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*Making a Sovereign State: Javed Ghamidi and 'Enlightened Moderation'**

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Abstract

This paper takes a critical look at a recent attempt by the Pakistani state to manage religious thought and practice, under the broad banner of 'Enlightened Moderation'. One of the key Islamic thinkers associated in popular imagination with this project is Javed Ahmed Ghamidi. In contextualizing the work and role of Ghamidi, it is tempting to work backwards from his opinions on Islamic truth to situate him as a reformer whose interventions are primarily oriented to the task of reconciling Islam to conditions of liberal modernity. Against such a tendency it is argued here that such an exercise of classification and categorization needs to be undertaken with greater care as against a critique of the imperialist typology of 'good' and 'bad' Islams, a project of delineating authentic from inauthentic Islams has also more recently been activated.

Introduction

Informed by a reading of recent history suggesting their intransigence against structural modernization and the inculcation of liberal democratic values, a re-education of Muslims in the fundamentals of their religion was sought to be enacted in the years following 11 September 2001. Certain actors within the US foreign policy enterprise set themselves with the task of redefining relations between religion and state in Muslim countries. Islam itself was catalogued

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and marked for reform so that the 'subjectivities it endorses, and the epistemological claims it can make'[1] were limited in ways conducive to line-marking in the model of liberal state development.

In Pakistan, Enlightened Moderation as a national programme was outlined in November 2004 by President Pervez Musharraf in an article that appeared in a number of national and international dailies.[2] 'Muslims must raise themselves up through individual achievement and socioeconomic emancipation' reads the caption for the *Washington Post's* print. The form of uplift is one of reorienting aspirations of the population to scientize, to enable an entry into the 'world of ideas' that is opened up by the conditions of modernity in which Muslims may have a role to play in the future. In this initial articulation the genesis for such a reformism is claimed from within a lost tradition of Muslim virtues and achievements. There is also a discernable attempt at dissociation from 'Westernization' as signifying a set of amoral cultural values generally presumed to be antithetical to Muslim sensibilities.[3]

The well-known jurisconsult, Javed Ahmed Ghamidi, has come to be almost seamlessly associated with the global and local dimensions of religious managerialism within Pakistan. While Ghamidi has a long and distinguished career as a religious scholar in Pakistan, his broader public reputation has been built precipitously close to the official elaboration of the Enlightened Moderation agenda. Following upon a policy of media liberalization in 2002, the television talk-show came to represent this new broadcast regime's most prolific

[1] Mahmood, S. (2006) Secularism, Hermeneutics and Empire: The Politics of Islamic Reformation *Public Culture* 18:2, 323–345; 326.

[2] Musharraf, P. A., Plea for Enlightened Moderation 1 June 2004, *Washington Post:* http://www.washingtonpost.com/wp-dyn/articles/A5081–2004May31.html; [accessed 9 February 2011].

and Musharraf, P. A., 'Islam and West: Time for enlightened moderation', 2 June 2004, http://www.khaleejtimes.com/DisplayArticleNew.asp?section=editorial&xfile=data/editorial/2004/june/editorial_june5.xml [accessed 9 February 2011].

[3] 'Pakistan president says Enlightened Moderation is not Westernization', *BBC Monitoring South Asia—Political*, 23 March 2005. The report of Musharraf's speech delivered at his official residence on the occasion of Pakistan Day resituated the domain of culture and the arts as the bearers of a tradition that was already both enlightened and moderate. However, there was increasing suspicion that the US was funding some of the Enlightened Moderation Programme. Amongst the evidence which emerged to validate this suspicion, the direct funding for curricular reform was highlighted in a rather bizarre manner: See 'Pakistan censors poetic Salute to Bush' *The Telegraph*, 5 December 2005: 'A poem in a school textbook has been removed by embarrassed education officials in Pakistan after it was found that the first letters of each line spelt out "President George W. Bush"'.

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form of original broadcasting and profound forum for dispensing social commentary and political knowledge. A number of shows have featured, and in some cases been centred on, the person of Ghamidi. These shows have showcased his quiet and scholarly delivery—a certain modernism readily construed in his comportment and dispassionate demeanour. Indeed he continues to be the main attraction in a Television programme, called '*Deen-Au-Daanish*' (Faith). The commentary he delivers is cited frequently within the liberal media to challenge vestiges of a conservative social order attributed to particularly stringent interpretations of Islamic prohibitions.

The liberal approval does not begin or end with the Pakistani media, Ghamidi's promoters have included the Boston Globe and Newsweek, with the former asserting that his popularity as a spokesperson for Islam within Pakistan approaches that of a 'rock star—adored, hated, popular, and notorious all at once'.[4] The same article goes on to note that Ghamidi's role in Pakistan is analogous to that of well known Islamic public intellectuals such as Tariq Ramadan in Europe, and to assert that his frequent appearances on television 'have made a profound impact on public views'. Such affirmative accounts uniformly cite Ghamidi's stance on the Islamic impermissibility of private armed Jihad, as well as the permissibility of acts such as women's right to lead prayers, or to exercise choice in matters of purdah, as accounting for his favourable public reception.[5]

This paper traverses a description of the conceptual underpinnings of Muslim World Outreach,[6] the imperial project tending towards secular reformation, as told through the critical lens of writers who have understood this intervention within a longer historical continuum. The history offered in these accounts decries that the

[4] Mufti, S. The Fundamentalist Moderate, *The Boston Globe*, 22 July 2007.

[5] These claims are often bolstered by references to a lineage of moderate observance as defining the character of sub-continental Islam that predates the incursion and rapid spread of essentially foreign influences such as of Wahabism and Salafism.

[6] The programme broadly comprises the foreign policy implications of the International Religious Freedoms Act 1998, as well as the establishment of the The Muslim World Outreach Policy Coordinating Committee by the National Security Council in 2004. Funds earmarked for 'public diplomacy spending' in 2005 around the programme are $1.26 billion. See Kaplan, D. (2005), 'Hearts, Minds and Dollars', *US News and World Report* http://www.usnews.com/usnews/news/articles/050425/25roots_print.htm [accessed 9 February 2011]; and Ottoway, M. (2005), 'Islamists and Democracy Keep the Faith', *The New Republic* at http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=17037 [accessed 9 February 2011].

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redemptive languages of secularism and liberalism have implicitly or explicitly denied value to non-western and non-Christian systems of thought and social ordering. Although encapsulating such a normative heirarchy and disruptive programmatic thrust, Muslim World Outreach has, nevertheless, not impacted the Pakistani political landscape without several forms of further intermediation. Whilst the national programme is generated to a marked degree from within the conceptual grid of Muslim World Outreach, it is also responsive to competing global regulatory structures, particularly those which define statehood and sovereignty.

Tensions inherent in competing conceptions of state sovereignty, both as dictated through the particular configurations of a redefined post-9–11 global militaristic order, and as woven within the fabric of shifting domestic politics, bore heavily upon the alterations in official policy on religion and religiosity that Enlightened Moderation came to represent. In Pakistan, notions of classical sovereign control were resurgently important, given the perilous situation of managing internal and international alliances in this period, and Enlightened Moderation seemed to support certain techniques of authoritarian consolidation by the state as the expression of such a sovereignty. Simultaneously, the rights-flouting character of such a consolidation necessitated a certain mitigation or defence and thus, formal compliance with a discourse of rights abidance and popular consent was also activated in limited ways. Thus, two visions of sovereign control continued to percolate through and affect deeply the structural transitions being enacted and the forms of legitimacy sought by the Musharraf regime. This paper suggests this as the backdrop against which to measure the contributions that Ghamidi makes to the Enlightened Moderation Programme.

Muslim World Order

Although recently there has been a vast proliferation in critical secularism studies, the notion of 'secularism as a mode of international hegemony' arises particularly in reference to the containment imperative of a US security agenda ranged against 'radical Islam'.[7]

[7] Asad, T. (2007) 'Secularism, hegemony, and fullness'. *The Immanent Frame*. Available at: http://blogs.ssrc.org/tif/2007/11/17/secularism-hegemony-and-fullness [accessed 9 February 2011].

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Such an agenda does not, however, specify the need to excise religion from all political life. Rather, in an epoch where religion everywhere continues to share space with accepted conditions of modernity such as the 'unceasing pursuit of the new in productive effort, aesthetic experience, and claims to knowledge, as well as the unending struggle to extend individual self-creation', an 'enlightened and tolerant religion' necessarily needs to be produced.[8] The Muslim World Outreach project, while professing a belief in the veracity of a liberal rights and governance conspectus seems also to affirm Talal Asad's insight that an insistence on the 'sharp separation between the religious and secular goes with the paradoxical claim that the latter continually produces the former.'[9] The fostering of a reformist Islam to enable a correlative juridification to manage the relation between politics and religion defines one point of terminus in what is also a narrative of progressive social development; law is thereafter set with the task of negotiating these boundaries as a condition and measure of modern and liberal nationhood.

In a particularly thorough and critical description of the programmatic and ideological functions of the Muslim World Outreach programme, Saba Mahmood purposely occludes the role of certain agentive actors so as to localize her analysis and critique on the 'strategies of domination pursued by the United States'.[10] She writes: 'I want to explore these dimensions of secular normativity, thought outside of that domain we take to be their natural home, the nation-state'.[11] Mahmood asserts that the framers of this global project, foremost amongst them the US State Department, sought a direct interface with the subject populations situated within Muslim countries through the 'shared assumptions about enlightened religiosity' between them and 'self-identified religious reformers', 'heroes of the secular Left' who would be the purveyors and spokespersons of the same.[12] Ghamidi is not amongst the

[8] Asad, T. (2003), 'Formations of the Secular', Stanford University Press, p. 193.
[9] ibid p. 201.
[10] Mahmood, S. Secularism, Hegemony and Empire, general description on pp. 330–335, quote from p. 328.
[11] Ibid. 328.
[12] In her formal alignment of the Muslim World Order programme and the work of Islamic reformers, Mahmood has indicated a set of methodological and epistemological assumptions as being shared between them. Particularly, she has suggested that a historicist, empiricist method for reading religious texts is oriented to the creation of a secular subject. This subject would then be capable of critically separating the historical conditions within which the text was revealed from the universal truths to be gleaned from its broader ethical structuration. Furthermore, in

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scholars that Mahmood cites for fulfilling the tasks of empire through an alliance that traverses shared discursive and methodological assumptions. Nonetheless, much of Mahmood's indictment of a 'reformist method' maps neatly onto Ghamidi's avowedly historicist assumptions about Islamic truth and this makes it worthwhile in itself to investigate Ghamidi's location in a polity marked for reform.

