

How to Relate Society with State: Explicating the Experiences of Islamization in Pakistan

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Abstract

Internal political conflicts marred Muslim world and have become a major cause of political turbulence and violence in many Muslim countries and also a potential future threat to many others. In majority of these Muslim countries a huge segment of population demand governance based on Islamic teaching rather than on the principles of western democracy. Islamic view towards governance offers varied explanation especially in favour of an Islamic state. In this effect, role of the Pakistan's major political Islamist group *Jamaat-e-Islami* Pakistan's founder, *Maulana Abul Ala Maudoodi* (1903-1979) is profound. He advocated the necessity and importance of an 'Islamic state' and asserts two arguments in support of Islamic state. The first is on the *Quranic* pronouncement that true Muslims are 'those who (even) if we finally establish them on earth, remain constant in prayer, and give in charity and enjoin the doing of what is right and forbid the doing of what is wrong' (22:41). The second, he argued that 'the *Quran* not only lays down principles of morality and ethics, but also gives guidance in the political, social and economic fields. It prescribes punishments for certain crimes and enunciates principles of monetary and fiscal policy'. These laws cannot be implemented unless there is a state to enforce. And hence lays the necessity of an Islamic state' (p.75), which he called 'Theo-democracy'. This study contests the concept of Islamic state and Islamization in Muslim societies particularly Pakistan as a case. It overviews different sources and discusses Islamization in Pakistan; which initiates in 1949 with Objectives Resolution and onward inclusion of Islamic provisions in the 1973 constitution and General Zia's formal Islamization of constitution and society in post 1977 military takeover. The Islamization process in Pakistan is still an incomplete agenda with some hard questions. The study identifies certain challenges in Islamization process in Pakistan such as how relevant is Islamization to various segments to Pakistani society; what does Islamization mean and how is the issue of varying interpretations and modes of interpretations to be resolved; how to apply Islamization to specific issues and policies such as national development, women's rights, and scientific education; how to evolve a mechanism for Islamic laws to co-exist with local and customary laws; and the duality of certain laws in presence of Islamic law such as Anglo Saxon legal framework in Pakistan introduced ambiguity in its application.

Introduction

Pakistan differs in its approach towards Islamism from the rest of other Muslim countries since independence and is unique. The relations remained strain between Islamists and secular elites in the country and Islamists consider secular as an obstacle in the Islamization of state affairs. Pakistan came into being on religious ground by secular Muslims to win the case of a separate state for Muslims from majority Hindus in British India. Therefore, Islamization remains a cornerstone of the nation building process since independence in 1947. In 1949, Pakistan adopted objective resolution in the first constituent assembly and declared the purpose of the newly created state to enable its citizens to live in individual and collective capacities in accordance to the teaching of Holy *Quran* and *Sunnah*. It created a favouring space for Islamists to exercise greater freedom to organize and forward Islamization as their sole agenda. Although, the country legal structure remained secular until General Zia seized power in 1977 and he grafted certain Islamized laws in the Anglo-Saxon style legal system. On the political scene, several Islamist religious groups operate and are divided on diverse theological approaches towards state (Haqqani, 2013). These parties are strong pressure groups although with insignificant electoral representation in mainstream politics.

Islamization in Pakistan has a varied experience. Objectives Resolution as a constitutional preamble dictates legislatures to work within the boundaries as defined in the holy Quran and Sunnah. The salient features of the objective resolution are that sovereignty belongs to God and he has delegated it to the state through its people within the limits prescribed by him as sacred trust. According to the Resolution, principles of democracy, freedom, equality, tolerance and social justice of Islam would be fully honoured and followed in accordance to Quran and Sunnah. However, the non-Muslim members of the constituent assembly opposed it and voted against it. According to Saigal (2013) an eminent Pakistani intellectual, Maulana Maududi's theory of divine sovereignty was incorporated into the resolution.

Maududi's Political Theory

The political theory of *Maududi* highlights issues including sovereignty of human beings versus sovereignty of God; the state responsibilities towards believers (Muslims) and non-believers; the differences in the fundamental rights of Muslims and non-Muslims citizens. Hence, *Maudodi* theorization of inseparability of religion from politics has become the focal point. Besides, the issues he raised in a Muslim state as the state responsibilities towards non-Muslim citizens and Muslim citizens and differences between their fundamental rights.

