
Decades of Disaster: Islamization and the Women of Pakistan

Rubina Saigol

General Zia ul-Haq rode to power on the back of the Nizam-e Mustapha [System of the Prophet] movement led by religious parties against Zulfikar Ali Bhutto's Pakistan People's Party (PPP) government and its alleged rigging in the 1977 elections. Having seized power illegally on the pretext of establishing an Islamic system, General Zia harnessed a conservative and fundamentalist notion of Islam to provide legitimacy to his unconstitutional regime. He relied on the Deobandi Jamaat-e Islami's interpretation of religion to impose his will on the country.

While all sections of society suffered the impact of so-called Islamization — journalists were flogged, the curricula and textbooks were altered to reflect the values of *jihad*, severe restrictions were placed on the media, and the judicial system was decimated by a parallel Islamic legal system appended to it — women became the main targets of a redefined state which was in the process of repositioning itself in response to the geo-strategic changes in the region. Unable, for various reasons, to enforce Islamic regulation on the banking and economic systems, the state experimented with its retrogressive version of religion on women.

A series of laws that were highly detrimental to the status and position of women in society were passed in order to regulate their behavior and in particular contain and control female sexuality. In 1979 the Hudood Ordinances were promulgated, eliminating the distinction between rape and adultery. The Zina Ordinance (one of five ordinances passed under the Hudood laws) required a woman to produce four adult male Muslim witnesses to prove that she had been raped. Failure to do so would lead to her own conviction for adultery on the grounds that she had confessed to the act of illicit intercourse when she complained of rape! Yet, in the first place, no rapist would commit the crime in the presence of witnesses, and if he did, it could safely be assumed that they were accomplices. It became impossible for women to prove rape or even file a complaint for fear of being prosecuted for adultery. A large number of women from the poor and rural areas were first raped by their employers or landlords and, if they complained, they were thrown into jail on the grounds of fornication or adultery. This travesty of justice was reported in the press around the globe. The enormous outrage finally resulted in a change through the Criminal Laws Amendment Act 2006 when the crime of rape was once again placed within the Pakistan Criminal Procedure Code so that it could be duly investigated and the culprits brought to trial. The state's attempt to write its Islamic credentials on the bodies of women was finally reversed.



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The social regulation of women's bodies and morals through legal structures was also accomplished through the Qisas and Diyat Ordinance originally proposed during General Zia's era by the Council for Islamic Ideology, but which was deferred, as it would have prevented the hanging of Zulfiqar Ali Bhutto. It was passed as an ordinance in 1990 and became an Act of Parliament during Nawaz Sharif's second term in 1997. The major flaw in the Qisas and Diyat law, which covers all offenses against the human body, is that it makes such offenses open to compromise as a private matter between two parties by providing for *Qisas* (retribution) or *Diyat* (blood money). The heirs of the victim can forgive the murderer without receiving any compensation, or *Diyat*, or may compromise after receiving a specified amount. This tribal law in effect privatizes the crime of murder, making it no longer a crime against the state but, instead, a crime against a person. The law has been widely used to allow perpetrators of "honor killings" to go free. Blood relatives (brothers or fathers) can murder a girl on mere suspicion (or for annexing her property) and forgive one another for the crime! The state, instead of being an instrument of the modernization of law, became a tribal entity by capitulating to customary and cultural norms upheld by local patriarchies.

In 1984 the Law of Evidence was passed, effectively reducing the citizenship of women and non-Muslims to second-class status. According to this law, the sworn testimony of two women would be deemed equal to that of one male

Muslim in a court of law. The more the state came to define itself in narrowly religious terms, the more it rendered itself an exclusivist state intolerant of difference, diversity, and contestation. Increasing numbers of people became lesser citizens, unequal in the eyes of the law and unable to defend their basic rights and freedoms. The essential pluralism of society was negated in state law and policy which seemed to recognize only male, Sunni, Punjabi citizens, belonging to well-to-do classes, as full citizens. All others — women, non-Muslims, ethnic minorities, and Shi'ites — became lesser citizens with fewer rights and privileges. While some of the inequality was institutionalized through constitutional means, the rest was encouraged through tacit state policy. The state's processes of alienating and "othering" were further exacerbated by its deep involvement in the Afghan war, where competing US and Soviet imperialisms were exploited by the Pakistani military government to shore up its strength.