In deliberately leaving out particular Muslim states from her analysis, Mahmood is maintaining nonetheless that these nation-states are amongst the primary beneficiaries of 'secular' reformation. Mahmood's argument can be somewhat schematically summarized as suggesting that secular selves invested with the rights of liberal state subjects can be continually remade in line with the imperatives of sovereign order and governmentality. Furthermore, the state can arrogate greater regulatory space to itself as institutions, formal and informal, that were the repositories of alternate authority and normativity are vacated.[13] It is thus, suggests Mahmood, that juristic traditionalism is particularly identified with a 'threat' deeper than that of political Islamists but equivalent to that of Jihadist organizations in the various documents and reports that together define the Muslim World Outreach catalogue of good and bad Islams.[14] In mandating subjectivities that make epistemological claims not fully in accord with the public/private and state/religion divides of a liberal dispensation, such traditionalists are invested in turn by Mahmood with a certain aura of authenticity as against a reformism that is blemished by its serviceability to liberal governance structures.

As an existing condition of Pakistani sociality, both institutionalized sites of Islamic authority as well as more diffuse forms of ideation have fuelled competitive struggles to redefine, augment or ameliorate

displacing both traditional method and authoritative guidance of the Ulema, space is opened up for individuals to make choices in matters of religious observance which thereby fractures the integral wholeness of Islamic practice and faith. Amongst the scholars that Mahmood identifies as being projected as part of an imperial foreign policy are Hassan Hanafi, Abdul-Karim Soroush and Nasir Hamid Abu Zayd. She cites the work of Charles Hirsckind as the inspiration for her discussion of Zayd. See Hirschkind, C., (1995), Heresy or Hermeneutics: The Case of Nasir Hamid Abu Zayd, *American Journal of Islamic Social Sciences* 12:4, 463–477.

[13] Mahmood S., Secularism, Hermeneutics, Empire pp. 333–334.

[14] See particularly Bernard, C., (2003), *Civil Democratic Islam; Partners, Resources and Strategies* Rand Corporation, available online at: http://www.rand.org/pubs/monograph_reports/MR1716.html [accessed 28 March 2011].

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state power historically.[15] That the contest has nonetheless yielded formal legal structures that are deemed Islamic in inspiration or authorization also has further consequences for describing this particular historical juncture. As law reform under Musharraf becomes a site identified for the furtherance of claims related to sovereign order, the 'modular forms of reasoning' associated with Islamic and secular juridification are increasingly parsed in a public domain reconfigured by forms of media liberalization enacted in this period.

Without using the category in the celebratory sense of a political project complete in and of itself, the public sphere is nonetheless important for understanding the forms of competitive interplay through which scholar and state derive degrees of autonomy for their functioning. As a religious scholar without discernable affiliation with a traditionalist school of thought, Ghamidi gains salience for his claims on Islamic truth by enacting the discursive rituals associated with the establishment of religious authority. The basis of support he is able to garner in such a sphere is thus reliant upon a range of associations which cleave across the simple binary of liberal versus traditional scholar. In reference to the state, the imperative to create or expand a public sphere is also consequent upon the crisis of sovereignty it faces at this moment, and even where an appeal to the public means a circumvention of some of the immediate goals of Enlightened Moderation, its very possibility enables the state to claim to be demonstrating sovereignty.

Moderating Sovereignty/Enlightened Moderation in Pakistan

The principle of sovereignty is broadly considered to be the 'grundnorm of international society'.[16] The place accorded to individual states in international society is contingent upon their ability to exercise sovereign authority; the localization of this authority, in turn, forms the basis for defining the legitimate locus

[15] See Malick, Jamal, (1995). *Colonization of Islam: Dissolution of Traditional Institutions in Pakistan* Lahore: Vanguard Books; and Ayesha Jalal, (2000), *Self and Sovereignty: Individual and Community in South Asian Islam since 1850*, New York: Routledge.

[16] Reus-Smit, C., (2001), Human Rights and the Social Construction of Sovereignty, *Review of International Studies*, 27:4, 519–538; 'Grundnorm' is a term used by Hans Kelsen to describe the highest ethico-moral postulate which gives rise to a system of law.

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of force and law-making in a state. In this classical theoretical articulation, sovereignty grants primacy of power to a singular authority, whether monarch or assembly, to be exercised within a defined territorial entity. In its minimalist articulation it does this without questioning or challenging the *particular* ways in which such authority is exercised, while only specifying that the state thus constituted has to demonstrate 'effective control' over the territory it rules in order to be recognized.[17] Such, at least, is the classical conceptualization of state sovereignty even if the reality has been different. The post World War II period has seen additional developments that have resulted in broad ranging qualifications of the classical conceptualization. The horrors of genocide within Europe, felt more acutely than genocide in the colonial world, as well as the aggressive assertion of self-determination by previously colonized people, introduced a moral justificatory standard through a catalogue of rights and safeguards that were solidified and coded in international treaties and a regime of internationally recognized human rights.[18] This may be seen also as the working out of a defining feature of the modern period where the notion of popular sovereignty restrained unlimited state power. Similarly, a corpus of rights protection works as a limiting condition on the nucleated authority guaranteed by classical sovereignty doctrine. Though these

[17] Reisman, W. M., (199), 'Sovereignty and Human Rights in Contemporary International Law', *The American Journal of International Law* Vol. 84 No. 4 pp. 866–876, provides a concise overview of the ways in which sovereign order through Hobbes and Bodin and then the framers of the US Constitution with the latter's reliance upon Montesquieu, Locke and Rousseau, reflect alterations in conceptions of sovereignty from a preoccupation with the establishment of internal order to the notions of popular sovereignty. While the discussion above is a sparse heuristic which cannot do justice to either the historical manifestations of sovereign order nor the vast body of literature which investigates its varied manifestations and their interplay with political or legal institutions, it is broadly informed by works such as Held, D., (2002), 'Law of States, Law of Peoples: Three Models of Sovereignty', *Legal Theory*, 8, pp. 1–44; Krasner, S. D., (1999), *Sovereignty: Organized Hypocrisy*, Princeton University Press, 1999; Robert H. Jackson, *Quasi-states: Sovereignty, International Relations and the Third World*, Cambridge University Press, 1990.

[18] For a recent discussion of 'the transformation of international order in the 20'th Century' describing the shift from one in which states are treated as equals to one in which 'distinctions are drawn between states on their conformity to certain models of good government or their alignment with particular political projects', see Simpson, G., (2007), *Law War and Crime*, Cambridge: Polity Press, p. 142. For a critical discussion of the 'political project' of Human Rights as First world interventionism and as contributive to the disciplining of post-colonial states, see Baxi, U., (2002), *The Future of Human Rights*, Oxford: Oxford University Press.

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are not mutually antagonistic conceptions of sovereignty, there are, nonetheless, spaces of tension and competition that permeate the discourse of modern statehood, one increasingly saddled with the need to 'justify territorial particularism on the grounds of ethical universalism'.[19] The form of such universalism, while clearly tied to a history of liberal state development in the West, is also increasingly refracted through international law and a putative ethical commitment to values such as rule of law and democracy.

While the focus of this paper is on the interweaving of sovereign order with reformist Islam in Pakistan, the starting point is necessarily the US-led War on Terror. As a manifold agenda weaving together strategic imperative and ideological apparatus it reveals itself as fractured and reactive to the tensions between the two forms of sovereign order described above. The post-9/11 reconfiguration of sovereignty in the US, ideologically powered by a claim upon civilizational and political virtues that it denies its enemies, is simultaneously marked by a heightened deference to the security imperative resulting in the large scale abrogation of constitutional rights and greater concentration of power in the hands of the executive.[20] Whilst the US has in recent years been accused of flouting international human rights laws particularly with regard to Guantanomo Bay detainees, US foreign policy did not fail to incorporate these rights and values as standards for evaluating the conduct of other states.[21] The Bush Doctrine of 2002, in which the

[19] Reus-Smit C., (2001), Human Rights, p. 420.

[20] For a concise articulation of the manner in which the events post-9/11 mark a new global configuration of politics going to the articulation of the global with the local, the disciplining of 'so-called rogue states, social movements and social formations', see, Mufti, A., (2003), Reading Jacques Ranciere's 'Ten Theses on Politics': 'After September 11th', *Theory & Event*, 6:4. Ackerman, B., (2006), *Before the Next Attack,* New Haven: Yale University Press; Sassen, S., (2005), 'Beyond Flawed Elections: Toward a Privatized Presidency', *Theory & Event*, 8:2; Sassen, S., (2007), *Territory, Authority, and Rights: From Medieval to Global Assemblages*, Princeton: Princeton University Press; and Asad, T., (2007), *On Suicide Bombings*, New York: Columbia University Press. Both Sassen and Asad suggest that the unaccountable practices of the US Executive, particularly as represented by the Patriot Act, are reflective of systemic trends associated with liberal governance. Against a large body of work which also sees this as an instance of sovereign exceptionalism, Ackerman makes a case for the restorative work that can be done within a 'rule of law' paradigm.