In the Islamization process, role of the Pakistan's major political Islamist group *Jamaat-e-Islami* Pakistan founder, *Maulana Abul Ala Maudoodi* (1903-1979) is noticeable. As a religious leader he throughout advocated the necessity and importance of an 'Islamic state'. In his book 'The Islamic Law and Constitution' he presented two arguments in support of Islamic state. The first is on the *Quranic* pronouncement that true Muslims are 'those who (even) if we finally establish them on earth, remain constant in prayer, and give in charity and enjoin the doing of what is right and forbid the doing of what is wrong' (22:41). *Maudoodi* inferred to this verse as 'the verse states clearly the aims objectives and duties of an Islamic state' (pp.282-3). The second he argues that 'the *Quran* not only lays down principles of morality and ethics, but

also gives guidance in political, social and economic fields. It prescribes punishments for certain crimes and enunciates principles of monetary and fiscal policy'. These laws cannot be implemented unless there is a state to enforce. And hence lays the necessity of an Islamic state' (p.75), which he called 'Theo-democracy'. Maudoodi in 'Essential Features of the Islamic Political System' states that the political system of Islam is based on three principles: *Tawhid* (Unity of Allah), *Risalat* (Prophethood) and *Khilafat* or Caliphate (vice-regency). In Arabic Caliphate means representation. According to Islamic view Man, is the representative of God on earth. This is to say, man exercise[s] the power of God within the limits as prescribed by God. Therefore, such rights only go to the persons or groups which accept these principles of *Tawhid* and *Risalat*. The difference between Islamic democracy and Western democracy explained by Maudoodi as the Western democracy is based on the concept of popular sovereignty while the Islamic democracy rest on the principles of Caliphate. In case of Western democracy, laws are made for the unfulfilling wishes and desires of people, while in Islamic democracy they perform their duties to fulfil the *Shariah* laws given by God through his Prophet as divine obligations. This creates difference between the two democracies as Western democracy as an absolute authority and exercises its powers in a free and uncontrolled (without any known or defined boundaries) manner, while Islamic democracy obeys the authority of God revealed through the Prophet and mentioned in Quran. The purpose of Islamic democracy as stated by Maudoodi says that Islam put high ideals before the states and these are the quality of purity, goodness, virtue, success and prosperity and suppress injustice and exploitation. The objective in this case is to observe principles of morality. The modern word 'Islamic State' is attributed to Abul Ala Maudoodi. He declares 'Islamic state' as a third way between rival political systems of western democracy and Socialism.

In Islamic history, there are also certain other scholars and activists who promoted the idea of an Islamic state. *Hasan al Banna* (1906-1949) who founded the Muslim Brotherhood spoke of an Islamic nationalism which brings unity among Muslim community. *Abd Qadir Awdah* (d. 1954) says that Islam is a religion and a state, and the two are well blended and could not be distinguished separately. He argued that Islam as a religion has become the state and vice versa. Religion is the first part of Islam and government is the second part. *Sayyid Qutb* (1906-1966) counters the concept of modern state, with *Hakimiyah*, In order 'revolt fully against human ruler ship in all shapes and forms... destroy the kingdom of man to establish the kingdom of God on earth... and cancel human laws to establish the supremacy of Divine law alone'.

In Islamic state, political authority relies on the application of divine message. The ideal Islamic state is a government by 'rules'. The state only acts to provide an environment to Muslims to attend its religious duties. Legislation is least function of state rather state deduces detailed rules from *Shariah* (religious law) if required. Therefore, in an Islamic state there are three centres of power; the ruler or Caliph, the Clergy or *Ulama* and Judges or *Qazi*. The function of Caliph is to safeguards the faithful and run the routine state affairs in the light of *Shariah* law, the religious scholars function to advise government according to *Shariah*, Judges or *Qazi* interpret and decide cases according to religious law.

