

## Aza'adi Special: Did Jinnah want an Islamic State? Setting the Record Straight

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What did Quaid-e-Azam Mohammed Ali Jinnah, the founder of Pakistan, want for the country he was destined to create in 1947? Surely I cannot say anything new on this venerable and much-discussed historical subject; the experts know much more. But, as we approach Pakistan's sixtieth anniversary, the matter of Jinnah and the Islamic State is still a hot one. It is confounded both by the wishful thinking of my well-meaning liberal friends, as well as conveniences invented at different times by Pakistan's military, political, and religious establishments. Therefore, it seems to me that objectivity, honesty, and clarity are still desperately needed if we are to clean out old cobwebs and chart a new course for the future of our country.



What is Pakistan all about? For decades, Pakistani school children have grown up learning a linguistically flawed (but catchy) rhetorical question sung together with its answer: Pakistan ka matlab kya? La illaha illala! [What is the meaning of Pakistan? There is no god but Allah!]. They have been told that Pakistan's raison d'être was the creation of an Islamic state where the Sharia must reign supreme.

Surely this has had its effect. A recent survey by the World Public Opinion.Org (April 24, 2007) found that 54% of Pakistanis wanted strict application of Sharia while 25% wanted it in some more dilute form. Totaling 79%, this was the largest percentage in the four countries surveyed (Morocco, Egypt, Pakistan, Indonesia) .

But was sentiment for Sharia and the Islamic State strong in 1947 among those who fought for Pakistan?

Mr. Jinnah's thoughts inevitably enter the argument. This, of course, does not necessarily mean that Pakistan was, or is, obligated to become the fulfilment of his vision. Pakistan is much more than Jinnah and it will eventually go in the direction that its people want it to go. But it certainly is of the greatest intellectual and historical interest to ask two key questions:

**a) Did Jinnah want Pakistan to be a Muslim majority state where individuals, whether Muslim or otherwise, would be free to live their lives more or less as they do in countries in the rest of the world?**

Or,

**b) Did Jinnah want an Islamic state? And, if so, what was his understanding of such a state.**

These have always been loaded questions with various sides making excellent arguments for their own purposes. But it is time to stop cherry-picking and, instead, scrutinize the totality of Jinnah's words and actions. Else, at the end of the day we shall end up merely reaffirming our existing preferences and prejudices .

To be sure, a dispassionate examination of Mr. Jinnah's positions has been unusual in Pakistan because of the ideological needs of the state. Truth was an immediate casualty when General Zia-ul-Haq brought his new Islamic vision of Pakistan in 1979. Immediately thereafter, Mr Jinnah had to be entirely resurrected and reconstructed as an Islamic – rather than Muslim – leader.

This task challenged even the best of spin-masters. As perhaps the most Westernized political leader in Indian Muslim history, Jinnah was culturally and socially far more at ease with the high society of cosmopolitan Bombay and metropolitan London than with those who he led and represented. His Urdu was barely understandable. Nor were his culinary tastes quite those of strict Muslims. But the authorities of Pakistan Television took this, as so much else, in their stride. So, in the 1980's, a steady stream of profound pieties emanated from a stern, sherwani-clad man who filled television screens across the country. Gone were his elegant suits from Seville Row, as was any reference to his marriage to a Parsi woman. Mr. Jinnah had miraculously morphed into a deep-thinking Islamic scholar.

An interesting consequence of the deliberate state-organized obfuscation was that many Pakistani liberals concluded that the truth must have been the very opposite. They insisted that that, in fact, Jinnah had envisioned Pakistan as a secular, but Muslim majority, country. As proof, they point to two of his oft-quoted speeches that suggesting a secular outlook. Delivered just before, and after, Partition, these had been slyly concealed from the public media during the Zia years:

*“You are free; you are free to go to your temples, you are free to go to your mosques or to any other place of worship in this State of Pakistan. You may belong to any religion or caste or creed – that has nothing to do with the business of the State.... You will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State.”* [Aug 11, 1947, Jinnah's address to the First Constituent Assembly]

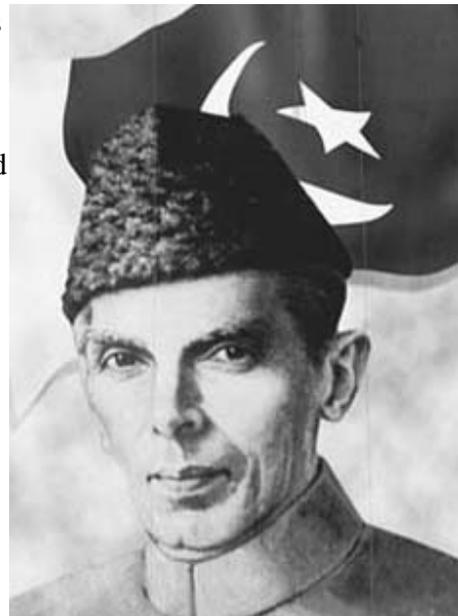
Similarly, Jinnah had indeed come out forcefully against theocracy:

