B. Tauris & Co, 2002).

\(^{49}\) Abbas, “Pakistan,” 156.
attributed the rise in sectarian violence in the early 1980s to multiple sources.\(^\text{50}\) Prime among them were the publication of inflammatory literature and instigation by religious leaders who emphasized sectarian differences. Āyat Allāh Najafī added that volatile conflict was exacerbated by the lawlessness in the country – laws were flagrantly violated, courts were lax in dispensing justice, and legal processes were invariably delayed. Najafī indicted some politicians directly and others indirectly, while acknowledging the influence of the Afghanistan conflict on sectarian violence in Pakistan. Finally, he characterized the media as flawed for inciting conflict in some instances.\(^\text{51}\)

1988 was a turning point in the anti-Shī‘a campaign in Pakistan. Sectarian riots were organized in the Shī‘a-majority Gilgit-Baltistan region, which is the northernmost


\(^{51}\) Najafī proposes a number of solutions to combat sectarian violence. These include:
- Under the leadership of the Supreme Court judge, a committee of judges should be founded that proposes how to investigate and judge terrorist acts and actors. The government should act upon their recommendations.
- Terrorists should be prosecuted. Government and state employees who aid and abet the terrorists should be exposed.
- Members of the legal profession, in particular those working in courts, should be provided protection so they can dispense justice without fear.
- Psychological treatment should be provided to jailed terrorists to facilitate their rehabilitation. The ‘ulamā’ should teach them religious moderation.
- Publication of incendiary literature should be strictly monitored to ensure sectarian violence is not promoted.
- The concerned ministries should publish books containing doctrines shared by all the sects. Newspapers should also publish such articles.
- The government should arrange speeches by responsible, moderate ‘ulamā’.
- Religious leaders preaching sectarian violence should be apprehended.
- Unity between Muslims should be preached at all levels and committees should be founded to further this aim.
- Individuals possessing illegal arms should be apprehended.
- The bureaucracy and police should reflect on their actions.
territory of Pakistan. Militant Sunnī groups supported by the Žiyā’ government orchestrated the riots.\textsuperscript{52} At least a dozen predominantly Shī‘a villages were torched. Shī‘a mosques and prayer halls were set ablaze, bodies burnt and crops and animals decimated. The official death toll stood at 200 and unofficial accounts estimated 700 deaths. The incidents were never investigated officially despite Shī‘a leaders’ continuous demands for accountability and compensation.\textsuperscript{53}

Sunnī-Shī‘a tensions continued to mount in the 1990s. Shī‘as responded to Sunnī aggression by forming their own militant groups, prime among them is the Army of Muḥammad (Sipāḥ-i Muḥammad), founded in 1993. The leadership of the Sipāḥ-i Muḥammad justified their use of violence in the following words, “We are tired of picking up corpses. Now, God willing, we will clear all accounts. We will erase the name of Sipah-i Sahaba from the annals of history.”\textsuperscript{54}

Just as Sunnī-Shī‘a relations remained tense in the 1990s, so did the Shī‘as’ relationship with the Pakistani state. Despite changes in governments, the state’s Sunnī orientation remained manifest via its laws and Sunnīsm-privileging polices. Prime minister Benazīr Bhuṭṭo, who hailed from a Shī‘a family, sponsored Deobandī militancy in 1994, to serve her personal political ends.\textsuperscript{55} Her patronage of Deobandī militancy

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\textsuperscript{52} Ali, “Outrageous State, Sectarianized Citizens.”
\textsuperscript{53} Ali, “Outrageous State, Sectarianized Citizens.”
\textsuperscript{54} Quoted in Abbas, “Pakistan,” 168.
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accorded her a power base in determining Pakistan’s policy towards Afghanistan. But her sponsorship of Deobandī militancy had a detrimental impact on Pakistani Shī’as, who were targeted by these groups.

The state’s sectarian leanings were further evident in the 2000s textbook controversy. As Nosheen Ali notes, Shī’a beliefs are commonly silenced in Pakistani textbooks’ depictions of Islam. Unsurprisingly, the new textbooks issued in 2000 by the Punjab Textbook Board for disciplines including Islāmīyat (the study of Islam), Urdu, and Social Studies displayed a Sunnī orientation. Shī’as, particularly in the Shī’a-majority Gilgit-Baltistan region in northern Pakistan, protested against the Sunnī leanings of state schools’ textbooks. The conflict continued to mount and in 2004 there were “violent confrontations between state authorities and Shia protestors” in the Gilgit-Baltistan region. In January 2005, Agha Žiyā’ ad-Dīn Riɣvī, the prayer leader at the central Shī’a mosque in Gilgit, was gunned down. Riɣvī had been among the most vocal opponents of the textbooks. His murder was widely believed to be “an act of government intelligence agencies to discipline the Shia community.” Riɣvī’s death spurred further sectarian discord. Dozens of individuals died in the Shī’a-Sunnī conflict in the region. Moreover, the dispute between the state and the Shī’as continued until two key textbooks, which had sparked the controversy, were withdrawn from the curriculum.

56 Tanchum, “Sunni Sectarian Agitation,” 94.
In recent years the sectarian bloodbath has intensified. According to the New York Times, at least three hundred and seventy five Shi‘as died in acts of sectarian violence in Pakistan in 2012.\textsuperscript{59} A Pakistani news report puts the count at more than five hundred.\textsuperscript{60} Even if the lower New York Times figure is considered, this is the highest number of Shi‘a deaths in a year since the violence of the 1990s.

As discussed shortly, in evaluating these anti-Shi‘a incidents spanning the country’s history, some Shi‘a leaders accuse elected officials and state institutions of turning a blind eye to the Shi‘as’ plight. However, others blame state functionaries and political representatives of exacerbating the conflict. They highlight the state’s sectarian leanings and its prejudice against the Shi‘a community. As detailed above, there is some truth to these claims. Despite changes in governments since Žiyya’s rule, laws based on a Sunnī interpretation of Islam remain in place and some official policies continue to favor Sunnīsm. However, the state’s complicity in acts of anti-Shi‘a violence, while supported occasionally by proof, cannot always be factually established. Needless to say, the state does not admit to this complicity. Consequently, the state’s established stance towards Shi‘as cannot be fully determined. However, as discussed below, bitter accusations of state prejudice continue as anti-Shi‘a violence spirals in the country.


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STATE COMPLICITY AND CULPABILITY IN ANTI-SHI‘A VIOLENCE

Discussing the escalating sectarian violence, the June 2005 editorial of the journal al-Muntaẓar succinctly presents two explanations: “Either the government itself fans the fires of sectarian violence … or the government is weak [and unable to prevent sectarian violence].”61 The view that elected officials and state institutions deliberately allow sectarian violence to occur is common among the ‘ulamā’ of Jāmi‘a al-Muntaẓar. Such comments question the legitimacy of state institutions, although they are seldom explicitly coupled with remarks such as those of Āyat Allāh Najafī threatening the establishment of a Shī‘a government in retaliation for anti-Shī‘a violence.

Articles by ‘ulamā’ in the seminary’s monthly journal al-Muntaẓar are examined below. Two reasons regarding politicians’ and the state’s complicity are culled from their writings. The first, that elected officials and state institutions are unconcerned with the plight of the Shī‘as; the second, the more severe accusation, that government officials are aligned with Sunnī militants and the state itself is deliberately perpetrating anti-Shī‘a violence.

Describing the state’s sectarian affiliations, an editorial penned in 1995 by ‘Ābid ‘Askarī, the then-editor of al-Muntaẓar, asserts:

There is no doubt that the government and the state apparatus have enormous material power. If they wished to put an end to terrorism or

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61 “Idāriyya,” Mahānāmah al-Muntaẓar (June 2005): 2. The writer states that if the second is true, then the government should lift all constraints on citizens so that they can freely defend themselves via their own measures.
thuggery, this is, by no means, a difficult task for them... But, usually,
they themselves propagate fights, disputes and corruption so that citizens
remain embroiled in difficulties and worries and are unable to criticize
government and state functionaries or protest against them.\textsuperscript{62}

In the same article, ‘Askari declares, “The current government is perpetrating an
injustice against the Shi‘as.”\textsuperscript{63} Similarly, in another article published in the journal \textit{al-Muntażar} in 1997, the government’s and state institutions’ Sunnī leanings are criticized:

“We beseech the government and state institutions to put aside their sectarian affiliations
and adopt a policy of justice. They should put an end to the murder of innocent Shi‘as.”\textsuperscript{64}

Along the same lines, a June 2000 \textit{al-Muntażar} editorial asserts that unless the
government and state functionaries work to end the escalating anti-Shi‘a violence, it is
safe to assume that they are sectarianly aligned.\textsuperscript{65} Echoing similar views, in the May 2010
editorial, Jāmi‘a al-Muntażar officials declare that sectarian violence is rampant since the
government has averted its eyes from the matter. They add that a vital contributor to this
violence is the government itself; the government supports sectarian violence, and
politicians are in cahoots with thugs, courting them to win votes.\textsuperscript{66}

While the comments above indict the government and state apparatus of
complicity in sectarianism, other writings by Jāmi‘a al-Muntażar’s \textit{‘ulamā}’ hold elected
officials and state institutions centrally culpable for perpetrating violence, providing

\textsuperscript{63} ‘Askari, “Idāriyya,” 1.
\textsuperscript{64} Sipāh-i Muhammad Pākistān, “‘Allāma Ǧhulām Ražā Naqvi ke Gīraftārī: Millat-i Ja‘fariyya ke
piercing details of their militant Sunnī leanings. As a result, a number of Jāmiʿa al-Muntaẓar’s ‘ulamāʾ are very critical of state institutions and policies, decrying them for inflicting physical violence on Shīʿa ‘ulamāʾ and students enrolled in Shīʿa jāmiʿas. For example, an article penned by the then-rector of Jāmiʿa al-Muntaẓar details an incident that occurred between the night of 21st and 22nd July 1997 [sic]. On this night, the police forcibly entered the jāmiʿa and searched its premises. They disrespected women and stole the possessions of students and teachers. Another article published in al-Muntaẓar addressing the same event is titled “The Oppressive Actions of the Police against Jāmiʿa al-Muntaẓar” (Jāmiʿa al-Muntaẓar ke Khilāf Police ka Zālimānā Aykshan). The article asserts that approximately four hundred policemen entered the jāmiʿa by force. They ransacked and stole numerous items including women’s jewelry and approximately 300,000 rupees that the rector of the jāmiʿa had been saving to construct his house. The police also arrested innocent children “herding them into police cars like animals.”

From these writings it is apparent that for the ‘ulamāʾ authoring these articles, the state itself is the central actor in anti-Shīʿa violence. These are not isolated articles; similar expositions by leading ‘ulamāʾ at Jāmiʿa al-Muntaẓar feature in their monthly magazine on a semi-regular basis up to this day.

70 While Weber rightly asserts that the state’s use of violence is often considered legitimate, in this particular instance, Shīʿa ‘ulamāʾ take exception and consider anti-Shīʿa violence by the state as illegitimate.
For example, a 2004 article by Sayyid ‘Abbās Shīrazī, the then-editor of the journal *al-Muntaẓar*, details the “shameful actions” of state institutions against Shī‘as. He particularly censures the “baseless” arrest of ‘Allāma Sayyid Sājīd ‘Alī Naqī, honorifically referred to as The Leader of the Shī‘a Community in Pakistan (*Qā’id-i Millat-i Ja‘fariyya Pākistān*). Sājīd ‘Alī Naqī is the head of the largest Shī‘a organization in Pakistan, *Tahrīk-i Ja‘fariyya* (also called the *Tahrīk-i Islāmī*). Writing of his imprisonment from the Bara Kohora Jail in the city of Rawalpindi, Sājīd ‘Alī Naqī details his persecution at the hands of the police. Protesting his incarceration, he stresses that instead of targeting the real terrorists – the national enemies – these state agencies have made innocent Shī‘as their targets. Naqī adds that he would sooner sign his own death penalty than accept “the state’s legislative plotting against Shī‘as, the conspiracy against the community’s proselytism, [and] the curtailment of their right to publicly participate in mourning rituals in Muḥarram.”

Other incidents of Shī‘a persecution by elected officials and state institutions are cited in a public address in June 2005 by Āyat Allāh Ḥāfīz Sayyid Riyaz Ḥusayn Najafī, the current president of Jāmī‘a al-Muntaẓar. In his address Āyat Allāh Najafī declared that the government unjustly imprisoned 166 Shī‘a students earlier that year, and Punjab’s Chief Minister at the time, Pervaiz Elahi orchestrated the murder of the innocent

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Shī’a ‘ālim Ijaz Naqvī. Addressing a large crowd in Lahore, Āyat Allāh Najafī accused General Musharraf (President from 2001-2007) of gross negligence:

General Sāhib! Your government is very powerful. You pull criminals out of their burrows, and even find them in their caves. You can even find people hiding in jungles. But till now all that we have seen is that you have focused on finding those that attacked you or those deemed criminals by [the American] President Bush … General Sāhib, keep in mind, this oppressed nation [i.e. the Shī’a community] is very powerful, very strong. This is a nation that does not abstain from laying down its [people’s] lives. However, it does not oppress anyone. It is in no way ready to shed the blood of others. But a tradition has begun and is gaining momentum: On the one side, an Islamic democratic government has been established in Iran … On the other side, an Islamic democratic government has been established in Iraq. And, in Bahrain, Kuwait and other countries, the process for the formation of a real Islamic government has also begun. General Musharraf! Do not misread our oppression as a sign of our weakness. Strive to remedy this oppression and ensure the capture of the murderers. Otherwise, all [Pakistani] Shī’as continue to think the only way to escape oppression is to establish their own government. General Sāhib! If we rise up, and this thought of establishing our independent government takes root among us (which is only realized in the present moment at the level of aspiration), then we shall hold fast onto the Qur’ān in one hand and the support of the Prophet’s family (the ahl al-bayt) in the other hand. The beneficence [shade] of the Imām of the Times will cast upon us. If this happens, then no one will be able to block our path. If there will be a government, then it shall only be an Islamic and religious government.

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74 Fidā Ḥusayn Shirazī, “Ṣaf-i Awwal,” 37-38. The second half of this quotation also appears on the front cover of the July and August 2005 issue of the journal al-Muntaẓar.

Āyat Allāh Sayyid Riyāż Husayn Najafī echoes similar sentiments in another public expression of his views. During one of his Friday sermons he decries the government for not taking any action to prevent the massacre of Shī’as. However, unlike Qibla Sāhib, he does not attribute blame to the Sunnīs. He asserts, “There is only one sect that is nefarious and vicious. This sect cannot be called a Sunnī sect and it has no relation with Sunnīsm. Members of this sect gun down individuals and detonate bombs. How I wish that our government would open its eyes and see this sect for what it really is! If they had punished this sect, the current situation of sectarian violence would never have exacerbated to this extent.” Hazrat Āyat Allāh Sayyid Riyāż Husayn Najafī, Ḳhūtbāt-i Jumm’a (Lahore, Pakistan: Dār al-Taqīq wa Tālīf, 2009), vol. 1, 322-323.
Obviously, Āyat Allāh Najafī was incredibly discontent with the Musharraf government and its disregard for Shī‘a persecution. His discontentment appears to border on questioning and challenging state legitimacy; particularly since he threatens the formation of an independent Shī‘a government. As Āyat Allāh Najafī’s earlier remarks evidence, he held elected officials and state institutions responsible for anti-Shī‘a violence. This very sentiment was corroborated by the remarks of other Jāmi‘a al-Muntaẓar ‘ulamā‘ examined earlier.

**Theorizing the ‘Ulamā‘s Remarks on Violence**

I assert that it is possible to read into Āyat Allāh Najafī’s comments, and those of other ‘ulamā‘ examined above, an understanding of elected officials and state actors that resonates with Hannah Arendt’s theorizations. Arendt writes of the weakness of authoritarian regimes and their employment of violence as a substitute for power. She explains that, “Every decrease in power is an open invitation to violence.”^75^ The Arendtian view holds that as state actors become less powerful, they resort to violence. Arendt’s theorizations resonate with the views expressed by ‘Ābid ‘Askarī, an editor of *al-Muntazār* in the 1990s. ‘Askarī, whose quotation has featured earlier in this chapter, commenting on the Pakistani context, stated, “Usually, they [the government and state institutions] themselves propagate fights, disputes and corruption so that citizens remain embroiled in difficulties and worries and are unable to criticize government and state

functionaries or protest against them.”76 It is also possible to read into ‘Askarī’s comments views about the potential of violence that depart from those of Arendt. ‘Askarī’s comments can be read as highlighting how state orchestrated violence can also function as a form of control and a means to assert power.

Other theorizations of violence do not always hold the state as centrally culpable. These theorizations add that as the power and authority of the state declines, it is not just the state that resorts to violence but also other actors. This sentiment is clearly expressed by all the ‘ulamā’ examined thus far, including Qībla Ṣāhib. As is evident from these traditional scholars’ quotations above, they attribute the preponderance of anti-Shī‘a violence, in part, to the weakness of the Pakistani state apparatus and its inability to curb the brutality of militants targeting the Shī‘a community. Phrasing the issue of violence in Pakistan in his own words, anthropologist Oskar Verkaaik comments, “violence is bound to take place when the state loses its grip on society.”77 Similarly, Vali Nasr, attributes the rise of ethnic violence in Pakistan to a “crisis of governability,”78 resulting from an erosion of state authority and a decay of political institutions.

77 Verkaaik, Migrants and Militants, 169-170.
THE PARADOX OF PROTECTION: ASSESSING STATE LEGITIMACY AND FORMING THE STATE THROUGH DISCOURSE

Qibla Şāhib and the al-Muntazar ‘ulamā’ ascribe blame for sectarian violence in similar ways. They either: 1) View the state as weak and/or disinterested in preserving Shī‘a lives. Or, 2) they hold the state culpable for Shī‘a deaths, not simply despite the state’s claim to an Islamic identity, but in some instances, because of Pakistan’s self-declared status as an Islamic Republic. The latter, for some ‘ulamā, implies the state’s alignment with Sunnīsm, and at times, Sunnī militantism.

However, even as these ‘ulamā’ call the legitimacy of the police and particular state institutions into question, the idea of the state as a legitimate authority often remains unaffected. In fact, in our conversations, Qibla Şāhib and Āyat Allāh Najāfī both proposed state action against militants as the remedy for sectarian violence. Similarly, in articles published in al-Muntazar, Shī‘a ‘ulamā’ repeatedly appeal to the state for protection, advising it to identify and prosecute the perpetrators of anti-Shī‘a “terrorism”.79 Videos of Shī‘a ‘ulamā’ on the Internet manifest similar pleas.80 These appeals evidence a conceptualization of the modern state articulated by Philip Abrams. Abrams explains that the state can be understood as an idea of legitimate authority – as an

entity that transcends society and commands obedience and loyalty.\(^{81}\) Abrams details that this idea is reified through speech and symbolized through state rituals that construct the state as an entity “that makes demands, requires loyalty, can be treated or smashed, for which sacrifices can be made, etc.”\(^{82}\) Similarly, scholars conducting ethnographic explorations of the post-colonial state have also argued that the state is a creation of the imagination just as much as it is an instrument and practice of coercion.\(^{83}\) The anthropologist Oscar Verkaaik asserts, this “disparity between the state as an idea and the state as a configuration of organizations …offers a fertile ground from which to explore the contradictions and complexities of people’s perceptions of the state.”\(^{84}\) With this in mind, I explore the manner in which Shī‘a ‘ulamā’ in Pakistan imagine the state when they appeal to it for protection. I argue that the ‘ulamā’ who make such appeals subscribe to, what Verkaaik and Abrams term, an ‘idea’ of the state – an idea of impersonal and effective state-institutions that offer protection. Despite their lived experience to the contrary, they embrace this idea, and consequently demand state protection. I also contend that these ‘ulamā’, in asserting their demand for state protection, view the state through a Weberian lens – i.e. as an entity that has a monopoly over the legitimate use of violence.