[21] The broad definitional ambit and the indefinite incarceration of 'enemy combatants', coercive interrogation techniques, trial by military tribunals, extra-ordinary rendition and targeted killings are amongst the practices allegedly contravening international humanitarian laws by the US in waging the War on Terror. Nanda, V. P., (2009), 'The War on Terror and Its Implications for International

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US laid out its militarized and even 'gladiatorial' approach to its own security, contained a rhetorical commitment to the promotion and respect of human rights and liberal values.[22] It is in furtherance of such 'respect' and abidance that the pedagogic project of Muslim World Order is further elaborated.

The fostering of favourable Islamic epistemes to safeguard against radicalization and Islamism also shared space with more urgent imperatives such as the need to stabilize and support particular regimes against internal criticism in order to support the US's war on terror objectives, even as this support was additionally predicated upon a demonstration of effective sovereign control by such states. Thus, as with Mubarik in Egypt, and the ruling family of Saudi Arabia, the extra-legal character of the Musharraf regime was mostly downplayed and regime type recast as a purely domestic concern. Such circumspection is also apparent in the transnational Enlightened Moderation agenda consolidated in a meeting of the Organization of Islamic Countries in Islamabad: to undertake reforms that are both grounded within spiritual, ethical, social and economic values of Islam whilst remaining cognizant of home-grown traditions of representative government which are respectful of purported differences amongst these nations and between them and received models of liberal democracy.[23] Not just for Musharraf, but also for the other states

Law & Policy', *Denver Journal of Int'l Law & Policy 37. P.* 513. See also Churchill, W., (2006), 'A Not So Friendly Fascism? Political Prisons and Prisoners in the United States' *The New Centennial Review 6.1*, pp. 1–54. Although the Obama administration has stopped invoking the term 'war on terror', the underlying package of such practices in the 'war against al Qaeda and its affiliates' has not altered significantly. Pleming, S., 'Obama Team Drops "War on Terror" Rhetoric' *Reuters*, 31 March 2009 available at http://www.reuters.com/article/2009/03/30/us-obama-rhetoric-idUSTRE52T7MH20090330 [accessed 9 February 2011].

[22] 'The Bush Doctrine' became the nickname for a document entitled, 'National Security Strategy for the United States' released by the White House in 2002. It is broadly associated with outlining a future course of military security that would include the option of 'pre-emptive strike': 'The U.S. national security strategy will be based on a distinctly American internationalism that reflects the union of our values and our national interests. The aim of this strategy is to help make the world not just safer but better. Our goals on the path to progress are clear: political and economic freedom, peaceful relations with other states, and respect for human dignity.' p. viii available at: http://www.nytimes.com/2002/09/20/politics/20STEXT_FULL.html [accessed 28 March 2011]. See also, Mgbeoji, I., (2006), 'The Civilised Self and the Barbaric Other: Imperial Delusions of Order and the Challenges of Human Security', *Third World Quarterly*, 27:5, 855–869.

[23] The text of this collaborative statement can be viewed at: http://www.foreignaffairscommittee.org/includes/content_files/ENLIGHTENED%20

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represented there, a full-scale call for democratization would clearly undermine the forms of legitimacy to which they lay claim.

In Pakistan particularly it needs to be remembered that Enlightened Moderation was not so much a shift but a recalibration of a rhetoric that had earlier antecedents in the promotion of modernism and secularism as conjoint aspirational goals for the nation. In the period immediately following his 1999 coup, Musharraf had vaguely outlined a programme of reforms similar to those of the modernizing secularist General Ataturk in Turkey as the basis for legitimating a continued right to rule.[24] Forced to acknowledge limitations to his rule in accordance with the verdict of the *Zafar Ali Shah* case[25] and as certain political exigencies made themselves more palpably felt, Musharraf's adherence to secularizing values also diminished. Nonetheless, it is notable that some of the reforms later considered to be the dispensations of the Enlightened Moderation agenda predate it by several years. Those alterations of policy that aligned with the US agenda in their initial articulation included the promotion of secular education and a modernizing reform of Madressa curricula, which

MODERATION.pdf [accessed 9 February 2011]. Additionally, for an extensive interview with Mushahid Hussain, who Chaired the Organization of Islamic Countries meeting, see Mateen, A., 'Politics of Piety' *Dawn Magazine*, 5 September. Hussain is quoted as saying: 'That "soft" face of the real Pakistan is seldom projected, and frankly, it's one of the state's biggest failures, because we have failed to apply our minds to evolve a comprehensive strategy on this count.' He also establishes the transnational and transhistorical dimensions of a moderate Islam by reference to Granada and Cordoba and suggests that Islam was a 'beacon of modernity, moderation and enlightenment when Europe was going through the Dark Ages' as further evidence of the later enervation of its vital capacities.

[24] See Nasr, V., (2004), 'Military Rule, Islamism and Democracy in Pakistan', *Middle East Journal*, 58:2, 195–209. 'He had spent some of his youth in Turkey, and had an admiration for Kemal Ataturk, and also looks positively on the role that the military plays in Turkey's politics—which is clearly at odds with how the military has seen its own role in Pakistan', p. 204. 'The combination of Kemalism and military rule differs greatly from Zia's formula of combining Islamism with military rule', p. 201.

[25] *Zafar Ali Shah v Pervez Musharraf* (PLD 2000 SC 869) validated the coup on the grounds of the doctrine of state necessity. The court granted virtually unlimited powers to the military regime, including the power to amend the constitution so long as its salient features—parliamentary form of government, federalism and the independence of the judiciary—were left intact. The court, however, imposed one meaningful restriction: the military regime had to hold general elections for the national parliament and provincial legislatures no later than three years from the date of the coup. Thus, elections were held in the condition of leaders of the two major parties being currently in exile.

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were nonetheless mediated in their delivery by political bartering and an incomplete commitment to financing such a transition.[26]

The 2002 elections provided greater impetus for statist interventions delivered under the Enlightened Moderation Programme as the umbrella coalition of Islamist parties under the banner of Mutahida Majlis-e-Amal, won a convincing victory in the strategically important North West Frontier Province and secured sufficient seats nationwide to become the official opposition in the national assembly. Such electoral results became the exemplar of Pakistan's slippery slide towards what was perceived to be radicalization/talibanization in the West and for the liberal-minded in Pakistan.[27] In the post-9/11 world, even the critical left in its post-Marxist turn allied itself with the project of repeating the progress narrative that would augur in freedom and political possibility through the implantation of values of secularization for the needful Muslim population. These alternate understandings, less strategic and more normatively emancipatory, borne out of a concern for the enforcement of human and particularly women's rights, provided the tropes that suggested a natural alignment of US interests with the liberal elite in Muslim states.[28]

The Musharraf regime claimed sovereign control and ability in managing this slippery slide through aggressive military action in parts of Pakistan, yet it also seems that the regime manoeuvred to withstand US pressures to curtail or bar the activity of some

[26] Two executive ordinances were promulgated to control the madrassas. Pakistan Madrassah Education (Establishment and Affliation of Mode Dini Madaris) Board Ordinance 2001 and the Voluntary Registration and regulation Ordinance 2002. However, 'only one-tenth of the madrassas, agreed to be registered and the rest simply ignored the statute'. Rahman, Tariq, *Madrassas: Religion, Poverty and the Potential for Violence in Pakistan*, National Institute of Pakistan Studies, Islamabad: http://www.tariqrahman.net/educa/Madrassas%20in%20Pakistan.htm [accessed 9 February 2011]. Also, see International Crisis Group, 'Pakistan: Madrasas, Extremism and the Military', Islamabad/Brussels: 29 July 2002.

[27] Wirsing, R. S., (2004), 'Religion, Radicalism, and Security in South Asia' in Limay, S. P., Malik, M. and Wirsing, R. (eds), *Religious Radicalism and Security in Pakistan*, Asia-Pacific Center for Security Studies: University of Honolulu, p. 10. See also, '"Talibanization" fears in Pakistan', *Christian Science Monitor*, 13 April 2005; and Asdar Ali, K., (2004), 'The Pakistani Islamists Gamble on the General, *Middle East Report*, No. 231 pp. 2–7. In a critical reading of the elections, Asdar suggests, 'In Pakistan, Islamic parties have emerged as national players when the ruling elite engages in undemocratic practices'.

[28] Mahmood, S. and Hirschkind, C., (2002), 'Feminism, the Taliban and Politics of Counter Insurgency', *Anthropological Quarterly*, 75:2 339–354.

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Jihadi networks domestically.[29] Considerable effort was made to represent a separation between outfits oriented to support Kashmiri Muslim claims for independence and those allied with Afghan militias fighting the Americans. In spite of the reality of cross-fertilization of leadership and resources between them, only Jihadist groups within the North West Frontier Province and Tribal Areas were targeted by government action from late 2004 onwards. Whilst the Mutahida Majlis-e-Amal government looked the other way and endeavoured instead to implement an ambitious and encompassing Shariat law in the province as its spoils of power sharing, the significance of the localization of military action for the rest of the country lay in the fact that this targeting of Pukhtoons was against a population that has been marked historically as living within a state of legal exceptionalism.[30] Pukhtoon identity was easily aligned with Jihadism and danger. The ascription of 'tribalism' and associated stereotypes to Pakhtoon social forms in the complex landscape of regional and ethnic divisiveness in Pakistan enabled a certain popular obeisance to such a localization. Similarly, the secret state of intelligence agencies and the military were actively involved in the disappearance of hundreds of political activists, fighting a covert war of containment primarily against Baloch nationalists under the cover of the war against terror.[31] Officially though the catalogue of Muslim World Outreach little reflected the situation on the ground as the forms of targeting suggested no

[29] Roy, O. and Abou Zahab, M., (2004), *Islamist Networks. The Afghan-Pakistan Network*, New York: Columbia University Press, pp. 61, 73. Also see Talbot, Ian, (2003), 'Pakistan in 2002: Democracy, Terrorism, and Brinkmanship', *Asian Survey*, 43:1, 198–207.