*“Pakistan is not going to be a theocratic state to be ruled by priests with a divine mission. We have many non-Muslims-Hindus, Christians and Parsis – but they are all Pakistanis.*

*They will enjoy the same rights and privileges as any other citizens and will play their rightful part in the affairs of Pakistan.*” [Feb. 1948, Jinnah’s broadcast address to the people of the United States of America]

The above speeches unequivocally demonstrate Jinnah’s strong sense of justice and secular leanings at a personal level. They also show his preference for secularism over theocracy in one important sense of the word: a secular state is necessarily neutral in matters of religion and neither supports nor opposes any particular set of religious beliefs or practices. Proponents insist – and rightly so in my opinion – that a secular state is about creating a level playing field for all beliefs and religions, and not about denigrating or suppressing any one of them.

But let us not jump the gun. Secularism is also just as much about the nature of law as it is about religious freedom. As a philosophy, secularism is fundamentally a post-Enlightenment belief that all laws governing human activities and decisions should be based upon the concept of reasonableness, not upon the orders of some alleged divine authority. Secular laws are devised by humans according to their perception of society’s needs. Because needs change according to times and circumstances, the laws in a secular society must necessarily change from time to time rather than being given once and for all.



It is a fact that Jinnah never called for Pakistan to be a secular state – not publicly, at least. Jinnah’s statements from the 1930s onwards do not contain a single occurrence of the word “secular”, although my well-meaning liberal friends are, of course, free to indulge their fantasies if they so want. It is reputed that Jinnah privately pledged (to an American diplomat) that Pakistan would be a “secular state” (using these words). But, as a statesman and politician, he had a different line. Even when confronted by journalists, he would avoid giving a straight answer. For example, consider the following extract from his 15 July, 1947 press conference:

When asked whether Pakistan would be a secular or theocratic state, Jinnah retorted that *“You are asking me a question that is absurd. I do not know what a theocratic state means.”*

When another journalist suggested that the questioner meant a state run by ‘maulanas’, Jinnah retorted, *“What about [a] Government run by Pundits in Hindustan?”*

Jinnah continued to hedge: *“Then it seems to me that what I have already said is like throwing water on duck’s back (laughter). When you talk of democracy, I am afraid you have not studied Islam. We learned democracy thirteen centuries ago.”*

If secularism is about the nature of law, a study of Mr. Jinnah’s attempts to counter the anti-League propaganda in the NWFP – where the League and also specifically Mr. Jinnah were accused (though not by Khan Abdul Ghaffar Khan, to whom the quote that will follow is addressed) of being “un-Islamic” – does cast a shadow of doubt on how secular Jinnah’s politics was. In a press statement made by Mr. Jinnah in which he condemned Khan Abdul Ghaffar Khan’s resolution for a free Pathan state, he said:

*“The Khan brothers...have raised another poisonous cry that the PCA (Pakistan Constituent Assembly) will disregard the fundamental principles of the Shari’ah and Qur’anic laws. This, again, is absolutely untrue. More than thirteen centuries have gone by ..... we have not only been proud of our great and Holy Book, the Qur’an, but we have adhered to all these fundamentals all these ages, and now this cry has been raised...[that] we cannot be trusted.”*

We can see here that Mr. Jinnah is evasive about what place Islamic law would have in the Pakistan Constituent Assembly. He refers repeatedly to the “fundamentals” of the Shari’ah and Qur’anic law, without ever specifying what those fundamentals are and where Pakistan’s constitution would depart from other “non-fundamental” aspects of Islamic law. On close observation, Mr. Jinnah’s concluding words from the above quote are interesting. He laments that the Khan brothers of the Frontier have raised a cry that the Muslim League cannot be trusted. Trusted to do what exactly? Could one interpret this as Mr. Jinnah’s appeal to the Pathans to “trust” that he would enforce Shari’ah in Pakistan? What is certain is that there is plenty of ambiguity in this statement (and there are many others like it) – and that Mr. Jinnah consciously seeks to articulate and protect this ambiguity.