Weber argues that the state cannot be understood in terms of its ends: the state indulges in an extensive array of tasks, none of which are exclusive or particular to the


\(^{82}\) As paraphrased in Verkaaik. *Migrants and Militants*, 170-1.


\(^{84}\) Verkaaik, *Migrants and Militants*, 170.
state – this is true for both the modern nation-state as well as pre-modern political formations. Thus, the modern state can only be defined “in terms of the specific means peculiar to it, as to every political association, namely, the use of physical force.” Weber explains that violence is not the only or normal means of the state but it is a means specific to the state. He concludes that we must then define the state as “a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.” When ‘ulamā’ appeal to the state for protection from violence, asking it to use its “physical force” against Sunnī militants, I argue that they conceptualize the state in Weberian terms.

At such moments the Shī‘a ‘ulamā’ appear to completely disavow their views regarding the state’s Sunnī militant leanings and its use of illegitimate violence. Thus we see the disparities and contradictions between the Shī‘a ‘ulamā’s conceptualization of the state as: 1) an idea, and 2) as a configurations of institutions. Viewing the state as an idea, the ‘ulamā’ understand it as a legitimate authoritative body, transcending society and providing security – which is why they appeal to it for protection and invoke state action as the remedy for sectarian violence. However, when viewing the state as a

86 Weber, From Max Weber, 77. Weber’s assessment of the state resonates with that of Thomas Hobbes. In his seminal work Leviathan, Hobbes argues that “the natural state of mankind” is an existence defined by violence, insecurity and constant threats. The only escape from this condition is to establish a sovereign authority. Security and peaceful cooperation between humans is impossible without this authority. Although Hobbes is writing in the pre-nation-state era, his work is considered an important precursor to Weber’s commentaries on the relationship between violence and the state.
87 I use the term ‘illegitimate’ here to distinguish such violence from what Weber terms as the legitimate use of violence by the state.
“configuration of organizations”\textsuperscript{88} whose effects they experience, the ‘ulamā’ rebuke the Pakistani state apparatus and elected officials for their anti-Shī‘a prejudice and their complicity and direct action in victimizing Shī‘a. In so doing, I assert that they also call the legitimacy of these institutions and officials into question.

While realizing the potential weakness of the state, as well as its ability and propensity to inflict violence on innocent Shī‘a citizen-subjects, most Shī‘a ‘ulamā’ do not – apart from some mostly empty threats – discipline their discourses and practices around other sources of governance or distance themselves from the hegemonic discourses of the state.\textsuperscript{89} In fact, I argue that Qibla Şāhib, the al-Muntaẓar ‘ulamā’ and other ‘ulamā’ discussed above, through their practices and discourses, reify and produce state effect. Particularly, they produce the state as a legitimate, authoritative body that provides security to its citizen-subjects. This occurs specifically through these ‘ulamā’s public appeals to the state for protection from violence as well as the ‘ulamā’s adherence to state laws and their respect for state institutions.

Taking from Foucault, I understand the state as governing through an ensemble of technologies, micro-practices and quotidian acts of self-disciplining performed by citizen-subjects.\textsuperscript{90} Governmentality, Foucault explains, has to do more with the production of citizen-subjects who self-regulate and self-discipline, than with the use of force to execute governance. Moreover, individuals regulate themselves not because they

\textsuperscript{88} Verkaaik, Migrants and Militants, 170.
\textsuperscript{89} For more on this issue in a very different context, see Jeff Garmany, “The Embodied State: Governmentality in a Brazilian Favela,” Social and Cultural Geography 10, no. 7 (2009): 723.
are driven by fear of state retribution, but because biopower, i.e. the technology of power by which the state manages its population, drives individuals to conform to hegemonic ideas regarding ‘normality’ and ‘rationality’. Drawing on these Foucaultian theories, Timothy Mitchell rightly identifies the Foucaultian state as an ‘effect’ of governmentality.91 This state effect is reproduced, not primarily through the material presence and panoptic tools of a repressive state apparatus, but through citizen-subjects who, in self-regulating their discourses and bodily disciplines, produce and perpetuate the state.

Consequently, I contend that the ‘ulamā’, through their practices and discourses – i.e. in openly appealing to the state for protection and disseminating these pleas for public consumption via printed publications, the Internet and the TV – produce and reify the state “as a constituted, socially constructed reality.”92 In other words, the self-disciplined ‘ulamā’ produce governmental practice through their bodies.

Despite their skepticism and dissatisfaction with state actors, the state, as an idea of legitimate authority, is so embedded in the lives of the ‘ulamā’, via its practice of governmentality, that “they appear to do the state’s work even when they have little respect for the institutions and individuals who represent it.”93 The state’s impact on the ‘ulamā’s understanding of this political entity can hardly be underestimated. As the French sociologist Pierre Bourdieu explains, “One of the major powers of the state is to

produce and impose ... categories of thought that we spontaneously apply to all things of
the social world – including the state itself."\(^{94}\) However, the intensity of the state’s effect
and presence in the lives of these ‘ulamā’ rests on the extent of their self-regulation and
their bodily enactment and micro-practices, as well as on “the ways those practices come
to signify ‘order,’ ‘truth,’ and ‘propriety.’”\(^{95}\) With this in mind, I now turn to a traditional
Shī’ a scholar who, I argue, actively resists forming and reproducing state effect by
refusing to discipline his practices around this source of governance.

**JAVĀD NAQVĪ AND HIS COLLEAGUES’ VIEWS ON THE PAKISTANI STATE APPARATUS**

Like Qibla Šāhib, Āyat Allāh Najafī and all the other Shī’a ‘ulamā’ examined in
this chapter, Javād Naqvī also attributes anti-Shī’a violence to both state weakness and
state culpability. Naqvī, a stout, middle-aged scholar with strong Iranian affiliations, is
best known for his outspoken lectures and fiery sermons. Naqvī has spent many years at
the Iranian seminary of Qom and is deeply influenced by the current Iranian theo-
political model of Guardianship of the Jurist (*vilāyat-i faqīh*).\(^ {96}\) As shall be discussed in
detail in the next chapter, Naqvī desires the implementation of the *vilāyat-i faqīh* in
Pakistan. Naqvī’s views on the *vilāyat-i faqīh* and the Pakistani state apparatus are

\(^{94}\) Italics mine. Pierre Bourdieu, Loïc J. D. Wacquant, and Samar Farage, “Rethinking the State:
\(^{95}\) Garmany, “The Embodied State,” 728.
\(^{96}\) A detailed biography of Naqvī and a discussion of *vilāyat-i faqīh* features in Chapter 5.
detailed in his articles in the journal Mashrab-i Nāb (Mashrabe Naab),\(^ {97}\) of which he is the chief-editor. The term Mashrab-i Nāb means “a pure source of water” or “a school of thought or an ideology.”\(^ {98}\) The website of the journal explains in English, “Mashrabe Naab magazine is an outcome of contributions of some religious personalities educated from the Islamic Seminary of Qom and this magazine is published under strict supervision and guidance of Ustad Syed Jawad Naqvi.”\(^ {99}\)

In a 2009 English article on the Mashrab-i Nāb website titled “The Oppression of Shia’s [sic] in Pakistan: A Repetition of Oppression on Ali (a.s),” Naqvī writes of the weakness of the Pakistani government:

The political situation of the country is such that it is ruled by a powerless government which has just been given an externally visible authority and has been brought to power under formal planning and agreements … The name that can be given to this government is a “Delegated” [sic] or slave government which has been given certain assignments and instructions which they have to fulfil. [sic] They have been asked to bring new crisis, [sic] promote them and they are delivering their duties.\(^ {100}\)

In the same article Naqvī holds state authorities and elected officials directly responsible for Shī’a killings. In the English version of his writings on the Mashrab-i Nāb website, he asserts, “These terrorisms [sic] did not drop from sky [sic] or grew from earth, they are the children of Saudi wealth, American planning and Pakistan’s secret agencies [sic] efforts. They have nurtured them and got them to this stage and handed

\(^ {97}\) The journal spells its name in English as Mashrabe Naab. I use the journal’s spelling of its name when providing references to the journal in footnotes.


\(^ {99}\) “About Us,” Mashrabe Naab.

over this task to them and still under their care.” Naqvī continues, “all the areas where they [the terrorists committing anti-Shī‘a violence] claimed to establish Shariah; the government has given them the permission … It is an established fact that the Pakistani Agencies are involved in all these terrorist operations and are guiding these activists groups [sic] either directly or indirectly.” Naqvī also comments on state officials’ culpability in Shī‘a persecution on multiple other occasions.

The magazine *Mashrab-i Nāb* features many articles reiterating Naqvī’s claims. These articles, are all penned by The Group of Political Analysts, none of whom are ever named. It is possible that members of the group choose to remain anonymous fearing retribution for their critical views. Or, maybe the identities of the group members are withheld because they lack strong scholarly credentials. The articles by this Group of Political Analysts explain the roots of sectarian violence in Pakistan by assigning primary blame to the United States of America. In an article published in April 2012 in *Mashrab-i Nāb* these political analysts state:

The reality is that during Zīyā’ al-Ḥaqq’s era, the United States, in order to distract Pakistanis from the Islamic revolution [in Iran], fanned the fire of sectarian violence. Simultaneously, in freeing Afghanistan from Russian occupation – to exact revenge for the Vietnam War – the US, incentivizing the Pakistani establishment with promises of patronage, formed several *jihādī* and militant groups. The US, the West and Arab countries,
cooperated both financially and militarily in the establishment of these groups. A number of madrasas were erected in Pakistan where, under the guise of religious knowledge, pupils were given military training. These pupils were then recruited as members of various militant groups, where they elected one of two battlegrounds. The first – a jihād outside of Pakistan in Afghanistan or Kashmir; the second – a jihād in Pakistan against Shī‘as.104

As the above comments highlight, this unidentified Group of Political Analysts paints an image of some Sunnī madrasas as sites of violence. There is truth to these claims. As noted in earlier sections of this chapter, as well as in the dissertation’s introduction and Chapter 1, the Žiyā’ regime (1977-88) funded Sunnī madrasas to counter Iran’s influence in Pakistan and to prepare militants to fight a holy war against the Soviets occupying neighboring Afghanistan. Some Sunnī madrasas also received Saudi patronage, and propagated anti-Shī‘a teachings and literature, fueling sectarian violence in Pakistan.105 Commenting on the ideological orientation of Pakistani Sunnī seminaries in the 1980s, Ian Talbot writes that they “propagated an increasingly violent sectarian and jihadist version of Islam.”106

Explaining Shī‘a persecution in present-day Pakistan this unidentified Group of Political Analysts asserts in a December 2011 article in Mashrab-i Nāb:

There has been a sharp rise in sectarian violence. Those committing sectarian violence have become a growing and organized group in Pakistan. Earlier, the bureaucracy officially patronized this group. But now, much more so than earlier, government participation and interference in sectarian violence is apparent.107

105 Abbas, “Pakistan,” 164.
Echoing these sentiments at another instance, this Group of Political Analysts describes Pakistan in a 2009 article as a kakistocracy, writing that the “hellfire” of sectarian violence currently engulfing Pakistan and “burning innocent Pakistanis and Muslims, is proof of the combined asininities of rulers, politicians, religious parties and generals.” The Group of Political Analysts adds:

Different groups and factional elements have created this cancer of sectarian violence. [Military] Generals have created it. Covert intelligence agencies and religious groups have created it. Religious groups are the mother of sectarian violence and its fathers are the politicians, the generals, and domestic and foreign agencies. Prejudiced, ignorant and misguided religious groups are its mother!

As is obvious from the discussion above, Javād Naqvī and the Group of Political Analysts writing in his magazine hold views similar to Qibla Ṣāhib, al-Muntaẓar ‘ulamā’ and other ‘ulamā’ examined earlier in this chapter. They view the state as either weak or uninterested in preventing anti-Shī‘a violence, or, they view state institutions as enacting this violence. However, key differences exist between Javād Naqvī and the ‘ulamā’ examined earlier in this chapter.

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109 Garūḥ-i Siyāsī, “Watan ke fiqar kar nādān,” Mashrabe Naab (Sept. 2011): 31. Similarly, another article in Mashrabe Naab by the Group of Political Analysts, states, “It is firmly established that state institutions are involved in these actions and incidents. These institutions are not naive and incapable, but are disloyal and treacherous. If they wanted, they could act and stop all these incidents. They know, both before and after investigations, who is responsible for the acts [of sectarian violence], and at times they themselves are involved in the acts.” Garūḥ-i Siyāsī, “Watan ke fiqar kar nādān,” Mashrabe Naab (April 2012): 46.
JAVĀD NĀQVĪ AND THE ART OF NOT BEING GOVERNED

Javād Naqvī vociferously rejects the dominant Shī‘a ‘ulamā’ approach mentioned above of demanding state protection, and producing state effect through these demands. Naqvī, completely disillusioned with Pakistani political authorities and state institutions, advocates against appealing to them for protection. He characterizes such requests as “debasement.” Speaking to a large Shī‘a gathering, he prescribes:

O you who beg the Pakistani police for security; O you who ask for financial compensation for [the murder of] your martyrs; O you who run circles around police officers … You belong to the nation (qaum) of Khumaynī. You are the supporters of Khāminih’ī. You belong to the nation of Sayyid ‘Hasan Naṣr Allāh. You must not beg! This is debasement! Be proud that you belong to this nation… You do not belong to a debased nation … We are from among the most elevated and respected of nations. We consider it an honor to be imprisoned. We consider it abasement to solicit help and beg. Being shackled and incarcerated is a source of pride for us … We are the supporters of Khumaynī! We are the supporters of Khāminih’ī!

As the above quotation illuminates, Javād Naqvī condemns appealing to Pakistani state institutions for protection while simultaneously emphasizing the alignment of Pakistani Shī‘as with the global Shī‘a brotherhood. He speaks of Pakistani Shī‘as as members of the nation of ‘Hasan Naṣr Allāh, the Secretary-General of the Lebanese Shī‘a

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110 This subheading is inspired by James Scott’s book The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia.
political party Ḥizb Allāh. Similarly Naqvi emphasizes that Pakistani Shī‘as belong to the nation of the Supreme Leaders of Iran, Āyat Allāh Khumaynī (in office 1979-89) and his successor ‘Alī Khāminih‘ī (in office 1989-present).

Naqvi’s use of the word qaum (translated above as ‘nation’) is significant. Before the Iranian Revolution, Pakistani Shī‘as used to refer to their community as The Community of Ja‘far (Millat-i Ja‘fariyya). Ja‘far as-Ṣādiq (d. 765 AD) is the sixth Shī‘a religio-political successor of Muḥammad (imām). The prominent Shī‘a legal school, the Ja‘farī school, to which Pakistani Shī‘as adhere, is named after him. The term Millat-i Ja‘fariyya began to be displaced as Pakistani Shī‘a scholars, who had spent years or even decades in post revolutionary Iran, began returning to Pakistan in the 1980s and 1990s. These Shī‘a ‘ulamā’ returned with new modes of appraising and projecting Shī‘a identity. These ‘new Shī‘as’, as Mariam Abou-Zahab terms them, were politically active and they formulated their discourses with this activism in mind. These ‘ulamā’, when referring to Shī‘as, began using the term qaum. The Urdu word qaum means nation, or ethnic group or tribe. As Abou-Zahab notes, “this terminological preference implied that they [i.e. Pakistani Shī‘as] were first Shiites and that they identified with the Shiite community worldwide.”

I contend that Abou-Zahab’s comments regarding the specific meaning and implication of the word qaum are applicable to Javād Naqvi’s usage of the term. I assert

\[\text{\textsuperscript{114}}\text{Abou-Zahab, "The Politicization of the Shia Community," 111.}\]
\[\text{\textsuperscript{115}}\text{Abou-Zahab, "The Politicization of the Shia Community," 111.}\]
\[\text{\textsuperscript{116}}\text{Abou-Zahab, "The Politicization of the Shia Community," 111.}\]
that Naqvī deprivileges the Pakistani national identity and undermines Pakistani state institutions both through the specific terminology of ‘Shī‘a qaum’ (Shī‘a nation) as well as through the transnational linkages he mentions Pakistani Shī‘as having with Shī‘a leaders worldwide. Naqvī’s focus on the global Shī‘a nation subverts the significance of the Pakistani nation-state. The tension between a trans-national Shī‘a identity and a national Pakistani identity is not specific to Naqvī or Pakistani Shī‘as. The same tension characterizes the relationship between Pakistani Sunnis and the global Sunnī community. As Robert Rozehnal notes, “From the beginning there has always been an unresolved tension in the constructions of a Pakistani national identity, despite frequent appeals to a reified, universal Islam.”117 However, comments such as Naqvī’s can provide fodder to discourses that paint an image of Pakistani Shī‘as as only marginally loyal to their state. As mentioned, in the Pakistani context, Shī‘as already encounter such suspicion with regard to their loyalties to Pakistan.118

Javād Naqvī maintains his position of undermining the Pakistani state apparatus in his other discourses. Completely disregarding the state as an instrument of security, Javād Naqvī asserts in an English article on the Mashrab-i Nāb website:

> The only way for the salvation of Shia’s [sic] in Pakistan is regional resistance. We should leave this expectancy hope [sic] that someone will come to resolve all our issues overnight. We have passed twenty years in this hope but nothing happened and even if sit [sic] for twenty more years like this nothing will happen instead the only way of resolution is what these crusaders of Parachinar have taught us [i.e. that Shī‘as should

118 Hassan Abbas, “Pakistan,” 155.
practice self-defense, taking matters into their own hands, without appeals to the state.]^{119}

In contrast to the Shī‘a ‘ulamā’ mentioned earlier who produce state effect through appealing to the state for protection, I assert that Naqvi weakens state effect. He does so through pointedly refusing to appeal to the state for safety and advising that other Shī‘as follow suit. Naqvi, at least via his discourses, eschews and disregards the state apparatus and recommends that Shī‘as do not discipline their practices around this source of governance. Instead, as is apparent from Naqvi’s comments above, he advocates in favor of self-reliance and for personally taking on tasks, such as the protection of citizens, that are ordinarily the purview and responsibility of the state apparatus. In so doing, Javād Naqvi attempts to render the state unnecessary. As noted earlier, other discursive strategies employed by Naqvi that augment his delegitimization of the Pakistani state apparatus include his focus on a Shī‘a identity that transcends national borders. In the same vein, Naqvi emphasizes loyalty to religo-political authorities such as Āyat Allāh Khumaynī, Āyat Allāh ‘Alī Khāminih‘ī and Ḥasan Naṣr Allāh who are (or were in their lifetime) located outside of the geographical context of the Pakistani nation-state. Through these strategies Naqvi promotes the art of not being governed by the Pakistani state apparatus – an apparatus he holds responsible for numerous Shī‘a deaths.

The strategic actions that Naqvi is recommending are characterized as anarchist actions in Western political terminology. To be clear, I am not asserting that Naqvi is ideologically an anarchist. He is not. As will be detailed in the next chapter, Naqvi

^{119} Jawad Naqvi, “The Oppression of Shia’s.”
advocates the implementation of the political model of vilāyat-i faqīh in Pakistan. However, in the current Pakistani political climate, where state disregard for anti-Shī‘a violence appears to be the norm, Naqvi recommends actions that can be read as anarchist actions. Studies on anarchism reveal that attempts such as Naqvi’s to keep the state at bay, i.e. to create ‘non-state spaces’, are most effective in areas away from state centers. In the words of political scientist James Scott, “Nonstate space … points to locations where, owing largely to geographical obstacles, the state has particular difficulty in establishing and maintaining its authority.”\(^{120}\) In and around Pakistan such areas include the region along the Pak-Afghan border. This region has been described as “‘the least governed, most lawless,’ ‘most remote,’ ‘vast un-policed regions,’ in ‘very difficult terrain.’”\(^{121}\) Parachinar, the area that Javād Naqvi identifies in his quotation above as populated by Shī‘as distancing themselves from the state, is located in this region. The city of Parachinar is situated beside the towering Hindu Kush Mountains, along the Pak-Afghan border. It is the closest point in Pakistan to the Afghan capital of Kabul.