[30] This targeting also coincided with a notable ethnic dimension to the popular protests staged against US involvement in Afghanistan. See Roy and Abou Zahab, *Islamist Networks*, p. 61. Stereotypes about Pathan viciousness and their fierce independence have often been related to either the geography of the land or the notion of a primeval attachment to tribal code and custom. Spain, J. W., 'The Pathan Borderlands', *Middle East Journal*, 15:2 (Spring, 1961), 165–177. For a general description of the legal regimes of the North West Frontier Provinces, Federally Administered Tribal Area (FATA) and Provincially Administered Tribal Areas (PATA), see Sardar Ali, S. and Arif, K., (2004), Traditional/Alternative Dispute Resolution Mechanisms in Pakistan, in Yasin, M. and Banuri, T. (eds), *The Dispensation of Justice in Pakistan*, Oxford: Oxford University Press, 2004, pp. 115–150. For a critical discussion of the stereotypes about Pathan character and customary governance structures see Banerjee, M., (2004), *The Pathan Unarmed: Opposition & Memory in the North West Frontier*, Karachi: Oxford University Press.

[31] 'Jails, Prisoners and "disappearances", HRCP State of Human Rights in 2007', *Human Rights Commission of Pakistan Report* can be viewed at http://www.hrcp-web.org/pdf/Archives%20Reports/AR2007.pdf [accessed 28 March 2011].

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discernable affiliation with either a political movement or a particular form of Islam as the point of entry into radicalization.[32]

As the foregoing discussion illustrates, the conceptual features of a prescriptivist global project aligned in a broad manner with Musharraf's articulation of Enlightened Moderation, even as there were exemptions claimed on the grounds of local political compulsions. The face of Enlightened Moderation projected to the external world was of Pakistan as a transitional society overcoming the atavistic tendencies of religious extremism, expressed often and at great expense through grandiloquent tributes to the arts and fashion designing in diplomatic circuits of cultural exchange.[33] Within Pakistan this was translated into a certain type of authoritarian consolidation of marking out an 'us' and 'them'. Albeit superficially, prominent political commentators defined the 'them' as those who did not agree that Musharraf deserved another term in office as President and military chief.[34] Officially, the unpopular alignment with the US was increasingly sold as the only rational method for ensuring the survival of the state even as it was also acknowledged as being amongst the many existential threats that the nation faced.[35] Nevertheless, the

[32] While it was the looming peril of an Al-Qaeda type of Jihadism that suggested the greatest danger, the Muslim World Outreach agenda, as formulated through policy reports and the catalogue of existing schools of Islamic jurisprudence and theology, was undertaken in spite of the acknowledgement that, 'The radical fundamentalists, the second strand, are much less concerned with the literal substance of Islam, with which they take considerable liberties either deliberately or because of ignorance of orthodox Islamic doctrine. They usually do not have any "institutional" religious affiliations but tend to be eclectic and autodidactic in their knowledge of Islam. Al Qaeda, the Afghan Taliban, Hizbut-Tahrir, and a large number of other Islamic radical movements and diffuse groups worldwide belong to this category'. Bernard, C., *Civil Democratic Islam,* p. 4.

[33] The flirtation with the recognition of Israel was perhaps a more substantive element of such a package of diplomatic exchange.

[34] Amir, A., 'The Meaning of Enlightened Moderation', *Dawn*, 4 March 2005. Challengers to the states sovereign imperative sometimes included figures such as Mukhtara Mai. In a strange inversion of initial support, the whole apparatus of the state conspired in 2006 to bar this woman's exit from the country in fear that further publicity about the gang rape that she suffered through a tribal judicial verdict would compromise the soft image of Pakistan that was being so ardently cultivated in the West. Instances such as these resulted in great disparagement of the enlightened moderation agenda amongst liberals in the country. A recasting of the title to read 'moderate enlightenment' was increasingly used to decry the government for not going far enough to disengage religion and politics or in affirming basic human rights as the guarantee of citizenship.

[35] Musharraf, in his book, *In the Line of Fire*, would later reveal that the initial support for the war on terror had been coerced under threat of 'being bombed into

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work of Enlightened Moderation was not exhausted with evidence of this contradictory and seemingly disingenuous logic. An important aspect was legal reforms that will be discussed below.

A key feature of the Musharraf era, one already cited as altering the political sphere of Pakistan at this historical moment was the liberalization of media as part of a larger programme of economic liberalization and privatization of state-held assets.[36] Through the Pakistan Electronic Media Regulatory Ordinance 2002 private actors were afforded access to public airwaves and a large number of licences were granted for television and radio broadcast.[37] Entertainment shows representing a visibly liberalized and urban Pakistan through the sporting of western dress and with a less circumspect accounting of acceptable relations between the sexes, thereafter shared space with an array of religious programming. This privatized media provided

the stone age' if there was resistance. For a broader discussion about the manner in which the US was simultaneously reterritorializing its war on terror even as it continued to discuss its greater enemy in the terms of 'networks'. See Elden, S., (2007), 'Terror and Territory', *Antipode*, 39:5, 821–845. On the pretext of an insufficient exercise of sovereign control in safeguarding its territory against use by terrorist networks, the US had invoked the 'legitimate' use of force and in some convolutions, the doctrine of just war for its invasions in Afghanistan and Iraq. Hajjar, L., International Humanitarian Law and 'Wars on Terror': A Comparative Analysis of Israeli and American Doctrines and Policies, *Journal of Palestine Studies*, 36:1 21–42. Hajjar recapitulates the argument that the US's justification for relaxation of the laws of war and international humanitarian law during the Afghanistan war was the assertion that the latter was a 'failed state'. As early as 2002 Pakistan specialists and other foreign policy experts were suggesting that Pakistan was an unreliable ally. See particularly, articles from the *Washington Post* by Jim Hoagland 'Pakistan: Pretence of an Ally' 28 March 2002, and 'Pakistan: Nuclear Enabler', 24 October 2002. Pakistan was also having to control against threat of 'hot pursuit' even as there were ongoing 'targeted bombings' on Pakistani territory by the US through satellite guided drones and at least one reported incursion by US ground troops onto Pakistani territory on 12 September 2008 which resulted in the death of 12 civilians. On the international legal implication of such US actions see Shah, S. A., (2009), 'War on Terrorism: Self Defense, Operation Enduring Freedom and the Legality of U.S. Drone Attacks in Pakistan', *Washington University Global Studies Law Review*, 9:1.

[36] Rizvi, I. and Abbas, S., (2003), 'Use of the Media to Combat Social Exclusion & its Potential Role in Promoting Pro-Poor Social Change', in Hooper, E. and Hamid, A. I., *Scoping Study on Social Exclusion*, Volume II, Report (DFID), UK. The greater reach of television media compared with print media is apparent in the figures given: 75 per cent of urban dwellers have access to television media whereas only 31 per cent read newspapers. According to a Gallup poll cited, there are over 43 million television viewers in Pakistan. P. 80.

[37] Prior to this a few private news channels in particular had begun telecasting remotely and escaped the vigilance of state regulatory agencies.

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a perfect platform for promoting and supporting Ghamidi within a public sphere that was being actively championed by state agencies.[38]

Javed Ahmad Ghamidi

Javed Ahmad Ghamidi's intellectual development has been comprehensively charted by Khalid Masud in the context of his interpretation of existing laws dealing with rape and consensual sex in Pakistan.[39] Ghamidi completed his formal education in Lahore, graduating with an Honours degree in English literature from Government College in 1972. Whilst there, he joined the student wing of the Jamaat-I-Islami which was gaining rapid ascendancy across Pakistani campuses in the early 1970s. His affiliation grew to the level of a close relationship with the Jamaat-I-Islami's amir and founder, Abul A'la Maudoodi. Simultaneously, however, Ghamidi was working closely with Amin Islahi, one of the founding members of Jamaat-I-Islami who had severed links with the party in protest against Maudoodi's authoritarian style and his choice to support the candidature of Fatimah Jinnah in the 1968 national elections in preference to General Ayub.[40] As an internal debate within Jamaat-I-Islami turned finally in favour of active political contest rather than

[38] Rizvi and Abbas 'Use of the Media' also point out the ways in which the Musharraf regime actively promoted its proposed alterations in local governance structures through the establishment of media cells in the relevant agencies and active participation in televised debates. Interestingly, both the instances of governance and legal reform of Islamic laws are a counter to the manner in which pre-packaged reforms intended to liberalize and privatize the economy were enacted. For example, as the headings betray, the following were enacted as executive ordinances without even legislative debate or assent: Competition Commission Ordinance 2007, Privatization Commission Ordinance 2000, Board of Investment Ordinance 2001, Foreign Currency Accounts (Protection) Ordinance 2001, Recognition and Enforcement of Foreign Arbitral Awards Ordinance 2007, Pakistan Electronic Media Regulatory Authority Ordinance 2002.

[39] Masud, M. K., (2007), Rethinking Sharia: Javed Ahmed Ghamidi on Hudud in *Die Welt des Islams* 47:3–4, 356–375. The short biography in this paper, as well as the discussion of Ghamidi's interpretive method are very much indebted to Masud's comprehensive work. Additionally, Masud's article lays out the problematic assumption of the assumed binarism between Western and Islamic thought and their associations with dynamism and stagnation respectively, and calls for greater attention to be paid to the work of Muslim intellectuals.

[40] Nasr, V. R., (1996), *Maududi and the Making of Islamic Revivalism*, Oxford University Press, 1996. Ayub was the most anti-Islamist of the countries rulers but nonetheless the content of Islahi's disagreement was that Maudoodi, in his support for Jinnah was acting contrary to his acceptance of an Islamic prohibition on women assuming the

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of working to inculcate personal pietism and virtue, Ghamidi, as a proponent of the latter strategy of social reformism was expelled from the party in 1977.[41] Thereafter, his pupilage with Islahi deepened and he began his future course of dilating upon matters of faith and practice through weekly pamphlets and newsletters and laying the groundwork for completion of more comprehensive works in the future. As exegete, his work was completed with the publication of *Burhan* in 2000. However, as a religious scholar he has a far more expansive output, insofar as a continuing commentary is delivered upon matters of political and social interest both in the form of topically organized tracts published in the Urdu language journal *Ishraq* and the English language journal *Rennaissance*.

