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A heresy inquisition in the National Assembly and the Islamisation of Pakistan

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Abstract

The goal of the second constitutional amendment passed in 1974 was to excommunicate the Ahmadis and establish Pakistan as a bona fide Islamic state. The Pakistani state accomplished this goal through an extraordinary process in which the National Assembly conducted a month-long examination of Ahmadi beliefs. Conducted by the attorney general of Pakistan, who was aided by the ulema members of parliament, these proceedings were a type of heresy inquisition in which the leaders of the Ahmadi community served as defendants. This article examines the key religious issues involved in these proceedings from a longer historical perspective that includes the Mughal and Safavid eras. In doing so, it highlights how pre-modern forms of religious persecution and accommodation came to be adapted to serve the ends of a modern constitutional nation-state.

Keywords: Pakistan; Islam; Ahmadis; Islamisation; Constitution

Soon after the creation of Pakistan, in 1947, the country's first governor general Muhammad Ali Jinnah gave a speech to the Constituent Assembly in which he avowed that the new state he had helped found would be staunchly secular: 'You are free; you are free to go to your temples, you are free to go to your mosques or to any other place of worship in this State of Pakistan. You may belong to any religion or caste or creed—that has nothing to do with the business of the State.'¹ Over the ensuing decades, as is well known, the state abandoned secularism to adopt Islamic and Islamist principles. There were many factors, both local and global, that contributed to this development.² This article focuses more narrowly on the event in 1974 that marked the transformation of Pakistan into a substantively—as opposed to a nominally—Islamic state. That year the first democratically elected parliament of Pakistan, led by Zulfikar Ali Bhutto and his left-of-centre Pakistan People's Party (PPP), amended the recently passed Constitution of 1973 to excommunicate the Ahmadi community from Islam.

Before this amendment was passed unanimously in parliament, a highly unusual month-long process took place that can best be described as a theatre of sovereignty. During this month, the parliament went beyond exercising its legal authority to define the boundaries of Islam to do, as it were, a priestly mantle and carry out an inquisition

¹ G. Allana, *Pakistan Movement Historical Documents* (Karachi, n.d. [1969]), pp. 407–411.

² This history is outlined in Muhammad Qasim Zaman, *Islam in Pakistan: A History* (Princeton, 2018), pp. 95–134.

of the Ahmadis.³ The argument of this article, in broad terms, is that these parliamentary proceedings were, among other things, a ritual process through which the formerly secular state was ontologically transmuted into an Islamic one.⁴ When viewed as a ritual in the strong sense of the word, the strangeness of this process begins to make sense. Through it, the state was able to resolve a long-running tension within the body politic, between the secularist tendencies of the founding elite that drove Pakistan's Western-style political institutions and the populist politics around a Muslim identity that had animated Indian Muslims to embrace the call for Pakistan. This tension—between the secularism imposed from above and the Islamism that gathered strength from below—grew as the political process of the country became more democratic over time, eventually resulting in the democratic state openly embracing Islam and fully rejecting secularism. To appreciate this perspective, which argues for the priority of ritual-ontological transformation over legal-epistemological change, it is helpful to begin with a more recent controversy in Pakistan surrounding the ritual of oath-taking.

'I solemnly swear'

In November 2017, tens of thousands of protestors led by a new political party, the Tehreek-e-Labaik Pakistan (TLP), brought both the capital of Pakistan, Islamabad, and its neighbouring city of Rawalpindi, the headquarters of the country's powerful military, to a standstill. The demonstrators demanded that the government of Pakistan dismiss its law minister. In TLP's view, a procedural change introduced by the Law Ministry was an insult to the Prophet of Islam.⁵ The party had been formed a few years earlier for the express purpose of defending the honour of the Prophet. Thus, it had taken issue with the new wording of an oath in the swearing-in ceremony for Pakistan's members of parliament that required a profession of belief in the finality of the prophethood of Muhammad. In the 2017 Election Bill, the Law Ministry had changed, without explanation, the phrase from 'I solemnly swear' to 'I believe'.⁶ When questions were raised in the press about the new form of the oath—the wording of which seemed to have been watered down from a sacred utterance to a mere statement of opinion—the government reinstated the original expression with the explanation that the new phrasing had been unintentional and the result of clerical error. The TLP was not assuaged and took to the streets. The government first responded by sending out the police in riot gear, but the protestors beat them back. The prime minister then turned to the powerful military for assistance. However, instead of confronting the protestors with force, the military brokered a deal in which the government would agree to remove the law minister and, in exchange, the TLP

³ The word 'priest' is used here in the sense of a ritual specialist who enjoys the status and bodily purity to perform sacred rites. A specialist of religious law or jurist, by contrast, is someone who has the knowledge and educational qualifications to interpret a religious text.

⁴ By ritual process, I mean the status-changing collective rituals, as outlined in the classic work by Victor Witter Turner, *The Ritual Process: Structure and Anti-Structure* (Chicago, 1969).

⁵ Nosheen Abbas and Sune Engel Rasmussen, 'Pakistani Law Minister Quits after Weeks of Anti-Blasphemy Protests', *The Guardian*, 27 November 2017.