**SHĪ‘A OPPRESSION IN PARACHINAR**

As alluded to by Javād Naqvi, Parachinar has been under siege by Sunnī militants for a number of years. Since 2007 hundreds of Shī‘as have died in the region in acts of


\(^{121}\) Scott, *The Art of Not Being Governed*, 127.
sectarian violence. However, the Pakistani state is not as silent on the issue as Naqvi asserts. Government and intelligence officials recently informed lawmakers at the National Assembly that 1,100 lives have been lost and hundreds of houses torched in Parachinar since 2007. Challenging the Pakistani state’s figures, the state-run Iranian Press TV announced that “over 4,000” people had died in Parachinar. It termed Parachinar a “Second Gaza” and described the deplorable conditions of the “500,000 inhabitants under siege.” The Iranian media “implicated the Pakistani government in the violence, claiming officials have a policy of looking the other way and ignoring the plight of the Shias in Khurram Agency [the larger Parachinar area].” In 2007, Grand Ayat Allāh Šafī Gulpāyagānī, a prominent cleric based in the Iranian city of Qom, famously announced that in Parachinar they “cut heads and limbs off the Shia and no one utters a word.” Āyat Allāh Gulpāyagānī’s statements regarding the brutal massacre of Shi’as in Parachinar appear verifiable. Gruesome images of dismembered body parts and hacked off limbs adorn websites calling for the end of Shia persecution in Parachinar. As for Ayat Allāh Gulpāyagānī’s comments on the lack of official interest in Parachinar’s Shi’as’ plight, those statements appear at least partly exaggerated. As mentioned, government officials have informed the Pakistani National Assembly of the matter. However, no state action has been taken thus far. No wonder Shi’as in Parachinar –

least in Javād Naqvi’s appraisal – have eschewed the state as a source of protection and have personally taken on the task of protecting their community.

Importantly, these state-delegitimizing actions of the Shī‘as of mountainous Parachinar are part of a global trend. As James Scott notes, “virtually all hill societies exhibit a range of state-evading behavior.”

Figure 4: Parachinar. Map from The New York Times.

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127 Scott, The Art of Not Being Governed, 331.
Significantly, the Shī’as of Parachinar are not the only Shī’as in the region keeping the state at arm’s length. Precedent for such behavior exists in the region, particularly in Bamyan in Afghanistan, an area 300 kilometers from Parachinar. In an ethnographic study conducted in the late 1960s, Robert LeRoy Canfield traces an intricate pattern of religious dissent among Afghan Shī’as in the Bamyan region and surrounding areas.129 These Shī’a populations dwelling in the Hindu Kush Mountains dissented from the Afghan state that assumed a Sunnī identity and propagated Sunnī orthodoxy.130 In light of these local precedents in Bamyan and Parachinar, Javād Naqvī’s advocacy of state delegitimizing practices is well established among some Pakistani and Afghani Shī’as. However, Naqvī appears oblivious to the significance of location in practicing the art of not being governed. James Scott reminds us of the importance of the hills as a sanctuary from the state. The material life of the hills affords the ability to delegitimize the state and weaken the state apparatus through refusing to regulate one’s practices around this source of governance. However, such anarchist actions are harder to perform in urban state centers where the reach of the state is much more intrusive and individuals are easily indoctrinated through the state apparatus into their role as subjects reproducing state effect and state legitimacy.

CONCLUSION

As this chapter highlights, the specter of sectarian violence that haunts Pakistani Shīʿa ‘ulamā’ impacts their conceptualizations of the Pakistani state apparatus. These conceptualizations take two distinct forms: 1) Understanding the state as weak and/or disinterested in preserving Shīʿa lives. 2) Holding the state culpable for Shīʿa deaths, given its alignment with Sunnīsm, and at times, Sunnī militantism. However, even as the ‘ulamā’ maintain these views and question the legitimacy of particular state institutions, they often continue to harbor an idea of the state as a legitimate authority. Consequently, the same ‘ulamā’ who critique the state for its lack of interest in preserving Shīʿa lives and its complicity and culpability in Shīʿa deaths also appeal to the state for protection.

This chapter has argued that this paradox results from the disparities and contradictions between the ‘ulamā’s conceptualization of the state as: 1) a configuration of institutions, and 2) as an idea of legitimate authority. When viewing the state as a “configuration of organizations,”¹³¹ whose tangible effects they experience, the ‘ulamā’ deride the state apparatus and elected officials for their complicity and culpability in anti-Shīʿa violence. However, when viewing the state as an idea, the ‘ulamā’ understand it as a legitimate authoritative body that provides security. Consequently they appeal to it for protection and advise state action as the remedy for sectarian violence. As this chapter has argued, in appealing to the state for protection, the ‘ulamā’ reproduce state effect through discourse and bodily practices. They also perpetuate the idea of the state as a legitimate authority, despite evidence to the contrary. Thus, paradoxically, the same

‘ulamā’ who critique the state for its complicity and culpability in the Shī‘a massacre, form and perpetuate the state as effect. The only escape from this paradox is to refrain from disciplining one’s practices around this source of governance. As this chapter has detailed, we see glimmers of this approach in the strategies recommended by the scholar Javād Naqvī.

Finally, this chapter has repeatedly emphasized Shī‘a ‘ulamā’s dissatisfaction with the current workings of the Pakistani state. As noted earlier in this dissertation, Sunnī ‘ulamā’ share this larger dissatisfaction. In Chapter 2 we examined Sunnī ‘ulamā’s views on the country’s blasphemy laws and the state’s political theology. In the next chapter we turn to the political theologies of Shī‘a ‘ulamā’. As will soon be apparent, Shī‘a ‘ulamā’s political theologies differ markedly from their Sunnī counterparts. As the next chapter will argue, this difference is a result of the minority status of Shī‘a ‘ulamā’.
5. NOTES FROM THE MARGINS: SHĪʿA POLITICAL THEOLOGY IN CONTEMPORARY PAKISTAN

“The state can put us, some of us, in quite a state.”¹

“For a cause, however effective, becomes violent, in the precise sense of the word, only when it bears on moral issues.”²

It was May 2011 and despite the heat of the Lahore summer I was dressed in a long black cloak and matching headscarf. The modest dress was appropriate since I was spending the afternoon conversing with Qibla Ṣāhib,³ an esteemed scholar at one of the largest Shīʿa jāmiʿas in Lahore. As readers will recall, some of Qibla Ṣāhib’s comments featured in chapters 3 and 4. Describing the plight of the Pakistani Shīʿa community, Qibla Ṣāhib stated, “[Pakistani Shīʿas] can’t engage in their rituals (marāṣim), they can’t offer their religious rituals (ʿibādāt), they can’t identify themselves [as Shīʿa], they can’t walk around freely. [This is all due to] the tyranny (jabar) of the environment, of the majority.”⁴

³ A pseudonym used as per Qibla’s request.
⁴ Qibla Ṣāhib, interview, May 2011.
The anecdotal evidence provided by Qibla Šāhib is corroborated by systematic studies on the plight of Pakistani Shīʿas.\(^5\) While the Sunnī-Shīʿa split is longstanding as a global phenomenon,\(^6\) the sectarian conflict in Pakistan also has established roots in Sunnī-Shīʿa tensions in nineteenth- and early twentieth-century north India, as mentioned in the previous chapter. Significantly, this internecine sectarian conflict has been exacerbated, and accorded new significance by “a remarkable configuration of political, social-economic, and religious developments ... in contemporary Pakistan.”\(^7\) As Vali Nasr notes, since the Iranian Revolution in 1979, there has been “full fledged sectarian conflict” in Pakistan.\(^8\) This conflict is characterized by assassinations and bombing campaigns carried out by militant Sunnī and Shīʿa groups. As mentioned in the previous chapter, several factors have contributed to the animosity. Prime among them is the post-1979 rise in Saudi and Iranian influence in Pakistan. In fact, militant Sunnī and Shīʿa factions in the country are often understood as engaging in a Saudi vs. Iran proxy war.


\(^{6}\) A number of reasons lie at the heart of the Sunnī-Shīʿa conflict. One among them is Shīʿa opposition to some of the companions of the Prophet, in particular the first three caliphs.

\(^{7}\) Zaman, “Sectarianism in Pakistan,” 689.

\(^{8}\) Vali Nasr, “The Rise of Sunni Militancy in Pakistan,” 139.
The Islamization campaign of President Žiýâ’ al-Iḥāqqa (in power from 1978-88) also augmented the radicalization of sectarian identities. The Žiýâ’ regime patronized Sunnī ‘ulamā’ and madrasas, while implementing a predominantly Sunnī version of Islam at the state level. Some scholars argue the Žiýâ’ junta systematically aimed to, and successfully utilized, Sunnī madrasas as breeding-grounds for resistance to the rising Shī’as influence in Pakistan.9

However, even prior to Žiýâ’’s ascension to power, public debate on the correct interpretation and limits of Islam had pressured the government to officially define Islam in the national context. In 1974, the Bhutto government, succumbing to pressure from religious groups, declared members of the minority Aḥmadī sect as non-Muslims.10 The Aḥmadī decision sustained public discourse about sectarian divisions. It raised questions regarding Pakistani Shī’as’ right to self-identify as Muslim and the position of members of ‘heretical’ Muslim sects in the Islamic Republic of Pakistan.11

Inspired by the precedent of the Aḥmadī decision, the Sipāḥ-i Şahābah, a militant Sunnī organization formed in 1985, pressed the government to constitutionally define Islam to exclude Shī’as.12 Aiming to assault Shī’as at all levels, the Sipāḥ-i Şahābah

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9 Ian Talbot, “Historical Context for Conflict in Pakistan,” in Religion and Violence in South Asia: Theory and Practice eds. John R. Hinnells and Richard King (London: Routledge, 2007), 159. The rise of Shī’as religio-political organizations in Pakistan following the Iranian revolution was a cause of concern for many radical Sunnīs. They viewed the ascendancy of Shī’as influence as undermining Sunnīsm in Pakistan and countering the implementation of Sunnī Islam at a state level.

10 Details of this have featured in chapters 1 and 2.


12 The Sipāḥ-i Şahābah, an offshoot of a Deobandī political party, was initially called Anjuman-i Sipāḥ-i Şahābah. For more on the Sipāḥ-i Sahābah see Zaman, “Sectarianism in Pakistan.”
knocked on neighborhood doors, and pressured state functionaries. At the grassroots level, the organization exhorted Pakistanis to staunchly embrace the Sunnī ideology and action. Simultaneously, they urged the Sunnīization of the state, advocating for Sunnī celebrations\textsuperscript{13} to become official ceremony and for the Sunnī sect to be declared as state religion.\textsuperscript{14} As Zaman notes, “the inspiration for this sectarian vision of an ‘Islamic state’ seems, ironically, to be indebted above all to post-1979 Iran, where Shi‘i Islam enjoys a central position as the legitimating ideology and official religion of the state.”\textsuperscript{15} In addition to the Sipāh-i Ṣahābah, the Lashkar-i Jhangvī\textsuperscript{16} and the Ṭālibān are also militant Sunnī organizations targeting the country’s Shī‘as.

Summing up the issue of internecine Shī‘a-Sunnī conflict in Pakistan, Zaman notes, “Mosques, madrasas, the impact of print, and the emergence of sectarian organizations have all interacted in a milieu of considerable social and economic volatility to radicalize a long-standing but often dormant sectarian conflict.”\textsuperscript{17} While the reasons for sectarian violence are doubtlessly varied and contested, what is established is that the conflict shows no signs of abating.

The extent of Shī‘a persecution in contemporary Pakistan is such that some Shī‘as liken it to the most traumatic and theologically significant massacre in Shī‘a history – the

\textsuperscript{13} In particular, the Sipāh-i Ṣahābah urged the state to celebrate the lives of the Four Rightly Guided Caliphs – the first three of whom are individuals whom many Shī‘as view in a negative light.

\textsuperscript{14} Zaman, “Sectarianism in Pakistan,” 701-4.

\textsuperscript{15} Zaman, “Sectarianism in Pakistan,” 703-4.

\textsuperscript{16} Lashkar-i Jhangvī, formed in 1996, is considered a terrorist organization by the Pakistani government as well as the United States. It has claimed responsibility for a number of anti-Shī‘a attacks in recent years.

\textsuperscript{17} Zaman, “Sectarianism in Pakistan,” 690.
carnage at Karbala where members of the Prophet’s family were butchered. The unprecedented spiraling of Shi’a murders has spurred community organizers to take action worldwide. On December 7, 2012, New York joined the daily demonstrations in Pakistan to protest the murder of more than 10,000 Shi’as in Pakistan.

Bloodshed intensified as 2013 dawned. The scenes in January 2013 in Quetta in southwestern Pakistan were particularly horrific. Almost a hundred Shi’as were killed and scores injured in a twin bombing. Anguished relatives were vitriolic in their critique of state inefficiency and state disinterest in preserving Shi’a lives. Exhausted of pleading to the state for protection, they made a jarring non-verbal statement: they refused to bury their dead. Eschewing the Islamic prescription to bury the deceased by nightfall of the day of passing, they laid eighty-six shrouded mutilated corpses on the street, staging a

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18 Ḥākim Muḥammad Shujā’at ‘Alī Ṭipū, “Mawlānā Sayyid Zāwar Ḩusayn Shāh Shahīd,” Mahanāmah al-Muntaẓar (Dec. 1997): 25 and 38. Ṭipū writes that contemporary Pakistan resembles Karbala. Shi’as are killed everyday. The line of Shi’as that were killed in Karbala, that genealogy now extends to contemporary Pakistan.

19 This is not a new approach and the monthly journal al-Muntaẓar attests to many such efforts organized by Shi’as in Pakistan and the world over.

20 The statement on the 10,000 Souls March website reads: “Shia Muslims of North America and people of conscience condemn the increasing violence against Shia Muslims in Pakistan and the Government of Pakistan’s continued inaction. While many of these attacks have been carried out by extremist groups, law enforcement officials have turned a blind eye to such violence and these groups operate with widespread impunity across Pakistan. The government’s ongoing failure to apprehend attackers and prosecute the militant groups behind the attacks indicates its indifference to the thousands killed through the systematic targeting of Shia Muslims of all backgrounds.” [n.a.], “Shia Muslims: A Systematically Targeted Community in Pakistan,” 10,000 Souls March, accessed February 2, 2013, http://soulsmarch.wordpress.com/statement/.

multi-night sit-in in the biting winter cold. The relatives of the deceased and other Shī’ā community members in Quetta declared that they would stand vigil by the bodies until drastic security measures were taken by state authorities and government officials. Only then would the dead be laid to rest.

Figure 5: Shī’ā corpses line the street as the Quetta community protests against state ineptitude. January 2013.

PAKISTANI SHĪ‘A ‘ULAMĀ’ AND THE SPECTER OF VIOLENCE

The violence and victimization that characterizes the Pakistani Shī’ā experience is perhaps experienced most acutely by Shī’ā ‘ulamā’. Readily identifiable by their

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24 “Quetta’s Dead Remain Unburied,” Dawn.com. Photo by AFP.
distinctive clothing and their deep association, entanglement and dwelling in primarily Shīʿa spaces such as Shīʿa religious seminaries, Shīʿa congregation halls for religious commemoration ceremonies (imām bārgah) and mosques, the ‘ulamāʾ are easy targets. Qibla Ṣāhib explained that Shīʿa ‘ulamāʾ are perhaps even worse off than other members of the Shīʿa community. He commented:

As long as we are sitting here in the institute [at this jāmiʿa], we are free. As soon as we leave the jāmiʿa, we remove our special ‘ulamāʾ dress. Why? We hide lest someone recognize us in this dress. If we are wearing something identificatory on our hands [such as a ring] we take it off. And if we are at a bus stop, a train station or an airport at the time of prayer, then we think of alternative solutions since we cannot worship openly ... because not only do they injure us, they also murder us.25

As mentioned earlier in this chapter as well as in Chapter 4, Qibla’s comments are corroborated by studies on the plight of Pakistan’s Shīʿa community. It is not surprising then that my archival research and fieldwork among Pakistan’s Shīʿa ‘ulamāʾ reveals that they are haunted by the specter of sectarian violence. In this chapter, I will assert that that the specter of violence which haunts Shīʿa ‘ulamāʾ’s worldview engenders in them a heartfelt aspiration for a very different manifestation of the Pakistani state than the one they currently inhabit. Put differently, I will contend that the specter of violence drives these ‘ulamāʾ’s political theologies – either serving as the raison d’être for their theologies, or helping substantially to bolster and justify them. Additionally, I will argue that while the threat of violence is a driving force in the conceptualization of these distinct political theologies, narrative historiography is a vital ally. Although the fear of

25 Qibla Ṣāhib, interview, May 2011.
violence is constantly cited as justification for their political theologies, these Shī‘a ‘ulamā’ also narrativize Pakistani history in a manner that legitimizes and animates their particular theo-political projects.

Finally, I will highlight that my Shī‘a ‘ulamā’ interlocutors, in exhorting the actualization of an ideal Pakistani state, articulate three distinct theo-political projects. These are: (1) a secular state, (2) an Islamic state unaligned with any sect, and (3) a state in which the governance of the jurist (vilāyat-i faqīh) – the political model of the current Iranian state – is implemented. My focus on these three distinct projects will emphasize the diversity and vibrancy of Shī‘a ‘ulamā’s political thought in Pakistan. In so doing, it will provide a more nuanced representation of Pakistani Shī‘a ‘ulamā’ than is found in many contemporary works, particularly with respect to Pakistani Shī‘a ‘ulamā’s relationship with the Iranian political project.

In what follows, I focus on each of these three theo-political projects systematically. However, before delving into these projects, I will provide a brief historical overview of the evolution of Shī‘a political thought from the seventh century till the present.

**SHI‘A ULAMĀ’S THEOLOGICAL CONCEPTIONS OF STATE AND GOVERNANCE**

Unlike the Sunnīs, Shī‘as believe that Muḥammad’s lawful religio-political successor was his cousin and son-in-law ‘Alī. According to Shī‘a doctrine, the leadership of the Muslim community (imāmah) is passed down to select individuals (imāms) in Muḥammad’s bloodline. ‘Alī is the first of these imāms. According to the Shī‘as, the
imāms possess a divine light that endows them with secret knowledge (ḥikmat) and immunity from sin. For the Ithnā `Asharī or Twelver Shi`as, twelve imāms descended from Muḥammad. Muḥammad al-Mahdī, the twelfth imām, disappeared in 873 AD.26 The Twelver Shi`as believe that initially al-Mahdī used secret representatives to communicate with his followers; this was the era of the Lesser Occultation. The period of Greater Occultation began in 941 when al-Mahdī went into permanent hiding. The Twelvers believe that the twelfth imām, i.e. the Mahdī, the Imām of the Age (imām al-zamān), will return at the End of Time to establish justice. In the meantime, the twelfth imām remains in hiding and the era of Greater Occultation continues.27

Ann Lambton notes that, “The Shi`a held that all government in the absence of the imam was usurped.”28 However, particularly in the early centuries of the Great Occultation, Shi`a `ulamā` refrained from provoking rebellion. Instead, they advocated quietism as per the position of the Traditionalist (Akhbārī) school of Shi`a jurisprudence, which developed in the 9th century.29 During the Great Occultation, Shi`a `ulamā` became functional replacements for the Hidden Imām.30 They served as guardians of faith, and “as successors of the Twelfth Imam in managing the affairs of the community

27 Antony Black, The History of Islamic Political Thought: From the Prophet to the Present (Karachi, Pakistan: Oxford University Press, 2001), 40.
28 Lambton, State and Government in Medieval Islam, 243.
30 Black, The History of Islamic Political Thought, 42-43.
and expressing his will.”31 However, some of the activities carried out by the imām, such as leading congregational prayer and other communal activities, remained suspended for centuries.32 This state of affairs continued until the Principled (Uṣūliyah) school of law gained a following in the 15th century in Ṣafavid Persia. The Uṣūlis argued that well-qualified jurists (mujtahids) acted as deputies of the Hidden Imām, and in the absence of the imām the mujtahids could conduct his activities. The Uṣūlis also asserted that the masses were morally obligated to submit to the opinions of the mujtahids. Backed by the power of the Safavid regime, Uṣūlī views began to flourish.33 By the nineteenth century the Uṣūlis had vanquished the Akhbārīs.

