

# Lawyers' struggle: another view

By Kaiser Bengali

*Law & Justice*

THE successful movement for the reinstatement of Iftikhar Chaudhry is being billed as a historic watershed event that has redefined the politics of the country and, in particular, the relationship between citizen and state.

Whether this conclusion turns out to be an illusion or reality will be tested in due course of time. In the meantime, however, an examination of the composition of the movement raises some disturbing questions.

The movement was started in March 2007 by the lawyers' community and emerged as a rallying point for democratic forces opposed to Gen Musharraf's military-backed regime. In the process, it attracted support from a broad spectrum of society — political parties of all shades, civil society and even retired military and intelligence officers. The latter formally organised themselves under the banner of the Pakistan Ex-Servicemen Society.

Following last year's national polls and Gen Musharraf's subsequent departure, a section of this coalition lost its enthusiasm for Iftikhar Chaudhry's reinstatement. The vast majority of dismissed judges also agreed to be reinstated after taking a fresh oath of office under the constitution. However, a core — largely centred in Punjab — remained committed to the original objectives of the movement and continued the campaign. By early 2009, PML-N — the majority party in Punjab — took control of the movement and led it to a successful conclusion.

The movement's advocates saw themselves on a pedestal as 'crusaders' for justice and rule of law and couched their rhetoric in highly moralistic terms. Undoubtedly, the movement comprised eminent individuals of impeccable integrity, who have devoted their careers uncompromisingly to the cause of rule of law and democracy. Due credit in this respect has to be accorded ungrudgingly.

However, a perusal of the roster of the 'crusaders' does not inspire unqualified confidence, as many have their past to answer for. There are questions with respect to their commitment to democracy, constitutionalism and rule of law — and their political orientation; with implications for the direction of politics in the country.

It cannot be comforting to note

rights and democratic causes.

The PML-N has struggled against the Musharraf dictatorship; as such, its leadership's collaboration with Ziaul Haq's military dictatorship can perhaps be condoned and their credentials as champions of democracy and constitutionalism accepted. However, they cannot escape responsibility for the terrible mess the country is in today in terms of institutional breakdown and internal terrorism. Notably, their then comrades-in-arms included many military and intelligence officers, some of whom are now their comrades-in-arms in the current movement.

The ex-servicemen are mostly those who served in the armed forces and its intelligence wings during the Zia dictatorship. One of them is a 1977 coup leader, another an intelligence officer who publicly claimed the right to destabilise democratic governments in the name of protecting 'national interests', and yet another an intelligence officer who publicly confessed to using state funds to 'manufacture' a political party that included the present PML-N leadership.

Some of the officers were integrally involved in the so-called Afghan jihad and in creating the jihadi infrastructure in Pakistan. Allegedly, the core of this jihadi network is located in Punjab, to the extent that the then ruling Taliban cadres in Afghanistan in the late 1990s referred to many of their commanders generically as 'Punjabis'. Even recently, many of the terrorist perpetrators in the country have been traced to Punjab towns like Toba Tek Singh, Jhang, Rahim Yar Khan and Faridkot. The southern Punjab-centricity of all the above 'crusaders' is striking.

The questions that arise are: can the emergence of the above coalition be a mere coincidence? Or has the cover of the issue of Chaudhry Iftikhar's reinstatement been used to attempt to band together Ziaist rightwing elements, denominated by the military's national security agenda, religious parties' theocratic agenda and the business community's neo-liberal economic agenda? And what does this development portend for the con-

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lict vis-à-vis democracy and federalism in the country and reli-

that some of the advocates of the movement were active members, collaborators or supporters of military regimes. Among leaders of the lawyers' movement, one was a provincial minister under Gen Musharraf's military regime and another a prosecutor for Gen Musharraf's National Accountability Bureau. They also included many in the legal fraternity, political parties, civil society and media who were ardent supporters of Gen Musharraf when he subverted the constitution and turned into his bitter critics when he dismissed Iftikhar Chaudhry.

Some of them tried to make their contribution through print and electronic media and others through marching on the streets. That the subversion of the constitution did not stir the conscience of *all* of the above, but the cause of a PCO judge did is a sad commentary on their credentials with respect to their principled commitment to the rule of law and democracy.

The record of political parties in this coalition also merits close scrutiny. In this respect, the role of Jamaat-i-Islami is particularly murky. It collaborated with the Yahya Khan regime in the massacre in erstwhile East Pakistan, served as the B-team to the violently repressive Ziaul Haq regime, and supported the Musharraf regime in imposing the 17th Amendment — which it now opposes! Under the circumstances, it appears to be a strange voice for judicial, civil

eranism in the country and religious extremism in the region?

After all, there is a history of an integral nexus between PML-N leaders, now retired military and intelligence officers and Jamaat-i-Islami under the Ziaul Haq dictatorship. Of course, PML-N has attempted to cast itself in a liberal mould, but two facts militate against an unqualified acceptance of their liberal credentials. One is the fact that many of the important PML-N leaders have a background of association with religious parties, particularly Jamaat-i-Islami. And the other is the fact that it made an abortive attempt in 1998 to introduce the Sharia through the 15th Amendment to the constitution. At the least, these factors raise likely suspicions about its lack of committed opposition to a theocratic agenda.

It appears that ideological battle lines are being drawn. One side appears to coalesce with the largely Punjab-based, PML-N-led rightwing neo-conservative remnants of the Ziaist establishment, committed to a centralised state with a quasi-theocratic national security agenda. The other side appears to comprise nationally based forces, disparately comprising the PPP, ANP, MQM and Baloch parties, seeking a society *sans* religious bigotry and a polity that is federal and pluralistic. The choices for the people are stark and clear. ■

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