In 1991, during the lifetime of his mentor, Islahi, Ghamidi cofounded the Al-Mawrid Foundation for Religious Education and Research in Lahore. The stated intent was to foster a true understanding of Islam through study of the Quran and Sunnah and to bridge gaps that have arisen through exclusionary allegiance to schools of juristic thought and sectarian understandings amongst Muslim scholars.[42] Al-Mawrid is neither a Madrassah nor modelled on the revivalist or *dawa* movements which primarily engage their adherents more exclusively in projects of personal reform. Al-Mawrid functions more as a think-tank and one that is particularly savvy and adept in its use of various media for disseminating its findings.[43] Its scholarly credentials are bolstered by the range of qualifications brought by some of its associates and researchers.[44]

status of heads of state. See also Iqtidar, H., (2009), 'JI Pakistan: Learning to be Left' in Khan, N. (ed.), *Beyond Crisis: Reevaluating Pakistan*, Delhi: Routledge.

[41] Javed Ghamidi (trans. Shehzad Saleem) in 'Religious Parties' specifies that those who aim to bring about a wholescale revolution are in principle to be rejected because such alterations may rightly only be enacted by politicians. Members of a religious elite are carriers of specialist knowledge and their rightful duty is to 'disseminate the basic message of Islam and to reform the moral character of the people. These are the parties that assist an Islamic government in fulfilling its primary duty of Da'wah-ilal-khair, Amar-bil-Ma'roof and Nahee-'anil-Munkar and an Islamic Government is as such indebted to them for this service'. See http://www.monthly-renaissance.com/issue/content.aspx?id=1096 [accessed 28 March 2011].

[42] More details available on their website: www.al-mawrid.org.

[43] Both *Ishraq* and *Renaissance* are mailed to members and other readers. Full copies are also available on the Al-Mawrid website. There is additionally a link to an online lecture series by Ghamidi and in conjunction with the Dunya Network, an archive of his current weekly television show *Deen Au Daanish*.

[44] Two of its prominent research fellows have been members of the Social Sciences faculty at Lahore University of Management Sciences (LUMS). LUMS is, in addition

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Without much mention of this institution, Masud has suggested that Ghamidi is in fact leading a movement of like-minded persons who look up to him as their role-model. Masud characterizes such a movement as somewhat similar to the 'non-radical Wasatiya in Egypt', which grew out of a productive and continued interaction between the Muslim Brotherhood and its break-away elements.[45] The term 'Wasatiya' has been used recently also to describe 'Islamo-liberals' in Saudi Arabia, connoting both its religiously significant meaning of 'moderation' as well as a political one of 'balancing the liberal "left" and the Islamist "right"'.[46] However, in contrast, Ghamidi has not sought to organize his adherents as a political party as per the former, nor does the discourse of liberal reform find explicit mention within his interpretive schema, in contrast with the latter.[47]

Certain vestiges of a *shagirdi* (pupilage), or traditional relationship of disciple and mentor, are certainly apparent in speaking to junior members of the organization who pay near daily visits to Ghamidi and refer to him with the respectful title of '*ustad*' (mentor). The term connotes not just a teacher but one who has developed deep expertise in a particular domain. As exegetes, commentators and religious philosophers, the members of al-Mawrid address a diverse set of issues in their contributions to the output of the institute while retaining a marked conformity with Ghamidi's method.

The popular perception of variance between Ghamidi's list of prohibitions and allowances as he reads them in the Quranic tradition from traditionalist scholars has been the basis for making the claim or accusation that Ghamidi's method can be subsumed within a rationalist 'school'; in other words, one wherein the spirit and not the letter of the Quran needs to be abided. In fact he has been lauded in the liberal English language press for denying fixity of meaning within

to being the highest ranked and most elite university in the country, the only one where comprehensive revision has been undertaken of the government mandated curriculum for Islamic Studies. Every chartered university in Pakistan must offer this course as a condition for the grant of a degree.

[45] Masud, Rethinking Shariat, pp. 356–357.

[46] Lacroix, S., (2004), Between Islamists and Liberals: Saudi Arabia's New 'Islamo-Liberal' Reformists, *Middle East Journal*, 58:3 345–365, 346; and Stacher, J. A., (2002), 'Post-Islamist Rumblings in Egypt: The Emergence of the Wasat Party', *Middle East Journal*, 56:3 415–432.

[47] What is apparent in speaking with Ghamidi and his associates is the sense of belonging to a community of Ulema. Often, in speech, there is reference to the fact that their controversial statements about Islamic truth and duties are in conformity with the thought of 'mainstream ulema' and validation sought through this alignment.

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the Quran.[48] However, a detailed exposition of his method shows the word of the Quran and its system of laws and prohibitions continue to be given a centrality of place within Ghamidi's schematic. It is a method for finding consistent and verifiable meaning from within the Quranic text. Prior juristic methods are faulted on several counts. Most importantly, in not appreciating that the Quran was revealed in the 'high Arabic language of the Quraysh' and in not undertaking associated linguistic study of classical poetry and contemporaneous texts, Ghamidi contends that too much space is accorded for debate on the possibly variant meanings.[49]

Instead, Ghamidi seeks to find certain intentions and generalizable laws from within the text. In affirming the divine and revealed character of the Quran an impossibility of inconsistency and contradiction in it is also avowed. For purposes of constructive interpretation thematically similar verses must be grouped and then contradictions reconciled on the basis of both the historical context in which the verses were revealed and through an identification of the intended audience for the revelation.[50] Such contextualization thus enables discernment amongst actionable wrongs, divine threat and promised reward for a cast of possible addressees including non-believers, the prophet's contemporaries or even more specific addressees, including the Prophet himself or his family members. It is in discerning between general and specific injunction that Ghamidi's conclusions about verifiable law from within the text often runs afoul of the more conservative interpretations and challenges conclusions such as the impermissibility of women leading congregational prayers, or in carrying on public roles and entering the public sphere free from the requirements of purdah or hijab.

More important, however, within a political landscape in which 'extremism' and 'talibanization' seem to define the range of Muslim

[48] 'Editorial: Hudood laws, Ghamidi's resignation' *Daily Times*, 22 September 2006. The editorial bemoans Ghamidi's resignation from the Council of Islamic Ideology whilst celebrating both his and Dr Khalid Masud's appointment in the first place for having undertaken research which 'debunks the idea of any fixity in Islam'.

[49] See Javed Ahmed Ghamidi, 'Univocity of the Qur'anic Text': http://www.al-mawrid.org/pages/articles_english_detail.php?rid=23&cid=82 [accessed 9 February 2011].

[50] In this Ghamidi' seems to be following in the footsteps of his teacher and his guide: 'Perhaps the most sustained effort to bring out the unity of the quranic text has been made by two exegetes of the Indian subcontinent, Amid al-Din al-Farahi and his student Amin Islahi (d. 1997)', Mir, M., (2009), 'Unity of the Text of the Quran', *Encyclopaedia of the Quran*, McAuliffe, J. D., (ed.), Brill: CD Rom.

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experience, is Ghamidi's often repeated rejection of a private right to perform or undertake Jihad.[51] This in turn is deeply linked to the positive duty he expounds for citizens as one of loyalty to established authority.[52] By invocation of the aphorism that the rightly-guided are here not to betray the law but to fulfil it, he suggests that a structure of legal and political authority must first be constituted which can implant the shariat in its truer forms.

Ghamidi importantly does not suggest that the failings of the political authority to provide justice or to implant religious law creates a natural right to rebel in such a state. In particular, the duty of fidelity extends in all circumstances other than where the state makes a demand which is prohibited in the Quran and Sunnah. Even there, he counsels exile rather than rebellion. The rights that the state wields in terms of positive obligations it can impose upon citizens even where the state and citizenry are both avowedly Muslim are those that are Quranically mandated and include only the establishment of prayer and the payment of Zakat (obligatory Islamic charity).[53] Altogether, these duties of citizen fidelity, read in line with a vacating of the state of independent juristic authority as would be the case through recognition of multiple fiqh (Islamic jurisprudence), consolidates state power with only limited duties imposed upon it. Where only the Quran and Sunnah, and a broadly defined reason, are the tools for rightful guidance, the exercise of the judgement of the managerial class can yield valid law spontaneously and repeatedly on a variety of issues without having to manage alternate nodes of sovereign law-making and enforcement as would be the case through the recognition of fiqh.[54] It is particularly pertinent that in establishing rights and duties

[51] Ghamidi writes: The directive of war and jihād has been given to the Muslims as a collectivity. None of the pertinent verses in the Qur'ān addresses the Muslims in their individual capacity' in 'Jihad and War in Islam', *Renaissance* at: http://www.monthly-renaissance.com/issue/content.aspx?id = 1193 [accessed 9 February 2011]. Additionally Ifikhar quotes Ghamidi from his volume *Mizan* 'without political sovereignty jihaad becomes fasaad [disorder, chaos, anarchy, etc]. How is it possible that a group which does not even have the right to award punishment to a criminal should be given the right to wage war? Ghamidi, J. A., Qaanuune da`wat; Urdu; p. 35), 'No Jihad Without State' at: http://www.monthly-renaissance.com/issue/content.aspx?id = 803 [accessed 9 February 2011].

[52] Rights and Duties of a Citizen Javed Ghamidi (trans. Shahzad Saleem), http://www.monthly-renaissance.com/issue/content.aspx?id=980 [accessed 9 February 2011].

[53] Ibid.