Engaging with Uṣūlī ideas, in the late 1960s and early 1970s, Āyat Allāh Khumaynī, a leading mujtahid from Iran, announced a radical view. He and his supporters declared that “when government is in practice in the hands of usurpers and oppressors the Just Jurist and Mujtahid must, if possible, take over the reins of Islamic government and establish order and justice among Muslims.”34 Khumaynī went further to assert that the authority of the mujtahid was not simply religious but also political. This view was particularly novel since for centuries Shī’as had held that one should avoid politics given its ability to contaminate morals.35

Khumaynī explicated his views in his work, The Jurist’s Guardianship (Vilāyat-i

32 Black, The History of Islamic Political Thought, 228.
33 Black, The History of Islamic Political Thought, 230-1.
35 Black, The History of Islamic Political Thought, 333.
Faqīḥ). He argued that in the era of the Greater Occultation, the correct Islamic political model is that of the vilāyat-i faqīḥ — the political rulership of the Supreme Jurist. Khumaynī explained that the post of vilāyat-i faqīḥ must be the most powerful position in the government. The Supreme Jurist’s religio-political authority would stand in for that of the Hidden Imām until the end of the Occultation. Following the 1979 revolution in Iran, the political organization of the country was overhauled. The monarch was deposed, vilāyat-i faqīḥ was implemented and Khumaynī assumed the post of Supreme Jurist. Article 5 of the new Iranian constitution of 1979 stated, “During the Occultation of the [Hidden Imām], the Mandate (vilayat) and Leadership (imamat) of the Community devolve upon the just and pious Jurist (faqih).”

Not all Shīʿa ‘ulamā’ viewed Khumaynī’s political model as theologically sound. Even in Iran, Khumaynī encountered some opposition from Grand Āyat Allāh Ḥusaynī Rūhānī (1919-97) and Grand Āyat Allāh Sharīʿatmadārī (1905-1986). Today, outside of Iran, the most significant implicit opponent of Khumaynī’s doctrine is Grand Āyat Allāh ‘Alī al-Sīstānī (b. 1930). Sīstānī is arguably the most important religious authority (marja’) in Iraq. Unlike Khumaynī, Sīstānī does not believe that Shīʿa clerics should assume absolute control over the government. Sīstānī’s political opinions are examined in detail shortly. In particular, I highlight how Sīstānī’s political views allow the space

36 Article 5, 1979 Constitution of Iran, as quoted in Black, The History of Islamic Political Thought, 333.
37 Black, The History of Islamic Political Thought, 335.
for a Pakistani Shī‘a ‘ālim to recommend secularism in his national context. It is to this political theology of secularism that I now turn.

I: Security Through Secularism

The first articulation of Pakistani Shī‘a political theology I encountered during my fieldwork is Qibla Šāhib’s. Qibla’s comments were featured briefly in earlier chapters as well as at this chapter’s commencement. Despite a decade of advanced study in Iran at the seminaries of Mashhad and Qom, where many of his teachers stressed the religious obligation of establishing an Islamic state, Qibla advocates the implementation of secularism in Pakistan. In the following sections, I will contend that Qibla’s insistence on secularism is a consequence of the victimization he experiences living in, what he views as, a primarily Sunnī state. As noted in the previous chapter, a number of other Shī‘a ‘ulamā’ also share Qibla’s concerns about the Sunnī identity of the state.

I will argue that Qibla Šāhib’s emphasis on secularism alerts us to the manner in which a particular Shī‘a ‘ālim traverses the divide between idealism and pragmatism while enacting his life as a citizen directed and constrained by his state. Additionally, I will assert that Qibla Šāhib’s resort to the language of secularism, despite his occasional struggle with its meaning, is indicative of his deep desire to strategically employ this term in order to couch his demands in an established discourse that is often viewed as rational and logical.
Qibla Ṣāhib, a tall, swarthy man, usually dressed in a white shilwār kamīz while sporting a black turban and a fist-length beard is the most jovial ʿālim I have met. In his early fifties, with adult children, Qibla lives with his family on the expansive premises of the jāmiʿa at which he teaches. Additionally, on most days he delivers juridical pronouncements to lay Muslims seeking ethico-legal guidance (mustafiīs). These mustafiīs trickle in at all hours into Qibla’s spacious office where bookcases line the walls and chairs surround the large desk behind which he sits. Qibla also collects the statutory Shīʿa tax (khums) from those who visit his jāmiʿa to make their obligatory financial contribution. He also helps arrange marriages in the Shīʿa community. On a couple of occasions I observed him answer his phone and field requests to find potential spouses. In response, he made recommendations by referring to his worn-out notebook wherein he had penned the age, family background and qualifications of unmarried Shīʿas.

Qibla’s disarming personality immediately puts people at ease making him a favorite among mustafiīs, particularly women. As I sat in Qibla’s office one day in March 2012, I witnessed a mustafiī, a middle-aged gentleman, inform Qibla ten minutes into their conversation that Qibla’s lack of airs, and his turban-less head, made Qibla appear un-ʿālim-like. Then, gripped by a sense of contrition, the man immediately repented, apologizing for speaking with such a sense of familiarity and trivializing an esteemed ʿālim. Qibla, characteristically puffing on his cigarette, simply smiled and commented that it was too hot for a turban.
Qibla’s esteemed status took a lifetime of teaching and learning to cultivate. Born in 1962 in the city of Sargodha, Qibla did not begin his religious education until he was almost twenty years old. In 1979 he enrolled in Dār al-ʿUlūm al-Jaʿfariyya Karbala in Khushhab, a district in the province of Punjab. In addition to his religious education at Dār al-ʿUlūm al-Jaʿfariyya, Qibla studied for and passed his public school grade eleven and twelve exams as a private candidate. In 1982 he travelled to the city of Qom in Iran. In Qom he studied with Āyat Allāh Najafī Mar’ashī (d. 1990), Āyat Allāh Sayyid Muḥammad Shīrāzī (d. 2001), Āyat Allāh Fāzīl Lankarānī (d. 2007), Āyat Allāh Waḥīd al-Khurāsānī (b. 1921), Āyat Allāh Nāṣir Makārim Shīrāzī (b. 1924) and Āyat Allāh Mūsawī al-Ardabīlī (b. 1926). Many of these esteemed religious scholars were strong advocates of the theo-political model of vilāyat-i faqīh.

Returning to Pakistan in 1992, Qibla began serving as the principal of a jāmiʿa in Baltistan, in northern Pakistan. In 1996 Qibla began teaching at the jāmiʿa at which he is currently employed – the name of which has been withheld at Qibla’s request. Despite his training in Iranian seminaries, Qibla has chosen to follow the rulings of Iraqi Grand Āyat Allāh ‘Alī al-Sīstānī. Qibla’s choice of religious reference (marja’) is of great significance, as shall be detailed shortly.

My relationship with Qibla goes back to the summer of 2010, when I first began visiting his jāmiʿa to study its publications and understand the political theology of the scholars associated with the seminary. Qibla had seen me for some time since my daily

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39 Citation of source detailing Qibla’s biography withheld to preserve his anonymity.
visits to the jāmiʿa’s library required me to pass by his office. When I finally requested a meeting with him, he was happy to oblige. His generosity with his time, his absolute lack of pretension, his willingness to meet with me whenever I requested, and his sense of humor (many of his jokes revolved around my MacBook Pro) quickly made him my go-to Shīʿa ʿālim. During 2011 and 2012, when I was based in Pakistan, I met with Qibla multiple times – sometimes conducting semi-structured interviews with him, other times observing him as he interacted with mustafīṣī, and occasionally briefly trading pleasantries during chance encounters in the seminary’s hallways. Unfortunately, our last meeting in July 2012 was marked with sadness. Qibla had recently suffered a stroke. Although he was still able to converse, he was obviously very weak and his sharpness of intellect and ready wit had mellowed.40

Despite Qibla’s joie de vivre – which had radiated in all our interactions – Qibla consistently bemoaned the massacre of Shīʿas in Pakistan. In one of our meetings in May 2011, describing the plight of the Shīʿa minority, Qibla Ṣāhib stated, “The past sixty years evidence that the current level of Islamization of the country is enough. If this is transgressed, humanity will be destroyed.”41 Invariably he provided examples of the violence ravaging Shīʿas in Pakistan:

Karachi is blood-soaked; Punjab is entirely blood-soaked. Individuals who have attempted to Islamize the country have done nothing concrete that would please the populace … It is better if we retract the level of Islamization. The current level of Islamization in Pakistan is still better

40 Soon after I completed this chapter, Qibla passed away in early 2013.
41 Qibla Ṣāhib, interview, May 2011.
than a more Islamized Pakistan. We should not move forward [in Islamizing the country].

In advocating for secularism in Pakistan, Qibla Ṣāhib asserted:

It is better for us if there is secularism in Pakistan. There should be a secular system. It is very good [if it is implemented] in our country. We are from here, so we say that there should be secularism here ... It is only in secularism that humans are accorded the right to truly live. It is only in a secular system that people have economic rights, education and health benefits. And if we digress from this and go towards another direction ... whichever direction you turn to, there is poison ... there is lack of tolerance everywhere.

Qibla Ṣāhib’s advocacy of secular rule in Pakistan raises vital questions about how he conceptualizes Islam. Supporting the privatization of religion, Qibla comments:

On a personal level, Islam should govern all individuals’ lives. All acts should be Islamic. But when we think of life at the societal level, then how is the implementation of Islam possible in the public sphere [given the plethora of] ... different sects and sectarian affiliations? ... In the private sphere and in your personal life, you are free to practice religion however you wish. But in the public sphere and in your social life, you should do what is done in ordinary democracies the world over. For example, [do what is done in] American, British, European and other democracies the world over. Islam does not forbid this [i.e. embracing secular democracy] ... And since Islam does not forbid this, it is acceptable. That which Islam forbids is what we should refrain from.

Detailing religious prohibitions, Qibla Ṣāhib cites the proscription against the sale of alcohol and pork, commenting that neither is practiced in Pakistan. While eager to

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42 Qibla Ṣāhib, interview, May 2011.
43 This statement of belonging carries within it two assertions. Firstly, that as a citizen of Pakistan, Qibla – along with likeminded individuals – has the right to assert his views regarding the country’s ideal theo-political trajectory. Secondly, that Qibla and others, as Pakistani nationals, have experienced the trauma that characterizes Shi’a life in the country, and they speak as victims of that experience.
44 Qibla Ṣāhib, interview, May 2011.
45 Qibla Ṣāhib, interview by author, Lahore, Pakistan, March 2012.
46 Qibla Ṣāhib, interview, March 2012.
honor these proscriptions he opposes the incorporation of other explicitly Islamic influences and injunctions into the order, structure, and legislation of the secular state he advocates. He adds that the economic and social systems of this state will not be Islamic; even the *ḥudūd* laws will not be implemented. Thus, while most Sunnī and Shī‘a ‘ulamā’ emphasize the implementation of Islam in both the public and private spheres, Qibla advocates the restriction of religion to the private realm. For Qibla, this restriction, and the political model of secularism that he proposes, are religiously acceptable and correct. As he explains, “since Islam does not forbid this, it is acceptable.” Thus, for Qibla, the political model of secularism is the correct political theology for Pakistan.

**Religiously Justifying Secularism: Qibla Šāhib and Āyat Allāh ‘Alī al-Ṣīstānī**

Qibla’s statement that “since Islam does not forbid this [i.e. secularism], it is acceptable,” deserves investigation. Below I examine Qibla Šāhib’s assertion that he works from *within* the bounds of Islam to advocate secularism in Pakistan.

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47 Qibla Šāhib, interview by author, Lahore, Pakistan, July 2012.
48 Qibla Šāhib, interview, July 2012. As readers will recall, the *ḥudūd* laws were discussed extensively in Chapter 1.
49 For example, the Shī‘a scholar Ḥusayn Naqvī asserts, “Islam is a complete system of life; you can’t simply take the daily prayers and discard the rest of the religious obligations … Islam is the name of a complete system of life.” Ḥusayn Naqvī, interview by author, Lahore, Pakistan, May 2011.
50 Qibla Šāhib, interview, March 2012.
51 Qibla Šāhib, interview, March 2012.
Qibla Ṣāhib studied at the Iranian seminaries of Qom and Mashhad, where many of his teachers, whose names have been listed above, were advocates of the model of *vilāyat-i faqīh*. However, Qibla chose the Iraqi Grand Āyat Allāh ‘Alī al-Ṣīstānī as his religious reference, or source of imitation (*marja*”). Ithnā ‘Asharī Shī‘as believe in the absolute authority of religious experts who provide guidance to lay Muslims. Lay Ithnā ‘Asharī Shī‘as, and Shī‘a *‘ulamā‘* who lack advanced religious training, are required to choose and following a *marja*’.

As mentioned, Qibla Ṣāhib’s *marja*’ is Āyat Allāh Sīstānī. Sīstānī, born in 1930, is the highest-ranking Shī‘a scholar in Iraq. Sīstānī is often described as an “apolitical,” “quietist” cleric.52 Sīstānī has not advocated “a particular political message or ideology” as binding on all his followers.53 However, Sīstānī has been very outspoken about politics in Iraq. In 2003, Sīstānī demanded a general election in US occupied Iraq and urged all citizens to vote.54 Importantly, Sīstānī has pointedly refused the idea of Shī‘a clerics monitoring bills introduced in the Iraqi National Assembly “to ratify its Islamic merit.”55 Furthermore, Sīstānī advocates accommodating “Islamic law along with other legal norms of various social and political significances in daily life” in Iraq.56 Through the above-mentioned stances, as well as through his *fatwās* on the institution of *vilāyat-i faqīh*, Sīstānī asserts his political views. He makes clear that in his opinion, the task and

authority of the *marja’* is that of defending Islam and the Muslim community, and *not* of assuming absolute control over the government.\(^{57}\) Thus, Sīstānī is described as a significant “implicit” opponent of Khumaynī’s model of *vilāyat-i faqīh*.\(^{58}\)

While Sīstānī implicitly opposes the *vilāyat-i faqīh*, he has not suggested an alternative political model that is binding on all his followers. Sīstānī’s “conscious retreat from politics,”\(^{59}\) i.e. his deliberate decision not to advocate a binding political model or ideology, has led a number of significant Shi’ī political leaders to adopt Sīstānī as their *marja’* for practical reasons. For example, the head of the Shi’ī Islamic Reform Movement in Saudi Arabia, Ḥassan al-Ṣaffār, stated that he chose Sīstānī as his *marja’* because Sīstānī “never articulated a specific political doctrine he would wish to impose on his followers.”\(^{60}\) This accorded al-Ṣaffār independence in his political views and activities. Similarly, ‘Alī Salmān, the head of al-Wifāq, the largest political party in Bahrain, chose Sīstānī as his *marja’* since emulating Sīstānī allows Salmān independence to make his own political decisions.\(^{61}\)

Qibla passed away in early 2013, before I could ask him why he chose Sīstānī as his *marja’*. However, it is absolutely vital to note that Sīstānī’s silence on a religiously binding political model potentially allowed Qibla to advocate secularism, while still, in Qibla’s own opinion, remaining within the bounds of Islam. Since Qibla’s *marja’* had not


\(^{60}\) Louër, *Transnational Shia Politics*, 273.

\(^{61}\) Louër, *Transnational Shia Politics*, 274.
advocated a particular political model, Qibla seemed to hold the opinion that he was free to recommend any political model. Thus, Qibla could recommend secularism in Pakistan while still showing commitment to his marja’’s views, as is religiously obligatory on Shi’as. Consequently, with regard to secularism, Qibla was able to declare, “since Islam does not forbid this [i.e. secularism], it is acceptable.”  

Theorizing Secularism

In recommending secularism, Qibla advocates the restriction of Islam to the private realm. Qibla’s comments on the privatization of religion can be better understood when examined in conjunction with Talal Asad’s writings on secularism. Asad asserts that our ideas about the secular, and our understanding of the concept of religion, are deeply intertwined. The relationship between these two concepts is an ongoing one and in a dialectical mode. Consequently, secularism is best understood not as resulting from a moment of severance between religion and the state; but, as the constant managing of religious thought and practice by the state.  

“Thus the insistence on a sharp separation between the religious and the secular goes with the paradoxical claim that the latter continuously produces the former.” In regulating religion in the public sphere, the state forms the subjectivities of its citizen-subjects, impacting their conceptualization and practice of religion in the private sphere. In calling for secularism, it is this state

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62 Qibla Şahib, interview, March 2012.
63 Asad, Formations of the Secular, 193-200.
64 Asad, Formations of the Secular, 193.
management of religious thought that Qibla Şāhib is inadvertently advocating. Pursuing Qibla’s assertions through an Asadian framework, his advocacy of secularism asks the state to sculpt citizens’ – ‘ulamāʾs and others’ – subjectivities and attitudes towards religion in a manner that they deem it correct to limit religion’s sphere of influence to private matters. However, this relegation of Islam strictly to the private is unattainable in light of Asad’s insight regarding the ongoing dialectic relationship between the secular and the religious. Moreover, as Carl Schmitt asserts, a theo-political lexicon underpins our secular categories, rendering an escape from religion impossible on many levels.65 Thus Qibla’s project of the separation of the religious and the political is, in multiple ways, ultimately unrealizable.

**HISTORICIZING AND CONTEXTUALIZING THE ADVOCACY OF SECULARISM BY MUSLIMS**

Qibla is not a trailblazer among the Muslim community in advocating secularism; although his legitimization of this theo-political project is distinct. Despite the assumption of many studies that Islam is incompatible with secularism,66 there exist numerous self-avowed Muslim secularists. Many of these secularists work from within the Islamic tradition to justify their political stance. For example, Abdullahi an-Naʿīm, a law professor at Emory University, argues that he needs to live in a secular state to fully

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actualize his religious beliefs and practices as a Muslim. He asserts that the enforcement of Islam by a state annuls his right to voluntarily practice his religion. An-Na‘īm belongs to a significant group of ‘Muslim Secularists’. While the term ‘Muslim Secularists’ is often employed to lump together a diverse group of individuals, Reza Pankhurst uses the term quite specifically, to refer to those who believe that Islam does not expound clear political instructions. For Pankhurst’s ‘Muslim Secularists’, the Islamic state is a historical construct in which the ruler is akin to an autocrat.

Unlike Pankhurst’s ‘Muslim Secularists’, in an ideal world, Qibla considers it religiously obligatory to implement the model of the Muḥammadan state. However, Qibla views the contemporary world as incapable of emulating the conditions of the Prophet’s time. And in Pakistan specifically, in light of the tyranny of the Sunnī majority, Qibla declares secularism as the ideal political model for the state.

While Qibla differs from Pankhurst’s ‘Muslim Secularists’, his views resonate strongly with those of Mawlānā Ḥusayn Aḥmad Madānī (1879–1957), a leading Deobandī intellectual heavyweight the twentieth century. Writing in pre-partition India,

68 Reza Pankhurst, “Muslim Contestations Over Religion and the State in the Middle East,” *Political Theology* 11, no. 6 (2010): 831-832.
69 Qibla Ṣāhib harks back to the idea of the Prophetic state stating that that is the ideal Islamic state, wherein Islamic rules are implemented. He explains, “If these types of conditions can be provided again – where people have economic opportunities and the ability to prosper; where they are able to get their basic tasks and errands accomplished; where they are provided better education and health facilities; where the state furthers individuals’ prosperity; where there is no extremism, no sectarianism, no terrorism; where the state is governed by the system of an Islamic state – that will be a great state.”