Another important concept in the emergence of religious nationalism within political Islam is *Umma* i.e. Muslim as a single political entity governed by Caliphate. The same controversy still exists that leaders of several political Islamist groups claim that rulers of

Muslim countries are following Western democracy and deviating God's words; therefore, they are non-representative of Muslims as a nation. They claim that there should be a single Caliph in the world and rest of Muslim should follow him.

The emergence of Islamic state in Arab based on the limited stipulation in Quran and Hadiths, Muslims created its political systems by the Arabian traditions and political heritage of the Muslim's conquered lands (mainly the Persian and Byzantine traditions) while the process has been inspired by *Shariah*. But historically, they formed systems which were externally imperial and internally dynastic (Murshid, 2014). The failure of democratic governance among Muslims could be attributed to the suppressing regimes throughout history. Therefore, these societies failed to develop singular political ideology and the secular Arab regime dubbed as western agents and therefore was considered as western democracy and a failed model by religious conservatives. Arab historiographer and philosopher Ibn Khaldun (1332-1406) states in his chef-d'oeuvre as Islam does not consider preservation of the rules inheritance for his children... succession to the ruler is something that comes from God who distinguishes by it whomsoever he wishes. The emergence of violence in Muslim countries and radical groups relate to the repression at the hands of secularist Arab rulers blaming the whole secular governance in practice responsible for it. It then created space to contest the concept of an 'Islamic theocracy' which is considered as it would lead to a more 'just society'. Therefore, they thought democracies as contaminated by non-Islamic ideas. Similarly Murshed (2013) has referred to the work of Professor Qamaruddin Khan of the Karachi University that 'the Quran has not defined any clear principles of state. This he feels, is a blessing as it enables the Muslim community to march with the progress of time and adjust itself to new conditions and new environments'. The idea of Islamic State holds ground after creation of Pakistan, a state based on religion (Murshid, 2014).

Zia Era Islamization 1977-88 in Pakistan

Islamization in legal sphere has been an important feature since independence. Division of India was the segregation of population on religious grounds which also resulted in migration of millions people across the border. Islamization of legal structure remained a burning issue on the national political landscape in Pakistan. The first step towards Islamization was the inclusion of objective resolution in 1949 which recognized the ultimate sovereignty as vested by God with limited delegated sovereignty to the state as 'sacred trust', the resolution was adopted in the three constitutions of Pakistan as a preamble in 1956, 1962 and 1973. During Bhutto's rule, Islamization had been one of the key demands of the opposition parties which were met to some extent with few steps to Islamize state affairs. The fierce demand of the religious alliance was taken as an opportunity by General Zia; who took over government from Bhutto with Islamization as his core manifesto to appease dominant protesting religious alliance in post 1977 era. During Soviet Afghan war, Islamization process was fueled to cultivate pro-jihad climate with the popular support of religious parties within country and also support from outside.

Zia's Islamization includes the enactment of *Hudood* criminal laws, establishment of religious courts (i.e. Shariat Courts at high court level and appellate Shariat court at Supreme Court in which *Ulema* or religious scholars were appointed as judges with the power of judicial review on the ground of repugnancy to the injunctions of Islam). Islamization of education,

banking and finance and certain other changes were also the part and parcel of the process. Besides, Zia's government gradually reorganized many secular institutions to bring them into conformity with the recommendations of Islamic Ideology Council (a constitutional religious advisory body). The Islamization program includes the teaching of *Islamiyat* (the history and cultural traditions of Islam) in all schools and colleges, the introduction of the system to collect *zakat* and *ushr* (contributions to the poor as per the *Qur'anic* injunctions), and efforts to revise the entire legal system, including the constitution in conformance to the *shar'iah* (Islamic law).

Institutionalization of Islam

In Pakistan, federal ministry of religious affairs and its provincial chapters are responsible for many official Islamic functions such as *Zakat* and *Ushar* as state affair. Research and reference wing; *Dawa* and *Ziarat* (pilgrimage) wing preach Islam in Pakistan and abroad. The most important function within ministry of religious affairs is its organ, the Council of Islamic ideology (CII) which is a permanent constitutionally mandated body.

