

On war and its justifications

By Haider Nizamani

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“THESE people deserve to have war waged on them because they reject our constitution, because they reject the values which Pakistan was founded upon, and because they are trying to stuff a different legal system down the throats of unwilling citizens.”

This argument put forth by a columnist in a Lahore-based daily, and no doubt espoused by many, sounds convincing and straightforward; however, it also gives us a chance to take a closer look at these three reasons for waging war against the militants. Even though that may be tantamount to breaking a taboo under the present circumstances, let's start with the first reason.

“These people deserve to have war waged on them because they reject our constitution.” The 1956 constitution was arbitrarily scrapped within two years of its promulgation. The party having won a majority in the 1970 elections in what was supposed to be the constituent assembly of Pakistan was considered a den of traitors and subjected to mass killings within months of the electoral victory. The 1973 constitution was put in cold storage at the age of four and the person who created enough support in the National Assembly of the truncated Pakistan for its adoption was hanged.

Later days saw a prime minister with a two-third majority packed to Saudi Arabia and the chief justice of the Supreme Court at the Army House in Rawalpindi where he was harassed by the then army chief, who more or less warned him of dire consequences if he continued to stay on the constitutional path.

“These people deserve to have war waged on them because they reject the values which Pakistan was founded upon.” Almost 63 years down the road there remains confusion regarding the founding values of Pakistan. Historians, political scientists and politicians of various stripes for over half a century have unsuccessfully attempted to identify those values. These days the preferred term seems to be ‘Jinnah's Pakistan’ which is used as a byword for those founding values.

throats of unwilling citizens”. A quick glance at just one prominent lawyer's career and the story of stuffing legal systems down the throats of unwilling citizens sounds all too common to most Pakistanis. Gen Ziaul Haq took the trend to commanding heights when a blind woman who was gang-raped was required to produce four witnesses or else languish in prison, as she did, on charges of adultery.

Pervez Musharraf did more than his share of deluging unwilling citizens with his version of the legal system. Provisional constitutional orders (PCOs) and legal framework orders (LFOs) have played havoc with the country's legal system and have few parallels in South Asia.

The military in the past 60 years has been involved in three declared interstate wars resulting in two draws and one humiliating defeat. The military budget surpasses the health and education budgets combined. Our army heads have staged more coups than the armies of other South Asian countries. We should not kid ourselves into believing that the current military operation is under the strict control of the civilian administration. The military as the ultimate arbiter of what constitutes a threat to national security and how to deal with such threats is fraught with dangers. Supporting the military action against the Taliban is not the same as the military deciding when and how to deal with domestic dissent.

The ongoing operation in Swat has, understandably, caused heated debate in Pakistan as it raises issues of political morality and military strategy. This is not the first time that the armed forces have taken upon themselves the task of weeding out ‘anti-state elements’. Pakistan's historical context suggests that the meddling of the armed forces in politics and policing of the country hasn't served the country well.

Just because I don't like the Taliban and, thereby, should let the military be in the saddle of the country's affairs can put me on shaky ground regarding how the country has been ruled for the past 60 years and the future of

The Taliban cannot be singled out for

ounding values.

At the risk of oversimplifying the idea of 'Jinnah's Pakistan', at the very least it was supposed to be a genuine federation, a constitutional republic and a polity with a multiparty political system.

The country was to be run, at the minimum, as a federation with constituting units having genuine powers. The spirit of federation was hit within months of independence when Bengalis, the majority of Pakistanis, were told that Urdu would be the national language of Pakistan.

The government of Dr Khan Sahib in the NWFP was unceremoniously replaced because Dr Sahib didn't belong to the ruling party. As if that was not bad enough for the future of the federation, Ayub Khuhro, chief minister of the Muslim League-led government of Sindh, was removed because he had differences with the centre on a number of issues that affected the province. That made three unhappy federating units within a year of the country's independence.

The tradition of sponsoring the king's party almost became an institutionalised way to sniff the oxygen out of a party-based polity, a tradition started by Ayub Khan and loyally carried out by generals Ziaul Haq and Pervez Musharraf. Popular parties were sidelined with a mixture of coercion and a creation of a network of the local elite in the shape of Basic Democrats during the Ayub era — a textbook model followed by Messrs Zia and Musharraf decades later.

And finally "these people deserve to have war waged on them because they are trying to stuff a different legal system down the

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governance. If we condone the military's sorting out dissidents in Swat then on what grounds can we condemn what happened in East Pakistan in 1971, in Balochistan in the 1970s and in Sindh during the Movement for the Restoration of Democracy (MRD) in the 1980s?

Robert Bates writing about the process of state-formation in Europe argues that monarchs in early modern Europe "had to govern with greater wisdom than they themselves had intended". What we call liberal democracy in the modern world is a product of that greater wisdom whereby monarchs, who were specialists in violence, evolved genuine power-sharing arrangements with other segments of society. As we condemn the Pakistani Taliban we should not absolve the ideologues and strategists in Pakistan's armed forces who aided and abetted religiously informed political forces and used them with impunity at home and abroad.

Opponents of the Taliban cannot single them out for not abiding by the constitutional rules of the game. The Taliban are the new kids on the block when it comes to the rejection of the constitution and the founding values of Pakistan. Those of us who want to see Pakistan function as a constitutional federation will have to rein in more than just the Taliban. ■

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