At another instance, Qibla remarks, “the [correct] understanding of an Islamic state is the same one that the Prophet elaborated for us. This understanding of the ideal Islamic state is applicable eternally.”

Qibla Ṣāhib, interview, March 2012.
Madanī asserted that the context of India should impact one’s political strategy. Madanī advocated a united India stressing that Muslims could observe their faith as full citizens of an independent, religiously plural, secular India.\(^70\) Referencing his influential contemporary Mawlānā Abū’l A‘lā Mawdūḍī’s (d. 1979) project of an Islamic state, Madanī deemed it unrealistic, critiquing the idea for abstraction and inattention to history and contemporary realities and constraints. Madanī was presciently attuned to the imminent marginalization of minority sects in the preponderant conceptualization of an Islamic state at the time. He argued that the sectarian heterogeneity of Muslims invalidated Mawdūḍī’s Islamic state, potentially rendering it oppressive in its enforcement of Islamic conformity on a diverse Muslim population.\(^71\) He further asserted that it was not morally obligatory in India to implement Islamic criminal penalties.\(^72\)

The heterogeneity of India drove Madanī’s arguments against the implementation of Islamic criminal penalties. Madanī emphasized that no Islamic ‘law’ was applicable at all places and times. There were always exceptions to each rule. For example, even though the five daily prayers were obligatory, they were suspended in times of travel and sickness. The same, he argued, was true for criminal penalties. These rules, while based on sound theoretical grounds, were not morally obligatory in plural India.\(^73\)

Qibla Ṣāhib’s views closely map onto those of Madanī in their shared emphasis on 1) advocacy for a secular state in which Islamic criminal penalties (and in Qibla’s case


\(^{72}\) Metcalf, *Husain Ahmad Madani*, 137.

even *hudūd* penalties) need not be implemented; 2) how, given the multiplicity of Muslim sects, an Islamic state has the potential for being an oppressive apparatus/entity; and 3) maintaining political projects’ sensitivity to contexts. Of course, diverse realities form the context of Qibla’s and Madanī’s theo-political projects. Madanī’s context was characterized by Indian Muslims’ ties to their non-Muslim co-nationals and to the Indian territories. This context significantly impacted Madanī’s political project.

In his most influential work, *Composite Nationalism and Islam*, Madanī presented religious arguments in favor of secular government and a religiously diverse society. For Madanī, the territorial nation-state was the central institution of contemporary political life, and citizen-based civic and human rights defined contemporary political culture. In contrast to many other ‘ulamā’, Madanī believed that political community in Islam was legitimately based on territorial affiliation and not religion. Madanī argued, “Nowadays, nations (*qaumeen*) are based on territorial homelands (*autaan*, pl. of *watan*), not religion (*mazhab*).” Embarking on a linguistic analysis he asserted that the word *qaum* has been used throughout Islamic history, and in particular by the Prophet Muḥammad, to mean a group of believers and unbelievers who act together for a common purpose. Thus Madanī advocated for a united India populated by an Indian *qaum* composed of Muslims and non-Muslims alike. Madanī invoked the constitution of Medina under the Prophet (wherein Muslims collaborated with Jews) as a precedent justifying alliance with Hindus.

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74 Metcalf, *Husain Ahmad Madani*, 2.
75 Madanī as quoted in Metcalf, *Husain Ahmad Madani*, 112.
against the British. Thus, Madanī – from within the Islamic tradition – justified equal citizenship and participation in a state with non-Muslims.⁷⁶

In decrying India’s partition, Madanī asserted that Islam was for all humankind and even though everyone in united India might not accept Islam’s message it would be available to all. He added that colonial machinations were the cause of divisions of race (nasl) and homeland (waṭan).⁷⁷ Madanī opposed the idea of Pakistan arguing that it was impossible to extricate Muslims from the Indian landscape given their social and economic relations with the Hindus. Eschewing the historical pattern of de-territorial loyalties and instead using the framework of modern territorial nationalism he argued that Muslims were indigenous to India and national belonging rested on identifying with a homeland.⁷⁸ Madanī also believed that two countries, instead of one larger united country would increase the possibility of European intervention and meddling.

Obviously, the context in which Madanī lived, and which propelled his political project, differs starkly from Qibla Șahib’s. Qibla’s context, and consequently his political project, is primarily sculpted by the specter of violence against Pakistani Shi‘as.

**The Ideal State for Minorities**

While Qibla’s advocacy of secularism as the ideal political model for persecuted minorities has merit, some political theorists assert that “the very nature of liberal

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democracy makes [minority groups] … invisible, second-class citizens.” While Pakistan is often far from a liberal democracy, the comments below, which are not exclusive to liberal democracies, provide some insight into the problem of majoritarianism besetting Pakistani Shī’as. The post-colonial theorist Arjun Appadurai, who coined the phrase, ‘the fear of small numbers,’ asserts that “Liberal-democratic societies, as well as a variety of mixed state forms, are susceptible to capture by majoritarian forces and large-scale ethnocidal violence.” In the same vein, the political philosopher Charles Taylor posits that all liberal democracies de facto privilege certain ‘differences’ by law, either implicitly or explicitly. The solution, from Taylor’s perspective, is not to be found in Qibla’s demand for secularism, wherein differences are unacknowledged. Instead, applying Taylor’s recommendations, in light of the persecution of Shī’as and other minorities, Pakistan needs a politics of recognition of difference; not simply of equal recognition notwithstanding differences. 

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**WHY SECULARISM?**

Most Sunnī and Shī‘as ‘ulamā’, concurring with Talal Asad, would view “secularism as a mode of international hegemony.”\(^{82}\) Additionally, many ‘ulamā’ from both communities would assert that secularism is an unIslamic political model. In contrast to this dominant view, Qibla finds immense merit in the concept, lauding manifestations of secularism in both Western and non-Western contexts. I contend that Qibla’s resort to the term ‘secularism’ accords legibility, legitimacy and historical validity to his political project. By invoking secularism, he refers to a political model that has an established history and international repute. As detailed shortly, he frames his demand by referencing the implementation of secularism in India, the US and Europe, effusively praising the quality of life and the provision of justice in those nations.

Qibla’s desire for protection from tyrannical Sunnī majoritarianism drives his call for a secular Pakistan.\(^{83}\) While he praises the Iranian theo-political model of the \textit{vilāyat-i faqīh}, in Pakistan specifically, \textit{in light of the tyranny of the Sunnī majority}, Qibla declares secularism as the ideal political model for the state. He emphasizes that an Islamic state in Pakistan would mean Sunnī majoritarianism, which would bode terribly for Shī‘as. He declares:


\[^{83}\text{Qibla Şahib’s comments on the tyranny of the Sunnī majority, while backed by both anecdotal and statistical evidence, also find support in theorizations of community dynamics. These theorizations assert that distinctions between minority and majority communities sustain hegemonies of larger collectives. When such distinctions are rife, minorities are deemed as less-legitimate deviants, while the logic of the rule of the majority is invoked to legitimate majoritarian hegemony and naturalize the majority community’s access to the state apparatus. See, for example, Appadurai, Fear of Small Numbers.}\]
[Even] the rule of the Westerner is better than the lack of tolerance [of this inhuman Sunnī majority]; better than this is the Indian who tolerates Muslims, Hindus, and Christians in India. Better than this is Europe where all of us – Shī’as, Sunnīs, Muslims, non-Muslims, everyone is tolerated. There, individuals are engrossed in their work and don’t distress others. There is no extremism there. There is no extremism in America ... Power should remain with those who are secular.\textsuperscript{84}

At another point he says:

Maybe a good example of this [secularism] is India ... India has the largest democracy. It has provided for its citizenry and continues to do so. There, there is no discrimination on the basis of race and ethnicity; there is no discrimination on the basis of sectarian affiliation. Everyone there loves their country. They are on the path to progress. Whereas our system here in Pakistan is on a path to misery. Corruption, robbery, killing, murder – the system here is on a path to misery. And their system is on a hopeful path. That is what I meant [when I advocated secularism].\textsuperscript{85}

Qibla’s description of the plight of Pakistanis, particularly Pakistani Shī’as is not exaggerated. As noted at the start of this chapter and in the previous chapter, Pakistani Shī’as are currently subject to unprecedented levels of violence. In advocating secularism, Qibla asserts indigenous historical precedent for this political model:

Our Mughal rulers were personally religious. They prayed often but they did not enforce religion on the public. Their interaction with the public was in accordance with rules and good governance. Those [religion and governance] are separate matters. The rulers may be Shī’a or Sunnī, religiously practicing or not, regardless that is their personal matter. But governing the public is a different matter ... [This division between religion and governance is evident] in the US. The government rules over individuals belonging to all religions. Muslims are living there, as are Muslim sects; [the government] is not interfering ... [The rulers] might go to church, they may or may not worship; that is not important. But their laws are so equitable that they cause no citizen grief.\textsuperscript{86}

\textsuperscript{84} Qibla Šāhib, interview, May 2011.
\textsuperscript{85} Qibla Šāhib, interview, July 2012.
\textsuperscript{86} Qibla Šāhib, interview, July 2012.
In summary, Qibla cites the brutality of the Sunnī majority as propelling his desire for secularism. He also asserts indigenous historical precedent for secularism among South Asian Muslims. However, as explained below, there are additional reasons why a Shi‘a ‘ālim, trained extensively in the language and concepts of Islamic political theology employs the concept of secularism. As explained below, invoking the term secularism, and resorting to vocabularies of citizenship rights, reframes vital discussions in multiple ways.

**Additional Reasons for Invoking Secularism**

Resorting to the language of secularism allows Qibla to reframe the discussion of anti-Shi‘a violence from an issue sectarian violence to an issue of citizen-state relations. And advocating secularism allows Qibla to make a “claim to citizenship rights, in a context where these have been consistently denied even in their most basic forms.” For Qibla, the most important of these rights is that of protection from state and non-state violence. In demanding the basic citizenship right of protection, Qibla posits secularism as a remedy for sectarian violence and as a near-universally established and beneficial political model. Qibla blames the Pakistani state – which he argues furthers sectarian violence by privileging Sunnīsm – for deviating from the accepted model of secularism.

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89 As highlighted in this chapter, in light of Qibla’s ‘ālim status, his advocacy of secularism is novel. Not only do other Shi‘a ‘ulamā’ oppose his view, he would also find few supporters among the general Pakistani population. According to a recent Pew survey, 84% of the Pakistani population supports implementing Islamic law in the country. And, only 45% of the South Asian population prefers democracy.
A nationalist impulse also underpins Qibla’s demands: Secularism, he argues, is vital for restoring peace and stability to Pakistan and promoting Sunnī-Shī’ā unity.

Qibla’s call for secularism can also be read as a statement of resistance to Sunnīsm, and particularly to Sunnī ‘ulamā’, most of whom call for the implementation of an Islamic state in Pakistan. Qibla’s comments also provide a counter narrative to the hegemony of the Pakistani state. The state posits itself as an Islamic republic and asserts that its political model is representative of its citizens’ desires.

**Defining and Domesticating Secularism**

While recourse to the originally-Western category of secularism\(^{90}\) serves several functions for Qibla Ṣāhib, he actively domesticates the term. Qibla describes his ideal secular state as having blasphemy laws punishing transgressions against religious beliefs and icons, “whether they are Islamic, Hindu, Sikh or Christian.”\(^{91}\) Providing the specific example of Qur’ānic desecration, he states:

> Individuals should also have the right to the protection of [the sanctity of the] Qur’ān, as per their religious beliefs. Burning the Qur’ān should be a crime. If it is burnt, one should have recourse to the courts. [One should be able to stand before the courts and declare]: ‘I have not desecrated her religious icons. Why has she burnt my Qur’ān? Punish her!’… But I am opposed to unjust [blasphemy law] cases against non-Muslims.\(^{92}\)

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\(^{90}\) Asad, *Formations of the Secular*.

\(^{91}\) Qibla Ṣāhib, interview, May 2011.

\(^{92}\) Qibla Ṣāhib, interview, May 2011.
In addition to blasphemy laws, in his ideal secular state Qibla – as mentioned earlier in the chapter – favors proscribing the sale of pork and alcohol,\textsuperscript{93} while opposing the implementation of Islamic social and economic systems and the \textit{hudūd} laws.

When Qibla proposed blasphemy laws in his secular state, I queried him on what he meant by ‘secularism’. Qibla stumbled: “By secularism I mean… umm… Well, you are the one who knows English…If there is any other meaning to it, let me know … By secularism I mean …. umm … What does secularism mean? … Freedom of association … If there is a specific definition of secularism, I am not aware of it.” I clarified: “Secularism is usually taken to mean that religion is expunged from politics.” He responded, “Yes, that. That.”\textsuperscript{94}

Of course, Qibla’s struggle with the term ‘secularism’ can be attributed to his lack of formal training in secularism’s history and meanings, as well as his self-declared unfamiliarity with English. However, Qibla’s struggle also points to the complexity of the concept itself. Despite, or possibly because of, its wide currency, secularism remains elastic and its boundaries un-delineated. At its core lies the separation of religion and state. However “the forms that this separation may take in particular have seen huge variations, almost all involving a very active shaping of religion to fit the state’s view of

\begin{footnotes}
\item[93] Qibla Şāhib, interview, March 2012.
\item[94] Qibla Şāhib, interview, May 2011.
\end{footnotes}
Consequently, the term is capacious enough to accommodate Qibla’s secular state, with its blasphemy laws and restrictions against alcohol and pork.

**Qibla Ṣāhib’s Narration of Pakistani History**

Qibla’s invocation of anti-Shī‘a violence as his secular political project’s *raison d’être* is buttressed by his articulation of Pakistani history. I contend that historical narratives are integral to legitimizing and bolstering the theo-political projects of all Shī‘a ‘ulamā’ featured in this chapter. In fact, citing precedent as historical legitimation for their current theo-political projects was vital to the discourses of all the Shī‘a ‘ulamā’ with whom I engaged during my fieldwork – a number of whom are not examined in this chapter. The preponderance of this practice among my interlocutors may attest to a larger trend among Pakistani Shī‘a ‘ulamā’ of interweaving narrative historiography and political theology.

Hayden White, a renowned American historian and literary critic, expounding on the relationship between narrative construction and historical representation, writes, “Narrative is not merely a neutral discursive form … but rather entails ontological and epistemic choices with distinct ideological and even specifically political implications.”

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96 Hayden V. White, *The Content of the Form: Narrative Discourse and Historical Representation* (Baltimore: Johns Hopkins University Press, 1987), ix. White understands narrative historiography to be only one particular form of recounting history – other forms being annals, chronicles, etc. White informs us that although there have existed a variety of conceptions of presenting historical reality, in the modern era, the narrative form of historiography has taken precedence over all other forms. This preference for narrativity stems from the fact that “the modern scholar seeks fullness and continuity in
Consequently, White contends that not only is narrative historiography always subjective as a result of its self-conscious fashioning, this particular form of historical recounting also becomes a universal code that serves as a vehicle for transmitting “messages about the nature of a shared reality.”97 Given the contemporary Pakistani climate – which, as mentioned in the previous chapter, is rife with sectarian violence, due in large part to the Islamic Republic of Pakistan’s weakness, inefficiency, and/or complicity – the messages encoded in Shi‘a ‘ulamā‘s recounting of Pakistan’s history are about the correct place of Islam in the public sphere, i.e. about the ideal political model for the nation.

Drawing on his specific rendition of Pakistani history, Qibla Ṣāhib asserts that Muḥammad ʿAlī Jinnāḥ, the founder of the nation, the Great Leader (Qāʿid-i Ṭāzam), imagined the place of Islam in the public sphere as extremely limited in scope. Qibla Ṣāhib emphasizes that Jinnāḥ, a Western-educated lawyer, created a “Muslim state,” not an Islamic one.98 The distinction between the two, as Qibla Ṣāhib explains, is that a “Muslim state” is a state for Muslims. In a Muslim state, the political, legal, economic and social systems are not organized in an explicitly Islamic manner. On the other hand, in an Islamic state, the political, legal, economic and social realms all operate according

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97 White, *The Content of the Form*, 9. However, what gets strategically ignored is the understanding that the annalist, for example, has both fullness and continuity in the sequence of the years, and his could possibly be a more ‘realistic’ portrayal of history. White, *The Content of the Form*, 9.

98 In driving home this point, Qibla identifies post-1979 Iran as an Islamic state – as a state established to have a Qur’ānic governance (Qur’ān ʿulūmah) – and stresses that Iran’s ideological history is clearly distinct from that of Pakistan. Qibla Ṣāhib, interview, March 2012.
to Islamic tenants. However, as discussed earlier, Qibla finds political models other than an Islamic state religiously acceptable.

The view that Pakistan was created as a Muslim state, and not an Islamic one, is unusual among the Pakistani ‘ulamā’, most of whom, regardless of sectarian affiliations, paint Pakistan as founded solely to function as an Islamic state. Such a framing of history bolsters their arguments in favor of an Islamic state in contemporary Pakistan. In contrast to this hegemonic view, Qibla avers, “Qā’id-i ʿĀzam founded a Muslim state wherein … all Muslim sects could live in peace, according to their own principles. Qā’id-i ʿĀzam founded a Muslim state not an Islamic one … Even our qānūn99 [i.e. our Islamicised constitution] was formulated in 1973; it was not formulated in Jinnāh’s time.”100

In summary, Qibla justifies secularism through constant reference to the specter of violence. Simultaneously, narrative historiography and Qibla’s specific recounting of Pakistani history accord his project historical validity.

Qibla’s advocacy of secularism finds a degree of resonance among other Shi‘as. In her work on the Shi‘as of Gilgit in northern Pakistan, Nosheen Ali recounts a conversation with Shi‘a ‘ālim  Haider Shāh.  Haider Shāh, like Qibla, is of the view that the state is aligned with Sunnīsm, particularly in its promulgation of the Sunnī version of Islam in the public school system.101 Ali, engaging with Haider Shāh’s views, writes that

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99 By which he means ‘constitution’.
100 Qibla Ṣāhib, interview, March 2012.
101 This issue was also of importance to the Shi‘a ‘ālim  Ziyā ad-Dīn Rizvī, as discussed in Chapter 4. For more on this issue see, Georg Stöber, “Religious Identities Provoked: The Gilgit ‘Textbook Controversy’ and its Conflictual Context,” Internationale Schulbuchforschung 29 (2007): 389–411.
in Gilgit the “struggle about religious representation which was actively promoted by the [Shī’a] clergy” was not “devoid of secular ground[s] and legitimacy.”102 The desire for secularism is also evident among non-‘ulamā’ Shī’as in Pakistan. “Many urban middle class Shi’a profess to be ‘secular’, which is often interpreted as their response to the perception that Islamization in an overwhelmingly Sunni country must mean the privileging of Sunni institutions over the Shi‘i.”103

II. JĀMI‘A AHL AL-BAYT AND A SECTARIANLY-UNALIGNED ISLAMIC STATE

Below I examine the political theology advocated by some Shī’a ‘ulamā’ associated with Jāmi‘a Ahl al-Bayt.104 Jāmi‘a Ahl al-Bayt is located in an affluent neighborhood of Lahore. The expansive seminary space contains classrooms, student hostels, residence for the faculty and staff, a mosque, religious commemoration halls (imām bārgahs), an expansive library, a guesthouse, etc. Jāmi‘a Ahl al-Bayt has helped establish tens of other seminaries both locally and internationally. Given its prominence and outreach, Jāmi‘a Ahl al-Bayt serves as a vital center of Shī’a religious life and learning in the country.105

As the president of Jāmi‘a Ahl al-Bayt, Āyat Allāh Ja‘far – a pseudonym used as per IRB regulations – is among the most important Shī’a ‘ulamā’ in Pakistan. As readers will recall, some of his views featured in Chapter 3. Every time I have seen him, his tan,

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104 A pseudonym used to protect the seminary’s privacy.
105 As readers will recall, details of this seminary were featured in Chapter 3.
weathered face is adorned with a fist-length white beard while a large pair of reading glasses is perched on his nose. A black turban sits squarely on his head and despite his often-formal attire, his short stature renders him physically unimposing. Even though I had briefly encountered Āyat Allāh Ja‘fār multiple times given my numerous visits to Jāmi‘a Ahl al-Bayt, scheduling a meeting with him was daunting. I enlisted the help of the jāmi‘a receptionist – the man I met at 8 AM everyday as he made his daily phone call to solicit permission for me to use the library. On an early May morning in 2011, as I sat in the receptionist’s office, I told him that I was eager to meet Āyat Allāh Ja‘fār. Giving me the Āyat Allāh’s phone number, the receptionist urged me to schedule a meeting. After multiple phone conversations with Āyat Allāh Ja‘fār and his personal assistant, we finally settled on a date and time.