The Council of Islamic Ideology

The CII was constituted by General Ayyub Khan in 1962. The objective of the council is the reinterpretation of Islam according to the modernist parameters. The main function of CII is to examine existing laws and to recommend its conformity to Islamic injunctions. This constitution also mandated state to fully Islamize laws and society within ten years after passage of 1973 constitution. Prohibition of alcohol is an example of the recommendation of CII and implemented by Zulfikar Ali Bhutto in 1977. The CII according to constitution should present an annual report to the parliament which never happened in the tenure of Bhutto's government. During military government of General Zia Ul Haq, CII presented eight reports to the government. As Chief Advisory Council to the president, CII also reviewed the political system in Pakistan, where they suggested in 1983 to revive the system and adopt presidential system as closer to the Islamic system rather than the parliamentary system of government; it also declared political parties as inconsistent to Islam. The CII has a maximum twenty members with at least four religious scholars and two senior judges. The council reviews federal and provincial laws and recommend repealing certain laws for violating Islamic injunction. The council in 1996 declares that any laws which support or shelter interest or interest based transactions should be abolished or suitably amended.

Besides, CII recommended assisting the judiciary to create legal procedures in conformity with Islam, in which in 1979 General Zia ul Haq added Sharia benches to the provincial high courts and a Sharia appellate bench to the Supreme Court which were then consolidated in Federal Sharia Court in 1986.

The following are the important laws enacted on the recommendations of CII.

- The Offences against Property (Enforcement of Hudood) Ordinance, 1979
- The Offence of Zina(Enforcement of Hudood) Ordinance, 1979
- The Offence at Qazf (Enforcement at Hadd) Ordinance, 1979
- The Prohibition (Enforcement) of *Hadd* Order, 1979

- The Qanun-e-Shahadat Order, 1984
- The Zakat and Ushr, Ordinance, 1980
- The Criminal Law (Amendment) Act, 1997(Qanun-e-Qisas and Diyat)
- The Ehtram-e- Ramzan Ordinance, 1984
- The Enforcement of Shariat Act, 1991(adopted with certain modifications)
- Transplantation of Human organs.(Under consideration of the Parliament)
- Marriage with the Qur'an (Prohibition)(Under consideration of the Parliament)

The following departments were established by the government on the recommendation of CII:

- Ministry at Religious Affairs and Minorities Affairs
- Law Commission
- Judicial service/Shariah Academy
- Shariah Benches and Federal Shariat Court
- Promotion of Arabic Language

Pakistan passed through a lengthy Islamization experience which started from 1949 and continues till to-date. The following steps have been taken in the process.

1. Legal Amendments

Pakistan constitution ensures that any law in conflict with Islamic tenants would tantamount to repeal. Islamic Ideology Council was formed for this end. While the previous version of constitutions in Pakistan also held the same principle under the objective resolution which had made it compulsory to legislate only where religion allows. Under the legal amendments many laws were changed which put an immense impact on the lives of the people in Pakistan. Few of them are discussed below.

Hudood Laws

In Pakistan there are many legal systems which include Pakistan Penal Laws, Sharia law, customary laws (which are practiced in rural areas and a separate legal system for other sects). On February 16, 1979 General Zia issued set of four ordinances famously known as *Hudood* ordinance which include ‘offences against property ordinance’, ‘prohibition order’, ‘offence of *Qazf*’ and ‘offence of *Zina* (adultery and fornication) ordinance’. These laws prescribe punishment according to Islamic laws. There are two categories of these laws i.e. *Hadd* and *Tazeer*; and their application depend on the prescribed standard of proofs.