[54] While this is mostly a formal point, it seems to have some historical precedent. See particularly, Sonbol, A., (2003), Women in Shari'ah Courts: A Historical and

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which fulfil the minimal condition of establishing state authority, that domain in which his determinations are most usefully aligned to the states objectives through Enlightened Moderation, it is a strict fidelity to a textual exposition rather than a loosely defined 'reason' which is the basis for such claims.

Clearing the space for legal reform

Ghamidi's place in the Pakistani public sphere is important not just for repositioning classical sovereignty but also for helping create debate that could go some way towards creating a semblance of popular sovereignty as embedded in international rights regimes. Ghamidi's special place lies in engaging the Pakistani citizen/subject who in conditions of bureaucratic rationalization, having traversed episodes of nationalism and living in circuits of commodification, must also encounter Islam in the form of an official law. While this represents an instance wherein the state itself engineered a public sphere to cut through the presumed polarities between liberal and Islamic orders, a far more nuanced outcome was the actual product.

Since their enactment, the fate of Islamic laws in Pakistan—their subsistence or revocation—has been a litmus test amongst a divergent set of social groups for governmental legitimacy, either on the register of rights-affirming politics or of fidelity to Islam. While the specialist constituency demanding their repeal had been activated in the early 1980s, the laws had their defenders amongst a grouping that has, at least in part, enjoyed the 'advantage of incumbency' in the Pakistani political sphere.[55] The presumed 'Islamic' credentials of these laws, whilst debated throughout to the extent of whether the association is one of inspiration or of divine mandate has nonetheless been avowed through widespread support for their retention by the Ulema and

Methodological Discussion, *Fordham International Law Journal*, 27: 225–253. Sonbol looks at the possibilities of negotiating through a fractured fiqh landscape from the perspective of women at a time when mixed forms of legality existed within the Ottoman state.

[55] Jackson, S. A., (2002), 'Jihad and the Modern World', *The Journal of Islamic Law and Culture*, 7:1 1–25 . While Jackson is referring specifically to the Ulema as translators and mediators in the field of Islamic Law, it is used here more broadly to include also Islamic political parties in addition to members of the Ulema who had to varying degrees, through colonialism and afterwards, been integrated into the state apparatus. See note 14 above.

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other religious parties, after Musharraf's declaration of support for reform.

A domestic coalition of actors organized through NGOs and civil society organizations which had grown up primarily in reaction against Zia's Islamization measures, famously including the Hudood Ordinance,[56] the Qanoon-E-Shahadat,[57] as well as the Blasphemy laws,[58] by vociferously denouncing these as violating universal rights guarantees, was itself a constituency to which Musharraf was responsive.[59] In his initial forward advance at secularization, Musharraf spoke about the need for repeal of these laws but soon gave in to a deferred stagism enacted through, amongst other means, public debate and the management of appointments to the Council of Islamic Ideology.[60] In early 2006 Ghamidi was chosen amongst the new appointees to this constitutionally mandated body to advise the government on the 'ways and means of enabling and encouraging the Muslims of Pakistan to order their lives individually and collectively in all respects in accordance with the principles and concepts of Islam

[56] The Offence of Zina (Enforcement Of Hudood) Ordinance, 1979. Broadly, the Hudood Ordinances is a term used to refer together a set of four Ordinances dealing the offences of rape, consentual sex and bringing false witness. For an extended discussion of the laws, the jurisprudence they generated as well as a critique from multiple perspectives, see Cheema, M. H. and Mustafa, A. R., (2008), 'From the Hudood Ordinances to the Protection of Women Act: Islamic Critiques of the Hudood Laws of Pakistan', *UCLA Journal of Islamic & Near Eastern Law*, 8:1.

[57] Qanoon-e-Shahadat 1984 (1984 Order) contains the general rules of evidence. As the replacement for the Evidence Act of 1872 its object is to ensure conformity with the injunctions of Islam in reference to judicial proceedings. Its particular contravention of equality rights is in its reduction of the value of a woman's testimony to half that of a man in a range of civil matters.

[58] These constitute a number of enactments undertaken over the early 1980s which have generally had the effect of enabling a random minority persecution.

[59] As noted in some detail, this same constituency as opponents of the Zia regime had nonetheless 'learned to argue with Islamic symbols'. Metcalf, B. (2004) *Islamic Contestations* Delhi: Oxford University Press, 2004, pp. 236–254. See also Mumtaz, K. and Shaheed, F., (1987), *Women of Pakistan Two Steps Forward, One Step Back*, Lahore: Vanguard Books, Chapter 1, which recounts the ways in which Islam served a useful function as inspiration for awakening women's political consciousness and for framing a progressive politics leading up to the creation of Pakistan.

[60] In addition to appointments at the Council of Islamic Ideology that accorded with the goal of empowering reformist Muslim scholars, others, such as Dr Riffat Hassan, to the post of Director of the Iqbal Academy and even the establishment of a Sufi Council were amongst the more interventionist but simultaneously superfluous efforts undertaken by Musharraf during his reign. For a longer history of the composition and the varying political influence of the Council of Islamic Ideology see, Malik, 'Legitimising Islamisation: The Council for Islamic Ideology', *Colonisation of Islam*, pp. 33–55.

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as enunciated in the Holy Quran and Sunna'.[61] Simultaneously, by venturing into the terrain of law reform the Musharraf regime was enjoined in a further set of practices to abide, cajole and negotiate with existing Islamist forces which at times circumvented the ends of reform. In the interplay between these two, Ghamidi's particular advice became a casualty to the government's reliance upon political bartering. Nonetheless, Ghamidi's role as a spokesperson for religious minimalism continued to unofficially support the deeper imperatives of political reformation in line with the needs of a reconfigured state sovereignty.

In its initial articulation, Enlightened Moderation had heavy-handedly circumvented the rhetorical alignment of democracy, human rights and their spontaneous enactment as necessary criteria for achieving sovereign recognition. As a quintessential weak state,[62] the infirmities of Pakistan's position within a putative community of nations were simultaneously made more apparent in its extraversion so that the promise of a reformed polity, aiming for the progressive and incremental realization of the corpus of liberal democratic rights guarantees, was also axiomatically embedded in this reaffirmation of sovereign status. Enlightened Moderation in service of legal reform thus suggests a more diffuse project evocative of the broader conspectus of the Muslim World Outreach project in its approach to Islamic law in particular. In a fractured social imaginary which suggested on one pole their transhistorical and transcendent veracity, Islamic legal norms could not be readily assimilated within the historical lineage of 'lost glory' or be made equivalent to the broader syncretic and seemingly liberal culture of sufi Islam as uncontested parts of a shared heritage.

While the trajectories of occidental secularization are invariably related to the strengthening bonds of national identity, they also point to the necessity of a disciplined subject living in relation to such a totality. The individual subject must be a responsive social unit open to broader social forces and also capable of combining in reference to shared elements of a civic character sufficient to form the social.[63]

[61] Constitution of Pakistan 1973, Article 203.

[62] I repeat the terminology of 'weak state' as indicative of its use within a global disciplinary regime. See Footnote 18 above.

[63] Fitzpatrick, P., (2003), 'Gods Would be Needed. American Empire and the Rule of (International) Law', *Leiden Journal of International Law* 16:3 429–466. Charles Taylor traces this identification through successive social imaginaries and perhaps most pertinent to this episode in the nation's history is a model of shifting bonds

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In Pakistan, Enlightened Moderation was the latest in a historical succession of attempts to link Islam to the originary myth of nation. It is, however, the use of an Islamic idiom for the purposes of advancing a project of individualization that is novel in this instance. For the state, it could meet its obligations to the corpus of liberal democratic rights through an opening into the public sphere by these debates on legal reform and thereby at least minimally recognize the entitlements to active agency and consent on the part of the governed. Thus, although the apprehension was shared equally amongst secularists and Islamists that the programme represented a vision of civic culture of denuded expectations for both, Enlightened Moderation did more markedly betray a deeper set of affinities that perceptibly put forth a vision of Islam informed by 'past and present Orientalisms'.[64]

Amongst the tropes of Orientalist thought about Islamic law is that it prescribes a system of collective and essential ends. Thus, the procedural conditions of aggregating a unitary social good from amongst competing individual conceptions will have been obviated where certain Islamically derived norms can be agreed upon.[65] Although itself an essentializing characterization, even amongst sympathetic commentators those groups that were supportive of currently existing Islamic laws in Pakistan were described as being more concerned with norms rather than with process. This fact, presumed or actual, suggests particular encumbrances to practices of enacting legal reform.[66] Whereas a liberal political order presupposes alteration in law with either changing circumstances or with an

of religious filiation which accounts for God's ultimate 'presence in the polity' supplemented by a 'moral order that is seen as established by God'. Taylor, C., (2006), Religious Mobilizations, *Public Culture* 18:2, 281–300, 284.

[64] Navarro Yashin, Y., (2002), *Faces of the State Secularism and Public Life in Turkey*, Princeton: Princeton University Press, p. 27.

[65] Sajoo, A. B., (2004), The Ethics of the Public Square A Preliminary Muslim Critique *Polylog* at http://them.polylog.org/3/asa-en.htm [accessed 9 February 2011]; and *Civil Society in the Muslim World: Contemporary Perspectives*, Institute of Ismaili Studies, Sajoo, provide a cogent overview of the ways in which the liberal conception of 'seeking the right rather than the good' was also matched somewhat by a growth of scholarship in the 1990s concerned with defining a communitarian ethos of 'solidarity and engaged citizenship' on the assumption of shared commitments to counteract the 'corrosive effects of liberal individualism'. See also Taylor Charles, (1998), 'Modes of Secularism', in Bhargava, R. (ed.), *Secularism and its Critics*, Delhi: Oxford University Press.