Walking down a long hall into a part of the seminary to which I did not ordinarily have access, on a late-May morning I entered Āyat Allāh Ja‘fār’s spacious office. I took a seat across from the Āyat Allāh at the large desk in the center of his office. A member of the seminary’s staff quickly brought over piping hot tea and a platter of local biscuits. Despite my experience interacting with esteemed Pakistani scholars, I soon realized that there were sensibilities and etiquettes to which I was still not attuned. Our conversation commenced with me thanking Āyat Allāh Ja‘fār for taking out the time to meet with me. I then summarized my research project for him and informed him that our conversation would be integral to my writings on Shī‘a ‘ulamā’. Following that, I respectfully attempted to inquire about his educational qualifications – an inquiry with which I usually started conversations with my ‘ulamā’ interlocutors. In this particular case I said
to Ṣayyid Mustafa Ṣaara that despite his incredible renown, I would still appreciate information about his educational background. Ṣayyid Mustafa Ṣaara’s response made apparent that he considered my question a mild affront: it was beneath him to provide his own introduction. Dismissively, Ṣayyid Mustafa Ṣaara replied, “You may look this up in books.” Ṣayyid Mustafa Ṣaara’s tea-bearing assistant, hovering in the corner, jumped in. For the next three minutes the assistant detailed the Ṣayyid Mustafa’s life history and qualifications. I nodded along respectfully, demurely interjecting Māshā’ Allāh (a common Arabic phrase used to express praise and joy; the phrase literally means ‘What God has willed’), at what I hoped were considered the right moments.

Ṣayyid Mustafa Ṣaara’s credentials are as follows: Born in the early 1940s in southern Punjab, he memorized the Qur’ān and commenced the study of principal Shī‘a texts before his tenth birthday. From 1957 till 1964 he was based at Jāmi‘a Ahl al-Bayt, after which he travelled for advanced study to one of the holiest Shī‘a destinations – the city of Najaf in Iraq. In 1964, the very year when Ṣayyid Mustafa Ṣaara arrived in Najaf, Ṣayyid Allāh Khumaynī, Iran’s foremost religo-political leader, also arrived in that very city. The young Ṣayyid Mustafa Ṣaara sought the honor of Khumaynī’s tutelage. In the years that followed Ṣayyid Mustafa Ṣaara mastered jurisprudence (fiqh) under the guidance of Ṣayyid Allāh Khumaynī (d. 1989) and Ṣayyid Mustafa Muḥsin al-Ḥakīm (d. 1970). Ṣayyid Allāh Ṣaara Ṣaara also studied the principles of jurisprudence (usūl al-dīn) with Ṣayyid Allāh Sayyid Abū al-Qāsim Khū’ī (d. 1992).

106 Ṣayyid Mustafa Ṣaara, interview, May 2011.
Upon returning from Iraq, Āyat Allāh Ja‘far commenced his role as a religious instructor of outstanding credentials in Lahore. In 1997 he began teaching at Jāmi‘a Ahl al-Bayt and delivering Friday sermons at the mosque within the seminary premises. Soon thereafter Āyat Allāh Ja‘far rose to the rank of seminary president – a post he currently occupies.

As Āyat Allāh Ja‘far and I continued our conversation on that day in May 2011, it became evident that Āyat Allāh Ja‘far shares Qibla Ṣāḥib’s concerns about Shi‘a persecution. However, Āyat Allāh Ja‘far and likeminded scholars have political aspirations that differ markedly from Qibla’s. Expressing shock and repulsion at the idea that some Pakistani Shi‘a ‘ulamā’ desire secularism, Āyat Allāh Ja‘far and others of the same intellectual bent, advocate the establishment of a non-sectarian Islamic state.

This political theology is succinctly stated by another of the Shi‘a ‘ulamā’ at Jāmi‘a Ahl al-Bayt, Sayyid Ḥusayn Naqvī.\(^{107}\) Ḥusayn Naqvī, a scholar in his early forties, spent over twenty years in Iran studying at the seminaries of Qom and Najaf. He returned to Pakistan in 2005 and now teaches at Jāmi‘a Ahl al-Bayt.\(^{108}\) Commenting on the ideal political theology for Pakistan, Ḥusayn Naqvī recommended a non-sectarian Islamic state. He illustrated this ideal state in the following words: “An Islamic state … should be founded on Islamic principles. Not Sunnī or Shi‘a principles, but on the basis of what is truly Islamic.”\(^{109}\) Proponents of this political theology – a theology that privileges an

\(^{107}\) A pseudonym.

\(^{108}\) Biographical details of Ḥusayn Naqvī were provided in Chapter 3.

\(^{109}\) Ḥusayn Naqvī, interview by author, Lahore, Pakistan, May 2011.
Islamic state with no sectarian affiliations—reference the state of the Prophet in Medina as the epitome of political models. Āyat Allāh Jaʿfar, a student of Khumaynī—the architect of the Islamic revolution in Iran and the force behind the political model of the vilāyat-i faqīh—comments, “The perfect model is the Prophet Muḥammad’s Medinan state … wherein the Qur’ān and the Prophet’s teachings are valued above all else.”\textsuperscript{110}

Despite his tutelage under Khumaynī, even in his extensive compilation of Friday sermons on Islamic politics, Āyat Allāh Jaʿfar never mentions the Shiʿa institution of vilāyat-i faqīh. Instead, Jaʿfar favors a sectarianly-unaligned Islamic state in Pakistan, declaring that Shīʿa-Sunnī unity and consensus is vital. Importantly, Āyat Allāh Jaʿfar revers the model of vilāyat-i faqīh and declares Iran as the only Islamic state in the world today. However, in the specific context of Pakistan, where Sunnīs are a majority, Āyat Allāh Jaʿfar emphasizes sectarian unity and consensus over explicitly Shīʿa political models. Significantly, Āyat Allāh Jaʿfar’s rhetoric of unity and unanimous consensus only translates into vague policy prescriptions. For example, Āyat Allāh Jaʿfar declares, “only those matters on which there is consensus among all sects will be implemented.”\textsuperscript{111}

However, one is left wondering how Āyat Allāh Jaʿfar thinks this is possible when he is an expert familiar with the difficulties of deriving legal norms.

Ḥusayn Naqvī makes similarly hazy statements that overlook the abovementioned difficulties. He asserts, “If Islamic laws are ever formulated by consensus, then Pakistan will be the best of places. To achieve that, representatives of various schools of thought

\textsuperscript{110} Āyat Allāh Jaʿfar, interview, May 2011.
\textsuperscript{111} Āyat Allāh Jaʿfar, interview, May 2011.
in this country should deliberate together. And, purely Islamic legislation should be formulated according to the advice and views of their scholars. There should be “a unanimous decision” on the laws by scholars of all sects.

Ḥusayn Naqvī dismisses Shī‘a-Sunnī differences. He shifts the frame of reference to a singular Islam, stating:

My view is not that a particular sect – Shī‘a or Hanafī [should be given preference in Pakistan] … The [sectarian] opinion of all the different sects in Pakistan is not what is desired. [What is desired is] the Islamically correct opinion … A strictly scholarly discussion should be held and laws should be formulated anew based on unanimous consensus. If the theological proof put forth by the Shī‘as is strong, that should be accepted. If the proof of the Wahhābīs is strong, that should be accepted … what we need is Islam’s perspective – not that of the Shī‘as, Sunnīs, Wahhābīs, Hanbalīs, or Shāfī‘īs.

I queried Ḥusayn Naqvī about issues on which differences of opinion are firmly established. He replied, “That is not the case. Such issues have not been discussed thoroughly. If an open-minded discussion occurs on these issues, there will be consensus.”

Ḥusayn Naqvī’s views are shared by Sayyid Zaidī Naqvī, a Shī‘a madrasa leader. My relationship with Zaidī Naqvī is long-standing. We first met in Lahore at Jāmi‘a Ahl al-Bayt in summer 2010; thereafter we corresponded multiple times over email as I helped him explore the possibility of enrolling in PhD programs in Islamic

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112 Ḥusayn Naqvī, interview by author, Lahore, Pakistan, May 2011.
113 Ḥusayn Naqvī, interview, May 2011.
114 Ḥusayn Naqvī, interview, May 2011.
115 Ḥusayn Naqvī, interview, May 2011.
116 A pseudonym.
117 As readers will recall, some of Zaidī Naqvī’s comments featured in Chapter 3.
Our biggest flaw or weakness … is that we are more Shi‘a, Sunnī, Barelvī, Deobandī, or Wahhābī, than we are Muslim. We need to become Muslim. In the ten-year rule of the Prophet [in Medina], people were simply Muslim. At the time of the Rightly Guided caliphs, everyone was [simply] Muslim.118 Divisions occurred between us when we adopted different affiliations; to elevate those affiliations we began delegitimizing and criticizing others. As a result, I became an infidel (kāfir) in their eyes and they became infidels (kāfirs) in mine … [And so the question arose] in Europe and outside of Islamdom: Which Islam will you implement? Brother, there is just one Islam … Which method (tarikaykār), normative outlook or path (maslak), ‘system’119 – which one of those will be implemented? Yes, on that there can be a discussion or a debate. But for us to say this is a different type of Muslim and that is a different type of Muslim, that is wrong … Our principles [are shared] … Muslims are one, the same. All the different sects here believe in God’s Oneness. No Muslim disagrees with this … In matters of doctrine (‘aqā‘id) there is not even a hair’s breadth of difference among us. There is no difference of opinion on God’s Oneness, nor on prophecy … maybe on some auxiliaries (tashrīḥāt) [of worship] there are differences of opinion. I might say that if you do this, you will be denying God’s oneness (committing shirk). You might say: No, that will not be shirk … [However], on the fundamentals of religion (usūl al-dīn) there is no difference of opinion. Coming now to the ancillaries of religion (furū‘ al-dīn): There is complete agreement on the categorization of these ancillaries of faith … If all is the same, then where is the difference? Why then am I Shi‘a? Why are you Sunnī? When Allah is the same, the Prophet is the same, the Book is the same, the testimony

118 Zaidī Naqvä’s use of the phrase ‘Rightly Guided’ caliphs is interesting, since Shi‘as contest the order of political succession following Muḥammad. Many hesitate to use the Sunnī term of reverence – ‘Rightly Guided’ – for the first three caliphs who succeeded Muḥammad.

119 He used the English word ‘system.’
of faith is the same, when everything is the same, then where is the difference?\textsuperscript{120}

Clearly, scholars desiring a sectarianly-unaligned Islamic state employ rhetoric deemphasizing difference. In that vein, Husayn Naqvī asserts that all Muslims share the same doctrines (‘aqā’id). Naqvī and likeminded scholars shirk off variations among sects – such as breaking the fast a few minutes later or earlier – as inconsequential divergences of practice, and minute differences of interpretation.\textsuperscript{121} Thus – to use a Freudian concept – the ‘narcissism of minor differences’ that Qibla Şâhib highlights is deemed insignificant by proponents of the sectarianly-unaligned Islamic state. The very issues that Qibla emphasizes, i.e. differences in dress and manners of worship, are the ones that Zaidī Naqvī downplays.

However, like Qibla Şâhib, these ‘ulamā’ also draw on a particular narrative of history to ground their political theology. Rejecting Qibla Şâhib’s account of a Muslim state, these ‘ulamā’ emphasize that Pakistan was created as an ideologically Islamic nation. For example, Husayn Naqvī asserts, unlike any other country in the world, Pakistan was created in the name of Islam “as an ideologically religious state and nation.”\textsuperscript{122} Zaidī Naqvī presents a similar rendition of Pakistani history which supports his theo-political project of an Islamic state. He remarks, “Pakistan was founded in the name of Islam. The implementation of Islam in Pakistan and its birth on the basis of the

\textsuperscript{120} Zaidī Naqvī, interview by author, Islamabad, Pakistan, May 2012.
\textsuperscript{121} Zaidī Naqvī, interview, May 2012.
\textsuperscript{122} Husayn Naqvī, interview, May 2011.
two-nation theory prove that Pakistan was conceptualized as an Islamic state.”\textsuperscript{123} Āyat Allāh Ja‘far also narrates Pakistani history in a manner that supports his political theology. He remarks, “There is no disputing the fact that Pakistan was created in the name of Islam, as an Islamic state.”\textsuperscript{124} Similarly, a February 2001 editorial in Jāmi‘a Ahl al-Bayt’s monthly journal asserts that the Islamic Republic of Pakistan is a unique country since it is the only state that was founded on the basis of Islam.\textsuperscript{125}

Finally, like Qibla, proponents of the sectarianly-unaligned Islamic state cite their desired political model as a remedy to anti-Shī‘a violence. During our conversations both Āyat Allāh Ja‘far and Ḥusayn Naqvī asserted that such a state, through its implementation of ‘true’ Islam, as opposed to interpretations of specific sects, will bridge sectarian divides and foster harmony among diverse Muslim groups.\textsuperscript{126} They further contend that a sectarianly-unaligned Islamic state will be the epitome of good governance. In the words of Āyat Allāh Ja‘far, “an Islamic state does not allow individuals to transgress the law. If someone murders my father, an Islamic state does not allow me to kidnap that person’s father.”\textsuperscript{127} Instead, such a state itself effectively prosecutes criminals, dispenses justice and ensures that terrorist acts, thuggery, and violence are curbed. Thus, the sectarianly-unaligned Islamic state is touted by its proponents as the solution to sectarian violence in the nation.

\textsuperscript{123} Zaidī Naqvī, interview, May 2012.
\textsuperscript{124} Āyat Allāh Ja‘far, interview, May 2011.
\textsuperscript{125} Citation withheld to preserve anonymity.
\textsuperscript{126} Ḥusayn Naqvī, interview, May 2011 and Āyat Allāh Ja‘far, interview, May 2011.
\textsuperscript{127} Āyat Allāh Ja‘far, interview, May 2011.
In summary, for these Shī‘a ‘ulamā’, the establishment of a sectarianly-unaligned Islamic state in Pakistan is not simply a religious requirement but also stems from the historical legacy of the nation. Importantly, this political model is also posited as the answer to anti-Shī‘a violence.

III: Vilāyat-i Faqīh

Like all the Shī‘a ‘ulamā’ mentioned above, Javād Naqvī – a scholar examined in detail below – is also incredibly troubled by the anti-Shī‘a violence dogging his community. As readers will recall, some of Javād Naqvī’s comments featured in the previous chapter. Javād Naqvī commenced his religious education at a Shī‘a seminary in the Pakistani capital Islamabad. Three months after the Iranian Islamic Revolution of 1979 Javād Naqvī travelled to the famed Iranian city of Qom. In Qom, he studied under Āyat Allāh Javādī Āmulī (b. 1933) and Āyat Allāh Ḥassan Zādah Āmulī (b. 1928), both of whom are staunchly committed to the model of vilāyat-i faqīh. Naqvī also studied with Āyat Allāh Javād Tabrīzī (d. 2006), a leading marja‘ in Qom, who is “known for his reluctance towards the doctrine of vilāyat-i faqīh and his quietist political stance.”

Despite studying with Tabrīzī, Naqvī is incredibly committed to the current Iranian theo-political model, and Naqvī accepts Āyat Allāh ‘Alī Khāminih’ī (b. 1939), the current Supreme Leader of Iran, as his marja‘.

129 Louër, Transnational Shia Politics, 257.
Soon after returning to Pakistan from Iran, Naqvī established himself as a formidable force among Pakistani Shi‘a ‘ulamā’ by founding al-‘Urwat al-Wuthqā, a state-of-the-art Shi‘a seminary in Lahore.¹³⁰ The seminary, which opened its gates to students in 2010, is closely linked with the journal Mashrab-i Nāb.¹³¹

Naqvī’s presence on the Internet, characterized by dozens of YouTube videos as well as the online publication of his journal Mashrab-i Nāb, is unparalleled among other Pakistani Shi‘a ‘ulamā’. Naqvī’s views on the ideal political theology for Pakistan and the crisis of sectarian violence targeting the Pakistani Shi‘a community are explicated in his videos and publications. Despite the ready availability of Naqvī’s opinions, I was still eager to meet him. I attempted numerous times to schedule a meeting with Javad Naqvī, but to no avail. However, although I did not personally converse with Javad Naqvī about anti-Shī‘a violence, his views on the topic are easily discernable from his writings and Internet presence.

A key element that distinguishes Naqvī from other Pakistani Shi‘a ‘ulamā’ is his vociferous endorsement of the current Iranian theo-political order of vilāyat-i faqīh. In this way Naqvī stands apart from the secularists and the proponents of the sectarianly-unaligned Islamic state who do not display an overt deference to present-day Iranian political theology.

¹³¹ Details of this journal were provided in Chapter 4.
Javād Naqvī’s devotion to the vilāyat-i faqīh is better understood by being attuned to recent Iranian political and foreign policy developments. Since Āyat Allāh Khāminih’ī assumed the post of Supreme Leader of Iran in 1989, Iran has focused on gathering support for the concept of vilāyat-i faqīh in Pakistan.132 Alex Vatanka identifies two reasons for targeting Pakistan. Following the end of the Iran-Iraq war in 1988, Iran had spare finances that it channeled towards propagating the vilāyat-i faqīh internationally. Secondly, since Khāminih’ī lacked a following before being selected as Supreme Leader, he looked to establish himself as a marja‘ beyond Iran’s borders. Given the large size of Pakistan’s Shi‘a population, “Khamenei decided that Pakistan was fertile ground for his religious outreach.”133 Obviously, Khāminih’ī has succeeded in gaining a loyal follower in Javād Naqvī. As mentioned, Naqvī vociferously advocates for the implementation of vilāyat-i faqīh in Pakistan and has chosen Khāminih’ī as his marja‘.