⁶ The English daily *Dawn* reported, 'Parliamentarians on Tuesday had pointed out that the wording of Form-A, which is submitted at the time of election by candidates, had been changed so that it had been turned into a declaration form instead of an affidavit, which puts a candidate under oath. Through the Elections Act 2017, the words in Form-A "I solemnly swear" had been replaced with "I believe" in a clause relating to a candidate's belief in the finality of the prophethood of Prophet Muhammad and it had been made not applicable to non-Muslim candidates.' Inamullah Khattak and Nadir Guramani, 'NA Passes Bill to Restore Khatm-i-Nabooat Declaration to Original Form in Elections Act 2017', *Dawn*, 5 October 2017.

protestors would go home and not press their other key demands. Notably, one of these demands had been to purge members of the Ahmadi community from all government positions.⁷

The call to purge Ahmadis was the crux of the issue. Although the state did not act on this call, it was thoroughly chastised by it. After all, it had itself excommunicated the Ahmadis from Islam in 1974 and since then had devised a number of laws and punitive measures to mark members of the group as outsiders to the body politic of the nation. The parliamentary oath in question was one such inquisitory mechanism to ensure that the nation's legislators were not Ahmadis disguising themselves as Muslims. By affirming the finality of Muhammad's prophethood in a solemn manner, the oath-takers were being asked to forswear a key Ahmadi tenet, namely that the community's founder was a prophet (*nabi*). The TLP's protests were driven by the suspicion that by taking out the phrase 'solemnly swear', some unnamed government functionary had deliberately opened the door for an Ahmadi to take the place of a Muslim legislator. That the TLP had both the force of the law as well as the fear of sacred taboo on its side was evident in the government's swift and abject capitulation.

The entire episode underscored the central role that the Ahmadis had come to play in the key rituals of sovereignty in Pakistan. Indeed, the Ahmadis were the silent referents in the rituals that ontologically shaped not only members of parliament but all citizens of the country: to obtain a national identification card or passport, a Pakistani citizen also had to sign a statement affirming the finality of the Prophet.⁸ Anyone who hesitated or refused to take this oath or sign this statement would be exposed as either an Ahmadi or Ahmadi sympathiser. It was as if it was the state's duty to root out Ahmadis 'posing' as Muslims, a point to which I shall return below. For now, the issue to highlight is that the history preceding the Ahmadis taking on this ritual role in Pakistan is intertwined with the long process by which the country transformed from an authoritarian state into a democratic one.

Democracy and Islamisation in Pakistan: an intertwined history

At its founding Pakistan had inherited a deep tension between secularism and religious nationalism. In 1940, seven years before Jinnah was to call his new country a secular polity, he had declared there to be a politically unbridgeable chasm between Muslims and Hindus. As late as 1946 his political party, the All India Muslim League, had openly deployed Quranic references and religious rhetoric in its election campaigns to win over Muslim voters in the region that later became West Pakistan.⁹ Conversely, the politically active ulema of North India and the founder of the Islamist party, Jama'at-i Islami, Abul Ala Mawdudi, had opposed the creation of Pakistan and shunned the Muslim League. After 1947, both sides had switched political tactics. Jinnah and his followers started making loud appeals to secularism while the ulema and the Islamists began agitating for the supremacy of Islam.

An early compromise was struck in a set of agreed-upon guidelines on the role of Islam in government called the Objectives Resolution. Adopted in 1949 by the Constituent Assembly, the Objectives Resolution began with the declaration, 'Sovereignty over the

⁷ Abdul Basit, 'Barelvi political activism and religious mobilization in Pakistan: the case of Tehreek-e-Labaik Pakistan (TLP)', *Politics, Religion and Ideology* 21.3 (2020), p. 385.

⁸ Sadia Saeed, 'Ritual cursing as an oath of submission: the problem of religious difference across Safavid Iran and modern Pakistan', *Modern Asian Studies* 56.3 (2022), pp. 993–1021.

⁹ David Gilmartin, 'Muslim League appeals to the voters of Punjab for support of Pakistan', *Islam in South Asia in Practice* 33 (2009), pp. 409–423.

entire Universe belongs to Allah Almighty alone and the authority which He has delegated to the state of Pakistan, through its people for being exercised within the limits prescribed by Him is a sacred trust.' Despite the fact that all 10 non-Muslim members of the 75-member assembly voted against this resolution, the new state adopted it, signalling its willingness to make a nominal place for Islam in its new constitutional order. That this was an ostensible assumption of Islamic sovereignty was made clear in the country's first Constitution, approved in 1956, in which the Objectives Resolutions were included in a vaguely defined 'pre-amble' to the Constitution that had symbolic but no substantive legal standing.

For its part, the state and the unelected politicians, generals, judges, and bureaucrats who controlled it tried to maintain a de facto secularist ethos. For example, in 1953 when it acted firmly to protect the Ahmadis against widespread rioting in Punjab led by activist Islamists and ulema, the central government even dismissed the democratically elected provincial government and installed martial law in the region.¹⁰ The government's own report of enquiry into the incident, authored in 1954 by Chief Justice Muhammad Munir, made it plain—just as Jinnah had made plain in his speech as governor general in support of secularism—that the state had no business to decide on who could be called Muslim.¹¹ However, 20 years later, in 1974, the democratically constituted state would formally and without hesitation take on the authority to define the terms of being Muslim, which it then used to excommunicate the Ahmadis. Sadia Saeed has aptly called Pakistan's steady march during the 1950s and 1960s toward religious nationalism, 'desecularisation'.

It is notable that Pakistan's desecularisation took place alongside the progressive steps the country took toward democratisation. These steps involved, first, party elections at the provincial level, then a system of 'basic democracies' in which voters elected representatives at the local level who then elected representatives further up the regional and national levels, and, finally, party-based elections at the national level in 1970, which were free and fair by most accounts, even though a martial law government organised and oversaw them. Although the Constitution was suspended once again in 1977 by the military dictator General Zia-ul-Haque, who had no love for democracy, even he found himself forced to turn to referendums and non-party elections. Moreover, when Zia died in a plane crash in 1988, the country immediately held party-based elections in which Bhutto's daughter Benazir came to power. However, by this time, even though the country's politics had become democratic, the desecularisation of the state had also been substantially completed: in 1985, Zia had issued an ordinance that made the Objectives Resolution a substantive part of the 1973 Constitution, an act that no subsequent democratically elected government dared to undo.