Hudood laws provide criminal provision and punishment for robbery, theft, alcohol consumption, and sexual offenses promulgated by General Zia in 1979. The punishment includes *rajm* (stoning to death), amputation of limbs and whipping. Sexual offense as *Zina* has two types, *Zina bil Raaza* (consensual intercourse: fornication or adultery) and *Zina bil Jabr* (rape). *Zina* crime was further classified as *hadd* and *Tazir* offense. *Hadd* needs higher standards of proof and could be waived by the state or judges; while *tazir* offense is discretionary, it comes into four kind of *Zina* under the ordinance. The main issue within *hudood* ordinance is the standards for evaluating evidence for example; the requirement of four adult Muslim male witnesses was never

met in any *hadd* case of *Zina* under the ordinance. In certain cases, the *hudood* laws were sometimes misused by the former spouses or to exact revenge. Police abuse of the ordinance is common in which young couples are stopped to extract bribes along the physical abuse and rape. Besides, in certain cases rape and *Zina* (consensual) cases commingle with same principles to both. In 1979, before the enactment of the *Hudood* Ordinance, there were 70 women were in Pakistani jails, while in 1988 the number shot to 6000 while those women were found as poorest of the poor (Abira, 2006) The law has been reported as a way for vengeful husbands and parents to punish their women for disobedience and non-compliance.

Declaration of *Ahamdis* as non-Muslims

Besides, certain other Islamization steps were introduced such as declaration of *Ahmadi* as non-Muslims; the law says that it is the absolute and unqualified finality of the prophet-hood of Muhammad (PBUH) and whoever claimant of any prophet-hood or religious reformer could not be claimed as Muslim, this amendment was passed in 1974. New clauses added in 1980 by General Zia that defiling the holy Quran or the name of the holy prophet and holy personages subject to death sentence or imprisonment for life and fine according to section 295-B, C and Section 298-A.

***Qisas* and *Diyat* Laws and the Privatization of Criminal Justice**

Qisas and *Diyat* laws were a substantive change in Pakistan's criminal law and have many implications in its practice; these laws privatize criminal justice in practice. The *Qisas* and *Diyat* ordinance was promulgated in 1990 which substituted the penal code provisions covering offenses of murder, homicide and injury to a person. *Qisas* or *lex talionis* (the principle or law to retaliate crime as a punishment should correspond in degree and kind to the offense of the wrongdoer, as an eye for an eye, a tooth for a tooth; retributive justice), while *Diyat* is the payment of monetary compensation for death or injury which wholly cover all cases. This law transfers the decision making from the prosecutors and judges to the victims or their heirs.

2. Women Rights

According to Pakistan constitution women have equal rights to vis-a-vis men, but certain cultural norms deteriorate women lives in Pakistan. Under Islamization process in General Zia period, the most important legislation was the enactment of *Hudood* ordinance. Under Zia's presidential order 1984, the court could determine women's competence as evidence under the Islamic law. This then complicated the law and procedures and introduced inconsistencies in its interpretation. This law also complicates and jeopardizes the role of women as a party in transactions and also women's role as administrator, judge, banker and lawyer. In General Zia era, it was made mandatory for women to cover heads in their public lives (Haqqani, 2005). The Ansari Commission which was an advisory body to the president recommended that women without *Mehram* (lawful male escort), and unmarried civil servants should be prohibited to leave the country (Talbot, 1998)

3. Minorities Affairs

According to Pakistani constitution minorities are to have equal rights; although there are few restrictions for example, the President, Prime Minister and few other state positions could not be allowed for non-Muslims. There is a special quota for minorities in legislative bodies, jobs and in education. There is no mention of special minority taxes as *Jizya* on them.

4. Impact on Politics

Objectives Resolution has provided enough space to religious parties to promote Islamization as their party agenda. Religious parties have a different view on Islamization and are unhappy with the slow pace of the process. In Pakistan, there is a heavy follow-up of traditional Islam; the major groups are *Deobandis*, *Ahl i Hadith* and *Barelvis* each with a differing theological grounds; while each group has also representation in legislative bodies of the country. In 1985 a separate electorates for the non-Muslims were introduced and non-Muslims were excluded from the mainstream politics to constitute a separate body of voters and entitled to elect non-Muslim legislators to the elected assemblies in Pakistan; the policy was originally proposed by *Abu Ala Maududi* (Bennett, 2002).

5. Impact on Education

In Pakistan, there are many educational systems such as Urdu medium, English medium, and Cambridge based system other than *Madrassah* system. Religious education is provided through *Madaris* (Singular: *Madrassah*). There are many *Madaris* or religious seminaries in Pakistan. The final degree of the religious *Madaris* is recognized by General Zia government as an equivalent to the Master degree of general education. During the last few decades the number of *Madaris* and enrollment went high.