[66] For a broader refutation of the associated charges against Shariat norms as being static and unchanging, see Hallaq, W., (1984), Was the Gate of *Ijtihād* Closed? *International Journal of Middle Eastern Studies*, 16:1, 3–41; Makdisi, J., (1985), 'Legal Logic and Equity in Islamic Law', *American Journal of Comparative Law*, 33:1, 63–92;

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expression of an aggregate public good based upon social effects, it is the defence of an allegedly transhistorical Islamic normativity which was sought to be fissured through public debate on the genesis or veracity of these same norms.[67]

Points of traction between formal models of liberal and Islamic legality are not settled without further institutional mediation. In a formal sense the fracturing of a liberal democratic conspectus into procedural rights and substantive goals does not displace the ultimate primacy of the state in the way that Islamic legality is suspected of doing. In venturing into the terrain of legal reform the authoritative sources of formal legality, constitution, statute and common law are reflexively always the progenitors of state legitimacy.[68] By refracting time and again the proceduralism underlying their genesis, the state claims itself as the embodiment of a general will, and sovereignty is reinscribed. In contrast, an Islamic legal structure is presupposed not to require a political realm of rule formation.[69] The primacy of the textual origins of Islamic laws circumvents a social distribution of that sort. It thus becomes imperative to situate compliant religious authority where 'epistemological freedom in general' is just one of the competing impulses in an age in which 'identity, cultural authenticity and religious authority resonate widely'.[70]

Masud, M. K., Messick, B. and Powers, D. (eds), (1996), *Mufti's and their Fatwas*, Cambridge: Harvard University Press. However, the limitations to the balancing public interest or equity considerations in the hierarchy of sources are also described by Makdisi and in Zaman, Q., (2004), 'The Ulama of Contemporary Islam and their Conceptions of the Common Good', in Salvatore, A. and Eickelman, D. S. (eds), *Public Islam and the Common Good*, Leidin: Brill, pp. 129–155.

[67] Although the restoration of this Orientalism may be an expression of the latent affiliation between the US-led programme with liberal elites within Muslim societies, one also has to keep in mind the caution that the cultivation of 'other strands of mindful existence alongside those associated with the need to live virtuous pious Muslim lives' across urban and rural spaces in Pakistan is not 'reducible to a model that contrasts Western notions of secular-liberal autonomy with those associated with Islamic traditions of discipline and piety', Marsden, M.. (2009). 'A Tour Not So Grand: Mobile Muslims in Northern Pakistan', *Journal of Royal Anthropological Society,* 75: 57–75.

[68] See broadly Habermas, J., (1996), *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, Cambridge: Massachusetts Institute of Technology Press.

[69] For an account of the early separation between an 'epistemically grounded' and 'politically divorced' Islamic legality and its institutional manifestations, see Hallaq, W., (2005), *The Origins and Evolution of Islamic Law*, Cambridge: Cambridge University Press, pp. 178–182.

[70] Zaman, Q., (2007), *The Ulama in Contemporary Islam: Custodians of Change*, Princeton: Princeton University Press, p. 181.

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As dispensed through televised debates and other media the political engagement enacted through Musharraf's reign brought forcefully into the public eye 'those religious disagreements that might have been only scholarly debates in the first instance'.[71] As against the assumed collective and essential features of an Islamic normativity wedded to prior juristic determination, such staged debates also enjoined a particular constituency in a set of practices aimed towards their exercise of choice amongst multiple positions within the spectrum of faith. Oriented as they were to the processes of law reform, these debates seemed also to be oriented to demonstrating a broader public capacity for choosing 'as Muslims, a strategy of engagement (or non-engagement) with those very liberal orders that wish to recognize the relevance of Islamic authority'[72] for the political and socio-legal organization of the national community.[73]

The most extensive debate took place through the '*Zara Sochiye*' (reflection) series dedicated to the question of whether the Hudood Ordinances were based upon divine sources and therefore whether they were alterable or not. Importantly, although it was being aired by a private network, Geo, it was popularly perceived as an outgrowth of official sponsorship. Ghamidi was amongst the regular panellists. The debate resulted in some agreement on the need for reform.[74] These points of 'consensus' elicted were hinged variably to either the overwhelming evidence of injustice perpetrated in their enforcement or of flouting other Islamic precepts and injunctions in reference to aspects of the law that were not derived from divine sources, for example, the Quran and Sunnah.

Although this was perhaps not the first instance in which the distinct qualities associated with Muslim public sphere deliberation have been apparent in the sub-continent, it nonetheless signalled a broader merging of multiple media in the promotion of scholars and spokespersons as both the subject of, and active participants in,

[71] Volpi, F. and Turner, B. S., (2009), 'Making Islamic Authority Matter', *Theory Culture Society*, 24:2, 1–17.

[72] Ibid. p. 10.

[73] It is extremely important to highlight that this is of course where Mahmood, Asad and others would situate their critique, insofar as the range of freedoms that exist within a liberal and democratic political sphere are already also structured by prior forms of violence and exclusion. For a particular powerful critique of Asad's disavowal of redemptive politics see Shulman, G., (2006), 'Redemption, Secularization, Politics', in Hirschkind, *Powers of the Secular Modern*, pp. 158–159.

[74] See 'Consensus on Amending Hudood Ordinance', *The News*, 12 June 2006, at http://www.thenews.com.pk.

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contests played out in service of an official law. While these debates will not be extensively discussed here, it is imperative to point out that the nature of participation intersecting various media replicated the insight that broader Muslim publics have demonstrably imbibed the modes of reasoning and knowledge of sources to which religious experts themselves make recourse.

In this harkening for a particular reformism Ghamidi's practice was useful to the state on several registers. While Ghamidi also lacks a consequentialist analysis where laws verifiably defined within the Quran are concerned, the diminution of the place of fiqh and Hadith renders these to be far less in number and of a narrower regulatory expanse than in alternate understandings associated with traditionalist scholars and Islamists. Whereas traditionalist schools have tended to view the efforts of previous generations of scholars as cumulatively affirming the veracity of laws through a measure of probability, Ghamidi seemingly displaces the inherent fallibilism of such a reliance in favour of current reasoning.[75] Thus, the suggestion is also made by Iftikhar that the 'medieval concepts of *ijmā'*, *ijtihād*, and *taqlīd*—originally the products of the discourse of power and authority' need to be set aside in favour of debate that engages contemporary scholars of even a 'reasonable degree of competence' for affirming the specific meaning of the Quran and Sunnah.[76]

The allusion to a 'reasonable degree of competence' seems somewhat like disingenuous humility when compared with the stringency of the conditions imposed by the methodological innovations of Islahi's own mentor Farahi to which Ghamidi's exegesis is indebted. In fact, the space of tension that arises between 'epistemological freedom in general' and the philological formality of the framework that Ghamidi is in fact employing, yields interesting insights into the manner in which Ghamidi's discourse is reflective of the necessary protocols for the establishment of religious authority in the public sphere. In his television appearances, and even where the discussion is headlined by a topic of contemporary relevance, Ghamidi's navigation into such an issue will inevitably follow a familiar pattern of rhetorically posing the question of where to search for guidance and also where to find proscriptions and in

[75] Qureishi, A., (2006), Interpreting the Qur'an and the Constitution: Similarities in the Use of Text, Tradition, and Reason in Islamic and American Jurisprudence, *Cardozo Law Review*, 28: 67.

[76] Asif Iftikhar, (2009). 'A Discussion on Ijma and Ijtihad', Unpublished paper.

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what circumstances. Even in shows and episodes where he is not having to define his epistemological grounds against the claims of alternate schools of thought, a restatement is offered for the ends of affirming a shared ontological basis in the singularity of Quranic truth. There is an embedded assumption that Muslims presuppose the deontological truth of injunctions and prohibitions culled from within an Islamic corpus and that therefore it is the epistemological and interpretative tradition that is contested.[77] The legitimacy of ends thus purveyed is furthermore sought to be established by the selectivity of the Islamic precepts and principles to which Ghamidi's exertions in verification lead him. In spite of a steadfast defence of his own methodological grounds, Ghamidi has increasingly vacillated between an earlier unqualified denunciation of the ossifications inherent in a traditionalist method, which have bred the societal consequences of division and competition between adherents and a more recent accomodationist stance that seeks legitimacy for determinations that seem to run afoul more orthodox positions through alignment with the thought of 'mainstream ulema'.[78]

The textual minimalism that Ghamidi demonstrates in defining individual rights and state duties is matched by a corresponding enlargement of what can be termed an 'ethical administrative' domain as one which rightly occupies parallel political space within a state structure. Within this sphere, the notion of *fitrat*, or a human nature that encapsulates both reason and intuition, is enthroned for the ends of making laws in service of legitimate social objectives. For Ghamidi, ethics arise through both formal reasoning oriented towards the teleological ends of survival, family and political community as well as through the more affective dimensions of Hadith abidance.[79] The particular demarcation that Ghamidi makes is not between a privatized domain of 'belief' and a political one of voice and norm creation. Even as he mirrors somewhat the Kantian restraints[80] to

[77] Asif Iftikhar, personal interview, 14 June 2009.

[78] Ghamidi does not use this term but also does not simply mark a division in reference to the more commonly used term of *siyasat* for political matters.

[79] Against Ghamidi's recommendation that formal Islamic Studies teaching be replaced by an early schooling emphasis on ethics, Prime Minister Shaukat Aziz in 'an effort to improve his religious credentials' made the alternate suggestion to begin even earlier with religious education. Hoodhboy, P., 'Waiting for Enlightenment', *Friday Times*, 21 and 22 July 2006.

[80] Asad, T., (1993), 'Limits of Criticism in the Middle East: Limits of Islamic Public Arguments' *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*, Baltimore: The Johns Hopkins University Press pp. 200–238.