The parallel Islamisation and democratisation of Pakistan may be explained as the spread and institutionalisation of popular Islamist sovereignty—what Andrew March calls the 'caliphate of man'.¹² This was the idea championed by the Islamist intellectual Mawdudi that the duty to organise and run the state according to divinely revealed scripture belonged not to a Muslim ruler—a caliph—but to all pious Muslims. In this ideal of pious politics—March terms it 'high utopian Islamism' with an 'aspiration to deep legality'¹³—the practice of democracy could be accommodated to Islamic sovereignty only after all forms of secularism had been vehemently and ritually excised from it. The 1974 parliamentary proceedings were precisely such a ritual exercise of excision.

¹⁰ Ali Usman Qasmi, *The Ahmadis and the Politics of Religious Exclusion in Pakistan* (New York, 2014), pp. 35–63; Sadia Saeed, *Politics of Desecularization: Law and the Minority Question in Pakistan* (New York, 2016), pp. 94–97.

¹¹ Asad Ahmed, 'Advocating a secular Pakistan: the Munir Report of 1954', in *Islam in South Asia in Practice*, (ed.) Barbara Metcalf (Princeton, 2009), pp. 424–437. Qasmi, *Ahmadis*, pp. 119–164.

¹² Andrew F. March, *The Caliphate of Man: Popular Sovereignty in Modern Islamic Thought* (Cambridge, MA, 2019).

¹³ *Ibid.*, pp. 75, 222.

Here it is important to pay attention to the term ‘piety’, which has become increasingly significant in post-colonial critiques of secularism as it pertains to contemporary Islamist movements. In the works of anthropologists Saba Mahmood, Talal Asad, and others, such movements are understood as animated by a type of virtue ethics in which pious Muslims strive to embody Islam’s ‘discursive tradition’ in an effort to remain true to their religious selves in a hostile secular political context.¹⁴ This striving towards an embodied and pious engagement with Islam’s scriptural tradition becomes a form of politics, a ‘politics of piety’ if you will, when it challenges, resists, or negates the secular state’s hegemonic demands over its citizens’ bodies and subjectivities. Furthermore, the secular state, in this post-colonial analysis, exacerbates the problem of religious difference by magnifying and politicising religious identities and especially, through a global secular imaginary that is the shared common basis of all modern nation-states, by encouraging a discourse of religious minority rights. In the words of Mahmood, the post-colonial secular nation-states, ‘hierarchize religious differences, enshrine majoritarian religious and cultural norms in the nation’s identity and laws, and allow for religious inequalities to flourish’.¹⁵ That is to say, in this view secularism not only disciplines religious life, but in trying to manage religious difference, it reifies and distorts it, uses it to intervene in social life and protect its own power, and thus makes worse the very problem that it claims to solve.

At first glance, the Pakistani state appears to fit neatly in the model described above. It inherited at its birth the legal apparatus, procedures, and mores of Western secularism, and when it came to its non-Muslim religious minorities such as Christians and Hindus, the state adopted the international secular discourse of minority rights. In its nominal adoption of Islam as the state religion, it also ‘enshrined majoritarian cultural norms’. However, the model begins to show cracks when it is applied to the Ahmadi case.¹⁶ This is because, unlike Christians and Hindus, the Ahmadis were indistinguishable from Sunni Muslims in their embodiment of Islam—in their exercise of piety.¹⁷ It was this very question of how the Ahmadis were to be identified and marked as different in embodied and ritual terms from the majority Sunni population that had united the anti-Ahmadi opposition, first in British India and then in Pakistan. A collective national paranoia—a moral panic—developed around the Ahmadis in Pakistan. They were portrayed and treated as ‘outsiders within’, a tabooed community that was a source of pollution and impurity and had to be identified, marked, and excised from the body politic.¹⁸ The Pakistani state in its first two decades of existence initially tried to contain the anti-Ahmadi moral panic by force. Notably, this was a time during which the state severely restricted popular sovereignty. As the Munir Report reveals, the state was steadfast in its refusal to make the Ahmadis into a religious minority. However, as the secularist state was surrounded and eventually subsumed by populist Islamist politics, the problem it faced was no longer how to keep its pious citizens at bay but rather how to make itself pious. The question we must ask is what virtue ethics would look like when applied not to

¹⁴ Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton, NJ, 2005); S. Mahmood, *Religious Difference in a Secular Age: A Minority Report* (Princeton, 2016). Talal Asad, ‘The idea of an anthropology of Islam’, Occasional Papers, Center for Contemporary Arab Studies, Georgetown University, 1986, pp. 1–23; T. Asad, ‘Thinking about tradition, religion, and politics in Egypt today’, *Critical Inquiry* 42.1 (2015), pp. 166–214.

¹⁵ Mahmood, *Religious Difference in a Secular Age*, p. 212.

¹⁶ For a general critique in relation to liberal notions of secularism, see Y. Jansen, ‘Postsecularism, piety and fanaticism: reflections on Jürgen Habermas’ and Saba Mahmood’s critiques of secularism’, *Philosophy and Social Criticism* 37.9 (2011), pp. 977–998.

¹⁷ Qasmi, *Ahmadis*, pp. 221–226.

¹⁸ See A. Azfar Moin, ‘Messianism and the Constitution of Pakistan’, in *South Asian Sovereignty*, (eds) David Gilmartin, Pamela Price and Arild Engelsen Ruud (Delhi, 2019), pp. 175–195.

a person but to a state—not to a body but to a body politic. The answer is readily available if we are willing to admit case studies from the pre-modern era of Islam.