The Soviet invasion of Afghanistan, and the subsequent American imperative to drive the USSR out of that country, dovetailed neatly with General Zia's need to deploy Islam as a weapon in the struggle to gain legitimacy. The US encouraged a radical, purist, and uncompromising Wahhabi version of Islam to create the *mujahidin* as a counter to the Soviets. President Jimmy Carter's administration created a secret fund of \$500 million to create terror outfits to fight the Soviets. Nicknamed "Operation Cyclone," this fund was kept secret even from Congress and the American public. Subsequently, the Reagan Administration and Saudi Arabia provided \$3.5 billion to General Zia's regime for the funding of *madrassas* for the Afghan *Jihad*.

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Militants were trained in the Brooklyn School in New York and in Virginia by the Central Intelligence Agency (CIA). In Pakistan they were trained by MI6 and Pakistan's Inter-Services-Intelligence (ISI). Religious indoctrination — which fostered the Taliban — was carried out by the Jamiat ul-Ulema-e Islam, a Wahhabi-Deobandi fundamentalist religious-political party based in the Northwest Frontier Province (NWFP). Between 1979 and 1990 there was a mushrooming

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of *madrasas*, *jihad*-related organizations doubled and sectarian outfits increased at the rate of 90%. By 1986 the rate of increase of *deeni madaris* (religious seminaries) was 136% whereas previously it had been a mere 3% annually. By 2002, 7,000 religious institutions were offering higher education degrees. Currently, it is estimated that there are between 18,000 and 22,000 *madrasas* operating in Pakistan, teaching over 1.5 million children. Pakistan is in fact located at the nexus of multiple and competing imperialisms representing the US (and the so-called “West”), Saudi Arabian Wahhabism, and Iranian forms. With massive funds pouring in from Saudi Arabia and

Iran for Sunni and Shi'ite institutions respectively, sectarian clashes and violence intensified in the decades following the imposition of Islamization at gunpoint.

The steady descent into the Taliban's version of an archaic and virulent Islam has had a devastating impact on women. Over at least the past two decades, the Taliban have gained ground in the northern, western, and tribal regions of Pakistan. Tehreek-e Taliban leader Baitullah Mehsud is entrenched in Waziristan, whereas Maulana Fazlullah, son-in-law of Sufi Muhammad, founder of the Tehreek-e Nifaz-e Shariat-e Muhammadi (TNSM), is comfortably ensconced in the scenic Swat valley, once a tourist haven in Pakistan. In the last two years the Taliban have burned, torched, and bombed 200 girls' schools in the Malakand Division and have ordered an end to the education of women. They have threatened to mete out dire punishments to women who work for a living, and have strictly forbidden them from going to the market to buy essential needs. The Taliban have prohibited barbers from shaving men's beards and have either destroyed or forced shut music and DVD shops. Musicians and barbers have been forced out of the area at gunpoint. The video of a 17-year-old girl being flogged publicly by the Taliban for alleged immoral activity is representative of the kinds of medieval punishments that the Taliban's distorted notion of justice imposes on the hapless people of an area that was once under governmental writ.

What began as the reconstitution of state policy in 1979 in response to global imperial pressures and the military's need to entrench itself in government, has become a nightmare in 2009. The Nizam-e Adl agreement concluded recently between the TNSM's Sufi Muhammad and the ANP government of NWFP essentially cedes sovereignty to the Taliban and acknowledges the end of the writ of state. As the state disintegrates through a policy of appeasement, women — already diminished citizens — are left at the mercy of the inhuman Taliban.