

Pakistan: Message in the bullet

Sunday 16 January 2011, by [BROHI Nazish](#) (Date first published: 14 January 2011).

Instead of seeing Salman Taseer's murder as an unprecedented act commanding utter shock and horror, it must be placed on a continuum of rising intolerance and vigilantism that has been given official protection.

The phenomenon of vigilante justice, as supporters of Qadri believe was meted out to Salman Taseer, has been a recent trend in post 9/11 political developments in Pakistan, though there is a track record that goes back much further in history. The concepts of social and moral impunity extended to Qadri must be examined even while his legal impunity is under question, and this necessitates a revisiting of the relationship between law and society.

The MMA government ruled over the Khyber Pukhtunkhwa from 2002 to 2006, a period that saw ascendant militancy and unravelling of plural spaces in Khyber Pukhtunkhwa. The provincial government facilitated peace accords with the Taliban, and itself banned music in all forms; forced segregation at educational institutes; regulated women in the public sphere (prohibiting their treatment by male doctors, banning them from jobs such as in public call offices), worked to retract women's quota in parliament, ignored the steepest rise in blasphemy cases in KP in any era, and proposed legislation to establish moral vice control and virtue promotion staff. While refusing to take a position against Taliban militants, it encouraged vigilantism as a form of vice control. Whether it was the blackening of women's faces on billboards or forcing to halt celebrations of the annual festival of Jashn-i-Chitral by sending 'rampaging fidayeen' or announcing that girls who ran in the Marathon 2005 should be thrown in the Kabul River, or staffing of vice prevention squads, the message was that courts and police are there to control crime, whereas the control of perceived vice and immorality does not need judicial cover and is the 'farz', the duty, of every believing Muslim.

These efforts strengthened a discourse that legitimized narrow interpretations of religion and created social acceptance for militant positions, as progressive spaces in culture were packaged as resistance to religion. The MMA is responsible for creating the environment of impunity for attacks in the name of defending religion.

These are fundamentalist political actors, whereas there have also been efforts to engage with and appease the fundamentalist armed militants. The Shikai agreement in Waziristan, the Swat agreement and state efforts of separating the 'good Taliban' (who focus on targets outside the country) from the 'bad Taliban' (who turn inwards) have created the momentum that has brought Pakistan to this current juncture of social upheaval, national paralysis and international condemnation.

While much has been written about the brutality of the Taliban attacks, the point here is to understand the correlation between actions of armed extremist militants and the discourse parameters established by political Islam and its actors. Not only because of the political calculus that may ensure that the Islamist parties become arbiters of power once the state concedes to the point that fundamentalism requires parliamentary presence and prefers them to armed militants of the TTP variety. Of direct relevance here is the political legitimacy bestowed by political groups such

as the MMA constituent parties on violence in the name of religion which culminates in a social legitimacy and a culture of societal endorsement, hence a moral impunity. Packaging terrorist attacks as a way for the 'powerless' to respond to American imperialism and attack its national stooges to save Islam and Muslims creates an assertion of moral superiority and the rule of law as a tool that can and should be compromised.

It is in this context that the assassination of Salman Taseer must be understood. Instead of seeing it as an unprecedented act commanding utter shock and horror, it must be placed on a continuum of rising intolerance and vigilantism that has been given official protection.

Vigilantism is generally understood to encompass features such as participants engage voluntarily; it is a form of 'autonomous citizenship'; involves the use of force; involves premeditation and arises when an established order is under threat from transgression.

The lens of fomented societal impunity and the distinction between crimes that have social legitimacy and social offences that are not prohibited by law brings to the fore an old debate, that of the relationship between law and society.

Salman Taseer is the most high profile public figure to be killed on accusations of blasphemy. Others have written of him as yet another victim of the blasphemy law. Yet, we also know there have been no judicial executions under the law itself. People are acquitted on appeal, given asylum in other countries, or simply killed in prison when under trial. Most of the blasphemy accused never enter the judicial system and are lynched and murdered without ever getting to police or courts. For blasphemy, where judicial pardon is fairly common, social pardon is impossible, placing it more centrally as a societal rather than a legal issue. Why then is the blasphemy law seen as the lynchpin and its repeal so important? The same questions arise over the Hudood Ordinance, which declared adultery to be punishable by death, and while no death sentence has been carried out by judicial system, hundreds of women are killed in Pakistan every year on accusations of adultery and fornications, referred to in the vernacular as honour killings.

The two basic processes of social control are the internalization of group norms and the control through external pressures. Society corresponds with the former and law with the latter. Law is both, an effect and a cause of social change: examples of laws causing social changes can be land reforms and nationalization of private assets, and instances of social change necessitating legal change can be the new law against sexual harassment of the workplace or the Muslim Family Personal Laws that gave women the right of divorce. But laws can also bring about change beyond the judicial/legal structures, by creating the cultural legitimacy referred to above vis-à-vis political Islamist and militant fundamentalist groups.

Max Weber characterized the modern nation-state as that entity which has a monopoly over legitimate violence. Fundamentalist religious discourse in Pakistan strives to de-legitimize this monopoly and invest it instead in the religious discourses themselves. As laws in Pakistan profess to be grounded in Islam, the source of the law takes precedence over the contents of the law, and the source becomes a resource for political Islam. Until the rule of law is secularized, this dilemma will continue.

Vigilantism then democratizes implementation, making it incumbent for every believing Muslim to uphold the source of the law, even in contravention to its contents.

People's responses to Taseer's murder has included justifications such as the murderer was implementing a law the state was too weak to do, and that common people needed to 'help execute laws' in absence of actual rule of law. The judicially valid sentence is executed by society. Against

this is the backdrop of the state routinely sub-contracting its authority out to non-state actors. Jirgas are accepted parallel extra-judicial systems that have social and legal cover. The general understanding is that jirgas cannot make decisions that violate basic laws in Pakistan, and the rulings must be in sync. Punishments meted out to alleged blasphemers and adulterers/adulteresses are in fact those found in the law, hence creating a moral cover, and the remaining conflict is “only” over the who holds the weapon of murder. The social and legal construction of deviance posits the sexually active woman or the alleged dissenter against religious order as the culprit, whereas the aggressor becomes the aggrieved party and formal legitimacy becomes a mere appendage to social legitimacy.

The issue of vigilantism cannot be reduced to a law-and-order situation when the law itself is such at the moment that it must not be upheld. On the other hand, if law is not upheld by those deputed to do so, the downward descent will spiral faster. Law is a social field in which actors struggle for cultural, symbolic and economic capital. The struggle is much more elemental than the blasphemy law itself.

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P.S.

Posted on Viewpoint Online ISSUE NO. 33, JANUARY 14, 2011:

<http://www.viewpointonline.net/message-in-the-bullet.html>

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