Inventing oaths and curses as rites of sovereignty

In a perceptive article, Sadia Saeed points out that the ritual mechanism that the Pakistan state arrived at to expose, identify, and persecute the Ahmadis was analogous to the one implemented by the Safavid dynasty when in sixteenth-century Iran they imposed Shi'ism as a state religion.¹⁹ When the Safavids and their Qizilbash devotees—altogether constituting a militarised messianic Alid Sufi order—conquered the country, the boundary between Shi'as and Sunnis in Iran was not clearly marked. The Safavids cleared up the confusion between Sunni and Shi'a by introducing a new oath of loyalty that involved the public cursing of revered Sunni figures. Anyone who refused or hesitated would then be exposed as a Sunni. We even have an eye-witness account in which Safavid soldiers hacked a man to pieces in the congregational mosque of Herat because he hesitated to read out aloud the curses on Sunni figures in the Safavid victory proclamation.²⁰ According to Saeed, Pakistan's second constitutional amendment in 1974 paved the way for something similar when in the subsequent decades the state began to require that all citizens declare their allegiance to Islam by upholding, under oath, the finality of Muhammad's prophethood. This declaration was an implicit mechanism for condemning the Ahmadis. In short, in both cases—the Safavid and the Pakistani—the oath of loyalty to the state included a religious imprecation, explicit in the Safavid case against Sunni Muslims and implicit in the Pakistani case against Ahmadis.

There existed another type of continuity between the premodern and modern forms of state management of religious difference. While 'secularism' is, strictly speaking, an invention of the modern age, in premodern times a form of sacred kingship in which the body of the monarch was held above the distinctions of religion allowed for a treatment of all religions as essentially equal under the state. This is best seen in the example of the Mughal state which deliberately developed a policy, in stark opposition to the Safavid one, that refused to impose Islam as a state religion. Instead of demarcating the boundary of a state religion by oaths and curses as the Safavids had, the Mughals under Akbar (r. 1556–1605) revived the Mongol imperial model of allowing for all religions to coexist and receive equal recognition by the state; this was the policy of *sulh-i kul* or peace with all religions.²¹ For a time, this policy, which had been introduced at the time of the Islamic millennium, signified a change in sovereign order. The Mughals even protected heretics and apostates from Islam and banned under pain of death violence and persecution based on religious and sectarian grounds.²² The only condition of their protection was an oath of loyalty to the emperor that superseded any religious oath. Indeed, the Mughals also introduced new rituals of sovereignty, including new forms of oaths, when they introduced *sulh-i kul* as part of their millennial regime.

In short, both the Safavids and the Mughals invented new curses and oaths to incorporate their subjects in accordance with their religious policies, whether exclusionary or inclusionary, which were rooted in forms of messianic Sufi Islam that was pervasive in

¹⁹ Saeed, 'Ritual cursing', pp. 993–1021.

²⁰ A. Azfar Moin, 'Shah Isma'il comes to Herat: an anecdote from Vasefi's "Amazing Events" (Badayi' al-Vaqai')', in *A Persian Mosaic: Essays on Persian Language, Literature and Film in Honor of M. R. Ghanoonparvar*, (eds) Behrad Aghaie and Mehdi Khorami (Bethesda, MD, 2015), pp. 86–101.

²¹ Jos Gommans and Said Reza Huseini, 'Neoplatonism and the Pax Mongolica in the making of *sulh-i kull*. A view from Akbar's millennial history', *Modern Asian Studies* 56.3 (2022), pp. 870–901.

²² A. Azfar Moin, 'Sulh-i kull as an oath of peace: Mughal political theology in history, theory, and comparison', *ibid.*, pp. 721–748.

the eastern Islamic world of the fifteenth and sixteenth centuries. The messianism of both empires signalled a change in the ontological-ritual order as much as it did the epistemological-legal. It is noteworthy, then, that the Ahmadi movement is perhaps the last institutionalised vestige in South Asia of this form of Islam. In the 1970s, the desecularised Pakistani state instituted a form of counter-messianism by which it sought to prevent the change in Islam that the Ahmadis sought to bring about. And in doing so, the state had to invent new rituals of sovereignty. This perspective is important in revealing certain dynamics of the modern state's management of religious difference that would otherwise be missed in modern and post-modern theories of secularism. However, before delving into these dynamics by examining the parliamentary inquisition of the Ahmadis, it would be helpful to sketch out the nature and purpose of the Ahmadi messianic claims that made them the target of most Muslims.

Ahmadi messianism

The messianic claim of the Ahmadi founder was based on the metaphysics of the famous thirteenth-century theorist of sainthood, Ibn 'Arabi, whose innovative ideas shaped the worldview of a vast number of Muslim thinkers in post-Mongol Asia, including the millennial sovereignty of the Mughals.²³ One reason for Ibn 'Arabi's popularity was his remarkable ability to interpret the Quran in such a way as to arrive at strikingly new interpretations that overturned or radically expanded the meaning of established and classical doctrines. This methodology was refined by his followers as *tahqīq*, the creative mystical and philosophical realisation of divine truth, who opposed it to *taqlīd*, the unimaginative and unreflective imitation of past doctrines. Ibn 'Arabi's *tahqīq* was the inspiration behind such famous developments under the Mughals as the translation of Hindu scriptures into Persian for the consumption of Muslims.²⁴ The premise behind this bold interpretive effort was that divine truth was to be found in the scriptures and wisdom literature of all religions, not just of Islam. Similarly, Ibn 'Arabi's concept of the perfect human (*insān-i kāmīl*) had informed the Timurid and Mughal modes of sovereign self-fashioning in which the emperor became a messianic and saintly being above the strictures of Islam and distinctions of religion.²⁵

However, when the Ahmadi founder, Ghulam Ahmad, fashioned himself as a perfect human in British India, his goal was not to rise above Islam but to raise Islam above Christianity.²⁶ Traditional Sunni Muslim doctrine held that Jesus had not died on the cross and was expected to appear at the end of time. Christian missionaries pointed out that if this doctrine was correct, it proved the eminence of Jesus over Muhammad since the latter was dead while the former was alive and destined to play a central role in the final events at the end of time when all of humanity would be converted by the messiah to the one true faith. Ghulam Ahmad, who was an avid participant in public disputations with Christian missionaries, devised a response to prove once and for all the superiority of Islam over Christianity. Based on a creative Ibn 'Arabi-inspired reading of the Islamic scripture, he argued that Christ would not return to earth, but rather that someone who resembled him would manifest himself to strengthen Islam. He cast himself as this messianic figure, even calling himself a manifestational prophet (*burūzī nabī*). *Burūz*

²³ Yohanan Friedmann, *Prophecy Continuous: Aspects of Ahmadi Religious Thought and its Medieval Background* (Berkeley, 1989), pp. 142–145, 82.