On the other hand, in a less much less ambiguous statement from the same press statement from which the above quote is taken, Mr. Jinnah stated: *“I want the Muslims of the Frontier Province clearly to understand that they are Muslims first and Pathans afterwards...”*

According to the Pakistani scholar Ishtiaq Ahmad, there is even support for the shariah to be found in a few of Jinnah’s pronouncements, as when he promised the Pir of Manki Sharif to enforce the Shariah in exchange for his support for the Muslim League in the 1946 elections. At the same time, there was dissatisfaction in places within the League ranks because of Jinnah’s refusal to support the establishment of Shari’ah in Pakistan.

While it is absolutely true that Jinnah was emphatic that Hindus and Muslim could not live together as one nation, Mr. Jinnah left a legacy of ambiguity on what he wanted Pakistan to be.

Why did a man known for his integrity fight shy of expressing his beliefs openly and forthrightly? The answer lies in the political reality of building a coalition of zamindars, pirs, and parts of the Indian Muslim elite. Mr. Jinnah surely did not share the retrogressive views of the feudal elements who chose to have him as their leader. Had Jinnah campaigned for a liberal, secular Pakistan – and that too in competition with the secular Indian National Congress under the leadership of Jawaharlal Nehru – he would have certainly lost the leadership of the Pakistan Movement. So, Jinnah opted for ambiguity, hoping that:

- a) People in his Muslim League would not notice his lifestyle too much.
- b) That the contribution he was making to the welfare of Muslims – by helping level the playing field – would dominate everything else.
- c) That a liberal, secular Pakistan would one day follow once the messy business of partition was over with, and it was unnecessary to raise the issue of secularism now.

Jinnah has often been accused of being communitarian. But ironically, as the late Iqbal Ahmad was wont to point out, it was Jinnah, then a Congress leader, who had warned against the spiritualization of Indian politics. Jinnah was adamantly opposed to the use by Gandhi of religious symbols in politics. He was right. A deeply divisive view of the world naturally emerged once the terms of discourse shifted in this way. As India approached independence, leaders of sectarian outlook and sentiments such as Sardar Vallabhai Patel and Rajendra Prasad gained commanding positions in the Congress.

But I have yet to address the second question raised earlier. Jinnah alluded many times to an Islamic State. For example, in a broadcast address to the people of the United States of America in February 1948 - (ironically, the same speech of which a portion was quoted earlier in this essay as an example of Jinnah coming out forcefully against theocracy), Jinnah described Pakistan as “the premier Islamic State”. Given who he was, what could he have really meant? What Did Jinnah Mean By Islamic State?

Mr. Jinnah was a lawyer par excellence and an adept leader of men, but he never claimed to be a scholar of Islam. In fact, he knew no Arabic or Persian. He wrote no book or treatise, and his speeches do not suggest any real familiarity with Islamic history or jurisprudence. When he spoke on the Islamic state he made no specific reference to the Hadith, or to the works of classical Muslim scholars. Maybe this was just as well for this difficult matter.

Jinnah often used the terms ‘Muslim State’, ‘Islamic State’ and sometimes simply ‘State’. But this was loosely, interchangeably, and imprecisely although, one must say, the choice of term was not entirely random. Much depended on the audience to be addressed. For instance, in a press statement on 31 July, 1947 addressed to the Tribal Areas, Mr. Jinnah said: “The Government of Pakistan has no desire



whatsoever to interfere in any way with the traditional independence of the Tribal Areas. On the contrary, we feel as a Muslim State [emphasis added], we can always rely on [the] active support and sympathy of the tribes.”

At the conclusion of this statement, Mr. Jinnah chose to use the term ‘Islamic State’:

*“In the end, I would appeal to all the different elements in the Frontier Province and in the Tribal Areas to forget past disputes and differences and join hands with the Government of Pakistan in setting up a truly democratic Islamic State.”*

He used similar terminology - referring to Pakistan as a “Muslim State” - in a statement of assurance to the people of Baluchistan. But, in another press statement (which was not addressed to any specific audience) about the question of minorities in Pakistan, which appeared two days before the one quoted above, Mr. Jinnah urged people to “make the building of Pakistan, as one of the greatest States in the world, successful.”