Naqvī’s captivation with Iran’s Supreme Jurist and the Iranian theo-political model has not been entirely well received by other Pakistani Shi‘a ‘ulamā’. While most of the Shi‘a ‘ulamā’ with whom I interacted spoke well of Naqvī and his seminary, one in particular was quite critical. Referring to the Iranian affiliation of Javād Naqvī and al-‘Urwat al-Wuthqāqī, an established Shi‘a traditional scholar in Lahore, who asked to remain anonymous, commented that the new religious seminary was not a “‘genuine’ madrasa.”134 Expressing his views on al-‘Urwat al-Wuthqāqī, he stated:

\[\text{\textsuperscript{132}} \text{Vatanka, “The Guardian of Pakistan’s Shia,” 10.}\]
\[\text{\textsuperscript{133}} \text{Vatanka, “The Guardian of Pakistan’s Shia,” 10.}\]
\[\text{\textsuperscript{134}} \text{He paired the English term ‘genuine’ with the Urdu word ‘madrasa’. Admittedly, this scholar’s opinions are novel. They raise questions about how, for this particular scholar, foreign financial support}\]
They have links with a particular country. Like I said earlier, scholars from Iran, from Qom, they are attached to that country. They have been sent from there by Iranian powers and they have come to Pakistan by Iran’s support. They [Iranian political authorities] have given them access to the Internet; constructed a website for them … And this [he names the jāmi‘a at which he teaches] is a very old madrasa. People donate to it – sometimes a little, sometimes a lot. This madrasa is ‘genuine’. Real. There is no impact of Iran on this madrasa, nor Lebanon, nor Iraq … and that [al-‘Urwat al-Wuthqā], because it is connected to Iran, and Iran is a country, and Iran is a rich country with oil reserves, so obviously it supports them financially a lot. Maybe the people at al-‘Urwat al-Wuthqā might not even know much about the use of the Internet, if we go into detail. Maybe they will know a little. But creating a website etc., that requires people, and people need to be paid. People do not make websites for free. Money needs to be collected and people need to be paid … people can be paid to write essays and put them online. Such people can be paid. Now you should understand the rest. At al-‘Urwat al-Wuthqā they have a link with Iran.135

Alex Vatanka echoes the larger sentiment expressed by the Shī‘a ʿālim quoted above. Vatanka, writing about al-‘Urwat al-Wuthqā, states, “[Javād] Naqvi’s seminary was reportedly established in part with financial support from the Iranian state.”136 However, Vatanka provides no citation for his assertion regarding Iranian financial support. Javād Naqvi, while acknowledging the preponderance of these views, dismisses them as false. In an address delivered at the second anniversary of the founding of al-‘Urwat al-Wuthqā, Naqvi declared that no financial assistance was received from Iran in

impacts the authenticity of a religious seminary. His views deserve further investigation. Regrettably this scholar passed away in early 2013 and I can no longer follow up with him.

135 Anonymous scholar, interview by author, Lahore, Pakistan, July 2012.
establishing the seminary. However, the ideological link between Iran and al-‘Urwat al-Wuthqā is manifest in multiple ways. Prime among them is the importance that the president of the institute, Javād Naqvī, accords to the political ideology of Āyat Allāh Khumaynī. For example, in one of his articles in the journal *Mashrab-i Nāb*, Javād Naqvī stresses the importance of a Khumaynī-inspired revolution in Pakistan. Naqvī declares that Pakistan’s salvation lies in the adoption of Khumaynī’s school of thought and both Shī’as and Sunnīs should learn Khumaynī’s religion (*dīn*).

Some of Javād Naqvī’s references to Khumaynī’s religion (*dīn*) or Khumaynī’s path (*rāsta*) can be interpreted very open-endedly. In the May-June 2010 issue of *Mashrab-i Nāb*, Naqvī writes that the residents of Gaza are following Khumaynī’s path. A study of the article reveals that Naqvī’s comment simply means that Gazans are staying committed to their religious beliefs: they are celebrating Islam despite living under siege with limited access to basic amenities. However, Naqvī’s open-ended interpretation of what it means to follow Khumaynī’s path is not the norm in his discourses. At many instances Naqvī explicitly emphasizes the importance of the theo-political model of *vilāyat-i faqīh*. This model was explained earlier in this chapter.

Javād Naqvī’s writings evidence his assertion that the theo-political model of *vilāyat-i faqīh* is based on, and subsumed within, the broader theological concept of

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religious authority (*vilāyat*). In connecting *vilāyat-i faqīh* to the concept of *vilāyat*, Naqvī follows in the footsteps of his teacher Āyat Allāh Javādī Amoli, who connected the concept of *vilāyat-i faqīh* “with theological and philosophical themes in order to make it a primary necessity of religion.”¹⁴⁰ Naqvī emphasizes the importance of *vilāyat* in the following words:

"Vilāyat is God’s system for the guidance of mankind. The perfect system given by God … *vilāyat* is the system for us for after the Prophet’s passing. *vilāyat* is the system established by God until the Day of Judgment … Before the Ghadir, [i.e. before the Prophet’s explicit declaration of *vilāyat*],¹⁴¹ this was the system. And, after the Ghadir, this is still supposed to be the system. The system of *vilāyat* is the system until the Day of Judgment … Even if an infallible *imām* goes into Occultation for a limited period, the system of *vilāyat* remains. And, even if an infallible *imām* goes into Occultation for an indefinite period, the system of *vilāyat* remains."¹⁴²

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In his English book, *The System of Wilayat*, Javād Naqvī states, “The system of Wilayat is there till the doomsday. It cannot be suspended with the demise of the Holy Prophet (s) nor can it be suspended with the occultation of an Infallible (a.t.f.s.). It was a divine decision that the Messenger (s) had to pass away, He had to go into a permanent occultation, but “Wilayat” was alive, present and the system was present among the Ummah. If an Infallible goes into a state of occultation for a particular period then also the system of Wilayat is present and even if the Infallible goes behind veils of occultation for an unlimited period then also the system of Wilayat is secure. It is not allowed to turn our face from “Wilayat” either due to demise of Prophet (s) nor due to occultation of Infallible.” All the typos are from the original. Naqvi, *The System of Wilayat*, 59-60.
Building on the idea that the system of vilāyat “can never be suspended in any era,” Naqvi describes Khumaynī as someone who “excavated the buried Wilayat, did research on Wilayat, informed people about it, started an uprising [and] mounted the flag of Wilayat.” Naqvi writes about Khumaynī’s success in establishing ‘Islamic Governance’ in Iran and implementing the vilāyat-i faqīh in the following words, “The greatest of all his achievements which delighted the soul of all the Prophets and Imams (a.s.) was the reversion of the System of Wilayat … He implemented this system for which Allah (s) had aroused Prophets and for which the Holy Imam’s (a.s.) suffered calamities.” Naqvi asserts that it is because of Khumaynī that the “System of Wilayat is implemented in the Islamic Republic.”

In addition to his general discourses on the vilāyat-i faqīh, Javād Naqvi also addresses the importance of implementing this political model in Pakistan. In answer to the two-part question, “Is Khāminih’ī only the leader of Iran and is vilāyat-i faqīh only for Iran? Or, does he have vilāyat over the whole earth? Please explain,” Naqvi responds by stating:

The Islamic Revolution was not an Iranian revolution; it was an Islamic revolution … Today, in the Hijāz, there is no one who supports vilāyat. But, in Pakistan there are those who are pro-vilāyat-i faqīh because vilāyat is a part of faith. Spiritual leadership is a part of faith. Spiritual leadership implies the spiritual leadership of the Islamic world – not the spiritual leadership of only Iran. This is an established matter … vilāyat-i faqīh is the Islamic system, just like imāmat is the Islamic system. The system

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143 Naqvi, The System of Wilayat, 105.
144 The awkward English phrasing of the original is reproduced here without amends. Naqvi, The System of Wilayat, 99.
145 Quoted in the original English. Naqvi, The System of Wilayat, 93-94.
146 Naqvi, The System of Wilayat, 96.
established by God, the Prophet and the Infallible Imāms for the time of the Major Occultation, is the system of vilāyat-i faqīh. And finally, the faqīh will have to be from somewhere – if not from Iran, then Iraq, if not from Iraq, then Lebanon, if not from Lebanon, then Pakistan. He will have to be from somewhere. [It would be the height of folly and misguidance] If those from other nations say: “Well he is not from our nation, so we will not follow him.” No! These are the lures and guiles of the devils!\footnote{Sayyid Javād Naqvī, “Sawālāt aap Kay, Jawābat Hamāray,” Mashrabe Naab (July 2012): 88.}

While Javād Naqvī advocates the system of vilāyat-i faqīh as binding from a theological perspective, he does not elaborate exactly how vilāyat-i faqīh will operate in Pakistan. As mentioned earlier in this chapter, Khumaynī asserted that the post of vilāyat-i faqīh must be the most powerful position in the government. This is currently the case in Iran. Significantly, only one person in the world can hold the post of vilāyat-i faqīh at any given moment. If Pakistan were to implement vilāyat-i faqīh as Javād Naqvī desires, it remains unclear how the political leadership of the country would operate if the same faqīh serves on the governments of both Iran and Pakistan. Javād Naqvī also fails to address the nature of the relationship between Pakistan’s Sunnīs and the Supreme Jurist, if vilāyat-i faqīh were to be implemented in the country. As noted earlier in this chapter, Sunnīs do not believe in the Twelve Imāms, let alone the vilāyat-i faqīh. In terms of rhetorical vagueness, Javād Naqvī’s discourses mirror those of Āyat Allāh Ja’far. This vagueness allows Naqvī to make lofty claims about the benefits of implementing vilāyat-i faqīh in Pakistan.

Javād Naqvī declares that Khumaynī’s theo-political model has tangible practical benefits. In particular, he touts it as the salvation and remedy to all of Pakistan’s ills. Naqvī writes in English, “Wilayat-e-Faqeeh … this is the secret which will give salvation
to Shias of Pakistan.” 148 At another point he adds, “The Imam’s [i.e. Khumaynī’s] ideas, which thirty years ago provided the solution to the Iranian nation’s problems, those same ideas are the solution to the problems of the Pakistani population.” 149 While Naqvī himself does not explicitly reference Khumaynī’s path as the remedy to sectarian violence, one can logically deduce that Naqvī believes this to be the case. Naqvī identifies sectarian violence as a major problem in Pakistan; he identifies Khumaynī’s path as the solution to Pakistan’s problems; ergo, Naqvī understands Khumaynī’s path as the remedy to sectarian violence. An unequivocal statement in this regard is penned in the journal Mashrab-i Nāb, of which Naqvī is the chief-editor. An unidentified Group of Political Analysts, commenting on the massacre of Pakistani Shi‘as, propose, “If we want to end the detrimental effects of this movement [of sectarian killings] in Pakistan, and save our religion, our community, and our country, then the only way to do so, is to adopt Khumaynī’s path.” 150

To sum up, according to Javād Naqvī, not only is the political theology of vilāyat-i faqīh: (1) religiously correct and binding; (2) it is also a salvation from the nation’s ills, and implicitly a vital remedy for the sectarian violence devastating the country. Additionally, as detailed below, the vilāyat-i faqīh is also, broadly stated, the political theology on the basis of which Pakistan was envisioned. Thus, as explained below,

149 Javād Naqvī, “Taḥajjur kī Muqaddas Da’il,” 87.
narrative historiography is indispensable for Javād Naqvī as he legitimizes his political project.

**JAVĀD NAQVĪ, MUHAMMAD IQBĀL AND PAKISTANI HISTORY**

In Naqvī’s articulation of Pakistani history, Muḥammad Iqbal (d. 1938) – the poet-philosopher credited with conceiving the idea of Pakistan and inspiring the movement for the country – had vocalized his vision that Pakistan be governed by a political model centered on vilāyat. Explaining Iqbal’s views on the matter, Naqvī, addressing a gathering in Iqbal’s birthplace, Sialkot announces:

Let me tell you about the views of someone who did not sport a beard – someone from your city: The person who conceptualized the idea of Pakistan, who provided us with the vision of Pakistan, who gave us the ‘idea’\(^{151}\) of the existence of this country. He was not so empty-minded that he simply said, ‘Make a country,’ and that too, an Islamic country, but was unable to state what sort of Islam was to be implemented. No. Not only did he present us with the idea of a country, he presented us with the idea of an Islamic country. And he also told us which Islam was to be implemented in the country. He did not say: Make this Islamic country and hand it over to those who deliberately misguide and falsify religion (the Sāmirī).\(^{152}\) He knew that the Sāmirīs would try to take it over. That they will bring a golden calf, announce that here is the golden calf: ‘Worship it!’ And everyone shall follow their commands … He [Iqbal] clearly stated that … if religion is to be implemented it will be *Dīn-i*  

\(^{151}\) He used the English word ‘idea’.  
\(^{152}\) In the Qur’ānic context, Sāmirī refers to the individual who misguided the ancient Israelites to worship a golden calf.
Shabbirī. Dīn-i Shabbirī [i.e. the religion of Imām Ḥusayn]\textsuperscript{153} is the system of vilāyat.\textsuperscript{154}

Echoing his statement about Pakistan being founded on the principle of vilāyat Naqvi asserts at another instance: “The foundations on which this country was created were correct and we need to return it to these foundational principles.”\textsuperscript{155}

\textbf{Javād Naqvi and Mythical Language}

While invoking a particular rendition of Pakistani history to legitimize implementing vilāyat-i faqīh in the country, Naqvi also takes recourse to mythical language to further his theo-political project. Naqvi – emphasizing the innate, timeless essence of the Pakistani land and the people – declares that both the land and the people of Pakistan are innately predisposed to vilāyat.

As Carl Schmitt asserts, in mythical language the earth contains within itself certain innate characteristics that she then also manifests upon herself, and sustains above herself.\textsuperscript{156} Resorting to what Schmitt would term ‘mythical language’ Naqvi emphasizes the Pakistani land’s innate proclivity to revolution and the implementation of the vilāyat-i

\begin{footnotesize}
\begin{enumerate}
\item Jawad Naqbi writes, “The religion of ‘Shabbir’ (Imam Hussain (a.s.) is the system of ‘Wilayat’.” Naqvi, \textit{The System of Wilayat}, 67.
\item “Agha Jawad Naqvi - Nizam e Wilayat Majlis 1 part 11,” Youtube, uploaded by Jawad Sirewal, Accessed February 1, 2013, http://www.youtube.com/watch?v=iSgDVSdYUs4. For more on Jawad Naqvi’s linking of Iqbāl and vilāyat see, Naqvi, \textit{The System of Wilayat}, 142-143.
\item Naqvi, \textit{The System of Wilayat}, 186.
\item For Schmitt, these innate characteristics are law. He writes, “The earth is bound to law in three ways. She contains law within herself, as a reward of labor; she manifests law upon herself, as fixed boundaries; and she sustains law above herself, as a public sign of order.” Carl Schmitt, \textit{Nomos of the Earth}, trans. G. L. Ulmen (New York: Telos Press, Ltd., 2003), 42.
\end{enumerate}
\end{footnotesize}
faqīh. Urging the Pakistani Shī‘a community to implement the system of vilāyat-i faqīh in Pakistan, he states:

From one perspective, it is not a source of pride for us, that we are celebrating the 33rd anniversary of the Revolution in Pakistan. To celebrate the anniversary, when we are a nation that is capable of the Revolution itself … The land that is most-ready for revolution is Pakistan. Even today, there is truth in this claim that the land that is most-ready for revolution is Pakistan … In Pakistan [unlike other nations] this passion [for revolution] is innate, and this passion is priceless … this passion, this exuberance … and it is this passion that will end in revolution.157

At multiple points during this address, Naqīī repeats the refrain, “Pakistan is the land that is most ready for revolution … the land that is most ready … Pakistan is the land that is most ready for revolution. This is the case today and this has been the case in the past.”158

Naqīī asserts this characteristic as innate in not just the land, but also those who occupy it. In his speech he blurs the boundaries between the two, speaking in one instance of the land’s proclivity, and in another breath of the propensity of the people. He says, “this passion [for the revolution] is innate in you Pakistanis … God has blessed Pakistanis with this gift, as a quality that is innate in them.”159

In declaring the innate readiness and predisposition of the land and the people of Pakistan towards the vilāyat-i faqīh, Naqīī explains that his comments are not specific to

157 “Inqilab e Islami,Itmaam e Hujjat e Ilahi (11th February 2012 - LAHORE) Ustad Agha Syed Jawad Naqvi,” Youtube, video uploaded by syedshahzad51214, accessed January 27, 2013, https://www.youtube.com/watch?v=Q3IXSM7eHsw. This speech was held at al-‘Urwat-ul-Wuthqā on the 33rd anniversary of the Islamic Revolution of Iran. The typo in the title of the video is from the original Youtube video title.
158 “Inqilab e Islami,Itmaam e Hujjat e Ilahi (11th February 2012 - LAHORE) Ustad Agha Syed Jawad Naqvi,” Youtube.
159 “Inqilab e Islami,Itmaam e Hujjat e Ilahi (11th February 2012 - LAHORE) Ustad Agha Syed Jawad Naqvi,” Youtube.
Pakistani Shī’as: “Pakistan is populated by supporters of the revolution. Sunnīs are supporters of the revolution and Shī’as are supporters of the revolution.” Thus, Naqvi’s views are completely contrary to Qibla Šāhib’s who asserts that the Sunnī political project is the implementation of a Sunnī state in which Shī’as face extreme marginalization, oppression and violence. In sharp contrast to Qibla Šāhib, Naqvi speaks of the camaraderie between Shī’as and Sunnīs in Pakistan, repeating that Sunnīs do not harbor any hatred for Shī’as. In fact, Javād Naqvi accuses Shī’as of driving a wedge between the two communities – not the other way around. As for those who commit acts of sectarian violence against Shī’as, Naqvi declares that they are not from among the Sunnīs. “In Pakistan the terrorists, the brutal killers, the beasts and barbaric [sic] is a group which is neither related to Shia nor to Sunni’s [sic].”

**JAVĀD NAQVI AND NATIONAL BORDERS**

While Javād Naqvi’s writings often center on Pakistan, his ideological affiliations are very strongly Khumaynīan and he constantly speaks in favor of the Iranian model of *vilāyat-i faqīh*. It is correct to say that in some ways, national boundaries appear to have little significance for Naqvi. However Naqvi is far from novel in embodying this

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160 “İnqilab e Islami,İtmaam e Hujjat e Ilahi (11th February 2012 - LAHORE) Ustad Agha Syed Jawad Naqvi,” *Youtube*.


162 “shia sunni unity by agha jawad naqvi sahib,” *Youtube*.

163 Quoted verbatim in the original English. Naqvi, “The Oppression of Shia’s in Pakistan.”

164 While Naqvī’s deference to Khumaynī and Khāminīhī is peppered throughout his works and speeches, it is particularly evident in sections of this filmed event: “İnqilab e Islami,İtmaam e Hujjat e Ilahi (11th February 2012 - LAHORE) Ustad Agha Syed Jawad Naqvi,” *Youtube*. 
approach to borders. As Carl Schmitt observed decades earlier, recent developments in technology have made many borders illusory.\textsuperscript{165} Moreover, as the example of Naqvi highlights, communities are becoming spatially discontinuous and less territorially delimited, leading to an increased incoherence in the idea of territorially defined democracy.\textsuperscript{166} From Naqvi we can gauge that the religious landscape of some Pakistani Shi’a \textit{‘ulamā’} is aligned in ways that do not conform to the order of the political map of today.\textsuperscript{167} Again, this is far from novel since transnational networks – particularly networks that connect to Iran – are the norm among Shi’a \textit{‘ulamā’} in contemporary Pakistan.

While ideologically aligned with the current Iranian political model of the \textit{vilāyat-i faqīh}, Naqvi constantly reminds his supporters that they must distinguish between Iran and the Revolution. Naqvi posits himself as an ardent supporter of the Revolution and the \textit{vilāyat-i faqīh}, yet declares some distance from Iran. He announces:

Iran is not ours, but the Revolution is ours. Iran belongs to the Iranians, but the Revolution is ours. Pakistan is ours. Our land is Pakistan, our nation is Pakistan. We have to strive to ensure Pakistan’s prosperity ... But the Revolution is not Iranians’. Just like Islam does not belong to those of the Arabian Peninsula, Islam is ours. Shi’ism does not belong to those of the Arabian Peninsula, Shi’ism is ours. In the same way, the Revolution is


\textsuperscript{167} The religious landscape evidences different boundaries, capitals and centers of influence.
Stating that abandoning the Revolution is akin to abandoning Islam, Naqvi declares: “Shi‘ism is the name of an ideology that emanates from Islam, and the Revolution is the practical manifestation of Shi‘ism. If you abandon the Revolution, you will have to abandon Shi‘ism, and if you abandon Shi‘ism you will have to abandon Islam.”