²⁴ Christian Blake Pye, 'The Sufi method behind the Mughal "peace with all" religions: a study of Ibn 'Arabi's "Tahqīq" in Abu al-Fazl's preface to the Razmnāma', *Modern Asian Studies* 56.3 (2022), pp. 902–923.

²⁵ A. Azfar Moin, *The Millennial Sovereign: Sacred Kingship and Sainthood in Islam* (New York, 2012).

²⁶ This and the following account on the Ahmadi view of Jesus is taken from Friedmann, *Prophecy Continuous*, pp. 116–17, 21, 27, 35, 53, 56, *passim*.

or projection was a Neoplatonic idea that the divine soul could project itself into enlightened saintly bodies, and it had been used in Sufi apologetics to justify claims of messianic saints in the Mughal and earlier eras.²⁷ It was in this saintly and messianic guise that the Ahmadi leader sought to raise the status of Islam higher than Christianity.

However, the Ahmadi messianic cosmology created a major problem for the status of existing Muslims. If Islam were to triumph over Christianity through the Ahmadi messiah, all Muslims—not just the Ahmadis—also had to formally recognise him as a saviour, that is, as a Jesus-like being. This belief transformed the Ahmadis into a missionary movement that preached not just to non-Muslims but to other Muslims, spreading the good news that the saviour had arrived. Moreover, by adding the requirement that Muslims had to declare faith in the Ahmadi messiah, the Ahmadis modified the criterion for being Muslim. Unsurprisingly, this post-messianic version of Islam appeared as supersessionist from the perspective of ordinary (that is, pre-messianic) Islam, and thus generated controversy among Muslims in South Asia and beyond. The missionary zeal with which the Ahmadis propagated it, and the appeals for protection, recognition, and support they made to the secular British colonial state in India at the height of the independence movement served to aggravate their relations with Muslim groups that agitated for independent India and Pakistan. After 1947, as the secularists in Pakistan slowly began to lose political ground to the ulema and Islamists, the Ahmadis could no longer count on the protection of the state. By 1974, the nature of the state itself had changed as it became the instrument of Sunni piety and acted to cast out the Ahmadis of the body politic of Islam. To impose a ban on the Ahmadis—to declare them taboo—the Pakistani state had to garner for itself authority that was not just legal but priestly.

The second constitutional amendment: background and context

It is crucial to point out the state of emergency that preceded the passing of the 1973 Constitution. Pakistan had just lost a brutal civil war in 1971 in which its eastern wing, containing a majority of the population, seceded and gained independence as Bangladesh, shaking the very foundations of the nation-state that had been founded on religious as opposed to ethnic or linguistic nationalism. The old order had ended and a new one needed to be ushered in. The year after the National Assembly of what remained as Pakistan ratified the new Constitution (14 August 1973), it passed two amendments to redefine its boundaries. The first amendment (4 May 1974) redefined the territorial boundaries of the country, removing all references to the former region of East Pakistan. The second amendment (17 September 1974) redefined the boundaries of Islam to exclude the Ahmadis from the fold. The territorial redefinition of Pakistan was accomplished through a straightforward vote in the National Assembly. No new process or rite was invented to legalise the de facto end of East Pakistan. However, the redefinition of who could be considered a Muslim by the state required precisely such a ritual transformation.

During the parliamentary proceedings, the prosecution and the defence built their case from references and legal precedents from the modern era, including examples from Western liberal democracies such as the United States as well as from British and independent India. In many ways, the Ahmadis responded in the same international language of human rights and invoked constitutional protection of freedom of religion. However, they also referred to religious practices and discourses of the premodern era, especially

²⁷ A. Azfar Moin, 'Challenging the Mughal emperor: the Islamic millennium according to 'Abd al-Qadir Badayuni', in *Islam in South Asia in Practice*, (ed.) Metcalf, pp. 390–402.

the genres and practices of Sufi Islam.²⁸ These references made little sense to the lay Muslim members of the National Assembly and were dismissed with derision by those who understood them, that is, the ulema.²⁹ To be sure, the Ahmadi messianic worldview was out of place in 1970s Pakistan, shaped by the twin legacies of global liberal-secularism and reformist Islam. Yet, its presence is evidence of a double predicament, one for the Ahmadis and the other for the Pakistani state. On the one hand, the Ahmadis wanted to be taken seriously as a messianic movement within Islam but faced a political context, both domestic and international, that lacked the categories to make sense of messianism. On the other hand, the Pakistani state found itself using liberal-secular legislative procedures to persecute the Ahmadis for heresy and apostasy, knowing that it had to satisfy populist Islamist sentiment at home but without offending the liberal secular order predominant in the West. This tension filled the air on the opening day of the parliamentary inquisition of the Ahmadis.