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free and full criticism as the correlative duty of citizens living within a state, he is also engaged in merging a moral community onto a political community so as to vitalize majority judgement.[81]

The subject that reasons is divided insofar as personal virtue and its attainment is driven solely by eschatology and a belief in the hereafter, whereas membership in a moral community is hinged to the positive self-identification of its members as Muslims.[82] This of course is part of what appeals to the liberal commentators who have suggested that for Ghamidi notions of *jazza* or *sazza* as possible ends should be the measure of a persons actions in such a community.[83] The deeper import of this is that there is no prior juridification marking the political from the social so that other than in the limited ways instances of infallible Quranic guidance suggested above, there are no exemptions from publicness granted for religious regulation as outside the state. In fact, because Islamic precepts to bind social action must themselves be discovered by reason, they themselves are subject to filtration through active debate and consent.

In describing his broader official role as member of the Council of Islamic Ideology, Ghamidi suggested that his was one of advising minimalism insofar as a threshold of religious relevance needed to be demonstrated before a referral for advice would be acted upon.[84] In an act of fidelity to the bounds of a lawfully established authority, he tendered his resignation from the Council in late 2006 when his authority was circumvented by the government seeking the cooperation of religious parties in the passage of the Women's Protection Act, a law intended to reform the Hudood Ordinances. Altogether, while the project of legal reform was haltingly started by the Musharraf regime, the alliance with Ghamidi suggested ways in which the protocols of establishing authority as well as the necessary

[81] While he elaborates this broader imperative with a direct reference to the work of Abu al-A'la Mawdudi in Tafhim al-Qur'an by outlining the necessity of consultation and majority assent for the trading of opinions and the making of law, as indication of his earlier break from Jamaat-I-Islami, Ghamidi also differs insofar as he sees the role of Islamist parties in the state as representing sectoral or group interests which work to counter the goal of achieving majority consensus.

[82] Ghamidi, Personal Interview, 31 July 2009.

[83] Ahmed, K., 'Dr Hoodbhoy versus Javed Ghamidi', *Daily Times*, 1 August 2006. Ahmed has translated *jazza* as 'award' and *saza* as 'punishment' which seem to accord with their common usage. See also Ghamidi, 'Rights and Duties of a Citizen', where he refers to the notion of brotherhood as the condition subsisting between all members of the community 'irrespective of their status in the hereafter'.

[84] Ghamidi, Personal Interview, 31 July 2009.

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conditions for activating popular consent in service of politics within the state are set in train.

Importantly, the nature of these developments are broadly revelatory about the Musharraf regime's aspirations to represent stateness through an operationalization of the twin pillars of liberal normativity, the building of individual autonomy and the 'achieving of agreement among a collectivity through communication and recognition. Although set in train against alternate articulations of Islam that seemed to pose a secessionist threat to the project of sovereign consolidation, the necessity of a mediated delivery, one not fully in abidance of the broader dimensions of secular reformation in the manner of marking and juridifying the realms of private belief and public deliberation that the broader ascription suggests, highlights the need for an opening to further dimensions of investigation. Although merely hinted at here, the working through of fundamental mergers such as of ethnic with majoritarian identities within religiously framed discourses can only add greater insight into this project. For the more limited aims of this particular project, in locating Ghamidi as an exponent of reason and as a religious spokesperson unaffiliated with either seminary or an Islamist political project it is important to recognize that singular features of complex social orders cannot be read exclusive of context and without equal critical perspective being brought to bear upon all embodied carriers of power and authority.

Ghamidi beyond Enlightened Moderation

In aligning so determinately the work of internal reforms with a global project for secularization, Saba Mahmood not only undoes the very critique of essentialism that she herself has crafted in other places but also privileges a site for Islamic traditionalism as existing somehow outside the disciplinary practices of global and statist regulatory structures. For Mahmood, the immunization of 'traditionalism' is not simply redressal of a situation wherein Islamic sociality has been accorded a place lower down on the rung of evolutionary notions of development. Rather, in making this claim within an exchange oriented to the question of whether all 'critique' is secular, she is in fact more concerned with framing a challenge to the practitioners of critical reason to both accept its embedded parochialism, and in doing so, to disavow the constant resignification of religious commitment as

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critical reasoning's 'other'.[85] Nonetheless, the attempt has also yielded a melding of 'modernisms', as embodied in the imperialistic ambitions of the foreign policy enterprise as well as in the work of particular religious reformers, a set of alignments that can only be drawn through the filter of a conceptual critique which accepts the veracity of claims that sever the temporality, historicity and internal debates of Islamic thought from her characterization of a singular traditionalism that is impervious to these influences.[86] In fact, Mahmood is unclear in defining the bounds of such a traditionalism: she conflates both the practices of everyday Muslims and the exegetical and interpretive practice of the Ulema as defining a 'lifeworld' that was first upset by the broader conditions of modernity, primarily colonial intervention, and is now being assaulted by, amongst other factors, the specific innovations of reformist Islamic scholars so as to render religion capable of being 'read for its symbolic significance' alone.[87] Mahmood acknowledges a debt to the work of Charles Hirschkind who has concerned himself, in a particularly troubling piece, with upholding the Egyptian Ulema's attempt to castigate Nasser Abu Zayd, one of the scholars whose method Mahmood pays particular attention to, as a heretic. In defining the bounds of an Islamic tradition, Hirschkind enumerates the criteria of a 'collective subject, one that seeks to preserve and enhance its own exemplary past'[88] as the necessary embodiment of such a traditionalism.

Together however, what these commentators on religious authority and promoters of Islamic authenticity accomplish is the promotion of a historically victorious strain of theological practice to the status of transcendental authority within Islamic sociality. That such a set of criteria is more didactic in identifying features of authentic practice than those identified by Abu Hamid Al-Ghazali, almost uniformly credited with having ensured the victory of Asharite over Mutazilite

[85] See in particular the exchange between Mahmood and Stathis Gourgouris: Mahmood, S., (1996), 'Is Critique Secular?', A Symposium at Berkely, *Public Culture*, 20:3 447–452. Stathis Gourgoris, 'Detranscendentalizing Secularism', *Public Culture*, 20:3, 437–445; and 'Antisecularist Failures A Counterresponse to Saba Mahmood', *Public Culture*, 20:3 453–59. The greater part of Gourgouris's riposte is directed at Mahmood's alignment of liberalism with secularism.

[86] For a more detailed critique of this merging of various forms of discourse see Caton, A., (2006), '"What is an 'Authorizing Discourse"', in Hirschkind, C., *Powers of the Secular Modern: Talal Asad and His Interlocutors*, Palo Alto: Stanford University Press.

[87] Mahmood, Secularism, Hemeneutics Empire. See also Mahmood, S., (2005), *Politics of Piety* Princeton: Princeton University Press.

[88] Hirschkind. Hermeneutics or Heresy? P. 464.

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theology, is illustrated by comparing to the conditions which he poses as integral to the establishment of an Islamic orthodoxy.[89] Writing in a period rife with religious contention, wherein the project of defending belief against unbelief could not rely upon the simple divison between reason and tradition, Ghazali endeavoured to provide conditions to separate the heretical from acceptable modes of interpretation. By establishing such a line around the adage that those who imply or assert that 'the prophet brought a lie' into the world should be cast as outside such an orthodoxy, Ghazali also posits five levels of knowledge varying in levels of literalness for apprehension, cognition and intuition to reconcile revelation with interpretation.[90] The conditions which Mahmood and Hirschkind identify as coterminous with the acceptable hermeneutic position of an authentic Islam are more readily aligned with the forms of totalizing practice which signify a monopolization of scripture over other forms of life.

The univocity suggested for traditionalism is also untenable in the light of available histories of South Asian Islam and state development. While there is a steady displacement of non-state institutions of adjudication and their replacement by syncretic forms of authority by the colonial and then the independent Pakistani state, it is not the singular appropriative logic of state-making which is solely revealed. In trying to enable Muslims of the subcontinent to 'cope with colonial rule' the Ulema also helped to 'destroy their monopoly over religious knowledge' by choosing to translate key Islamic texts into vernacular languages.[91] Furthermore, they were often in the official service of the state for translation services required for the administration of faith-based, private law regimes, often motivated by a desire to re-inscribe Islamic authority at a national scale when local sites were permeated by alternate, customary forms of law. Recognizing also that it is the 'bureaucratization of traditional religious institutions that has made them affective in the modern world'[92] leads some to further conclude that popular support basis for the Ulema in contemporary times is

[89] Jackson, S., (2002), *On the Boundaries of Religious Tolerance in Islam,* Karachi: Oxford University Press.

[90] Ahmed, A., (1967), *Islamic Modernism in India and Pakistan 1857–1964*, Oxford: Oxford University Press, pp. 82–86.

[91] Robinson, F., (1993), Technology and Religious Change: Islam and the Impact of Print, *Modern Asian Studies*, 27:1, 229–251.

[92] Metcalf, B. Islamic Contestations, p. 51; and Metcalf, B., (1982), *Islamic Revival in British India: Deoband 1860–1900*, Princeton: Princeton University Press.

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activated by the very displacements of modernity which Mahmood cites alternately to explain the popularity of religious reformers.[93]

Such a contextualization should not, however, be read as solely an advocacy for a return to the 'real' wherein the assertions about state, the public and the institutional configurations of religious authority be empirically tested rather than be conceptually delineated. However, the notion of an Islamic life-world as the counter to modernity imports far more pernicious effects of liberal myth-making than might be intended in simply marking a place from which insurrectionary challenges to liberal statehood can putatively be launched. While some illustrative points of Ghamidi's alignment to statist objectives have been highlighted, he is more interesting studied within processes through which authority is constantly being remade through a dual engagement with political practices as bounded within the modern nation state and in debate over the rightful sources for Islamic normativity. Ghamidi, as well as other religious reformers, can be interpolated between competing forces, structures and modes of discourse, but not categorized within available schematics, either on the imperialist register of good Muslim/bad Muslim or on the critical post-colonial register of authentic/inauthentic Islamic spokesperson.

[93] Zaman, Q. (2010), 'The Ulema in the Twenty-First Century', *The Ulema of Contemporary Islam*. Princeton University Press, pp. 181–192.

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