**Power Demands Compliance**

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[Farah Adeed](https://www.nation.com.pk/blogger/farah-adeed)

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Why would the military establishment want a new amendment when it can already defy court rulings with impunity? And what leads it to take the extreme step of coercing lawmakers to vote for it, potentially risking the system’s legitimacy? The answer lies in a fundamental transformation of power dynamics in Pakistan—a shift from seeking legitimacy to demanding pure compliance. This transformation represents more than just another chapter in Pakistan’s complex constitutional history. It marks a sophisticated evolution in our power structure, where democratic procedures are now weaponised not only to achieve authoritarian ends but also to demonstrate what constitutes acceptable behaviour in the public sphere. The weaponisation of these procedures has taken increasingly brazen forms—from manipulating parliamentary schedules to orchestrating vote counts, from intimidating opposition members to engineering party defections.

Before details, let’s look at what proponents of the amendment have to say. They advance two primary narratives, both deeply flawed. First, they claim the 26th Amendment upholds parliamentary supremacy. This argument collapses on two grounds: first, when we consider that the current parliament emerged from a compromised election, and the amendment itself passed through coercion and force, with some apparent complicity from certain judicial quarters. The very process of its passage undermines any claims to democratic legitimacy. We also must understand the historical context of judicial overreach in Pakistan. The courts’ activist phase didn’t occur in a vacuum—it was largely backed and encouraged by the military establishment. Pundits analysing judicial activism often overlook this crucial detail, pretending courts acted independently when they were largely pursuing an agenda aligned with military interests. It’s only when some judges recently began defying this arrangement that we witnessed this swift, severe response. This historical perspective reveals the selective nature of concerns about judicial overreach—it becomes problematic only when it challenges established power structures.

Second, they argue that individuals don’t matter—only institutions do. This is a bizarre oversimplification. Individuals matter profoundly because they either build or break institutions. Our current Interior Minister exemplifies how entire systems can be reshaped to accommodate a single individual. Similarly, sidelining capable judges like Justice Mansoor Ali Shah and Justice Munib Akhtar reveals how institutions are deliberately weakened to facilitate certain individuals while excluding others. The systematic exclusion of independent-minded judges demonstrates how individual careers are sacrificed to maintain institutional subservience. So, individuals do matter!

The rest of the piece now addresses the main puzzle.

In a controversial ruling on 13 January, Chief Justice Faez Isa stripped the Pakistan Tehreek-e-Insaf (PTI) of its electoral symbol mere days before the elections. Journalists close to the military establishment revealed that elections could only proceed if PTI was effectively eliminated from the electoral process - hence the move to deny them their electoral symbol, which would prevent them from mounting an organised challenge to the ruling parties. However, Pakistani voters delivered an unexpected rebuke to both the judiciary and the military establishment. As Adeel Malik and Maya Tudor explain in their incisive analysis of post-election Pakistan: “In 2024, Pakistani voters made it known that the military’s political engineering was itself the problem. There has been a normative shift in public perceptions. An increasing number of Pakistani citizens are rejecting the idea that the military can effectively govern. It is no longer possible for the military to use politicians as scapegoats; everyone knows who is in charge.” The depth of the institutional crisis became even more apparent when, in the post-election period, six judges of the Islamabad High Court took the unprecedented step of writing to the Supreme Judicial Council, seeking guidance on how to handle interference and pressure from security agencies.

The electoral outcome and the judges’ subsequent defiance stripped the military establishment of any remaining pretence of legitimacy. This watershed moment made one thing crystal clear: the focus had shifted away from maintaining legitimacy toward ensuring absolute compliance. The timing and manner of the amendment’s passage starkly exposed this new reality. Through late-night parliamentary sessions, the mysterious disappearance and reappearance of lawmakers, and documented instances of coercion, the establishment demonstrated how parliamentary procedures could be cynically manipulated to legitimise decisions made in the shadows. The message to judges, parliamentarians, and the public was unmistakable: true power in Pakistan resides beyond democratic institutions.

What has emerged is a system predicated purely on compliance, where those wielding power have abandoned even the pretence of seeking legitimacy or popular support. In a stark Machiavellian turn, the establishment has chosen to be feared rather than loved. Their message reverberates with chilling clarity: compliance is non-negotiable, dissent will not be tolerated, and any disruption to this new order will be swiftly crushed. This transformation represents a sophisticated evolution in Pakistan’s power dynamics.

As for the amendment, its consequences will be far-reaching. Politicians currently aligned with the establishment should remember that alliances shift, and a weakened judiciary won’t be able to protect them when they fall out of favour. The law and judicial independence were meant to safeguard or at least pretend to do so against such arbitrary exercise of power. Those dismantling these protections today may need them tomorrow. Civil society will be another casualty. Without independent judges, who will hear cases about missing persons? Who will protect officers pressured to deliver favourable decisions? Who will stand up for fundamental rights when they conflict with powerful interests? The system will become more brutal and hopeless as the last vestiges of legal protection disappear. The erosion of judicial independence particularly threatens vulnerable groups and minorities, who rely on courts as their final recourse against discrimination and persecution. The culture of compliance will now become a norm.

Clearly, unless this amendment is struck down, its implications will reshape Pakistan’s political landscape for generations. The message is clear: power no longer seeks the legitimacy of law—it demands only compliance. In this new reality, the façade of democratic institutions remains, but their substance has been hollowed out, leaving behind a shell that serves only to legitimise authoritarian control.

This transformation signifies not just a constitutional crisis but a fundamental shift in how power operates in Pakistan. The question now isn’t whether our institutions will protect us—it’s whether anything remains to protect at all.

**Farah Adeed**
The writer is a Teaching Fellow at Boston University, USA. He can be reached at fadeed@bu.edu