The entire affair took place *in camera*, without the public gaze or a press gallery, and lasted about a month, the cross-examination of the Ahmadis from 5–24 August 1974, and the attorney general's summation from 5–6 September. It would be fair to say that the outcome was predetermined—the Ahmadis were destined to be expelled from the community of Islam—yet this is not apparent from the intensity with which the arguments were made on each side. Here, the closest analogy for these proceedings as collective political ritual would be the theatrical performances of Greek tragedy in ancient Athens. These scripted performances, which ran for multiple days from dawn to dusk, and required all the city's citizens to be present and 'share the affective burden'³⁰ were an integral—even constitutive—aspect of Athenian democracy. Greek theatre was not entertainment, but a ritual of sovereignty designed to forge individual bodies into the body politic. Something similar took place in the parliamentary proceedings under discussion, which were geared towards the collective adoption of Islamic piety.

The first day (5 August 1974) of the Heresy Inquisition in Pakistan's National Assembly

The attorney general of Pakistan, Yahya Bakhtiar (d. 2003), a British-trained lawyer, led the proceedings, while members of the opposition, who were traditionally trained ulema and auto-didact Islamists, gave him questions in writing to ask the leaders of the two main factions of the Ahmadi community who appeared voluntarily as 'witnesses'.³¹ The charge against the Ahmadis was that their founder, Mirza Ghulam Ahmad (d. 1908), had broken from Islam by claiming to be the promised messiah (*mahdī-i maw'ūd* or *masīh*) and a type of prophet (*nabī*) of Islam.³² The most detailed response to this charge came from the Oxford-educated leader of the Ahmadis, Mirza Nasir Ahmad, Third Caliph of the Messiah (*khalīfat al-masīh al-thālith*), that is, the third

²⁸ Qasmi, *Ahmadis*, pp. 199–200.

²⁹ As Qasmi notes, one alim observed that 'instead of giving answers Nasir Ahmad was simply giving counter-examples of similar claims made by others as if it would exonerate him for his own crimes'. *Ibid.*, p. 199.

³⁰ A Azfar Moin and Alan Strathern, 'Sacred kingship: a synthesis', in *Sacred Kingship in World History*, (eds) A. Azfar Moin and Alan Strathern (New York, 2022), pp. 323–350, 41.

³¹ The event has been the focus of recent scholarship, the most salient works of which are Saeed, *Politics*, pp. 107–144; Qasmi, *Ahmadis*, pp. 167–226; Ali Qadir, 'Parliamentary hereticization of the Ahmadiyya in Pakistan: the modern world implicated in Islamic crises', *Religion in Times of Crisis* 24 (2014), pp. 135–152.

³² The detailed history of the Ahmadi movement and its doctrines can be found in Friedmann, *Prophecy Continuous*.

successor of the messianic founder of the community.³³ The state compiled the detailed record of the proceedings, conducted in a mix of Urdu and English, entitled *Proceedings of the Special Committee of the Whole House Held In Camera to Consider the Qadiani Issue*, which was declassified and published in 2010.³⁴

The first line of questioning the attorney general took up was whether the state had the authority to judge who could call themselves Muslim. He sought to undo the assertion of the Ahmadi leader, made in a Friday prayer sermon, that the national Constitution provided complete freedom of religion.³⁵ When the Ahmadi leader argued that religion is a private matter in which all citizens had absolute freedom of choice according to the Constitution, the attorney general retorted that neither the Constitution nor the state of Pakistan was secular any longer, but rather they were meant to serve and protect well-established Islamic principles. The result was a spirited disagreement on whether it was the duty of the state to protect religious rights as a secular state should, or to take them away as a religious state must. In effect, the attorney general argued that if a state recognised the different religious identities of its citizens and apportioned rights according to these identities, it must then define and ascertain these religious identities. His goal, which would become soon apparent, was to push the Ahmadis into the category of a non-Muslim minority.

The attorney general then posed the question: what if a Muslim called himself a Christian simply to take advantage of a government benefit, such as reserved seats for Christians in a medical college?³⁶ That is, should the state accept any claim of religious identity naively without investigating it first? Mirza Nasir Ahmad insisted that the state had no right to question a person's assertion about their faith, but he had a challenging time responding to questions about lying or concealing one's religious identity. This is because with this question the attorney general implicitly accused the Ahmadis of lying and concealing their true religion, which was something other than what they professed publicly. We might say that at this stage, the state's lawyer began to assume the mantle of priestly authority, that is, a religious functionary designated to identify an abomination or ritual impurity in the cosmos.

As he followed up with different questions, Bakhtiar inserted even more menacing comparisons that insinuated that the Ahmadis were devious and traitorous, not just to Pakistan but to Islam. He asked what if a 'jew [sic] in Holland or Belgium is engaged by the Israelis as their spy and then he makes a declaration and obtains a passport that he is a Muslim'?³⁷ He then added that if this spy then went to Saudi Arabia and visited Mecca, should the Saudi authorities simply take him at his word? Needless to say, the suggestion that Ahmadis were akin to a Jewish spy secretly penetrating the holiest sanctum of Islam in 1974, just a year after the Arab-Israeli war, was a way to mark the Ahmadis as the most nefarious of traitors to Islam, that is, that they were a source of pollution in the body politic of Islam, just as a Jewish spy pretending to be Muslim would be in the Ka'ba

³³ Another faction of the Ahmadis, referred to as the Lahori jama'at or group, also participated in the proceedings, but is not discussed here. This group was represented by their leader Maulana Sadr-ud-Din (1881–1981), who was aided by Maulana Abdul Manan Omar. Qasmi, *Ahmadis*, pp. 181–86, 200–201.

³⁴ National Assembly of Pakistan, *Proceedings of the Special Committee of the Whole House Held in Camera to Consider the Qadiani Issue, August 5, 1974–September 7, 1974* (Government of Pakistan Press, 1974). The account of the records, their reliability, and the process by which they were declassified and published is given in Qasmi, *Ahmadis*, pp. 179–183.