Government has also introduced changes in education system of the country. For example, inclusion of religious education has been made compulsory at all levels from level one to undergraduate. Religious education, *Qirat*, and Arabic were also introduced in the education system. Mosque schools were recognized where the Mosque leader educate community children till two levels of primary education in General Zia era.

6. Islamization of Economics and Finance

It was one of the most fundamental pillars of the Islamization process; whereas Zakat was made the part of banking for collection with a certain ratio from the depositors' accounts. Interest based banking was replaced with profit and Loss Sharing (PLS) account in order to eliminate interest banking. Currently, State Bank of Pakistan (a regulatory body) has a separate section for Islamic Banking with dedicated regulatory framework for Islamic finance; although, the main business in the country is still performed by the conventional banking while Islamic banking is popular and gaining grounds.

The Islamization of banking and financial system was initiated in 1977-78 under a presidential order. *Mudaraba* companies and floatation of *Mudaraba* certificates were permitted to raise risk capital. Banking Companies Ordinance (BCO) 1962 was amended to include bank finance provision through Profit and Loss Sharing, markup in prices, leasing and hiring purchase. Separate interest-free counters were introduced in all the nationalized commercial banks and from 1982, working capital needs of trade and industry was introduced on selective basis under the *Musharaka*. In July 1985, all commercial banking transactions were declared interest free banking and all existing interest bearing deposits were converted to profit and loss sharing (PLS) account. However, in November 1991, Federal *Shariat* Court declared the banking procedures as un-Islamic and repugnant to the injunctions of Islam.

A commission for transformation of financial systems (CTFS) was formed in January 2000 by State Bank of Pakistan to suggest the ways to develop interest-free financial system in Pakistan with a parallel structure also in law ministry for legal reforms.

In the first report of the CTFS in October 2000, few preliminary steps for the transformation of the financial system were suggested; while the second report in May 2001 identified different *Shariah* Compliant modes of financing. In the final report in August 2001, it is suggested to circulate the recommended modes of finance and guidelines to the financial institutions and trade bodies to prepare organizational procedures for its adoption. A new Islamic Banking Division (IBD) established in the Banking Policy Department of State Bank of Pakistan to regulate Islamic Banking in Pakistan.

7. Enforcement of Religious Practices

a. Zakat

Zakat wo usher is a separate section in the Ministry of Religious Affairs at federal level with devolved departments at provincial level in the country. The process is managed by a central *Zakat* Council and moves down to town level committees. The *zakat* fund is distributed among needy people, and investment is made in nonprofit development ventures, NGOs, social security projects and welfare organization; although, the Zakat ordinance drew criticism from the Shia Sect which were then exempted from the compulsory deduction (Ian, 1998).

b. Ramazan (Fasting)

Month of *Ramzan* or fasting is covered with *Ehtram e Ramazan* law enacted on 25 June 1981; which prohibits hotels and individuals to eat in open during the fasting month and police may arrest the violator in case of eating in public; those places include restaurants, canteens, and bridges. The law also advises non-Muslim to respect the law and avoid eating in public. Besides, under

the law, cinemas, theaters would remain closed during the month of Ramazan under the same law from the sunset to the expiration of three hours thereafter.

c. *Salawat (Prayers/Nimaz)*

There was instruction for regular observance of prayers especially the *Salawat e Zuhur* (Noon prayers) in government offices, education institutions during office hours. It was also planned during General Zia era to implement *Nizam e Salawat* (Wynbrandt, 2009)

d. *Jihad*

The state does not allow private jihad in the country. During Afghan war, many private individual joined Afghan *Mujahideen* against Soviet with state support. The returned militants then joined many other conflicts in the region and challenged Pakistani state as well and called for a mass revolt of the masses against Pakistani state for not Islamization of the society.