Ayesha Jalal cautions against using Jinnah’s references to the Shariah or the Islamic State in piecemeal fashion. She says that they need to be placed within the proper historical context while giving keen attention to what Jinnah, the man and the visionary really stood for:

*“He was from first to last a constitutionalist who had argued at the time of the debate on the Child Marriage Restraint Act of 1930 that if there was a clash between a so-called religious and public morality, then morality had to prevail, mullah or no mullah. There was no change in this basic outlook even as he made tactical adjustments in his later years to accommodate new political exigencies. When asked to discuss the future constitutional framework for the Muslim homeland he was demanding, he insisted that it would be up to the people of Pakistan to decide what sort of a state they wanted even though he had no doubt that their choice would be for a moderate, democratic and forward-looking state.”*

### **The Islamic State – What Is It Anyway?**

Throughout history, the nature of the Islamic state has been sharply contentious. The Holy Qur’an, the source of all authority for Muslims, does not speak of an Islamic state. Pre-Islamic Arabia had no state and Prophet Mohammed created the Medina state after Misaq-e-Medina, an accord with various Jewish and pagan tribes. But there was no written law, much less a constitution. There was no taxation system nor any police or army, no concept of territorial governance or defense. Each tribe followed its own customs and traditions. There were inter-tribal wars and all adult tribals took part in defending ones tribal interests. The only law prevalent was that of qisas i.e. retaliation.

Lacking specific guidance from the Holy Book, Islamic scholars have created their own understandings of what an Islamic state should be. Abul Hasan al-Mawardi (974-1058), a scholar in service of the Abbasid rulers and one of Islam’s first political theorists, justifies the need for a religious state and writes of “A leader through whom he [Allah]

provided for the deputyship of the Prophet”, meaning a caliph who would be God’s vice-regent on earth. Agreeing on al-Mawardi’s need to unite state and religion, the ideological founder of the Jamaat-i-Islami, Maulana Abul Ala Maudoodi, conceptualized yet another vision of an Islamic state nearly 900 years later. The head of such a state, he said, should be a pious Muslim male who would Islamise the nation and make better Muslims of his subjects. Sovereignty would lie with Allah, not the people, said Maudoodi. He insisted that secularism was the enemy of the Islamic state, as were people like Jinnah and others who he regarded as creatures of Western culture. During the 1940’s, Maudoodi referred to Jinnah in speeches as “Kafir-e-Azam” (the great unbeliever) and to the idea of Pakistan as “Na-Pakistan” (land of filth).

On the other side of the divide, Mawardi’s connection between state and religion is refuted by other Islamic scholars, such as the greatest Muslim historian and social anthropologist of all times, Ibn Khaldun :

*“Some wrongly assume the imamate to be the pillars of the state. It is one of the general public interests. The people are delegated to take care of it. If it were one of the pillars of faith, it would be something like prayer, and Muhammad would have appointed a representative, exactly as he appointed Abu Bakr to represent him in prayer”*

It is clear that even if Jinnah had been a profound scholar of Islam, he would still have left us with a legacy of confusion. This is simply because the notion of an Islamic state is an impossibly confused one. So, quite wisely, Jinnah makes only vague allusions to Islamic principles of fair play and justice. For example, before the Sibi Darbar in 1948, he said:

*“Let us lay the foundations of our democracy on the basis of truly Islamic ideals and principles. Our Almighty has taught us that our decisions in the affairs of the state shall be guided by discussion and consultations.”*

This is a popular, not a scholarly, style. Jinnah does not mention jizya – the tithe that would have to be paid by non-Muslims living in a Maudoodian Islamic state. Nor does he touch the concept of the status of zimmi (second-class citizen) accorded to non-Muslims, or many other critical issues that would confront citizens living in a religious state.

To conclude: I think it is pointless to seek a consensus on the nature of the state that Mr. Jinnah wanted for Pakistan. He certainly did not want a theocracy or a Taliban state, nor one in which the non-Muslim minorities would be persecuted and harassed (as they are today). But Jinnah’s statements at different times and circumstances are far too widely spread out to conclude anything substantial beyond these truths. Not being sufficiently well-versed in Islamic history or theology, Jinnah’s allusions to establishing an Islamic state in Pakistan cannot be taken seriously. The future of Pakistan – how secular or how Islamic it is to be – can only be decided by the citizens of the country that Mr. Jinnah made.

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Ayesha Jalal in “The Sole Spokesman: Jinnah, the Muslim League and the Demand for Pakistan, Cambridge University Press, Cambridge, 1985”, is an exception to generally mediocre scholarship on the creation of Pakistan. It is meticulously researched and has a brilliant and dispassionate discussion of Jinnah and his politics. Pakistan’s creation was accidental, she argues, and Jinnah initially used the notion of Pakistan as a political bargaining chip. His demand for a separate Muslim state evolved out of circumstances rather than ideological belief, and came at a much later stage.

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