³⁵ National Assembly of Pakistan, *Proceedings*, p. 36.

³⁶ *Ibid.*, p. 58.

³⁷ *Ibid.*, p. 65. For an analysis of how international conspiracies against Islam featured in these proceedings, see Qadir, 'Parliamentary hereticization'.

shrine in Mecca.³⁸ Here we see the use not just of the international discourse of secularism and minority rights but of a sacred discourse of what Mary Douglas would call purity and danger. The Ahmadi leader, in resisting this insidious line of questions and suggestions led the attorney general down various tangents and digressions until the latter became frustrated and switched to other topics. Bakhtiar was nevertheless able to achieve his goal by articulating to the Legislative Assembly the point that the existence of the Ahmadis profaned the body politic of Islam. In doing so, he was implicitly referencing the argument made by the leader of the Jama'at-i Islami, Abul Ala Mawdudi, that the Ahmadis were a cancerous sore that had to be surgically removed.³⁹

To strengthen his argument that the newly desecularised state of Pakistan had the right to restrict religious groups, the attorney general gave examples of secular states such as the United States and India restricting the freedom of their religious minorities.⁴⁰ Mirza Nasir Ahmad's answers were argumentative, but not particularly convincing. When Bakhtiar noted that Mormon polygyny was considered illegal in the United States, the Ahmadi leader replied that the Mormon men can satisfy their religious requirement to procreate with multiple women by entering into secret marriages.⁴¹ When the attorney general referred to the various Indian state bans on cow slaughter, Ahmad's response was that Islam does not require Muslims to sacrifice a cow and that a fat-tailed lamb was a perfectly viable alternative.⁴² Nevertheless, after much back and forth, the attorney general managed to extract a crucial agreement from the Ahmadi leader. This was that the state can interfere in a group's religion when the public moral order was at stake.⁴³ What helped the attorney general prove his point was the example of the hippies.

What if these 'Christians of the Hippy sect' declare the abolishment of marriage, Bakhtiar mused, and argue that 'Christ never married. Therefore, all sex relations are permissible, all sorts of them.'⁴⁴ According to him, hippies claimed that people had the right to go about everywhere without clothes because all humans were born naked. These examples clearly shocked Mirza Nasir Ahmad, who was unable to contain the disgust he felt for the antinomian group. Upon hearing the word 'hippy', he made known his feelings by exclaiming, 'Are they human?'⁴⁵ Immediately, however, he seemed to realise his tactical error and deflected this line of questioning by asking 'Is that a problem for Pakistan?' It was too late. The attorney general had managed to draw an implicit comparison between the hippies' transgression of common social norms to the Ahmadi shattering of Islamic norms. The Ahmadi leader thus had to engage the matter more directly. After describing his own engagement with groups of hippies in Africa and England, he agreed with the attorney general that the state could interfere in religion only if it was 'subject to morality or subject to public order'. He then launched into a small speech on difference between natural morality and religious morality:

³⁸ In fact, the Ahmadis were commonly accused of being allied with Israel against Muslim countries, as it was openly suggested later on in the proceedings. Qasmi, *Ahmadis*, p. 200. This was an ominous line of questioning. In the following decades, it became routine for Ahmadis to be jailed for 'posing as Muslims'. Moin, 'Messianism and the Constitution of Pakistan', p. 190.

³⁹ Abul hasan Ali Nadvi, Syed Abul 'Ala Maudoodi and Shaikh Muhammad Khizar Husain, *Qadyaniyat* (Delhi, 1993), pp. 60–64. See also Mawdudi quoted in Moin, 'Messianism and the Constitution of Pakistan', p. 186.

⁴⁰ For an analysis of the examples given by the attorney general about what other countries did to their religious minorities, see Qadir, 'Parliamentary hereticization'.

⁴¹ National Assembly of Pakistan, *Proceedings*, p. 28.

⁴² *Ibid.*, pp. 81–83.

⁴³ *Ibid.*, p. 91.

⁴⁴ *Ibid.*, p. 90.

⁴⁵ *Ibid.*

Alright, I would like to offer an explanation here. This morality (*akhlāq*), ‘public morality,’ we use it in two meanings. One is a religious meaning, for example, Islam has given us a very detailed ‘code of morality.’ And then there is that ‘morality’ that is part of human nature—‘in the very nature of man.’ That morality God Almighty has given humans which is even followed by, for example, those communities that do not believe in God Almighty but in their nature this ‘morality’ exists. We must not abandon this morality (*akhlāq*). A major example of this issue is that of China. Chairman Mao Tse Tung has written somewhere that we should try that the students who graduate from our educational institutions must be fully moral (*bā akhlāq*). So ‘they must be moral (*woh bā akhlāq hon*)’ does not mean that they must be moral according to the morality that Islam has made manifest. The person who falls beneath this type of morality makes a mockery of ‘subject to morality.’⁴⁶

Mirza Nasir Ahmad’s argument was that the code of morality of organised religions must be higher than and inclusive of the natural morality that exists in all human groups, whether they practised a revealed religion or not. If religious morality falls below this natural morality common to all humanity, as Mirza Nasir Ahmad thought happened in the case of the ‘hippies of the Christian sect’, then the state had no choice but to intervene and proscribe that religion. Yet, despite this explanation, the attorney general had clearly won another round against the Ahmadis by associating the disgust felt by the Ahmadi leader toward the antinomian hippies with the revulsion felt by the ulema and Islamists present in the National Assembly to the messianic Ahmadis. The implication was that if the Ahmadi leader could question the very humanity—and thus the very existence—of the hippies, then so could the state of Pakistan question the very Muslimness of the Ahmadis; from the perspective of their majoritarian enemies, both groups were transgressive in the extreme and warranted expulsion or extirpation from the body politic. The point here is that although the examples used by both sides seemed to draw from the contemporary world and the practices of ostensibly secular nation-states, the underlying current of the argument was that of the profaning of something sacred; that is, the Ahmadis were surreptitiously trying to replace actual Muslims with false ones.