Pakistan's Legal System and Islam in Post Zia Period

During 1990 to 1996, PPP governments were not much interested to implement Islamic laws, while the hesitation of PMLN government showed lack of commitment in Islamization process. In 1999, General Musharraf took over government, and dubbed 'enlightened moderation' as state policy rather further Islamization of state. During Musharraf regime, the *Hudood* laws were neutralized with a 2005 statute that only a senior police officer could investigate a case against an accused women charged with adultery and her arrest subjected to the special permission by the court and procedural conditions were also added to the blasphemy laws. Protection of women act in 2006 was also added which brought significant changes to the prosecution of adultery and rape cases.

Discussion

The Islamization experience in Pakistan has opened many vistas for a wider discussion. The following lessons are learnt of the Islamization process in Pakistan and are mentioned below.

1. Islamization during Zia era was an eye wash and was symbolic and for his own political benefit rather religious ends.
2. Certain causal links were found between the Islamization process and radicalization and extremism in the society.
3. Certain Islamized laws are in conflict with citizenship and the status of religious minorities as enunciated in Pakistani constitution such as fundamental rights to the minorities to practice their religion as per their religious doctrine.
4. The state in Pakistan has become the enabler to encourage citizens to live individually and collectively in accordance with Islamic teaching but there are certain inconsistencies in the application of Islamic laws to each sect/segment of the society.
5. Mixing the Pakistan penal code with Islamic laws was difficult because of the differences in the underlying logic of the two legal systems.

6. Pakistan's experience of Islamization of laws show that such laws lack organic connection to the societal norms of recognition, interpretation, modification, and enforcement without the given sociological context and relevance.
7. Without praxeological approach the relevance of Islamic law as law is a question mark.
8. A detailed scrutiny of Pakistan's Islamization experience shows the process is a top down approach of enforcement and misses a link to the grass-root demand driven from the diverse social groups.
9. Inclusion of Islamization in the post-colonial legal system and its duality exacerbated the problems and simultaneously provided a tool for coercion and harassment in the hands of powerful social elites.
10. In the Islamization process, emergence of different centers of legal authorities in the system created stress in the judicial hierarchy; for example, jurisdictional ambiguity among the appellate courts.
11. The national debates over the kind of nation, state and society envisaged led to compromises being made with the liberal, secular as well as the religious lobby in constitution making process. As a result, the Constitution of 1973, a consensus document, became riddled with internal contradictions regarding citizenship (Saigol, 2015). For example, Article 25 says that all citizens are equal before law while Article 2 says that Islam shall be the state religion with certain restrictions on minorities in the country.

Challenges to the Islamization Process in Pakistan

The discussion reveals the fact that Islamization of a state is not a simplistic job and grafting certain Islamic provisions onto the constitution would hardly achieve its objective. Besides, the function of certain organization such as Islamic Ideology Council and *Shariat* Appellate Courts created strain among other institutions such as parliament and formal courts in the country. An important issue related with Islamization for a country in the 21st century is dealing with non-Muslims and simultaneously keeping international pledges on human rights.

In a nutshell, there are certain questions to answer about Islamization process experience in Pakistan.

- First, how Islamization is relevant to various segments in Pakistani society; there are many sects and non-Muslim groups; therefore, devising Islamic provisions and its universal application would be a challenge in the process. There are certain international obligations to fulfill as part of an international community and knitted through different arrangements like United Nation, WTO etc.
- Second, there are several interpretations for many Islamic provisions; therefore, issues related with interpretations and modes of interpretation are challenges to decide. Besides, how 'Islamization' would be defined and what would be the expected outcomes of the process and how it would be linked to the holistic purpose of the process.
- Third, there are certain emerging issues to cater like economic policy, gender, scientific innovations, international trade, international relations, the political and social challenges faced by other Muslim and non-Muslim countries especially conflicts among other Islamic and non-Islamic countries.

- Fourth, the impact of local or customary laws and its association with Islamic law; for example, inheritance to women is difficult to practice and against the local norms in many Muslim societies due to communal ownership.
- How an Islamic state would treat non-Muslim majority provinces/administrative units in a Muslim country.
- Fifth, in case of a diverse society; the compromises during law making process would affect the spirit of Islamic law; which would create rift among competing political groups in the process.
- Sixth, duality in such law making would make the process ambiguous and would risk misuse of the law.

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