Naqvi reminds his supporters of their Pakistani identity. Delivering a speech to a large gathering he remarks:

We are Pakistani. Pakistan has a right over us. Iranians have to save Iran, the Lebanese have to save Lebanon, and the Pakistanis have to save Pakistan. Khumaynī has taught us loyalty. Khumaynī has taught us to be devoted to our nation. Khumaynī has taught us to love our community ... We have to free Pakistan from these lackeys ... you can do it ... And believe me, Khumaynī’s path is such that if people comprehend it, they would all become its supporters.


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by a political system based on *vilāyat.*

**Conclusion**

My examination of traditional Pakistani Shi‘a scholars highlights that three distinct theo-political projects characterize my Shi‘a ‘ulamā’ interlocutors’ discourses. These are: (1) a secular state, (2) a sectarianly-unaligned Islamic state, and 3) the implementation of the *vilāyat-i faqīh.* In showcasing this diversity of theo-political approaches, this chapter serves as a vital counter to the tendency to view Pakistan’s Shi‘a ‘ulamā’ solely in the light of Iran. Undoubtedly, this Iranian influence is clearly evidenced in the views of some Pakistani Shi‘a ‘ulamā’ such as Javād Naqī and those affiliated with the al-‘Urwat al-Wuthqā project. However, my examinations of Qibla Şāhib’s views and those of the scholars associated with Jāmi’a Ahl al-Bayt brings to light the vibrancy and diversity of Pakistani Shi‘a ‘ulamā’s discourses.

Despite their differences, I contend that all these theo-political projects are propelled by the same force – the specter of violence. This specter either serves as the *raison d’être* for a project, as in the case of Qibla Şāhib; or helps substantially to bolster and justify it, as in the case of Javād Naqī as well as the scholars of Jāmi’a Ahl al-Bayt. While the threat of violence drives these distinct political theologies, narrative historiography serves as an indispensable legitimizer. The ‘ulamā’ articulate Pakistani

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171 To reiterate, for Jawad Naqvī as well as the scholars of Jāmi’a Ahl al-Bayt, factors other than the specter of violence also contribute to the political theologies they recommend. However I argue that Qibla’s call for secularism emanates almost solely from his fear of sectarian persecution. My assertion is substantiated by Qibla’s own comments, which have been featured in this chapter.
history in a manner that justifies their specific theo-political projects. What matters is “not the authenticity of facts about the past but the power of the spiritual idea they [seek] to convey.”

As many historians have argued, the manner in which we construct any account (historical or otherwise) is more telling of our own predilections and agendas than of the event that we are attempting to represent. Drawing on the works of Hayden White, I have contended that the scholars’ narrative historiography is a result of self-conscious fashioning and serves as a vehicle for transmitting “messages about the nature of a shared reality.”

Given the contemporary Pakistani climate – which is rife with sectarian violence widely believed to be either disregarded, condoned or perpetrated by political authorities in an allegedly Islamic state – the messages encoded in Shī‘a ‘ulamā’s recounting of Pakistan’s history are about the place of Islam in the public sphere, i.e. the ideal political theology for the nation.

The above-mentioned theo-political projects are, of course, limited to my work with my Shī‘a ‘ulamā’ interlocutors. It is very possible that greater diversity on these issues exist among the larger Pakistani Shī‘a ‘ulamā’ community. Consequently, this chapter serves as a vital start to this much-needed discussion on contemporary Pakistani Shī‘a ‘ulamā’ and their appraisal of the ideal political theology for the nation.

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172 Talal Asad, Formations of the Secular, 45.
173 White, The Content of the Form, 1.
CONCLUSION

It was early November 2011, the day before the festival of ‘Īd al-Aḍḥā, and I was seated in the reception of Jāmiʿa Nizāmiyya,¹ one of the largest Barelvī seminaries in Lahore.² Across from me sat Rāshid Nizāmī,³ the president of the seminary. Nizāmī was born in 1971 into a family of religious scholars. After completing the eight-year course of dars-i nizāmī Nizāmī graduated with two Masters degrees from Punjab University, a leading public university in the country. One of Nizāmī’s Masters was in Economics, the other in Arabic and Islamic Studies. Following the sudden death of his father, the previous president of Jāmiʿa Nizāmiyya, Rāshid Nizāmī assumed the leadership of the seminary in 2009.

My relationship with Nizāmī goes back to the summer of 2010, when I first began visiting his jāmiʿa to examine their fatwā compilations, read their monthly journals and purchase their publications. Nizāmī granted me full access to the library and the Dār al-Iftā’. Over the years I spent several months in both rooms, sitting in a corner reading and observing at a respectful distance from the male seminary students and the mostly male mustafīūs. During the course of my fieldwork, I scheduled interviews with Nizāmī every

¹ A pseudonym as per IRB regulations.
² Given the rise in sectarian violence in the country, entering into the seminary had become a complicated procedure. During the duration of my fieldwork (2010-2012), the government had positioned a number of armed guards at the entrance of the jāmiʿa. These guards, who might still monitor the seminary entrance, toted large rifles aimed straight-ahead. Roadblocks lined the street that led up to the jāmiʿa and before entering the jāmiʿa one was required to explain the reason for entry and provide a copy of one’s national ID card. Bags were also searched at the entrance.
³ A pseudonym as per IRB regulations.
few months to supplement our chance informal encounters on the jāmiʿa premises. On the November day mentioned above, I was conducting one such interview.

Suddenly, we were rudely interrupted by a young male mustafī launching into a diatribe against the muftī of the jāmiʿa. The mustafī did not interject into our conversation, but complained vociferously to the receptionist, Fārūq Sāhib. His complaints were loud enough for us to hear. Finally Niẓāmī inquired about the problem. The mustafī explained that the muftī had rebuffed his request for a fatwā since the computer had been switched off for the day.

This oblique reference to the computer merits explanation. At Jāmiʿa Niẓāmiyya all fatwās delivered to mustafīs are typed on a computer, printed on a jāmiʿa letterhead, stamped with a jāmiʿa insignia and signed by the muftī. The muftī sits at the back of the Dār al-Iftāʾ. The typist – a middle-aged man proficient in computer usage and Urdu typing – sits behind a curtained enclosure, beside the muftī. When a mustafī poses a novel question, the typist furiously jots down the muftī’s reply. However, for many questions, particularly those pertaining to marriage and divorce, the muftī has already delivered numerous similar fatwās. When such questions are asked, the typist quickly pulls up a similar fatwā on that question, replaces select sections of the fatwā with the particular details of the new case, and saves himself from typing the whole fatwā anew. This computerization saves the muftī from having to hand-write each fatwā while enabling the jāmiʿa to keep a record of its juridical pronouncements.

Already aware of how fatwās were issued at Jāmiʿa Niẓāmiyya, I immediately inferred the meaning behind the muftī’s comment that the computer was turned off. The
typist had left for the day; consequently the Dār al-Iftā’ was no longer delivering fatwās.4 However, as the disgruntled mustafī explained, he had circumvented the problem by requesting a hand-written fatwā. In response, the muftī asked him to pen his question. Upon reading his question, the muftī replied, “I can’t write a fatwā in response.”

Rāshid Nizāmī interjected, “The fact of the matter is that the holidays have just started.”

The mustafī retorted, “Sir, the matter is not of the holidays starting.”

Nizāmī stated pedantically, “No, listen to me.”

The mustafī interjected, “Sir, when I approached him, he was sitting there and writing fatwās.”

Nizāmī attempted to placate him, “It is possible that there is a reason why he ceased writing.”

The mustafī remained agitated, saying:

Sir, that is not the case … This is Islam. This is not his ‘right’5 or mine. I don’t have the knowledge [that he does and he is obligated to share his knowledge with me via a fatwā]. Do you have any idea how many people are being adversely impacted by such small mistakes of ours? I have come from far away … Because of this one issue, there will be a dispute there.

4 As this example evidences, the fatwā-issuance process at Jāmi‘a Nizāmiyya is embroiled in modern technologies. It is no longer a task carried out solely by the muftī; the computer, electricity and the typist have become integral. This new manner of fatwā issuance is utilized not just because it aids the muftī in delivering a quicker fatwā, but also because a fatwā’s authority and authenticity are now evidenced through technological materialities including the jāmi‘a letterhead, the jāmi‘a stamp, the fatwā’s computer number and the digital presence of the fatwā in the jāmi‘a’s records. My description of how the authority and authenticity of Jāmi‘a Nizāmiyya’s fatwās are now evidenced through technological materialities differs starkly from Hussein Agrama’s description of fatwā issuance at the Egyptian Al-Azhar Fatwā Council (a body under the state). Agrama notes that at the Fatwā Council, muftīs are reluctant to write down their fatwās and to use the Council letterhead. See Agrama, Questioning Secularism, 88-89. It would be interesting to investigate the reasons behind these differences.

5 He used the English word ‘right’.
Do you think that this is a good thing? Some land has been forcefully occupied. The people who have occupied the land are saying that they want to build a mosque on the land. I am telling them that such a mosque is not religiously acceptable. And if a mosque is built there, it won’t be acceptable Islamically. They say: show us this in writing.

Nizāmī remained firm. “Yes, but there must be some reason that he [the muftī] has refused to write for you.”

The young man stormed out. Nizāmī turned to me commenting, “Have you seen their ‘attitude’? They are so ‘aggressive’. If someone isn’t working, they invoke Islam to heighten people’s emotions. This is a disease of our society.” Nizāmī’s friend – a rotund middle-aged researcher who had walked into the reception during this exchange – jumped into the conversation. “Fundamentally, what would be correct is if the person who owned the land had come requesting the fatwā.”

Nizāmī agreed:

Yes … There is a dispute among two groups and one man is coming to get himself ‘legalized’. If it is a dispute over land, he should go to the police. What is the use of a fatwā here? A fatwā is not an institutional (intizāmī) ‘authority’. It is not part of the ‘administration’ that it will end the dispute.

Nizāmī’s remarks on the role, impact and authority of juridical pronouncements are a poignant reminder of the historical backdrop informing this dissertation, i.e. the displacement of contemporary ‘ulamā’ from their pre-modern positions. As noted in the Introduction and Chapter 1, the ‘ulamā’s juridical pronouncements are no longer

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6 He used the English words ‘aggressive’ and ‘attitude’.
7 He used the English word ‘legalize’.
8 He used the English word ‘authority’.
9 He used the English word ‘administration’.
10 Rāshid Nizāmī, interview by author, Lahore, Pakistan, November 2011.
implemented by state power, as was often the case during the pre-modern era. Nižāmī’s comments evidence this shift as he notes, “The *fatwā* isn’t an institutional authority.” Nižāmī’s comments highlight that the *fatwā* lacks access to brute force that would ensure its implementation. As a result, for Nižāmī, the ability of the *fatwā* to end potentially violent disputes is circumscribed, while that of state institutions is less so. Consequently Nižāmī deems the *fatwā* to be of little use in situations such as the one described by the mustaftī, contending that the police should be approached instead.

While, *in some ways*, the Pakistani ‘ulamā’ have been replaced by their nation-state, the ‘ulamā’s judgments remain paramount for many Pakistanis. As chapter 1 emphasized, the ‘ulamā’s discourses carry great weight in the Pakistani public sphere where religious authority and religious reasoning are at times central to public deliberation. The ‘ulamā’s clout was also highlighted in chapters 2 and 3 where Sunnī ‘ulamā’s critique of their state’s political theology and their ability to potentially delegitimize the state was underscored. Of course, the situation is different for Shī‘a ‘ulamā’. As mentioned in chapters 4 and 5, Shī‘a ‘ulamā’, like lay members of their minority community, experience marginalization and lack the clout of the Sunnī majority. However, as chapter 4 emphasized, even Shī‘a ‘ulamā’ play a vital part in cultivating an ‘idea’ of the state and perpetuating state effect. Some Shī‘a ‘ulamā’ assert the state’s lack of legitimacy and urge practices that can be read as anarchist.

Unlike Nižāmī, the mustaftī appeared more attuned to how, in the eyes of the citizenry, the ‘ulamā’, particularly Sunnī ‘ulamā’, could overshadow and outshine the state. The mustaftī held the *sharī‘a*, as articulated by the ‘ulamā’, in esteem.
Consequently, he asserted that a *fatwā* as a source of ethico-legal guidance was enough to end the dispute. The *mustaffī’s* comments can be read as implying that state authority and sovereignty potentially accounted for little in the eyes of the disputing parties for whom he sought the *fatwā*.

As the Nizāmī-*mustaffī* encounter highlights, the issues central to this dissertation – contestations over authority, sovereignty and tradition between the Pakistani *‘ulamā’* and their state – are not simply limited to discussions and debates between the state and these traditional scholars. These issues are ones in which many Pakistanis are often embroiled. In fact, even when *‘ulamā’* such as Nizāmī attempt to carve out separate domains for the state and the *‘ulamā’*, the populace is not always amenable to it. For some Pakistani citizens, such as the above *mustaffī*, the authority and sovereignty of the *sharī‘a*, as articulated by the *‘ulamā’*, at times eclipse state authority and sovereignty. This state of affairs is unavoidable as long as the *‘ulamā’* continue to perform their central function of serving as religio-legal experts, offering an alternative religio-legal system than the one imposed by their Islamic Republic.

While the above mentioned exchange between Nizāmī and the *mustaffī* highlights the relevance and significance of the questions that lie at the heart of this dissertation, the preceding chapters have provided some inroads into an answer. This dissertation has asserted that the Pakistani *‘ulamā’s* engagements with their state are best understood as a dexterous navigation between critiquing, concurring, contesting and cultivating. In making this assertion, my work has made a vital contribution to the scholarly discourse on the state-‘*ulamā’* relationship in Pakistan. Previous works on the subject were limited
to using the terms “ambiguity” and “ambivalence” to describe the Pakistani ‘ulamā’ s views on, and engagement with, their state.\footnote{Zaman, \textit{The Ulama in Contemporary Islam}, 87-110.} While acknowledging the significance of these insights as a vital conversation starter, my work provides greater clarity on the issue, by examining it in detail and moving the scholarly conversation beyond “ambiguity and “ambivalence.”

While making this overarching contribution, each specific chapter also provides us fresh insight into Pakistani ‘ulamā’. The first chapter presents the first study in recent decades of the Pakistani ‘ulamā’s relationship with the Council of Islamic Ideology. Chapter 2 inaugurates the sustained scholarly examination of the view of the Pakistani ‘ulamā’ on their country’s blasphemy laws. Chapter 3 presents, for the first time in Western scholarship, an examination of the Pakistani ‘ulamā’s anthropomorphization of their state and its links with state legitimacy. The fourth and fifth chapters inaugurate the study of Pakistani Shī‘a ‘ulamā’s ability to form the state as effect and the impact of violence on their political theologies.

While emphasizing the impact of the Pakistani ‘ulamā’ on their state, this dissertation has also drawn attention to the manners in which the state impacts the ‘ulamā’. I have highlighted how the ‘ulamā’s subjectivities are constituted through a multiplicity of apparatuses and discourses. In theorizing the subject formation of the ‘ulamā’, I have asserted the importance of understanding the ‘ulamā’ as formed not just by the ethico-legal tradition in which they are trained but also by the state apparatus. Despite being grounded in the established terms and categories of Islamic law and
Islamic political theology, the ‘ulamā’ s physical habitations are characterized by an experience of the modern state and its interpellative qualities and discourses. The inescapability from the modern nation-state’s invasiveness is apparent in the fact that the ‘ulamā’, despite their embedding in Islamic political theology, traverse multiple canons. Even as they attempt to speak from within the tradition, Western state categories and frameworks color their discourses. As highlighted throughout this dissertation, the ‘ulamā’ wed established Islamic legal and political concepts with modern, originally-Western political discourse. This modern discourse is, of course, embedded in the lexicon and categorizations of the nation-state such as secularism, constitution, resolution, etc.12

In asserting the intellectual hybridity of the ‘ulamā’ my work poses a vital counter to comments on these traditional scholars which view the ‘ulamā’ as unable to conceptualize their political realities and their Islamic state in a manner other than that dictated by the religious tradition in which they have been schooled. Moreover, in highlighting how ‘ulamā’ s conceptualizations of the state at times resonate deeply with Western and post-colonial theorizations of the state, I have asserted the theoretical dexterity of the ‘ulamā’. In so doing, I have challenged discourses that argue that these

12 In fact, on occasion the ‘ulamā’ even use modern nation-state concepts and categories – such as ‘democracy’, ‘dictatorship’ and ‘parliamentary system’ – to make meaning of Islamic political theology. For example, Sami’ al-Haqq, one of the most prominent Deobandi ‘ulamā’ in Pakistan, writes that Islam is a ‘dictatorship’ when it comes to the shari‘a, i.e. one has to accept God’s commandments. He explains that Islam is only a ‘democracy’ in that it accords all citizens the right to critique any action opposed to the Qur‘ān and sunnah. Sami’ al-Haqq, Islām aur ‘Aṣr-i Ḥāzir (Peshawar: Mu‘tamar Al-Musannafīn, 1970), 435. Similarly, the famous Barelvi ‘alim, Tāhir ul-Qadri, recently commented that the rule of the righteously guided caliphs was a ‘parliamentary system’. For Tāhir ul-Qadri’s views on the caliphate, see “Concept of Khilafat (The Islamic State) Fully Explained by Dr. Tahir ul Qadri ½,” Youtube, video uploaded by ServingIslam on April 13, 2010, accessed October 30, 2013, http://www.youtube.com/watch?v=NzkqKbXyIsI.
Another vital contribution of my dissertation is that it adds to ethnographic studies of Muslims in South Asia. It provides a ‘thick-description’, and more holistic account, of the life-worlds of the Pakistani ‘ulamā’ – a group of scholars who have hitherto primarily been appraised and studied through an examination of their writings. Moreover, in contrast to most works on the Pakistani ‘ulamā’, which focus only on one sectarian persuasion, the Deobandīs, my dissertation focuses on Deobandī, Barelī and Ithnā ‘Aṣhārī Shī‘a ‘ulamā’. Through presenting a close reading of the views of a few important ‘ulamā’, I offer a nuanced appraisal of the life-worlds and discourses of these traditional scholars. A number of opinions that the ‘ulamā’ shared during our conversations were ones that they refrained from articulating in their written works. Consequently, the ethnographic focus of my work allows for a more complex understanding of the ‘ulamā’ than was previously accessible through works on Pakistan’s traditional scholars. These other works focus primarily on the ‘ulamā’s published discourses. In adding an ethnographic dimension to the scholarly discourse on the Pakistani ‘ulamā’, my dissertation makes a vital contribution to furthering and nuancing our understanding of these traditional scholars.

The ‘ulamā’ featured in my dissertation have outstanding intellectual credentials and are often very prominent in their communities, even though most have not been

\[^{13}\text{For example Belkeziz in the epilogue to his tome titled The State in Contemporary Islamic Thought writes that “[modern] Islamic thought failed to produce a theory of state.” Belkeziz, The State in Contemporary Islamic Thought, 285-6.}\]
studied in Western works on the Pakistani ‘ulamā’. This dissertation has inaugurated their study.

Importantly, the issues propelling this dissertation are prevalent in a number of countries across the Muslim world. Egypt, Tunisia, the Maldives, Qatar, Somalia, Yemen and Malaysia are just a handful among a number of states that declare Islam as their state religion. The state and the ‘ulamā’ in these countries are embroiled in somewhat similar struggles to the ones described in the Pakistani context. However, my dissertation has highlighted how the concrete social and political realities of Pakistan impact the ‘ulamā’s engagements with their state. The particularities of the Pakistani context range from the region’s geo-political history, the percentage of Shī’as in the country, the specifics of constitutional declarations and articles in the penal code to the Pakistani state’s alleged sectarian leanings and the make-up of its institutions that officially comment on and define Islam in the national context.

Needless to say, these particularities vary from one country to another. Thus, in contributing to broader discussions on religion and politics and the larger question of the state-‘ulamā’ relationship in the modern period, this dissertation has emphasized the significance of context. This point is vital to consider in contemporary times when the entire Muslim world is often painted with the same brush.
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