As the attorney general moved from the general to the particular in his questioning of the Ahmadi leader, he aimed directly at what he thought was their Achilles heel—their missionary zeal. As noted earlier, the Ahmadis were active proselytisers who tried to convert not only non-Muslims but also other Muslims. Bakhtiar quoted from various Ahmadi writings to highlight that the ‘leaders of Ahmadiyya Jamaat have called Muslims who do not accept Mirza Ghulam Ahmad as a Nabi, as Kafir, as not Muslims, or pucca Kafir, I mean, to put it strongly’.⁴⁷ His point was that if the Ahmadis were willing to reject other Muslims as believers, then on what grounds could they argue that other Muslims or an Islamic state had no right to declare them non-Muslims? The Ahmadi leader’s response was apologetic but firm. He noted that there were two meanings of infidelity (*kufri*):

One meaning is of that in the eyes of God Almighty, about which He will judge. No human being has the right to judge. And the other meaning is of a political type. In terms of the political meaning, no one is excluded from the sphere of Islam. No person who calls himself Muslim, whether he is Deobandi, or Bareilvi, or belongs to some other sect, none of these is excluded from the sphere of Islam. If we do not provide this political definition [of Islam], no Muslim unity would be possible.⁴⁸

⁴⁶ *Ibid.*, p. 92.

⁴⁷ *Ibid.*, p. 141.

⁴⁸ *Ibid.*, p. 149.

When asked to define this political type of Islam further, he quoted three hadith traditions, which cited the five pillars of Islam as constitutive of the religion. If a person upheld these five pillars, Mirza Nasir Ahmad argued, he or she was a Muslim in political terms, that is, that person could be recognised as Muslim by other people, but not necessarily recognised as such by Allah. Even though he conceded that Ahmadis believed that being saved in the eyes of God required a Muslim to accept the Ahmadi founder as a true messiah and prophet (*nabi*), he insisted that all non-Ahmadi Muslims could still be considered Muslim in this world, even if they had no hope of salvation in the eyes of God.⁴⁹ Put differently, despite their differences, the attorney general and the Ahmadi leader were in agreement that marking a true Muslim from a false one was not possible without a persecuting state, just as separating hippies who scorned moral norms from law-abiding citizens was not possible without the violence of the law. The difference between the two parties was simply over the timing of the persecution. The state's lawyer wanted to institute a persecuting state in the here and now—in present-day Pakistan—while the Ahmadi messiah's deputy preferred that the ordeal and torment of 'false' Muslims be deferred to the hereafter or in God's kingdom.

Conclusion

That these parliamentary proceedings marked a major transition of the Pakistani state from a secular to an Islamic one is evidenced by how all the parties involved felt unease and disorientation. On the one hand, the attorney general was conflicted about his role as prosecutor in legally examining a doctrinal issue involving arcane details of theology and metaphysics.⁵⁰ Yet, he managed to translate doctrine and metaphysics into common-sense language and everyday categories to argue that the Ahmadis were not who they claimed to be, that is, 'Muslim'. He also insisted awkwardly—and perhaps disingenuously—that even though the Ahmadis' religious claims were anathema to Islam, the state would protect their rights and allow them to follow their religion. On the other hand, the ulema and Islamists in the National Assembly were not happy that the proceedings were being conducted by a British-trained lawyer whom they believed to be ill-equipped to examine a religious matter. Moreover, they did not want to accept that the ultimate authority to excommunicate the Ahmadis belonged to the National Assembly. At the conclusion of the proceedings, one of them even expressed this sentiment by stating that the National Assembly should not be considered a fatwa-issuing institution (*dār al-iftā'*) but 'simply endorse' what was already a legal reality under the law of Islam.⁵¹ Yet, they had to confront the uncomfortable irony that they would not have been able to play a role in the state-led excommunication of the Ahmadis without participation in the liberal democratic process. In a similar vein, even though the Ahmadi leaders presented their case with carefully researched and rehearsed answers, they had to set aside the messianic and soteriological claims of their founder in favour of the liberal-Protestant conception of religion as a matter of individual conscience that they argued was enshrined in the Constitution. Perhaps most telling of all was the absence of Prime Minister Zulfikar Ali Bhutto. He did not attend a single day of the proceedings, as if to distance himself from the entire affair.⁵² But when the amendment was passed unanimously, he celebrated the achievement with the ominous claim that his government had brought about the 'final solution' of a '90-year old problem'.⁵³

⁴⁹ *Ibid.*, pp. 140–141.

⁵⁰ Qasmi, *Ahmadis*, pp. 205–211.

⁵¹ *Ibid.*, p. 204.

⁵² *Ibid.*, p. 205.

⁵³ *Ibid.*, pp. 212–214.

In this manner, the month-long, closed-door proceedings that led to the second constitutional amendment transformed the state of Pakistan, just as a ritual process brings about a change in the social status of its participants. The attorney general entered the process as the state's lawyer but left as its chief inquisitor. The elected members of the National Assembly entered as lay believers but left as anointed clerics. The Ahmadis entered as Muslims but left as apostates. Stripped to 'bare life', they were made ripe for state-led criminalisation, vigilante violence, and attempts at extirpation that became steadily bolder and more widespread in Pakistan over the next two decades.⁵⁴

Conflicts of interest. The author reports none.

⁵⁴ 'Bare life' is the concept articulated by the philosopher Giorgio Agamben to describe the state of those individuals and groups who have been cast out of a polity with their legal privileges withdrawn. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA, 1998). See also Moin, 'Messianism and the Constitution of Pakistan', p. 191.

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