**Quo vadis, Pakistan?**

Salar Rashid

Tuesday, Jun 13, 2023

For thirteen months, leading politicians have revelled in their ability to flout the law. From Khan’s dismissal of parliament to the government blatantly ignoring judicial injunctions, Pakistan’s political elite have courted anarchy at every turn. It is no surprise, then, that rule of law seems to be on its deathbed.

This unravelling of rule of law bodes ill for our ailing democracy. Rule of law shields the people from authoritarianism, upholds individuals’ rights, guarantees fundamental liberties from the tyranny of the majority, and ensures that those elected to power cannot become despots unto themselves. Just as rule of law is important to the health of a democracy, an independent judiciary serves both as the sword and the shield of rule of law.

When judges are drawn into political battles, their judgments and character are invariably the first casualties of war. The recent conduct of politicians, both of those in government and those in opposition, has made the proper functioning of the judiciary incredibly difficult, for it is not enough that judges are impartial, they must be perceived as such.

To exercise independent judgment, judges must be secluded from extrinsic forces seeking to bend the courts’ inner workings to their will. Lord Denning, perhaps the most celebrated English judge of the twentieth century, argued concisely that each judge “should be able to do his work free from fear”. Relentless attempts by politicians and other power players at creating a culture of fear, by inciting the public against them through speeches or leaked audios, degrade the environment in which the judiciary exercises its powers.

Politicians, keenly aware of these facts, have benefited by questioning the objectivity of the judiciary, arbitrarily picking which judgment to adhere to, and which judge to publicly deride. For example, when Justice Minallah noted that prior proceedings “exposed the court to political controversies”, PTI stalwarts rushed to deride the judgment as “mediocre”, claiming that it was designed to serve the interests of the powerful. Evidently, the difference between responsibly critiquing a judgment and questioning a judge’s objectivity was lost on them.

Immediately after his dismissal of parliament was quashed, the PTI’s narrative painted all those who supported Khan’s ouster – which de-facto included the judiciary – as traitors and sell-outs, though he was careful enough not to single the judiciary out. By leveraging his vast presence on social media, Khan effectively shattered judicial seclusion, leaving judges vulnerable to digital witch-hunts. Since then, he has celebrated court orders that grant him and his party relief while simultaneously ducking court summons when convenient.

Khan, unfortunately, is not alone in this practice.

The political landscape has become inundated with an unceasing barrage of ‘audio leaks’ that seek to malign one judge or the other; leading members of the PDM coalition have called upon the chief justice to resign on grounds of his ‘controversial’ conduct, and court orders have been outright ignored in some of the most flagrant examples of executive overreach in recent memory. Increasingly so, it seems that politicians have determined that the only court whose judgment matters is the court of public opinion.

Whereas there is no question that the events of May 9 were extraordinary and its perpetrators deserving of appropriate punishment, the ruling coalition’s actions reflect the belief that the law can be entirely sidestepped on merit of expediency alone. The arrest of politicians in violation of court injunctions is not in line with the constitution, which enshrines the right to be dealt with in accordance with the law. A cynic might remark that the antics of the government are discomfitingly similar to the ‘doctrine of necessity’, that the PML-N and the PPP both should shudder to walk the same path as their deposers.

Justice Brandeis, revered as one of the foremost members of the pantheon of American jurists, opined on a case regarding warrantless wiretapping by federal agents that “crime is contagious, that if the government becomes a lawbreaker, it breeds contempt for law; it invites anarchy.” That remains true today.

What country can demand its people to abide by the compact between citizen and state if it refuses to pay even lip-service to the rule of law? What democracy can survive a wholesale assault on its foundational principles? By sidestepping the judiciary, the government might protect its interests in the short run, but the very power that guides their hand today might shackle them tomorrow.

In a country that risks political meltdown, upping the political temperature is the same as courting disaster. No institution, party, or individual will have anything to rule over if Pakistan burns in the fires of their ambition.

Today’s polycrisis necessitates dismissing narrow political considerations and emphasising reconciliation amongst stakeholders. The judiciary must stay above the fray and resist the temptation to act as an agent of political change. The government must acknowledge that meaningful course correction cannot occur unless the rule of law is upheld. Similarly, Khan, whose tirades against the Sharifs and Zardaris have become an ever-present fixture in Pakistani politics, must realize that antagonistic politics should be replaced with respect for the ideals of pluralism.

In the apocryphal Acts of Peter, when Peter abandons the faithful he has been given charge of, a spectre of the once-crucified Jesus meets him on the path leading to Rome. Bewildered and afraid, Peter asks him where he is headed (“Quo vadis, Domine?”). Jesus replies that he is headed to Rome, to be crucified once more. In shame and guilt, Peter hurries back to Rome, willing to greet death so long as he can preach to future generations.

Now is the time to ask ourselves, where is Pakistan headed?

While no single politician or institution can claim the lofty title of ‘saviour’, the road to Rome remains open. Though cooperation and restraint will undoubtedly be politically costly, it is incumbent on those who have sworn oaths to govern, judge, and protect to walk the narrow path to salvation.

The writer is a student of law at King’s College London. He can be reached at: salar.rashid@kcl.ac.uk